

COMMITTEE REPORT

HOUSE

5/5/81

FURTHER:

(11)

Date: 5/19/81

Mr. Speaker:

The Committee on FINANCE has had CSSB 23(Fin)

"An Act relating to state aid to school districts under the public school foundation program; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
 do pass with attached amendments(s)
 replace with CS for CSSB 23 (Fin) same title
 new title
and recommends do pass
 AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation
 referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
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MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
CHAIRMAN

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Bevina

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 23 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.056 is amended to read:

11 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
12 tional unit value for fiscal years beginning on or after July 1, 1982
13 [1981], is \$42,450 [\$38,590].

14 * Sec. 2. This Act takes effect July 1, 1982.
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Original sponsors: Kerttula, Ferguson
Kelly, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (FINANCE)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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13 [1981], is \$42,450 [\$38,590].

14 * Sec. 2. This Act takes effect July 1, 1982.

SB-234

CSHB 279 (Fin):

* Sec. (1). AS 14.17.023 (b) is amended to read:

(b) The amount of supplemental equalization aid for a district is calculated by multiplying the ADM of the district as reported for the prior fiscal year under AS 14.17.180 by the amount per ADM calculated in (c) of this section. This amount shall be reduced by the [AMOUNT OF THE] average locally-generated [LOCAL] appropriation [TAX CONTRIBUTIONS] per pupil in average daily membership appropriated by the city or borough to the school district for school operating costs in that district in the prior fiscal year or in the fiscal year ending June 30, 1979, whichever is higher.

* Sec. (2). AS 14.17.023 (c) is amended to read:

(c) the amount per ADM of supplemental equalization aid is calculated as the amount equal to the average locally-generated [LOCAL] appropriation [TAX CONTRIBUTIONS] per pupil in average daily membership appropriated by the city or borough to the school districts for school operating costs in the city and borough school districts in the prior fiscal year.

* Sec. 4. AS 14.17.250 is amended to read:

(2) "locally-generated appropriation" means an appropriation made from revenue sources originating within the municipality and does not include funds acquired by transfer from federal, state or other governmental units.

Sec. 5 AS 14.17.023 is amended by adding:

NOW (e) the amount calculated in (c) shall not be less than \$850 per ADM for Regional Education Attendance Areas.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (~~HESS~~) (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

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13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average [local] ^{locally-generated} appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership ^{appropriated by the city or borough} to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

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21 culated as the amount equal to the average [local] ^{locally-generated} appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership ^{appropriated by all cities & borough} to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.051(5) is amended to read:

26 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
27 District, Valdez City School District, and Haines Borough School Dis-
28 trict, the district or area is entitled to receive 115 percent of the
29 base instructional unit allotment;

1 * Sec. ⁶ ~~K~~. AS 14.17.051(6) is amended to read:

2 (6) for Nenana City School District, Delta School District,
3 Alaska Gateway School District, Upper Railbelt Regional School District,
4 Yakutat City School District, [AND] Chugach School District, and Copper
5 River School District, the district or area is entitled to receive 120
6 percent of the base instructional unit allotment;

7 * Sec. ⁷ ~~J~~. AS 14.17.056 is amended to read:

8 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
9 tional unit value for fiscal years beginning on or after July 1, 1982
10 [1981], is \$42,450 [\$38,590].

11 * Sec. ⁸ ~~K~~. Sections 1 - 4 of this Act take effect July 1, 1981.

12 * Sec. ⁹ ~~L~~. Section 5 of this Act takes effect July 1, 1982.

13 Sec. 4. AS 14.17.250 is amended to read:

14 (20) "locally-generated appropriation" means an appropriation
15 made from revenue sources originating within the municipality
16 and does not include funds acquired by transfer from federal,
17 state or other governmental units.

18 Sec. 5. AS 14.17.023 is amended by adding:

19 (e) the amount calculated in (c) shall not be less
20 than \$880 per ADM for Regional Education Attendance Areas.
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Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (HESS) (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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16 average daily membership ^{appropriated by the city or borough} to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average [local] ^{locally-generated} appropriation [TAX
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23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

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27 District, Valdez City School District, and Haines Borough School Dis-
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5 River School District, the district or area is entitled to receive 120
6 percent of the base instructional unit allotment;

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8 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
9 tional unit value for fiscal years beginning on or after July 1, 1982
10 [1981], is \$42,450 [\$38,590].

11 * Sec. ⁸ Sections 1 - 4 of this Act take effect July 1, 1981.

