LEG. FINANCE - BILLS 1977 - 1978 888

SB 45 cont., thru SB 45

188

assistance.

Sec. 18.60.525. EXCEPTIONS. (a) Sections 475 - 485 of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, when conducted as authorized by law and in accordance with accepted radiation safety principles.

(b) Section 475(a)(5) and (6) of this chapter do not apply to the private use of radiation sources in the home.

(c) Sections 475 - 545 of this chapter do not apply to the Department of Military Affairs in carrying out the provisions of AS 26 which pertain to planning for and responding to radiation which results from the detonation of nuclear weapons.

Sec. 18.60.535. PENALTIES. A person who violates a regulation, standard, or order of the department adopted or issued under secs. 475 - 545 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $500, or by imprisonment for not more than one year, or by both. Each day upon which a violation occurs constitutes a separate offense.

Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

(1) "department" means the Department of Health and Social Services;

(2) "electronic product" means a manufactured product which

(A) when in operation contains or acts as part of an electronic circuit and emits, or in the absence of effective shielding or other controls would emit, electronic product radiation; or

(B) is intended for use as a component, part, or accessory of a product described in (A) of this paragraph and which when in operation emits, or in the absence of effective shielding or

other controls would emit, electronic product radiation;

(3) "electronic product radiation" means any ionizing or non-ionizing, electromagnetic or particulate radiation, or a sonic, infrasonic, or ultrasonic wave which is emitted from an electronic product as the result of the operation of an electronic circuit in the product;

(4) "radiation sources" means both electronic product and nuclear radiation sources;

(5) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission;

(6) "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority. "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

* Sec. 2. AS 44.65 is amended by adding a new section to read:

Sec. 44.65.060. RESTRICTION ON CONTRACTING WITH OR EMPLOYING EXPERTS ON RADIATION HAZARDS. (a) Except for the Department of Health and Social Services, the Department of Environmental Conservation, and the Department of Military Affairs, no state agency may

(1) contract, other than with the Department of Health and Social Services, to have services performed which require expertise in determining or reducing the hazards of radiation, or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does

not include the University of Alaska, a municipality, or an agency of a municipality.

* Sec. 3. AS 46.03.250 is repealed and re-enacted to read:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulations establishing standards governing the discharge of radionuclides to the air, water, land, and subsurface land of the state.

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Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an operation which results in the discharge of radionuclides to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

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Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. (a) When the department finds that an actual or imminent discharge of radionuclides to the air, water, land or subsurface land of the state poses an immediate threat to the public health or welfare, or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment.

(b) A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). Thereafter the department may affirm, revoke or modify the order.

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment.

* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

(23) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission.

* Sec. 7. AS 18.45 is amended by adding a new section to read:

Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. No person may construct a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the state unless he has first obtained a permit from the Department of Environmental Conservation. The Department of Environmental Conservation shall adopt regulations governing the issuance of these permits; however, no permit may be issued until

→ (1) the legislature has approved the regulations by a concurrent resolution concurred in by a majority of the members of each house;

→ (2) the local government with jurisdiction over the proposed facility site has approved the permit;

→ (3) the legislature has approved the permit by a concurrent resolution concurred in by a majority of the members of each house; and

→ (4) the governor has approved the permit.

* Sec. 8. AS 18.45.060 is amended to read:

Sec. 18.45.060. INJUNCTION PROCEEDINGS. When, in the opinion of the governor, a person is violating or is about to violate sec. 20 or 25 of this chapter, he shall [MAY] direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity and upon a showing that the person has engaged, or is about to engage in the activity, the court may grant a permanent or temporary injunction, restraining order, or other order.

* Sec. 9. Regulations adopted under authority of statutes repealed or

amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services.

* Sec. 10. Section 1 of this Act does not confer authority on the Department of Health and Social Services or limit the authority of the Department of Labor to adopt regulations concerning radiation exposure in the occupational setting.

* Sec. 11. AS 18.45.010, 18.45.040, 18.45.050; AS 46.03.020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.310, 46.03.840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900(17) are repealed.

Atomic Energy Development

18.45.010 encourage widespread participation in development & utilization of atomic energy.

18.45.040 — coordinate of atomic development activities

18.45.050 duties of coordinator.

Alaska State Legislature — House

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3791

LETTER OF INTENT FOR HCS FOR SB 45

It is the intent of the Health, Education & Social Services Committee that regulation-writing authority be split among three departments: Health and Social Services for health providers, Environmental Conservation for air, land, and water, and Labor for occupational health and safety. In the interests of economy the Committee intends that the inspection function be centralized in the Department of Health and Social Services.

Charles H. Parr
Chairman

Original sponsor: Rules Committee by request of the Governor

Offered: 5/14/77
Referred: Finance

IN THE SENATE

BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

HOUSE CS FOR SENATE BILL NO. 45

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to radiation protection."

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

* Section 1. AS 18.60 is amended by adding new sections to read:

ARTICLE 5. RADIATION PROTECTION.

Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The department shall

(1) adopt regulations necessary to carry out the purposes of secs. 475 - 545 of this chapter;

(2) develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation sources and their amelioration;

(3) encourage, participate in, and conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems it considers necessary or advisable for the discharge of its duties;

(4) collect and disseminate health education information relating to radiation protection;

(5) review plans and shielding specifications for radiation sources;

(6) inspect radiation sources, their shielding and immediate surroundings, and records concerning their operation for the determination of possible radiation hazard;

(7) contract with other state agencies to assist them in

performing functions which require expertise in determining and reducing the hazards of radiation.

(b) The department may keep confidential data obtained as a result of registration or investigation.

Sec. 18.60.485. RADIATION SOURCES. Radiation sources shall be shielded, transported, handled, used, and kept to prevent users and other persons from being exposed to concentrations of radionuclides or levels of radiation exceeding those limits established by the department in regulations.

Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. When the department finds, after inspection and examination of a source of radiation as constructed, operated, or maintained, that there has been a violation of a provision of secs. 475 - 545 of this chapter, it shall notify the person causing or permitting the violation of the nature of the violation and order the person to stop it.

Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. When the department finds that an emergency exists requiring immediate action to protect the public health or welfare from radiation, it may issue an order reciting the existence of an emergency and requiring that action be taken to meet the emergency. The order is effective immediately. A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). After a hearing, the department may affirm, revoke, or modify the order.

Sec. 18.60.515. ASSISTING OTHER AGENCIES. The department shall, on the request of another state agency, contract with that agency to assist it in performing functions which require expertise in determining or reducing the hazards of radiation. This assistance may include conducting inspections and investigations and providing technical

assistance.

Sec. 18.60.525. EXCEPTIONS. (a) Sections 475 - 485 of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, when conducted as authorized by law and in accordance with accepted radiation safety principles.

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the result of the operation of an electronic circuit in the product;

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* Sec. 2. AS 44.65 is amended by adding a new section to read:

Sec. 44.65.060. RESTRICTION ON CONTRACTING WITH OR EMPLOYING EXPERTS ON RADIATION HAZARDS. (a) No state agency other than the Department of Health and Social Services may

(1) contract, other than with the Department of Health and Social Services, to have services performed which require expertise in determining or reducing the hazards of radiation; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

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(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment.

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* Sec. 7. Regulations adopted under authority of statutes repealed or

amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services.

* Sec. 8. Section 1 of this Act does not confer authority on the Department of Health and Social Services or limit the authority of the Department of Labor to adopt regulations concerning radiation exposure in the occupational setting.

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AMENDMENT

OFFERED IN THE HOUSE: BY: Biles

TO: NCSSB HOUSE ~~BILL No.~~

SENATE BILL No. 417

PAGE: 1 LINE: 13-15

On line 12, after the comma, add "the department shall appraise both the project site and the land interest on the site."

On line 13-15, delete all material.

FORM 02-001BC
FOR BRIEF COMMUNICATIONS
MAY BE HANDWRITTEN

MEMORANDUM

State of Alaska

DEPT.
DIV.
SEC.

TO:

Legislative Affairs

DATE: May 31, 1978

FROM: Vicki Wilson
House Finance Committee
Rm 411 - Phone: 3795/3796

SUBJECT: SB 45

Please prepare House Committee Substitute for SB 45 (Finance) incorporating the attached amendments and return to me as soon as possible.

Thanks.

Adopted 5-30-78

Proposed amendment to HCS SB 45 Radiation Protection

Page 6, line 11: Add new sections:

*Sec. 10. A.S. 18.45.010, 18.45.040, and 18.45.050 are repealed.

*Sec. 11. A.S. 18.45 is amended by adding a new section to read:

Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. No person may construct a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the state unless he has first obtained a permit from the Alaska Department of Environmental Conservation. The Department of Environmental Conservation shall promulgate regulations governing the issuance of such permits, however, no permit may be issued until:

1) the regulations have been approved by a majority vote of each house of the legislature, and

2) the permit has been approved by the local government with jurisdiction over the proposed facility site, and

3) the permit has been approved by a majority vote of each house of the legislature, and

4) the permit has been approved by the governor.

*Section 12. A.S. 18.45.060 is amended to read:

Sec. 18.45.060. INJUNCTION PROCEEDINGS. When, in the opinion of the governor, a person is violating or is about to violate section 20 or section 25 of this chapter, he shall (MAY) direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity and upon a showing that the person has engaged, or is about to engage in the activity, the court may grant a permanent or temporary injunction, restraining order, or other order.

Original sponsor: Rules Committee by request of the Governor

IN THE SENATE BY THE FINANCE COMMITTEE

HOUSE CS FOR SENATE BILL NO. 45 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

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April 25, 1988

Dear Clark,

Enclosed is some information which may help on the anastomosis question. I've underlined appropriate sections. If you need any more information let me know. Thanks again for your efforts with the ball.

Jim Bunkbinder

The Final Report of the President's Commission on Olympic Sports

January, 1977
Washington, D.C.

Volume I

Executive Summary
and
Major Conclusions
and Recommendations

on Amateur Athletics, the Commission believes that the increased funding requirement will be minimal. Further, PCPFS is in an ideal position to serve as federal liaison (1) from the standpoint of existing expertise, (2) due to its stature both within the federal government and as viewed by private corporations and amateur athletic organizations, and (3) by virtue of the organization's proven ability to act as a catalyst.

Direct Appropriations

To the extent that existing federal programs cannot support the funding level which the Executive and the Congress deem appropriate, the Commission endorses direct appropriations for the purpose of improving the nation's amateur athletic opportunities. The Commission believes that such direct appropriations, if employed, should be authorized on a "one-time" basis and should be used primarily for facilities.

The Commission's position is that the Congress should be encouraged to appropriate up to $100 million for the construction of amateur athletic facilities if other sources cannot meet the need. This can probably be consummated for the most part under existing statutes, as noted above.

Amendments to the Tax Code

In the last Congress, tax amendments were introduced by a member of this Commission* which were designed to:

- Permit amateur athletic organizations to automatically qualify for tax-exempt status under Section 501(c)(3) of the U.S. Code; and
- Permit tax credit of up to $500 for national and world class athletes (it was estimated that approximately 10,000 American athletes would qualify), their parents or guardians for expenses incurred in training for and participation in national and international amateur athletic competition.

The first of these amendments was written into law as part of the 1976 revision to the tax code. The second amendment was eliminated in conference and therefore did not become part of the law.

The Commission recognizes that the enactment of such legislation provides only token funding to amateur athletic programs. At the same time the Commission has been advised by nearly every athlete and administrator to whom it has spoken that one of the greatest financial needs in amateur athletics is for relief to individuals who bear the direct financial burden of supporting world class amateur athletes. Although permitting tax deductions or tax credits for those who must carry this financial burden is a token step, it is a step which should be taken as a demonstration of the nation's recognition of those who make continuing sacrifices so that our best potential athletes may have a chance to develop.

Broken-Time Payments

During the 1975 Pan American Games and the 1976 Winter and Summer Olympic Games, the federal government made special provision for time off with pay for employee athletes who were members of the U.S. Olympic and Pan American Teams. As may be seen elsewhere in this chapter, the Commission recommends that national and world class athletes who are preparing for a major competition be allowed time off to train with pay. This concept of payment for time off is referred to in the amateur athletic community as "broken-time" payments and is legal under amateur codes.

The Commission believes that it is in the public interest for corporations to support athletes under the broken-time concept; therefore, we believe that the federal government should take the lead in this effort in making broken-time payments available to government employees.

Research conducted by the Commission indicates that an Executive Order would probably be sufficient to establish a valid broken-time policy within the federal establishment.*

However, in order to add impetus to the program in the private sector, particularly at the post-collegiate level, the Commission recommends that Congress endorse a "broken-time" payment program at the earliest reasonable date. There is a precedent for this in that the government has for many years permitted military athletes time off to train in preparation for important national and international competition.

