

SB

273

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 3/21/00

FURTHER: SC 3/27/00

DATE TURNED IN TO OFFICE: 27 March 2000

Finance Committee considered

SENATE BILL NO. 273

"An Act requiring oil discharge prevention and contingency plans and proof of financial responsibility for nontank vessels and railroad tank cars; authorizing inspection of nontank vessels and trains; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 273 (FIN)
- adopt previous _____ CS CS forthcoming (_____)
- attached amendment(s)
- adopt Letter of Intent by _____
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	✓		
		<i>Linda Meen</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
forth coming f/n			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

REPORTED OUT OF
SFC 3/27/00

BILL NO. CSSB 273 (FIN)

Revision Date/Time (Note if correction) _____ Dept. Affected: Environmental Conservation
 Title "An Act requiring oil discharge prevention BRU Spill Prevention & Response
and contingency plans...for non-tank vessels and railroad..." Component Industry Preparedness & Pipeline Program
 Sponsor Senator Pearce
 Requester Senate Finance Component No. 1922

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	168.5	168.5	168.5	168.5	168.5	168.5
Travel	19.8	19.8	19.8	19.8	19.8	19.8
Contractual	127.7	37.7	37.7	37.7	37.7	37.7
Supplies	3.3	3.3	3.3	3.3	3.3	3.3
Equipment	19.5	3.7	3.7	3.7	3.7	3.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	338.8	233.0	233.0	233.0	233.0	233.0

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
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1052 Oil/Haz FD	338.8	233.0	233.0	233.0	233.0	233.0
TOTAL	338.8	233.0	233.0	233.0	233.0	233.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	3	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Fiscal Impact: Three (3) full time positions will be required to draft and administer regulations for approximately 50 new nontank vessel operators and railroads. Two Environmental Specialists III will be located in Anchorage to initially develop regulations, and will then subsequently review and approve individual oil discharge prevention and contingency plans, inspect vessels and railroad facilities, and conduct and evaluate spill response drills. One Environmental Specialist II in Juneau will initially assist in developing regulations, and will subsequently review financial responsibility documentation and maintain the associated database, and conduct southeast vessel inspections. During the first year, \$90.0 for professional services contracts is included to assist in the negotiated rule making process and technical issues associated with the regulations. Other contractual funds cover position support costs and technical assistance with inspections and spill response drills.

Economic Impact: This bill will require some operators to incur additional costs for oil spill response equipment, contracts with spill response organizations if they are not already voluntarily meeting the regulatory standard, and costs to obtain and demonstrate proof of financial responsibility.

Prepared by: Larry Dietrick Phone 465-5250
 Division SPAR Date/Time 3/28/00 2:07 PM
 Approved by: Commissioner K. J. Frank Date 3/28/00
 Agency Department of Environmental Conservation

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Fiscal Services Component Summary

FY: 2001

Scenario: FY2001 Legislative Fiscal Note Info

BRU: Spill Prevention and Response

Department: Environ Conservation

Component: Industry Prep. & Pipeline Op. (1922)

Line 100 Summary:

Salaries:	125,796
Benefits:	42,711
Premium Pay:	0
COLA:	0
Pre-vacancy total:	168,507
Minus 0.00% vacancy:	(0)
Post-vacancy total:	168,507
Lump sum prem. pay:	0
Total Line 100:	168,507

Change Record Total: 0.0

Total Component Months: 36.0

Active Positions:

	Existing	New	Transferred In	Total Positions
Full Time:	0	3	0	3
Part Time:	0	0	0	0
Non-Perm:	0	0	0	0
Total:	0	3	0	3

Inactive Positions:

	Deleted	Transferred Out
Full Time:	0	0
Part Time:	0	0
Non-Perm:	0	0
Total:	0	0

Split Positions:

	Counted	Not Counted	Total Splits
Full Time:	0	0	0
Part Time:	0	0	0
Non-Perm:	0	0	0
Total:	0	0	0

Component PCN Funding Summary:

	Amount	w/Vacancy
1004 General Fund Receipts	168,507	168,507
	168,507	168,507

Component PCN Summary:

PCN	Status	Job Title	Rng	Stp	BU	Pos	Split Location	Mths	Salary	Prem	COLA	Benes	Total
8-#004	N	[No job title provided]	18	A	GG	FT	Anchorage	12.0	43,860	0	0	14,617	58,477
8-#005	N	[No job title provided]	16	A	GG	FT	Juneau	12.0	38,076	0	0	13,477	51,553
8-#006	N	[No job title provided]	18	A	GG	FT	Anchorage	12.0	43,860	0	0	14,617	58,477

Status Key: N=New D=Deleted TI=Transferred-in TO=Transferred-out

FY: 2001

Scenario: FY2001 Legislative Fiscal Note Info (890)
Department: Environ Conservation