12 * Sec. ⁹ Section 5 of this Act takes effect July 1, 1982.

13 Sec. 4. AS 14.17.250 is amended to read:

14 (20) "locally-generated appropriation" means an appropriation
15 made from revenue sources originating within the municipality
16 and does not include funds acquired by transfer from federal,
17 state or other governmental units.

18 Sec. 5. AS 14.17.023 is amended by adding:

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Original sponsors: Kerttula, Ferguson,
Kelly, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average locally generated appropriation [LOCAL TAX CONTRIBUTIONS]
16 per pupil in average daily membership appropriated by the city or
17 borough to the school district for school operating costs in that
18 district in the prior fiscal year or in the fiscal year ending June 30,
19 1979, whichever is higher.

20 * Sec. 2. AS 14.17.023(c) is amended to read:

21 (c) The amount per ADM of supplemental equalization aid is cal-
22 culated as the amount equal to the average locally generated appropria-
23 tion [LOCAL TAX CONTRIBUTIONS] per pupil in average daily membership
24 appropriated by all cities and boroughs to school districts for school
25 operating costs in the city and borough school districts in the prior
26 fiscal year.

27 * Sec. 3. AS 14.17.023 is amended by adding a new subsection to read:

28 (e) The amount calculated under (c) of this section for a regional
29 educational attendance area may not be less than \$880 per ADM.

1 * Sec. 4. AS 14.17.051(5) is amended to read:

2 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
3 District, Valdez City School District, and Haines Borough School Dis-
4 trict, the district or area is entitled to receive 115 percent of the
5 base instructional unit allotment;

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10 River School District, the district or area is entitled to receive 120
11 percent of the base instructional unit allotment;

12 * Sec. 6. AS 14.17.056 is amended to read:

13 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
14 tional unit value for fiscal years beginning on or after July 1, 1982
15 [1981], is \$42,450 [\$38,590].

16 * Sec. 7. AS 14.17.250 is amended by adding a new paragraph to read:

17 (20) "locally generated appropriation" means an appropriation
18 made from revenue sources originating within the city or borough and
19 does not include an appropriation made from funds acquired by the city
20 or borough by transfer from federal, state, or other government sources.

21 * Sec. 8. Sections 1 - 5, and 7 of this Act take effect July 1, 1981.

22 * Sec. 9. Section 6 of this Act takes effect July 1, 1982.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 23 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

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16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
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11 * Sec. 6. Sections 1 - 4 of this Act take effect July 1, 1981.

12 * Sec. 7. Section 5 of this Act takes effect July 1, 1982.
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CORRECTION

Re: CS FOR SENATE BILL NO. 23 (Finance)

May 20, 1981

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CORRECTION

Please discard CS FOR SENATE BILL NO. 23 (Finance) and replace with this corrected version.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 5/20/81
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 23 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state aid to school districts

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under the public school foundation program; and provid-

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

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Alaska State Legislature

PERMANENT ADDRESS:
1527 H STREET
ANCHORAGE, ALASKA 99501
(907) 278-4188

WHILE IN SESSION:
FOUCH V
JUNEAU, ALASKA 99811
(907) 465-3777



CHAIRMAN
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
VICE CHAIRMAN
JUDICIARY COMMITTEE

Representative Don Clocksin
DISTRICT 7

Date: June 5, 1981

To: Rep. Sam Cotten, Chair
House Finance Committee

Fr: Rep. Don Clocksin, Chair
House HESS Committee

Re: HCS CSSB 23 (HESS)

Please be advised that the House HESS Committee passed SB 23 which relates to state aid to school districts, out of Committee on June 2, 1981.

In a memo, after the bill was passed out and sent to legal services for final drafting, Jack Chenoweth noted some problems with the language of the bill. Please find a copy of Mr. Chenoweth's memo attached.

Perhaps the Finance Committee could address the problematic language in the bill if time permits.

STATE OF ALASKA
THE LEGISLATURE

PC-JCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 3, 1981

SUBJECT: State aid to school districts
(HCS CSSB 23 (HESS))

TO: Representative Donald E. Clocksin
Chairman, House Health, Education
and Social Services Committee

FROM: John B. Chenoweth
Legislative Counsel

Is it clear that the phrase "local appropriation per pupil in average daily membership to the city or borough school district" (which appears twice in the bill) is directed at locally-generated appropriations (i.e. appropriations made by the municipality to the city or borough school district)? If it is not, may I respectfully suggest substituting "local appropriation per pupil in average daily membership appropriated by the city or borough to the school district" or a comparable phrase in order to clarify.

