

LEG. FINANCE - BILLS 1977 - 1978 949

SB 384 thru SB 393

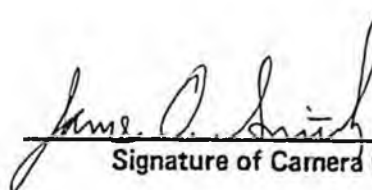
949



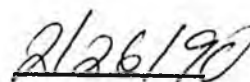
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. S.B. No. 384
 Title Spec. Appropriation to Construct Road to Pilgrim Hot Springs
 Requested by Legislative Affairs Date _____

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected Transportation
 Budget Request Unit(s) Affected Highway Design & Construction

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			63,000			
200 TRAVEL			9,000			
300 CONTRACTUAL			425,000			
400 COMMODITIES			3,000			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			500,000			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS			500,000			
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY			4			

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

Based on estimated average construction cost of \$62,500 per mile, including Preliminary and Construction Engineering. The amount stated in the proposed legislation is not sufficient. An estimate prepared earlier this year was for \$210,000 per mile, for a total cost of \$1,680,000. This would provide a 14 foot wide single lane road with periodic turnouts.

IV. DATE February 24, 1978 PREPARED BY Design-Highways-Shumway-
 AGENCY DOT/PF
 PHONE 364-2121
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Ferguson

Introduced: 1/10/78
Referred: State Affairs and
Finance

1 IN THE SENATE

BY FERGUSON, KERTTULA AND HUBER

2 SENATE BILL NO. 384

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities for the
8 construction of a Pilgrim Hot Springs access road; and
9 providing for an effective date."

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

11 * Section 1. The sum of \$500,000 is appropriated from the general fund
12 to the Department of Transportation and Public Facilities for the construc-
13 tion of eight miles of access road to reach Pilgrim Hot Springs.

14 * Sec. 2. This Act takes effect July 1, 1978.
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

COMMITTEE REPORT

SENATE

2/17/78

FURTHER: _____

Date: _____

Mr. President:

The Committee on FINANCE has had SB 384
special appropriation to Dept. of Trans. & Public Facilities for construction
of Pilgrim Hot Springs access road

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- 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 _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

SENATE

1/10/78

FURTHER: FINANCE

Date: ~~1/10/78~~ Feb. 16, 1978

Mr. President:

The Committee on STATE AFFAIRS has had SB 384

spec. appropriation to Dept. of Trans. & Public Facilities for construction of Pilgrim Hot Springs access road

under consideration and (a majority of the committee) (the committee reports it back as follows)

- () 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 _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

reports it back without ^{indivisible} recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 [Signature]
 2 [Signature]
 1 Brad Bradley
 1 John Huber

Do pass
No Rec
No Rec
DO PASS

[Signature]
Chairman

Introduced: 1/10/78
Referred: State Affairs and
Finance

1 IN THE SENATE

BY FERGUSON, KERTTULA AND HUBER

2 SENATE BILL NO. 384

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities for the
8 construction of a Pilgrim Hot Springs access road; and
9 providing for an effective date."

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

11 * Section 1. The sum of \$500,000 is appropriated from the general fund
12 to the Department of Transportation and Public Facilities for the construc-
13 tion of eight miles of access road to reach Pilgrim Hot Springs.

14 * Sec. 2. This Act takes effect July 1, 1978.

ALASKA STATE LEGISLATURE

TENTH Legislature SECOND Session

SENATE BILL..... NO. 384...

By FERGUSON, KERTTULA AND HULER

An Act making a special appropriation to the Department of Transportation and Public Facilities for the construction of a Pilgrim Hot Springs access road; and providing for an effective date.

