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FIRST COMMITTEE OF REFERRAL

DATE: 1/11/93

FURTHER: STATE AFFAIRS
FINANCE

Date of 5-Day Notice: 2/18/93
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 2-23-93

CRA Committee considered SENATE BILL NO. 33

"An Act relating to grants for local emergency planning committees and emergency response organizations; and providing for an effective date."

and recommends:

replace with _____ CS SB 33 (CRA)

attaches amendment(s)

same title
 new title
 technical title change
(HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DEC SB 405		Φ	
DMVA SB 405		Φ	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Wick H. H. H.

OTHER RECOMMENDATIONS:

John L. Taylor No Rec.

Paul F. Zell

D. Pass

Chair: Signature and Recommendation



Department of Environmental Conservation

Position Paper

Bill No: Senate Bill 33

Approved: John A. Sandor

Name: John A. Sandor

Title: Commissioner, Chairman of the SERC

Date: February 9, 1993

Bill Title: LEPC Grants

Senate Bill 33 would in part give DEC the authority to issue grants to local emergency planning committees (LEPCs) to form pursuant to AS 46.13.070. LEPCs are required under both State and federal law to prepare and periodically review emergency plans that prescribe the methods and procedures to be followed in the event of a release of a hazardous substance, including oil. LEPCs play a vital role in developing community awareness, training or community resources, and planning for hazardous substances emergencies in their areas.

Currently, DEC receives funding for the purposes of forming LEPCs however, when an LEPC is not directly connected to a municipal government, the Department has no way to pass the funding on to the LEPC. This legislation would simply allow DEC to grant the money directly to the organization for which its use is intended.

DEC and the State Emergency Response Commission (SERC), which much approve the formation of all LEPCs, both support the legislation.

For further information contact: **Janice Adair**
Assistant Commissioner/Legislative Liaison
465-5050

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 33

Revision Date: _____
Title: Relating to grants for LEPC's
Sponsor: Leman
Requestor: Leman

Department Affected: Environmental Conservation
BRU: Spill Prevention & Response
Component: Program Development

COMPONENT SERIAL NO. 118 114

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING:

1002 FEDERAL RECEIPTS	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF MATCH	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECPT	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTLA	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: S None

ANALYSIS: (Attach a separate page if necessary.)
This bill simply gives DEC and DMVA author ty to issue gran ts to LEPC's fo fromation and training purposes.
Any funding of such grants would still be subj ected to the normal budgetary process.

Prepared by: Janice Adair
Division: Commissioner's office

Phone : 465-5010
Date : 1/26/93

Approved by Commissioner: *Janice Adair*
Agency: Department of Environmental Conservation

Date: 1/26/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

MEMORANDUM

State of Alaska

Department of Environmental Conservation
Division of Spill Prevention and Response

TO: Janice Adair
Assistant Commissioner

DATE: January 26, 1993

THRU: Michael A. Conway
Director *MAC*

FILE NO: (serc\legpro\janice.33)

TELEPHONE NO: 465-5220

FROM: Camille Stephens *CSS*
SERC Program Coordinator

SUBJECT: SB 33 Questions

1. What have the LEPCs requested in terms of funding?

For FY '94, the Department has requested \$1.2 million in funding for forming and operating LEPCs. This figure was based on estimates provided by LEPCs and communities currently in the process of organizing a Committee that received funding during FY '93, and staff estimates of funding that would be required for the remaining areas of the state.

2. What are the funds for?

The purpose of the funds in FY '94 will be the same as in previous years, i.e. to organize LEPCs and carry out the Committees' state and federally mandated responsibilities, including: conducting a hazards analysis; develop a local hazardous substance emergency response plan; implement, test, and revise those plans; and, encourage efforts to reduce risks to the community from hazardous materials.

Currently the Department uses two means of transferring the funds to LEPCs. A Memorandum of Understanding is used if a local government agrees to accept and manage the funds on behalf of the LEPC. If the local government is unwilling to provide this service, or no local government exists to provide the service, the Department will manage the funds on behalf of the LEPC. Four of the 20 funding recipients in FY '93 are on collocation codes (Anchorage, Fairbanks, Copper River, and Prudhoe Bay).

Since LEPCs are State entities according to an Attorney General's opinion, and since a State agency does not typically give a grant to another State agency, grant authority will not provide the universal solution to the problem of transferring funds to LEPCs. The grant authority legislation (SB 33) would, however, give the Department an alternative to an MOU as the means of making the funds available to an LEPC, and would broaden the possible entities that could receive and manage the funds on behalf an LEPC to certain non-governmental entities (e.g., non-profit groups).

3. What criteria are use to allocate the funds to the LEPCs and communities?

Although the guidelines for funding proposals and award criteria have not been set for FY '94, the criteria listed in the March 19, 1992 memo are not likely to change.

4. Do we have guidelines or regulations for how the money is used?

Unchanged from March 19, 1992 memo. To add an additional comment, the funds are from the Response Fund, so use is limited by statutes governing that funding source.

5. Do we have any limits?

Unchanged from March 19, 1992 memo.

6. Do we pay for travel and per diem?

Unchanged from March 19, 1992 memo.

7. How do we check them? What checks and balances exist?

Unchanged from March 19, 1992 memo. Terms contained in the FY '93 funding agreements specify deliverables that must be completed.

8. What federal sanctions, if any, would we face if we did not have a SERC or LEPCs?

Unchanged from March 19, 1992 memo.