BRU: Spill Prevention and Response
Component: Industry Prep. & Pipeline Op. (1922)

Position Detail:

Position Status: New	Budgeted Months: 12.0
Bargaining Unit: GG General Gov't Employees	Component Months: 12.0
Class: #0018 [No Job Title Provided]	Merit Date: none
Location: EBA Anchorage	Salary Change Date: none
Position Type: FACL Full Time	Calculation Method: Monthly - Steps and Months
Retirement: A PERS Other	Range / Step 1: 18 A 3,655.00/mth, for 12.0 mths.
Salary Schedule: 1A BASE	Range / Step 2:
Strike Class: 1	
Overtime Eligible: Yes	Total Salary: 43,860
Position Frozen: No	Total Premium Pay: 0
Position Split: No	Total Benefits: 14,617
Project:	Total COLA: 0
Region:	Total Position Cost: 58,477

Premium Pay:

Overtime Pay: 0.00 Hours: 0.00	Higher Class Pay: 0.00
Graveyard Pay: 0.00 Mths: 0.00	Standby Pay: 0.00
Swing Shift Pay: 0.00 Mths: 0.00	Subsistence Pay: 0.00
Hazardous Pay: 0.00	Additional Pay: 0.00
Seaduty Pay: 0.00	Total Premium Pay: 0

Benefits:

<u>Department Benefits:</u> FULL	<u>Statewide Benefits:</u> FULL
Leave Cash-In: 1.36% = 596.50	Health Insurance: 488.50 / Mth.= 5,862.00/ Yr.
Risk Management: 0.82% = 359.65	Life Insurance: 1.54 / Mth.= 18.48/ Yr.
Unemployment Insurance: 0.42% = 184.21	Legal Trust Fund: 8.00 / Mth.= 96.00/ Yr.
Term Leave: 1.88% = 824.57	<u>Total Statewide Benefits:</u> 498.04 / Mth.= 5,976.48/ Yr.
Short Term Non Perm: 0.00% = 0.00	<u>SBS Benefits:</u> FULL
Unique Rate: 0.00% = 0.00	Supplement Benefits: 6.13% = 2,688.62
Bargaining Unit Override Rate: 0.00% = 0.00	<u>Medicare Deduction:</u> FULL
<u>Total Department Benefits:</u> 4.48% = 1,964.93	Medicare Cost: 1.00% = 438.60
<u>Retirement Benefit:</u> FULL	Total Benefits: 14,617
Retirement Benefit: 8.09% = 3,548.27	

Notes: [none]

Position Justification:

Funding Detail:	Percent	Amount
1004 General Fund Receipts	100.00%	58,477.00
Total Funding:	100.00%	58,477.00

Position Detail:

Position Status: New	Budgeted Months: 12.0
Bargaining Unit: GG General Gov't Employees	Component Months: 12.0
Class: #0016 [No Job Title Provided]	Merit Date: none
Location: AWA Juneau	Salary Change Date: none
Position Type: FACL Full Time	Calculation Method: Monthly - Steps and Months
Retirement: A PERS Other	Range / Step 1: 16 A 3,173.00/mth. for 12.0 mths.
Salary Schedule: 1A BASE	Range / Step 2:
Strike Class: 1	
Overtime Eligible: Yes	Total Salary: 38,076
Position Frozen: No	Total Premium Pay: 0
Position Split: No	Total Benefits: 13,477
Project:	Total COLA: 0
Region:	Total Position Cost: 51,553

Premium Pay:

Overtime Pay: 0.00 Hours: 0.00	Higher Class Pay: 0.00
Graveyard Pay: 0.00 Mths: 0.00	Standby Pay: 0.00
Swing Shift Pay: 0.00 Mths: 0.00	Subsistence Pay: 0.00
Hazardous Pay: 0.00	Additional Pay: 0.00
Seaduty Pay: 0.00	Total Premium Pay: 0

Benefits:

<u>Department Benefits:</u>	<u>FULL</u>
Leave Cash-In: 1.36% =	517.83
Risk Management: 0.82% =	312.22
Unemployment Insurance: 0.42% =	159.92
Term Leave: 1.88% =	715.83
Short Term Non Perm: 0.00% =	0.00
Unique Rate: 0.00% =	0.00
Bargaining Unit Override Rate: 0.00% =	0.00
<u>Total Department Benefits:</u>	<u>1,705.80</u>
<u>Retirement Benefit:</u>	<u>FULL</u>
Retirement Benefit: 8.09% =	3,080.35

<u>Statewide Benefits:</u>	<u>FULL</u>
Health Insurance: 488.50 / Mth.=	5,862.00/ Yr.
Life Insurance: 1.54 / Mth.=	18.48/ Yr.
Legal Trust Fund: 8.00 / Mth.=	96.00/ Yr.
<u>Total Statewide Benefits:</u>	<u>498.04 / Mth.= 5,976.48 / Yr.</u>