Approp. construction of access road Pilgrim Hot Springs

Introduced in the Senate 1/10, 1976

HISTORY IN THE SENATE

1976	Read first time and referred to Committee on												
1 10	State Affairs and Finance												
2 17	Reported back with <i>S.A. 2 do</i> recommendation that <i>pass 2</i> <i>no rec. to Finance</i>												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by President Sent to House												
SECRETARY OF THE SENATE													

HISTORY IN THE HOUSE

1976	Read first time and referred to Committee on												
	Reported back with recommendation that												
	Read second time and												
	Read third time and												
	<table border="0"> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused		
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	<table border="0"> <tr> <td colspan="2">Reconsideration</td> </tr> <tr> <td>PASS</td> <td>Effective Date</td> </tr> <tr> <td>Yeas</td> <td>Yeas</td> </tr> <tr> <td>Nays</td> <td>Nays</td> </tr> <tr> <td>Absent</td> <td>Absent</td> </tr> <tr> <td>Excused</td> <td>Excused</td> </tr> </table>	Reconsideration		PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
Reconsideration													
PASS	Effective Date												
Yeas	Yeas												
Nays	Nays												
Absent	Absent												
Excused	Excused												
	Reported correctly engrossed Signed by Speaker Returned to Senate												
CHIEF CLERK OF THE HOUSE													

HISTORY IN THE SENATE

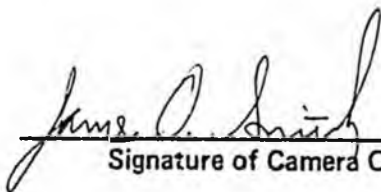
1976	Received from House
	Reported correctly enrolled
	Sent to Governor
 By Governor
	Filed with Lt. Governor
	Chapter No.



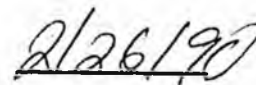
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

Introduced: 1/10/78
Referred: State Affairs and
Finance

1 IN THE SENATE

BY KERTTULA AND HUBER

2 SENATE BILL NO. 385

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities for the
8 emergency road reconstruction fund; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$5,000,000 is appropriated from the general fund
12 to the Department of Transportation and Public Facilities for the purpose
13 of establishing the emergency road reconstruction fund created under AS 19.-
14 15.015.

15 * Sec. 2. This Act takes effect on the effective date of a version of
16 an Act entitled "An Act relating to the construction and maintenance of
17 highways."

18

19

20

21

22

23

24

25

26

27

28

29

#

STATE
of ALASKA

MEMORANDUM

TO: J. H. Hogan
Director
Legislative Finance Division
Legislative Affairs Agency

DATE: March 22, 1978

FILE NO: 000H

TELEPHONE NO: 465-3910

FROM: Donald Harris *DH*
Commissioner
Department of Transportation and
Public Facilities

SUBJECT: SB 385, SB 387, SB 408.

Senate Bill 385 is a companion measure to SB 387, although the latter deals with several other subjects as well. SB 387 allocates \$20 Million to an emergency highway reconstruction fund, while SB 385 appropriates \$5 Million to this fund. Although it is unclear as to who declares the emergency, the Commissioner is authorized to expend the funds. Remedial action undoubtedly will be taken to designate the Governor as the person declaring the emergency.

Funds available under such legislation would be expended under existing laws. The Governor can declare an emergency to exist, and the Commissioner can, depending on the nature of the disaster, either put necessary repairs out for bid or utilize laws allowing him to employ what is known as force account work. In the latter instance, this could be done either through a private contractor or the Department's personnel.

As for the Petersville road (HB 408), the \$85,000 would be used to do a highway reconnaissance employing both aerial mapping plus ground surveys on the area indicated for the best possible routing. The legislation, according to the principal sponsor, Senator Pat Rodey, is predicated on the location of National Park Service facilities within Denali State Park. The NPS has \$7 Million allocated (although not presently appropriated) for a section of road which would join the proposed Petersville extension. According to Senator Rodey and the Senate State Affairs Committee, the aerial and ground survey would aid in connecting the existing highway with the proposed NPS road when it is accomplished.

Deputy Commissioner H. D. Scougal and our Director of Transportation Planning, John Umlauf, testified before the Senate State Affairs committee on January 26, 1978 on the three bills mentioned above. SB 408 covers a project not presently scheduled for FY-79. If the funding of \$5 Million mentioned in SB 385 is part of the general appropriations bill for FY-79, it would be expended as noted above.

