



## OTHER JURISDICTIONS

- At least 13 other States have similar, or more restrictive laws.
- 90% of Canadian provinces have a similar or more restrictive laws.
- 5 States allow 50% VLT (front sides)
- 31 States range from 20%-40% VLT (front

rule, the hotter the climate, the  
window tint allowed.

# For Consideration

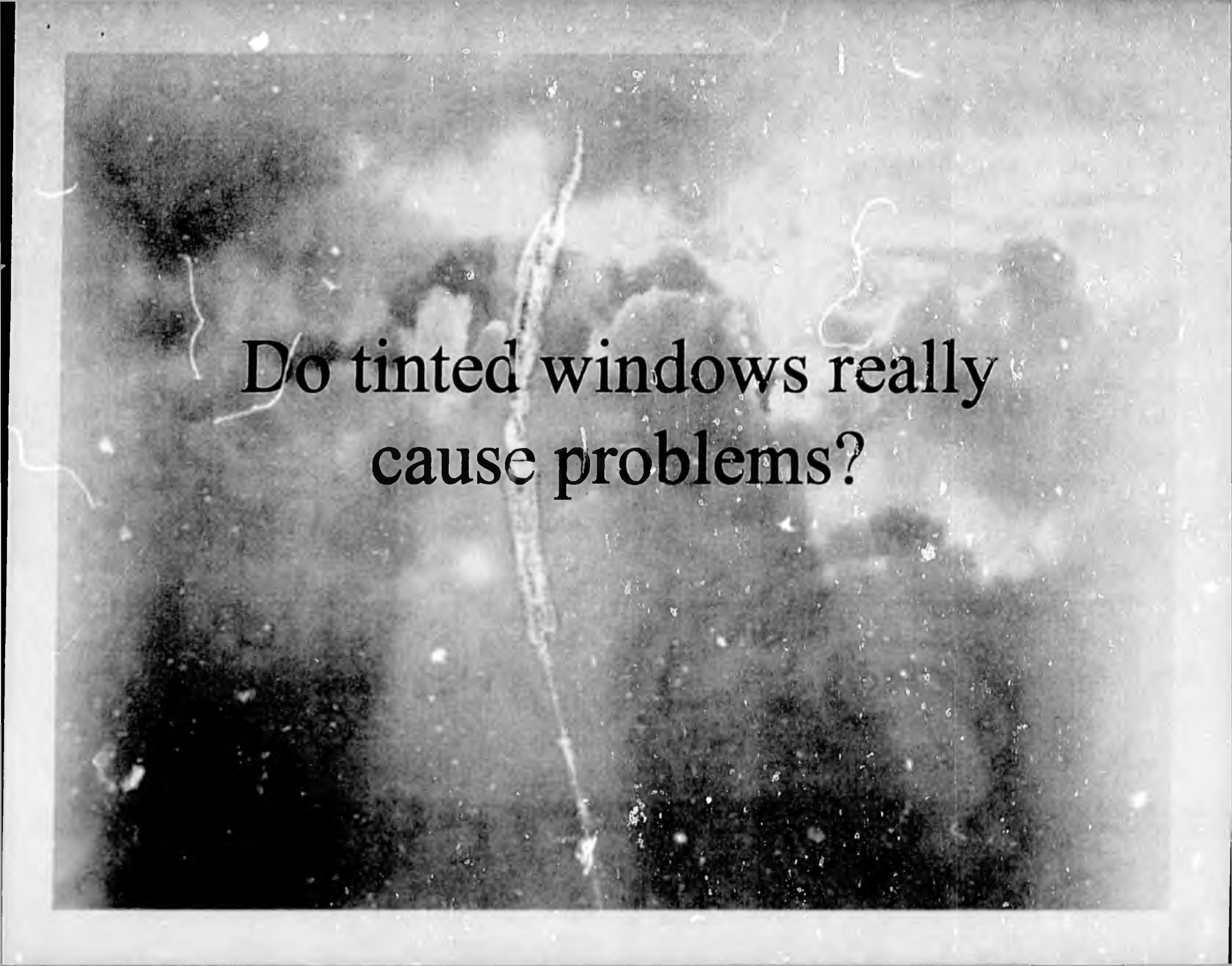
Driving with tinted windows at night is the same as driving with sunglasses on.

- Sunglasses are regulated by the Food and Drug Administration (FDA) as medical devices.
- Per the American National Standards Institute (ANSI) Cosmetic sunglasses must let through at least 40% of the visible light (not recommended for wear at night).
- Most people choose General Purpose sunglasses in the 15 to 25% VLT range.

Alaska's Tinted window law to allow tints that  
10% of VLT.

# Common filter colors

- light gray, which transmits 35 to 43% of visible light.
- dark gray, which transmits 14 to 25% of visible light
- light brown or tan, which transmits 27 to 29% of visible light
- dark brown, which transmits 18 to 27% of visible light
- yellow, which transmits 68 to 71% of visible light
- amber, a high-definition filter that inhibits blue light
- gray or brown, for indoor or computer use, blocking 60% of visible light



Do tinted windows really  
cause problems?

## Police Officer Shot To Death After Car Chase

(March 24, 2007)—A Dallas police officer was shot and killed Friday after a car chase in which the suspect's car ended up nose to nose with the squad car, a police spokesman said.

Senior Corporal Mark Timothy Nix, 33, was declared dead at Parkland Memorial Hospital. He had been on the force nearly seven years and was a veteran of the first Gulf War. The car chase ended in a West Dallas neighborhood when the suspect lost control of his car.

The police car and the suspect's car ended up front bumper to front bumper.

A police spokesman says the suspect opened fire, shooting from inside his car.

The chase began around 5 p.m. after officers spotted the man, initially believed to be a suspect in a killing committed earlier this week, driving down the street, the spokesman said.

Police spokesman Yoram Hale said the car's dark, tinted windows initially prevented officers from knowing how many people were inside.

Windows 65% tint / 35% VLT



## Examples of other problems

- **Chicago** - Police officers unable to see clearly through a tinted window mistakenly shot a passenger they thought had a gun (cell phone). *Mayor vowed to ban all tinted windows.*

- **Numerous** examples of criminals who were not identified because witnesses could not see the driver through tinted windows.

- **Collisions** with motor vehicles and pedestrians blamed on driver's inability due to tinted windows.

- The National Highway Traffic Safety Administration has noted that tinted windows can hamper police in determining whether a vehicle's occupants are wearing seat belts or have their children properly protected in car seats.
- Heavy tints may also prevent other motorists from viewing the road ahead by looking through the cabins of cars in front of them - something many drivers do, especially when roads are congested.
- Tinted windows can impair a driver's vision, particularly at night, making it difficult to see pedestrians and bicyclists, for example.

# TINT EXAMPLES

Taken from the Tint industry and photographs  
of actual vehicles in Alaska



**Nissan Maxima**

**70% VLT  
(Light / Legal)**

**30% VLT  
(medium)**

**5% VLT  
(Heavy /Limo)**

**These pictures taken on a  
bright day (see shadows), far  
from any light source. You  
can see inside during  
low light**

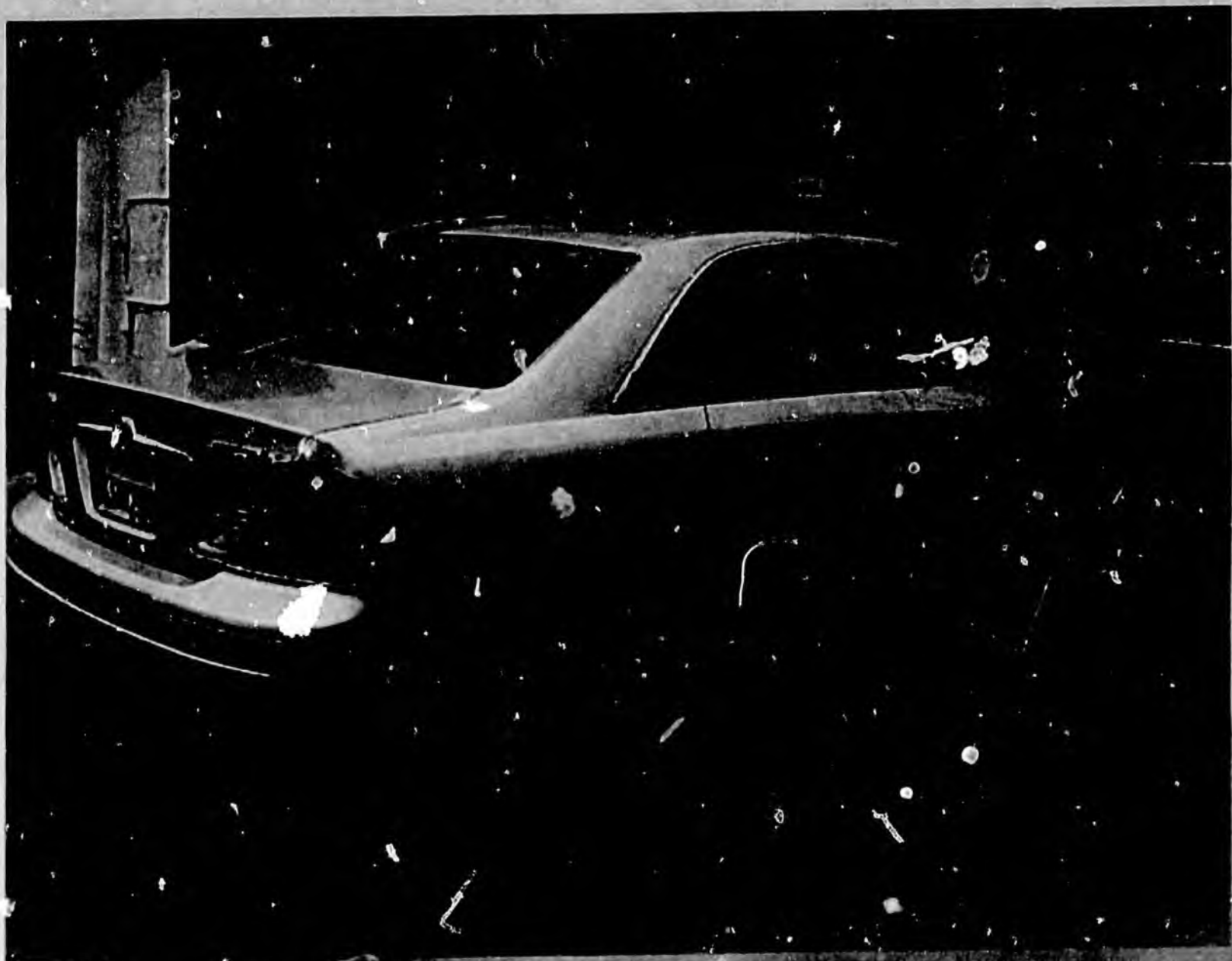


Fo DR/PS 75% VLT 20%

VL



Front DR/PS 80% VET R /windows



Toyota Camry DR/PS 70% VLT (before) doors 35%  
VL 20% VLT (after)

## Reasons not to change current law

- Our current standard assures that Alaskan vehicles are in compliance with the tinted window laws in most States and Canadian provinces.
- Increased visibility for the driver.
- Increased safety for pedestrians.
- Increased safety for Law Enforcement officers.

# Reasons to support SB78

- Protects the public from unethical installers who would tint a vehicle, knowing that the installation is illegal.
- Will reduce the number of citations issued to motorists.
- Will increase safety on our highways.

You can always wear sunglasses on a sunny day, but can't wear window tint at night.

A black and white photograph of a cloudy sky. The clouds are scattered and vary in density, with some appearing as soft, white wisps and others as darker, more textured patches. The overall tone is somewhat somber due to the monochrome palette. Overlaid on the center of the image is the text "THANK YOU ANY QUESTIONS?" in a bold, serif font. The words "THANK YOU" are underlined.

THANK YOU  
ANY QUESTIONS?



# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: C-888 78 (JUD)  
 Bill Version:  
 () Publish Date:

Identifier (file name): 88078CS(JUD)-DPS-AST-12-04-07 Dept. Affected: Public Safety  
 Title: \*An Act relating to the installation of window lining in automobiles. Alaska State Troopers  
 Sponsor: Senator French Component: AST Detachments  
 Requester: House Transportation Committee Component Number: 2325

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>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								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

SB 78 makes it a crime to install window lining on portions of a vehicle that the department has deemed improper or to install window lining that does not allow for an appropriate level of light transmittance to pass through. AST does not expect a great number of these crimes to occur and predicts little impact to the Department of Public Safety.

Prepared by: L.I. Rodney Dal Phone: 907-247-4480  
 Division: Division of Alaska State Troopers Date/Time: 12/4/07 3:00 PM  
 Approved by: Commissioner Will Monaghan Date: 12/4/2007  
 Department of Public Safety

**David Scott**

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**From:** Andrew Felt [AndrewF@autotrimdesignalaska.com]  
**Sent:** Thursday, February 28, 2008 4:28 PM  
**To:** David Scott  
**Subject:** SB 78



of Fairbanks, Inc.  
2550 South Cushman Street  
Fairbanks, Alaska 99701

Phone (907) 456-8400

Fax (907) 456-8406

February 27<sup>th</sup>, 2008

Dear Rep. Johansen,

On Thursday, March 6<sup>th</sup>, the House Transportation Committee is scheduled to hear SB 78, a bill regarding vehicle window tint enforcement in Alaska. Bob Boswood, the owner of Auto Trim Design and I will be attending the teleconference, and would appreciate a chance to testify.

Our position on this bill is that it will not achieve the objectives that it sets out to. Rather, it will create an environment hostile to the businesses it purports to want help from. We would rather take a more proactive path towards a more comprehensive solution, involving the window film business community in the state as a partner with law enforcement. Unfortunately, we can't be helped if we are pushed out of the business of selling window film by SB 78.

Given our large transient military population, we have many vehicles come into the state with window film already installed. As written now, every one of them fails to be in compliance with Alaska's regulations. Unless there is a 100% crackdown on every vehicle with window film, there will always be vehicles on Alaska's roads that have it.

