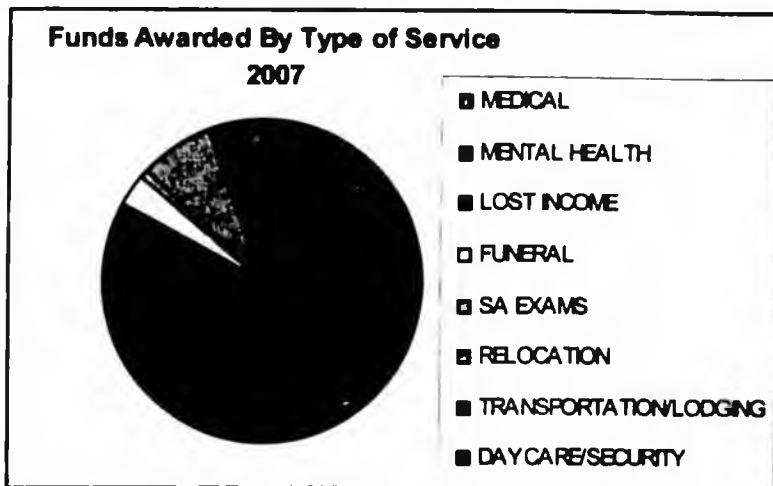


ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SSTA 12756



SERVICE	AMOUNT
MEDICAL	\$432,431.92
MENTAL HEALTH	\$70,473.63
LOST INCOME	\$597,343.45
FUNERAL	\$42,762.09
SA EXAMS	\$10,092.89
RELOCATION	\$99,030.35
TRANSPORTATION/LODGING	\$40,413.96
DAYCARE/SECURITY	\$34,956.02
<b>TOTAL</b>	<b>\$1,327,334.31</b>

### AWARD TREND 2007

During this reporting period, the medical costs awarded by the Board were the lowest in eight years or more. The Board continued to negotiate settlements on medical costs in excess of five thousand dollars and to seek payment by other possible sources first. The amount paid for counseling and mental health treatment was also the lowest in eight years. The Board continued its policy of limiting counseling sessions to one hundred dollars per session and to ensure other sources of payment paid first.

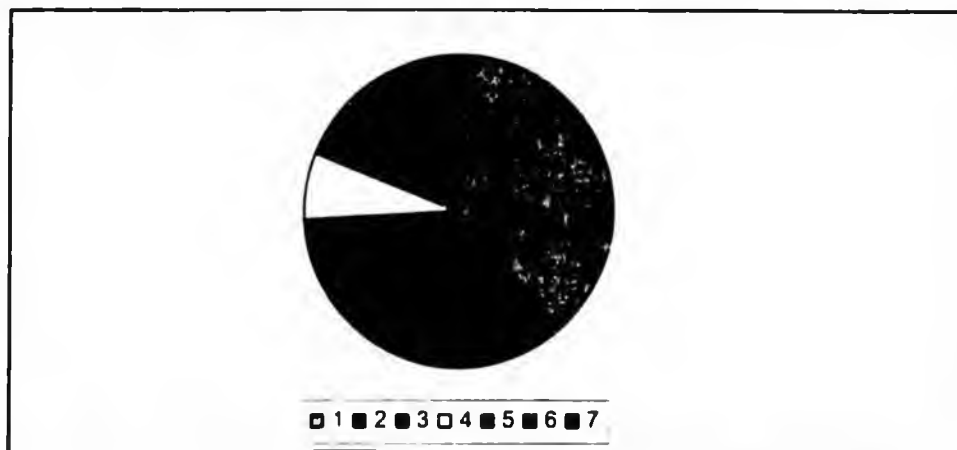
During 2007, the Board awarded more lost income than the prior year and of the past eight award years, 2007 ranked as the second highest in loss of income awards. The Board formally adopted the policy of awarding lost income before medical costs during this reporting period. For example, if an eligible claimant submitted documentation

providing evidence of more than forty thousand dollars in lost wages due to the injury incurred and more than forty thousand in related medical expenses, by policy the Board will award the lost wages first.

During the reporting period, the Board awarded slightly more sexual assault examination related costs and an average amount on funeral related costs. There was an approximate fifty percent decrease in relocation related expenses awarded over the prior year and the lowest amount awarded for these losses since the Board adopted the policy of making this type of award. There was also a drop in transportation and lodging related reimbursements. This decline is the result of stringent documentation requirements placed on Board awards during this reporting period.

Overall, awards made in 2007 were slightly higher than in 2006 and slightly above average. It was the first year that the Board awarded losses for services such as daycare and security.

### FUNDS AWARDED BY TYPE OF CRIME



1	ASSAULT	2	DV ASSAULT	3	HOMICIDE
4	SEXUAL ABUSE	5	CHILD ABUSE/SAM	6	DUI/DWI
7		7	OTHER (Robbery, Kidnapping, Arson, Terrorism)		

### AWARD TREND 2007

During the reporting period, thirty-six percent more funding was paid out to or on behalf of assault victims over the prior year and twenty-seven percent more on behalf of homicide victims and their families. The period saw a reduction in awards made on behalf of domestic violence victims, sexual abuse of minor victims, and victims of DUI

crashes.

In comparison to awards statistics over the last eight years, here then average awards were made to and on behalf of families of homicide victims, sexual abuse of minor and sexual assault victims in 2007. The percentage of the budget awarded on behalf of each type of crime victim has remained relatively stable over the course of the last eight years. In 2007, thirty-nine percent of the total awarded was paid out to or on behalf of assault victims, twenty-nine percent on behalf of homicide victims, fifteen percent on behalf of sexual assault and sexual abuse of minor victims, eight percent on behalf of victims of DUI drivers, six percent on behalf of victims of domestic violence, and the remaining three percent on behalf of victims of robbery, stalking, terrorism, arson, kidnapping, and other violent crimes.

### Negotiated Settlements

In SFY07, the Violent Crimes Compensation Board continued practices designed to ensure the success of the development and establishment of the Victim Restoration Program. This program ensures the maximization of limited resources through receipt of restitution, subrogation, and settlement agreements. Board staff began to identify extraordinary medical costs on an individual services/provider basis. During the time period of this report, staff negotiated agreements with medical providers to accept partial payments as payment in full.

The purpose of the negotiations is two-fold. First, negotiating settlements ensures innocent victims of violent crimes are not further traumatized by being penalized with late payments or for debt transference to collection agencies. In addition, garnering agreements with providers to accept partial payments as payment in full stretches the Board's limited resources to serve more victims and claimants eligible for compensation under Alaskan law.

During this time period, Board staff successfully negotiated twenty medical bills for a total savings of \$207,791.76. This was an almost 300% increase in the number of negotiations and 763% increase in the amount saved.

### FUNDING SOURCES/RESTORATIVE JUSTICE

The state's violent crimes compensation program is funded through both state and federal funds. Approximately 56% of the amount awarded annually in compensation comes from a legislative appropriation of state funds. These state funds are currently available because Permanent Fund dividends are withheld from certain persons convicted of crimes in Alaskan courts and earmarked for use by victim-focused programs such as the crime victim compensation program.

In 1984, federal legislation established a Crime Victims Fund. Monies from this fund are available for distribution by state compensation programs. Alaska's compensation program must qualify annually for federal grants and has done so successfully since the federal fund's inception. Approximately 44% of the funds awarded annually come from this fund.