Recommended Sources Requiring Federal Sanction

Each of the programs cited below has as its underpinning the voluntary decision of the individual citizen in this country to make a contribution to American amateur athletic programs. The Commission firmly believes that if a citizen chooses to buy, for example, an Olympic commemorative coin and to consciously allocate the net proceeds of that purchase to American amateur athletic programs, it is a decision reached by the individual with the government.

*Senator J. Culver (D-Iowa)

*Several city governments currently have broken-time programs including specifically, Baton Rouge, Louisiana and Chicago, Illinois.

AMATEURISM

What enticements or threats led athletes to Montreal? What rewards or punishments followed?

Pre-competition benefits or support take many forms. For the Russian super heavyweight weightlifter it is $2,000 from his government every time he breaks a world record, which he does kilogram by kilogram in non-Olympic years with remarkable regularity. Post-event rewards may be equally effective. For example, upon returning home after the 1976 Olympics, the Finnish winner of the 5,000 and 10,000 meter runs received a state promotion from junior to senior class policeman and a resort cottage in Lapland. Both athletes are still eligible for amateur competition, and their situations are not unique.

No wonder so many Americans perceive the Olympics and much other international competition as waged between U.S. amateurs and foreign professionals. "It's us against them," says the bartender to the patron, "and they're cheating. They're also winning!"

All of which leads to one of two conclusions: Either amateur rules should be altered or abolished so that our professional athletes can be unleashed on the rest of the world, or the rules should be enforced equally, eliminating the opposition's full-time paid athletes. However, the International Olympic Committee (IOC) has shown no inclination to suspend Eastern European athletes for violation of amateur rules, or to admit western professionals to the Games.

It should be noted, that although some countries' systems of assisting athletes' development are far more "professional" than ours, if the Olympic Games were opened to professional athletes the U.S. might not fare much better than it does now. We already dominate basketball with amateurs, and in boxing U.S. performances might decline. Only two Americans – Muhammad Ali and Danny Lopez – now hold professional world boxing championship titles, but in the last Olympics U.S. amateur boxers took five Gold Medals.

Nevertheless, in the experience of the Athletes Advisory Council to the U.S. Olympic Committee, American athletes do not resent the support and opportunities they see other athletes receiving. Instead, bitterness is directed against our own more rigid codes. A champion American marathon runner said, when asked what he would have received if he had been a Russian Gold Medalist, "Well, I would rather have been a Finn . . . Had I been a Finn, my town would have built me a house. Peugeot would have given me a free car, all of this tax free, and I could have done endorsements. Every time I would have gone to a shopping center I would have gotten $2,000 for cutting a ribbon. I could have demanded $2,000 every time I set foot on the track for the rest of the summer and probably all of the rest of the next year, and all of that money being ignored by the government; plus as I went along trying for the next Olympics, I would have had the subsidy that I mentioned. (Also), if I were a businessman, I would have had all sorts of capital flowing in there from people who would give me fairly substantial loans to start several businesses."

The athlete's nationality – Finnish, Russian, German or Italian – is not important; what is critical is the fact that although our athletes feel at a competitive disadvantage, they do not want "amateurism" enforced on the other side. They want to be more "professional" themselves. They want more financial assistance from somewhere, although they disagree on whether it should come from private or public funds.

Given the international situation, the question arises, are we our own worst enemy for enforcing stricter rules than we have to? Can we do anything about it? The Commission in the following study finds that we are and we can.

Amateurism has proven so difficult to define, let alone to embody in a code of behavior, that the IOC has given up using the term, preferring instead to speak of eligibility. Any sensible definition of amateurism must have to do with attitudes toward sport, not behavior. Accepting money in some connection with sports activities may in fact tell us very little about the motivations of the athletes in question. Since the late 19th century, when members of the British

landed gentry objected to working class athletes actually training for competition (and melting down the silver cups they won), codes have attempted to enforce the love of sport as motivation by precluding reward. A basic question, best left aside temporarily, is whether or not the benefits of enforcing those codes ever outweigh the loss of individual liberty entailed. In any case, it is clear that 20th century attitudes do not coincide with 19th century amateur codes. Many professional athletes love their sport with a passion equal to any amateur's and would continue to take part even if they were not paid. There are also athletes eligible for amateur competition who do not take part for the sake of the sport, but because of the pressures of coaches and families, and the promise of future reward.

The insuperable difficulty of imposing attitudes may be seen another way. Changes in codes are made not to capture the spirit of amateurism better but to compromise rules which have become unenforceable; officials give up and retrench.

Yet the amateur ideal is powerful and appealing, echoing the American tradition of the sanctity of the individual. It is clearly good to pursue sport for its own sake, defining oneself through performance and not reward. It would be appalling for an athlete to have the choice only of required calisthenics or big-money professional sport, without the chance to enjoy exhilarating physical effort and competition just because it's fun. Amateur codes must not limit or seem to deprecate the merit of amateur sport.

Examining the possible benefits and drawbacks of all amateur codes, there seem to be three categories of benefit:

(1) To afford athletes protection from commercial and other exploitation;

(2) To permit a certain moderation in competition and training; and

(3) To ensure some equality of opportunity between rich and poor in international competitions.

Questions may be raised about the worth or good sense of all of these. For example, in protecting athletes from business exploitation, have not amateur officials subjected them to their own kind of exploitation? The kind of "gentleman's agreement" to encourage moderation in training is totally at odds with contemporary training philosophy (which looks at physical realities – optimum amounts of work and rest – in deciding how much time and effort to put in). And in equalizing opportunity, the question might be raised: who needs money and time for sport more, the stockbroker in San Diego or the hod carrier in Tanzania? By restricting sport-related income, amateur codes can as easily perpetuate inequities as remedy them.

The negative aspects inherent in amateur codes are perhaps more stark. Amateur codes permit officials to control, rather than assist, athletes. The AAU's "moratorium" on international track and field competition during certain periods in 1974-75 was an attempt to force athletes to compete on the U.S. national team against their will. (See the Chapter on the sport of Track and Field in Volume II of this report.)

Given, then, that the benefits of amateur codes are very delicate and the dangers very real, it is crucial to examine all amateur codes for their consistency, reasonableness and application.

PRESENT INTERNATIONAL REGULATIONS

The IOC maintains an eligibility code, but grants the assorted international sports federations the power to enforce stricter amateur rules. The present Olympic Code includes:

1. Permission for athletes to:

   A. Teach elementary sport;

   B. Receive financial assistance during preparation and competition, administered through the National Olympic Committee (NOC) or national governing body (NGB) in accordance with International Federation (IF) rules;

   C. Receive compensation for financial loss resulting from absence from work, not to exceed normal salary and authorized by the NOC or NGB ("broken-time" payments);

   D. Receive prizes within IF limitations; and

   E. Accept academic and technical scholarships.

2. Prohibition against:

   A. Professionalism in any sport, or contract to such end;

   B. Prior participation as a professional coach or trainer in any sport;

   C. Advertising by person, name, picture sports performance or gain other than by an IF or NOC; and

D. Advertising material on an athlete's person or clothing in games under the patronage of the IOC.

Inconsistencies are rife, however, between the IOC's rules and those of some federations as well as between national governing bodies and their international organizations.

Pro-Amateur Competition

The subject of amateurs and professionals competing against each other in mixed competition, known as "contamination" or "tainting," has been endless grist for the mill of controversy. Even though no rule in the Olympic Code disqualifies an amateur from competing with non-amateurs as long as the individual does not receive financial reward or material benefit from his or her sports participation,[1] some IFs and domestic sports organizations establish more stringent requirements.

Some groups like the Federation Internationale de Natation Amateur (FINA), the international federation for swimming, prohibit all professional-amateur contact. A swimmer becomes tainted for taking part in an event in which a professional competes and is no longer eligible to compete in future FINA events.[2]

By contrast, the international federation for soccer, Federation Internationale de Football Association (FIFA), is designed to govern both amateurs and professionals. FIFA distinguishes three types of players: amateurs, who play without receiving any remuneration whatsoever, except, if required, reimbursement for stipulated expenses actually incurred; professionals, who receive payment for playing whether on a match fee, part-time or full-time professional basis; and non-amateurs, who are players under contract or license.[3] This distinction is used for purposes of international amateur competition and Olympic competition only. Thus, unlike swimmers, amateur soccer players may compete against or with professionals without losing Olympic eligibility.

Reinstatement

Reinstatement of amateur status after it has been lost is another example of the broad range of international rules. The international wrestling federation, Federation Internationale de Luttes Amateurs (FILA), states in its handbook that competitors who willfully infringe amateur rules shall be declared professionals and will on no account be reinstated as amateurs.[4]

On the other hand, Rule 103 of the International Skating Union (ISU) Handbook allows an individual who has been a non-amateur to be reinstated if he or she has not received gain for at least one year.[5]

FINA also permits reinstatement under the following conditions:

A. If special reasons or extenuating circumstances exist, a swimmer can be requalified as an amateur, though not until two years have elapsed since the breaking of the amateur definition; and

B. If such reinstated swimmer wishes to take part in international competition, the full facts surrounding the case shall be presented to the Bureau for such action as the Bureau may deem necessary.[6]

Time Limitations

A very few federations limit the number of days and/or the type of competition an athlete may take part in and still maintain his or her amateur status.

FINA limits the number of days during a year in which an amateur athlete may tour abroad.

> . . . During any period of 365 days such touring shall not, in total, exceed 30 days, but in calculating the latter period there shall be excluded 1) the period of the journey both ways, and 2) any time required by participation in a) Olympic Games, World Championships b) Championships of Continents or Regional Games and c) International contests.[7]

Exceptions to this rule, such as spending holidays abroad, may be granted in exceptional circumstances if authorized by the swimmer's national governing body.

Similarly, the International Handball Federation (IHF) limits the period of preparation (full training) for IHF competition to 60 days per annum.[8] The international federation for amateur archery, Federation Internationale de Tir a l'Arc (FITA), adds to Olympic rules the following qualifications for FITA-regulated events.

> (a) In any one calendar year, the period of preparation shall not exceed a total of 36 days, with not more than 18 days continuous organized, full-time training or coaching in any one period. Participation in target tournaments with assistance administered through the National Olympic Committee (NOC) or Na-

[1] Olympic Rules (1976), By-Law II to Rule 26 (p. 42).
[2] FINA Rule 49.2 (p. 32).
[3] FIFA Rule (1975-76), Article 1, (pp. 48-49).
[4] FILA Rule, Article 8, Definition of Amateur Status (p. 4).
[5] ISU Handbook, Rule 103 (p. 5).
[6] FINA Rule 51 (p. 34).
[7] FINA Rule 52(e) (p. 35).
[8] IHF Rule 8 (p. 34).

tional Archery Association (NAA) may not exceed 15 championships/tournaments whether international or national.[9]

Prize Money

Restrictions on the acceptance of prize money, comparable material awards or trophy restrictions also vary from federation to federation. One limitation imposed by the international weightlifting federation, Fédération Haltérophile Internationale (FHI), prohibits "an amateur from converting prizes into money without permission of the national federation, or receiving prizes exceeding $100 in value."[10] The Fédération Internationale de Bobsleigh et de Tobogganing (FIBT) permits honorific prizes only; prizes in currency are strictly forbidden."[11]

Financial Assistance

The Olympic Code allows the amateur athlete three forms of assistance: money which comes directly from the NOC or national governing body (NGB), support from scholastic or technical scholarships, and money received as a broken-time payment, i.e. lost salary paid to an athlete for time spent in preparation or participation in Olympic competition.[12]

FHI (weightlifting) and FITA (archery) both follow the Olympic Code closely in this. However, FHI does restrict the length of time during which an athlete may receive assistance from his NOC or NGB to a period not to exceed 12 weeks a year for training and participation in competition under FHI rules.[13] FITA limits aid to 60 days per year. The type of scholarships available to an amateur lifter and archer is also restricted. "Scholarships granted in accordance with academic and technical standards are dependent upon the fulfillment of scholastic obligations and not on athletic prowess."[14] The Olympic Code merely states that a competitor may accept academic and technical scholarships without qualifying either classification.[15]

The international amateur boxing association, Association Internationale de Boxe Amateur (AIBA), does not permit broken-time payments:

> The acceptance of compensation, whether in money or in any other form, for loss of earnings while engaged in competitions or during preparatory training for competition whether by a boxer or by his dependents, shall be an infringement of the Amateur Definition . . . An amateur boxer may be reimbursed for expenses by the Association of the country which received the boxer in competition, but such reimbursement shall not be for more than 21 days in any year in any foreign country for the purposes of taking part in tournaments.[16]

FITA (archery) is opposed to broken-time payments except in deserving cases when authorized by the NOC or IF, and only for loss of salary or wages resulting from the competitors absence from work due to the Olympic Games or IF-approved international sports meetings.[17]

NATIONAL GOVERNING BODIES

Often, in addition to the Olympic Code and international federation standards of amateurism, athletes also must contend with the interpretations set forth by the national governing bodies of their sports.