In 1994, Alaska basically adopted the federal light transmission limits set forth for vehicles when they roll out of the factory. These regulations are rather arcane and apply differently to various types of vehicles. For instance, if you have a Chevy Tahoe SUV, you can legally have the windows behind the front doors as dark as you want, most come from the factory with a light transmission level of around 20%. However, if you have a Subaru station wagon, you can't darken the windows at all and be within the legal limits.

Window film products have many benefits that our customers enjoy beyond mere appearance. They eliminate UV rays, and reduce heat gain, a nice thing for your kid who is

strapped into the back seat on a sunny day. The window film also holds broken glass together, reducing the amount of it flying around the interior of a vehicle in the event of a collision. These products can be used in a safe, sensible manner, providing real benefits to the vehicle owner, and allow law enforcement personnel to be comfortable when approaching a vehicle.

We look forward to testifying at the upcoming hearing. If you have any questions about the business, history, or process of automotive window film products, please feel free to contact me at any time.

Andrew Felt  
907-388-2577 cell  
907-456-8400 daytime  
afelt@acsalaska.net  
[andrewf@autotrimdesignalaska.com](mailto:andrewf@autotrimdesignalaska.com)

**SB**

**130**

# ALASKA STATE LEGISLATURE

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Senator\_Lyda\_Green@legis.state.ak.us


*Session:*  
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**SENATOR LYDA GREEN**  
PRESIDENT OF THE SENATE

## MEMORANDUM

**To:** Representative Kyle Johansen, Chairman  
House Transportation Committee

**From:** Senator Lyda Green 

**Date:** April 11, 2007

**Re:** Hearing Request for SB 130

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SB 130, "An Act relating to the registration of certain vehicles owned by ranchers, farmers, or dairy workers," has been referred to the House Transportation Committee. I would appreciate your cooperation to schedule SB 130 for a hearing at your earliest convenience.

Attached to this memorandum, please find:

- A copy of the legislation;
- A sponsor statement;
- A copy of the statutes being addressed;
- Information on farm vehicles from the Division of Motor Vehicles; and
- A zero fiscal note.

Thank you for your consideration. Please contact myself or my staff if further information is necessary.

# ALASKA STATE LEGISLATURE

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**SENATOR LYDA GREEN**  
PRESIDENT OF THE SENATE

## SPONSOR STATEMENT

SB 130 – “An Act relating to the registration of certain vehicles owned by ranchers, farmers, or dairy workers.”

AS 28.10.181 establishes criteria for the registration of unique and special vehicles, such as vehicles owned by veterans, government entities, elected officials, and farmers. SB 130 was introduced to amend the maximum unladen gross weight of a vehicle that can qualify for special farm plates.

Current statute allows any highway-approved vehicle to be registered as a farm vehicle and receive specialized farm plates if it is owned by a farmer, rancher or dairyman. Farm plates were designed to facilitate the operations of farmers and give them a reduced fee for plates subject to certain restrictions. They are available for vehicles that have an unladen gross weight not to exceed 16,000 lbs. In addition, these vehicles must be used for:

- The transportation of a person's own farm, ranch or dairy products to and from the market;
- The transportation of supplies, commodities or equipment to be used on the farm, ranch or dairy.

Prior to 1978, farm plates were available for vehicles up to 12,000 lbs. That limit was raised to 16,000 lbs., probably for the simple reason that mainstream pick-up trucks used for farm work had increased in size and weight. For the same reason, this bill proposes to raise the maximum unladen gross weight of farm vehicles from 16,000 lbs. to 20,000 lbs. Many heavy duty work trucks, cargo vans and delivery trucks manufactured today exceed 16,000 lbs. gross weight. The passage of SB 130 will conform state law to address the size of modern vehicles sold for farm, ranch and dairy work.

**Sec. 28.10.181. Registration of unique and special vehicles and vehicles used for special purposes.**

(a) The department shall register unique and special vehicles and vehicles used for special purposes and issue registration plates as provided in this section. Notwithstanding other provisions of this chapter, registration plates issued under this section remain with the person or organization to whom they are issued when vehicle ownership is transferred or title or interest in the vehicle is assigned, except for plates issued under (b), (h) and (i) of this section. Registration plates issued under this section may not be used on, or transferred to a vehicle other than the vehicle for which the plates are issued without the approval of the department and payment of any required fees and taxes prescribed in AS 28.10.421 (d), 28.10.431, and 28.10.441. Registration plates issued under this section to which a person is no longer entitled or the transfer of the plates to another vehicle that the department does not approve shall be returned immediately to the department by the person or organization to whom the plates were originally issued.

(b) **Historic vehicles.** The owner of a historic vehicle may make application for special registration under this subsection. The department, when satisfied that the vehicle meets the requirements for historic vehicle registration under regulations adopted by the commissioner, shall register the vehicle and (1) issue two permanent registration plates of distinctive design and color bearing no date; vehicles qualifying for registration under this paragraph shall be issued registration plates numbered in a separate numerical series beginning with "Historic Vehicle No. 1"; or (2) allow the vehicle to use registration plates of this state supplied by the vehicle owner that correspond to the year the vehicle was manufactured if the vehicle was manufactured 30 or more years before the year of application. Registration plates issued under this subsection remain with the vehicle as long as the vehicle is registered under this subsection.

(c) **Special request plates.** Upon application by the owner of a motor vehicle, the department shall design and issue registration plates containing a series of not more than six letters or numbers or combination of letters and numbers as requested by the owner. The department may, in its discretion, disapprove the issuance of registration plates under this subsection when the requested symbols are a duplication of an existing registration or when the symbols are considered unacceptable by the department.

(d) **Vehicles owned by veterans with disabilities, including persons disabled in the line of duty while serving in the Alaska Territorial Guard, or other persons with disabilities.** Upon the request of a person with a disability that limits or impairs the ability to walk, as defined in 23 C.F.R. 1235.2, the department shall (1) register one motor vehicle in the name of the person without charge; and (2) issue a specially designed registration plate that displays (A) recognition of the disabled veteran if the applicant's disability originated from the applicant's service with the Alaska Territorial Guard or the armed forces of the United States; (B) the international symbol of accessibility (the wheelchair logo); and (C) if the applicant is a veteran, the Alaska and United States flags and red, white, and blue colors. A person who is not otherwise qualified under this subsection, but who meets the qualifications of a disabled veteran under AS 29.45.030(i),

may register one motor vehicle without charge, and the department shall issue a specially designed registration plate that displays recognition of the disabled veteran that does not display the international symbol of accessibility and does not carry with it special parking privileges. For purposes of this subsection, proof of disability may be provided by a person licensed as a physician or physician assistant under AS 08.64 or as an advanced nurse practitioner under AS 08.68.

(e) Vehicles owned by the state, municipalities, and charitable organizations of the state. Every certificate of registration and registration plate issued to the state, a municipality, or charitable organization of the state is in effect until the vehicle for which the registration certificate and plate were issued is no longer owned and operated by the state, the municipality, or the charitable organization of the state or until the department, in its discretion, declares its expiration. The state, municipality, or charitable organization of the state shall maintain a current listing of all vehicles registered to it in the order of the registration number assigned to each vehicle, and shall provide a copy of the listing to the department upon request. The listing must include a description of each vehicle and other identifying information required by the department. Registration plates issued under this subsection must be of a distinctive design and numbering system. For the purposes of this subsection, "charitable organization" means a nonprofit association, corporation, society, or other entity organized, incorporated, or headquartered in the state for educational, cultural, scientific, or other charitable purposes, as prescribed in regulations of the department.

(f) Vehicles owned by elected state officials. The department shall issue special registration plates to each incumbent elected state official for display on motor vehicles owned and driven by the official except that the plates may not be displayed on a vehicle that is visually identifiable as a commercial vehicle. The department shall number or design the plates so that registration by an elected state official is indicated upon the plates. The registration plates issued under this subsection may remain on the vehicle only during the official's term of office.

(g) *[Repealed, Sec. 9 ch 20 SLA 1990].*

(h) Vehicles owned by ranchers, farmers, and dairymen. A vehicle not exceeding an unladen total gross weight of 16,000 pounds, owned by a person deriving the person's primary source of livelihood from the operation of a ranch, farm, or dairy where the person resides full-time, and that is used exclusively to transport (1) the person's own ranch, farm, or dairy products, or greenhouse or nursery products, including vegetables, plants, grass seed, sod, or tree seedlings, to and from the market, or (2) supplies, commodities, or equipment to be used on the person's ranch, farm, or dairy, or in the person's greenhouse or nursery, may be registered under this subsection and may be issued registration plates of a distinctive design or system of numbering.

(i) Amateur mobile radio station vehicles. A validly licensed amateur radio operator who presents satisfactory proof that the owner holds an unexpired Federal Communications Commission amateur radio operator's license of any renewable class,

and who presents satisfactory proof that the vehicle contains or carries an amateur radio transmitter and receiving unit of a type applicable to the license class applied for, and who is permitted by law to operate a fixed station, may register one amateur mobile radio station vehicle for each radio license issued by the federal government and may receive for the vehicle distinctive registration plates instead of regular registration plates. The number on the plates must be the radio call sign of the owner.

(j) Vehicles owned by dealers. A state-registered and bonded vehicle dealer may apply for dealer registration plates. A plate issued under this subsection may be used only on dealer-owned vehicles during the routine and normal course of the dealer's business, excluding service vehicles, or for transporting an unregistered vehicle from a port of entry to the dealer's facilities or from one dealer to another or, in the case of a house trailer, from the retail facility to a trailer space. A vehicle permitted to have dealer plates must be affixed with two plates issued under this subsection. If the dealer sells or transfers the vehicle, the dealer plates may be used on the vehicle by the new owner or transferee for a period of not more than five days after the sale or transfer. The department may seize the dealer plates if it has reason to believe that the plates are being used to defeat the purposes of, or are in violation of, this chapter.

*(k) [Repealed, Sec. 3 ch 8 SLA 1993].*

(l) Vehicles owned by Pearl Harbor survivors and former prisoners of war. The department, upon receipt of written proof, shall issue without charge special registration plates for one noncommercial motor vehicle to a person who was on active military duty in Pearl Harbor on December 7, 1941, or who has been a prisoner of war during a declared war or other conflict, as determined by the Department of Defense under federal regulations. The design and color of the Pearl Harbor survivor or prisoner of war plates shall be solely within the discretion of the commissioner.

(m) Special request plates for Alaska National Guard personnel. Upon application by the owner of a motor vehicle who presents satisfactory proof of current membership in the Alaska National Guard, the department may design and issue registration plates that identify the vehicle as registered to a member of the Alaska National Guard.

*(n) [Repealed, Sec. 9 ch 20 SLA 1990].*

(o) Special request university plates. Upon application by the owner of a motor vehicle, the department may design and issue registration plates representing the University of Alaska Anchorage, University of Alaska Fairbanks, University of Alaska Southeast, or Prince William Sound Community College. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(p) Vehicles owned by veterans. The department, upon receipt of written proof that the veteran is a sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who is a veteran or retired veteran of

the armed forces of the United States. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the veteran or retired veteran plates.

(q) Vehicles owned by recipients of the Purple Heart. The department, upon receipt of written proof that the person is the sole or joint owner of a motor vehicle, shall issue special registration plates for the motor vehicle to a requesting person who has received the Purple Heart medal awarded for wounds suffered in action against an armed enemy or as a result of the hostile action of an armed enemy. The commissioner, after consulting with the person in the Department of Military and Veterans' Affairs in charge of veterans' affairs, shall determine the design and color of the Purple Heart medal recipient plates.

(r) Special request custom collector plates. Upon application by the owner of a custom collector vehicle, the department may design and issue registration plates appropriate for custom collector vehicles. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(s) Special request dog mushing plates. Upon application by the owner of a motor vehicle, the department may design and issue registration plates representing the sport of dog mushing in the state. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(t) Special request Alaska children's trust plates. Upon application by the owner of a motor vehicle, the department may design and issue registration plates representing the Alaska children's trust under AS 37.14.200. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(u) Special request plates commemorating the arts. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating the arts. The commissioner, after consulting with the Alaska State Council on the Arts, shall determine the design and color of plates commemorating the arts. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

(v) *[Repealed, Sec. 4 ch 11 SLA 2002].*

(w) Special request plates commemorating Alaska veterans. Upon application by the owner of a motor vehicle, the department may issue registration plates commemorating Alaska veterans. The commissioner shall determine the design and color of plates commemorating Alaska veterans. The department may disapprove the issuance of registration plates under this subsection when the requested plates are a duplication of an existing registration.

State of Alaska Division of Motor Vehicles Standard Operating Procedures		SOP No.: R-60	Page No.: 1
		Effective: March 14, 2006	
Subject:		Supersedes: R-60	Dated: 2/14/01
<b>FARM VEHICLES</b>		Form No.: 812, 821	
Statute: AS 28.10.181 (h); AS 28.10.421 (E) (6)		Regulation: AAC	

Vehicles owned by ranchers, farmers, dairymen as well as greenhouses and nurseries may qualify for "Farm" license plates or reduced fees provided they meet all of the following requirements:

1. The vehicle does not exceed 16,000 pounds unladen weight. Weight must be entered in ALVIN AND
2. Vehicle must be owned by a person (Per AS 01.10.060, "persons" include a corporation, company, or any other business entity. A business may qualify for Farm plates if the business address is at the farm, ranch, dairy, nursery or greenhouse.) deriving their primary source of livelihood from the operation of a ranch, farm, dairy, nursery or greenhouse that is used exclusively to transport:
  - the person's own ranch, farm, or dairy products, or greenhouse or nursery product, including vegetables, plants, grass seed, sod, or tree seedlings, to and from the market, or supplies, commodities, or equipment to be used on the person's ranch, farm, or dairy, or in the person's greenhouse or nursery.

**APPLICATION REQUIREMENTS:**

1. Applicant must be either the sole or joint owner of a non-commercial vehicle. Leased vehicles are not eligible for farm plates.
2. Application for Title & Registration (Form 812) or Vehicle Transaction Application (Form 821).
3. A statement in the affidavit or comments section of the application is required. It must state:
  - The person's full-time residence is on the ranch, farm, or dairy\* AND
  - They derive their main source of income from such AND
  - They wish to obtain Farm plates.
4. Other requirements of registration if the vehicle is not currently registered.