COMMITTEE REPORT

SENATE

1/27/78

FURTHER: None

Date: _____

Mr. President:

The Committee on FINANCE has had SB 385
special appropriation to Dept. of Trans. & Public Facilities for emergency road
reconstruction fund

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- 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 _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT

SENATE

FURTHER Finance

1/10/78

Date: ~~1/10/78~~ *Jan. 26 1978*

Mr. President:

The Committee on STATE AFFAIRS has had SB 385 special approp. to Dept. of Transportation & Public Facilities for emergency road reconstruction fund

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 _____ () new title () same title
- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]

[Signature]

Brad Bradley

[Signature]

Chairman

Introduced: 1/10/78
Referred: State Affairs and
Finance

BY KERTTULA AND HUBER

1 IN THE SENATE

2 SENATE BILL NO. 385

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Depart-
7 ment of Transportation and Public Facilities for the
8 emergency road reconstruction fund; and providing for
9 an effective date."

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

11 * Section 1. The sum of \$5,000,000 is appropriated from the general fund
12 to the Department of Transportation and Public Facilities for the purpose
13 of establishing the emergency road reconstruction fund created under AS 19.-
14 15.015.

15 * Sec. 2. This Act takes effect on the effective date of a version of
16 an Act entitled "An Act relating to the construction and maintenance of
17 highways."

18
19
20
21
22
23
24
25
26
27
28
29
COMMITTEE COPY

ALASKA STATE LEGISLATURE

THIRTY... Legislature ... SECOND Session

SENATE ... BILL ... NO. ... 385 ..

By ... AND. HUBER

"An Act making a special appropriation to the Department of Transportation and Public Facilities for the emergency road reconstruction fund; and providing for an effective date."

appropri. emergency road reconstruction fund

Introduced in the Senate 17 / 75, 19....

HISTORY IN THE SENATE

19 76

Read first time and referred to Committee on State Affairs and Finance

1 10

127 Reported back with S.A. recommendation that 3 be passed to Finance
Enr.

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

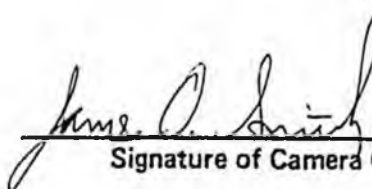
Chapter No.



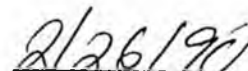
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

COMMITTEE REPORT
SENATE

1/24/78

FURTHER: NONE

Date: _____

Mr. President:

The Committee on FINANCE has had SB 386 spec. appropriation to U of A to lease land for & construct a geothermally heated greenhouse at Pilgrim Hot Springs

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 _____ new title same title
- AND attaches a Letter of Intent New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT
SENATE

FURTHER: Finance

1/10/78

Date: ~~1/10/78~~

1/24/78

Mr. President:

HEALTH, EDUCATION AND SOCIAL
SERVICES

The Committee on _____ has had SB 386
spec. appropriation to U of A to lease land for & Construct a geothermally
heated greenhouse at Pilgrim Hot Springs

under consideration and (a majority of the committee) (the committee
reports it back as follows)

- may* recommends it do pass *AS AMENDED* () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- () recommends it be replaced with CS for _____

and _____ () new title () same title

- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 Bradley

2 Sumner

1 Adkins

No Pass

No Rec

Do Pass

1 Steen Hackney
Chairman
Do Pass

A M E N D M E N T

#1

OFFERED IN THE SENATE:

By: HESS

To: _____ SENATE BILL No. 386

HOUSE BILL No. _____

PAGE: 1

LINE: 12

To Page 1, Line 12

After the word "Alaska"

Insert "Agricultural Experiment Station"

A M E N D M E N T

2

OFFERED IN THE SENATE:

By: HESS

To: _____ SENATE BILL No. 386

HOUSE BILL No. _____

PAGE: 1

LINE: 12

To Page 1, Line ~~12~~ 12

After the word "establish"

Delete "a 15 year"

Insert "an"

To Page 1, Line ~~12~~ 12

After the word "in"

Delete "arctic"

Insert "northern"

Introduced: 1/10/78
Referred: Health, Education &
Social Services and Finance

BY FERGUSON, KERTTULA AND HUBER

1 IN THE SENATE

2 SENATE BILL NO. 386

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Uni-
7 versity of Alaska to lease land for and construct a
8 geothermally heated greenhouse at Pilgrim Hot Springs;
9 and providing for an effective date."