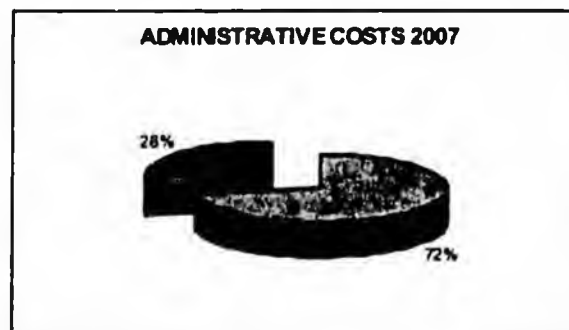
In 1996, Board staff began tracking unrestricted revenues paid to the Board, but unavailable for award to victims. This court ordered restitution, income from inmates working in correctional industries programs, and refunds from the exercise of the state's subrogation rights could provide additional state funds for award to victims and their service providers. Adopting the principles of restorative justice, the Board is committed to condemning the criminal act and holding offenders accountable. The Board understands that a violent criminal act is an act against individuals and not just against the community or the State. Therefore, Board staff continue to track and monitor offender restitution to the Board. The Board continues to seek support for the legislation necessary to implement a State Crime Victim Compensation Fund.

### MINOR TRUSTS

During the time period of this report, the Board moved the monies that were being held on behalf of minor dependents of homicide victims into interest bearing money market accounts. This facilitated the establishment of additional "minor trusts" and as of the close of this reporting period, the Board had established twenty-three such accounts in the total amount of \$470,403.70. Annual payments are generated out of these accounts and sent directly to the legal guardians of the minor child to replace lost support.

### FUNDING SOURCES AND ACTUAL EXPENDITURES

The greatest portion of the compensation program's budget serves eligible innocent victims directly. Awards are made to compensate expenses and losses. The following chart illustrates the Board's commitment to keeping administrative costs at a minimum which enables maximum compensation to victims for eligible costs. This practice makes more funds available for direct award to victims and their service providers.



Administrative Costs are 26% of the programs budget.

## **BOARD PROCEDURES**

The VCCB is composed of three members appointed by the Governor and confirmed by the legislature. By statute, one member is a medical or osteopathic physician licensed to practice in the state and one member is an attorney. Prior to recent legislative action, the medical doctor and attorney member were statutorily required to be actively practicing their profession. The Board recognized that this limitation disqualified a tremendous potential resource for victims. Therefore, the Board sought the support of the administration and state legislature to change the law. The Board was successful and the law has been changed. The law now allows retired doctors and attorneys to serve on the Board. Members of the Board receive no salary, and their only compensation is in the knowledge that they have served innocent victims.

The Board administrator makes recommendations on all determinations and has the authority to close certain types of claims. The Board meets four to six times in a calendar year to consider all pending claims and claims up for additional consideration. All Board decisions are final except as otherwise noted.

The Board has the legal authority to appoint one or more hearing officers to conduct hearings. During this reporting period, the Board utilized the services of the Department of Administration, Office of Administrative Appeal, Administrative Law Judge(s). All appeals follow a prescribed legal process. For further information, please visit our website at [www.state.ak.us/admin/vccb](http://www.state.ak.us/admin/vccb) or contact Board staff for a copy of the Legal Appeal Pamphlet.

The Administrative Law Judge and the Board Administrator act in concert to ensure all pertinent information and testimony are included in the hearing record. The Administrative Law Judge reports his or her findings of fact and conclusions of law to the Board and the Board acts based upon due consideration of the report and the evidence. The authority for final decisions rests with the Board.

The Board may appoint and fix the duties of personnel necessary to carry out its functions. In 2006, day-to-day program management was performed by Susan Browne, Administrator, and staff.

## OUTREACH

The Board continues to work with law enforcement, victim assistance agencies, prosecuting officials, service providers and other persons and agencies to ensure crime victims are informed of their rights to compensation under Alaskan law. In 2007, outreach efforts focused upon the formation of the Helping Hands – Healing Hearts Victim Recovery Project Working Committee.

### **HELPING HANDS - HEALING HEARTS VICTIM RECOVERY PROJECT WORKING GROUP**

**Mission:** The mission of the **Helping Hands-Healing Hearts Victim Recovery Working Group** is to facilitate communication and cooperation between government, secular victim service, faith based and community organizations to promote crime victim advocacy by faith based and community organizations while ensuring crime victims have informed and complete access to victim recovery services.

**Partners:** The **Alaska Office of Victims' Rights (OVR)** is a state government agency of the Alaska Legislature. The mission of OVR is to provide legal service and advocacy to protect the legal rights of crime victims during the criminal process. When a victim believes a legal right has been or may be denied, the OVR provides legal services free of charge, upon request, to a victim of a felony crime and to victims of Class A misdemeanor crimes of domestic violence and crimes against a person. For more information contact the OVR at 1 (866) 274-2620 (toll-free within Alaska) or go to [www.ovr.legis.state.ak.us](http://www.ovr.legis.state.ak.us)

The mission of the **Alaska Office of Faith-Based and Community Initiatives (OFBCI)** created by Administrative Order in 2004 and housed in Department of Health and Social Services is to foster partnerships between and among government, faith and community Groups, build the capacity of faith-based and community organizations, and to expand awareness by educating government agencies, faith-based and community organizations and the public about FBCI contributions, opportunities and issues that impact Alaskans in need.

The mission of the **State of Alaska, Department of Administration, Violent Crimes Compensation Board (VCCB)**

established by legislative act in 1973 is to assist crime victims and their families in the recovery process through the restoration of stability and the mitigation of financial loss. The VCCB can be contacted toll free at 1-800-764-3040, on-line at [state.ak.us/local/akpages/ADMIN/vccb/](http://state.ak.us/local/akpages/ADMIN/vccb/) or by mail at PO Box 110230, Juneau, AK. 99811-0230.

The mission of the **Municipal (Anchorage) Department of Health and Human Services' Interpersonal Violence Prevention Program (DHHS/IVP)** is to coordinate with the community to develop prevention and intervention strategies in the areas of interpersonal violence, which includes domestic violence, sexual assault, and child abuse and neglect. The program is housed in the Administration Division, under the direction of the Deputy Director.

The mission of **Victims for Justice (VFJ)** is to serve victims of violent crime and the survivors of homicide victims. VFJ is a non-profit organization that provides services and advocacy to victims of violent crime, such as grief support, court accompaniment, assistance with Victim Impact Statements and more.

In April, 2007, during Alaska's Crime Victims' Rights' Week, the committee hosted the first annual Helping Hands – Healing Hearts Victim Recovery Project conference. The Board distributed information to a wide variety of audiences and provided specialized training to Council on Domestic Violence and Sexual Assault programs.

The Board continued to spearhead efforts to highlight victims' rights by sponsoring several events during Crime Victims' Rights Week.

To obtain program brochures, order posters for display or a copy of the program's training video, call the Board at 800-764-3040, or from Juneau call 465-3040. In addition, the State of Alaska Violent Crimes Compensation Board Mental Health Treatment Guidelines publication is also available at no charge.

## **CLAIMS PROCESSING**

When a claim is received, minimum eligibility is determined as soon as possible. The claim must be related to one of the crimes listed by statute as compensable. The crime must have been reported to proper authorities within five days of the incident or as soon as it could reasonably have been reported. By statute, the application must have been received by the Board within two years of the incident. However, the Board has the discretionary authority to waive the time filing requirement with just cause. The claimant must have agreed to the state's repayment and subrogation agreement and must have given permission to the compensation program to seek and exchange necessary information.

Usually the same day an application is received, claim documentation begins and requests for information are sent to hospitals, doctors, employers, and other pertinent sources. The purpose of the information gathering process is to ensure claim compliance with all statutory requirements.

Staff maintains a close liaison with relevant law enforcement agencies and District Attorney's offices through out the claim verification process. The losses which may be compensated are listed in Alaskan law (AS 18.67). The losses must be a direct result of the crime on which the claim is based. Other collateral sources such as Workers' Compensation, Social Security, and medical insurance are considered, as the Board awards compensation only for expenses and losses not covered through other sources.