\*The owner of a greenhouse or nursery is not required to attest to the first statement.

CLASS	VEHICLE TYPE	HV	BIENNIAL REGISTRATION	MVRT	VM	PLATE / TRANSFERABLE
61	Any (Under 16,000)	Y	\$68	N	Y	Farm/Standard* N**

\*When the current supply of FARM plates have been exhausted, issue standard plates.

\*\*If a vehicle with FARM plates is sold, the vehicle owner must meet all of the requirements and make the statements as per an original request in order to keep the FARM plates on the



# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: SB 130  
(S) Publish Date: 3/28/07

Revision Date/Time (Note if correction):  
"An Act relating to the registration of certain vehicles owned by ranchers...."  
Title: \_\_\_\_\_ RDU: Division of Motor Vehicles  
Component: Motor Vehicles  
Sponsor: Sen Green  
Requester: (S) TRA Component No.: 2348  
Dept. Affected: Administration

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

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2007) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will change the maximum weight of a vehicle allowable for 'Farm vehicle' registration.

The DMV does not expect any change in revenue as the total quantity is not anticipated to increase measurably. Also, as the data input process today is done manually and the reprogramming will be done in-house, there are no expected costs in changing the weight limit.

Prepared by: Duane Bannock, director Phone 269 5559  
Division: Motor Vehicles Date/Time 3/23/07 3:00pm  
Approved by: Kevin Brooks, Deputy Commissioner Date 3/23/07 4:30pm  
Agency: Department of Administration

**SB**

**139**

Out of Session:  
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# Alaska State Legislature



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## SENATOR DONALD C. OLSON

### DISTRICT T

Alakanuk  
Ambler  
Anaktuvuk Pass  
Atkasuk  
Barrow  
Brovig Mission  
Browerville  
Buckland  
Chevak  
Deering  
Diomedes  
Elim  
Emmonak  
Gambell  
Golovin  
Hooper Bay  
Kaktovik  
Kiana  
Kivalina  
Kobuk  
Kotlik  
Kotzebue  
Koyuk  
Mountain Village  
Noatak  
Nome  
Noorvik  
Nuiqsut  
Nunam Iqoq  
Pilot Station  
Pitka's Point  
Point Hope  
Point Lay  
 Savoonga  
Scammon Bay  
Selawik  
Shaktolik  
Shishmaref  
Shungnak  
St. Mary's  
St. Michael  
Stebbins  
Teller  
Unalakleet  
Wainwright  
Wales  
White Mountain

May 3, 2007

### MEMORANDUM

To: Representative Johansen, Chair  
House Transportation Committee

From: Senator Olson

Re: Request for a committee hearing for SB 139, liability for airfields and air strips .

I would appreciate the scheduling of a House Transportation Committee hearing of SB 139 at your earliest convenience. Attached is a sponsor statement and support documentation. If you need additional information, please contact me or Dave Gray in my office.

Thank you for your attention to this request.

Out of Session:  
Legislative Information Office  
P.O. Box 1830  
Nome, AK 99762-1830  
(907) 443-5555  
(907) 443-2162 (Fax)

# Alaska State Legislature



In Session:  
State Capitol  
Juneau, AK 99801-1182  
(800) 597-3707  
(907) 465-3707  
(907) 465-4821 (Fax)

## SENATOR DONALD C. OLSON

### DISTRICT T

### SPONSOR STATEMENT

#### SSSB 139, Liability for Airports and Airstrips

Alakanuk  
Ambler  
Anaktuvuk Pass  
Atkasuk  
Barrow  
Brovig Mission  
Browerville  
Buckland  
Chevak  
Deering  
Diomedea  
Elim  
Emmonak  
Gambell  
Golovin  
Hooper Bay  
Kaktovik  
Kiana  
Kivalina  
Kobuk  
Kotlik  
Kotzebue  
Koyuk  
Mountain Village  
Noatak  
Nome  
Norvik  
Nuiqsat  
Nunam Iqu  
Pilot Station  
Pitka's Point  
Point Hope  
Point Lay  
Savoonga  
Scammon Bay  
Selawik  
Shaktolik  
Shishmaref  
Shungnak  
St. Mary's  
St. Michael  
Stebbins  
Teller  
Unalakleet  
Wainwright  
Wales  
White Mountain

SSSB 139 is introduced to correct changes to the limited liability statutes for runways, airfields, and landing areas enacted by Chapter 39, SLA 04 that inadvertently negated the purpose and intent of that legislation. The original liability limitation applied to airstrips and landing areas on public and private land that are both marked by placement of a large "X" on the ground and are listed as closed in FAA charts and publications.

In the process of enacting Chapter 39, SLA 04, the wording of AS 09.65.093 (b) created confusion as to the requirements an airport owner or operator had to meet to be exempt from liability during time when an airstrip was not actively in use. This was neither the intent of the legislation's sponsors nor the 37 representatives and 20 senators that voted for its enactment.

SSSB 139 resolves the impairment of chapter 39 by deleting the (b) subsection. In this way, SSSB 139 preserves the original intention of AS 09.65.093 to limit the liability for those Alaskans who own, operate and maintain airfields and landing strips on private and public lands. These facilities are often essential for transportation to vast areas of the state that lack public access.

The bill does not change liability protections against acts of gross negligence, recklessness or intentional misconduct.



April 17, 2007

Senator Don Olson  
State Capitol, Room 514  
Juneau, AK 99801-1182

Dear Senator Olson:

Thanks for taking up the issue of civil liability on Alaskan airports. The wording of the current statute is convoluted, and has caused considerable confusion among our members who are operating airstrips either on private or public land.

After looking this over, I would recommend eliminating Section 1 (b) of the statute, which seems to be the source of the confusion. This should clarify the intent, which is to provide protection from civil liability for owners of public and private airstrips or others who work to maintain or improve them.

Thank you again for your support of general aviation in Alaska. If you have any other questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Tom George".

Tom George  
Alaska Regional Representative

---

**TOM GEORGE**  
ALASKA REGIONAL REPRESENTATIVE  
PERSONAL ADDRESS: P.O. Box 83750 FAIRBANKS, AK 99708  
907-388-9955 (PHONE) 907-455-9001 (FAX)  
E-MAIL: [tom.george@aopa.org](mailto:tom.george@aopa.org)

(b) This section does not affect the right of a person to receive benefits to which the person would otherwise be entitled under the workers' compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law. (§ 1 ch 4 SLA 1994)

**Sec. 09.65.092. Civil liability for voluntary aircraft safety inspection.** An aircraft or power plant technician or mechanic certified by the Federal Aviation Administration who participates without compensation in a voluntary aircraft safety inspection program is not liable for civil damage resulting from an act or omission arising out of an aircraft safety inspection in that program unless the act or omission constitutes gross negligence or reckless or intentional misconduct. (§ 1 ch 3 SLA 1982)

**Sec. 09.65.093. Civil liability relating to aircraft runways, airfields, and landing areas.** (a) Except as provided in (c) of this section, a person who without compensation constructs, maintains, or repairs an aircraft runway, airfield, or landing area may not be held civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or death of a person or for damage to an aircraft, resulting from the use of the runway, airfield, or landing area to take off, land, park, or operate an aircraft.

(b) A person who is the owner or operator of an aircraft runway, airfield, or landing area is not civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or the death of a person or for damage to an aircraft, resulting from the use or attempted use of the runway, airfield, or landing area to take off, land, park, or operate an aircraft while the runway, airfield, or landing area is

(1) marked as closed by placement of a large "X" on the runway, in accordance with Federal Aviation Administration guidelines; and

(2) listed or charted, and designated as closed in the appropriate aeronautical charts and publications published by the Federal Aviation Administration.

(c) The immunity from civil liability under (a) of this section does not limit the liability of an owner or operator of an aircraft runway, airfield, or landing area to a provider of flight services or its passengers under contract with the owner or operator. (§ 12 ch 56 SLA 2001; am §§ 1, 2 ch 39 SLA 2004)

**Effect of amendments.** — The 2004 amendment, effective Sept. 2, 2004, in subsection (a), substituted "Except as provided in (c) of this section, a person" for "A natural person" at the beginning and inserted "constructs" and "park"; in subsection (b), deleted "natural" preceding "person" and "that is located on private land" near the beginning of the introductory language and inserted "park" near the end of that

language, substituted "in the runway, in accordance with federal Aviation Administration guidelines" or "that is readily visible from the air" in paragraph (1), and inserted "or charted, and designated" in paragraph (2); and added subsection (c).

**Editor's notes.** — Section 16, ch. 36, SLA 2001 provides that this section "applies to a civil action that accrues on or after September 27, 2001."

**Sec. 09.65.095. Liability for administration of blood test.** (a) A civil or criminal action arising out of battery may not be brought against a health care provider for the act of taking a blood sample if the sample is taken

(1) at the request of a police officer under the circumstances specified in AS 28.35.035 or when the arresting officer has a search warrant or court order authorizing the taking of the blood sample; and

(2) without the use of excessive or unreasonable force.

(b) In this section,

(1) "health care provider" means a nurse licensed under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;

(2) "hospital" means a hospital as defined in AS 47.32.900, including a governmentally owned or operated hospital.

**SB**

**158**



# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: \_\_\_\_\_  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB158-DOT-NRF-02-19-08 Dept. Affected: DOT&PF  
 Title: Shirley Demientieff Memorial Bridge RDU: Facilities and Maintenance Operations  
 Component: Northern Region Facilities  
 Sponsor: Senator Kookesh  
 Requester: Senate Finance Component Number: 2089

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

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies	7.5							
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>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	7.5							
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Intergovernmental Receipts								
<b>TOTAL</b>	<b>7.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

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

It is estimated it will cost \$7.5 for the production and installation of two signs and two posts; one in each direction, designating the bridge as the Shirley Demientieff Memorial Bridge. These signs will not be mounted on the bridge but will be on new posts slightly in advance of the bridge.

Prepared by: Mary Brody, DOT&PF Phone: 465-4772  
 Division: Commissioner's Office Date/Time: 2/19/08 8:00 AM  
 Approved by: Nancy Siegle, Admin Director Date: 2/19/2008  
DOT&PF



**SENATOR ALBERT M. KOOKESH**  
**ALASKA STATE LEGISLATURE SENATE DISTRICT C**  
e-mail: [Senator.Albert.Kookesh@legis.state.ak.us](mailto:Senator.Albert.Kookesh@legis.state.ak.us) webmail: [www.akdemocrats.org](http://www.akdemocrats.org)

State Capitol, Room 11  
Juneau AK, 99801-1182  
907-465-3473  
888-288-3473  
FAX 907-465-2827

**Sponsor Statement**

**SB 158 "Naming Shirley Demientieff Memorial Bridge"**

Senate Bill 158 would name the small bridge in Nenana directly north of the Alaska Native Veterans' Bridge in honor of Shirley Demientieff. Ms. Shirley was a bridge to so many and it is only fitting that this bridge bears her name.

Shirley a Nenana Native Daughter, passed away January 3, 2007 after a year long battle with lung cancer. Shirley was a well known community activist and native Leader. She is best known for her unbridled support for those in need.

It was noted in the January 8, 2007 edition of the *Fairbanks News-Miner*, that Shirley truly was the "bridge over troubled waters for so many. Shirley's gift was to reach out to anyone in need and help guide them to that bridge. In some cases, Shirley took it upon herself to build that bridge, which for some was the only way home." A dear friend stated "Shirley was all about bridges; between cultures, communities and those in need."

The Shirley Demientieff Memorial Bridge will serve as a reminder of her tireless work in bringing people together from all walks of life, for the good of all citizens in this great state of Alaska.

I ask you to support SB 158, and recognize and honor this truly compassionate woman's life.

*Air photo*



Google

# THE ALASKA LEGISLATURE

DRAFT



SPONSORS APPROVAL

## In Memoriam

### \* SHIRLEY A. DEMIENTIEFF \*

The members of the Twenty-fifth Alaska State Legislature join with family and friends of Shirley Demientieff in honoring her life and mourning her passing.

Shirley, the eldest of seven children, was born in 1951 to the late George and Elizabeth Demientieff of Nenana. She was an Athabascan who was very close to her grandmother Mary who taught her to take great pride in her heritage, culture, and traditions. Shirley will be greatly missed by her daughters Elizabeth "Lisa" and Leslie, her nephew/son Daniel, her grandchildren, and her vast extended family.

Shirley was a natural caregiver who turned no one away. She opened her house to the children of the Nenana, and when the house ran out of room, she set up a tent in her yard. For this, she is known to many as auntie, mom, grandma, foster mom, and friend. She will be remembered as a long serving family matriarch, caring for family and foster children. Shirley was known for acting out of love, love for people without condition. Her love for all inspired her to be a determined voice for the integrity of her people. She is remembered by many as the "bridge over troubled waters", as she guided many to that bridge of help, which for many was the only way home.

A life-long activist, Shirley is best known for her work on preventing suicide, alcoholism, and sexual abuse. She was devoted in taking a lead role to organize search teams when villagers were lost in Interior Alaska and will also be remembered as a diligent supporter for enfranchised people and would lead marches and raise money. Even after being diagnosed with a brain aneurism in 2000, Shirley continued to champion her causes. In 2005, she traveled the villages of the Koyukuk, Yukon, and Tanana rivers on a suicide prevention mission.

Shirley was also a leader in the native community. She served on the boards of Doyon Limited and its subsidiaries. She also served on the Shareholder Relations and Budget and Audit committees for Doyon. She was also the President and founder of Alaska Natives Standing Up for Justice and the Tanana Veley Search and Recovery. She also served on the Fairbanks Native Association Board of Directors and the Tanana Chiefs Conference Health Board.

Shirley A. Demientieff passed away on January 3, 2007, in Fairbanks but will continue to live on in the memories of each fortunate person that has crossed paths with her. The members of the Twenty-fifth Alaska State Legislature extend their condolences and join with Shirley's family and many friends to remember and honor her life.