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

11 * Section 1. The sum of \$250,000 is appropriated from the general fund to
12 the University of Alaska to establish a 15 year experiment in arctic geo-
13 thermal heat utilization for food production. The sum appropriated by this
14 Act shall be used to lease up to 10 acres in the Pilgrim Hot Springs area
15 and to construct and equip a 4,000 square foot greenhouse with food, fodder
16 and ornamental plots.

17 * Sec. 2. The unexpended and unobligated portion of this appropriation
18 lapses into the general fund June 30, 1993.

19 * Sec. 3. This Act takes effect July 1, 1978.
20
21
22
23
24
25
26
27
28
29

ALASKA STATE LEGISLATURE

TRM... Legislature ..Session

SENATE BILL..... NO. 356...

By FERGUSON, KERTTULA AND....
HUBER

"An Act making a special appropriation to the University of Alaska to lease land for and construct a geothermally heated greenhouse at Pilgrim Hot Springs; and providing for an effective date."

Greenhouse at Pilgrim Hot Springs
Approved for

Introduced in the Senate 1/10, 19.73

HISTORY IN THE SENATE

19	7.3	Read first time and referred to Committee on
1	10	Health, Education & Social Services and Finance
1	24	Reported back with recommendation that <i>HESS</i> <i>3 depas</i> <i>w/roads to Finance</i>
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by President
		Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		Reported correctly enrolled
		Sent to Governor
	 By Governor
		Filed with Lt. Governor
		Chapter No.

Introduced: 1/10/78
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY FERGUSON, KERTTULA AND HUBER

2 SENATE BILL NO. 386

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Uni-
7 versity of Alaska to lease land for and construct a
8 geothermally heated greenhouse at Pilgrim Hot Springs;
9 and providing for an effective date."

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

11 * Section 1. The sum of \$250,000 is appropriated from the general fund to
12 the University of Alaska to establish a 15 year experiment in arctic geo-
13 thermal heat utilization for food production. The sum appropriated by this
14 Act shall be used to lease up to 10 acres in the Pilgrim Hot Springs area
15 and to construct and equip a 4,000 square foot greenhouse with food, fodder
16 and ornamental plots.

17 * Sec. 2. The unexpended and unobligated portion of this appropriation
18 lapses into the general fund June 30, 1993.

19 * Sec. 3. This Act takes effect July 1, 1978.

COMMITTEE REPORT
SENATE

FURTHER: Finance

1/10/78

Date: 1/10/78

1/24/78

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 386 spec. appropriation to U of A to lease land for & Construct a geothermally heated greenhouse at Pilgrim Hot Springs

under consideration and (a majority of the committee) (the committee reports it back as follows)

- may* recommends it do pass *AS AMENDED* () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- () recommends it be replaced with CS for _____
- and _____ () new title () same title
- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 Bradley
2 Spencer
1 [Signature]

No Pass
No Rec
Do Pass

1 Glenn Haden
 Chairman

A M E N D M E N T

#1

OFFERED IN THE SENATE:

BY: HESS

To: _____ SENATE BILL No. 386

HOUSE BILL No. _____

PAGE: 1

LINE: 12

To Page 1, Line 12

After the word "Alaska"

Insert "Agricultural Experiment Station"

AMENDMENT

#2

OFFERED IN THE SENATE:

BY: HESS

TO: _____ SENATE BILL No. 386

HOUSE BILL No. _____

PAGE: 1

LINE: 12

To Page 1, Line ~~15~~ 12

After the word "establish"