Once the Administrator has certified the file as complete, she reviews the claim and prepares a recommendation to the Board. All claim decisions except for emergency award requests are made at Board meetings. The Board makes the claim determination and may conclude any of the following:

- ◆ The claim cannot be determined due to lack of documentation, and repeated requests for further information have yielded no results – claim is deferred;
- ◆ The claim is eligible for compensation of the full amount requested or for a lesser amount than requested in which case the claimant is notified of the opportunity for a hearing – claim is awarded;
- ◆ The claim cannot be determined due to conflicting information and advises a hearing is required prior to a final decision – claim is sent to hearing; or
- ◆ The claim is ineligible for compensation by statute and advises the claimant should be notified of the statutory basis for the denial and informed concerning the availability of a hearing – claim is denied.

## **COOPERATION**

The success of the state's violent crimes compensation program depends upon the cooperation of law enforcement, legal and judicial personnel, service providers, and claimant employers, as well as the victim and/or claimant.

The following questions must be answered and documented.

#### **VICTIM AND/OR CLAIMANT**

- ◆ What occurred?
- ◆ What losses were sustained and how can they be documented and direct causal relationship verified?
- ◆ What type of assistance is being sought?
- ◆ What are the names and addresses of service providers?
- ◆ What are service account numbers and dates of service?
- ◆ What other forms of payment are available?
- ◆ Did the victim and/or claimant cooperate with law enforcement and prosecuting entities?
- ◆ Were wages lost as a direct result of the incident?

- 12 -

- ◆ If so, how can the claimant's wages or level of income at the time of the crime be documented?
- ◆ Was the crime reported and submitted within the time limits established by statute?
- ◆ What is the law enforcement case number?
- ◆ How did the victim learn about the program?
- ◆ Were other relatives or persons emotionally and/or financially impacted by the crime?
- ◆ What sort of harm occurred? Was there bodily injury? Was there emotional harm? Both?
- ◆ Is the victim in danger?
- ◆ Is crisis intervention needed?
- ◆ Does the victim have the necessary support system required to recover?

**The claimant provides documentation to support the request or provides the information required so that the Board can request required documentation**

#### **LAW ENFORCEMENT**

- ◆ Was the crime committed against the claimant and/or victim?
- ◆ What was the crime?
- ◆ Was the crime reported to the police within five days of the incident?
- ◆ Did the claimant cooperate with law enforcement agencies?
- ◆ What did officers say happened?
- ◆ Are there relevant circumstances the Board needs to be informed about, such as behavior of the victim, that may have contributed to the incident?
- ◆ Is there anything relevant concerning the victim's social history or actions which the Board needs to know to consider all relevant circumstances?
- ◆ What is the current status of the case?
- ◆ What was the disposition of the case?

- ◆ Are proceedings against the offender imminent? Should the VCCB suspend investigation until the case is adjudicated?
- ◆ Has restitution been ordered?
- ◆ Are trial transcripts available?
- ◆ What was the outcome of the trial?
- ◆ Has the victim been informed concerning their rights as a victim?

**Law enforcement provides the reports required so the Board can make a determination regarding many eligibility issues.**

#### **SERVICE PROVIDERS**

- ◆ Was the service required as a direct result of the incident?
- ◆ Has insurance paid all or part of the billing?
- ◆ What other sources of payment are available and have they all been sought?

- 13 -

- ◆ Will the victim be unable to work due to an injury that was the direct result of the incident? If so, for how long will the victim be unable to work?
- ◆ How much has the claimant paid on the billing and what is the outstanding balance?
- ◆ What is the prognosis concerning injuries sustained during the relevant incident?
- ◆ Does the victim and/or family members have emotional needs that might be helped through counseling?
- ◆ Is crisis intervention needed?
- ◆ What are treatment plans? How long is treatment expected to last?
- ◆ What is the anticipated outcome?

**Service providers provide the necessary service and billing information that the Board requires to make a determination concerning expenses related to the incident. Medical information is provided using the VCCB Medical Information Forms and is often used to verify lost wage information.**

#### **EMPLOYERS**

- ◆ Was the victim and/or claimant employed at the time of the incident?
- ◆ Did the victim and/or claimant miss work as a direct result of the incident?  
If so,  
how much work was missed and was it compensated in some other way such as Workers' Compensation? What wages were lost? Has the victim returned to work?

**Employers provide the necessary wage and missed work information required for lost wage determinations. Employers provide needed information using VCCB Employment Information Forms.**

## **AWARD POLICIES AND PROCEDURES**

For an update listing of the Board's award policies and procedures, visit the website located at [www.state.ak.us/local/akpages/ADMIN/vccb/](http://www.state.ak.us/local/akpages/ADMIN/vccb/).

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 296  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB296-DOA-DAS-2-29-08 Dept. Affected: Administration  
 Title: "An Act relating to the crime compensation fund" RDU: VCCB  
 Component: VCCB  
 Sponsor: (S) STA  
 Requester: \_\_\_\_\_ Component Number: 2694

**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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<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>

**CAPITAL EXPENDITURES**

**CHANGE IN REVENUES ( )**

**FUND SOURCE** (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time	0.0	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	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

This bill describes funding sources which may be appropriated to the Crime victim compensation fund. It also states that appropriations to the fund will not lapse and that the fund be added to AS 37.05.146(c).

This bill will have no direct fiscal impact on the Violent Crimes Compensation Board.

Prepared by: Eric Swanson  
 Division: Director, Administrative Services  
 Approved by: Kevin Brooks  
Deputy Commissioner, Department of Administration

Phone 907-334-1726  
 Date/Time 2/29/08 12:00 AM  
 Date 2/29/2008

**SCR**

**15**

# SENATE COMMITTEE REPORT

DATE: 1/30/08

FURTHER:

DATE TURNED  
IN TO OFFICE: 02/14/08

State Affairs Committee considered SENATE CONCURRENT RESOLUTION NO. 15

## SCR 15 AMEND UNIFORM RULES: STANDING COMMITTEES

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to standing committees.

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ ( )
- adopt previous  SCS or  CS SCR 15 (SED)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

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



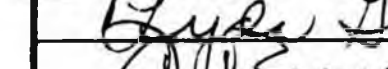
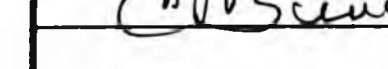

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
LE ( )	01/29/08			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French	X			
	STEVEN	X			
	Green			✓	
	Bunde			✓	
CHAIR: 	McBure	✓			

**SESSION ADDRESS:**  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4925  
Fax: (907) 465-3517  
Toll Free: 1-800-821-4925

**Senator Gary Stevens**  
**Alaska State Legislature**

**INTERIM ADDRESS:**  
112 Mill Bay Road  
Kodiak, Alaska 99615  
(907) 486-4925  
Fax: (907) 486-5264



**Senate Concurrent Resolution 15**  
**SPONSOR STATEMENT**

**“Proposing an amendment to the Uniform Rules of the Alaska State  
Legislature relating to standing committees.”**

SJR 15 is the product of intensive work by the Joint Legislative Education Funding Task Force. The Task Force's report, published on September 1, 2007, features 5 pieces of legislation being forwarded to the Legislature to change certain components to Alaska's state education policy. SJR 15 creates a standing Education Committee in each body of the Legislature.

SJR 15 represents the first and “immediate recommendation” of the Joint Legislative Education Funding Task Force. In light of a shorter legislative session, the Task Force determined that it would best suit the Legislature's mandate to fund education, and to set comprehensive education policy, by creating a standing education committee.

To give justice to the technical and complex system of reviewing and updating Alaska's Foundation Formula funding, including all its various components, and considering the breadth and scope of influence the statewide University system has on our state, the Task Force has judged that creating a stand-alone education committee in the Legislature would be the best means to put continual legislative focus on these policy areas.

Thanks you for considering this important change to our committee structure.