9. If we grant the money to an organization, what would we do if they did not form an LEPC?

Unchanged from March 19, 1992 memo.

10. What would the grant agreement look like?

Unchanged from March 19, 1992 memo.

11. Would we have regulations for this?

Unchanged from March 19, 1992 memo. (Note: Ohio, and possibly other states have an LEPC grant program and regulations. These may serve as useful models on which to base Alaska's program.)

12. Why don't the local governments contribute money, or do they contribute something?

As last year, some local governments provide in-kind services, but typically do not receive local funding. The SERC recognizes that participation of local government is critical to the success of the LEPC, and we are actively working to enhance the working relationship between these two entities.

13. Do we have any limit on the number of members on an LEPC?

The SERC has not imposed a limit on the number of members on an LEPC. As pointed out in the March 19, 1992 memo, the number of Committees is more the deciding factor with regard to funding levels for the program. The SERC recognizes that the State cannot provide support for an unlimited number of Committees and is rethinking the current approach to establishing new LEPCs. Fiscal sustainability will be a key factor in determining the program's ultimate future.

14. What if the local fire department was all a community could get to do this?

The statutory requirements for membership composition of an "LEPC" have not changed.

J. Kent, GPRP Program Manager

Funding Mechanism	Possible Recipients	Comments
MOU	Local Government	These are the only means currently used by the Department
Collocation Code	LEPC	
Grant	Non-profit Certain for-profit groups Local Government	Department needs grant authority as proposed in SB 33

8-LS0324E
Lauterbach
2/3/93

CS FOR SENATE BILL NO. 33 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to grants for local emergency planning committees and
2 emergency response organizations; and providing for an effective date."

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

4 * Section 1. AS 26.23.040(e) is amended by adding a new paragraph to read:

5 (12) to the extent that money is available from an appropriation for the
6 purposes of this paragraph,

7 (A) award grants for training local emergency planning
8 committees and the emergency response organizations that execute the plans
9 developed by the committees under AS 46.13.080 and 46.13.090; and

10 (B) in order to comply with 49 U.S.C. Appx. 1815(a)(3), make
11 funds available to local emergency planning committees for developing
12 emergency plans under AS 46.13.

13 * Sec. 2. AS 46.03.020 is amended by adding a new paragraph to read:

14 (14) award grants for the purposes of forming local emergency planning

1 committees under AS 46.13.070.

2 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. SB 33

Revision Date: _____ Dept. Affected: DMVA
 Title: Grants for Local Emergency BRU: Disaster Planning and Control
Planning Committees Component: Hazardous Materials Response
 Sponsor: Sen. Leman
 Requestor: Sen. Leman COMPONENT SERIAL NO. 1211

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact \$ _____

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact

Prepared by: Jeff Morrison, Director
 Division: Administrative & Support Services
 Approved by Commissioner: *[Signature]* Hugh L. Cox III
 Agency: Military & Veterans Affairs

Phone: 465-4730
 Date: 10 Feb 93
 Date: 2/14/93

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Tues

FEB 11 1993

SENATOR LOREN LEMAN

Northwest Anchorage

311 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

TO: SENATOR RANDY PHILLIPS, Chairman
Senate Community and Regional Affairs

February 9, 1993

FROM: SENATOR LOREN LEMAN
Sponsor



Please schedule at your earliest convenience, SB 33:

"An Act relating to grants for local emergency planning committees and emergency response organizations; and providing for an effective date".

This bill authorizes the Department of Military and Veterans Affairs, Division of Emergency Services to award grants to local emergency planning committees and to emergency response organizations that execute emergency plans required under AS 46.13.080 and 46.13.090; and authorizes the Department of Environmental Conservation to award grants for the purpose of forming local emergency planning committees under AS 46.13.070.



SENATOR LOREN LEMAN

Northwest Anchorage

311 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

SPONSOR STATEMENT

SB33: An Act relating to grants for local emergency planning committees and emergency response organizations; and providing for an effective date.

PROPOSAL

SB 33 will allow the Department of Environmental Conservation to award grants to form local emergency planning committees and will allow the Department of Military and Veterans Affairs to award grants for disaster planning and response.

Further legal review of the Hazardous Materials Transportation Uniform Safety Act of 1990 revealed that the wording of SB 33 will not allow the state to use HMTUSA monies for planning grants. The Department of Military and Veterans Affairs, Division of Emergency Services would like to be able to transfer these funds to the LEPCs. Therefore, I recommend that the committee consider CSSB 33 which includes this language.

HISTORY

The Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. ss 11001-11050 (1991) (Title III of the Superfund Amendments and Reauthorization Act of 1986), commonly known as SARA Title III, was passed largely in response to the chemical accident in 1984 at Bhopal, India.

SARA Title III has two distinct parts: an emergency planning mechanism and community right-to-know provisions. The emergency planning provisions require each state's governor to establish an emergency planning commission. The commission sets up emergency planning districts and appoints an emergency planning committee for each district. The committees are required to prepare emergency plans.

In 1990, the Legislature created the State Emergency Response Commission. The SERC has appointed to date 15 emergency planning committees.



Department of Environmental Conservation

Position Paper

Bill No: Senate Bill 33

Approved: John A. Sandor

Name: John A. Sandor

Title: Commissioner, Chairman of the SERC

Bill Title: LEPC Grants

Date: February 9, 1993

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