The rate of \$38,590 becomes effective July 1, 1981, as an increase from the current (FY 81) payment of \$34,935. See Sec. 14, Chapter 26, SLA 1980. The change to take effect July 1, 1982 -- the increase to \$42,450 -- is shown in this committee substitute as an amendment to the FY 82 increase.

JBC:ljb

Enclosure

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House CS Senate Bill-23 (HESS)
 Title An Act Relating to State Aid to school districts . . .
 Requested by House Finance Date 6/8/81

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, or Subprogram(s) Affected Foundation Support Programs/Financial Support Districts
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES				*		
700 GRANTS, CLAIMS, ETC.		176.6	35,786.2	39,364.8	43,301.3	47,631.4

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		176.6	35,786.2	39,364.8	43,301.3	47,631.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		N/A				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Sections 1. and 2.: No fiscal impact
 Sections 3. and 4.: Total FY-82 cost attributable to the 5% increase in the I.U. Value of Copper River. Portions of post FY-82 impact can be determined by using 176.6 times 10% per year inflation factor.

Section 5.: FY-83 cost: FY-82 Foundation: 330,563.0
 FY-82 Contract Schools: 25,355.5
 FY-82 Total: 355,918.5
 Bill Increase of 10%: 35,591.9
 Sections 3 and 4: 194.3
 Total: 35,786.2

*Assumes 10% annual inflation.

IV. DATE June 8, 1981 PREPARED BY Steve Hole
 AGENCY Department of Education
 Original: Legislative Finance PHONE 465-2800
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS Senate Bill - 23 (HESS)

Title An Act Increasing State Aid to School Districts . . . foundation program

Requested by Senate Hess Date 5/12/81

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Elementary and Secondary Education

BRU, Program, or Subprogram(s) Affected Foundation Support Programs/Financial Support Districts

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			35,591.9	39,151.1*	43,066.2	47,372.8
TOTAL						

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			35,591.9	39,151.1*	43,066.2	47,372.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			N/A			
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Section 3.

FY 82 Foundation: 330,563.0
 FY 82 Contract Schools: 25,355.5 (Base schools, special schools)
 FY 82 Total 355,918.5
 Bill Increase of 10%
 for FY 83 35,591.9

Sections 1 and 2. No Fiscal Impact

*Assumes 10% annual inflation

IV. DATE May 12, 1981

PREPARED BY Steve Hole

AGENCY Department of Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

STATE OF ALASKA
THE LEGISLATURE

POUCH-Y STATE CAPITOL
JUNEAU ALASKA 998
907-465-3600


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 20, 1981

SUBJECT: State aid to school districts
(CSSB 23 (Finance))

TO: Senator Don Bennett
Chairman, Senate Finance Committee

FROM: John B. Chenoweth
Legislative Counsel 

The enclosed bill is returned in final per your request. Is it clear that the phrase "local appropriation per pupil in average daily membership to the city or borough school district" (which appears twice in the bill) is directed at locally-generated appropriations (i.e. appropriations made by the municipality to the city or borough school district)? If it is not, may I respectfully suggest substituting "local appropriation per pupil in average daily membership appropriated by the city or borough to the school district" to clarify.

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Enclosure

Original sponsors: Kerttula, Ferguson,
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BY THE FINANCE COMMITTEE

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28 [1981], is \$42,450 [\$38,590].

29 * Sec. 4. This Act takes effect July 1, 1981.

Rec'd 6/19/84
after bill reported
out.

Position Paper

On

House Committee Substitute for Committee Substitute for SB 29 (Judiciary)

An Act entitled "An Act Relating to hazardous wastes and to nuclear and radioactive facilities and materials; and providing for an effective date".

HCS CSSB29 prohibits the construction of nuclear facilities, specifies the permit requirements for construction of high level radioactive waste disposal facilities, sets requirements for the storage and disposal of radioactive waste material, and sets forth provisions regarding the transportation, disposal and handling of hazardous wastes.