ANN HARRIS  
SPEAKER OF THE HOUSE

LYDA GREEN  
PRESIDENT OF THE SENATE



# Daily News - Miner

*email Sen.  
Stedman 1/18/08*

## Senate panel eyes bill honoring Demientieff

By Stefan Milkowski  
Published May 1, 2007

JUNEAU — A lot of attention has been focused lately on natural gas pipeline legislation and the state's budgets, but other bills are moving, too, including one honoring Shirley Demientieff, who died in January of lung cancer.

Demientieff was an Alaska Native leader and community activist who took on a wide range of issues, including suicide prevention.

"She is best known for her unbridled support for those in need," said Dorothy Shockley, an aide to Sen. Albert Kookesh, D-Angoon.

Kookesh introduced a bill last month that would name the small bridge in Nenana directly north of the Alaska Native Veterans' Honor Bridge the Shirley Demientieff Memorial Bridge.

The Senate Transportation Committee, which Kookesh chairs, held a hearing on the bill last week. Shockley introduced the bill for Kookesh.

"Ms. Shirley was a bridge to so many," she said, "and it is only fitting that this bridge bears her name."

The Rev. Scott Fisher of St. Matthew's Episcopal Church in Fairbanks testified in favor of the bill. He said he thought months ago that it would be good to have a statue of Demientieff or some other thing to remind the community that one person can make a difference. Naming the bridge after her, he said, seemed like a good idea and a way to acknowledge the impact she had in Nenana and across the Interior.

"Alaska is a place for stories, and hers is a story worth remembering," he said.

Tim Wallace of Doyon Ltd. and William Lord and Harry Fields of the Alaska Native Veterans Association also spoke in favor of the bill.

"I and a lot of other folks have always admired Shirley for all her work around here," Fields said. "I'm sure right now if there's any issues up in heaven that needs to be acted on, I'm sure Shirley's holding aside up there."

The bill, SB 158, was moved out of committee after the hearing. It is now before the Senate Finance Committee.

### Hot potato moves forward

Sen. Gary Wilken, R-Fairbanks, saw some movement last week on SB 134, a bill he's sponsoring that would make it the state's policy to use earnings from the Alaska Permanent Fund along with other savings in years when the state faces deficits.

**SB**

**216**

# Alaska State Legislature

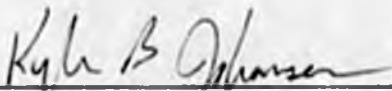



## HOUSE TRANSPORTATION COMMITTEE

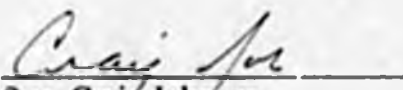
Representative Kyle Johansen, Chair

March 17, 2008

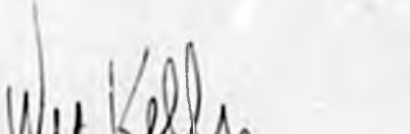
We the undersigned agree to waive CSSB 216, *An Act designating the Alaska Highway and portion of the Richardson Highway as the Purple Heart Trail*, from the House Transportation Committee onto the next committee of referral. Signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.


  
Rep. Kyle Johansen, Chair

  
Rep. Mark Neuman

  
Rep. Craig Johnson

  
Rep. Anna Fairclough

  
Rep. Wes Keller

  
Rep. Woodie Salmon

  
Rep. Mike Doogan

# ALASKA STATE LEGISLATURE

Senate Labor and Commerce  
Committee, Chair

Legislative Budget and Audit  
Committee

Senate Rules Committee

Committee on Committees



*While in Session*  
State Capitol, Rm. 9  
Juneau, AK 99801  
(907) 465-3704  
Fax: (907) 465-2529

*While in Anchorage*  
716 W. 4<sup>th</sup> Ave, Ste. 440  
Anchorage, AK 99501  
(907) 269-0169  
Fax: (907) 269-0172

**SENATOR JOHNNY ELLIS**  
**SENATE MAJORITY LEADER**

## MEMORANDUM

**DATE:** March 19, 2008

**TO:** Representative Kyle Johansen, Chair  
House Transportation Committee

**FROM:** Senator Johnny Ellis

**RE:** Hearing Request for SB 216 – Purple Heart Trail

---

I am requesting that Senate Bill 216, "An Act Designating the Alaska Highway and part of the Richardson Highway as the Purple Heart Trail," be scheduled for a hearing in the House Transportation Committee at your earliest convenience.

The Purple Heart Trail is a nation-wide network of interstate highways which honors the sacrifices of Americans who have been killed or wounded in combat. Alaska has over 100,000 active duty military personnel, National Guard members, and veterans, and our participation in this effort is long overdue.

Included in this packet:

- A current version of CS SB 216 (TRA) 25-LS1280C
- Sponsor Statement
- Explanation of Changes
- Fiscal Note
- Backup Information
- Letters of support

If necessary, other backup will be forthcoming. Please contact my staffer Max Hensley at 465-3704 or [Max\\_Hensley@legis.state.ak.us](mailto:Max_Hensley@legis.state.ak.us) with any questions.

Thank you.

# ALASKA STATE LEGISLATURE

Senate Labor and Commerce  
Committee, Chair

Legislative Budget and Audit  
Committee

Senate Rules Committee

Committee on Committees



While in S  
State Capito  
Juneau, AK  
(907) 465  
Fax: (907) 4

While in An  
716 W. 4<sup>th</sup> Ave  
Anchorage, A  
(907) 269-  
Fax: (907) 2

**SENATOR JOHNNY ELLIS  
SENATE MAJORITY LEADER**

## **Sponsor Statement SB 216: Purple Heart Trail**

The Purple Heart medal is a United States military decoration awarded in the name of the President to those who have been wounded or killed in service to their country. SB 216 seeks to recognize and honor recipients by establishing a Purple Heart Trail in Alaska.

The Purple Heart Trail is a national project to designate portions of the interstate highway system as "The Purple Heart Trail System", reminding Americans of the sacrifices made by their men and women in uniform. The original Purple Heart Trail was established in the Commonwealth of Virginia at Mt. Vernon and runs the length of the Virginia Highway.

Today, the Purple Heart Trail extends across the nation. Signage drawing attention to the designation is placed at appropriate intervals along the highways to stimulate thought and discussion among adults and children alike in contemplating the history of this nation, and those who have sacrificed for it.

Alaska's participation in this national effort is long overdue. We have a strong military tradition; an estimated 73,000 resident veterans, approximately 25,000 active duty military, and more serving in the National Guard. In recent months, many returning Alaskan soldiers have been honored with the Purple Heart Medal.

The Alaska Highway, completed during World War II by the US Army to serve as a supply route, is an apt choice for the designation as "Purple Heart Trail System". Signs designating the Purple Heart Trail will be seen by both visitors and residents and will demonstrate that Alaska recognizes and honors the sacrifices made by our wounded and fallen soldiers.

Please join me in supporting the establishment of a Purple Heart Trail in Alaska.

# ALASKA STATE LEGISLATURE

Senate Labor and Commerce  
Committee, Chair

Legislative Budget and Audit  
Committee

Senate Rules Committee

Committee on Committees



While in Session  
State Capitol, Rm. 9  
Juneau, AK 99801  
(907) 465-3704  
Fax: (907) 465-2529

While in Anchorage  
718 W. 4<sup>th</sup> Ave., Ste. 440  
Anchorage, AK 99501  
(907) 269-0169  
Fax: (907) 269-0172

**SENATOR JOHNNY ELLIS**  
**SENATE MAJORITY LEADER**

## MEMORANDUM

**DATE:** March 10, 2008

**TO:** Representative Kyle Johansen  
House Transportation Committee

**FROM:** Senator Johnny Ellis

**RE:** Explanation of changes to SB 216 - Purple Heart Trail

---

These changes were made in consultation with the Department of Transportation.

**SB 216**  
**25-LS1280A**

- Sets minimum sign size at 20" X 30"
- Requires signs to be placed at terminus of highway and every 50 miles throughout

**CS SB 216 (TRA)**  
**25-LS1280C**

- Allows DOT to determine the most appropriate sign size
- Designates Fairbanks, Delta Junction, Tok Junction, and the Canadian border for large signs with smaller signs at the midpoints
- Specifies content of informational pullout displays

# FISCAL NOTE

STATE OF ALASKA  
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 216(TRA)  
(S) Publish Date: 2/8/08

Identifier (file name): SB 216-DOT-NDE-02-06-06 Dept. Affected: DOT&PF  
Title: Act Designating AK Hwy/Richardson Hwy as the Purple Heart RDU: Highways and Aviation  
Component: Northern Region Hwys and Aviation  
Sponsor: Senator Ellis  
Requester: Senate Transportation Component Number: 2068

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

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

	Appropriation Required	Information						
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual	150.0							
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>								
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE** (Thousands of Dollars)

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF	150.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
<b>TOTAL</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2008) cost: \_\_\_\_\_

**POSITIONS**

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Full-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

Installation of six (6) major signs (approx 5'x12'), six (6) minor signs (4.5'x3'), and three (3) informational kiosks along locations on the Richardson and Alaska Highways. The cost for initial installation includes the concrete foundations and crash supports that breakway in an accident. A contractor will install these signs under the direction of the Department.

Prepared by: Mary Siroky  
Division: DOT&PF, Commissioner's Office  
Approved by: Nancy Stagle  
Director of Division of Administration

Phone: 465-4772  
Date/Time: 2/8/08 2:00 PM  
Date: 2/8/2008



Legend: White  
 Background: Green  
 Route Plaque: Black on White

Make symbol proportional  
 to graphic shown.

Road Class	Dimensions (inches)									
	A	B	C	D	E	F	G	H	J	
Expressway	108	72	2	8	10	0	0	0	4	
	K	L	M	N	P	R	S	T	U*	
	6.75	138.5	13.25	24	49.5	10	30	18	11.75	

\* Proportionally scale Purple Heart Emblem to 30" wide



Border and Legend: White  
 Background: Green  
 Marker: Black on White

\* See Appendix B-4 for  
 Standard Arrow Details.

Make symbol proportional to graphic shown

Letter Size (Inches)	Dimensions (Inches)									
	A	B	C	D	E	F	G	H	J	K
6	36	64	0.75	2.25	19.2	4	24	3	6	2.5

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ALASKA'S NEWSPAPER

# Anchorage Daily News



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**10**

forecast

Daylight : 9:56 a

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## Purple Heart recipients

Anchorage Daily News

Published: October 17, 2007

Last Modified: October 17, 2007 at 12:55 PM

**20 soldiers from the 4th Brigade Combat Team (Airborne), 25th Infantry Division Fort Richardson, Alaska**

### More Iraq stories »

Remember the fallen

More soldiers will return today

Bringing war experience home with care

Back home, with a welcome new assignment

Torch bearers come marching home

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The Purple Heart is awarded to any member of the United States armed forces who is wounded or killed in action against the enemy. Its origins date to General George Washington in 1782. It fell into disuse after the Revolutionary War until 1932 when President Herbert Hoover officially re-established it to honor the 200th anniversary of Washington's birth.

**Spc. Timothy E. Holmgren** is from Foley, Minn. He is assigned to HHT 1-40th CAV. Pfc. Holmgren was a crew member for a 120mm mortar system. On April 30, 2007, Pfc. Holmgren's vehicle was struck by 300-plus pounds of homemade explosives. The vehicle flipped and was thrown 25'. Pfc. Holmgren sustained a broken arm, leg, and three lacerations in his back and lost his spleen.

**Cpl. Derek Davison** is from St. Louis, Mo. He is assigned to D Co 3-509 IN ABN. Cpl. Davison was struck by an IED on April 22, 2007 while conducting patrols in Samarra, Iraq. He suffered shrapnel wounds to the left side of his body.

**Sgt. Jason Brown** is from Phoenix, Ariz. He is assigned to A-Troop 1-40th CAV. Sgt. Brown was a team leader in First Platoon of A-Troop. While on dismounted patrol on Aug. 4, 2007, his team was ambushed with small arms fire. Sgt. Brown sustained gunshot wounds in the leg.

**Staff Sgt. Sean Reed** is from San Diego, Calif. He is assigned to HHT, 1-40th CAV. Sgt. Reed was the gunner on a mounted patrol in Hawr Rajab on Aug. 4, 2007 when his truck hit a pressure plate IED and flipped over. Sgt. Reed received wounds to his face, arms, and lost part of a finger. He was joined at the ceremony by friends and family.

**Sgt. Jesse Forte** is from Greenville, Ohio. He is assigned to C-Troop, 1-40th CAV as a designated marksman in the sniper section. Sgt. Forte's dismounted patrol was struck by an IED while returning to FOB Falcon. Sgt. Forte received shrapnel to his right forearm. He was joined at the ceremony by friends and family.

**Sgt 1st Class Kenneth R. Franco** is from Queens, N.Y.. He is assigned to A-Troop 1-40th CAV. While on dismounted patrol on May 28, 2007, his platoon was ambushed with small arms fire. Sgt. Franco received gunshot wounds to his left calf during the engagement. He was joined for the ceremony by friends and family.

**Spc. Ruben Aguilar** is from Riverside, Calif. He is assigned to Delaware CO 1- 501st ABN. During a mounted combat patrol, his vehicle was struck by an EFP in the town of Mussaiyib. Spc. Aguilar suffered shrapnel injuries to all four extremities. He was joined at the ceremony by his wife, Annette.

**Spc. Michael Dolce** is from Sacramento, Calif. He is assigned to Delaware CO 1- 501st ABN. On June 25, 2007, while on a patrol; one of the vehicles was struck by an EFP in the town of Mussaiyib. Spc. Dolce suffered shrapnel injuries to his left knee and right wrist. He was joined at the ceremony by his wife; Amanda.

**Spc. John Kegley** is from Verona, Va. He is assigned to Delaware CO 1- 501st ABN. On 21 July, 2007, while conducting a mounted patrol in Mussaiyib, his vehicle was struck by an IED. He received shrapnel injuries to his right leg. He was joined today by his friends and fellow soldiers.

**Staff Sgt. David Moore** is from Tracy, Calif. He is assigned to Blackfoot CO 1-501st ABN. In April, 2007, while pulling security, the OP came under mortar attack. Moore sustained a head wound as a result of the attack. He was joined at the ceremony by his wife, Jessica.