<u>SBS Benefits:</u>	<u>FULL</u>
Supplement Benefits: 6.13% =	2,334.06

<u>Medicare Deduction:</u>	<u>FULL</u>
Medicare Cost: 1.00% =	380.76

Total Benefits: 13,477

Notes: (none)

Position Justification:

Funding Detail:

	Percent	Amount
1004 General Fund Receipts	100.00%	51,553.00
<u>Total Funding:</u>	<u>100.00%</u>	<u>51,553.00</u>

Position Detail:

Position Status: New
 Bargaining Unit: GG General Gov't Employees
 Class: #0018 [No Job Title Provided]
 Location: EBA Anchorage
 Position Type: FACL Full Time
 Retirement: A PERS Other
 Salary Schedule: 1A BASE
 Strike Class: 1
 Overtime Eligible: Yes
 Position Frozen: No
 Position Split: No
 Project:
 Region:

Budgeted Months: 12.0
 Component Months: 12.0
 Merit Date: none
 Salary Change Date: none
 Calculation Method: Monthly - Steps and Months
 Range / Step 1: 18 A 3,655.00/mth. for 12.0 mths.
 Range / Step 2:
 Total Salary: 43,860
 Total Premium Pay: 0
 Total Benefits: 14,617
 Total COLA: 0
 Total Position Cost: 58,477

Premium Pay:

Overtime Pay: 0.00 Hours: 0.00
 Graveyard Pay: 0.00 Mths: 0.00
 Swing Shift Pay: 0.00 Mths: 0.00
 Hazardous Pay: 0.00
 Seaduty Pay: 0.00

Higher Class Pay: 0.00
 Standby Pay: 0.00
 Subsistence Pay: 0.00
 Additional Pay: 0.00
 Total Premium Pay: 0

Benefits:

Department Benefits:	FULL	
Leave Cash-In:	1.36% =	596.50
Risk Management:	0.82% =	359.65
Unemployment Insurance:	0.42% =	184.21
Term Leave:	1.88% =	824.57
Short Term Non Perm:	0.00% =	0.00
Unique Rate:	0.00% =	0.00
Bargaining Unit Override Rate:	0.00% =	0.00
Total Department Benefits:	4.48% =	1,964.93
Retirement Benefit:	FULL	
Retirement Benefit:	8.09% =	3,548.27

Statewide Benefits:	FULL	
Health Insurance:	488.50 / Mth.=	5,862.00 / Yr.
Life Insurance:	1.54 / Mth.=	18.48 / Yr.
Legal Trust Fund:	8.00 / Mth.=	96.00 / Yr.
Total Statewide Benefits:	498.04 / Mth.=	5,976.48 / Yr.
SBS Benefits:	FULL	
Supplement Benefits:	6.13% =	2,688.62
Medicare Deduction:	FULL	
Medicare Cost:	1.00% =	438.60
Total Benefits:	14,617	

Notes: (none)

Position Justification:

Funding Detail:

	Percent	Amount
1004 General Fund Receipts	100.00%	58,477.00
Total Funding:	100.00%	58,477.00

SENATE FINANCE
COMMITTEE

1-LS1464\I.5
Chenoweth
3/24/00

Amendment Number: #1

Bill Number: SB 273

Sponsor: ~~Torres~~ Date: 3/27/00

Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 273(RES)

1 Page 5, line 28:

2 Delete "may"

3 Insert "shall"

4 Page 5, line 29, following "Act.":

5 Insert "The commissioner of environmental conservation shall adopt the regulations

6 no later than March 1, 2001."

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 273
Amendment	#1
Motion	
<u>Motion by</u>	P
<u>Objection</u>	
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Lemar	
Senator Al Adams	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	no obj

SENATE FINANCE
COMMITTEE

Amendment Number: #2

1-LS1464V.6

Bill Number: SB 273

Chenoweth

Sponsor: ~~Toranzo~~ Date: 3/27/00

3/24/00

Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 273(RES)

- 1 Page 6, line 4:
- 2 Delete ", interpret,"

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 273
Amendment	2
Motion	
<u>Motion by</u>	P
<u>Objection</u>	
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u> no obj	

Alaska State Legislature

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Fax (907) 269-0204

During Session: (Jan. - May)
State Capitol
Juneau, Alaska 99801-1182
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Drue Pearce
President of the Senate
SB 273
Sponsor Statement
3/21/2000

Alaska arguably has the world's best oil spill prevention and response program. However, the current program is limited to vessels that carry oil as cargo (tank vessels), and on-shore oil facilities such as oil wells, pipelines, refineries, and tank farms.