**(excerpt)**  
**Joint Legislative Education Funding Task Force**  
**Report to the Governor and Legislature**

**September 1, 2007**  
**(page 4)**

**Immediate recommendations and further consideration of education issues:**

The JLETF recognizes that school funding policy is an ongoing constitutionally mandated responsibility of the legislature. To better meet that responsibility, the JLETF recommends immediate action, as described in this report, augmented by a long-term commitment to continue the process undertaken by the JLETF. This report identifies a number of specific policies for implementation during the second regular session of the Twenty-fifth Alaska State Legislature and identifies other issues with provisions of the school funding formula that merit further legislative consideration.

The JLETF recommends that the legislature's further consideration of education and education funding issues merit the regular and continuing attention of dedicated committees separate and apart from the Standing Committees for Health and Social Services. Standing Committees on Education should be established during the second regular session of the Twenty-fifth Alaska State Legislature. These education committees should be formally charged with recurring review of the foundation formula, regularly updating district cost differentials, general education policy and University of Alaska oversight.

## Standing Education Committees Among State Legislatures

State Legislature	# Stand Alone Education Cmtes (House, Senate)	Standing Committee Name(s) [SubCommittees noted, but not tallied]
Alabama	2,1	House: Education Appropriations, Education Policy; Senate: Education
Alaska	0,0	Health, Education, & Social Services; [Appropriations SubCmtes for Education, University]
Arizona	2,2	Education (K-12), Higher Education
Arkansas	1,1	Education
California	1,1	Education
Colorado	1,1	Education
Connecticut	1,1	Education, Higher Education & Employment Advancement
Delaware	1,1	Education
Florida	3,5	House: Cmte on Education Innovation & Career Preparation, Cmte on K-12 Education, Cmte on Postsecondary Education; Senate: Education Facilities Approps, PreK-12 Education, PreK-12 Approps, Higher Education, Higher Education Approps.
Georgia	2,2	House: Education, Higher Education; Senate: Education & Youth, Higher Education
Hawaii	2,1	House: Education, Higher Education; Senate: Education
Idaho	1,1	Education
Illinois	2,1	House: Elementary & Secondary Education, Higher Education; Senate: Education
Indiana	1,1	House: Education; Senate: Education & Career Development
Iowa	1,1	Education
Kansas	2,1	House: Education, Education Budget; Senate: Education
Kentucky	1,1	Education
Louisiana	1,1	Education
Maine	0	(Joint House/Senate) Education & Cultural Affairs
Maryland	0,0	House: [Approps SubCmte on Education & Economic Development], [Ways & Means SubCmte on Education]; Senate: Education, Health & Environmental Affairs [w/ Education SubCmte]
Massachusetts	1	(Joint House/Senate) Education
Michigan	1,1	Education
Minnesota	2,1	House: K-12 Education, Higher Education; Senate: Education
Mississippi	2,2	Education, Universities & Colleges
Missouri	3,1	House: Education Appropriations, Elementary & Secondary Education, Higher Education; Senate: Education
Montana	1,0	House: Education; Senate: Education & Cultural Resources
Nebraska	1	Education
Nevada	1,0	House: Education; Senate: Human Resources & Education
New Hampshire	1,1	Education
New Jersey	2,1	House: Education, Higher Education; Senate: Education
New Mexico	1,1	Education
New York	2,2	Education, Higher Education
North Carolina	1,4	House: [Approps SubCmte on Education], Education [w/ SubCmtes on K-12, Community Colleges, University]; Senate: Standing Appropriations Committee: Public Instruction, Approp Cmte: Higher Education, Cmte on Education Policy /Higher Education, Cmte on Education Policy /Public Instruction

## Standing Education Committees Among State Legislatures

<b>State Legislature</b>	<b># Stand Alone Education Cmtes (House, Senate)</b>	<b>Standing Committee Name(s) (SubCommittees noted, but not tallied)</b>
North Dakota	2,1	House: Education Appropriations, Education; Senate: Education
Ohio	2,1	House: Higher Education Appropriations, Education; Senate: Education
Oklahoma	1,1	House: Education [w/ SubCmtes on Arts & Culture, Common Education, and Higher Educ. & Career Tech.]; Senate: Education
Oregon	1,0	House: Education; Senate: Education & General Government
Pennsylvania	1,1	Education
Rhode Island	0,1	House: Health, Education, & Welfare; Senate: Education
South Carolina	0,1	House: Education & Public Works; Senate: Education
South Dakota	1,1	Education
Tennessee	1,1	Education
Texas	3,1	House: [Approps SubCmte on Education], Cmte on Higher Education, Cmte on Higher & Public Education Financing, Cmte on Public Education; Senate: Education [w/ Higher Education SubCmte]
Utah	1,1	House: Education, [Approps SubCmte on Higher Education], [Approps SubCmte on Public Education]; Senate: Education
Vermont	1,1	Education
Virginia	1,0	House: [Approps SubCmte's for Elementary & Secondary Ed, Higher Ed], Education [w/ SubCmte's on Standards of Quality, Students & Day Care, Teachers & Administrative Action, and Higher Education]; Senate: Education & Health, [w/ SubCmtes on Public Ed, and Higher Ed]
Washington	2,2	Education, Higher Education, [Approps SubCmte on Education]; Senate: Early Learning & K-12 Education, Higher Education
West Virginia	1,1	Education
Wisconsin	3,1	House: Colleges & Universities, Education, Education Reform; Senate: Agriculture & Higher Education, Education
Wyoming	1,1	Education

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SCR15  
 ( ) Publish Date: \_\_\_\_\_

Identifier (file name): SCR15-LEG-COU-01-29-08 Dept. Affected: Legislature  
 Title: "Proposing an amendment to the Uniform Rules of the  
Alaska State Legislature relating to standing..." RDU: Legislative Council  
 Sponsor: Senator Stevens by Request Component: Session Expenses  
 Requester: Senate Special Committee on Education Component Number: 782

**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								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		0.0	0.0	0.0	0.0	0.0	0.0	0.0

<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>		0.0	0.0	0.0	0.0	0.0	0.0	0.0

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

**POSITIONS**

Full-time							
Part-time							
Temporary							

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

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director  
 Division: Legislative Affairs Agency  
 Approved by: Pamela Varni, Executive Director  
Legislative Affairs Agency

Phone 465-6626  
 Date/Time 1/29/08 3:33 PM  
 Date 1/29/2008

**SJR**

**12**

# Alaska State Legislature

SENATOR  
**GENE THERRIAULT**

Mailing Address:  
1292 Sadler Way, Suite 308  
Fairbanks, Alaska 99701  
(907) 488-0857  
Fax: (907) 488-4271



Senate

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

**TO:** Senator Lesil McGuire, Chair  
Senate State Affairs Committee

**FROM:** Senator Gene Therriault  
Senate Minority Leader

**DATE:** February 15, 2008

**RE:** SJR 12 - Hearing Request

---

I respectfully request Senate Joint Resolution 12 be scheduled for hearing before the Senate State Affairs Comm'ttee.

The U.S. Department of Homeland Security recently released proposed interpretations to the Passenger Vessel Services Act of June 19, 1886, requiring foreign flagged vessels to spend at least 48 hours in foreign ports and that the amount of time spent in foreign ports has to be more than 50 percent of the total time spent at U.S. ports of call. As you are aware, the cruise ship and tourism industries are integral components of the state's economy and this change in interpretation will greatly impact our state's economy.

Senate Joint Resolution opposes the proposed interpretations to the Passenger Vessel by the U.S. Department of Homeland Security.

Thank you for your consideration.

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.

[FR Doc. E7-22681 Filed 11-20-07; 8:45 am]

BILLING CODE 8351-01-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. 03-11 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. 340, 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).

Dated November 16, 2007

W. Ralph Basham,

Commissioner, Customs and Border Protection

[FR Doc. E7-22788 Filed 11-20-07; 8:45 am]

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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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. USCBP - 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.