Delete "a 15 year"

Insert "an"

To Page 1, Line ~~17~~ 12

After the word "in"

Delete "arctic"

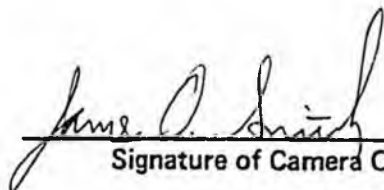
Insert "northern"



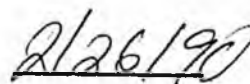
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

STATE
of ALASKA

MEMORANDUM

TO: J. H. Hogan
 Director
 Legislative Finance Division
 Legislative Affairs Agency

DATE: March 22, 1978

FILE NO: 000H

TELEPHONE NO: 465-3910

FROM: Donald Harris *DH*
 Commissioner
 Department of Transportation and
 Public Facilities

SUBJECT: SB 385, SB 387, SB 408.

Senate Bill 385 is a companion measure to SB 387, although the latter deals with several other subjects as well. SB 387 allocates \$20 Million to an emergency highway reconstruction fund, while SB 385 appropriates \$5 Million to this fund. Although it is unclear as to who declares the emergency, the Commissioner is authorized to expend the funds. Remedial action undoubtedly will be taken to designate the Governor as the person declaring the emergency.

Funds available under such legislation would be expended under existing laws. The Governor can declare an emergency to exist, and the Commissioner can, depending on the nature of the disaster, either put necessary repairs out for bid or utilize laws allowing him to employ what is known as force account work. In the latter instance, this could be done either through a private contractor or the Department's personnel.

As for the Petersville road (HB 408), the \$85,000 would be used to do a highway reconnaissance employing both aerial mapping plus ground surveys on the area indicated for the best possible routing. The legislation, according to the principal sponsor, Senator Pat Rodey, is predicated on the location of National Park Service facilities within Denali State Park. The NPS has \$7 Million allocated (although not presently appropriated) for a section of road which would join the proposed Petersville extension. According to Senator Rodey and the Senate State Affairs Committee, the aerial and ground survey would aid in connecting the existing highway with the proposed NPS road when it is accomplished.

Deputy Commissioner H. D. Scougal and our Director of Transportation Planning, John Umlauf, testified before the Senate State Affairs committee on January 26, 1978 on the three bills mentioned above. SB 408 covers a project not presently scheduled for FY-79. If the funding of \$5 Million mentioned in SB 385 is part of the general appropriations bill for FY-79, it would be expended as noted above.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For SB No. 387
 Title Creation of Emergency Road Construction Fund
 Requested by Legislative Affairs Agency Date

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected Transportation
 Budget Request Unit(s) Affected Highway Design and Construction & Maintenance & Operations

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			2,550,000			
200 TRAVEL			360,000			
300 CONTRACTUAL			14,000,000			
400 COMMODITIES			90,000			
500 EQUIPMENT			3,000,000			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			20,000,000			

FUNDING (Thousands of Dollars)

GENERAL FUND			20,000,000			
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY			128			

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

Section 1:

This analysis represents the maximum disbursements allowable, assuming a maximum disaster occurring during the budget year. It is assumed that some emergency work would be done with rented equipment, with the bulk of it by contract.

IV. DATE February 24, 1978 PREPARED BY DESIGN -- HIGHWAYS -- SHUMWAY
 AGENCY DOT/PF
 PHONE 364-2121
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Kertulla

Introduced: 1/10/78
Referred: State Affairs
and Finance

1 IN THE SENATE

BY KERTTULA AND HUBER

2 SENATE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the construction and maintenance of
7 highways; and providing for an effective date."

