

**HB**

**382**

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 382(FIN)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title An Act Relating to Cleanup of Illegal Drug Sites BRU Environmental Health  
 Component Laboratory Services  
 Sponsor Representative Guess  
 Requester Senate Resources Component No. 2065

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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	10.0	0.0	0.0	0.0	0.0	0.0
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
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
<b>TOTAL OPERATING</b>	<b>12.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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FUND SOURCE	(Thousands of Dollars)					
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	12.0	2.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>12.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**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)  
 The evaluation and cleanup process of illegal drug sites as proposed in this bill will require the Department to develop contaminated substance limits in regulation and guidelines for decontamination. In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and clean up would be approximately 18 a year based on actual numbers of 13 sites last year and 25 the year before. Additionally, it is anticipated that Alaska can use standards and cleanup guidance documents from other states as templates.  
 Contractual costs of 10.0 would be incurred the first year to pay for regulation development, public notices, and production of the required guidance document.  
 Continued on Page 2

Prepared by: Janice Adair, Director Phone (907) 269-7644  
 Division: Environmental Health Date/Time 4/29/02 9:55 AM  
 Approved by: Kurt Fredriksson Date 4/29/02  
 Agency: Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA  
2002 LEGISLATIVE SESSION

BILL NO. CSHB 382(FIN)

ANALYSIS CONTINUATION

Continuation from Page 1

A telephonic survey of the private labs in the state revealed that there are no labs currently capable of conducting some of the analyses required under this legislation. Therefore, this fiscal note assumes that the department's chemical laboratory will conduct the required tests. Laboratory supplies cost of 2.0 are included to cover the commodities required for this testing.

Line Item Description	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY2007
<b>Personal Services</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Travel</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Contractual</b>						
• Regulations and Public Notice	\$2,000	\$0	\$0	\$0	\$0	\$0
• Guidance Document preparation and copying	\$8,000	\$0	\$0	\$0	\$0	\$0
Subtotal:	\$10,000	\$0	\$0	\$0	\$0	\$0
<b>Supplies</b>						
• Laboratory commodities (72 Samples)	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
<b>Equipment</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$12,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000

22-LS1105\S  
Lauterbach  
4/26/02

SENATE CS FOR CS FOR HOUSE BILL NO. 382( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GUESS, Foster, Croft, Crawford

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to the evaluation and cleanup of sites where certain controlled  
2 substances may have been manufactured or stored; and providing for an effective date."

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

4 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE. The purpose of this Act is to provide a just, equitable, and practicable  
7 method, to be cumulative with and in addition to any other remedy provided by law, whereby  
8 property that endangers the life, safety, or welfare of the general public or occupants of the  
9 property because of toxic chemical contamination that may result from illegal drug  
10 manufacturing may be required to be decontaminated or vacated and secured against use.

11 \* Sec. 2. AS 46.03 is amended by adding new sections to read:

12 Article 6A. Cleanup of Illegal Drug Sites.

13 Sec. 46.03.500. Notice of illegal drug manufacturing site. (a) When a law  
14 enforcement officer, qualified under federal regulations to investigate and dismantle

1 illegal drug manufacturing sites, determines that a site constitutes an illegal drug  
2 manufacturing site, the law enforcement agency that employs the officer shall notify  
3 the owner of the property, the occupants and users of the property, and the department  
4 that the determination has been made.

5 (b) The notice to the property owner required under (a) of this section shall be  
6 by certified mail, return receipt requested, and must include the following information:

7 (1) the parcel identification number and legal description of the  
8 property where the site is located;

9 (2) a statement of the determination made by the law enforcement  
10 officer that the site was an illegal drug manufacturing site and the findings that formed  
11 the basis for the determination;

12 (3) a citation to, and short summary of, AS 46.03.510, which restricts  
13 transfer and occupancy of the site until it is determined to be fit for use; and

14 (4) the following information, which shall be provided to the law  
15 enforcement agency by the department:

16 (A) a copy of the standards contained in regulations adopted  
17 under AS 46.03.530 that determine whether the property is fit for use;

18 (B) a copy of the testing procedures established under  
19 AS 46.03.520(b) and a copy of the list of laboratories maintained under  
20 AS 46.03.520(c) that must be used for determining whether the property is fit  
21 for use; and

22 (C) a copy of the guidelines for decontamination established by  
23 the department under AS 46.03.540(b).

24 (c) The notice to the department required under (a) of this section must  
25 include

26 (1) the parcel identification number and legal description of the  
27 property where the site is located;

28 (2) a statement of the determination made by the law enforcement  
29 officer that the site was an illegal drug manufacturing site and the findings that formed  
30 the basis for the determination; and

31 (3) the name and mailing address of the person who owns the property

1 where the site is located.