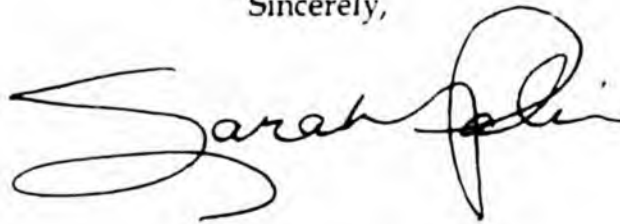
I mention it above, but will repeat it again for emphasis. If the Bureau insists on applying its Hawaii interpretation to Alaska, then it should at the least withdraw its proposal and undertake a much more thorough review of the issues. Such as:

- 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, sweeping initial "S" and a distinct "P" at the end.

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

## New rule would turn cruise tourism industry upside down

By DENNIS CAMIRE • ASSOCIATED PRESS • February 18, 2008

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WASHINGTON — Federal officials are working to finish a proposed rule that threatens to dramatically alter the itineraries of many foreign-flagged cruise ships, such as those operated by Carnival Cruise Lines, Royal Caribbean and others, by requiring much longer port stays.

The proposed change would require 48-hour stays, instead of the usual four- to 12-hour visits, at foreign ports of call, possibly reducing the number of stops during trips of a week or less.

It is aimed at helping the U.S.-flagged ships operated by Norwegian Cruise Lines America on Hawaiian cruises compete with foreign-flagged cruise lines sailing from California. Almost all cruise ships operating from U.S. ports are registered in foreign nations to avoid the cost of meeting U.S. labor, health, safety and environmental standards.

But the impact could have much broader implications, imperiling cruises from U.S. ports to Alaska, Canada, New England and some to the Caribbean, according to critics.

Cruise vacationers may find companies offering more limited itineraries and fewer three and four day trips.

"It's the most ridiculous thing I've ever heard of," said Susan Aft, president of Discount Travel and Cruise in Atlanta. "Nobody wants to stay in some of these (foreign) ports that long."

The changes would be punitive, said Kurt J. Nagle, president of the American Association of Port Authorities.

"If applied uniformly across the United States ... the criteria would turn the U.S. cruise market on its head, resulting in the loss of thousands of jobs in port communities," he said.

But Hawaii's congressional delegation, maritime officials and labor unions and others support the proposed rule. They said foreign-flagged cruise ships sailing to Hawaii are evading current law by making very brief stops, sometimes only an hour, in Mexico, before returning to their California homeports.

"These people are disobeying the law, and they are doing it blatantly," said Rep. Neil Abercrombie, D-Hawaii, a strong advocate for the U.S. maritime industry. "They are not making a real port visit."

But other elected officials, tourism advocates and foreign-flagged cruise lines criticize the rule proposal. They said it could drive cruise ships away from some U.S. ports and force cruise lines to drop shorter trips from their schedules.

"Florida would lose cruise ports of call at Fort Lauderdale, Miami and would eliminate all the calls at Key West," said Florida Gov. Charlie Crist.

James P. Walsh, an attorney representing the Holland America Line, Princess Cruise Line and Carnival Cruise Lines, said cruise lines would have to change all itineraries to meet the proposed rule.

"For example, cruises that call temporarily at Alaska ports will have to move to Vancouver, British Columbia, and away from Seattle," said Walsh, who estimated Holland America's economic impact on Seattle at \$400 million in 2006.

The rule change, proposed by Customs and Border Protection, would require most cruise ships calling at more than one U.S. port to stay 48 hours at foreign ports compared with the brief stops they make under the existing rule.

The ships also would have to spend more than half their port time in foreign ports and passengers have to be given the opportunity to go ashore.

As proposed, the rule could result in shorter stays at U.S. ports or dropping them from the itinerary altogether.

Glen Vereb, the customs chief overseeing the cruise industry, said more than 1,000 responses on the rule proposal were received during the recent 30-day comment period. A final rule could be adopted anytime.

Vereb said the intent of the proposed changes is to uphold current law's intent to protect U.S.-flagged ships "to the extent possible."

But the agency was proceeding cautiously, Vereb said.

"We do not want to turn the entire cruise industry upside down," he said. "We've heard the message loud and clear that is what this proposal, if not changed or modified, is going to do."

That's what the cruise industry, state and local officials, port authorities and many others are warning.

"To comply with such a rule, Royal Caribbean Cruises Limited would have to restructure its itineraries,

basing vessels in foreign instead of U.S. ports, eliminating time in U.S. ports and replacing U.S. port calls with foreign ports," said Bradley H. Stein, general counsel for the cruise line.

But maritime officials said changes are necessary to protect the two Norwegian ships operating in the Hawaiian Islands. They are the only U.S. flag cruise ships operating in oceangoing service.

U.S. Maritime Administrator Sean T. Connaughton said current cruise ship practice already has forced Norwegian to drop one ship from the U.S. ship registry and is on the brink of doing the same with its other two.

"The two remaining U.S.-built vessels, representing an additional 1,700 U.S. mariner jobs as well as shore-side employment, must be encouraged to remain in the U.S. registry," Connaughton said.

The Maritime Trades Department of the AFL-CIO said the interests of foreign cruise ship lines should not be rewarded for "willfully evading" the law's foreign port call requirement.

Alan T. Yamamoto, vice president of Norwegian's Hawaii operations, said the cruise has invested \$1.3 billion in its fleet and that since 2004, the company has lost more than \$250 million in its operations, principally because of lower-cost foreign competition coming from the West Coast.

"Unfair foreign competition poses an imminent threat to the remaining U.S.-flag passenger vessels operating in the Hawaii trades," he said.

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## South Florida Sun-Sentinel.com

### Proposed rule could end some cruise lines' short trips

#### Proposed regulation could change itineraries

By Tom Stieghorst

South Florida Sun-Sentinel

February 17, 2008

There's only so much you can do on Coco Cay, a flat spit of an island in the Bahamas that *Royal Caribbean International* outfitted for cruise stops about 20 years ago.

Its *Enchantment of the Seas* ship visits for about nine hours on its four-night cruise from Port Everglades. Passengers can snorkel, use water scooters, sunbathe and get a bite to eat. But there are no hotels, no permanent residents and nothing to do when the sun goes down.

Yet under a new rule proposed by U.S. Customs and Border Protection, the *Enchantment* would have to spend at least 48 hours there or violate federal maritime laws.

The proposal is part of a larger battle in the cruise industry putting the interests of U.S.-flagged and -crewed vessels against the bulk of the industry, which uses lower-paid foreign labor. If the rule is adopted as proposed, analysts say the cruise industry would have to drastically alter many of its itineraries.

Trips to Key West, Alaska and autumn cruises from New England would be greatly complicated by the rule. Cruise lines claim it would cost thousands of jobs in U.S. ports.

"It would clearly have an impact," said Rod McLeod, a former cruise line president and now a consultant at McLeod, Applebaum & Partners in Coral Gables. "Three-night cruises out of Florida would certainly be affected. It could affect the four-night market as well."

Supporters say the rule is a way to preserve U.S. jobs and ensure a fair shake for the few oceangoing cruise ships that fly the American flag, primarily in Hawaii.

Opponents call it a wild overreaction to a minor problem that in the end would cost the U.S. economy more jobs than it saves.

The ruckus started in November when the customs agency published its proposed rule in the Federal Register. It said foreign-flagged ships such as *Enchantment*, which is registered in the Bahamas, would



have to stay at a foreign port 48 hours if they left or arrived at a U.S. port on the cruise.

A law called the Passenger Vessel Services Act has been on the books since 1886 to block foreign ships from taking passengers from one U.S. port to another. It specifies that foreign ships cruising from U.S. ports must also stop at a foreign port, but doesn't say how long they must stay.