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

9 * Section 1. AS 19.10.210 is amended by adding new subsections to read:

10 (b) In evaluating the responsibility of a prospective contractor,
11 the department shall determine that the contractor

12 (1) has adequate financial resources, or the ability to ob-
13 tain those resources as required during the performance of the contract;

14 (2) can comply with the required performance schedule, taking
15 into consideration all existing business commitments, commercial as well
16 as governmental;

17 (3) has a satisfactory record of performance; contractors who
18 are or have been seriously deficient in current or recent contract
19 performance, when the number of contracts and the extent of deficiency
20 of each are considered, in the absence of evidence to the contrary or
21 circumstances properly beyond the control of the contractor, shall be
22 presumed to be unable to meet this requirement; past unsatisfactory
23 performance will ordinarily be sufficient to justify a finding of non-
24 responsibility; and

25 (4) has a satisfactory record of integrity and business
26 ethics.

27 (c) The department shall adopt regulations establishing special
28 standards of responsibility to be applicable to the extreme climatic
29 conditions experienced in Alaska. The standards developed under this

1 subsection shall require the existence of expertise or specialized
2 facilities and equipment needed by a contractor for adequate contract
3 performance when extreme conditions may affect the performance of the
4 contract.

5 (d) The department shall, before January 1 of each even-numbered
6 year, publish a list of all contracts awarded during the preceding two
7 years. The list shall contain a rating of the performance of each
8 contractor or subcontractor performing the contracts. A copy of the
9 contractor responsibility list shall be provided to each legislator
10 elected from a district in which a contract on the list was performed.

11 * Sec. 2. AS 19.15 is amended by adding a new section to read:

12 Sec. 19.15.015. EMERGENCY ROAD RECONSTRUCTION FUND CREATED. There
13 is created an emergency road reconstruction fund which may not exceed
14 \$20,000,000. The fund shall be administered by the commissioner for the
15 purpose of insuring that adequate funds are available to respond to the
16 occurrence or imminent threat of widespread or severe damage to the
17 highways in the state resulting from any natural or nonmilitary man-made
18 cause including, but not limited to, fire, flood, earthquake, landslide,
19 mudslide, avalanche, wind-driven water, weather condition, tsunami,
20 volcanic activity, or explosion.

21 * Sec. 3. Under authority granted in AS 19.10.120, the Department of
22 Transportation and Public Facilities shall conduct a test project to deter-
23 mine the life cycle cost of highway construction, including maintenance cost,
24 when specialized road construction technology for northern climates is used
25 compared to the cost of conventional construction methods including mainte-
26 nance. The project shall continue for a period not to exceed 10 years. The
27 department shall submit a biannual report to the legislature of the results
28 of the project. The report shall be submitted before January 1 of each even-
29 numbered year.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

* Sec. 4. This Act takes effect July 1, 1978.

#

COMMITTEE REPORT

SENATE

2/21/78

FURTHER: _____

Date: _____

Mr. President:

The Committee on FINANCE has had SB 387
construction and maintenance of highways

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 _____ new title same title

- AND attaches a Letter of Intent New Fiscal Note
 reports it back without recommendation
 and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT
SENATE

FURTHER FINANCE

2-21-78

1/10/78

Date: 1/10/78

Mr. President:

The Committee on STATE AFFAIRS has had SB 387
construction and maintenance of highways

under consideration and (a majority of the committee) (the committee reports it back as follows)

- () recommends it do pass () recommends it do not pass
- () recommends it do pass with attached amendment(s)
- () recommends it be replaced with CS for SB 387

and CS SB 387 () new title () same title

- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the Fin. Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]
Willis
John Hynes
Brad Bradley

[Signature]

 Chairman

Original sponsors: Kerttula and Huber

Offered: 2/21/78
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the construction and maintenance of
7 highways; and providing for an effective date."

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

9 * Section 1. AS 19.15 is amended by adding a new section to read:

10 Sec. 19.15.015. EMERGENCY ROAD RECONSTRUCTION FUND CREATED. There
11 is created an emergency road reconstruction fund which may not exceed
12 \$20,000,000. The fund shall be administered by the commissioner for the
13 purpose of insuring that adequate funds are available to respond to the
14 occurrence or imminent threat of widespread or severe damage to the
15 highways in the state resulting from any natural or nonmilitary man-made
16 cause including, but not limited to, fire, flood, earthquake, landslide,
17 mudslide, avalanche, wind-driven water, weather condition, tsunami,
18 volcanic activity, or explosion.