2 (d) The notice required under (a) of this section for the occupants and users of  
3 the property shall be accomplished by immediate posting of the entryway of the  
4 property with a notice that includes the location of the property, the information  
5 described in (b)(2) and (3) of this section, and a statement that the property may pose a  
6 substantial risk of physical harm to persons or animals that enter or occupy the  
7 property.

8 (e) If a person other than the owner, such as a property manager or rental  
9 agency, is authorized to let others use or occupy property for which an owner has  
10 received a notice under (a) of this section or is authorized to transfer, sell, lease, or  
11 rent the property to others, the owner of the property shall communicate the substance  
12 of the notice to that person within four days after receiving the notice.

13 **Sec. 46.03.510. Restrictions on property.** (a) Until determined to be fit for  
14 use under AS 46.03.550, the property for which a notice has been issued under  
15 AS 46.03.500(a) may not be transferred, sold, leased, or rented to another person  
16 except as provided in (b) of this section, and a person may not use or occupy the  
17 property at any time after the fourth day following the day on which the property was  
18 posted with the notice required under AS 46.03.500(d), except as necessary for testing  
19 or decontamination under AS 46.03.520 and 46.03.540. An oral or written contract  
20 that would transfer, sell, lease, rent, or otherwise allow the use of the property in  
21 violation of this subsection is voidable between the parties at the option of the  
22 purchaser, transferee, user, lessee, or renter. However, this subsection does not

23 (1) make voidable a promissory note or other evidence of indebtedness  
24 or a mortgage, trust deed, or other security interest securing the promissory note or  
25 evidence of indebtedness, if the note or evidence of indebtedness, mortgage, trust  
26 deed, or other security interest was given to a person other than the person  
27 transferring, selling, using, leasing, or renting the property to induce the person to  
28 finance the transfer, sale, use, leasing, or rental of the property;

29 (2) make voidable a lease or rental agreement between the property  
30 owner and the person who caused the property to be contaminated and determined  
31 unfit for use; or

1 (3) impair obligations or duties required to be performed on  
2 termination of a contract, as required by the contract, such as payment of damages or  
3 return of refundable deposits.

4 (b) Notwithstanding (a) of this section, property covered by (a) of this section  
5 may be transferred or sold if full written disclosure is made to the prospective  
6 transferee or purchaser that the property has been determined to be an illegal drug  
7 manufacturing site and the property has not been determined to be fit for use. The  
8 disclosure shall be attached to the earnest money receipt, if any, and shall accompany  
9 the transfer or sale document. The disclosure is not considered to be part of the  
10 transfer or sale document, however, and may not be recorded. The property shall  
11 continue to be subject to the restrictions in (a) of this section after transfer or sale  
12 under this subsection.

13 (c) A person who knowingly transfers, sells, leases, or rents property to  
14 another, knowingly allows another to use or occupy property, or, being the owner of  
15 property, knowingly occupies or uses the property, in violation of this section is guilty  
16 of a class A misdemeanor. In this subsection, "knowingly" has the meaning given in  
17 AS 11.81.900(a).

18 (d) It is an affirmative defense to a prosecution under (c) of this section for  
19 allowing another to use or occupy the property that the defendant or an agent of the  
20 defendant, within four days after receiving a notice under AS 46.03.500, filed an  
21 appropriate civil action to remove the user or occupier from the property for which the  
22 notice was received.

23 **Sec. 46.03.520. Testing procedures.** (a) If the owner of the property for  
24 which notice was received under AS 46.03.500(b) desires to determine if the property  
25 is fit for use, the owner shall cause the site to be tested for the substances specified in  
26 AS 46.03.530, using the procedures and laboratory services specified under (b) and (c)  
27 of this section. The property owner shall inform the laboratory used for a test under  
28 this subsection that the test is related to property that has been determined to be an  
29 illegal drug manufacturing site.

30 (b) The department shall establish procedures for testing property that may  
31 have been an illegal drug manufacturing site.

1 (c) The department shall establish and maintain a list of laboratories in the  
2 state that have the capacity to perform the testing procedures and have notified the  
3 department that they wish to be on the list maintained under this subsection. A  
4 laboratory may not be included on the list unless the laboratory agrees to send the  
5 department a copy of test results related to properties whose owners have informed the  
6 laboratory that the test results are for property that has been determined to be an illegal  
7 drug manufacturing site.

8 **Sec. 46.03.530. Standards for determining fitness.** (a) Property for which a  
9 notice was received under AS 46.03.500(b) is not fit for use if a test of the property  
10 shows the presence of one of the following substances above the limit set by the  
11 department for that substance: lead, mercury, methamphetamines, and volatile organic  
12 compounds.