The Amateur Athletic Union (AAU) is a multi-sport governing body that maintains its own code of amateurism which, for the most part, is applied uniformly to the eight Olympic sports it governs: boxing, bobsled, judo, luge, swimming, track and field, weightlifting and wrestling. However, there are discrepancies between international and national rules. The AAU Code makes a blanket prohibition against reinstatement for any persons who are disqualified by fraud, as amateurs. These persons may never regain their eligibility to participate as amateurs. However, those athletes that breach the AAU Code by accepting money, capitalizing on athletic fame, competing against ineligible persons, competing in unsanctioned events or other unspecified acts may be reinstated by the AAU under certain circumstances. This policy differs from those of at least two of the international sport federations with which the AAU is affiliated. For example, under international rules for both boxing and wrestling, an athlete who willfully infringes the amateur code shall be declared professional and will on no account be reinstated as an amateur.

On the other hand, in some instances the AAU Code as it applies to all eight sports is more restrictive than some international regulations. For example, the constitution and bylaws of both the judo and wrestling international federations impose no restrictions on the amount of compensation an athlete may receive for

[9] FITA Rule 223 (Appendix p. 161).
[10] FHI Rule, Article 21, 6a (p. 26).
[11] FIBT Rule XVI.
[12] There is an additional source of support for the athlete who is a member of the armed forces and is allowed to train while serving his or her country; this form of support will not be addressed here since the Olympic Code is silent as to whether it violates the definition of amateurism.
[13] FHI Rule 3a), Article 21 (p. 27).
[14] FITA Rule 408, Section III, 3 (p. 28).
[15] Olympic By-Law II to Rule 26, A-4 (p. 43).
[16] AIBA Rule, Article 18, Section (2) and (4) (p. 16).
[17] FITA Rule 408, Section III, 5 (p. 28).

coaching or teaching competitive sport. AAU rules, in contrast, limit such compensation to 20 percent of an athlete's total income.

Another example of a national rule being more restrictive than the international regulation occurs in equestrian sports. International rules allow an amateur to ride, train and sell horses as long as they are not competition class horses. However, the American Horse Show Association, the NGB in the United States, prohibits the showing, training or selling of all classes of horses by an amateur who wishes to qualify for Olympic competition.

OTHER U.S. SPORTS GROUPS

Sport groups which are not governing bodies but impose their own rules of amateurism on competitors who wish to participate in their programs confuse the matter further. Failure to comply with these rules does not threaten an athlete's international standing as an amateur, but, in some sports it can prohibit him or her from getting the competition, training and coaching necessary to become an elite athlete.

College/University Athletic Organizations

A prime example occurs in basketball. The NCAA, which provides a major development program in U.S. amateur basketball, is not the NGB for basketball. Nevertheless, the NCAA prohibits outside organized basketball competition during the official collegiate season, unless special permission is granted by the Council of the NCAA. Violation of this rule will not destroy amateur eligibility for international or NGB competition, but failure to comply will make an individual ineligible to participate in the NCAA program and thus deprives the athlete of a principal means of development.

Another NCAA rule prohibits an individual from participating in all college sports unless he completes his seasons of participation within five calendar years from the beginning of the semester or quarter in which he first registered at a collegiate institution. Time spent in the U.S. armed services, on an official church mission, or in recognized foreign aid services of the U.S. Government are excepted. This NCAA rule, designed to limit "redshirting" and so bring about fairer competition, in large part restricts the age of amateur athletes. Under the Olympic Code, however, there is no age limit for competitors.

On the other hand, NCAA rules permit an athlete to be a professional in one sport and retain his collegiate eligibility in all others. This presents two sorts of problems. Many IFs and NGBs have no such rule, so the athlete's eligibility for open meets in those sports is lost. In addition, AAU rules state that competing against a professional is itself grounds for being declared ineligible. This is the aptly named "contamination rule." One can imagine the havoc it would cause if a single professional football player took part in a college track meet. All his competitors could be declared ineligible and then would jeopardize others in other meets. Within a few weeks the stain would have spread throughout the sport, disqualifying everybody.

Recently, another contradiction in the concept of amateurism was brought to light by Walter Byers, Executive Director of the NCAA. In a letter dated July 19, 1976, Mr. Byers stated that the NCAA Constitution prevents an athlete from accepting broken-time payments. The NCAA Constitution prohibits payment for participation which, according to the NCAA, includes broken-time payments. The Olympic Code, on the other hand, also prohibits payment for participation but supports the concept of broken-time payments.

The inconsistencies continue: The Association for Intercollegiate Athletics for Women, (AIAW), which administers national championships in twelve sports and is the major collegiate athletic association for U.S. women, maintains a rule that allows a student-athlete to receive up to $1,000 in prize money per year without losing her eligibility. However, the AIAW does recognize that an athlete may jeopardize her international amateur status if the money is accepted, and cautions its athletes accordingly.

High School Associations

The contradictions do not stop at the college level. State high school association eligibility rules are at times harsh on developing athletes and are as varied as the international, national and multi-sport group rules.

For example, the Mississippi High School Activities Association Handbook (1974-75) does not prohibit a high school student from competing outside the high school season. However, Minnesota high school rules do prohibit the participant in a team sport from playing on an independent organized team during the school year and in some sports during the summer.

CONCLUSIONS

The President's Commission concludes that in working for a fair, supportive environment for U.S. athletes, any body charged with giving

direction to amateur sport must address amateurism-related rules. Such a body should attempt to promote in all sports and in all forums, domestic and international, liberal uniform rules which comply with international regulations.

It is the sense of the Commission that the following rules should be amended, abolished, or implemented:

Finance

Aid

1. Broken-time payments, defined as compensation for time away from the job while training or competing, should be permitted in all amateur codes;
2. Technical Scholarships, the term in IOC rules for grants which may be given for the purpose of improving sports performance, should be not only permitted in all codes, but encouraged; and
3. Reasonable per diem expenses should be permitted all athletes traveling to or from competition and for its duration.

Revenues

1. Endorsements, defined as compensation paid to an athlete for the use of his or her name or photograph or statements in advertising, should be permitted in all codes;
2. Vocational restrictions, for example those prohibiting archers from being employed by archery equipment firms, should be abolished;
3. Honorariums, payment for public appearances or speaking engagements, should be permitted in all codes;
4. Try-out agreements, in which an amateur athlete attempts to demonstrate his worth to a professional team without signing a professional contract, should be permitted in all codes; and
5. Professional coaching should be permitted in all codes.

Participation

1. Professional/amateur competition, defined as that in which amateurs compete against professionals without penalty, should be permitted in all codes, thereby eliminating the "contamination" or "tainting" rules which declare an athlete ineligible if he or she competes in the same event with a professional;
2. A professional athlete in one sport should be permitted to remain an amateur in all others; and
3. Reinstatement rules should be allowed and made consistent throughout all codes.

Track and field	67	40
Volleyball	did not qual.	did not qual.
Weightlifting	11	–
Water polo	did not qual.	–
Wrestling	20	–
Yachting	16	–
TOTALS:	387	182
Summer Olympics	454 athletes	
Winter Olympics	115 athletes	
TEAM TOTALS:	569 athletes	

Obstacles that inhibit the development of world class athletes in this country fall into three categories:

– Training and developmental barriers;

– Economic barriers;

– Sociological/cultural barriers.

TRAINING AND DEVELOPMENTAL BARRIERS

Few programs in this country are geared to identifying and encouraging talented youngsters at an early age. Further, there is little uniformity of opportunity as an athlete moves from one school or club to another, or from one region of the country to another.

Often the quality of coaching is spotty and haphazard. In some sports barely rudimentary instruction is available; in others, there is vast disparity in levels of coaching from region to region. Coaching practices, for the most part, are not standardized nor are coaching skills certified in most sports. There are virtually no sports institutes such as those in Europe. Only selected universities have comprehensive programs designed specifically to teach coaches to coach, that is, give them a broad background in physiology, body conditioning, sports medicine, nutrition and other related areas, as well as theory and specific techniques in their individual sports. Similarly, judges, officials and other workers often do not receive adequate training or periodic testing, all of which can work to the detriment of the athletes.

One of the key impediments to U. S. athletes is the lack of facilities in some sports or restricted access to existing facilities in others. Some athletes are forced to train abroad because of a combination of inadequate facilities and coaching in this country. Women athletes, particularly, face innumerable restrictions that men do not in terms of the quality of coaching and facilities and the number of programs available to them. For example, in 1974-75, women's athletic budgets at major public universities typically represented between four and seven percent of the institution's total athletic budget (on the average $22,400 out of $312,500).

Sports medicine and the proper physical and medical care of athletes has not been developed in the U. S. to the degree it has in Europe. Excellent work is being done in this area, but there is no system for collecting the information available and disseminating it to the athletes through their coaches. Periodic testing of athletes for physiological and psychological strengths and weaknesses is only beginning to become part of the usual training program.

Scarcity of frequent, top-level competition is a critical problem in some sports; U. S. athletes often must travel abroad to get the necessary "seasoning." Sometimes American athletes are at a disadvantage in international competition because their sport is played under substantially different rules domestically. This lack of familiarity with international rules can interfere with the performance of U. S. athletes in major international championships.

Team sports run into special problems. One has to do with recruiting practices: too often all-star teams are put together at the last minute with athletes from around the country. Frequently, they have not had the training as a unit that foreign teams have had. In many sports, foreign national teams will have trained together for a number of years. Furthermore, foreign teams do not have to worry about professional leagues signing the best Olympic or national team members out from under them. In the United States, this is a problem – particularly in basketball and ice hockey. Moreover, keeping teams together until players reach their athletic peak – which often is not until age 28 or 30, well past their college years – is difficult in American society where amateur sports are not considered a profession.

ECONOMIC BARRIERS

Many potential and proven world-caliber athletes in this country quit, simply because they and their families cannot afford the costs of training and competition, or cannot afford to forego the income from a steady job to go on competing.

Many foreign athletes with proven performance records receive heavy subsidies from their government and sport clubs. Such funds often cover more than direct training costs. U. S. athletes, on the other hand, seldom have this luxury. Other than military athletes and athletes on scholarship, few American competitors receive direct financial assistance, except in those rare instances when they are representing the U. S. abroad as part of a national team.

The chart below indicates that U.S. athletes tend to be younger than foreign athletes in international competition, a significant factor in placing the U.S. at a disadvantage in sports in which peak performances typically occur in post-collegiate years, (e.g., wrestling, hockey).

Age Level for World-Class Participants by Sport

Summer sports	*U.S. athletes*	*Foreign athletes*
Archery	2 & 3	3
Basketball	2	3
Boxing	2 & 3	3
Canoeing and Kayaking	3	3
Cycling	2 & 3	3
Equestrian	3	3
Fencing	3	3
Field Hockey	2 & 3	3
Gymnastics	1 & 2	1 & 2 & 3
Judo	3	2 & 3
Modern Pentathlon	3	3
Rowing	2 & 3	3
Shooting	3	3
Soccer	2 & 3	3
Swimming	1 & 2	1 & 2 & 3
Diving	2 & 3	3
Water Polo	3	3
Team Handball	3	3
Track and Field	2 & 3	2 & 3
Volleyball	3	3
Weightlifting	3	3
Wrestling	2 & 3	3
Yachting	3	3
Winter sports		
Biathlon	3	3
Bobsled	3	3
Figure Skating	1 & 2	1 & 2 & 3
Ice Hockey	2 & 3	3
Luge	3	3
Skiing	2	2 & 3
Speed Skating	2 & 3	2 & 3

LEGEND:
1. Pre-collegiate (ages 13-17)
2. Collegiate (ages 18-21)
3. Post-collegiate (ages 22-40)

High school and college athletes have an easier time of it, because the family or their educational institution provides low-cost housing and food; facilities and coaching are usually made available at no cost. However, post-collegiate athletes have few of these supports to help them continue training and competing. (The charts on the next two pages show the involvement of high schools and colleges in Olympic sports development. They indicate that such institutional programs are not so far ranging as might be expected; in fact, a majority of so-called "minor" sports rely almost entirely on sports clubs for development.)

The most critical problem facing established sports clubs is a lack of funds to support development programs or to provide assistance to athletes suffering severe financial hardships while training and competing in their sport. Facilities may be the foremost problem in *establishing* a club in the first place. Following are specific examples of different types of clubs.

Large City Athletic Clubs

The large city athletic clubs have historically been primarily geared to the businessman who works downtown. In the larger metropolitan areas, many of the downtown clubs retain this emphasis although most now open their facilities to women. Because of the age of their membership, there is little, if any, emphasis on training or developing national or world class athletes. There are, of course, a few notable exceptions, for example, the New York Athletic Club. Many of these clubs are changing to a more family-oriented type of club, particularly in the smaller cities. Family-oriented clubs tend to have competitive sports programs for the children of the members.