Most of Alaska's oil spills come from carriers that are currently not required to prepare for spill response. Since 1995, 93 spills totaling 5,286 gallons of oil came from regulated vessels and facilities. During this same period, 945 spills totaling 258,000 gallons of oil came from non-regulated carriers. SB 273 will expand the prevention and response program to include larger non-tank vessels and the railroads transporting oil in bulk.

Specifically, non-tank vessels covered by this bill are defined as self-propelled watercraft of 400 or greater gross registered tons. These vessels include larger fishing and processing vessels, cargo and cruise ships, and public vessels engaged in commerce such as the Alaska State Ferries. SB 273 requires these vessels to provide a response plan that will clean up the spill as quickly as possible with minimal damage to the environment. The legislation also requires vessel operators to provide proof of financial ability to respond to damages resulting from a spill.

Recent major oil spills along the Alaska Railroad system and from a large fishing vessel in Dutch Harbor illustrate the need to expand Alaska's oil spill prevention and response program. The railroad, cruise ships, large fishing vessels, container ships, along with Alaska's State Ferries carry large volumes of oil and should be prepared to respond quickly in the case of an spill.

Alaska is the only state on the West Coast that has not extended its contingency plan and financial responsibility laws to include non-tank vessels. In light of recent spills from these vessels in our waters, and from the railroad on our land, it is time to strengthen our oil spill laws. SB 273 will provide a heightened awareness of prevention and response readiness and will reduce the number and consequences of oil spills in the future.

NONTANK VESSELS SPILL PREPAREDNESS

	Laws	Threshold	C-Plan	Incident Command System	Response Planning Standard	Financial Responsibility	Best Available Technology	Prevention Requirements	Drills	Inspections	Oil Spill Cleanup Contracts
Alaska Proposed	Y	300 GT	Y	Y	Y	Y	Y	Y	Y	Y	Y
British Columbia	Y	400 GT	Y	N	N	N	N	N	N	N	Y
Washington	Y	300 GT	Y	Y	Y	Y	Y	Y	Y	Y	Y
Oregon	Y	300 GT	Y	Y	Y	Y	N	Y	Y	Y	Y
California	Y	300 GT	Y	Y	Y	Y	Y	N	Y	N	Y
Alaska Present	N	N	N	N	N	N	N	N	N	N	N

VESSELS COVERED BY BILL:

- over 300 gross tons and 6000 gallons of fuel storage capacity -

- bulk freighters & barges
- container ships & container barges
- factory trawlers, fish processors, fish tenders
- LNG tankers
- cruise ships, ferries
- idled offshore drill ships
- seismic & survey ships
- pipeline & cable laying ships
- crane & construction barges, dredges

RESPONSE PLANNING STANDARDS

Equipment, Personnel, and Resources Available

	Covered Vessels and Rail Cars	In Region	Out of Region
PROPOSED	Nontank vessels which: 1. are at least 300 gross tons; and 2. have an oil capacity of at least 6000 gallons	15% of total oil capacity within 48 hours.	Worst case discharge as soon as possible.
	Bulk oil rail tank cars.	15% of total cargo within 48 hours.	
CURRENT	Tank vessels and barges carrying crude oil: 1. with a capacity of less than 500,000 barrels. 2. with a capacity of 500,000 barrels or more.	1. 50,000 barrels within 72 hours. 60% of total cargo as soon as possible. 2. 300,000 barrels within 72 hours. 60% of total cargo as soon as possible.	Worst case discharge as soon as possible.
	Tank vessels and barges carrying non-crude oil.	15% of total cargo within 48 hours.	

PROPOSED FINANCIAL RESPONSIBILITY

Nontank vessel, persistent oil	\$300 <i>per barrel</i>
Nontank vessel, non-persistent oil	\$100 <i>per barrel</i> \$1,000,000 <i>minimum</i>
Railroad, persistent oil	\$300 <i>per barrel</i>
Railroad, non-persistent oil.	\$100 <i>per barrel</i> \$1,000,000 <i>minimum</i>

* **Persistent** - Heavy refined fuels such as bunker, crude, and lube oil.

* **Non-persistent** - Lighter refined fuels such as gas, diesel, kerosene, and jet fuel.

1 barrel = 42 gallons

NONTANK VESSELS SPILL PREPAREDNESS

	Laws	Threshold	C-Plan	Incident Command System	Response Planning Standard	Financial Responsibility	Best Available Technology	Prevention Requirements	Drills	Inspections	Oil Spill Cleanup Contracts
Alaska Proposed	Y	300 GT	Y	Y	Y	Y	Y	Y	Y	Y	Y
British Columbia	Y	400 GT	Y	N	N	N	N	N	N	N	Y
Washington	Y	300 GT	Y	Y	Y	Y	Y	Y	Y	Y	Y
Oregon	Y	300 GT	Y	Y	Y	Y	N	Y	Y	Y	Y
California	Y	300 GT	Y	Y	Y	Y	Y	N	Y	N	Y
Alaska Present	N	N	N	N	N	N	N	N	N	N	N