13 (b) The department shall adopt regulations that set the limit for each substance  
14 listed in (a) of this section for purposes of determining whether the property for which  
15 a notice was received under AS 46.03.500 is fit for use.

16 **Sec. 46.03.540. Decontamination requirements.** (a) If the owner desires to  
17 decontaminate the property for which a notice has been issued under AS 46.03.500,  
18 the owner shall follow the guidelines established by the department under (b) of this  
19 section.

20 (b) The department shall establish guidelines for decontamination of sites that  
21 are determined to be unfit for use under AS 46.03.530. The department shall provide  
22 a copy of the guidelines to any person who requests a copy.

23 **Sec. 46.03.550. Fitness for use.** (a) Property for which a notice has been  
24 issued under AS 46.03.500 shall be determined by the department to be fit for use if  
25 the owner submits satisfactory evidence to the department that

26 (1) based on testing procedures established by the department under  
27 AS 46.03.520(b) and performed by laboratories that are on the list maintained by the  
28 department under AS 46.03.520(c), the limits on substances specified in AS 46.03.530  
29 are not exceeded on the property; or

30 (2) if the property was ever tested under AS 46.03.520 and the test  
31 results showed the property to be unfit for use under AS 46.03.530, decontamination

1 procedures were performed in accordance with the guidelines established under  
2 AS 46.03.540(b) and the requirements of (1) of this subsection have been met.

3 (b) The department shall maintain a list of properties for which the department  
4 has received notice under AS 46.03.500(c). When the department determines under  
5 (a) of this section that a property on the list is fit for use, the department shall remove  
6 the property from the list and notify the owner of the property that the property is fit  
7 for use. On request, the department shall give a copy of the list maintained under this  
8 section to any person who requests the list.

9 **Sec. 46.03.560. Securing the property.** The owner of property for which a  
10 notice was received under AS 46.03.500(b) shall ensure that the property is vacated  
11 and secured against use

12 (1) within four days after receiving the notice if the owner does not test  
13 the property under AS 46.03.520 within four days after receiving the notice; or

14 (2) within four days after receiving the test results if the owner tests  
15 the property within four days after receiving the notice, the test shows the presence of  
16 a substance that exceeds the limits set in regulations adopted under AS 46.03.530, and  
17 the owner does not begin decontamination procedures under AS 46.03.540 within four  
18 days after receiving the test results.

19 **Sec. 46.03.570. Duties of the department; regulations.** (a) The department  
20 shall adopt regulations implementing AS 46.03.500 - 46.03.599.

21 (b) The department shall periodically review information related to  
22 decontamination of illegal drug manufacturing sites to determine whether substances  
23 should be added to or deleted from AS 46.03.530. The department shall report written  
24 findings to the governor if the department determines that a change should be made to  
25 the list of substances in AS 46.03.530. The governor shall notify the legislature when  
26 written findings have been made under this subsection and provide a copy of the  
27 findings to a legislator on request.

28 **Sec. 46.03.599. Definitions.** In AS 46.03.500 - 46.03.599,

29 (1) "illegal drug manufacturing site" means property on which there is  
30 a reasonably clear possibility of contamination with chemicals associated with the  
31 manufacturing of a controlled substance and where

1 (A) activity involving the unauthorized manufacture of a  
2 controlled substance listed on schedule I or II in AS 11.71 or any precursor  
3 chemical for such substances occurs; or

4 (B) there are kept, stored, or located any of the devices,  
5 equipment, things, or substances used for the unauthorized manufacture of a  
6 controlled substance listed on schedule I or II in AS 11.71;

7 (2) "site" means an illegal drug manufacturing site.

8 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 REGULATIONS. The Department of Environmental Conservation may immediately  
11 begin to develop and adopt regulations to implement this Act. The regulations take effect  
12 under AS 44.62 (Administrative Procedure Act).

13 \* Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS. The lieutenant  
16 governor shall certify to the revisor of statutes the effective date of the initial regulations  
17 adopted by the Department of Environmental Conservation under sec. 3 of this Act.

18 \* Sec. 5. Sections 1 and 2 of this Act take effect on the effective date of the initial  
19 regulations adopted by the Department of Environmental Conservation under sec. 3 of this  
20 Act.

