

HB

144

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 144

Revision Date: _____
Title: Pesticide Fees
Sponsor: House State Affairs
Requestor: House Resources

Department Affected: Environmental Conservation
BRU: Environmental Health
Component: Laboratory Services

COMPONENT SERIAL NO. #2065

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(55.5)	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 Receipt	55.5	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS:

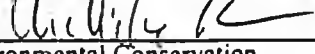
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Convert existing general fund match to general fund program receipts.

Prepared by: Janice Adair, Director
Division: Environmental Health

Phone: 269-7644
Date: 3/7/97

Approved by Commissioner: 
Agency: Department of Environmental Conservation

Date: 3/7/97

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House Of Representatives

House District 34

DATE: March 5, 1997

TO: Representatives Oyan and Hudson, Co-Chairs
House Resources Committee

FROM: Representative Jeannette James

A handwritten signature in black ink, appearing to be 'J. James', written over the name 'Representative Jeannette James'.

Please schedule House Bill 144, "D.E.C. Fees, Pesticides and Chemicals" for hearing in the House Resources Committee at your earliest convenience.

A sponsor statement and copy of the bill are attached.

Thank you very much for your assistance.

Collateral references. — 61A Am. Jur. 2d, Pollution Control, § 1 et seq.
39A C.J.S., Health and Environment, § 61 et seq.

Sec. 44.46.020. Duties of department. The Department of Environmental Conservation shall

(1) have primary responsibility for coordination and development of policies, programs, and planning related to the environment of the state and of the various regions of the state;

(2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land, and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take actions that are necessary and proper to further the policy declared in AS 46.03.010;

(5) adopt regulations for

(A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing or cosmetology establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration. (§ 2 ch 120 SLA 1971; am E.O. No. 51, § 40 (1981))

NOTES TO DECISIONS

Approval of subdivision plans. — Department of environmental conservation can validly require its approval of potential subdivision plans as a prerequisite to the recording and sale of any lots in the

subdivision. *State v. Anderson*, 749 P.2d 1342 (Alaska 1988).

Cited in *Noey v. Department of Env'tl. Conservation*, 737 P.2d 796 (Alaska 1987).

Sec. 44.46.025. Fees for services. (a) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the applicable direct costs, not including travel, of inspections, permit preparation and administration, plan review and approval, and other services provided by the department relating to

(1) agriculture and animals under AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

(2) certificates of inspection for motor vehicles under AS 46.14.400 or 46.14.510;

(3) sewerage system and treatment works and wastewater disposal systems, and drinking water systems, under AS 46.03.720;

(4) *[Repealed, § 43 ch 128 SLA 1994.]*

(5) *[Repealed, § 43 ch 128 SLA 1994.]*

(6) water and wastewater operator training under AS 46.30;

(7) control of solid waste facilities under AS 46.03.020(10) and 46.03.100;

(8) certification of laboratories conducting environmental analyses of public drinking water systems or of oil or hazardous substances, or conducting other analyses required by the department;

(9) certification of federal permits or authorizations under 33 U.S.C. 1341 (sec. 401, Clean Water Act).

(b) The department may not charge a fee for a service that is provided by a municipality under a delegation by the department to the municipality.

(c) The department may adopt regulations that prescribe reasonable fees to cover the direct and indirect costs of air quality permit programs under AS 46.14 and may establish procedures for the collection of those fees.

(d) Notwithstanding (a) of this section, the department may not charge a fee for inspection, permit preparation and administration, plan review and approval, or other services provided by the department under AS 03.05 or AS 44.46.020(5) to a school. In this section, "school" means a public school or private school for children of school age, as defined in AS 14.03.070, or a head start center that receives federal financial assistance under 42 U.S.C. 9835. (§ 63 ch 36 SLA 1990; am §§ 76, 77 ch 63 SLA 1993; am §§ 12, 13 ch 74 SLA 1993; am § 43 ch 128 SLA 1994; am § 1 ch 90 SLA 1995)

Revisor's notes. — Section 77, ch. 63, SLA 1993 enacted a subsection (c) for this section that is almost identical to that enacted by § 13, ch. 74, SLA 1993 and set out above. The only difference between the two is that the latter contains the words "and indirect" after the word "direct". Because § 13, ch. 74, SLA 1993 was the later enactment and had an immediate effective date, the amendment made by ch. 63 will not be codified.

Effect of amendments. — The first 1993 amendment, effective January 1, 1993, rewrote subsection (a).

The second 1993 amendment, effective June 26,

199 substituted the present language of paragraph (a)(2) for "air quality permits under AS 46.03.140 and 46.03.160" and added subsection (c).

The 1994 amendment, effective October 2, 1994, repealed paragraphs (a)(4) and (a)(5), relating to oil discharge financial responsibility and oil discharge contingency plans, respectively.

The 1995 amendment, effective July 1, 1995, added subsection (d).

Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

Article 2. Environmental Advisory Board.

Secs. 44.46.030 — 44.46.050. Environmental Advisory Board. [Repealed, § 13 ch 43 SLA 1994.]

Secs. 44.46.070 — 44.46.110. Alaska Council on Science and Technology. [Repealed, E.O. No. 48, § 6 (1981). For current law, see AS 37.17 and AS 44.19.255.]

Chapter 47. Department of Community and Regional Affairs.

Article

1. Organization and Administration (§§ 44.47.010 — 44.47.055)
2. Planning Assistance (§§ 44.47.080 — 44.47.100)
3. Rural Development (§§ 44.47.130 — 44.47.155)
4. Legal Assistance and Juvenile Justice Grants (§§ 44.47.200 — 44.47.230)
5. Day Care Assistance (§§ 44.47.250 — 44.47.310)
6. Local Boundary Commission (§§ 44.47.565 — 44.47.583)
7. Borough Feasibility Studies (§§ 44.47.700 — 44.47.730)
8. Business Incentive Training Program (§§ 44.47.750 — 44.47.772)
9. Rural Development Initiative Program (§§ 44.47.800 — 44.47.820)
- 9A. Regional Economic Assistance Program (§ 44.47.900)
10. General Provisions (§§ 44.47.980, 44.47.998)

Article 1. Organization and Administration.

Section

10. Commissioner of community and regional affairs
20. Purpose of department
50. General powers and duties

Section

55. Fees for publications, research data, and other services

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