VESSELS COVERED BY BILL:

- over 300 gross tons and 6000 gallons of fuel storage capacity -
 - bulk freighters & barges
 - container ships & container barges
 - factory trawlers, fish processors, fish tenders
 - LNG tankers
 - cruise ships, ferries
 - idled offshore drill ships
 - seismic & survey ships
 - pipeline & cable laying ships
 - crane & construction barges, dredges



UNITED FISHERMEN OF ALASKA

March 23, 2000

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

Senator John Torgerson
Senator Sean Parnell
Co-Chairs
Senate Finance Committee
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senators Torgerson and Parnell,

Subject: SB 2.3 - Oil Discharge Prevention & Contingency Plans

UFA supports reasonable efforts to protect habitat and provide for effective oil spill response.

However, we oppose those provisions of this bill that would establish state vessel inspection authority and local-entity oversight of contingency plans.

The Coast Guard has a well-developed program for vessel inspection. We feel that state inspections would be an expensive duplication of effort in terms of people, money, and effort. If the state has a question about the seaworthiness of a vessel they should simply ask the Coast Guard, which will probably already be involved in assessing the situation under their own responsibility and as a part of the Unified Command established for oil spill response.

Regarding local entity oversight of vessel contingency plans, we feel there is already adequate state involvement in the process. Local governments have mechanisms for communicating with the state, and more formal involvement would be a misuse of limited resources. Local Emergency Planning Committees already experience a lack of funding for oil and hazardous spill response planning without adding more administrative burdens.

We are specifically concerned that contingency plan costs and unnecessary certificates of financial responsibility will result in reduce ex-vessel price reductions for fishermen without any significant improvement in response capability. Benefits and costs have not

MEMBER ORGANIZATIONS

Alaska Longline Fishermen's Association • Alaska Trollers Association • Concerned Area "M" Fishermen
Cruet Inlet Aquaculture Association • Copper River Salmon Producers Association • Cordova District Fishermen United
Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association
Northern Southeast Regional Aquaculture Association • Northwest Seiners Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Cook Inlet Drift Association • United Southeast Alaska Gillnetters

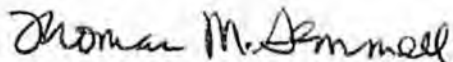
been adequately identified. Information presented to date does not identify spills caused by vessels 300GT and greater, vessel type (e.g. freighter, passenger vessel), nationality (U.S. or foreign flag); nor does the data presented indicate if there have been any real problems with the responsible party paying cleanup costs to either the federal or state governments.

Imposing a cost to provide best available technology in remote areas, such as the Bering Sea, could make some fisheries economically unfeasible. These types of impacts need further assessment before imposing new or duplicative requirements.

The Department of Environmental Conservation already has a full workload for limited resources. Their efforts should be focused on high risk/impact issues and not duplicating services paid for by tax payers.

Your consideration of our input is appreciated.

Sincerely,



Thomas M. Gemmell
Executive Director

cc: Senator Drue Pearce
Senator Georgiana Lincoln
Senator Robin Taylor
Senator Rick Halford
Representative Joe Green
Captain Ed Page, U.S. Coast Guard
Mr. Michael Conway, Alaska Department of Environmental Conservation

Cook Inlet RCAC
910 Highland Avenue
Kenai Alaska 99611
(907) 283-7222
FAX: (907) 283-6102



FAX

To: Senator John Torgerson **From:** Jim Carter, Executive Director

Fax: 465-4779 **Pages:** 11 (including cover)

Phone: **Date:** 03/22/00

Re: **CC:**

Urgent For Review Please Comment Please Reply

COMMENTS: Please deliver to Senator Torgerson as soon as possible. If you have any trouble with this transmission, please call 1-800-652-7222.



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

Members

Alaska State Chamber of Commerce

Alaska Native Groups

Environmental Groups

Recreational Groups

Aquaculture Associations

Fishing Organizations

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

Kodiak Island Borough

Kenai Peninsula Borough

Municipality of Anchorage

March 22, 2000

Senator John Torgerson
State Capitol
Interdepartmental Mail Stop: 3100
Juneau, AK 99801-1182

Dear Senator Torgerson:

We have observed with great interest and support the determination of Senator Pearce to move SB273 through working groups, Senate Resource Committee and now to the Senate Finance Committee to be heard Friday, March 24, 2000. We deeply appreciate Senator Pearce's persistence and objectivity and while we hope the Senate Finance Committee will expedite it along as well there is an additional element left out of the bill that has worked exceptionally well under the federal prevention and response program, i.e., Oil Pollution Act of 1990 (OPA 90), Section 5002, Cook Inlet Regional Citizens Advisory Council (CIRCAC) a demonstration program.