**Spc. William Swalls** is from Rockingham, N.C. He is assigned to Delaware CO 1-501st ABN. On July 21, 2007, while conducting a mounted patrol in Mussaiyib, his vehicle was struck by an IED. He received shrapnel injuries to his right hand and left forearm. He was joined at the ceremony by his wife, Chasity and son, Conner.

**Cpl. John Smith** is from Apollo, Pa. He is assigned to Comanche CO 1-501st ABN. CPL Smith was in an over watch position on Dec. 12, 2006 when his unit came under mortar attack. Cpl. Smith received a severe head injury as a result of the attack. He was joined at the ceremony by his wife, Lauren and her grandfather, Ralph Cargo, who is a Purple Heart recipient from the Korean War.

**SGT. Casey Wright** is from Tucson, Ariz. He is assigned to Delaware CO 1 501st ABN. While on mounted patrol, SGT Wright's vehicle was struck by an EFP in the town of Mussaiyib. Sgt. Wright suffered shrapnel injuries to his left thigh. He was joined for the ceremony by his wife, Amberle.

**Spc. Lenwood Stewart** is from Springfield, Mass. He is assigned to C CO 3/509 IN ABN. On May 31, 2007, as a result of an enemy attack on his dismounted patrol, Spc. Stewart suffered third-degree burns to the left side of his body and shrapnel to his right leg as a result of an enemy attack on his dismounted patrol.

**Spc. Justin Taurialnen** is from Anchorage. He is assigned as an engineer in Alpha Company, 425th BSTB. On May 21, 2007, while conducting route clearance operations, his up-armored engineer vehicle was struck by multiple IEDs. He sustained shrapnel injuries to his head, back, hand and legs. He was joined at the ceremony by his mom, dad and extended family.

**Sgt. Richard Johnson** is from Houston, Texas. He is the lead crew served weapon operator assigned to the Brigade Personal Security Detachment. He was wounded on Aug. 14, 2007 while traveling in the lead up-armored HMMWV. The convoy was hit by a six-array EFP. Sgt. Johnson sustained injuries to his backside and groin area. He was joined at the ceremony by friends and

family.

**Staff Sgt. Chad Leblanc** is from Anchorage. He is assigned to Military Transition Team 820, 425th BSTB. He sustained severe shrapnel wounds and third-degree burns on March 13, 2007 during a mortar attack on Combat Outpost REO in Al Hillah, Iraq. Leblanc was joined at the ceremony by friends and family.

**Sgt. 1st class Joshua Ferguson** is from Minneapolis, Minn. He is assigned to Military Transition Team 820, 425th BSTB. He was wounded in an EFP attack on April 22, 2007, while on a combined combat patrol with the 2nd Battalion, 2nd Brigade, 8th Iraqi Army in Al Hillah, Iraq. Ferguson sustained severe injuries to both of his legs. He was joined at the ceremony by friends and family.

**Spc. Jose Collazo** is from New York, N.Y.. He is an engineer assigned to Alpha Company 425th BSTB at Camp Falcon. He was wounded Aug. 4, 2007, when the convoy he was traveling in was hit by an IED. He sustained blast injuries to his hand and head. He was joined at the ceremony by friends and family.

**Spc. Ramsey Rahe** is from San Francisco, Calif. He is assigned to HMB Battery 2-377 PFAR. Spc. Rahe was a forward observer for Headquarters Battery. On July 31, 2007, he was wounded in an indirect rocket attack at FOB Kalsu. Spc Rahe sustained shrapnel wounds to his back, stomach and arms. He was joined at the ceremony by friends and family.

#### Comments

Please log in to post comments.

1 Wednesday, October 17, 2007 - 12:27pm | dennismoy

**The Arctic Warriors**

God Speed to them all!!!

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A member of the  
Real Cities Network

<http://www.purpleheart.org/purple-heart-trail.html>

**Purple Heart Trail** was initially established in the Commonwealth of Virginia from its start point at Mt. Vernon, VA. Through positive legislative support of the Virginia General Assembly and through the leadership of two of its governors, The Honorable George Allen (now U.S. Senator) and incumbent Governor James Gilmore the trail now extends down Virginia highway 235 (the Mt. Vernon Parkway) to US Route #1, thence to I-95. All of I-95 is designated the Purple Heart Trail from the Potomac River in Alexandria, on the Maryland border, down to the State of North Carolina. It branches off at Fredericksburg on Virginia Highway 3 (the Kings Highway) to Stafford County and thence to the George Washington Birthplace National Monument in Westmoreland County, VA. Another leg goes eastward on I-64 at Richmond, the state capital, to the city of Norfolk. The Virginia Department of Transportation has placed Purple Heart Trail signs at all rest stops on I-95 and I-64 and at other special points along the total trail.



Current Purple Heart Trail

Ultimately, the Purple Heart Trail will be extended from Virginia to all other states and major cities of the United States. Historically, the Purple Heart Trail concept was inspired by the George Washington Chapter #1732 of Fredericksburg/Spotsylvania, VA, in 1992. In convention of the Order, the delegates voted to approve a resolution establishing a symbolic Purple Heart Trail throughout the 50 states. With the Commonwealth of Virginia being the home of the two distinguished general officers involved in the development of the Purple Heart, Generals Washington and MacArthur, the Department of Virginia members of the Order took the lead to institute The Purple Heart Trail in Virginia, with a memorial marker to be erected and dedicated at Mt. Vernon as the start point of the trail.

In 1996, the General Assembly of the Commonwealth approved the first step in establishing the Purple Heart Trail parallel to I-95 and that portion of Virginia Route 3 from Washington's birthplace in Westmoreland County, VA, to his boyhood home at

<http://www.purpleheart.org/purple-heart-trail.html>

Ferry Farm in Stafford County, VA. In 1998, through subsequently legislative fiat, the trail was extended to Norfolk, VA, ending at the tomb of General Douglas MacArthur on Interstate 64 from Richmond (I-95) to Norfolk and to Mt. Vernon. The purpose of the Purple Heart Trail is to commemorate the patriotic American heritage given to us by George Washington and General MacArthur and for the people of Virginia, and ultimately all the states, to memorialize those service persons who have had the Purple Heart medal bestowed on them or their next of kin for wounds received in combat in defense of our nation.



By marking these trails with appropriate signage, it was conceived that the automobile and the Interstate Highway System represent very tangible symbols of our freedom; the ability to get up and go anywhere anytime. While taken for granted by so many, this and so many other freedoms we enjoy as Americans have been earned through the sacrifice of millions of Americans who have shed their blood and the many who have died in defense of freedom and liberty. The signage was intended as a reminder that freedom is not free and would stimulate thought and discussion among adults and children alike in contemplating the bountiful heritage enjoyed by all Americans as part of their legacy.

Major highways are the ideal setting for this virtual trail, and ultimately, the Military Order of the Purple Heart would like to see the entire Interstate Highway System, conceived by General Dwight D. Eisenhower during his tenure as President of the United States, designated as major portions of the Purple Heart Trail. Instructional kits have been developed and are in the hands of all Department Commanders on how to initiate necessary legislation in their respective states to implement the continued growth of the Purple Heart Trail System.

National Commander Louie Spinelli has accepted expansion of the trail as a major thrust of his leadership during his term of office. We who are on the forefront of this great effort, can take great pride in establishing this system as a most noble and patriotic endeavor of the Military Order of the Purple Heart that will become an indelible part of our continuing service to this great nation. If your state is not yet on board, we encourage all local chapters to take this up within the scope of their Americanism projects. Most legislatures have been found to be most receptive in support of legislative initiatives required to implement the program. The mood of the country is also such that many salons would welcome the opportunity to offer the necessary legislative language to make it happen. God Bless America, our home, sweet home!

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ALASKA'S NEWSPAPER

# Anchorage Daily News



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## 20 wounded soldiers receive Purple Heart

### Twenty with combat injuries honored for 'warrior spirit'

By GEORGE BRYSON  
gbryson@adn.com

Published: October 17, 2007

Last Modified: October 17, 2007 at 12:55 PM

Twenty Purple Heart medals rested in the serving tray Tuesday while 19 Fort Richardson-based soldiers wounded in Iraq stood at attention as best they could -- some leaning on canes, one missing a leg, a few with injuries to the head.



Click to enlarge

One by one the medals were pinned on their chests by Maj. Gen. Stephen Layfield, the senior Army commander in Alaska, who sternly told about 200 onlookers to "never ever miss the chance to say thank you" to the men -- all of whom are members of the 4th Brigade Combat Team (Airborne), 25th Infantry Division.

The ways they were injured were as varied as their wounds. Some were riding in vehicles that were blasted apart by projectiles. Some were hit by roadside bombs. Some were walking on patrols and shot by

unseen snipers.

But Staff Sgt. Chad LeBlanc, of Anchorage, may have had the most unusual tale to tell. He was stationed at an outpost south of Baghdad and was just preparing to lie down for the night inside his "can" -- a small mobile trailer just large enough for two bunks -- when he heard the sound of mortar fire outside.

Sticking his head out the door, LeBlanc just had time to see a mortar round blast into a



ERIK MILL / Anchorage Daily News

enlarge

Staff Sgt. Chad LeBlanc of Anchorage receives his Purple Heart medal from Maj. Gen. Stephen Layfield, senior Army commander in Alaska, as 19 soldiers assigned to the 4th Brigade Combat Team (Airborne), 25th Infantry Division received their medals Tuesday at Fort Richardson.

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neighboring trailer -- one that was usually occupied by his buddy, Sgt. 1st Class Joshua Ferguson, who just then was away on leave in Alaska.

Shrapnel from the blast hit LeBlanc in the stomach and limbs and burnt his face and arms. Before falling into shock, he managed to find help.

"I ran about 25 meters to where the medics were and laid down on the ground and told them what happened," he recalled. "Then they put me on a helicopter, I went to Baghdad -- and that was it."

In an operating room, doctors removed 14 pieces of shrapnel from LeBlanc's arm and a big chunk from his side. The shrapnel that entered his stomach had to be removed through his back -- an operation that has since made the 32-year-old Alaskan less mobile.

He knows it could have been worse. He could have been inside the trailer that took the direct hit -- Ferguson's trailer. As it happened, however, his buddy didn't make it through their deployment unscathed either.

Returning to their unit -- a team within the 425th Brigade Special Troops Battalion that trains Iraqi army forces -- Ferguson was badly wounded about five weeks later when his vehicle was struck by an armor-piercing projectile.

The blast tore up his lower legs and shattered his left knee. Ultimately the leg would have to be amputated. On Tuesday, Ferguson was standing in the ranks with the other Purple Heart recipients, supported by a cane and a prosthetic leg.

"I set a record getting out of Walter Reed (Medical Center) for an amputee," Ferguson said, noting how anxious he was to return to Fort Richardson and his family. Now he's hoping to remain in the military -- he's served 11 years so far -- and in Alaska.

"If I could stay here until I retire in nine years, that would be perfect," he said.

Spc. William Swalls, a native of Rockingham, N.C. -- who received his second Purple Heart on Tuesday after suffering shrapnel wounds to his hand and arm -- is hoping to remain on active duty in Alaska too. His wife, Chastity, is currently enrolled in the nursing program at the University of Alaska Anchorage.

Spc. Justin Taurialinen, who grew up in Anchorage -- and returned by motor home to a large throng of friends and family greeting him at the Muldoon overpass last week -- received a Purple Heart as well.

On May 21, his armored engineer vehicle was struck by "multiple IEDS," the improvised explosive devices his unit was charged with removing. Taurialinen, 23, sustained shrapnel wounds to his head, back, hands and legs.

Before pinning the medals on the assembled soldiers -- Sgt. Casey Wright of Tucson, Ariz., was unable to attend the ceremony -- Layfield emphasized their collective bravery.

"We're forever in your debt," he said. "We acknowledge your sacrifice and we acknowledge your warrior spirit and we acknowledge what you did for our country."

Find George Bryson online at [adn.com/contact/gbryson](http://adn.com/contact/gbryson) or call 257-4318.

# STATE OF ALASKA

**SARAH PALIN, GOVERNOR**

## DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

3132 CHANNEL DRIVE  
PO Box 112500  
JUNEAU, ALASKA 99811-2500

FAX: (907) 586-8365  
PHONE: (907) 465-3900

March 10, 2008

The Honorable Johnny Ellis  
Alaska State Legislature  
State Capitol, Room 9  
Juneau, AK 99801-1182

Dear Senator Ellis:

The Department of Transportation and Public Facilities supports the concept of designating the Alaska Highway and parts of the Richardson Highway as the Purple Heart Highway. The automobile and the Interstate Highway System represent symbols of America's freedom to get up and go anywhere anytime; that, combined with the fact that the Alaska Highway was completed by the army during World War II, make it an appropriate choice.

My staff are working with your office to determine the appropriate signage and locations as well as the cost of installation of Purple Heart Trail signs and maintenance. I look forward to passage to the installation of the first Purple Heart sign.

Sincerely,



Leo von Scheben, P.E., L.S., M.B.A.  
Commissioner

cc: Mary Siroky, Legislative Liaison, Office of the Commissioner



# Municipality of Anchorage

P.O. Box 100680 • Anchorage, Alaska 99510-0680 • Telephone: (907) 343-4431 • Fax: (907) 343-4430 <http://www.muni.org>

*Mayor Mark Begich*

Office of the Mayor

February 29, 2008

The Honorable Johnny Ellis  
Alaska State Capitol  
Juneau, AK 99801

The Honorable Berta Gardner  
Alaska State Capitol  
Juneau, AK 99801

Dear Senator Ellis and Representative Gardner:

Please find enclosed a copy of Anchorage Municipal Assembly Resolution 2008-23 supporting your respective bills that would designate part of the Alaska Highway System as the "Purple Heart Trail."

I was proud to support this measure and am glad to know that you are both endeavoring to honor the brave men and women who have been wounded in our nation's service. This measure received the unanimous support of the Municipal Military and Veterans Affairs Commission and, ultimately, the Anchorage Assembly.