The Department suggests three specific changes in this Bill:

- 1.) Page 7, lines 4 through 6, Section 46.03.250(2). The wording in this subpart seems to be somewhat confusing. The following is suggested:
 - (2) establishing standards for the storage and disposal of radioactive waste materials which will protect the public health and safety; and

- 2.) Page 7, lines 7 through 9, Section 46.03.250 (3). As presently worded, this provision appears to withhold from the Department of Environmental Conservation the authority to establish procedures for storage and disposal for certain categories of radioactive materials used in industry. Industrial uses extend beyond instruments and industrial testing. In addition, authorizing the Department to establish "procedures" has the potential of hindering the use or development of innovative technology and procedures related to storage and disposal. To avoid these problems the following wording is suggested:
 - (3) establishing criteria for the storage and disposal of radioactive materials.

- 3.) The definition of "low level radioactive materials" which appears on page 7, lines 17 through 23, is presently worded to include uranium mine and mill tailings. The usual definition of low level radioactive waste excludes these materials because of the unique nature and problems associated with them. Therefore, it is suggested that uranium mine and mill tailings be eliminated from the definition of low level radioactive materials, and, if necessary, considered separately to ensure that potential problems are properly addressed and to avoid unintentional interference and hindrance to uranium mining in Alaska. The following definition is suggested:
 - (30) "Low level radioactive materials" means radioactive waste other than high level radioactive waste and uranium mine and mill tailings.

With incorporation of these recommendations the Department of Health and Social Services takes a neutral stand on HCS CSSB29 (Judiciary).

Recommended by:

David Bruce

David Bruce, Deputy Director
Division of Public Health

Date:

JUNE 12, 1981

Approved by:

Helen D. Beirne

Helen D. Beirne, Commissioner

Date:

6/17/81

Original sponsor: Kerttula

Offered: 6/8/81
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous wastes and to nuclear
7 and radioactive facilities and materials; and providing
8 for an effective date."

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

10 * Section 1. AS 18.45 is amended by adding a new section to read:

11 Sec. 18.45.100. NUCLEAR FACILITIES PROHIBITED. A person may not
12 construct a nuclear fuel production facility, a nuclear utilization
13 facility, a nuclear reprocessing facility, or a nuclear enhancement
14 facility in the state.

15 * Sec. 2. AS 18.45 is amended by adding new sections to read:

16 Sec. 18.45.110. HIGH LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY
17 PERMIT. (a) A person may not construct a high level radioactive waste
18 disposal facility in the state unless he has first obtained a permit
19 from the commissioner to construct the facility on land designated by
20 the legislature under (b) of this section.

21 (b) The legislature shall designate by law the land in the state
22 on which a high level radioactive waste disposal facility may be
23 located.

24 (c) A permit may not be issued by the commissioner under this
25 section unless

26 (1) the governor has approved the permit;

27 (2) local approval has been obtained; local approval is
28 obtained

29 (A) if the municipality with jurisdiction over the

1 proposed facility site has approved the permit; or

2 (B) if the facility is to be located in the unorganized
3 borough, a majority of the registered voters who live within 100
4 miles of the proposed facility votes to approve the issuance of
5 the permit at a general election of the state or at a special
6 election of the state called for the purpose; and

7 (3) issuance of the permit is approved by a majority of the
8 registered voters at a general or special statewide election.

9 (d) The commissioner shall adopt regulations governing the issu-
10 ance of permits required by this section.

11 Sec. 18.45.120. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR
12 FACILITY OPERATION. (a) A person may not operate a high level radio-
13 active waste disposal facility unless he has furnished proof to the
14 commissioner of financial ability to care for the radioactive material
15 that will be used in the facility until the material is no longer a
16 threat to health or safety, as determined by the commissioner by regu-
17 lation. Financial responsibility may be demonstrated by self-insurance,
18 insurance, surety, or guarantee, under terms the commissioner may pre-
19 scribe.

20 (b) Acceptance of proof of financial responsibility under this
21 section expires

22 (1) one year from its issuance for self-insurance;

23 (2) on the effective date of a change in the surety bond,
24 guarantee, or insurance agreement; or

25 (3) on the expiration or cancellation of the surety bond,
26 guarantee, or insurance agreement.

27 (c) The person whose proof of financial responsibility is accepted
28 by the commissioner under this section shall notify the commissioner at
29 least 30 days before the effective date of a change, expiration or

1 cancellation in the surety bond, guarantee, or insurance agreement.
2 Application for renewal of acceptance of proof of financial responsi-
3 bility under this section must be filed at least 30 days before the
4 date of expiration.