Senator, you above all are well acquainted with the activities of CIRCAC and the untiring effort the thirteen member Council, it's committees and staff have put forth in promoting oil spill prevention and response, scientific activities related thereto, and in general, safety of navigation in Cook Inlet.

Under OPA 90, Section 5002, CIRCAC had the option of being organized in two ways; under the prescriptive option under the Governor or under an alternative option agreed to by a citizens organization and the oil industry. The alternative option was chosen and the oil industry is required to fund the citizens organization (CIRCAC). As long as CIRCAC does not use it's industry funding for unrelated activities there are no known restrictions preventing CIRCAC from being involved and funded for other activities such as SB273.

As you can well imagine Senator, the citizens of Cook Inlet won't be bothered in separating out what is a federal program and what is a state program when a spill occurs regardless of source. The citizens will be looking to have a voice – citizens representation – i.e., fishing, native, environmental, aquaculture, recreational, and all the Mayors from



Page Two
 Senator Torgerson
 March 22, 2000

Members

*Alaska State
 Chamber of
 Commerce*

*Alaska Native
 Groups*

*Environmental
 Groups*

*Recreational
 Groups*

*Aquaculture
 Associations*

*Fishing
 Organizations*

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

*Kodiak Island
 Borough*

*Kenai Peninsula
 Borough*

*Municipality of
 Anchorage*

Anchorage to Kodiak like they have now through CIRAC. All who live along the 220 mile waterway of Cook Inlet depend on CIRAC being at the Command Center during a crisis and pa. sing on current events. It's their livelyhood and shorelines that are effected. SB 273 does not provide for such citizens involvement and it is our suggestion that it should.

Finally Senator, concluding this letter is the difficult part. Funding -- we receive \$660,000 a year, from the oil industry under the OPA 90 program. The main framework of our organization is in place. We estimate we could do the citizens program under SB273 for \$350,000 a year. We propose funding could be established through an industry assessment, the formula of which could be determined through a negotiated rulemaking process.

Sincerely,

James E. Carter, Sr.
 Executive Director

cc: Senator Drue Pearce

Enclosures

Appendix I

Key Duties Adopted by the Prince William Sound and Cook Inlet Regional Citizen Advisory Councils

Both councils have elected to adopt key duties specified in the Oil Pollution Act of 1990 as mandatory for councils established under the prescriptive option. At Prince William Sound, tasks have been completed or are under way in each key duty area. At Cook Inlet, tasks have been completed in most areas and plans are under way to start tasks in the remaining areas in 1993. Table I.1 shows the key duties specified in the act and the group responsible for taking action.

Table I.1: Duties Adopted by the Prince William Sound and Cook Inlet Councils

Key duties identified in section 5002 of the Oil Pollution Act of 1990 (Subsections of the act are identified in parentheses)	Group or committee responsible at the Prince William Sound council	Group or committee responsible at the Cook Inlet council
Key duties identified for the councils		
Provide advice and recommendations on policies, permits, and site-specific regulations for terminal and tanker operations and maintenance (d)(6)(A)	Council	Council
Monitor environmental impacts of the operation of terminals and tankers (d)(6)(B)	Council	Council
Monitor terminals and tanker operations and maintenance that may affect the environment near terminals (d)(6)(C)	Council	Council
Review the adequacy of oil-spill prevention and contingency plans for terminals and tankers (d)(6)(D)	Council	Council ^a
Provide advice and recommendations on port operations, policies, and practices (d)(6)(E)	Council	Council
Key duties identified for the committees		
Advise council on monitoring strategy to permit early detection of environmental impacts of terminal and tanker operations (e)(2)(A)	TOEM and SAC	EMC
Develop monitoring programs (e)(2)(B)	TOEM and SAC	EMC
As warranted, select and contract with scientific institutions to perform monitoring projects (e)(2)(C)	TOEM and SAC	EMC ^a
As warranted, review oil-spill prevention and contingency plans in light of new technological developments and changed circumstances (f)(2)(A)	OSPR	PROPS ^a
Monitor periodic drills and testing of contingency plans (f)(2)(B)	OSPR	PROPS
Study wind and water currents and other environmental factors that would be useful for oil-spill prevention or response (f)(2)(C)	OSPR	PROPS
Identify highly sensitive areas that may require special protection during oil spills (f)(2)(D)	OSPR	PROPS

(continued)

**Appendix I
Key Duties Adopted by the Prince William
Sound and Cook Inlet Regional Citizen
Advisory Councils**

Key duties identified in section 5002 of the Oil Pollution Act of 1990 (Subsections of the act are identified in parentheses)	Group or committee responsible at the Prince William Sound council	Group or committee responsible at the Cook Inlet council
Monitor developments in oil-spill prevention, containment, response, and clean-up technology (f)(2)(E)	OSPR	PROPS & EMC
Periodically review port organization, operations, and incidents, and the adequacy of vessel traffic systems (f)(2)(F)	POVTS	PROPS
Periodically review standards for tankers bound for, loading at, or exiting from oil terminals (f)(2)(G)	POVTS	PROPS

Legend

- EMC = Environmental Monitoring Committee
- OSPR = Oil Spill Prevention and Response Committee
- POVTS = Port Operations and Vessel Traffic Systems Committee
- PROPS = Prevention, Response, Operations and Safety Committee
- SAC = Scientific Advisory Committee
- TOEM = Terminal Operations and Environmental Monitoring Committee

*Tasks will be initiated in 1993.