21 \* Sec. 6. Sections 3 and 4 of this Act take effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 382(RES)  
 (H) Publish Date: 3/18/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title An Act relating to the evaluation and BRU AST Detachments  
cleanup of sites where controlled substances . . . Component AST Detachments  
 Sponsor Representative Guess  
 Requester House Resources Committee Component No. 2325

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532  
 Division Division of Alaska State Troopers Date/Time 2/27/02 3:49 PM  
 Approved by: Commissioner Glenn Godfrey Date 2/27/2002  
 Agency Department of Public Safety

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 382(RES)  
 (H) Publish Date: 3/18/02

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title: An Act Relating to Cleanup of Illegal Drug Sites BRU: Environmental Health  
 Component: Laboratory Services  
 Sponsor: Representative Guess  
 Requester: House Resources Committee Component No.: 2065

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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	10.0	0.0	0.0	0.0	0.0	0.0
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
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
<b>TOTAL OPERATING</b>	<b>12.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

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

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	12.0	2.0	2.0	2.0	2.0	2.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>12.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**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)

The evaluation and cleanup process of illegal drug sites as proposed in this bill will require the Department to develop contaminated substance limits in regulation and guidelines for decontamination. In preparing this fiscal note, the Department has assumed that the expected number of contaminated sites requiring evaluation and clean up would be approximately 18 a year based on actual numbers of 13 sites last year and 25 the year before. Additionally, it is anticipated that Alaska can use standards and cleanup guidance documents from other states as templates.

Contractual costs of 10.0 would be incurred the first year to pay for regulation development, public notices, and production of the required guidance document.

*Continued on Page 2*

Prepared by: Janice Adair, Director Phone (907) 269-7644  
 Division: Environmental Health Date/Time 2/25/02 2:49 PM  
 Approved by: Kurt Fredriksson - Deputy Commissioner Date 2/25/2002  
 Agency: Department of Environmental Conservation

**FISCAL NOTE**

**STATE OF ALASKA  
2002 LEGISLATIVE SESSION**

**BILL NO. CSHB 382(RES) - FN#2**

**ANALYSIS CONTINUATION**

*Continuation from Page 1*

A telephonic survey of the private labs in the state revealed that there are no labs currently capable of conducting some of the analyses required under this legislation. Therefore, this fiscal note assumes that the department's chemical laboratory will conduct the required tests. Laboratory supplies cost of 2.0 are included to cover the commodities required for this testing.

<b>Line Item Description</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY2007</b>
<b>Personal Services</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Travel</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Contractual</b>						
• Regulations and Public Notice	\$2,000	\$0	\$0	\$0	\$0	\$0
• Guidance Document preparation and copying	\$8,000	\$0	\$0	\$0	\$0	\$0
Subtotal:	\$10,000	\$0	\$0	\$0	\$0	\$0
<b>Supplies</b>						
• Laboratory commodities (72 Samples)	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
<b>Equipment</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$12,000</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>\$2,000</b>

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

## Sponsor Statement HB 382

*" An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."*

### **Purpose**

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. HB 382 sets standards for cleanup of illegal drug manufacturing sites to ensure the safety of future residents.

### **Background**

Illegal drug manufacturing labs, such as "meth labs," are rising in Alaska with seizures doubling in number from 2000 to 2001. Often these labs are in homes, apartments, and hotels where chemical contamination can pose a serious health hazard to future residents.

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. Once law enforcement discovers an illegal lab it falls to the property owner to properly clean up the hazardous material. If this clean up is not done properly it could pose a serious health risk to future occupants of the property, especially children.

### **Solution**

- HB 382 creates a simple system whereby law enforcement, once they have discovered a lab, will notify the property owner. Either law enforcement or the Department of Environmental Conservation (DEC) will provide the owner with materials developed by DEC. These materials will outline testing procedures and guideline limits for a number of dangerous chemicals that commonly contaminate illegal drug lab sites. In order to demonstrate the property is fit for habitation, the owner must provide test results showing the levels of contamination are below DEC set limits.
- HB 382 offers safeguards for future occupants of the property. Under this bill, the property owner may not allow the reoccupation or rental of the property until it has been tested and shown to be below DEC set limits.
- HB 382 requires full disclosure to any purchaser of the property if it was an illegal drug manufacturing site and has not been properly cleaned.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

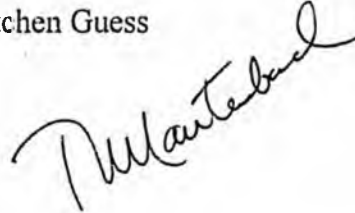
## MEMORANDUM

February 25, 2002

**SUBJECT:** Illegal Drug Sites (HB 382)

**TO:** Representative Gretchen Guess  
Attn: Maridon

**FROM:** Terri Lauterbach  
Legislative Counsel



You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Describes the purpose of the bill.

**Section 2.** Requires testing of property before continued use if a law enforcement officer has determined that the property was an illegal drug manufacturing or storage site. Declares that the property is unfit for use if it doesn't meet the limits set by the Department of Environmental Conservation for lead, mercury, methamphetamines, or volatile organic compounds. Requires decontamination, if done, to be done according to guidelines set by DEC. Specifies miscellaneous other duties for DEC and for the property owner.