5 (d) The commissioner, after notice and hearing, may revoke accep-
6 tance of proof of financial responsibility if he determines that

7 (1) acceptance was procured by fraud or misrepresentation;
8 or

9 (2) a change of circumstance has occurred, other than a
10 change specified in (b)(1) - (3) of this section, which would have
11 warranted denial of the application.

12 * Sec. 3. AS 18.45.110(a) is amended to read:

13 Sec. 18.45.110. FACILITIES [HIGH LEVEL RADIOACTIVE WASTE DISPOSAL
14 FACILITY] PERMIT. (a) A person may not construct a nuclear fuel pro-
15 duction facility, nuclear utilization facility, nuclear reprocessing
16 facility, nuclear enhancement facility, or high level radioactive waste
17 disposal facility in the state unless he has first obtained a permit
18 from the commissioner to construct the facility on land designated by
19 the legislature under (b) of this section.

20 * Sec. 4. AS 18.45.110(b) is amended to read:

21 (b) The legislature shall designate by law the land in the state
22 on which a nuclear fuel production, utilization, reprocessing, enhance-
23 ment, or high level radioactive waste disposal facility may be located.

24 * Sec. 5. AS 18.45.120(a) is amended to read:

25 (a) A person may not operate a nuclear fuel production facility,
26 a nuclear utilization facility, a nuclear reprocessing facility, a
27 nuclear enhancement facility, or a high level radioactive waste dis-
28 posal facility unless he has furnished proof to the commissioner of
29 financial ability to care for the radioactive material which will be

1 used in the facility until the material is no longer a threat to health
2 or safety, as determined by the commissioner by regulation. Financial
3 responsibility may be demonstrated by self-insurance, insurance, surety,
4 or guarantee, under terms the commissioner may prescribe.

5 * Sec. 6. AS 18.45 is amended by adding new sections to read:

6 Sec. 18.45.130. TRANSPORTATION OF RADIOACTIVE WASTE MATERIAL.

7 (a) The transportation of high level radioactive waste material,
8 except to a facility approved for operation under this chapter or for
9 purposes of disposal outside the state, is prohibited.

10 (b) A person may not transport radioactive waste material in the
11 state unless he has first obtained a permit from the commissioner. The
12 commissioner shall adopt regulations governing the issuance of permits
13 required by this subsection, and shall establish and implement a system
14 to record by manifest the movement of radioactive waste materials which
15 are transported.

16 (c) This section does not apply to the transportation of radio-
17 active waste material by the federal government. When an agency of the
18 federal government proposes to transport radioactive waste material in
19 the state, the agency shall notify the commissioner and the Department
20 of Public Safety of its plans. When notice is received from the federal
21 agency, the commissioner and the commissioner of public safety may take
22 any action they regard as necessary to protect the health and safety of
23 persons in the vicinity of the route to be used to transport the radio-
24 active waste material. The notice provisions of this subsection do not
25 apply if advance notice would represent a threat to national security.

26 Sec. 18.45.140. PROOF OF RESPONSIBILITY FOR DISPOSAL OF HIGH
27 LEVEL RADIOACTIVE WASTES REQUIRED. (a) A person may not dispose of
28 high level radioactive wastes in the state unless he has furnished
29 proof to the commissioner of financial ability to care for the radio-

1 active waste material. Financial responsibility may be demonstrated by
2 self-insurance, insurance, surety, or guarantee, under terms the commis-
3 sioner may prescribe.

4 (b) Acceptance of proof of financial responsibility under this
5 section expires

6 (1) one year from its issuance for self-insurance;

7 (2) on the effective date of a change in the surety bond,
8 guarantee, or insurance agreement; or

9 (3) on the expiration or cancellation of the surety bond,
10 guarantee, or insurance agreement.

11 (c) The person whose proof of financial responsibility is accepted
12 by the commissioner under this section shall notify the commissioner at
13 least 30 days before the effective date of a change, expiration or
14 cancellation in the surety bond, guarantee, or insurance agreement.
15 Application for renewal of acceptance of proof of financial responsi-
16 bility under this section must be filed at least 30 days before the
17 date of expiration.

18 (d) The commissioner, after notice and hearing, may revoke accep-
19 tance of proof of financial responsibility if he determines that

20 (1) acceptance was procured by fraud or misrepresentation;
21 or

22 (2) a change of circumstance has occurred, other than a
23 change specified in (b)(1) - (3) of this section, which would have
24 warranted denial of the application.