These athletic clubs have all the financial problems that are involved in competitive programs and a few have gone bankrupt in the past decade. Members of these clubs are potential financial supporters of amateur sports, even if their particular club does not have a competitive program.

Major Clubs

Clubs in this category are those that have produced several Olympic athletes for the past two Olympics. They may be private clubs with facilities for one sport, private clubs supported by community development companies, all-volunteer organizations and others. Some of the most successful clubs in Track and Field (for example, the Florida Track Club, the University of Chicago Track Club and the Oregon Track Club) have benefitted from close working relationships with educational institutions. In such cases, facilities are not regarded as major problems, but all these organizations have problems with financial support for athletes, international-level competition, training camps and development programs.

Local Sports Clubs

Local clubs range from commercial, for-profit corporations that believe their competitive teams provide excellent publicity for their physical fitness spas to all-volunteer organizations. All appear to be rather successful operations.

Problems identified by these clubs include the need for financial support of national level com-

petitors and liaison with local high schools in coordinating programs. In most cases, the clubs are able to raise sufficient funds to send their athletes to appropriate competitions. The financial problems are primarily with the expenses incurred by the athlete in order to train properly, whether this be time lost from a job, costs of coaching and facilities, or not being able to afford to attend college while training.

Athletes with part-time or full-time jobs are often penalized for the time they must be away for training and competition. Some cannot hold jobs because they are considered "bad risks" by employers. Few companies assist athletes by taking advantage of broken-time payments allowed under international rules, whereby athletes can be reimbursed by their employers for time missed from work for actual competition or preparation.

A rising obstacle to amateur sports in the U. S. is the liability factor for those who operate programs and facilities, whether scholastic, municipal, or private. A few sports, for example, boxing, have been dropped from high school and college athletic programs because of perceived high injury rates, although it is hard to build such a case given the widespread, sustained injuries of sports like football or ice hockey. Other sports, like gymnastics and trampolining are not offered by as many schools and sports groups as they might be, due to the serious nature of some accidents and the heavy lawsuits that could ensue. Moreover, the rising rates for liability insurance coupled with escalating energy prices mean that the true costs of operating sports facilities of any nature are getting out of hand—and many sports groups that own or rent time at facilities are being priced out of the market.

Degree of Involvement of High School Programs in Olympic Sports Development*

Sport	*Varsity Programs in 4,000-20,000 schools*	*Sports programs in 100-3,000 schools*	*Sport Club activity*	*No Involvement*
Archery				x
Basketball	x			
Biathlon				x
Bobsled				x
Boxing				x
Canoeing and Kayaking				x
Cycling				x
Diving		x		
Equestrian				x
Fencing		x		
Field Hockey		x (women)		
Figure Skating				x
Gymnastics		x		
Ice Hockey		x		
Judo			x	
Luge				x
Modern Pentathlon				x
Rowing				x
Shooting		x		
Skiing		x		
Soccer		x		
Speed Skating				x
Swimming	x			
Team Handball				x
Track and Field	x			
Volleyball	x (women)	x (men)		
Weightlifting				x
Water Polo		x		
Wrestling	x			
Yachting				x
TOTALS	5	10	1	16

*Source: NFSHSA sports participation figures.

Degree of Involvement of Collegiate Programs in Olympic Sports Development*

Sport	*Varsity Sport programs in most schools*	*Sports programs in a limited number of institutions*	*Sport club or intramural activity*	*No involvement*
Archery			x	
Basketball	x			
Biathlon				x
Bobsled				x
Boxing			x	
Canoeing and Kayaking			x	
Cycling			x	
Diving	x			
Equestrian				x
Fencing		x		
Field Hockey		x (women)	x (men)	
Figure Skating				x
Gymnastics		x		
Ice Hockey		x		
Judo			x	
Luge				x
Modern Pentathlon				x
Rowing		x		
Shooting		x		
Skiing		x		
Soccer	x			
Speed Skating				x
Swimming	x			
Team Handball			x	
Track and Field	x			
Volleyball		x		
Weightlifting			x	
Water Polo		x		
Wrestling	x			
Yachting		x		
TOTALS	6	10	8	7

*Source: NCAA, NAIA, AIAW, NJCAA sports participation figures.

Many American athletes feel pressured into early "retirement" for economic reasons or because of societal or family demands that they begin their career. Unfortunately, in the United States, amateur athletics pursued beyond the college years usually means the loss of income and at least the postponement of families, jobs, careers, promotions and further education.

Athletes know of these difficulties. Those who continue on in spite of them *choose* to do so; no one forces them. In view of this sort of determination to succeed, it seems to many of them that the least the country can do is provide the minimum necessary facilities and support.

SOCIOLOGICAL AND CULTURAL BARRIERS

Athletes often run into additional problems because of the strain their activities put on the family unit and because of certain perceptions or predispositions society has about sports. Certainly amateur sports suffer in an environment where being "professional" and earning a large income are important social values.

Due to the time and cost of pursuing athletic excellence, athletes and their families are often faced with unusual stresses. In many cases, to find adequate coaching and facilities for training, young people must live away from home. Parents are then faced with dilemma of being forced to split up, the father to keep the job going at one end and the mother to provide chaperoning and a semblance of home life for their young athlete at the other. Other children in a family are sometimes called upon to sacrifice academic and other opportunities in order to further an athlete's career.

Another barrier: amateur sports do not enjoy the same prestige or status as professional sports. Newspaper space, TV coverage, and public interest (as judged by crowds at amateur

the development of a sport in this country and whether or not there is a professional league or outlet for the athletes.

Some sports have been subdivided since not all aspects of the sport have kept the same pace of development. Alpine skiing, for example, is classed as developed while Nordic skiing is emerging and ski jumping is underdeveloped. In the same vein, track and field, though a highly developed sport, includes some events such as the hammer throw which would have to be considered emerging or underdeveloped events.

Women athletes, particularly, run into special roadblocks put up by public opinion. The myth that sports are somehow not feminine is the traditional restraint to wider female participation. As a result, women do not have the same access to coaching, facilities, programs, scholarships and funding as men. In addition, there are virtually no professional outlets for women athletes except tennis, golf, skiing, ice shows and a few limited coaching positions.

CONCLUSIONS

All the barriers mentioned take their individual and collective toll. The result is that the base of participating athletes in any given sport is much narrower than it might be otherwise. Only a fraction of the available athletes break through the constraints put upon them by economic and training conditions and societal norms. As a consequence, the United States, with its vast wealth and potential talent, comes nowhere near developing the number and variety of world class athletes commensurate with its size and sporting traditions.

Many solutions to these problems are discussed in other sections of this report — financing amateur athletic efforts, solving jurisdictional disputes, insuring a cohesive national program, changing practices and policies within various sports organizations, programs in the areas of sports medicine and enhanced opportunities for women. Nevertheless, certain additional objectives that would begin to solve the plight of many U.S. athletes need to be mentioned:

- Regional training centers to provide easy access and prime coaching to all athletes; and sport institute(s) to serve as centers for training and developing coaches and officials;
- Coordinated development programs between clubs and schools so there is continuity in the training of athletes as they move through their careers;
- Strengthened club systems to bolster all sports programs, to coordinate with existing school programs, and to provide needed training opportunities for post-scholastic athletes;
- Development of national teams and hiring of national coaches on a continuing basis, whenever practical, to provide a focal point for sports activity, to insure continuing training and development for top athletes, and to serve as a means for designating individuals who are eligible for other specialized benefits such as travel, insurance and equipment;
- National priorities for the construction of new facilities in those sports where there are shortages;
- Introduction of more sports into the school and educational system when economically feasible; or area specialization whereby regional or state priorities are set to encourage school involvement, in particular, minor sports;
- Easier access and accommodation to clubs seeking to rent school, municipal or private sports facilities on a user-fee basis; (The basic arguments for such rentals are:
  - Most school facilities are public property, built with taxpayers' funds;
  - Improved community relations through such rentals would assist in voter approval of school budgets and bond issues;
  - Rental fees may well permit the schools to operate broader, better programs.)
- Standardized tests and requirements for certification of coaches, judges and officials, as well as continuing requirements for upgrading or maintaining given ratings;
- Standardized rules of play, wherever practical, to conform to international rules in each sport;
- Improved cooperation between amateur and professional sports groups, so that international teams are not undermined by recruiting practices;
- Broken time payments accepted more widely by employers for nationally ranked athletes;
- The media encouraged to provide greater exposure for lesser known sports.

FINANCING AMATEUR ATHLETICS

Does the United States really need to pour more money into amateur sports? Consider these brief case histories.

1) Arnie Robinson of the U. S. Army won the bronze medal in the long jump in the 1972 Olympic Games when he was 24 years old. Not content with coming so close, he became determined to try again in 1976. "I used my G.I. bill for school," says Robinson. "My wife worked, and we reduced our spending to a minimum so I could train instead of holding down a part-time job." In the summers after the track season Robinson worked on a San Diego Sanitation Department garbage truck. "I really had no choice. I wanted to help make ends meet, but the work really tore me down. No way I could do that and try to train."

Arnie Robinson won the Gold Medal in Montreal. Shortly afterward, he said, "I'm debating now whether to keep going. I love to jump, but it will mean the same kind of sacrifices and I don't know if it's worth it."

By contrast, the other horizontal leap in the 1976 Olympics, the triple jump, was won by Viktor Saneyev of the Soviet Union, who had also won in 1968 and 1972. "Quit?" said Saneyev afterward. "Why on earth should I quit doing something I love?"

2) The only speed skating rink in the United States is in West Allis, Wisconsin. In the fall of 1975, the State Fair Board, which runs the rink, delayed opening it for the winter as an economy move. In order to assure themselves of proper training facilities, most of the contenders for the 1976 U. S. Olympic Speed Skating Team were forced to pay their own fares to Europe to use their competitors' rinks. Many of these athletes turned out to be our best, and many admit now that it was simply because they had the advantage of training on good ice. Sheila Young became one of the heroines of the Games. One wonders how many other Sheila Youngs there are. Until we have some decent, accessible speed skating rinks, we will never know.

3) Gymnastics, like swimming, is a sport in which talent must be developed early – witness 14-year-old Nadia Comaneci's flawless victories in Montreal. Teenagers, however, don't earn much money. The U. S.'s best 14-year-old is Jennifer Huff of the Marvateens Gymnastic Club in Maryland, who placed 29th in the U. S. Gymnastic Federation Women's Championships at age 13. To reach world class, Jennifer needs to be able to pay for the best coaching and for travel to important competition, some of it international. Her coach estimates this will cost between eight and ten thousand dollars a year until the next Olympics. Jennifer's parents simply can't afford it.

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These examples are but a few the Commission has collected which establish that many of our finest athletes, as well as coaches, parents, administrators and officials, suffer from the inadequate financing of amateur sports. For the most part, they do it willingly. They choose to make the sacrifice, to train and to compete in spite of the difficulties, using imagination and willing spouses, parents or employers whenever available. Many have no such assistance and are lost to the sport. A few others succeed through sheer determination, making the case by their example that American athletic talent is the greatest in the world. However, the system for allowing that talent to develop is disorganized and woefully underfunded.

If the United States is offended by such circumstances, if we believe that the service amateur athletes render the nation as examples of excellence is worthwhile, then we are obliged to remove the major financial barriers to sport. Several informal polls conducted by newspapers and radio stations across the country immediately after the 1976 Olympics showed a wellspring of public support for our Olympic athletes and our Olympic team. It is our belief that the well can be tapped without reliance upon federal funding and the federal strings which would surely follow.

The Commission's estimate of a "one-time" financial requirement in the neighborhood of $215 million and additional annual requirements in the neighborhood of $83 million is a *lot*, partic-

ularly if the money is not to be drawn from the public coffers. (See the chapter in Volume II on Financing Amateur Athletics for the derivation of these amounts.) However, if the U.S. is going to continue to develop a participation base in amateur sports and continue to perform well in international competition, new forms of financing amateur sport must be found. In addition, the U.S. need not confine its successes to the sports in which we have historically performed well. In fact, the Commission maintains that it is possible to increase participation and performance in all our sports. Less-developed sports generally need fewer funds (excluding money for facilities) to develop a sound participation base.

Financing amateur sport is critical to our continued success in international competition. All too frequently we must read about colleges dropping programs in particular sports and high schools dropping their entire sports program as a first step in budget belt-tightening. Outside of the school/college environment, the situation is generally worse. (See sports reports in Volume II.)

It also seems that Americans wake up to the financial needs of amateur sports only once every four years – at the time of the Olympic Games. During 1976, the Commission heard the media cataloging the many financial plights of athletes. The plight does not exist during the period of Olympic competition or even in the period immediately prior to it. Rather, descriptions of the financial hardships of our athletes refer to the four-year time frame *between* the Games.