TML:med  
02-207.med

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

## **General Information About Illegal Drug Manufacturing Labs and Their Health Effects**

### **No Requirements to Clean Up Illegal Labs**

Illegal drug manufacturing labs, such as "meth labs," are rising in Alaska with seizures doubling in number from 2000 to 2001. Often these labs are in homes, apartments, and hotels where chemical contamination can pose a serious health hazard to future residents.

Currently Alaska has no standards or requirements for the clean up of illegal drug labs. Once law enforcement discovers an illegal lab it falls to the property owner to clean up the hazardous material. If this clean up is not done properly it could pose a serious health risk to future occupants of the property, especially children.

### **Chemicals Used in the Manufacture of Illegal Drugs**

Illegal drugs such as methamphetamines can be made using many different chemical processes. Most of these include the use of metals (such as mercury and lead), explosives, acids, chemical salts and volatile organic compounds (VOCs). Exposure to metals and salts can cause respiratory irritation, decreased mental function, anemia, kidney damage and birth defects. Lead and mercury are particularly hazardous. Exposure to VOCs may cause nose and throat irritation, headaches, dizziness, nausea, vomiting, confusion and breathing difficulties.

Many of the chemical agents used in the production of (meth) are caustic, corrosive, or create noxious and harmful fumes. The cooking of these chemicals produces vapors which permeate the interior materials of buildings, including sheet rock, carpets, and other porous surfaces. These chemical residues continue to volatilize from these reservoirs long after the laboratory is dismantled. This creates a potential for long-term exposure resulting in adverse health effects if a building is reoccupied without decontamination. Many of the chemicals in illegal drug manufacture are known to be carcinogenic (cancer causing), mutagenic (an agent that can induce or increase the frequency of mutation in an organism), and teratogenic (causing malformations of an embryo or fetus) in animal and human studies.

### **General Impacts**

Many of the contaminants present during meth's cooking process can be harmful if someone is exposed to them. These contaminants can cause health problems including respiratory (breathing) problems, skin and eye irritation, headaches, nausea and dizziness. Acute (short-term) exposures to high concentrations of some of these chemicals can cause severe health problems including lung damage and burns to different parts of the body. In extreme cases a child's entire respiratory system could shut down with acute exposure to meth fumes.

### **Impacts on Children**

Children are more susceptible to chemical hazards than adults because they grow rapidly, have higher metabolic rates, and have greater intake of food and water. They are also more likely to be exposed to contaminants on surfaces. Crawling or toddling children touch many surfaces and then put their dirty hands in their mouths.

Exposure to methamphetamine, heavy metals, and other ingredients used in methamphetamine manufacture, and their residues, put children at risk for damage to the nervous system. Exposure of a developing nervous system to neurotoxins can be insidiously amplified as a child grows. Cells killed leave a gap in the total number of cells that make up the mature brain. Damaged cells that survive can pass on the deficit as they multiply. Damage to the developing brain can have greater effect than the same exposure once development is complete (as in adults).

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

## Questions Relating To HB 38?

*"An Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored."*

Questions:

1. **Why doesn't a property owner have to clean up the site regardless of whether or not they intend to rent or sell?**

We want to limit the role of government intrusion. What if the person doesn't have any money; the person has a debilitating disease and can't afford to clean it up? We're saying if you want to do something with it you must clean it. If not, then its not required at this point. Our concern is the threat to public safety – it's not dangerous if no one is allowed in it. If you don't clean it up, then you won't be allowed to have people in it.

2. **Is disclosure of chemicals already required?**

No. This is an issue that has not been addressed until now.

3. **Why DEC?**

DEC is the agency most capable of integrating it into their current program. They already have systems in place for testing and setting standards. If it were routed through HSS a whole new position would need to be created and most likely have a much higher cost associated.

4. **What do Oregon and Washington have in place?**

OR and WA both fund this program through HSS, but they have fully funded positions. It would cost a lot more to emulate their system. OR is operated on the state level – WA operated on the local level (although WA told us they wished they had it at the state level due to poor execution). In Alaska local governments don't have the expertise for testing.



George P. Wuerch,  
Mayor

# ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Walt Moneyan  
Chief

February 27, 2002

Dear Representative Guess,

The Anchorage Police Department Metropolitan Drug Unit strongly supports House Bill Number 382, an Act relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored.

This Bill addresses the very serious problem law enforcement has encountered of unwilling or unknowing landlords, home and motel owners who after, a toxic clandestine drug laboratory is seized from their property, do not care or don't know the proper guidelines to ensure that their particular location is safe for occupation.

This Legislation will no doubt protect the health and enrich the life of the citizens of the State of Alaska.