25 Sec. 18.45.150. PENALTIES. (a) A person who violates a provision
26 of AS 18.45.130 is guilty of a class C felony.

27 (b) In addition to the penalty prescribed for a class C felony
28 under AS 12.55.035(b)(2) and (c), a person who violates a provision of
29 AS 18.45.130 - 18.45.140 is subject to

1 (1) a penalty of \$50, 00 for each offense; each day that the
2 violation continues constitutes a separate offense;

3 (2) the payment to the state of expenses incurred by the
4 state in removing, correcting, or abating the adverse effects of the
5 violation; and

6 (3) actual damages resulting from the violation.

7 Sec. 18.45.160. DEFINITIONS. In AS 18.45.100 - 18.45.160,

8 (1) "commissioner" means the commissioner of environmental
9 conservation;

10 (2) "high level radioactive waste" means

11 (A) used nuclear reactor fuel;

12 (B) waste produced during the reprocessing of used
13 nuclear reactor fuel; and

14 (C) elements having an atomic number greater than 92
15 and containing 10 or more nanocuries per gram;

16 (3) "manifest" means the form used for identifying the
17 quantity, composition, origin, routing, and destination of radioactive
18 wastes during transportation;

19 (4) "nuclear fuel production facility" means a facility that
20 purifies radioactive mineral concentrates and fabricates fissionable
21 material to be used for producing energy in a nuclear reactor; and

22 (5) "nuclear utilization facility" means an apparatus,
23 device, or equipment in which nuclear fission is sustained in a self-
24 supporting and controlled chain reaction; term does not include an
25 apparatus, device, or equipment used exclusively for educational, medi-
26 cal, or research purposes.

27 * Sec. 7. AS 46.03.250 is amended to read:

28 Sec. 46.03.250. AUTHORITY. The department shall adopt regula-
29 tions

1 (1) establishing standards governing the discharge of low
2 level radioactive materials [RADIONUCLIDES] to the air, water, land,
3 and subsurface land of the state;

4 (2) establishing safeguards for radioactive waste materials
5 that do not constitute a threat to public health or safety and that may
6 be stored or disposed in the state; and

7 (3) establishing procedures for the storage and disposal of
8 radioactive materials used in medicine, education, instruments, indus-
9 trial testing, or scientific research.

10 * Sec. 8. AS 46.03.260 is amended to read:

11 Sec. 46.03.260. USE OF RADIOACTIVE MATERIALS [ATOMIC RADIATION].
12 A person who conducts an operation which results in the discharge of
13 low level radioactive materials [RADIONUCLIDES] to the air, water, land
14 or subsurface land of the state must obtain a permit from the depart-
15 ment before commencing the discharge.

16 * Sec. 9. AS 46.03.900 is amended by adding a new paragraph to read:

17 (30) "low level radioactive materials" means a radioactive
18 waste other than

19 (A) used nuclear reactor fuel;

20 (B) waste produced during the reprocessing of used
21 nuclear reactor fuel; and

22 (C) elements having an atomic number greater than 92
23 and containing 10 or more nanocuries per gram.

24 * Sec. 10. AS 46.03.020(10) is amended by adding a new subparagraph to
25 read:

26 (I) handling, transportation, treatment, storage, and
27 disposal of hazardous wastes;

28 * Sec. 11. AS 46.03.100 is amended by adding a new subsection to read:

29 (c) A permit for disposal of a hazardous waste may not be issued

1 under this section unless the applicant for the permit has furnished
2 proof to the commissioner of financial ability to control the hazardous
3 waste. Proof of financial responsibility may be demonstrated by self-
4 insurance, insurance, surety, or guarantee, under regulations issued by
5 the department. Acceptance of proof of financial responsibility under
6 this subsection expires

7 (1) one year from its issuance for self-insurance;

8 (2) on the effective date of a change in the surety bond,
9 guarantee, or insurance agreement; or

10 (3) on the expiration or cancellation of the surety bond,
11 guarantee, or insurance agreement.

12 * Sec. 12. AS 46.03 is amended by adding new sections to read:

13 ARTICLE 5. RADIATION AND HAZARDOUS WASTE PROTECTION.

14 Sec. 46.03.296. DISPOSAL OF HAZARDOUS WASTES. (a) It is unlawful
15 to dispose of hazardous wastes in the state unless

16 (1) the waste has been treated and disposed of in a manner
17 that uses the maximum degree of reduction of the harmful qualities of a
18 hazardous waste which is subject to this chapter and which the depart-
19 ment, on a case-by-case basis, determines is achievable for the hazar-
20 dous waste by application of production processes and available methods,
21 systems and techniques, taking into account energy, environmental, and
22 economic impacts and other costs; and

23 (2) the waste is disposed of in a manner that will ensure
24 the protection of human health, livestock, wildlife, property, and the
25 environment.