The well-known sports broadcaster, Howard Cosell, testifying before this Commission on November 11, 1975, stated: "One of the key failures, in my opinion, in this country is to support our young people; to support the whole growth and development of the so-called amateur athletic structure to everyone's benefit has been our failure. We of the media talk about it every four years. We write about it every four years. Then just as quickly it's forgotten. The average sports announcer reverts right back to the daily baseball score, or basketball scores, or hockey scores, or whatever."

While the media certainly could do more to highlight the financial problems of amateur athletics, the media only reflect the interests of society as a whole. If Americans will demonstrate a continuing interest in the financial well-being of the country's amateur athletes, the media will devote more attention to the subject.

Other sections of this report demonstrate the uniqueness of our amateur sports system. Any student-athlete participating in a school/college sport is assisted financially, whether he or she is on scholarship or not. The U.S. is the only country in the world that uses its school/college system in this way. It is no surprise, then, that foreign athletes from such diverse countries as Kenya, Australia and Yugoslavia come to the U.S. to attend college and to compete in sport.

However, for athletes who participate in sports which are outside of the school/college system or for those who wish to continue competing after college or high school in sports which they began during their educational period, the situation is completely different. Here, with the exception of the military, no organization(s), private or public, gives the athlete the kind of financial assistance he or she needs in order to develop. As a result, many retire prematurely or continue at great personal sacrifice (e.g., Arnie Robinson).

Finally, the Commission has looked very carefully at how other countries finance their sports. While our school/college sports system is the envy of the world, other countries have found ways to finance their amateur sports more adequately throughout the athlete's competitive life. This has been done in many Western European countries largely through strong partnerships between government and industry and in socialist countries by the government. It is not the Commission's intent to follow in its entirety the course taken by any other country. The Commission has tried to develop ways to finance amateur sports in this country which are consistent with our system and which build upon the strengths of our system.

Based upon the foregoing, the Commission believes that some inertia will have to be overcome both in the government (with respect to legislation affecting the mechanisms of funding through the public sector) and in the private sector where there is a desire simply to continue past methods of generating funds.

THE NEED

The financial needs in U.S. amateur sports have been divided into four categories as indicated below:

– *Administration:* Includes an organization's expenditures for managing a sports program. This category includes all salaries for organization staff except those with specific and singular responsibility for facil-

acting as an agent for the citizen. It was mentioned earlier that there will be some opposition to these and other of our proposals. However, the Commission stands firm on its belief that the need is great and that the government can act to assist the American people who wish to contribute to amateur sports. The Commission therefore believes that it is imperative that the federal government take the initiative and spur the private sector to greater action. Details of these proposals can be found in the chapter on Financing Amateur Athletics in Volume II.

Tax Refunds and Contributions

In 1974 nearly 83 million individual tax returns were filed. Of these, 64 million were eligible for refunds amounting to approximately $25 billion. The Commission holds that individual American taxpayers ought to be provided an opportunity to make a contribution to amateur athletics by electing to allocate a portion of any refund to which they may be entitled to amateur athletic programs. Or when filing federal returns, citizens should be allowed to include an extra amount as a contribution to amateur athletics.

The program being suggested differs significantly from the tax check-off system used for the federal election fund in that that system allows taxpayers to allocate public funds. The Commission believes that the contributory system the Commission is proposing, even though voluntary, would raise more than the roughly $32 million raised for the federal election fund through the tax check-off system in 1974.

Subsequent to the 1976 Winter and Summer Olympic Games, a great deal of citizen interest was expressed in some sort of tax check-off system designed to benefit the Olympic team and amateur athletics. Letters poured into the President, Members of Congress and this Commission. The Commission believes that significant public support exists for a system such as the one described above, that such a system would rapidly begin to generate sizable funds for amateur athletics, and that it would provide a relatively constant source of funding estimated in excess of $30 million per year. The Congress and the Executive should move immediately to provide the taxpayer with this option as part of the calendar year 1977 tax returns.

Commemorative Coins

Early in its examination of alternative ways to finance amateur athletics, the Commission learned of suggestions which the USOC had made that the Congress authorize and direct the U.S. Treasury to mint commemorative Olympic coins. The programs suggested would authorize the Secretary to mint and issue gold coins at par value in such quantity, form and denomination as he might deem appropriate. A recent proposal would have required the Secretary to turn the proceeds over to an incorporated non-profit organization or foundation.

The Commission studied commemorative coin programs with regard to the feasibility of implementing such a program in this country. The Commission relied heavily on the example provided by the Canadian program mounted in support of the 1976 Olympics and upon information provided by representatives of the U.S. Department of the Treasury. From the research conducted, the Commission finds that:

- The Canadian coin program for the 1976 Summer Olympics in Montreal, through seven series of coins sold in sets of $30 face value each, generated approximately $200 million in sales in Canada and an additional $85 million in sales in the United States; and
- Based on the Canadian experience in the U.S. market, the Commission estimates that an appropriately developed, similarly based U.S. coin program could generate between $1.0 and $1.2 billion in gross sales or a net of $500 to $600 million for amateur sports.

Commemorative coins were very popular among private organizations as a fund raising vehicle until the 1930s when President Hoover vetoed a commemorative coin proposal. Hoover made three points in justifying his veto:

- First, he pointed out that commemorative coins were contrary to the purpose of the currency system: to function as a medium of exchange. He also argued that the multiplicity of coin designs confused the general public and encouraged counterfeiting;
- Second, President Hoover felt that the purpose of the coins was often abused by dealers who invariably bought up the coins seeking large private gain. The Treasury had no control over the selling price charged by the dealers who made large profits rather than the sponsoring organization; and
- Third, Hoover was alarmed by the flood of proposals for authorization of coin programs that ensued when a single commemorative coin bill received his signature. It would be very difficult for him to justify signing one bill and vetoing similar bills.

Presidents since Hoover have used essentially

the same arguments in vetoing commemorative coin proposals.

Another major obstacle to a coin program concerns the marketing mechanism and the handling of receipts. Early commemorative coins were minted by the Treasury and sold to the sponsoring organization to be marketed at a premium, the Treasury receiving the seigniorage.[3] However, this arrangement invariably led to abuses, including illegal trafficking by private dealers. The most attractive alternative is to allow the Treasury and the Federal Reserve System to act as the distribution vehicle.

The proponents of the Canadian coin program faced exactly the same arguments and barriers. However, the Canadians were able to overcome the objections in their country and operate a successful program. During the Parliamentary debates, two issues took center stage: (1) that a large number of these coins would find their way into the currency system; and (2) that parliamentary approval of this coin program would lead to a flood of similar proposals.

The first argument was resolved through a marketing technique: attractive display cases were provided and the coin sets were sold at a considerable premium. The case design discouraged buyers from breaking the cases open and using the coins for ordinary transactions. To overcome the banks' objections that they would be "stuck" with unwanted coins, it was agreed that the coin program would buy back from the banks any coins which got into circulation. To date, only $600 worth of coins have been reclaimed in this manner.

The other major objection involved the justification for passing this one proposal while disallowing similar proposals which would undoubtedly follow. The Parliament and Cabinet ultimately agreed on criteria to be applied to all such special coin proposals. In summary, the criteria are:

- An international event, in which most nations recognized by Canada participate, will be commemorated;
- The event is not likely to be held more than "once in a lifetime" in Canada;
- The event is universally recognized in terms of its contribution to world understanding;
- The event will enjoy wide national and international public support and participation;
- The event will be apolitical by nature;
- The event will have no racial or religious bias; and
- The event will have no commercial or professional objectives.

In addition the Canadian organizers also succeeded in getting authorization to mint gold coins. Objections were raised citing the International Monetary Fund's concern with deemphasizing the relationship between gold and money. The Canadians successfully argued that the marketing of gold coins permitted the disposal of surplus gold with no impact on the commodity markets.

It is also significant to point out that while Presidents since Herbert Hoover have opposed coin programs, there have been some which have been authorized. These include the Bicentennial coins and the Eisenhower Dollar.

With respect to a commemorative coin program, the Commission states that:

- Significant funds can be raised for amateur athletics through an appropriately structured commemorative coin program (up to $600 million net);
- It is in the best interest of the nation for such a program to be authorized by the Congress and for the Federal Reserve banking system to be employed as a marketing and distribution vehicle;
- The decision to use gold or silver coins in the program should depend on prevailing economic conditions at the time of initiation;
- Any program should be structured around a significant amateur athletic event held in this country. The 1980 Winter Olympic Games at Lake Placid, New York, potentially offer such an event but, unless the Executive and Congress are to act very early in 1977, it is probably too late to base an effective commemorative coin program on that event;
- Assuming that an effective program cannot be mounted to coincide appropriately with the 1980 Olympic Winter Games at Lake Placid, then authorization of a commemorative coin program should be withheld until such time as the Olympics or other appropriate major international sporting event is held in this country; and
- Unlike Canada's use of the funds generated from the program to finance its Montreal Games, the proceeds from such a program in the U.S. should be used to finance the development of amateur sports.

[3] Seigniorage is the difference between production and distribution costs and face value.

Stamp Programs

The Canadian Postal Service undertook management of a stamp program as one of the means of funding the 1976 Olympic Games in Montreal. The stated objective of the program was to provide the Olympic Organizing Committee of Canada with $10 million net. To generate this amount, three categories of stamps were sold as follows:

- Philatelic stamps: stamps of large demonination sold to stamp collectors;
- Semi-postals: stamps sold with a surcharge; and
- Metal replicas of stamps and other similar or related products.

Over a three-year period $6.5 million were raised for the organizing committee. Of this amount, $6.3 million came from the sale of philatelic stamps. Semi-postals lost nearly $½ million net, and the other programs contributed less than $1 million in gross revenue.

With regard to a stamp program, the Commission recommends that:

- Only philatelic programs having a sales price of $1 or more should be considered as a source of funding for amateur athletics;
- Such programs should be combined with "First Day Cover Sales" marketed through one or more private organizations such as the Franklin or Hamilton mints; and
- Stamp programs should be established to be serial in nature, in such a manner that several series of stamps be issued which would provide a continuing source of funding over time for amateur athletics. Such programs should be timed to coincide with the anniversaries of significant American amateur athletic events and/or the Olympic Games.

National Lotteries

Background information on lotteries can be found in Volume II of this report. One reason the Commission examined this alternative is that many countries of the western world use lotteries to finance amateur sports.

The federal government has the power under the Interstate Commerce Clause of the U.S. Constitution to create a national sports lottery. Implementation, however, raises the question of whether Congress can require states which currently specifically prohibit lotteries to institute them. There are other problems with lotteries as well, such as the moral questions that would be raised and the question of whether they are tax-free (Canada's Olympic lottery was tax-free). However, if implemented, a lottery could generate significant funds for amateur sports.

Three options for conducting a lottery are outlined in the Volume II chapter on Financing Amateur Athletics. The Commission does not recommend the creation of a national sports lottery unless Congress determines that all the arguments operating against one can be legally and morally overcome. The Commission does recommend, however, that the CSO consider allowing those state lotteries already in place (as well as any that are initiated in the years to come) to use the Olympic name and symbol in the conduct of a special lottery for amateur sports.

Another alternative would be for states already with lotteries to donate a certain portion of the proceeds of regularly scheduled lotteries to amateur sports in their state or on the national level. Again, use of the Olympic name and symbol might be obtainable. Under this alternative and using the thirteen states presently conducting lotteries, the United States Olympic Committee could raise $3.5 million per quadrennial if 10% of the proceeds were allocated by the state lotteries to the USOC.

PRIVATE SECTOR PROGRAMS

The Commission examined the potential role of American business and industry in financial support of amateur sport. Major findings are contained in the chapter on Financing Amateur Athletics in Volume II. Below are the Commission's recommendations.

Background

The Commission believes that major new funds for amateur sport can be generated from the private sector. American corporations, together with organized labor, can contribute significant resources to assist in amateur sports development. In addition, while the Commission has chosen not to explore philanthropic sources, significant funding may be generated from these groups. The Commission has also not conducted a detailed analysis of the small contribution, e.g., the individual who contributes $5 or $10 to the USOC.

Just as East Germany relies on her government to finance sport, the United States must rely on its greatest strength, free enterprise, to help finance amateur sport. The Commission maintains that American business and labor can generate important dividends by helping

Original sponsor: Rules Committee by request of the Governor

IN THE SENATE BY THE FINANCE COMMITTEE

HOUSE CS FOR SENATE BILL NO. 45 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to radiation protection."

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

* Section 1. AS 18.60 is amended by adding new sections to read:

ARTICLE 5. RADIATION PROTECTION.

Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The department shall

(1) adopt regulations necessary to carry out the purposes of secs. 475 - 545 of this chapter;

(2) develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation sources and their amelioration;

(3) encourage, participate in, and conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems it considers necessary or advisable for the discharge of its duties;

(4) collect and disseminate health education information relating to radiation protection;

(5) review plans and shielding specifications for radiation sources;

(6) inspect radiation sources, their shielding and immediate surroundings, and records concerning their operation for the determination of possible radiation hazard;

(7) contract with other state agencies to assist them in

performing functions which require expertise in determining and reducing the hazards of radiation.