Lieutenant Dave Hoffman  
Anchorage Police Department  
Commander, Metropolitan Drug Unit

Endorsements:

Sergeant Marc Woodward  
Anchorage Police Department  
Supervisor Metropolitan Drug Unit

Detective Kurt Kornchuk  
Anchorage Police Department  
DEA Task Force/Clandestine Laboratory Coordinator

Cc: Resources Committee Co-Chair Beverly Masek



SARAH H. PALIN  
MAYOR

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CITY OF WASILLA

290 E. Herning Ave.  
Wasilla, Alaska 99654-7091  
Phone: (907) 373-9055  
Fax: (907) 373-9096

March 1, 2002

The Honorable Gretchen Guess  
Alaska House of Representatives  
State Capitol, Room 112  
Juneau, AK 99801-1182

Dear Representative Guess:

Thank you for the opportunity to comment in support of House Bill 382, relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored.

There has been an alarming increase in methamphetamine use and production in the Mat-Su Valley, as well as all over the State, and there are currently no guidelines in place to assist property owners and the general public in cleaning up former meth lab sites. Exposure to the chemicals and contaminants left behind when a meth lab is shut down can cause serious health problems to future occupants.

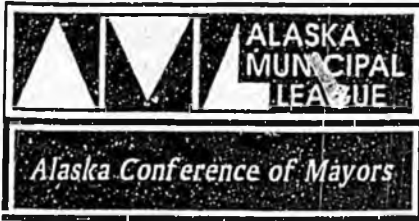
We need to find a way to ensure the safety of future residents and provide guidelines for property owners and landlords to properly clean up the hazardous material resulting from illegal drug manufacturing. As President of the Alaska Conference of Mayors, I also assisted in passing of Resolution 2002-08, "A Resolution to Support Efforts to Combat the Use of Illegal Drugs in Alaskan Communities" (attached). I wholeheartedly support HB 382.

Sincerely,

Sarah Palin  
Mayor of Wasilla

cc: Rep. Beverly Masek, Co-Chair  
Resources Committee

Enclosure



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

26 February 2002

The Honorable Gretchen Guess  
Alaska House of Representatives  
State Capitol, Room 112  
Juneau, AK 99801-1182

Dear Representative Guess:

Thank you for the opportunity to support HB 382, relating to the evaluation and cleanup of illegal drug manufacturing sites. The Alaska Municipal League and the Alaska Conference of Mayors encourage all efforts to address the growing problem of illegal drug use, including the manufacture of controlled substances. We are enclosing Alaska Municipal League/Alaska Conference of Mayors Resolution 2002-08, "A resolution to support efforts to combat the use of illegal drugs in Alaskan communities."

As you know, there are currently no regulations in place to address the process of decontamination at these highly volatile sites. We applaud your effort in creating a more accountable cleanup procedure.

Thank you for your continued interest in Alaska's municipalities. If you have any questions about this or any other municipal issue, please let me know.

Sincerely,

Kevin Ritchie  
Executive Director

Enclosure

cc: Representative Beverly Masek, Co-Chair  
Representative Drew Scalzi, Co-Chair  
House Resources Committee



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)586-1325, Fax (907)-463-5480

## RESOLUTION 2002-8

### A RESOLUTION TO SUPPORT EFFORTS TO COMBAT THE USE OF ILLEGAL DRUGS IN ALASKAN COMMUNITIES

**WHEREAS**, the Alaska Municipal League recognizes the destructive nature of illegal drugs on the citizens of Alaska; and

**WHEREAS**, the illegal use, manufacturing, and sales of illegal drugs is a growing and serious societal ailment, especially the most recent trend in illegal methamphetamine drug use, as well as other illegal clandestinely produced substances; and

**WHEREAS**, the Alaska Municipal League recognizes not only the human destruction, but also the economic devastation, property damage, and environmental disasters that can be brought to a community by illegal clandestine laboratory facilities; and

**WHEREAS**, the law enforcement agencies of Alaska, including local, state, and federal entities, all recognize the seriousness of the situation and hope to gain support in combating the potential devastation that could be visited upon Alaska; and

**WHEREAS**, the support of the Alaska Municipal League and the individual Mayors is vital to gain widespread support for law enforcement efforts to combat the growing methamphetamine problem and support within communities to educate citizens through organized community programs, school programs, and local media; and

**WHEREAS**, it is recognized that the success of any meaningful program related to illegal drugs, whether education or enforcement, lies in a multi-disciplined approach towards addressing the problem; and

**WHEREAS**, the Alaska State Legislature needs to be aggressive in addressing the seriousness of the illegal clandestine laboratory activities through adopting statutes specific to these types of crimes, enhanced sentencing guidelines, and funding.

**NOW, THEREFORE BE IT RESOLVED**, by the Alaska Municipal League that, members, as a group and as individuals will support the entities involved with investigating and prosecuting individuals involved in the illegal manufacturing, sales, and use of controlled substances produced in clandestine laboratory facilities, and will support the entities involved in providing education and training to the citizens of the State of Alaska to help combat the problem.