26 (b) The department shall adopt regulations in accordance with the
27 Administrative Procedure Act (AS 44.62) for the treatment, storage, and
28 disposal of hazardous wastes to ensure the protection of human health,
29 livestock, wildlife, property, and the environment.

1 Sec. 46.03.299. CONTROL OF HAZARDOUS WASTES. The department
2 shall, by regulations adopted under the Administrative Procedure Act
3 (AS 44.62), establish a state hazardous waste program; the state hazar-
4 dous waste program shall

5 (1) consistent with the Federal Resource Conservation and
6 Recovery Act of 1976 (P.L. 94-580, 42 U.S.C. 6901-6987),

7 (A) establish criteria to identify the characteristics
8 of hazardous wastes;

9 (B) enumerate specific hazardous wastes subject to the
10 provisions of AS 46.03.302 and 46.03.305; and

11 (C) identify the sources of hazardous wastes enumerated
12 under (B) of this paragraph;

13 (2) qualify the department to receive authorization from the
14 administrator of the Environmental Protection Agency to administer and
15 enforce a hazardous waste program in accordance with the Federal
16 Resource Conservation and Recovery Act;

17 (3) determine the amount of a hazardous waste that is so
18 small as to not present a hazard to public health, livestock, fish,
19 wildlife, and the environment of the state when disposed of;

20 (4) exempt a person who generates, treats, transports,
21 stores, or disposes of a hazardous waste from the provisions of this
22 chapter if the quantity of the hazardous waste is less than the amount
23 identified in (3) of this section;

24 (5) establish

25 (A) criteria for identifying appropriate hazardous
26 waste disposal site locations;

27 (B) procedures by which the public shall have opportun-
28 ity to

29 (1) participate in hazardous waste disposal site

1 locations;

2 (ii) review and comment on issuance of hazardous
3 waste disposal permits by the department; and

4 (6) avoid duplication of federal laws and regulations relat-
5 ing to the control of hazardous wastes.

6 Sec. 46.03.302. HAZARDOUS WASTE PERMIT. (a) A person may not
7 process, transport, store, or dispose of a hazardous waste as defined
8 by the department by regulation unless that person first secures a
9 permit from the department and submits to the department any reports or
10 manifests that the department may require for handling the hazardous
11 wastes.

12 (b) A person who generates hazardous waste is not required to
13 obtain a permit under (a) of this section unless the person also pro-
14 cesses, transports, stores, or disposes of the hazardous waste.

15 Sec. 46.03.305. HAZARDOUS WASTE REPORTS AND MANIFESTS. A person
16 who generates hazardous wastes shall submit to the department reports
17 or manifests that the department may require for handling the hazardous
18 wastes.

19 Sec. 46.03.308. TRANSPORTATION OF HAZARDOUS WASTES. Hazardous
20 wastes may not be transported to a hazardous waste disposal site unless
21 the wastes are accompanied by a report or manifest which the department
22 may require for handling hazardous wastes.

23 Sec. 46.03.311. PUBLIC RECORDS. (a) Permits, permit applica-
24 tions, records, reports, and information and documentation obtained
25 under AS 46.03.302 or 46.03.305 are available to the public for in-
26 spection and copying. However, upon a showing satisfactory to the
27 commissioner that a record, report, permit, application, or information
28 would, if made public, divulge methods or processes entitled to protec-
29 tion as trade secrets, the commissioner shall treat the record, report,

1 permit, application, or information as confidential.

2 (b) Information that is confidential may be transmitted under a
3 continuing restriction of confidentiality to other officers, employees,
4 or authorized representatives of the state or of the United States if

5 (1) the person responsible for furnishing the record,
6 report, permit, application, or information to which such information
7 pertains is informed at least two weeks before the transmittal; and

8 (2) the information has been acquired by the department
9 under the provisions of AS 46.03.296 - 46.03.311.

10 (c) The provisions of this section do not limit the department's
11 authority to release confidential information during emergency situa-
12 tions.

13 * Sec. 13. AS 46.03.790(a) is amended to read:

14 (a) A person who violates or who causes or permits a violation of
15 a provision of this chapter or AS 46.04, or of a regulation, lawful
16 order of the department, or permit, approval, or acceptance, or term or
17 condition of a permit, approval, or acceptance issued under this
18 chapter or AS 46.04 is guilty of a class B misdemeanor [VIOLATION].