COOK INLET RCAC PROJECTS LIST

COUNCIL

<u>RFP NUMBER</u>	<u>TITLE/AUTHOR</u>	<u>RELEASE DATE</u>
• 93-008C	Stakeholders Survey * Dittman	1994
• Joint Project w/NOAA	Cook Inlet Sensitive Area Maps (Seasonal - Set of 4)	1996
• Joint Project w/NOAA	Kodiak Sensitive Area Maps (Seasonal -	1997

COOK INLET RCAC PROJECTS LIST

ENVIRONMENTAL MONITORING COMMITTEE

<u>RFP NUMBER</u>	<u>TITLE/AUTHOR</u>	<u>RELEASE DATE</u>
• 91-001E	<i>A Comprehensive Monitoring Program for Cook Inlet, Ak.</i> * MBC	1992
• 91-002E	<i>Annotated Bibliography of Cook Inlet Env. Literature</i> * Pentec Environmental Inc.	1992
• 91-003E	<i>Directory of Facilities</i> * Northern Test Labs	1991
• 92-006E	<i>Cook Inlet Pilot Monitoring Study: (Phase I & II of an overall program, "Implementation of a Prototype Env. Sampling Program for Cook Inlet Alaska")</i> * Arthur D. Little	1995
• 95-013E	<i>Cook Inlet Environmental Monitoring Program</i> * Kinematics Laboratories Inc. (KLI)	1996

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Cook Inlet KCHU

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EMC Project List Page 2

- 95-014E **Small Research Projects....**
 - * **#66 Shelikof Strait Project 1996** 1997
 - * Kinnetic Laboratories Incorporated
 - * **#67 A Survey of Selected Cook Inlet Inter-tidal Habitats** * Pantec Environmental Inc. 1996
 - * **#68 P450 Reporter Gene System Assay Results for Testing of Extracts of Sediments & Bivalve Tissue Collected from Cook Inlet Alaska** * Columbia Analytical 1996
 - * **#69 1996 Lake Clark Bivalve Analyses** 1996
 - * Kinnetic Laboratories Incorporated

- 97-020E **Kenai River Estuary Sediment Characterization Study** * Kinnetic Laboratories, Inc. 1998

- 97-021E **Cook Inlet Sediment Toxicity Study** * Kinnetic Laboratories, Inc. 1998

- 98-023E **Technical Evaluation of the Environmental Monitoring Program for Cook Inlet RCAC** Principle Consultants Dennis Lees, Bill Driskell, James Payne, Ph.D. * Littoral 1999

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COOK INLET RCAC PROJECTS LIST
PROPS COMMITTEE

<u>RFP NUMBER</u>	<u>TITLE/AUTHOR</u>	<u>RELEASE DATE</u>
• 91-001P	<i>Safety of Navigation</i> * Dickson	1992
• 91-003P	<i>Study of Legal Issues Regarding Response Action Contractors</i> * Mertz	1991
• 92-001P	<i>Negotiated Regulations</i> * Putnam	1992
• 92-002P	<i>In-Situ Burning/Dispersants</i> * Sciencetex	1992
• 92-003P	<i>Structural Overview</i> * EBA	1992
• 93-007P	<i>Cook Inlet Platform Information/Structural/Facility Studies</i> *Phases I,II, III Robert Visser/Blemar Engineering 1993/95	
• 93-010P	<i>Alaska Maritime Human Factors Needs Assessment</i> * Battelle/Stoller (Sole Source)	1994
• 93-012P	<i>Current and Future Cook Inlet Oil Production Profits: A Preliminary Assessment</i> * Richard Fineberg (Sole Source)	1994

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Why must lessons from oil spills be learned over and over again?

Recently I visited France to observe the effects of the Erika oil spill.

Sadly, the main thing I learned was how easy it is for a society to ignore the lessons of events like our Exxon Valdez spill in 1989 or France's own Amoco Cadiz spill in 1978. The French were poorly prepared for the Erika spill and the response appeared haphazard, unorganized and ineffective.

The tanker Erika broke up off the coast of France two weeks before Christmas, spilling 3 million gallons of heavy fuel oil. The oil hit France's southern Brittany coast on Christmas Day and continued to come ashore as the cleanup proceeded.