**BE IT FURTHER RESOLVED**, that the Alaska Municipal League supports any efforts to substantially increase penalties for those who operate clandestine illegal substance laboratories particularly in cases where minor children could be impacted.

Date: 02/28/02

The Honorable Gretchen Guess  
Alaska House of Representatives  
State Capitol, Room 112  
Juneau, AK 99801-1182

Dear Representative Guess:


I have read with interest the Sponsor Statement for HB 382. I was the Wasilla Chief of Police when "Meth Labs" first started to become a problem here in the Mat-Su Borough.

I educated myself about meth labs by calling and visiting other states where meth had acquired a foothold. In areas where the meth problem was not addressed there have been huge health and economic problems affecting whole communities.

I support HB 382 and thank you for your proactive stance. This bill will have a positive effect on those responsible for setting standards and providing guidelines to protect future residents from health hazards and landlords from liability suits.

HB 382 helps to set a high standard for the quality of life we desire here in Alaska and I thank you for your sponsorship in this endeavor.

Sincerely,



Charlie Farnon

cc: Rep. Beverly Masek, Co-Chair  
Resource Committee

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4433  
Fax: (907) 343-4499  
<http://www.ci.anchorage.ak.us>

*George P. Wuerch, Mayor*

OFFICE OF THE MAYOR

February 28, 2002

Representative Gretchen Guess  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Re: HB 382

Dear Representative Guess,

As you know, there has been a proliferation of illegal drug manufacturing laboratories in the state recently.

These labs are often located in residential settings, homes, apartments, and hotel rooms. Because they employ the use of highly toxic and hazardous material in the manufacturing process, they pose a serious health risk to future property occupants.

HB 382 addresses this problem by setting up a notification and cleanup system and provides a process designed to ensure future tenants are protected from any hazards that may exist.

The Municipality of Anchorage recognizes this bill may impose some additional expenses to property owners who have unknowingly rented to meth lab operators, but we believe that with reasonable cleanup guidelines, the safety concerns of future tenants outweigh the additional costs.

Thank you for recognizing this problem and offering a workable solution.

Sincerely,

Tim Rogers  
Legislative Program Coordinator



Online archives from the Wasilla Frontiersman.

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February 15, 2002

Valley hotbed of meth activity, officials say

By NAOMI KLOUDA-Frontiersman reporter

MAT-SU - Drug enforcement officials say there's an alarming increase in methamphetamine production in the Valley, but a little help from the public could see the problem stamped out.

Palmer's District Attorney office received 54 new meth lab cases to prosecute this quarter, compared to Anchorage's 57 new cases for the same period, said Jack Smith, assistant district attorney.

"What we are seeing here is potentially an epidemic like in the Lower 48," said Mat-Su Drug Enforcement Unit Supervisor Patrick Davis. "Yet Alaska has the opportunity to take a pro-active approach and curb this by hitting it en masse."

The good news is that the epidemic has a cure - if enough people are educated about meth production. It's not like the fad drugs that are brought into the state, such as cocaine and ecstasy, Davis said. Making meth is dangerous.

Meth production creates toxic vapors and wastes that are so hazardous suspects are made to remove their clothing and don chemical suits for the ride to jail.

Drug unit officers undergo special training to make them aware of the 30,000 possible chemicals in the processes used to make meth. Davis is an Alaska State Trooper, yet he had to learn enough about molecules and the incompatibility of chemicals to make him a chemist.

The Alaska Legislature passed a law last year making meth production a class A felony offense, recognizing it as a worse crime, in fact, than using the drug. Possession or using meth is a class C felony crime. This gives judges the ability to sentence meth "cooks" to five-year presumptive terms, Smith said.

Methamphetamine was devised by the Nazis in Germany during World War

## II.

"It was given to soldiers to amp them up for battle," Davis said.

In the '60s, Davis said, meth began cropping up as "biker's dope" in California, among such groups as the Hell's Angels.

The drug can be ingested as a powder, by shooting up or smoking and gives an eight to 12-hour high that begins with a 30-40 minute rush. If more meth is taken, the person can stay awake for three days. But after 72 hours the body starts shutting down, wanting to sleep. The ensuing deep sleep is like the person was knocked out by anesthesia. "You can't wake them up," Davis said.

"When the person wakes and craves more, the process starts again but he will reach a tweaking stage considered dangerous, when the body tries to shut down and the drug won't let it," Davis said.

A superhuman feeling similar to that given by LSD can result. Also, paranoia and other behavior makes the user dangerous to those around him and to officers trying to make a traffic stop or arrest.