19 * Sec. 14. AS 46.03.790(b) is amended to read:

20 (b) A person who wilfully violates a provision of this chapter,
21 or of a regulation, lawful order of the department, or permit, approval,
22 or acceptance, or term or condition of a permit, approval, or accep-
23 tance issued under this chapter or AS 46.04 is guilty of a class A
24 misdemeanor.

25 * Sec. 15. AS 46.03 is amended by adding new sections to read:

26 Sec. 46.03.830. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR
27 PETROCHEMICAL FACILITY OR HAZARDOUS WASTE DISPOSAL SITE OPERATION. (a)
28 A person may not operate a petrochemical facility or a hazardous waste
29 disposal site unless the person has furnished proof to the commissioner

1 of financial ability to control a hazardous waste that will be used in,
2 produced by, or disposed of at the facility or the site. Proof of
3 financial responsibility shall include responsibility for the hazardous
4 waste after the facility or site is closed, and may be demonstrated by
5 self-insurance, insurance, surety, or guarantee, under regulations
6 issued by the department.

7 (b) Acceptance of proof of financial responsibility under this
8 section expires

9 (1) one year from its issuance for self-insurance;

10 (2) on the effective date of a change in the surety bond,
11 guarantee, or insurance agreement; or

12 (3) on the expiration or cancellation of the surety bond,
13 guarantee, or insurance agreement.

14 Sec. 46.03.833. COMPLIANCE WITH FINANCIAL RESPONSIBILITY REQUIRE-
15 MENTS. (a) A person whose proof of financial responsibility is
16 accepted by the department under AS 46.03.830 or under 46.03.100(c)
17 shall notify the department at least 30 days before the effective date
18 of a change, expiration, or cancellation in the surety bond, guarantee,
19 or insurance agreement. Application for renewal of acceptance of proof
20 of financial responsibility under AS 46.03.830 or 46.03.100(c) must be
21 filed at least 30 days before the date of expiration.

22 (b) The department, after notice and hearing, may revoke accept-
23 ance of proof of financial responsibility if it determines that

24 (1) acceptance was procured by fraud or misrepresentation;

25 or

26 (2) a change of circumstance has occurred that warrants
27 revocation under regulations issued by the department.

28 * Sec. 16. AS 46.03.900 is amended by adding new paragraphs to read:

29 (30) "dispose" has the same meaning as the term "disposal" is

1 defined in 42 U.S.C. 6903(3);

2 (31) "hazardous waste" means a waste or combination of wastes
3 which because of quantity, concentration, or physical, chemical, or
4 infectious characteristics may

5 (A) cause, or significantly contribute to, an increase
6 in mortality or an increase in serious irreversible or incapacit-
7 ating reversible illness; or

8 (B) pose a substantial present or potential hazard to
9 human health or the environment when improperly managed, treated,
10 stored, transported, or disposed of;

11 (32) "manifest" means the form used for identifying the
12 quantity, composition, origin, routing, and destination of a hazardous
13 waste when the hazardous waste is transported;

14 (33) "storage" means the containment of hazardous waste,
15 either on a temporary basis or for a period of years, in a manner that
16 does not constitute disposal of the hazardous waste;

17 (34) "treatment" has the same meaning as the term is defined
18 in 42 U.S.C. 6903(27).

19 * Sec. 17. AS 18.45.010 - 18.45.080 are repealed.

20 * Sec. 18. Sections 1, 2, 6 - 9, and 17 of this Act take effect immedi-
21 ately in accordance with AS 01.10.070(c).

22 * Sec. 19. Sections 3 - 5 of this Act take effect on the date of a final
23 court order ruling AS 18.45.100 as enacted by sec. 1 of this Act invalid or
24 unconstitutional.

25 * Sec. 20. Sections 10 - 16 of this Act take effect July 1, 1981.
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29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Committee Substitute for Committee Substitute for SB 29 (Jud.)
 Title An Act relating to hazardous wastes and to nuclear and radioactive facilities and
 Requested by Commissioner's Office Date 6/12/81

materials.

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Public Health
 BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 6/12/81

PREPARED BY Sid Heidersdorf
 AGENCY Dept. of Health & Social Services
 PHONE 465-3019

Original: Legislative Finance
 cc: Budget and Management