(b) The department may keep confidential data obtained as a result of registration or investigation.

Sec. 18.60.485. RADIATION SOURCES. Radiation sources shall be shielded, transported, handled, used, and kept to prevent users and other persons from being exposed to concentrations of radionuclides or levels of radiation exceeding those limits established by the department in regulations.

Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. When the department finds, after inspection and examination of a source of radiation as constructed, operated, or maintained, that there has been a violation of a provision of secs. 475 - 545 of this chapter, it shall notify the person causing or permitting the violation of the nature of the violation and order the person to stop it.

Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. When the department finds that an emergency exists requiring immediate action to protect the public health or welfare from radiation, it may issue an order reciting the existence of an emergency and requiring that action be taken to meet the emergency. The order is effective immediately. A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). After a hearing, the department may affirm, revoke, or modify the order.

Sec. 18.60.515. ASSISTING OTHER AGENCIES. The department shall, on the request of another state agency, contract with that agency to assist it in performing functions which require expertise in determining or reducing the hazards of radiation. This assistance may include conducting inspections and investigations and providing technical

assistance.

Sec. 18.60.525. EXCEPTIONS. (a) Sections 475 - 485 of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, when conducted as authorized by law and in accordance with accepted radiation safety principles.

(b) Section 475(a)(5) and (6) of this chapter do not apply to the private use of radiation sources in the home.

(c) Sections 475 - 545 of this chapter do not apply to the Department of Military Affairs in carrying out the provisions of AS 26 which pertain to planning for and responding to radiation which results from the detonation of nuclear weapons.

Sec. 18.60.535. PENALTIES. A person who violates a regulation, standard, or order of the department adopted or issued under secs. 475 - 545 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $500, or by imprisonment for not more than one year, or by both. Each day upon which a violation occurs constitutes a separate offense.

Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

(1) "department" means the Department of Health and Social Services;

(2) "electronic product" means a manufactured product which

(A) when in operation contains or acts as part of an electronic circuit and emits, or in the absence of effective shielding or other controls would emit, electronic product radiation; or

(B) is intended for use as a component, part, or accessory of a product described in (A) of this paragraph and which when in operation emits, or in the absence of effective shielding or

other controls would emit, electronic product radiation;

(3) "electronic product radiation" means any ionizing or non-ionizing, electromagnetic or particulate radiation, or a sonic, infrasonic, or ultrasonic wave which is emitted from an electronic product as the result of the operation of an electronic circuit in the product;

(4) "radiation sources" means both electronic product and nuclear radiation sources;

(5) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission;

(6) "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does not include the University of Alaska, a municipality, or an agency of a municipality.

* Sec. 7. AS 44.65 is amended by adding a new section to read:

Sec. 44.65.060. RESTRICTION ON CONTRACTING WITH OR EMPLOYING EXPERTS ON RADIATION HAZARDS. (a) Except for the Department of Health and Social Services, the Department of Environmental Conservation, and the Department of Military Affairs, no state agency may

(1) contract, other than with the Department of Health and Social Services, to have services performed which require expertise in determining or reducing the hazards of radiation; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) As used in this section, "state agency" or "agency of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority; "state agency" or "agency of the state" does

not include the University of Alaska, a municipality, or an agency of a municipality.

* Sec. 3. AS 46.03.250 is repealed and re-enacted to read:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulations establishing standards governing the discharge of radionuclides to the air, water, land, and subsurface land of the state.

* Sec. 4. AS 46.03.260 is repealed and re-enacted to read:

Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an operation which results in the discharge of radionuclides to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

* Sec. 5. AS 46.03.290 is repealed and re-enacted to read:

Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. (a) When the department finds that an actual or imminent discharge of radionuclides to the air, water, land or subsurface land of the state poses an immediate threat to the public health or welfare, or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment.

(b) A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). Thereafter the department may affirm, revoke or modify the order.

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment.

* Sec. 6. AS 46.03.900 is amended by adding a new paragraph to read:

(23) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission.

* Sec. 7. Regulations adopted under authority of statutes repealed or amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services.

* Sec. 8. Section 1 of this Act does not confer authority on the Department of Health and Social Services or limit the authority of the Department of Labor to adopt regulations concerning radiation exposure in the occupational setting.

* Sec. 9. AS 46.03.020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.310, 46.03.840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900(17) are repealed.

Proposed amendment to HCS SB 45 Radiation Protection

Page 6, line 11: Add new sections:

*Sec. 10. A.S. 18.45.010, 18.45.040, and 18.45.050 are repealed.

*Sec. 11. A.S. 18.45 is amended by adding a new section to read:

Sec. 18.45.025. FACILITIES SITING PERMIT REQUIRED. No person may construct a nuclear fuel production facility, utilization facility, reprocessing facility, or nuclear waste disposal facility in the state unless he has first obtained a permit from the Alaska Department of Environmental Conservation. The Department of Environmental Conservation shall promulgate regulations governing the issuance of such permits, however, no permit may be issued until:

1) the regulations have been approved by a majority vote of each house of the legislature, and

2) the permit has been approved by the local government with jurisdiction over the proposed facility site, and

3) the permit has been approved by a majority vote of each house of the legislature, and

4) the permit has been approved by the governor.

*Section 12. A.S. 18.45.060 is amended to read:

Sec. 18.45.060. INJUNCTION PROCEEDINGS. When, in the opinion of the governor, a person is violating or is about to violate section 20 or section 25 of this chapter, he shall (MAY) direct the attorney general to apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity and upon a showing that the person has engaged, or is about to engage in the activity, the court may grant a permanent or temporary injunction, restraining order, or other order.

SB 45

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H-01 - JUNEAU 99811

February 9, 1977

The Honorable Chancy Croft
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Croft:

In response to your February 2, 1977 memorandum to Mr. Heidersdorf requesting additional information about Senate Bill 45, I have the following answers to your questions:

1. Implementation of Senate Bill 45, without increased cost to the state, would require reclassification of a present Sanitarian III position to one requiring a specialty in radiological health. This would be necessary because certain aspects of radiation protection are highly technical and the training required to effectively handle the problems encountered is drastically different from that which is required for most other environmental health and sanitation activities carried out by our staff.

   There are some inspectional activities in radiological health that could be conducted by present staff members with a reallocation of duties and minimal training, however, this would still leave the state without the ability to respond to the full spectrum of radiological health needs. As in any other profession, experience is a commodity which can only be obtained by working in the field. Assigning a present employee, with minimal training, to this activity would not resolve the state's need to be able to evaluate and respond to technical health problems which are beyond the training of present staff members and which represent a large portion of the anticipated workload.

   Reclassification of a present sanitarian position to a radiological health specialist position, would reduce our other sanitation and environmental health activities even further than presently provided. It is an undesirable solution from that viewpoint but it is the only approach available to us that would accomplish the goal of implementing Senate Bill 45 without increased cost to the state.

2. In discussions with a representative of the Risk Management Section, Department of Administration, we have been informed that the transfer of radiological health responsibilities from the Department of Environmental Conservation to the Department of Health and Social Services, would result in no change in the state's liability insurance premium. However, in view of two court cases in Alaska, it appears the state is subject to liability in areas where it is conducting inspections. A specific case referred to was Adams vs. State of Alaska. It is our understanding that a bill may be introduced in the legislature in the near future which will address this problem.

We will be happy to discuss this matter at greater length if you desire.

Sincerely,

Francis S. L. Williamson

Francis S. L. Williamson
Commissioner

SENATE JOURNAL

No. 2 SUPPLEMENT January 17, 1977

FISCAL NOTE
Second Session - Ninth Legislature

I. REQUEST
Bill No. SENATE BILL NO. 45
Title: [illegible]
Requested by: [illegible] Date: [illegible]
Return Date Requested: [illegible]
Agency: [illegible] Program: [illegible]

II. FISCAL DETAIL
Budget Request Unit(s) Affected: [illegible]
A. EXPENDITURES (Thousands of Dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
TOTAL		$0.	$0	$0.	$0.	$0

B. FUNDING (Thousands of Dollars)

General Fund						
[illegible]						
Other						

C. POSITIONS

Permanent	-/-	-/-	-/-	-/-	-/-	-/-
[illegible]						

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

Because this bill adds no additional functions to the Department, and because there is currently an authorized position to perform the [illegible] for this Department, there is essentially no fiscal impact on the Department's budget.

IV. ATTACHMENTS

V. DATE: [illegible] PREPARED BY: [signature]

Original: Legislative Finance
cc: Budget and Management
[illegible]

[illegible]

SB45

SENATE
JOURNAL SUPPLEMENT

January 24, 1977 | Monday | No. 6

FISCAL NOTE
First Session - Forty Legislature

SB 45

I. REQUEST
Bill No. Senate Bill No. 45 (2nd Fiscal Note on SB 45)
Title:
Requested by Date:
Return Date
Agency Program

II. FISCAL EFFECT
Budget Program Unit(s) Affected Environmental Quality
A. Expenditures (Thousands of Dollars)

Object	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
TOTAL		61.0	61.0	61.0	61.0	61.0

B. Revenues (Thousands of Dollars)

Revenue Item						

C. Positions

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

Budget A

IV. Assumptions

Budget A

V. Date 1st March 1977 Prepared By

Original: Legislative Council
cc: Budget and Management
Other Agencies (Joint Legislative Council)

SB 43

SB 45

Alaska State Legislature — House

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3797

LETTER OF INTENT FOR HCS FOR SB 45

It is the intent of the Health, Education & Social Services Committee that regulation-writing authority be split among three departments: Health and Social Services for health providers, Environmental Conservation for air, land, and water, and Labor for occupational health and safety. In the interests of economy the Committee intends that the inspection function be centralized in the Department of Health and Social Services.

Charles H. Parr
Chairman

January 14, 1977

The Honorable John L. Rader
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

Under authority of art. III, sec. 11 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill to amend current state regulatory legislation over radiation sources and radioactive materials.

The attached bill retains existing authority in the Department of Environmental Conservation for the regulation of the discharged radioactive materials -- or "radionuclide. -- to the environment.

However, control over the design and use of radiation sources -- such an X-ray machines -- is proposed to be transferred from the Department of Environmental Conservation to the Department of Health and Social Services. This latter type of radiation control is more in the nature of institutional licensing and public health practices, and is more appropriately lodged within the Department of Health and Social Services. When the Department of Environmental Conservation was created, jurisdiction over all matters covered by the broad umbrella of "radiation" was conferred upon that department, although the department has neither the expertise nor inclination to regulate the use of radiation-emitting devices in a closed environment.

Sincerely,

Jay S. Hammond
Governor

POSITION PAPER/Department of Health and Social Services

POSITION PAPER
ON
HOUSE CS FOR SENATE BILL NO. 45

An Act relating to radiation protection.

S.B. 45 transfers the responsibility and authority for control of all sources of ionizing and non-ionizing radiation to the Department of Health and Social Services from the Department of Environmental Conservation. There is one exception. Environmental radiation control related to radionuclide contamination of the air, water and land remains the responsibility of the Department of Environmental Conservation.

Radiological health is a specialized field of public health, being concerned with the safe use of ionizing and non-ionizing radiation. In Alaska, this area of public health need is not being met. There are no funds appropriated for the purpose of radiation protection and there is not an identified position in the State for radiological health. Alaska is the only state in the fifty states that does not have at least one individual actively involved in this field.

Alaska's radiation protection regulations adopted by the Department of Environmental Conservation are essentially unenforced. Users of radiation sources are without surveillance and educational programs so important for safe use. For all practical purposes, this has been the case since 1970.

Typical sources of ionizing radiation in Alaska are X-ray machines and radioactive materials used in medicine, dentistry, research, educational institutions and industry. Typical non-ionizing radiation sources are microwave ovens, lasers, infrared and ultraviolet sources. At the present time the major source of radiation exposure of public health concern is use of X-rays in the healing arts, primarily medicine and dentistry.

Since there has been no program, the number and location of radiation sources in the state are unknown. However, it is known that the use of radiation in Alaska is similar to that of other states with a great increase in the use of industrial sources of radiation since initiation of pipeline construction. Presently there are 23 hospitals in Alaska, all having X-ray equipment, the larger hospitals with many units. There are numerous clinics having one or more X-ray units per clinic. In addition, it is estimated that there are 75 X-ray units located in private physicians' offices and 225 X-ray units located in dentists' offices. The above, in conjunction with the use of X-ray equipment by chiropractors and veterinarians as well as the educational, research and industrial uses of X-ray equipment and radionuclides, comprises a picture of the extent of the use of radiation throughout the state.

Requests to this Department for assistance and consultation in radiological health matters are handled on a very sporadic basis and in some instances not at all. Further, the requirement for yearly inspections under the Medicare and Medicaid inspection program is not being met. Some of these as well as numerous X-ray facilities in private offices in the state have not been inspected since 1969. In addition, it is estimated that over half of the educational and industrial users under the jurisdiction of the state have never been inspected.