19 * Sec. 2. Under authority granted in AS 19.10.120, the Department of
20 Transportation and Public Facilities shall conduct a test project to deter-
21 mine the life cycle cost of highway construction, including maintenance cost,
22 when specialized road construction technology for northern climates is used
23 compared to the cost of conventional construction methods including mainte-
24 nance. The project shall continue for a period not to exceed 10 years. The
25 department shall submit a biannual report to the legislature of the results
26 of the project. The report shall be submitted before January 1 of each even-
27 numbered year.

28 * Sec. 3. This Act takes effect July 1, 1978.

29 # COMMITTEE COPY

Introduced: 1/10/78
Referred: State Affairs
and Finance

BY KERTTULA AND HUBER

1 IN THE SENATE

2 SENATE BILL NO. 387

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the construction and maintenance of
7 highways; and providing for an effective date."

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

9 * Section 1. AS 19.10.210 is amended by adding new subsections to read:

10 (b) In evaluating the responsibility of a prospective contractor,
11 the department shall determine that the contractor

12 (1) has adequate financial resources, or the ability to ob-
13 tain those resources as required during the performance of the contract;

14 (2) can comply with the required performance schedule, taking
15 into consideration all existing business commitments, commercial as well
16 as governmental;

17 (3) has a satisfactory record of performance; contractors who
18 are or have been seriously deficient in current or recent contract
19 performance, when the number of contracts and the extent of deficiency
20 of each are considered, in the absence of evidence to the contrary or
21 circumstances properly beyond the control of the contractor, shall be
22 presumed to be unable to meet this requirement; past unsatisfactory
23 performance will ordinarily be sufficient to justify a finding of non-
24 responsibility; and

25 (4) has a satisfactory record of integrity and business
26 ethics.

27 (c) The department shall adopt regulations establishing special
28 standards of responsibility to be applicable to the extreme climatic
29 conditions experienced in Alaska. The standards developed under this

1 subsection shall require the existence of expertise or specialized
2 facilities and equipment needed by a contractor for adequate contract
3 performance when extreme conditions may affect the performance of the
4 contract.

5 (d) The department shall, before January 1 of each even-numbered
6 year, publish a list of all contracts awarded during the preceding two
7 years. The list shall contain a rating of the performance of each
8 contractor or subcontractor performing the contracts. A copy of the
9 contractor responsibility list shall be provided to each legislator
10 elected from a district in which a contract on the list was performed.

11 * Sec. 2. AS 19.15 is amended by adding a new section to read:

12 ~~Sec. 19.15.015. EMERGENCY ROAD RECONSTRUCTION FUND CREATED.~~ There
13 is created an emergency road reconstruction fund which may not exceed
14 \$20,000,000. The fund shall be administered by the commissioner for the
15 purpose of insuring that adequate funds are available to respond to the
16 occurrence or imminent threat of widespread or severe damage to the
17 highways in the state resulting from any natural or nonmilitary man-made
18 cause including, but not limited to, fire, flood, earthquake, landslide,
19 mudslide, avalanche, wind-driven water, weather condition, tsunami,
20 volcanic activity, or explosion.

21 * Sec. 3. Under authority granted in AS 19.10.120, the Department of
22 Transportation and Public Facilities shall conduct a test project to deter-
23 mine the life cycle cost of highway construction, including maintenance cost,
24 when specialized road construction technology for northern climates is used
25 compared to the cost of conventional construction methods including mainte-
26 nance. The project shall continue for a period not to exceed 10 years. The
27 department shall submit a biannual report to the legislature of the results
28 of the project. The report shall be submitted before January 1 of each even-
29 numbered year.