Thanks for your hard work on behalf of our deserving veterans.

Sincerely,

Mark Begich,  
Mayor

Enclosure

cc: Ron Siebels, Military Order of the Purple Heart

*Community, Security, Prosperity*

Submitted by: Chair of the Assembly at  
the Request of the Mayor

Prepared by: Office of the Mayor

For reading: February 12, 2008

CLERK'S OFFICE

APPROVED

Date: 2-12-08

ANCHORAGE, ALASKA

AR 2008-23

**A RESOLUTION OF THE ANCHORAGE ASSEMBLY AND MAYOR MARK BEGICH  
SUPPORTING HOUSE BILL 283/SENATE BILL 216 - DESIGNATION OF THE ALASKA  
HIGHWAY AND A PORTION OF THE RICHARDSON HIGHWAY AS THE "PURPLE  
HEART TRAIL."**

WHEREAS, Alaska House Bill (HB) 283 and Senate Bill (SB) 216 would designate the Alaska Highway from the Alaska-Canada border to Delta Junction and the Richardson Highway between Delta Junction and Fairbanks as the Purple Heart Trail; and

WHEREAS, HB 283 and SB 216 would required the Alaska Department of Transportation to erect and maintain appropriate signs at visitors centers, the terminus of the highways, pullouts, and at least one sign every 50 miles; and

WHEREAS, the Anchorage Chapter of the Military Order of the Purple Heart presented this matter to the Municipal Military and Veterans Affairs Commission at its January 2008 meeting and the commission subsequently passed a resolution supporting this proposal; and

WHEREAS, the Military Order of the Purple Heart is a congressionally chartered military organization and the nation's oldest military decoration; and

WHEREAS, over 1,800,000 men and women in the history of our nation have born the scars of our nation's conflicts and earned the Purple Heart medal; and

WHEREAS, the Commonwealth of Virginia established the original Purple Heart Trail at Mt. Vernon and it runs the length of the Virginia Highway; and

WHEREAS, the Purple Heart Trail now extends across the nation, drawing attention to the accomplishments of the brave men and women who have served our nation and won this medal by stimulating conversations of travelers; and

WHEREAS, the Alaska Highway was completed during World War II by the US Army to serve as a supply route for the war effort is appropriate to be designated as part of the "Purple Heart Trail;" and

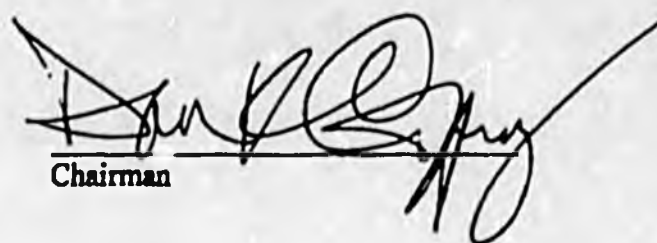
WHEREAS, the Alaska Highway serves as a gateway to the State of Alaska and serves thousands of visitors to our state each summer and would well serve the educational mission of the Purple Heart Trail.

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NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

to support speedy passage of Alaska House Bill 283/Senate Bill 216 which would designate the Alaska Highway and a portion of the Richardson Highway as part of the "Purple Heart Trail."

PASSED AND APPROVED by the Anchorage Municipal Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
Chairman

ATTEST:

\_\_\_\_\_  
Municipal Clerk

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4431  
Fax: (907) 343-4409  
<http://www.muni.org>

*Mark Begich, Mayor*

OFFICE OF THE MAYOR

January 4, 2008

Senator Johnny Ellis  
State Capitol, Room 9  
Juneau, AK 99801-1182

Subject: Letter of Support

Dear Senator Ellis:

The purpose of this letter is to express our unconditional support of the initiative of Chapter 593 of the Military Order of the Purple Heart to secure Alaska's participation in the National Purple Heart Trail System. The idea of designating major highways as portions of a National Purple Heart Trail originated in Virginia in 1992. Since that time, the trail has extended with designations across much of the Lower 48.

The Interstate Highway System, seen as a tangible symbol of our freedom -- the ability to get up and go anywhere, anytime -- provides an opportunity for a visible and poignant reminder of the sacrifices of Americans who have shed blood to protect our freedom. For those states that participate in this trail system, a simple highway designation with appropriate signage does just that.

Given the significant military population in our Great State and the many thousands of veterans who make Alaska home, we see our participation in this program as both a fitting tribute to serving military and our veterans and as an important reminder of their service and sacrifice. To all who travel Alaska's stretch of the Purple Heart Trail, our participation in this designation program says we recognize the sacrifice, we care about those who do and have served our country and we remember freedom is not free.

We strongly encourage your support of this important initiative.

Sincerely,

  
Col. Gregory Miller (Ret)  
Chairman  
Anchorage Military & Veterans Commission



Tok Chamber of Commerce  
"Main Street Alaska"  
PO Box 389  
Tok, Alaska 99780  
907 883-5775

Fax: 907-883-5774  
<http://www.tokalaska.info.com>

**TO: State of Alaska  
Senator Ted Stevens  
Senator Johnny Ellis  
Representative Don Young  
Representative Berta Gardner**

We are proud to offer our strong support for Alaska to be a part of the "Purple Heart Trail". We think its simple visible message is well deserved by those who bravely gave so much of themselves in defending this nation.

This worthy project can be of great benefit to our community and the State of Alaska. We believe that those who see the signs will have a better understanding of the sacrifices made by those who wear the Purple Heart. We believe that the traveling public, whether Alaskans or visitors, will realize that we care about our wounded veterans. We further believe that the signs will bear witness that we in Alaska not only care about our wounded veterans, but we are willing to put forth the effort to visibly display our deepest fondness for their sacrifice.

Many who travel our roads will surely know or be related to a wounded veteran or a veteran who lost their life in defense of our nation. The warm feeling they obtain will certainly be in their minds as they traverse the roads of our great state. By showing them we care we can instill a kind Alaskan memory of their travels, and hopefully we will see them again.

Be it known to all that the community of TOK Alaska will be proud to be part of the Purple Heart Trail. We support it and we encourage all Alaskans to support it as well.

Sincerely yours,

---

John A. Rusyniak, President  
Home 883-3124; Cell 206-724-4501; E: Fax 905-425-7901  
Email: [john@rusyniak.com](mailto:john@rusyniak.com)



## **RESOLUTION 2008-05**

### **A RESOLUTION REQUESTING THE STATE OF ALASKA DESIGNATE THE ALASKA HIGHWAY AS A "PURPLE HEART TRAIL" WITHIN THE ALASKA ROAD SYSTEM**

**WHEREAS, it is fitting and proper to never forget those who have given their lives and shed their blood in defense of this great nation; and**

**WHEREAS, a Purple Heart Trail system has been established throughout the major road system of the lower 48 states; and**

**WHEREAS, Alaska is geographically located at the far northwest reaches of the United States of America; and**

**WHEREAS, it is in the interest of Alaska's citizens, Alaska's veterans, and Alaska's tourism industry to be part of the Purple Heart Trail system; and**

**WHEREAS, Alaska is proud to join this worthy effort in providing America with the ability to establish this Purple Heart Trail all across America; and**

**WHEREAS, the placement of signs indicating "Purple Heart Trail" will simply indicate a part of a nationally existing system; and**

**WHEREAS, the establishment of the Purple Heart Trail within Alaska will in no way change the name or numerical designation of any existing road; and**

**WHEREAS, the Alaska Highway has a well established historical military significance since it was built during the WWII era for military purposes; and**

**WHEREAS, the Alaska Highway is the best choice to establish and continue the Purple Heart Trail into the confines of the Alaska Road System.**

**THEREFORE BE IT RESOLVED THAT:** The City Council for the City of Delta Junction by this resolution hereby requests the State of Alaska provide for the signage and placement of the Purple Heart Trail signs at approximately 50 mile intervals along the corridor of the Alaska Highway system within Alaska beginning at Beaver Creek and extending on to Delta Junction; and

**BE IT FURTHER RESOLVED THAT:** In order to inform all travelers, a sign designating the purpose for the Purple Heart Trail also be placed with the Purple Heart Trail signs at strategic locations such as entering or leaving the vicinities of Beaver Creek, Northway, Tok, Dot Lake, and Delta Junction; that explains the reason for the Purple Heart Trail; and

**BE IT FURTHER RESOLVED THAT:** The designated note of purpose signs read as follows:

***IN HONOR OF THOSE BRAVE PATRIOTS  
WHO SHED THEIR BLOOD  
WHILE ENGAGED IN THE SELFLESS ACT OF  
DEFENDING OUR NATIONS FREEDOM***

**PASSED AND APPROVED** by a duly constituted quorum of the Delta Junction City Council this 4th day of December 2007.



CITY OF DELTA JUNCTION

*Mary Leith Dowling*  
Mary Leith Dowling, Mayor

ATTEST

*Pat White*

Pat White, City Clerk

**Senate President Lyda Green**  
State Capitol, Room 111  
Juneau, AK 99801-1182

**House Speaker John Harris**  
State Capitol, Room 208  
Juneau, AK 99801-1182

**February 19, 2008**

**Speaker Harris and President Green,**

I am writing to express my support for Alaska House Bill 283, the Purple Heart Trail Act and the version introduced into the Alaska State Senate, SB 216 and to urge the legislature pass this bill and create a Purple Heart Trail in our state.

Over 20 states have seen fit to designate some portion of their road system as the Purple Heart Trail and place signs with replica Purple Hearts along the roads. These signs would honor those veterans who have earned a Purple Heart and would help to bring their heroic actions and sacrifices to the attention of Alaskans.

Alaska has the highest number of veterans per capita of any state, with an estimated 73,000 veterans that call our state home. Those veterans, along with the active duty military that serve in our state and the members of the Alaska National Guard deserve all the recognition they can get. Designating the Alaska Highway and a portion of the Richardson Highway as the Purple Heart Trail would be an appropriate way to honor the many Alaskans that have earned a Purple Heart and the many others that have served our country in the Military.

Please consider passing either HB 283 or SB 216 this session and honoring those who have done so much for our country.

**Sincerely,**

**DON YOUNG**  
Congressman for All Alaska

**DY:tr**

**SJR**

**12**



**25<sup>th</sup> ALASKA STATE LEGISLATURE**  
**SENATE REPUBLICAN CAUCUS**  
[www.aksenateminority.com](http://www.aksenateminority.com)

SENATOR GENE THERRIAULT, MINORITY LEADER  
STATE CAPITOL, ROOM 427, 465-4797 (FAX 465-3884)

SENATOR CON BUNDE  
SENATOR FRED DYSON  
SENATOR TOM WAGONER  
SENATOR GARY WILKEN

**Fact Sheet for : Senate Joint Resolution 12**  
**Sponsor: Senator Gene Therrault**

**Contact: Heather Brakes, 465-4797**

**Short Title: Cruise Ship Port Times: Jones Act**

**Summary:**

- Asserts the Alaska Legislature's opposition to the U.S. Department of Homeland Security's proposed new interpretation of the Passenger Vessel Services Act of June 19, 1886, which would require all foreign-flagged cruise ships to stop at least 48 hours in foreign ports and that the amount of time spent in foreign ports amount to more than 50 percent of the total time spent in U.S. ports of call.
- Requests an exemption from the rule if it is adopted.
- Explains that the new rule could reduce the number of cruise ship stops in Alaska and the length of time cruise ships would stay and it could reduce or eliminate visits to some Alaskan ports.
- Clarifies that this rule change would diminish the attractiveness of Alaska as a cruise ship destination.
- Highlights the rule change's potential impact on Alaska's economy; including dramatic reduction of shore side employment and business opportunities in Alaskan communities.

**Benefits:**

- Preventing this new interpretation by Homeland Security from becoming law will protect one of the state's leading industries so crucial to our economy. The tourism industry provides approximately 40,000 jobs and significant revenue to many Alaskan-owned and operated businesses.
- Puts the Alaska State Legislature formally on record as opposing an interpretation that, if adopted, would be detrimental to our state's economy by eliminating and reducing employment and businesses in Alaska.

**Background:**

The U.S. Department of Homeland Security recently released proposed interpretations to the Passenger Vessel Services Act of June 19, 1886. Under the new interpretation, the U.S. Department of Homeland Security would require foreign flagged vessels to spend at least 48 hours in foreign ports and that amount of time spent in foreign ports would have to be more than 50 percent of the total time spent at U.S. ports of call.

The cruise ship and tourism industries are integral components of Alaska's economy. In 2007 alone, about 1 million passengers visited the state by cruise ship, typically calling at three or four ports of call. Should the new interpretation become codified in regulation, the impact on our state's economy will be significant, and particularly devastating to some coastal communities in this state. SJR 12 outlines the potential adverse impacts of the proposed interpretation and asserts the state's objection to such a change.



## MEMORANDUM

DATE: February 26, 2008  
TO: Joe Austerman, Director  
Office of Economic Development  
FROM: Caryl McConkie, Development Specialist  
Office of Economic Development  
RE: Impacts on Alaska and its communities if U.S. Customs and Border Protection (CBP) reinterprets Passenger Vessel Act.

### U.S. Customs and Border Protection Proposal

The new interpretive rule would require foreign flag ships that embark and disembark passengers from U.S. ports to (1) stop at least 48 hours in a foreign port, (2) spend an amount of time at the foreign port that is more than 50 percent of total time spent at U.S. ports of call, and (3) permit passengers to disembark at the foreign port.

### Information from Alaska Cruiseship Association and Cruiseline Agencies of Alaska

- All large cruise ships that come to Alaska are foreign flag ships.
- The voyages that would be impacted by new interpretive rule are the cruises beginning and ending in Seattle or San Francisco. It will not affect the ships originating or concluding their voyage in a foreign port such as Vancouver, BC.
- This new interpretation could be in affect for the 2008 season.
- Approximately 158 voyages and 349,000 passengers (or one third of the cruise ship passengers coming to Alaska) would be affected by the proposed change in regulations.
- Considering the distances between Southeast Alaska ports from Seattle, on a 7 day itinerary, it would only be possible to have one port call in SE Alaska and still meet the proposed criteria.
- It is speculation as to what the alternatives for the cruise lines will be; but it would be difficult to build the infrastructure in a short period of time that would be necessary to turn ships in Victoria or another Canadian port.