The statutory transfer of this responsibility to the Department of Health and Social Services with the approval of the attached Fiscal Note will enable the Department to develop a program to meet the responsibility for radiological health required by this legislation.

This Department supports passage of S.B. 45.

Recommended by:

Robert I. Fraser M.D., Director (Date) 3/11/78
Division of Public Health

Approved by:

Helen D. Bairne, Commissioner (Date) 3/11/78
Department of Health & Social Services

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Bill/Resolution No. Senate Bill #45
Title An Act Relating to Radiation Protection
Requested by Office of the Governor Date

II. FISCAL DETAIL
Agency Affected Health and Social Services
Program Category Affected Environmental Health
Budget Request Unit(s) Affected Environmental Health

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		41.8	45.9	50.3	55.3	60.9
200 TRAVEL		5.0	3.3	3.6	4.0	4.4
300 CONTRACTUAL		.9	1.0	1.1	1.2	1.3
400 COMMODITIES		.5	.5	.6	.7	.8
500 EQUIPMENT		3.5	1.0	1.1	1.2	2.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		51.7	51.7	56.7	62.4	69.4

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		51.7	51.7	56.7	62.4	69.4
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		1	1	1	1	1
PART TIME		1	1	1	1	1
TEMPORARY						

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

APPENDIX A
APPENDIX B

IV. DATE [illegible] PREPARED BY [illegible]
AGENCY Health and Social Services
PHONE 465-3120

Original Legislative Finance
cc. Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/77)

III. ANALYSIS

In computation of personal services costs, it has been assumed that the benefits will increase at the rate of 25%. An annual 10% yearly inflationary rate was used to project all other objects through FY 83.

PERSONAL SERVICES

Permanent full-time position (Range 20)	$27,552
17.25% + $1,143 (FICA) + $986 (Health Insurance)	6,882
	$34,434
One half-time Clerk Typist III (Range 8)	$ 6,030
17.25% + $365 (FICA) + $493 (Health Insurance)	1,295
	$ 7,325

Personal Services reflects one permanent full-time professional position in the specialized field of Radiological Health (Range 20) and one permanent part-time Clerk Typist III (Range 8); both located in Juneau. These are new positions requiring start-up funds in the first year for office equipment and furniture, new hire travel and specialized radiation measuring equipment.

TRAVEL & MOVING $ 5,000

Travel and moving costs include transportation and shipment of personal effects of the new hire, as well as travel for this position which will be extensive. One individual will be required to conduct radiation surveys of radiation producing equipment for the whole state.

CONTRACTUAL $ 900

The contractual costs will cover miscellaneous contractual items such as postage, telephone, telegrams, printing of inspection forms, legal notices, regulations, as well as repairs for equipment. These two positions will present no additional costs in rents and utilities since space is available in the Alaska Office Building.

COMMODITIES $ 500

These costs will cover general office supplies as well as miscellaneous small scientific supplies required for inspection of radiation facilities.

EQUIPMENT $ 3,500

Equipment money includes : secretarial chair and file cabinet. Other required office equipment is presently available. The remainder of the funds are for specialized radiation measuring equipment including a portable Alpha Beta Gamma Survey Meter and an all purpose industrial X-ray Gamma Survey Meter.

This program will be completely funded from the State General Fund.

APPENDIX B

DEPARTMENT OF HEALTH & SOCIAL SERVICES
Fiscal Note - House CS For Senate Bill 45

ALASKA RADIOLOGICAL HEALTH PROGRAM

HISTORY

In 1962, the U.S. Public Health Service assigned a full-time radiological health staff member to Alaska to assist in the development of a comprehensive radiological health program. The understanding associated with this assignment was that the state would eventually assume responsibility for this activity. After approximately seven years of full-time assistance, the state created a position in radiological health. This occurred at the time of the establishment of the Department of Environmental Conservation, when the responsibility for radiological health was transferred from the Department of Health & Social Services to that Department.

Assignment of radiological health responsibilities to the Department of Environmental Conservation was not a satisfactory arrangement. The primary need for a radiological health program was not environmentally related. It had been well established for many years that approximately 90 percent of all unnecessary radiation exposure to the public resulted from X-rays used in diagnosis in the healing arts. It was clearly a public health problem. The program was an unwelcome stepchild in the Department of Environmental Conservation and consequently received little support. During the following four years, with the exception of two six-month periods, the position remained vacant. Therefore, in effect, the State of Alaska has not had a radiation protection program since 1970. In 1974 the Legislature eliminated the radiological health position, leaving the state without even a pretense of a program in this area. This is the case today. There are no funds appropriated for the purpose of radiation protection and there is not an identified position in the state in radiological health.

STATE AGENCY RESPONSIBILITY IN RADIOLOGICAL HEALTH

At the present time, there are at least four state agencies with an interest and/or responsibility in some area of radiation control or radiological health. These are the Alaska Disaster Office and Departments of Environmental Conservation, Labor and Health & Social Services.

The Alaska Disaster Office has a program based on civil defense considerations which involves monitoring of fallout levels by minimally trained individuals.

The Department of Environmental Conservation has statutory responsibility for all aspects of radiological health. In October of 1975, Commissioner Mueller, of the Department of Environmental Conservation, delegated authority to the Department of Health & Social Services to carry out all aspects of a radiological health program with the exception of environmental radiation control related to radionuclide contamination of the air, water and land. A copy of the delegating memorandum is attached.

No funds or position accompanied this delegation of authority. The following year that department initiated efforts to transfer statutory responsibility for all non-environmental radiation sources to the Department of Health & Social Services. The first attempt to transfer the responsibility was in the form of S.B. 536 which did not pass the legislature. During the first session of the Tenth Legislature, the bill was reintroduced as S.B. 45.

The Department of Labor has responsibility for radiation control in the work environment. In July 1973, the Department of Health and Social Services signed a Memorandum of Understanding with the Department of Labor to provide that department with radiation inspection services upon request. This move was necessary to assist the Department of Labor in qualifying as an agreement state under the OSHA Act, since Labor did not have qualified personnel in radiation protection. A copy of that agreement is attached.

The Department of Health & Social Services has, by necessity, maintained an involvement in radiological health because of internal departmental public health needs and lack of availability of this service from other agencies. The Department presently has the only individual in state service with the overall qualifications required for this activity. This lead to the agreement with Environmental Conservation and Labor described above. The problem, however, is that the Department lacks a position in radiological health and the individual qualified to do the work has other full-time duties. Therefore, response to radiation problems and requests for assistance is limited to a time available basis which is inadequate for the need.

PRESENT STATUS OF RADIOLOGICAL HEALTH PROGRAM AND ACTIVITIES

For reasons stated above, the Department is not able to respond in a timely fashion to requests for assistance and consultation. In the past four months, 18 requests have been made to this Department for various kinds of assistance including review of plans for shielding requirements for X-ray clinics, inspection of X-ray baggage inspection systems, emergency follow-up to a fire involving radioactive materials, investigation of radiation overexposure complaints and requests for radiological health education. In addition, there is the constant unanswered demand to conduct radiation inspections of institutions for state licensing and/or Medicare and Medicaid certification purposes which are required of this Department. There are at present, approximately twenty-five such facilities in Alaska which require annual inspections. However, in the past three years the maximum number of facilities inspected was nine in 1974 with lesser numbers inspected in years following. In short, the state is not meeting established requirements for inspection of these facilities.

In general, Alaska's radiation protection regulations adopted by the Alaska Department of Environmental Conservation, are unenforced. The majority of the radiation users in Alaska have not been inspected for periods ranging up to as long as seven or eight years. Due to lack of enforcement of registration provisions the type and location of most sources of radiation are not known.

Hospitals have X-ray equipment ranging in numbers from one X-ray unit in smaller facilities to as high as a dozen in the larger facilities. It is estimated that there are seventy-five X-ray units in private physician's offices and clinics and at least 225 X-ray units located in dental offices. In addition, there are approximately twenty chiropractors and forty veterinarians in the state. Many of these offices have X-ray equipment. Such equipment is also being used in research, industry and educational facilities throughout the state.

It is difficult to make an estimate of the number of industrial and analytical radiation sources being used in the state at this time. Such sources would include industrial radiographic, X-ray diffraction, electron microscopes and various gauges to name a few. One thing is certain: with the drastic change in the state industrial activity in the past decade, due to oil exploration and pipeline construction, the increase in numbers of such sources is great.

There are approximately forty by-product material licenses issued by the Nuclear Regulatory Commission to individuals and organizations in the state. In addition, many companies employed in activities connected with the oil fields and the pipeline are using radioactive material in Alaska under authorization from licenses issued in other states. No estimation of these numbers is possible since the state has made no effort to get a handle on this situation. This does not include the non-ionizing radiation sources known to have health significance including lasers, microwave, ultraviolet and infrared sources.

CONCLUSION

With the exception of those radioactive licensed sources which fall under the jurisdiction of the Nuclear Regulatory Commission, all ionizing and non-ionizing sources of radiation are unregulated and users are without surveillance and educational programs. This is particularly critical in the medical and dental diagnostic uses where people of all ages are directly exposed.

The health risks, both somatic and genetic, associated with exposure to ionizing radiation and some forms of non-ionizing radiation, are well known and universally accepted. Alaskans are not immune from these risks. With the exception of reactors and high energy accelerators, all common radiation sources are found here in the same proportion as elsewhere in the United States. Yet, for the past seven years, Alaska has not had a program in radiological health. Such a program is badly needed.

Attachments

MEMORANDUM State of Alaska

TO: Hon. Francis S. L. Williamson
Commissioner
Department of Health
and Social Services

DATE: October 23, 1975

FILE NO.

TELEPHONE NO.

FROM: Ernst W. Mueller
Commissioner
Dept. of Environmental Conservation

SUBJECT: Radiological Health--
Delegation of
Authority

In recent discussions with you and members of your staff, it was the unanimous opinion that certain responsibilities of the Department of Environmental Conservation relating to radiation control and radiological health could more appropriately be handled by the Department of Health and Social Services.

The appropriate method of accomplishing a transfer of responsibility from one Department to another would, of course, be by statutory change. Draft legislation to accomplish this transfer is currently being prepared by the Department of Law. However, in the interim, in view of the radiological health problems which need immediate attention, I wish to take the first step necessary to permit personnel from your Department to respond to the radiological health needs of the State. Therefore, under authority granted to me by AS 46.03.020(1), with your concurrence, I hereby delegate to qualified personnel of the Environmental Health Section of the Department of Health and Social Services, responsibility for all aspects of radiological health, covering both ionizing and non-ionizing radiation with the exception of environmental radiation control related to radionuclide contamination of the air, water, and land. This delegation of authority includes the power to enforce the radiation protection regulations, 18 AAC 85.010-18 AAC 85.780, promulgated by the Department of Environmental Conservation.

If you concur with this move, I would appreciate receiving written confirmation of that fact.

bcc: Mr. Balderstorf
Mr. Scribner

RECEIVED
OCT 24 1975

Environmental Health Section
Division of Public Health

MEMORANDUM OF UNDERSTANDING

The State Department of Labor as designated under PL 91-596 will contract with the Division of Public Health for radiation inspection services. Division of Public Health personnel when conducting inspections for the Commissioner of Labor will have the same rights and restrictions as imposed upon occupational safety compliance officers by CGSB 66 or (SLA 73).

The Division of Public Health will report the results and recommendations of their inspections to the Division of Occupational Safety and Health. Any citations issued or enforcement action taken will originate from the Division of Occupational Safety and Health.

If a health inspection reveals a hazard that presents an imminent danger to employees in a work place, such hazard shall be promptly reported to the Division of Occupational Safety and Health for immediate action by a compliance officer.

R. L. Smith
Commissioner of Labor

Frederick P. McKenna
Commissioner of Health & Social Services

Date July 10, 1973

RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Schmid
Signature of Camera Operator

3/23/90
Date

SENATE FINANCE COMMITTEE
LETTER OF INTENT
FOR
SENATE BILL NO. 45

It is the intent of the Legislature that Senate Bill No. 45 be implemented by the Department of Health & Social Services at no additional cost. The Department shall determine the hazards presented to public health from radiation sources and on this basis allocate whatever existing resources are deemed necessary to protect the public from such hazards in line with the priorities deserving other public health programs.

John Sackett, Chairman
Senate Finance Committee

COMMITTEE REPORT

SENATE

1/26/77

February 21, 1977 Date

Mr. President:

The Committee on FINANCE has had SB 45 relating to radiation protection under consideration. A majority of the members of the Committee

☐ recommends it do pass

☐ recommends it do not pass

☐ recommends it do pass with attached amendment(s)

☐ recommends it be replaced with CS for _____ and that CS for _____ do pass

☐ (and) recommends it be referred to the _____ committee

☐ reports it back without recommendation

☐ AND attaches a report of its intent

☐ (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

_____
Chairman

S 60

Introduced: 1/17/77
Referred: Health, Education and Social Services

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 45

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to radiation protection."