Congress and the customs agency have periodically shaped the interpretation of the law to fit new circumstances.

In this case, the agency was responding to a 2003 initiative by *NCL America*, a subsidiary of Miami-based *NCL Corp.* It put three U.S.-flagged cruise ships largely crewed by American workers in Hawaii in the first test of whether those ships, with their higher pay and regulatory standards, could succeed.

The answer, so far, appears to be no. *NCL America* has lost more than \$250 million to date. It redeployed one of the three ships from Hawaii earlier this year and last week announced it would pull a second ship, leaving only the 2,146-passenger *Pride of America* to carry on the experiment.

In part, *NCL America* blames a steep rise in competition from foreign-flagged ships that sail between the U.S. West Coast and Hawaii with a one-hour, late-night stop in Ensenada, Mexico, to stay in compliance with the maritime laws.

"Unfair foreign competition poses an imminent threat to the remaining U.S.-flag passenger vessels operating in the Hawaiian trades," it said in a filing supporting the new customs proposal.

At its peak, more than 4,000 U.S. seafarers worked for *NCL* in Hawaii, though after the second ship leaves for Asia in May, that figure will be closer to 1,000.

Foreign-flag carriers, represented by the Fort Lauderdale-based Cruise Lines International Association, say the excess capacity in Hawaii was put there mainly by *NCL America*. But the remedy offered by the customs agency goes far beyond any regional dispute in Hawaii, they say.

"The proposed solution would turn the entire cruise industry inside out," said Royal Caribbean general counsel Bradley Stein, in a filing with the government.

Stein argued that the 48-hour-stay requirement is "wildly inconsistent" with current cruise practices. Ships generally don't stay in one port more than 10 to 12 hours.

"Passengers want the experience of sailing and visiting several places, which is only practical if the ship stays under way most of the time," Stein wrote.

To comply would require Royal to base ships in foreign ports and replace U.S. port calls with foreign ones, costing "tens of thousands" of U.S. jobs, he said.

Royal proposed as a test a four-hour stay in a foreign port that offers shore activities.

Both sides have sought to influence the customs rule. The governors of Florida, California and Alaska have condemned the proposal. Hawaii Sen. Daniel K. Inouye cheered it, saying better environmental, work and safety rules put U.S. ships at a cost disadvantage.

However, even *NCL America* said it would narrow the scope of the customs proposal.

By imposing the 48-hour rule on any itinerary from a U.S. port, the customs agency would "needlessly harm U.S. port interests unrelated to Hawaii," said Alan Yamamoto, NCL vice president of Hawaiian operations, "without any countervailing benefit to U.S.-flagged passenger vessels."

McLeod, the cruise consultant, said that whatever the merits of the proposal, it got the industry's attention.

"Forty-eight hours doesn't make any sense," he said. "I think the people who crafted that know it, and this was supposed to trigger a dialogue."

Tom Stieghorst can be reached at [tstieghorst@sun-sentinel.com](mailto:tstieghorst@sun-sentinel.com) or 305-810-5008.

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### Rule may mean less time in Alaska for cruiseships - IMPACT: Juneau estimates it could lose \$68 million in spending from passengers.

Anchorage Daily News (AK) - February 11, 2008

Author: ANNE SUTTON *The Associated Press*; WIRE

Every year **cruiseship** companies pour millions of dollars into ads inviting travelers to "drink in the splendor," "savor the essence" and "explore the magic" of Alaska's vast glaciers, towering mountain peaks and pristine waters.

But what if their **ships** had to spend more than half their **cruise** dawdling in British Columbia, before they could sprint north for just a quick peek at the magic, then scuttle back to the home port in Seattle?

"It would be tough to sell an Alaskan **cruise** if they could only come for one day," said Andrew Green, the Juneau port manager for **Cruise** Line Agencies of Alaska.

Yet many in the **cruise** industry claim it could happen under a proposed federal rule with the potential to cost millions of dollars in lost revenues and launch a raft of lawsuits.

Four months shy of the start of Alaska's busy **cruiseship** season, **cruise** lines and coastal communities are awaiting a decision from the U.S. Customs and Border Protection that could either curtail how much time many **cruiseships** spend in Alaska ports or require a massive redeployment to Vancouver, British Columbia, of hundreds of vessels now scheduled to leave from Seattle and San Francisco.

"Our options would basically be to adhere to it in some manner or to litigate. If we had to change the itineraries, that in itself would create a great deal of commotion," said John Shively, Holland America Line's vice president for government and community relations in Alaska.

As proposed, the rule would require that **ships** which are registered in a **foreign** country and embark and disembark passengers from U.S. ports must spend at least 48 hours in a **foreign** port. The rule further states that the amount of time they spend in a **foreign** port has to equal 50 percent of the total amount of time spent at U.S. ports of call.

About a third of the 500 **cruises** bound for Alaska this year would fall under the new rule. It would take a big bite out of their mostly seven-day itineraries to Alaska.

"It makes everybody very anxious because it would take a significant cut out of the market, a significant reduction in the number of people who would be able to visit," said Johan Dybdahl, a Juneau assemblyman and president of a tourism enterprise that caters to **cruiseships**.

Juneau alone estimates it would lose in a single season \$68 million in direct spending from **ships** that brought a million passengers to the city last year.

At the heart of the conundrum lies century old maritime laws and a dispute that began thousands of miles away from Alaska in the balmy waters of Hawaii.

The Passenger Vessel Services Act of 1886 and the Jones Act of 1920 are meant to protect the U.S. passenger vessel trade from **foreign** competition.

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The major **cruiseship** companies fly the flags of countries like the Bahamas, Panama and Bermuda, where they register their **ships** to avoid paying higher taxes, higher labor costs and other requirements of the U.S. - **flaggedships**.

As **foreign - flaggedships**, they are prohibited from transporting passengers between U.S. ports unless they include a stop in a **foreign** port.

The companies, however, have found ways to limit the pain.

**Ships** heading to Alaska from Seattle often spend half a day in Victoria, British Columbia. Passengers can leave the **ship** to explore the town's quaint byways and load up on fudge and T-shirts.

But vessels headed for the Hawaiian islands want to cover the many open ocean miles quickly. Steaming out of San Diego and Los Angeles, they generally duck into Ensenada, Mexico, for about an hour in the middle of the night for cursory compliance with the law, at best.

Norwegian **Cruise** Line recently cried foul over the Ensenada touch-and-go, claiming companies were using the stop to evade federal law.

Since 2004, the Miami-based company has invested \$1.3 billion to deploy the only ocean-going **cruiseships** under the U.S. flag. Their purpose was to offer a unique island-only **cruise**.

But **foreignships**, with bigger, faster engines able to traverse the ocean more quickly, have flooded the market, leaving the U.S. **ships** struggling to compete.

Under the direction of the U.S. Maritime Administration, the proposed rule was written to curtail the **foreignships'** time in the islands and help level the playing field.

The catch is that the rule applies everywhere, not just to Hawaii.

John Binkley, president of Alaska **Cruise** Association, said the competitive imbalance in Hawaii doesn't exist in Alaska, where U.S. - **flaggedcruiseships** are small, exclusive **ships** that enjoy a specialized niche.

Binkley said the rule in Alaska would run counter to the goal of federal maritime law.

"It will in effect drive commerce away from U.S. ports," he said. "The purpose is really to help U.S. commerce."

The federal register logged more than a thousand comments during the public comment period, which closed in late December. From members of Congress to a beauty salon operator in Bar Harbor, Maine, many protested the broader application of the rule.

Alaska Gov. Sarah Palin urged the agency to withdraw its proposal and do a thorough analysis, adding that the rule's short notice left those affected with little time to properly respond.

"Taking something that is working well and changing it -- much less on 30-days' notice -- is not reasonable public policy," said Palin.