### Alaska Cruise Visitor Spending Statistics

- Cruise ship passengers spend an average of \$636 per person per trip in the State of Alaska (excludes price of cruise, cost of getting to and from Alaska).
- In addition to the cruise portion of the trip, 22% of all cruise visitors extend their visit to in-state land tours before and after the cruise (making arrangements through a cruise company or on their own).
- Twelve percent of all cruise visitors book extend their visit to in-state land tours before and after the cruise (making arrangements on their own). These visitors stay an average of 10.8 nights as opposed to the 8.1 night average of all cruise passengers.

Source: Alaska Office Of Economic Development, *Alaska Visitor Statistics Program, Visitor Volume and Profile, Summer 2006*, conducted by the McDowell Group.



### Alaska Office of Economic Development Assumptions and Potential Impacts

- If there is not sufficient time to build the infrastructure that would be necessary to turn ships in an alternative port for the 2008 visitor season (and possibly beyond),
- And/or visitors choose not to take an Alaska cruise that reduces time spent in Alaska by half and only stops in one Alaska port,
- Alaska would lose 349,000 cruise visitors and an estimated \$222 million in direct spending and \$17.5 million in cruise ship passenger taxes. Table 1 shows how reduced visitor spending would impact various segments of the visitor industry.
- Approximately 77,000 cruise visitors (22%) of these visitors will not extend their cruise and visit the destinations beyond the Inside Passage (assuming that there is no statistical difference in the general characteristics of visitors who begin their cruise in foreign versus non-foreign ports).
- We don't know the amount of corporate or gambling taxes lost. The first returns are due April 15<sup>th</sup> and then we could approximate them.

Table 1: Estimated Spending & Revenue Losses to Alaska

	Per Person Amount	Passengers	Total Amount
<b>In State Spending (total)</b>	<b>\$ 636</b>	<b>349,000</b>	<b>\$221,964,000</b>
Tours/Activities Only	\$ 237	349,000	\$ 82,713,000
Gifts/Souvenirs Only	\$ 217	349,000	\$ 75,733,000
Lodging Only	\$ 16	349,000	\$ 5,584,000
Food/Beverage	\$ 40	349,000	\$ 13,960,000
Cars/Fuel/Transportation	\$ 8	349,000	\$ 2,792,000
<b>Cruise Passenger Taxes</b>	<b>\$ 50</b>	<b>349,000</b>	<b>\$ 17,450,000.00</b>

Sources:

Visitor Spending: Alaska Office Of Economic Development, *Alaska Visitor Statistics Program, Visitor Volume and Profile, Summer 2006*, conducted by the McDowell Group

Passenger Numbers: Alaska Cruise Association, Cruise Line Agencies of Alaska

### Estimated Losses by Various Port Communities

Table 2: 2007 Passenger Numbers and Estimated 2008 Losses (if CBP adopts new rule)

Port of Call	2007 Cruise Ship Passengers	Loss of Port Calls in 2008	Loss of Passengers in 2008	Loss of Direct Spending in 2008	Loss of Sales Tax in 2008
Haines	27,659	All	27,659	NA	NA
Juneau	1,015,384	175	368,370	\$68 m.	\$3.4 m.
Ketchikan	899,638	158	334,370	\$53 m.	NA
Point Sophia (Hoonah)	159,963	NA	NA	NA	NA
Seward	156,014	NA	NA	NA	NA
Sitka	233,236	64	110,000	\$9.24	\$554,000



STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Sarah Palin, Governor*  
*Emil Notti, Commissioner*  
*Joe Austerman, Director*

Port of Call	2007 Cruise Ship Passengers	Loss of Port Calls in 2008	Loss of Passengers in 2008	Loss of Direct Spending in 2008	Loss of Sales Tax in 2008
Skagway	820,629	100	230,000	NA	NA
Whittier	225,071	NA	NA	NA	NA
Wrangell	5,192	NA	NA	NA	NA

Note: Limited information. Does not include potential impacts to communities beyond Southeast Alaska.

Sources:

Cruise Line Agencies of Alaska (2007 Cruise Ship Passengers)

Other information on losses (passenger, direct spending and sales tax estimates) provided by individual communities (see below) in their comments to US Customs and Border Protection posted at <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=USCBP-2007-0098>

- Haines Chamber of Commerce (Also estimates that 140 businesses impacted directly or indirectly. States that if there is any change in itineraries for the ships, Haines is the first one to lose ship calls.)
- City & Borough of Juneau
- Juneau Economic Development Council (Also estimates that 1,000 direct jobs and 3,000 indirect jobs affected in Southeast Alaska.)
- Ketchikan Visitors Bureau and the Ketchikan Gateway Borough
- The City & Borough of Sitka
- Municipality of Skagway

SPECULATIVE POSITION LIMITS<sup>1</sup>—Continued

[In contract units]

Contract	Spot month	Single month	All months
Soybeans and Mini Soybeans <sup>2</sup>	600	8,600	13,300
Wheat and Mini-Wheat <sup>2</sup>	600	11,100	14,500
Soybean Oil	540	6,600	8,600
Soybean Meal	720	5,500	7,100
<b>Minneapolis Grain Exchange</b>			
Hard Red Spring Wheat	600	11,100	14,500
<b>New York Board of Trade</b>			
Cotton No. 2	300	5,300	7,300
<b>Kansas City Board of Trade</b>			
Hard Winter Wheat	600	11,100	14,500

<sup>1</sup> For purposes of compliance with these limits, positions in a futures contract that shares substantially identical terms with a contract market enumerated herein, including a futures contract that is cash-settled based on the settlement price of an enumerated contract market, shall be aggregated with positions in the enumerated contract market.

<sup>2</sup> For purposes of compliance with these limits, positions in the regular-sized and mini-sized contracts shall be aggregated.

Issued by the Commission this November 15, 2007, in Washington, DC.  
David Stawick,  
Secretary of the Commission.  
IFR Doc. E7-22681 Filed 11-20-07; 8:45 am  
BILLING CODE 6351-01-P

## DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Part 4

[USCBP-2007-0098]

### Hawaiian Coastwise Cruises

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Proposed interpretation; solicitation of comments.

**SUMMARY:** This document proposes new criteria to be used by Customs and Border Protection ("CBP") to determine whether non-coastwise-qualified vessels are in violation of the Passenger Vessel Services Act (PVSA) when engaging in cruise itineraries in which passengers board at a U.S. port, the vessel calls at several Hawaiian ports, and then the vessel proceeds to a foreign port or ports for a brief period, before ultimately returning to the original U.S. port of embarkation where the passengers disembark to complete their cruise. CBP believes these itineraries are contrary to the PVSA because it appears that the primary objective of the foreign stop is evasion of the PVSA.

**DATES:** Comments must be received on or before December 21, 2007.

**FOR FURTHER INFORMATION CONTACT:** Glen E. Vereb, Cargo Security, Carriers & Immigration Branch, Office of International Trade, (202) 572-8730

**ADDRESSES:** You may submit comments, identified by docket number, by one of the following methods:

- *Federal eRulemaking Portal*, <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail*, Border Security Regulations Branch, Office of International Trade, Customs and Border Protection, 1300 Pennsylvania Avenue, NW, (Mint Annex), Washington, DC 20229

#### SUPPLEMENTARY INFORMATION:

#### I. Public Participation

Interested persons are invited to participate in this proposed interpretation by submitting written data, views, or arguments on all aspects of the proposed interpretation. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed interpretation. Comments that will provide the most assistance to CBP in developing these procedures will reference a specific portion of the proposed interpretation, explain the reason for any recommended change, and include data, information, or authority that support such recommended change.

**Instructions:** All submissions received must include the agency name and docket number for this proposed

interpretation. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>. Submitted comments may also be inspected on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Office of International Trade, Customs and Border Protection, 799 9th Street, NW, 5th Floor, Washington, DC. Arrangements to inspect submitted documents should be made in advance by calling Mr. Joseph Clark at (202) 572-8768.

#### II. Background

The maritime cabotage law governing the transportation of passengers was first established by section 8 of the Passenger Vessel Services Act of June 19, 1886 (the "PVSA"), 24 Stat. 81, as amended by section 2 of the Act of February 17, 1898, 30 Stat. 248, formerly codified at 46 U.S.C. App. 289 (now codified at 46 U.S.C. 55103). That statute provided that no foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of \$200 (now \$300, as promulgated in T.D. 93-11 pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note) for each passenger so transported and landed.

The intent of the maritime cabotage laws, including the PVSA, was to provide a "legal structure that guarantees a coastwise monopoly to

American shipping and thereby promotes development of the American merchant marine." *Autolog Corp. v. Hegan*, 731 F.2d 25, 28 (DC Cir. 1984); see also *The Granada*, 35 F.Supp. 892, 893, 1940 AMC 1601 (DC Pa. 1940) (stating that the legislative aim of section 289 (now 55102) was the creation of a practical monopoly of coastwise and domestic shipping business for United States ships). In other words, the PVSA was enacted to advance the United States merchant marine and fleet by restricting the use of foreign-owned/flagged passenger vessels in United States territorial waters.

Passenger vessel transportation between United States ports has historically been viewed to be part of the coastwise trade after the enactment of the PVSA. This view is premised on the concepts of continuity of the voyage and whether its *intended purpose or objective* was coastwise transportation. In other words, the PVSA was held to be violated if the coastwise movement was continuous or if the purpose of the trip was a coastwise voyage. (See 18 O.A.G. 445, September 4, 1886; 28 O.A.G. 204, February 16, 1910; 29 O.A.G. 318, February 12, 1912; 30 O.A.G. 44, February 1, 1913; 34 O.A.G. 310, December 24, 1924; and 36 O.A.G. 352, August 13, 1930.)

The CBP regulations promulgated pursuant to the PVSA are found at section 4.80a of title 19 of the Code of Federal Regulations (19 CFR 4.80a) and are reflective of the above cited Office of the Attorney General decisions. These regulations provide, among other things, that a non-coastwise-qualified vessel which "embarks" a passenger at a port in the United States embraced within the coastwise laws (a "coastwise port") will be deemed to have landed that passenger in violation of the PVSA if the passenger "disembarks" at a different coastwise port on a voyage to one or more coastwise ports and a "nearby foreign port or ports" (as defined in 19 CFR 4.80a(a)(2); see also 19 CFR 4.80a(b)(2)). The terms "embark" and "disembark" are words of art which are defined as going on board a vessel for the duration of a specific voyage, and leaving a vessel at the conclusion of a specific voyage, respectively. (See 19 CFR 4.80a(a)(4).)

The references in section 4.80a to "nearby foreign ports" (defined in 19 CFR 4.80a(a)(2)) are the results of attempts by CBP to apply an Office of the Attorney General's opinion dated February 26, 1910 (28 O.A.G. 204). In that case, a foreign-flag vessel transported 615 passengers on a voyage around the world, beginning in New

York and concluding in San Francisco. The Attorney General opined that since the primary object of the voyage was to visit various parts of the world on a pleasure tour returning home via California, and not to be transported in domestic commerce, the transportation was not in violation of the PVSA.

The 1910 Attorney General's opinion was extended to voyages that included foreign ports other than nearby foreign ports. (See Treasury Decision (T.D.) 68-285 (33 FR 16558), November 14, 1968.) However, voyages solely to one or more coastwise ports have always been considered predominantly coastwise. Therefore non-coastwise-qualified vessels engaging in such a voyage where passengers temporarily go ashore at a coastwise port have been deemed to have violated the PVSA.

### III. Current Law and Policy

Pursuant to Public Law 109-304, 120 Stat. 1632, enacted on October 6, 2006, Title 46, United States Code, was substantially reorganized and recodified. Consequently, the PVSA is now codified at 46 U.S.C. 55103 and provides that no vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of \$300 for each person so transported and landed, except one that: (1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and (2) has been issued a certificate of documentation with a coastwise endorsement or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

In 2003, Congress enacted Public Law 108-7, Division B, Title II, Section 211, for the purpose of revitalizing the oceangoing U.S.-flag cruise industry in Hawaii (the "2003 Act"). Three oceangoing U.S.-flag cruise ships, PRIDE OF ALOHA, PRIDE OF AMERICA and PRIDE OF HAWAII, were documented with coastwise privileges pursuant to the 2003 Act. These vessels entered regular service in Hawaii in 2004, 2005 and 2006, respectively, and pursuant to the express language of the 2003 Act, are limited in their operation to providing " . . . regular service transporting passengers between or among the islands of Hawaii . . . "

The CBP regulations promulgated pursuant to the PVSA are set forth in 19 CFR 4.80a and have remained unchanged throughout both the recodification of Title 46 of the United States Code and the enactment of the 2003 Act. They provide that a violation of the PVSA occurs when passengers "embark" (board a vessel for the

duration of a voyage) a non-coastwise-qualified vessel at one U.S. port, and "disembark" (leave the vessel at the conclusion of a voyage) at a different U.S. port, unless they proceed with the vessel to a "distant foreign port" (i.e., any port not considered a "nearby foreign port" which is defined as any port located in North America, Central America, Bermuda, or the West Indies including the Bahamas). Currently, these regulations do not contain specific criteria for non-coastwise-qualified vessels on itineraries including U.S. ports and either "nearby" or "distant" foreign ports in order for such foreign port calls to be compliant with the PVSA.

To reiterate, the applicable CBP regulations provide that the PVSA is violated when a non-coastwise-qualified vessel transports a passenger on a voyage solely to one or more coastwise ports and the passenger disembarks or goes ashore temporarily at a coastwise port. (19 CFR 4.80a(b)(1).) Furthermore, a violation of the PVSA also occurs when a non-coastwise-qualified vessel transports a passenger on a voyage to one or more coastwise ports and a nearby foreign port or ports (but no other foreign port) and the passenger disembarks at a coastwise port other than the port of embarkation. (19 CFR 4.80a(b)(2).) However, there is no violation of the PVSA when a passenger is on a voyage to one or more coastwise ports and a distant foreign port or ports (whether or not the voyage includes a nearby foreign port or ports) and the passenger disembarks at a coastwise port, provided the passenger has proceeded with the vessel to a distant foreign port. (19 CFR 4.80a(b)(3).)