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

* Section 1. AS 18.60 is amended by adding new sections to read:

ARTICLE 5. RADIATION PROTECTION [ACT].

Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The department shall

(1) adopt regulations necessary to carry out the purposes of secs. 475 - 545 of this chapter;

(2) develop comprehensive policies and programs for the evaluation and determination of hazards associated with the use of radiation sources and their amelioration;

(3) encourage, participate in, and conduct studies, investigations, training, research and demonstrations relating to the control of radiation hazards, the measurement of radiation, the effects on health of exposure to radiation and related problems it considers necessary or advisable for the discharge of its duties;

(4) collect and disseminate health education information relating to radiation protection;

(5) review plans and shielding specifications for radiation sources;

(6) inspect radiation sources, their shielding and immediate surroundings, and records concerning their operation for the determination of possible radiation hazard.

(b) The department may keep confidential data obtained as a

result of registration or investigation.

Sec. 18.60.485. RADIATION SOURCES. Radiation sources shall be shielded, transported, handled, used, and kept to prevent users and other persons from being exposed to concentrations of radionuclides or levels of radiation exceeding those limits established by the department in regulations.

Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. When the department finds, after inspection and examination of a source of radiation as constructed, operated, or maintained, that there has been a violation of a provision of this chapter, it shall notify the person causing or permitting the violation of the nature of the violation and order the person to stop it.

Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. When the department finds that an emergency exists requiring immediate action to protect the public health or welfare from radiation, it may issue an order reciting the existence of an emergency and requiring that action be taken to meet the emergency. The order is effective immediately. A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). After a hearing, the department may affirm, revoke, or modify the order.

Sec. 18.60.515. EXCEPTIONS. (a) Sections 475 - 485 of this chapter do not limit the intentional exposure of patients to radiation for the purpose of diagnosis or therapy, or medical research, when conducted as authorized by law and in accordance with accepted radiation safety principles.

(b) Section 475(a)(5) and (6) of this chapter do not apply to the private use of radiation sources in the home.

Sec. 18.60.525. PENALTIES. A person who violates a regulation,

standard, or order of the department adopted or issued under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than $500, or by imprisonment for not more than one year, or by both. Each day upon which a violation occurs constitutes a separate offense.

Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

(1) "department" means the Department of Health and Social Services;

(2) "electronic product" means a manufactured product which

(A) when in operation, contains or acts as part of an electronic circuit and emits, or in the absence of effective shielding or other controls would emit, electronic product radiation; or

(B) is intended for use as a component, part, or accessory of a product described in (A) of this paragraph and which when in operation emits, or in the absence of effective shielding or other controls would emit, electronic product radiation;

(3) "electronic product radiation" means any ionizing or non-ionizing, electromagnetic or particulate radiation, or a sonic, infrasonic, or ultrasonic wave which is emitted from an electronic product as the result of the operation of an electronic circuit in the product;

(4) "radiation sources" means both electronic product and nuclear radiation sources.

* Sec. 2. AS 46.03.250 is repealed and re-enacted to read:

Sec. 46.03.250. AUTHORITY. The department shall adopt regulations establishing standards governing the discharge of radionuclides

to the air, water, land, and subsurface land of the state.

* Sec. 3. AS 46.03.260 is repealed and re-enacted to read:

Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts an operation which results in the discharge of radionuclides to the air, water, land or subsurface land of the state must obtain a permit from the department before commencing the discharge.

* Sec. 4. AS 46.03.290 is repealed and re-enacted to read:

Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY. (a) When the department finds that an actual or imminent discharge of radionuclides to the air, water, land or subsurface land of the state poses an immediate threat to the public health or welfare, or the environment of the state, it may issue an order declaring an emergency and directing a person or persons to take action the department believes necessary to meet the emergency, and protect the public health, welfare, or environment.

(b) A person to whom an order is directed shall comply with it immediately, but on application to the department shall be given a hearing under the Administrative Procedure Act (AS 44.62). Thereafter the department may affirm, revoke or modify the order.

(c) During a period of emergency declared under (a) of this section, each state agency, including, when appropriate, the Department of Military Affairs under the authority conferred by AS 26.20, shall take whatever action the department finds necessary to meet the emergency, and to protect the public health, welfare, or environment.

* Sec. 5. AS 46.03.900 is amended by adding a new paragraph to read:

(23) "radionuclide" means any atom which may spontaneously emit particles or gamma radiation or may emit X-radiation following orbital electron capture or may undergo spontaneous fission.

* Sec. 6. Regulations adopted under authority of statutes repealed or

amended by this Act shall remain in effect until repealed by the Department of Environmental Conservation in consultation with the Department of Health and Social Services.

* Sec. 7. AS 46.03.020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.-310, 46.03.840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900(17) are repealed.

FISCAL NOTE
Second Session - Ninth Legislature

I. REQUEST
Bill No. SENATE BILL NO. 43
Title: [illegible]
Requestor (s): Governor Date: 12 Jan 77
Return Date Requested:
Agency: Environmental Conservation Program: Admin

II. FISCAL DETAIL
Budget Request Unit(s) Affected: None

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
[illegible]						
TOTAL		$0.	$0.	$0.	$0.	$0.

B. REVENUE: (Thousands of dollars)

GENERAL FUND						
[illegible]						
OTHER						

C. POSITIONS:

PERMANENT FULL-TIME	/	/	/	/	/	/
ALL OTHER POSITIONS						

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

Because this Bill adds no additional functions to the Department, and because there is currently an authorized position to perform the relative functions of this Department, there is essentially no fiscal impact on the Department's Budget.

IV. ATTACHMENTS

V. DATE: 12/21/76 PREPARED BY: [signature] [illegible]

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

6/1 80

FISCAL NOTE

First Session - Tenth Legislature

SB 45

I. REQUEST
Bill No. Senate Bill # 45 (2nd Fiscal Note to SB 45)
Title: An Act Relating to Radiation Protection
Requested by: Office of the Governor Date:
Return Date Requested:
Agency: Health & Social Services Program: Environmental Health

II. FISCAL DETAIL
Budget Request Unit(s) Affected: Environmental Health
A. EXPENDITURES: (Thousands of Dollars)

	OBJECT	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100	PERSONAL SERVICES		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
200	TRAVEL		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
300	CONTRACTUAL		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
400	COMMODITIES		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
500	EQUIPMENT		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
600	LAND & STRUCTURES						
700	GRANTS, CLAIMS, ETC.						
	TOTAL		48.0	44.9	49.4	54.3	60.4

B. FUNDING: (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND		48.0	44.9	49.4	54.3	[illegible]
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
PERMANENT/TEMPORARY	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
MAN MONTHS (P.FT.)	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

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

APPENDIX A

IV. ATTACHMENTS

APPENDIX B

V. DATE: [illegible] PREPARED BY: [illegible]

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

SB 45

in computation of personal services costs. It has been assumed that the benefits will continue to increase at the rate of 25.5%. An annual 10% yearly inflationary rate was used to project all objects through FY 82.

PERSONAL SERVICES

Permanent full-time position (Range 18)	$22,448
25.5% Benefits	5,720
	$28,168
One Half-time Clerk Typist III (Range 8)	$ 5,742
25.5% Benefits	1,464
	$ 7,206

Personal Services reflects one permanent full-time professional position in the specialized field of Radiological Health (Range 18) and one permanent part-time Clerk Typist III (Range 8), both located in Juneau. These are new positions requiring start up funds in the first year for office equipment and furniture, new hire travel and specialized radiation measuring equipment.

TRAVEL $ 3,000

Travel for this position will be extensive. One individual will be required to conduct radiation surveys of radiation producing equipment for the whole state.

CONTRACTUAL $ 2,000

The contractual costs include $2,000 for transportation and shipment of personal effects of the new hire. The remainder will cover miscellaneous contractual items such as postage, telephone, telegrams, printing of inspection forms, legal notices, regulations as well as repairs for equipment. These two positions will present no additional cost in rents and utilities if located in the Alaska Office Building.

SUPPLIES $ 500

These costs will cover general office supplies as well as miscellaneous small scientific supplies required for inspection of radiation facilities.

EQUIPMENT $ 6,000

This equipment includes a typewriter, secretarial chair and desk, executive chair and desk, filing cabinet, bookcase and bookshelves. In addition, there is slightly less than $1,000 for specialized radiation measuring equipment including a portable Alpha Beta Gamma Survey Meter and an all purpose Industrial Survey Gamma Survey Meter.

This program will be completely funded from the State General Fund.

Radiological Health is a specialized field of public health, being concerned with the safe use of ionizing and non-ionizing radiation. In Alaska, this area of public health need is not being met. Approval of this legislation and accompanying Federal funds will enable the Department of Health and Social Services to initiate a program to meet this need.

Typical sources of ionizing radiation in Alaska are X-ray machines and radioactive materials used in medicine, dentistry, research, educational institutions and industry. Typical non-ionizing radiation sources are microwave ovens, lasers, industrial and ultraviolet sources and communication systems. At the present time the primary source of radiation exposure of public health concern results from use of X-rays in the healing arts, primarily medicine and dentistry.

SB 45

Due to the lack of an ongoing radiological health program since 1969, a clear picture does not exist of the exact location and number of radiation sources within the state. However, it is known that the use of radiation in Alaska is similar to that of other states with a great increase in the use of industrial sources of radiation since initiation of pipeline construction. Presently there are 23 hospitals in Alaska, each having X-ray equipment in numbers ranging from one unit in the smaller hospitals to six or more in the larger hospitals. There are many clinics having one or more X-ray units per clinic. In addition, it is estimated that there are 75 X-ray units located in private physicians' offices and 225 X-ray units located in dentists' offices. The above, in conjunction with the use of X-ray equipment by chiropractors and veterinarians as well as the educational, research and industrial uses of X-ray equipment and radionuclides, comprises a picture of the extent of the use of radiation throughout the state. At this time there are no reactors or accelerators in Alaska. Alaska does not have an inspection program covering radiation sources and their safe use. The attached January 1975 Position Statement of the Legislative Committee of the Alaska State Medical Association, describes the concern of the ASMA about the present situation as it applies to X-ray equipment. Requests for assistance and consultation in radiological health matters are handled on a very sporatic basis and in some instances not at all. Further, the requirement for yearly inspections under the Medicare and Medicaid inspection program is not being met. Some of these as well as numerous X-ray facilities in private offices in the state have not been inspected since 1969. In addition, it is estimated that over half of the educational and industrial uses under the jurisdiction of the State have never been inspected. In the past two years, there have been three incidents of radiation overexposure in Alaska involving six individuals.

The statutory transfer of this responsibility to the Department of Health and Social Services with the approval of this Fiscal Note will permit the Department to develop a program to meet the present needs in radiological health. Without approval of this Fiscal Note, the Department will not be able to meet the responsibility for radiological health required by this legislation.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER / POUCH H-01 – JUNEAU 99811

February 9, 1977

The Honorable Chancy Croft
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Croft:

In response to your February 2, 1977 memorandum to Mr. Heidersdorf requesting additional information about Senate Bill 45, I have the following answers to your questions:

1. Implementation of Senate Bill 45, without increased cost to the state, would require reclassification of a present Sanitarian III position to one requiring a specialty in radiological health. This would be necessary because certain aspects of radiation protection are highly technical and the training required to effectively handle the problems encountered is drastically different from that which is required for most other environmental health and sanitation activities carried out by our staff.

   There are some inspectional activities in radiological health that could be conducted by present staff members with a reallocation of duties and minimal training, however, this would still leave the state without the ability to respond to the full spectrum of radiological health needs. As in any other profession, experience is a commodity which can only be obtained by working in the field. Assigning a present employee, with minimal training, to this activity would not resolve the state's need to be able to evaluate and respond to technical health problems which are beyond the training of present staff members and which represent a large portion of the anticipated workload.

   Reclassification of a present sanitarian position to a radiological health specialist position, would reduce our other sanitation and environmental health activities even further than presently provided. It is an undesirable solution from that viewpoint but it is the only approach available to us that would accomplish the goal of implementing Senate Bill 45 without increased cost to the state.

2. In discussions with a representative of the Risk Management Section, Department of Administration, we have been informed that the transfer of radiological health responsibilities from the Department of Environmental Conservation to the Department of Health and Social Services, would result in no change in the state's liability insurance premium. However, in view of two court cases in Alaska, it appears the state is subject to liability in areas where it is conducting inspections. A specific case referred to was Adams vs. State of Alaska. It is our understanding that a bill may be introduced in the legislature in the near future which will address this problem.

We will be happy to discuss this matter at greater length if you desire.

Sincerely,

Francis S. L. Williamson

Francis S. L. Williamson
Commissioner