If **ships** are redeployed to British Columbia to avoid the 48-hour requirement, the biggest loser would be the Port of Seattle.

Seattle has sunk \$35 million into **cruiseship** terminal improvements in recent years and grown from six sailings in 1999 to an expected 211 this year.

"It would be a significant threat to our **cruise** industry here in Seattle," said port spokeswoman Charla Skaggs.

The federal agency did not do an economic analysis of the new rule, deeming it unnecessary, said Harold Singer, chief of the Department of Homeland Security's regulations branch. Singer declined to comment further, saying the public comments are still under review.

It's unclear how companies will react if the rule goes into effect. Holland America's John Shively is not sure his company even has a fallback plan.

"I do think people are hopeful that enough commotion was raised that the federal government will look at it again," said Shively.

**Caption:** Photo 1: ak\_cruise\_ships\_021108.jpg

AL GRILLO / Associated Press archive 2003 **Cruise** lines and coastal communities such as Juneau, where two Holland America **ships** dock in 2003, are awaiting a decision from federal authorities that could curtail how much time many **cruiseships** spend in Alaska ports.

**Edition:** Final

**Section:** Main

**Page:** A4

**Dateline:** JUNEAU

**Record Number:** 1626440902/11/08

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# FISCAL NOTE

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

Fiscal Note Number: 1  
 Bill Version: SJR 12  
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title: SJR 12. Cruise Ship Port Times Jones Act RDU: \_\_\_\_\_  
 Component: \_\_\_\_\_  
 Sponsor: Senator Therriault  
 Requester: Senate State Affairs Component Number: \_\_\_\_\_

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

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

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

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

**POSITIONS**

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

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

Prepared by: Shalon Szymanski, Senate State Affairs Committee Aide  
 Division: \_\_\_\_\_  
 Approved by: Senator Lesil McGuire, Chair

Phone 465-4522  
 Date/Time 02/26/08 2:00 p.m.  
 Date 2/26/2008

**SR**

**5**

# Alaska State Legislature

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Senator [Bettye Davis@legis.state.ak.us](mailto:Bettye.Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

SR 5 "Recognizing the Prince Hall Grand Chapter, Order of the Eastern Star, Alaska Jurisdiction, 35<sup>th</sup> Annual Communication Week"

### SPONSOR STATEMENT

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#### History

The order of the Eastern Star is one of the largest fraternal organizations of men and women in the world. It was established in 1850 by Robert Morris, a lawyer and educator from Boston, Massachusetts who had been an official with the Freemasons. Based on moral principles and teachings from the Bible, it is open to people of all monotheistic faiths.

#### Membership

It has approximately 10,000 chapters in twenty countries and claims about one million members under its General Grand Chapter. Members of the Order must be 18 years of age or older. Men must be Master Masons and women must be related to Masons. Originally, a woman would have to be the daughter, widow, wife, sister, or mother of a Master Mason, but the Order now allows other relatives as well as allowing Rainbow Girls to become members when they come of age.

#### Purpose

The stated purposes of the order are charitable, educational, fraternal, and scientific. The order has a charitable foundation and from 1986-2001 has contributed \$513,147 to Alzheimer's disease research, juvenile diabetes research, and juvenile asthma research. It provides scholarships to students of theology and religious music, and others approved by jurisdiction. Many jurisdictions support a Masonic and/or Eastern Star retirement center or nursing home for older members; and some homes are also open to the public. The organization often contributes to local community charities.

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*Prince Hall Grand Chapter O.E.S*  
*Alaska and its Jurisdiction*  
1200 East 9<sup>th</sup> Avenue, Suite 109  
Anchorage, Alaska 99501-3960

March 16, 2007

Senator Bettye Davis  
State Capitol, Room 30  
Juneau, AK 99801-1182

Dear Senator Davis,

I am writing to request that you declare April 14-17, 2007, as Prince Hall Grand Chapter, Order of the Eastern Stars, Alaska Jurisdiction, 35<sup>th</sup> Annual Communication week.

Our organization, The Prince Hall Grand Chapter was chartered under the Most Worshipful Prince Hall Grand Lodge, Free & Accepted Masons, Alaska Jurisdiction on June 10, 1972, in Anchorage, Alaska. The Most Worshipful Grand Master of Masons, Brother Richards J. Watts, Sr., and Right Worshipful Grand Secretary Brother Clarence V. Coleman signed the Charter.

The stated purposes of the organization are: Charitable, Educational, Fraternal and Scientific; but there is much more to it than that. Dr. Rob Morris, the Poet Laureate of Masonry, founded the Order using beautiful and inspiring biblical examples of heroic conduct and moral values. These portray the noble principles which adorn the personal lives of every Eastern Star member. We strives to take good people and through uplifting and elevating associations of love and service, and through precept and example, build an Order which is truly dedicated to charity, truth and loving kindness.

In compliance with the constitution of The Most Worshipful Prince Hall Grand Lodge, the 35<sup>th</sup> Grand Communication shall convene April 14-17, 2007, in Anchorage, Alaska at the Prince Hall Grand Lodge.

We would request to receive the completed document no later than April 2, 2007. The completed document can be mailed to my attention at the address listed at the top of this letter.

Thank you for your attention to this matter, Senator Davis. We would be honored to have your support and attendance at our Grand Worthy Matron's Banquet on Monday, April 16, 2006, at the Anchorage Senior Center. If you have any questions, please contact me at 753-5551.

Given under my hand and seal of my Office this 16<sup>th</sup> day of March 2007.

Fraternally,

*Original Signed*

Michelle D. W. Harris  
Grand Secretary  
Prince Hall Grand Chapter  
Alaska Jurisdiction

# Order of the Eastern Star

From Wikipedia, the free encyclopedia

The **Order of the Eastern Star** is the largest fraternal organization in the world that both men and women can join. It was established in 1850 by Robert Morris, a lawyer and educator from Boston, Massachusetts who had been an official with the Freemasons. It is based on teachings from the Bible, but is open to people of all monotheistic faiths. It has approximately 10,000 chapters in twenty countries and approximately one million members under its General Grand Chapter. Members of the Order are aged 18 and older; men must be Master Masons and women must have specific relationships with Masons. Originally, a woman would have to be the daughter, widow, wife, sister, or mother of a master Mason, but the Order now allows other relatives as well as allowing Rainbow Girls to become members when they come of age.



General Grand Chapter logo

## Contents

- 1 Emblem and heroines
- 2 Officers
- 3 Charities
- 4 Miscellaneous
  - 4.1 Famous Members
- 5 See also
- 6 Gallery
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## Emblem and heroines

The emblem of the Order is a five-pointed star representing the Star of Bethlehem. In the Chapter room, the downward-pointing white ray points to the West. The character-building lessons taught in the Order are stories inspired by Biblical figures:

- **Adah** (Jephthah's daughter, from Judges)
- **Ruth**, the widow
- **Esther**, the wife
- **Martha** (sister of Lazarus, from the Gospel of John)
- **Electa** (the "elect lady", from II John), the mother

## Officers

There are 18 main officers in a full chapter:

- **Worthy Matron** - presiding officer
- **Worthy Patron** - a Master Mason who provides general supervision
- **Associate Matron** - assumes the duties of the Worthy Matron in the absence of that officer
- **Associate Patron** - assumes the duties of the Worthy Patron in the absence of that officer
- **Secretary**
- **Treasurer**
- **Conductress** - Leads visitors and initiations.
- **Associate Conductress** - Assists with introductions and handles ballot box.
- **Chaplain** - leads the Chapter in prayer
- **Marshal**
- **Organist**
- **Adah**
- **Ruth**
- **Esther**
- **Martha**
- **Electa**
- **Warder** - sits next to the door inside the meeting room, to make sure those that enter the chapter room are members of the Order.
- **Sentinel** - Sits next to the door outside the chapter room, to make sure those that wish to enter are members of the Order.