Entering a place where meth is made involves an array of hazards. Drug officers involved with collecting evidence from meth labs in the previous decade suffered kidney and liver failure and damage to their lungs. Some died in explosions from entering rooms so charged with vapors that an electrical carpet-spark ignited fire.

The drug enforcement agency stepped in about 10 years ago, after Occupational Safety and Health Administration (OSHA) decided the only officers who should be handling the stuff used to make meth ought to be highly trained.

After a 1999 bust in Valdez, Davis said, the drug team had to wait a day and half for a vapor cloud to clear out before they could enter the home to clean up the hazardous chemicals.

|| Landlords who unknowingly rent to methamphetamine "cooks" find their property uninhabitable after the renter moves on, Smith said.

"The house becomes an environmental hazard," he explained.

The Valley has proven an attractive place to set up "Beavis and Butthead" meth operations - small-time efforts for personal use and for sale to a few people. The wide open spaces between neighbors in the Valley grant more privacy, Smith and Davis said. The drug unit has busted larger meth operations, professionals who moved here from Fairbanks where they had previous meth convictions, and former pot growers who decided it's more lucrative to make meth than to wait 90 days for a marijuana crop.

Officers found two meth operations in vans being driving around town. "They were cooking it on a stove or hot plate in the van, probably to avoid being detected by neighbors," Smith said.

To catch meth lab operators, drug enforcement officers depend on tips from the public. Neighbors might not realize the drug is being manufactured next door, but they notice the smell of bleach or starter fluid - strong odors they may not identify.

"They might see weird activity, such as a lot of people going in and out of a house in a short amount of time, indicating the cook has made a batch and now it's ready to sell," Davis said.

Store clerks should be suspicious if they see someone purchasing large quantities of coffee filters, matches, pseudoephedrine and bleach, according to information that has been provided to store owners by the drug unit.

The process for making meth takes cold medication, such as pseudoephedrine, and chemically alters it so that it produces a high, Davis said.

"The ephedrine molecule in the chemical process that is used basically removes an oxygen atom and turns it into methamphetamine," he explained.

All labs share common hazards such as flammability, combustibility and heat stress, as well as the inherent hazards of the original products being used, like Heet, fuel and acids. There are also unique hazards to each lab in that the gases generated by combinations of phosphorous and hydriotic acid, are chemical compounds that can be pyroforic, meaning they react with air to spontaneously ignite, or aquaforic, meaning that they can explode with contact to water.

What's especially troubling is when a whole family lives in the environment in which meth is produced. One Wasilla drug arrest and conviction stemmed from a 13-year-old boy who reportedly told his school counselor that his dad made him help make meth. The boy's job, the child said, was to tear up matchbooks used to obtain red phosphorous.

In that same home, drug enforcement officers reported they found the boy's father sitting with a baby on his lap and a loaded syringe next to him. On the stove top, a batch of meth reportedly sat drying in a pan. Three other children and his wife all lived in the same apartment, which was in a Wasilla apartment complex.

The 13-year-old has since been taken from the home and reportedly lives with relatives in the Lower 48. His father is now serving time for a drug conviction on that case, Smith said.

Davis said about 90 percent of their cases come from tips given by the public. The Mat-Su Drug Team encourages anyone with information

concerning potential meth lab activity to contact them at 373-0705.

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Online archives from the Wasilla Frontiersman.

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August 14, 2001

Law enforcement officials take part in drug training

By Frontiersman staff

ANCHORAGE — Alaska State Troopers are among the more than 50 law enforcement officers from around the state taking part in nine days of training offered by the U.S. Department of Justice Drug Enforcement Administration, Aug. 6-15 at the National Guard Armory at Fort Richardson.

Those receiving the training include federal agents, state investigators and local police officers from across the state. The training is designed to provide law enforcement officers with the tools and techniques necessary to deal with illegal methamphetamine laboratories in a safe and proper manner.

According to Lt. Al Storey, commander of the Alaska State Trooper Statewide Drug Enforcement Unit, "the extreme danger of clandestine labs is widely known in other states, but these types of labs are a fairly recent development in Alaska." Alaska law enforcement units seized 50 labs in the calendar year 2000, nearly double the number seized in 1999.

"The trend towards discovering an increasing number of labs is expected to continue and law enforcement officials are worried about this illegal activity," Storey said, "not only because of the effect that the illegal drug has on its users, but also because of the dangers of fires and chemical contamination."

Officers attending the class will learn what chemicals are used in clandestine labs, the dangers of those chemicals, and how to properly collect samples of evidence for subsequent prosecution. They will also be taught how to use the specialized equipment needed for work in contaminated

locations, without endangering their own health.

The training is being co-hosted by the Drug Enforcement Administration and the Alaska State Troopers, with additional support from the Anchorage Police Department and the Alaska National Guard Counter Drug Support Unit.

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