A large depository of oil spill equipment is housed in Brest, at the northern edge of the spill area. Yet, despite two weeks to prepare, it was not possible to disperse, burn, stop or clean up the oil, or otherwise protect the coast of southern Brittany. Though the weather was bad, it still seemed remarkable that so little could be done.

Had the spill occurred along the north Brittany coast, the Syndicat Mixte, a citizen advisory group much like our council, would have been able to coordinate the communities and demand more responsibility from government and industry. Unfortunately, no such organization exists along the southern Brittany coast.

During the week-long visit, I saw dedicated people attacking the spill with little financial support from the federal government or the spiller. Much as Alaska fishermen built log booms to protect their fisheries, French volunteers worked with minimal equipment to save their beaches. We saw very little personal protective equipment and the usual cleanup tools were little more than putty knives, shovels and buckets.

Volunteers complained of skin rashes and respiratory and eye problems. This, combined with an unusually high death rate in oiled birds, suggested to many observers that the oil was more toxic than they had been led to believe.

Since our visit, more news has come out. Between 20,000 and 40,000 people demonstrated for more protection and better response. A

French laboratory analyzed the pollution and concluded it contained toxic industrial chemicals. More oil washed ashore, suggesting the two halves of the ship were still leaking weeks after the sinking.

I went to France to learn about the techniques and philosophy applied by the French in responding to the Erika spill and to provide

advice based on our experience in Alaska. During one of our meetings, I observed to a group of French fishermen and elected officials that we see the same lessons over and over again in oil spills:

■ Once oil is in the water it is very difficult to remove. We should focus most of our effort on prevention.

■ Local citizens frequently have different priorities from those of government and industry.

■ It often comes down to local citizens working together, supporting each other and taking the lead in responding to the threat to their environment.

■ Citizens must not rely solely on assurances from government and industry that their health and welfare are being protected. We must look beyond superficial early claims that the pollution is not toxic, or that we can detect hazardous chemicals through a see, smell and taste test.

Citizen groups provide valuable assistance to communities in a disaster such as an oil spill. The communities and citizens along the Southern Brittany coast needed the coordination, information and other support provided by groups such as the Syndicat Mixte and the Prince William Sound Regional Citizens' Advisory Council. These groups alone have the local citizens' interests as their highest priority.

John Devens is the executive director of the Prince William Sound Regional Citizens' Advisory Council.



JOHN S. DEVENS

MEMO TO FILE

DATE: March 21, 2000

TO: Finance Committee

BILL/RES. NO.: **SENATE BILL NO. 273**

ATTENTION: Heidi, Vicki
Senate Secretary's Office

This bill/resolution has not yet received a do pass recommendation.

Please leave this note in the file.

Thank you.

SENATE FINANCE COMMITTEE

SIGN-IN

SB 273-OIL SPILL RESPONSE; NONTANK VESSELS & RR

NAME: PAUL FUNS Subject/Bill No: SB273
Co./Dept./Title: CSX Lines (Sealand) Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: GEORGE CAPACCI Subject/Bill No: SB273
Co./Dept./Title: CAPTAIN (GENERAL MANAGER) Phone: 465-3959
Address: AMHS 5132 Quaker Dr Deneau Zip: 99801
Do you wish to testify? Yes No Respond To Questions

NAME: SUSAN MCGARRIGAN Subject/Bill No: SB273
Co./Dept./Title: SENIOR MANAGER Phone: 789-8107
Address: ADMITTED BY ISLAND Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Charlie Buddy Subject/Bill No: CSSB273
Co./Dept./Title: V.P. Governmental Relations Phone: 907 452 2625
Address: Fairbanks Zip: 99701
Do you wish to testify? Yes No Respond To Questions

NAME: Joe Kyle ^{TRIDENT} Subject/Bill No: SB 273

Co./Dept./Title: Alaska Steamship Assoc Phone: 586-3107

Address: 234 Gold St. Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

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NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions



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TCN: 10647

Participant Lists

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Unidentified Testifiers: 0

Unidentified Observers: 0

ANCHORAGE (ANC)

1

Name: Bob Lohr

Phone:

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Affiliation: Div Insura

City /St /Zip:

Type: Testifier

Bill: SB 256: PHYSICIAN NEGOTIATIONS WITH HEALTH INSURE

MATSU (MAT)

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Affiliation:

City /St /Zip:

Type: Testifier

Bill: SB 273: OIL SPILL RESPONSE; NONTANK VESSELS & RR



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Affiliation:
Type: Testifier |
| 9 | Name: Mr. David Lawer
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Affiliation: AK Bankers
Type: Testifier |

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City /St /Zip:Wasilla Type: Testifier
Bill: SB 273: OIL SPILL RESPONSE; NONTANK VESSELS & RR



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