Eastern Star meeting room

Traditionally, a woman who is elected Associate Conductress will the following year be elected to Conductress, then the next year Associate Matron, and the next year Worthy Matron. A man elected Associate Patron will usually the next year be elected Worthy Patron. Usually the woman who is elected to become Associate Matron will let it be known who she wishes to be her Associate Patron, so the next year they will both go to the East together as Worthy Matron and Worthy Patron. There is no male counterpart to the Conductress and Associate Conductress. Only women are allowed to be Matrons, Conductresses, and the Star Points (Adah, Ruth, etc.) and only men can be Patrons.

## Charities

The Order has a charitable foundation and from 1986-2001 contributed \$513,147 to Alzheimer's disease research, juvenile diabetes research, and juvenile asthma research. It also provides bursaries to students of theology and religious music, as well as other scholarships that differ by jurisdiction. In 2000 over \$83,000 was donated. Many jurisdictions support a Masonic and/or Eastern Star retirement center or nursing home for older members; some homes are also open to the public. They also often make charitable contributions in their local communities, presented low key without much fan-fare.

## Miscellaneous

- The Order is not to be confused with the *Order of the Star of the East*, a messianic organization created in 1911 by the Theosophical Society - Adyar and dissolved in 1929 by J. Krishnamurti.
- On December 1, 1875, Queen Esther Chapter No. 1 became the first Prince Hall Affiliate chapter of the Order of the Eastern Star.

### Famous Members

- Clara Barton<sup>[1]</sup>
- Eva McGown <sup>[2]</sup>
- Laura Ingalls Wilder<sup>[3]</sup>
- Caroline Ingalls
- Carrie Ingalls Swanzey (daughter of Caroline and sister of Laura)

### See also

- International Order of the Rainbow for Girls
- Job's Daughters International
- Organization of Triangles
- Order of the Amaranth
- Freemasonry

### Gallery



Officers representing the heroines of the order sit around the altar in the center of the chapter room.

### References

1. ^ [http://www.phoenixmasonry.org/masonicmuseum/clara\\_barton\\_fdc.htm](http://www.phoenixmasonry.org/masonicmuseum/clara_barton_fdc.htm) Initiated into OES in 1898 by Rob Morris
2. ^ <http://www.akpub.com/aktt/stmatts/choirwindow.htm> by Helen L. Atkinson at *ALASKA INTERNET PUBLISHERS, INC*

3. ^ [http://www6.semo.edu/universitypress/bigmuddy/NF/Laura\\_Ingalls\\_Wilder.htm](http://www6.semo.edu/universitypress/bigmuddy/NF/Laura_Ingalls_Wilder.htm)

## External links

- Grand Chapter State of New York ( Home of the 1st Eastern Star Chapter in the United States Alpha Chapter # 1)
- Order of the Eastern Star homepage (General Grand Chapter)
- Topical History of Eastern Star
- DMOZ Open Directory Project Links on Eastern Star Organizations

### Topics in Freemasonry

[hide]

Grand Lodge · Regular Masonic jurisdictions · Masonic Lodge · Appendant bodies · Prince Hall Freemasonry · Masonic Landmarks · Co-Freemasonry · List of Freemasons · Women and Freemasonry · Masonic Youth Organizations · Grand College of Rites · History of Freemasonry · Anti-Masonry · Catholicism and Freemasonry · Christianity and Freemasonry · Masonic conspiracy theories · Anti-Masonic Party · York Rite · Scottish Rite · Shriners · Societas Rosicruciana · Tall Cedars of Lebanon · Mystic Order of Veiled Prophets of the Enchanted Realm · **Order of the Eastern Star** · Order of the Amaranth · Order of Mark Master Masons · List of Masonic temples · History of Freemasons in Manitoba

Retrieved from "[http://en.wikipedia.org/wiki/Order\\_of\\_the\\_Eastern\\_Star](http://en.wikipedia.org/wiki/Order_of_the_Eastern_Star)"

Categories: Masonic organizations | 1850 establishments

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# FISCAL NOTE

**STATE OF ALASKA**  
**2007 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SR 5  
 () Publish Date: 3/30/2007

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Senate  
 Title Order of Eastern Communication Week RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Senator Davis  
 Requester Senate State Affairs Component No. \_\_\_\_\_

**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						
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>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 (Specify Type--Do not abbreviate)						
<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 has no fiscal impact on any departments of the executive branch nor the legislature.

Prepared by: Shalon Szymanski  
 Division: Senate State Affairs  
 Approved by: Senator Lesil McGuire  
 Agency: Chair, Senate State Affairs

Phone 907-465-4522  
 Date/Time 03/30/07 12:30 p.m.  
 Date 3/30/2007

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/23/07

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

State Affairs Committee considered SENATE RESOLUTION NO. 5

**SR 5 ORDER OF EASTERN STAR COMMUNICATION WEEK**

Recognizing the Prince Hall Grand Chapter, Order of the Eastern Star, Alaska Jurisdiction, 35th Annual Communication Week.

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

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


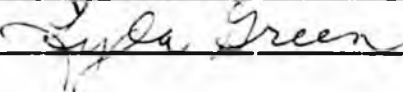
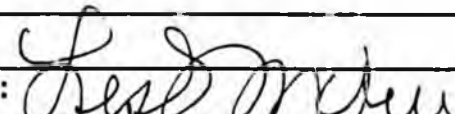
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
SSTA				✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do Not PASS	No REC	AMEND
	French	x			
	Green	✓			
<b>CHAIR:</b> 	McGuire	✓			

**HB**

**8**

# SENATE COMMITTEE REPORT

DATE: 4/10/07

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

State Affairs Committee considered HOUSE BILL NO. 8

## HB 8 J. KEVIN LAMM TRAINING FACILITY

"An Act naming the law enforcement training facility in Fairbanks the J. Kevin Lamm Law Enforcement Training Facility."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

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



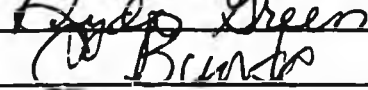
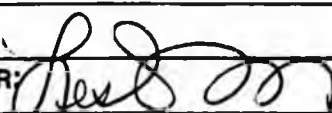
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	02/14			✓	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			✓	
	Green			✗	
	Brunk	✓			
<b>CHAIR:</b> 	McGuire	✓			

# Alaska State Legislature

**Session:**

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Juneau, Alaska 99801-1182  
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Fax: (907) 465-2070  
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## Representative Jay Ramras House District 10

*Chair, House Judiciary Committee • Member, House Labor & Commerce Committee • Member, House Oil & Gas Committee • Member, House Military & Veteran Affairs Committee*

### SPONSOR STATEMENT

03/23/07

#### House Bill 8

#### **“An Act naming the law enforcement training facility in Fairbanks the J. Kevin Lamm Law Enforcement Training Facility”**

Interior Alaska is in desperate need of a new law enforcement training facility. Due to the expansion of the Fairbanks International Airport facilities and runway extensions, a conflict has been created that may soon slate the current range for destruction. Currently, there are over 30 agencies who share the range. A new range is under consideration in a more secure area.

House Bill 8 is about a new name for the new range.

Kevin Lamm was known at the Fairbanks Police Department for being an excellent officer, both for the job he did in the field and the way he dealt with people.

He was shot and killed after responding to check on a suicidal man with two other officers. As they were entering the house they were fired upon. One of the officers was struck in the head and wounded. Officer Lamm immediately took cover and returned fire, drawing the suspect's attention. He was shot and fatally wounded while heroically giving his partners a chance to escape.

I request your support in naming the new training range in Fairbanks the J. Kevin Lamm Law Enforcement Training Facility.

E-Mail [Representative\\_Jay\\_Ramras@legis.state.ak.us](mailto:Representative_Jay_Ramras@legis.state.ak.us)

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