### IV. Request From MARAD To Provide Guidance

The U.S. Department of Transportation Maritime Administration (MARAD) has requested that CBP take action to ensure enforcement of the PVSA. MARAD has asked CBP to address the recent activities of foreign-flag passenger vessels in the Hawaiian Islands that are imposing economic hardship on the operations of coastwise-qualified cruise ship operators.

In April of 2007, the operator of the three U.S.-flag cruise vessels operating solely in Hawaii pursuant to the 2003 Act announced their intent to withdraw the PRIDE OF HAWAII from the Hawaii market and redeploy her to Europe. The operator intends to re-flag the vessel to foreign registry, directly resulting in the loss of over 1,100 crewmember jobs. The primary reason cited for this decision is the rapid increase in foreign-flag competition entering the Hawaii market

from the West Coast. This competition is evidenced in published cruise itineraries of foreign-flag carriers offering a variety of round trip cruises that depart from a U.S. port, call at several Hawaiian ports, then proceed to Ensenada, Mexico for a brief period, usually in the early morning, and ultimately return to the original U.S. port of embarkation where the passengers disembark to complete their cruise. These cruises are often marketed as "Hawaii cruises" and except for the brief stop in the nearby foreign port of Ensenada, are purely coastwise in nature. It is these cruise itineraries that pose an imminent threat to the two remaining U.S.-flagged, coastwise endorsed passenger vessels that, pursuant to the 2003 Act, are currently engaging in cruise itineraries that include only ports of call within the Hawaiian Islands.

#### V. Preliminary Notice

In response to MARAD's concerns, CBP sent letters to two carriers known to operate the itineraries in question, as well as to the Cruise Lines International Association, Inc., stating that CBP believes that these itineraries are contrary to the PVSA because it appears that the primary objective of the Ensenada stop is evasion of the PVSA. The letters further indicated that CBP is taking steps to publish this position.

#### VI. CBP's Proposed Interpretive Rule

Accordingly, in this document, CBP is proposing to provide that cruise itineraries for non-qualified coastwise vessels which allow passengers to board at a U.S. port, call at several Hawaiian ports, proceed to a foreign port or ports for a brief period, and then ultimately return to the original U.S. port of embarkation for disembarkation are not consistent with the PVSA and the regulations promulgated pursuant thereto. Specifically, CBP interprets a voyage to be "solely to one or more coastwise ports" even where it stops at a foreign port, unless the stop at the foreign port is a legitimate object of the cruise. CBP will presume that a stop at a foreign port is not a legitimate object of the cruise unless:

- (1) The stop lasts at least 48 hours at the foreign port;
- (2) The amount of time at the foreign port is more than 50 percent of the total amount of time at the U.S. ports of call, and
- (3) The passengers are permitted to go ashore temporarily at the foreign port.

Accordingly, CBP proposes to adopt an interpretive rule under which it will presume that any cruise itinerary that does not include a foreign port call that

satisfies each of these three criteria constitutes coastwise transportation of passengers in violation of 19 CFR 4.80a(b)(1).

Date: November 16, 2007.

W. Ralph Basham,

Commissioner, Customs and Border Protection

(E-mail: [W.R.Basham@cbp.dhs.gov](mailto:W.R.Basham@cbp.dhs.gov))

BILLING CODE 9111-14-P

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

(Notice No. 76)

RIN 1513-AB49

#### Proposed Establishment of the Leona Valley Viticultural Area (2007R-281P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau proposes to establish the 13.4 square mile "Leona Valley" viticultural area in the northeast part of Los Angeles County, California. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. We invite comments on this proposed addition to our regulations.

**DATES:** We must receive written comments on or before January 22, 2008.

**ADDRESSES:** You may send comments on this notice to one of the following addresses:

- <http://www.regulations.gov> (Federal e-rulemaking portal; follow the instructions for submitting comments); or

- Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412.

See the Public Participation section of this notice for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this notice, selected supporting materials, and any comments we receive about this proposal at <http://www.regulations.gov> under Docket No. 2007-0066. You also may view copies of this notice, all related petitions, maps, or other supporting materials, and any comments we receive about this

proposal by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. To make an appointment, call 202-927-2400.

**FOR FURTHER INFORMATION CONTACT:** N.A. Sutton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 925 Lakeville St., No. 158, Petaluma, CA 94952; phone 415-271-1254.

#### SUPPLEMENTARY INFORMATION:

##### Background on Viticultural Areas

##### TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the regulations promulgated under the FAA Act.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

##### Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

##### Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party

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WWW.GOV.STATE.AK.US

December 20, 2007

Mr. Glen E. Vereb  
Border Security Regulations Branch  
Office of International Trade  
Customs and Border Protection  
1300 Pennsylvania Avenue, NW (Mint Annex)  
Washington, DC 20229

Re: Proposed Rule Interpretation  
Docket No. USCBI - 2007 - 0098

Dear Mr. Vereb:

Please clarify immediately whether the Bureau of Customs and Border Protection's (Bureau) proposed Hawaiian Coastwise Cruises rule interpretation will apply to Alaska cruises. The State of Alaska, its residents, and its businesses are particularly worried about the provisions that would require cruise vessels to spend at least 48 hours in a foreign port and that the amount of time spent in a foreign port has to be more than 50 percent of the total amount of time spent at U.S. ports of call. These two requirements would significantly damage Alaska's tourism industry.

I believe the Customs and Border Protection's proposed rule interpretation should not apply to Alaska cruises, for reasons I will explain later in this letter. However, if the proposed rule interpretation is intended to apply to Alaska, I ask the agency to withdraw its proposal and conduct a thorough regulatory impact review. As part of such a review, the Bureau should allow the state and the public a reasonable time to submit comments. The 30-day comment period allotted for the abbreviated process now under way is woefully inadequate.

A full regulatory impact review should go beyond the minimum requirements in federal law that agencies study, consider, and interpret statutes in a way that minimizes the impact on small businesses of changes to regulations (Regulatory Flexibility Act of 1980 and Small Business Regulatory Enforcement Act of 1996). It should include a

Mr. Glen E. Vereb  
December 20, 2007  
Page 2

detailed and thorough analysis of all impacts on the State of Alaska, its municipalities, particularly those serving as ports of call, and Alaska businesses.

Unfortunately, it's impossible to determine from the notice in the Federal Register whether the Bureau even intends for its new interpretation to apply to Alaska cruises. That uncertainty, which leads to the fear that the rule could apply to Alaska, has caused a lot of anguish in coastal communities dependent on cruise travelers for their economic health. I hope it turns out that the worries were unnecessary.

This proposal would create costly problems in Alaska. Business owners and communities have invested heavily in tourism ventures to serve the million-plus cruise ship passengers and crew who visit our state each year. The cruise industry is a huge part of the economy.

The industry bases its ships in Seattle and Vancouver, British Columbia, during the summer months, mostly operating seven-day cruises with stops at several Alaska ports of call. This has worked well for Alaska, for domestic and international travelers, for the cruise companies, and especially for Seattle, which now serves as homeport for almost half of the traffic. Cruise lines have already booked not only 2008 summer cruises to Alaska, but also have started with 2009 scheduling. Such a severe and short-notice change in itineraries as would be required under this proposal could create havoc for communities, travelers, and the industry.

The proposed rule interpretation, aimed at Hawaiian Coastwise Cruises, would be a dramatic and abrupt shift in policy for the Bureau of Customs and Border Protection if it were applied to Alaska cruises. Taking something that is working well and changing it -- much less on 30-days notice -- is not reasonable public policy.

The confusion over the proposal's applicability to Alaska is obvious in the public notice. The first paragraph talks only about vessels calling at Hawaiian ports, and much of Section III (Current Law and Policy) addresses the history of law and regulation as they relate specifically to Hawaii. Section IV (Request from MARAD to Provide Guidance) also talks only about Hawaiian Coastwise Cruises, and Section VI (CBP's Proposed Interpretive Rule) also refers to Hawaii. Yet what worries Alaska is that Section VI could also be read to cover Alaska cruises, and the last paragraph of Section III makes no distinction at all when it says what is and isn't a violation of the Passenger Vessel Services Act. A clarification is in order and, hopefully, could eliminate Alaska's worries.

Mr. Glen E. Vereb  
December 20, 2007  
Page 3

The situation in Hawaii is different than in the Alaska cruise trade, and I believe it is reasonable to allow the continuation of Alaska cruises from Seattle with a legitimate stop at a British Columbia port -- a real port of call, where passengers stay for much of the day and disembark the ship. Further, the 2003 congressional action cited in the notice of rule interpretation (Public Law 108-7, Division B, Title II, Section 211) specifically excludes Alaska and Caribbean cruises. It applies only to Hawaiian Coastwise Cruises and the vessels engaged in those cruises. All of which makes me wonder why the Bureau would even be looking at Alaska cruises? In its request that the Bureau confront the issue of Hawaiian Coastwise Cruises, the U.S. Department of Transportation Maritime Administration said recent activities of foreign-flag vessels were imposing economic hardship on coastwise-qualified, U.S.-flag vessels providing Hawaiian cruises. No such problem exists in Alaska, reinforcing the argument that there is nothing to fix in regard to Alaska cruises.

In addition, the Bureau's notice in mid-August to two Hawaiian cruise operators that it was looking at the issue of coastwise vessels falls far short of adequate notice to Alaska -- if in fact it is the Bureau's intention to impose its Hawaii "fix" on Alaska. The official notice in the Federal Register on November 21 was the first public word of the proposed rule interpretation.

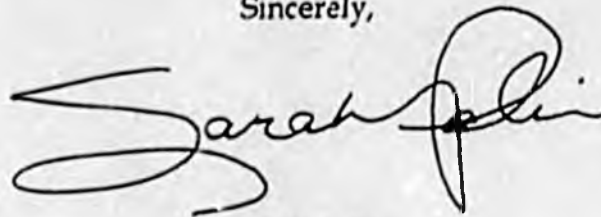
I mention it above, but will repeat it again for emphasis. If the Bureau insists on applying its Hawaii interpretation to Alaska, then it should at the least withdraw its proposal and undertake a much more thorough review of the issues. Such as:

- Is it reasonable to apply the same rule interpretation to Alaska as Hawaii? Are there different circumstances in the two operations?
- How could cruise lines meet the proposed requirements (a 48-hour port call in Canada and spending at least half of each cruise's port time in Canadian ports) without canceling out hundreds of stops in Alaska ports and damaging communities statewide? After sailing time to Alaska and at least 48 hours in port in Canada, there would not be much of Alaska left in a seven-day Alaska cruise.
- What would be the economic damage to Alaska communities and businesses from the proposed interpretation?
- Would a negotiated rule-making process produce a better result than an edict under a 30-day notice?

Mr. Glen E. Vereb  
December 20, 2007  
Page 4

Thank you for your consideration of my comments. Again, I ask that you either clarify that Alaska cruises are excluded from the Hawaiian coastwise vessels interpretation, or withdraw the proposed rule interpretation, perform a thorough review of the impacts, and then follow the normal federal rule-making process, including the opportunity to comment. This process is necessary to ensure adequate consideration of all the economic issues at stake.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Palin". The signature is fluid and cursive, with a large initial "S" and a distinct "P" for "Palin".

Sarah Palin  
Governor

cc: The Honorable Ted Stevens, United States Senate  
The Honorable Lisa Murkowski, United State Senate  
The Honorable Don Young, United States House of Representatives  
W. Ralph Basham, Commissioner, Customs and Border Protection  
John Katz, Director, State of Alaska Office of the Governor, Washington, D.C.

December 21, 2007

Border Security Regulations Branch,  
Office of International Trade,  
Customs and Border Protection,  
1300 Pennsylvania Avenue, NW., (Mint Annex),  
Washington, DC 20229

The Board of Directors of the Alaska State Chamber of Commerce wishes to go on record opposing the proposed US Customs and Border Protection (CBP) new criteria to determine if foreign-flagged passenger vessels are in violation of the Passenger Vessel Services Act (PVSA). While intended to solve a problem in Hawaii, the proposed "Interpretation" of Regulations does not specifically limit the requirements to Hawaii cruises from U. S. Ports. The requirements for cruise ships to stop at Foreign Ports appear to cover any voyages and could be interpreted to impact round-trip voyages to Alaska from Seattle, Washington.

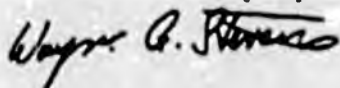
Approximately 158 voyages and 349,000 passengers would be affected by the new CBP proposed change in regulations. This is roughly one third of the cruise passengers coming to Alaska. The voyages impacted are those cruises beginning and ending in Seattle or San Francisco. On a seven day itinerary considering the distances to ports in Southeast Alaska from Seattle it is only possible to have one port call in Southeast Alaska and still meet the three proposed criteria. This will not affect the ships originating or concluding their voyage in a foreign port such as Vancouver, BC. The loss of business in Alaskan ports would be devastating to our communities and delicate economy. This interpretation could be in affect for the 2008 season. The loss of jobs, businesses, revenue and taxes would be crippling to our region.

If cruise ships were required to make foreign port calls of 48 hour and to spend 50% of port time in foreign ports on round-trip voyages from Seattle to Alaska, it would make the existing seven-day itineraries impossible to operate. The only alternative would be for ships to spend less time in Alaska ports and more time in Canadian ports. This would harm Alaska.

Any final rule interpreting the regulations should require Foreign Port calls to last at least 8 hours and that only one such stop be required in any single itinerary. The proposed changes to regulations appear to be a significant departure from industry practice, not an interpretation of existing regulations. No ships call in Alaska or Canadian ports for 48 hours.

The Board of Directors of the Alaska State Chamber urges you to proceed with great caution. The solution to a problem in Hawaii will have significant detrimental impact to Alaska and its cruise industry. Thank you for your careful consideration and thoughtful deliberations on this complex issue.

Yours in economic prosperity,



Wayne A. Stevens  
President/CEO