1 * Sec. 4. This Act takes effect July 1, 1978.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ALASKA STATE LEGISLATURE

TERM... Legislature SECOND Session

SENATE BILL NO. 387

By KRUTULA AND HUBER

"An Act relating to the construction and maintenance of highways; and providing for an effective date."

const. maintenance of highway

Introduced in the Senate 1/10, 1978

HISTORY IN THE SENATE

1978

1 10

Read first time and referred to Committee on State Affairs and Finance

2 21

Reported back with *State Aff.* recommendation that *replace w/ps of 4 de pass to Gov. Fin.*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

Reported correctly enrolled

Sent to Governor

..... By Governor

Filed with Lt. Governor

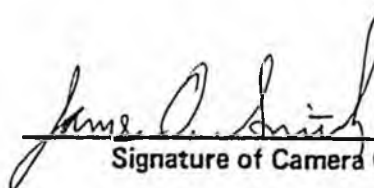
Chapter No.



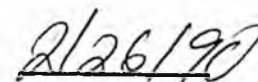
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

COMMITTEE REPORT

HOUSE

3/28/78

FURTHER: _____

Date: 5-13-78

Mr. Speaker:

The Committee on FINANCE has had CSSB 383
"An Act relating to the membership of the Alaska Coastal Policy Council."

under consideration and (a majority of the committee) (the committee reports it back as follows)

() recommends it do pass () recommends it do not pass

() recommends it do pass with attached amendment(s)

() recommends it be replaced with HCS for _____

and _____ () new title () same title

() AND attaches a Letter of Intent () New Fiscal Note

() reports it back without recommendation

() and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

Freeman

W. ...

W. ...

OTHER RECOMMENDATIONS:

W. ... No Rec

W. ... No Rec

W. ... " "

Freeman
Chairman

Original sponsor: Orsini

Offered: 3/28/78
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

HOUSE CS FOR CS FOR SENATE BILL NO. 388

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the state's coastal management program; and providing for an effective date."

7

8

* Section 1. AS 46.40.040(1) is amended to read:

9

(1) by regulation, adopt under the provisions of the Administrative Procedure Act (AS 44.62), not later than April 15, 1978 [WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS ACT], for the use of and application by coastal resource districts and state agencies for carrying out their responsibilities under this chapter, guidelines and standards for

10

11

12

13

14

(A) identifying the boundaries of the coastal area subject to the district coastal management program;

15

16

(B) determining the land and water uses and activities subject to the district coastal management program;

17

18

(C) developing policies applicable to the land and water uses subject to the district coastal management program;

19

20

(D) developing regulations applicable to the land and water uses subject to the district coastal management program;

21

22

(E) developing policies and procedures to determine whether specific proposals for the land and water uses or activities subject to the district coastal management program shall be allowed;

23

24

25

26

(F) designating and developing policies for the use of areas of the coast which merit special attention; and

27

28

(G) measuring the progress of a coastal resource district in meeting its responsibilities under this chapter;

29

1 * Sec. 2. AS 46.40.120(c) is amended to read:

2 (c) A determination under (b) of this section shall be made before
3 organization of the coastal resource service area [AND NO LATER THAN SIX
4 MONTHS FROM THE EFFECTIVE DATE OF THIS ACT].

5 * Sec. 3. AS 46.40.210(6)(C) is amended to read:

6 (C) the siting of major energy facilities, activities
7 pursuant to a state oil and gas lease, or large-scale industrial or
8 commercial development activities which are dependent on a coastal
9 location and which, because of their magnitude or the magnitude of
10 their effect on the economy of the state or the surrounding area,
11 are reasonably likely to present issues of more than local signi-
12 ficance;

13 * Sec. 4. AS 44.19.891(g) is repealed and re-enacted to read:

14 (g) If an incumbent public member ceases to meet the qualifica-
15 tions prescribed in (a)(1) of this section for nomination to the council
16 or if a vacancy exists among the public members for any other reason
17 except for a vacancy due to the expiration of the term of a public
18 member, the governor shall, within 30 days of the establishment of the
19 vacancy by lack of qualification or other reason, make an appointment,
20 to be immediately effective, for the unexpired portion of the term. An
21 appointment by the governor made under this subsection to fill an un-
22 expired term of a public member shall comply with the requirements of
23 (a)(1) of this section; however, the governor may appoint from qualified
24 persons without soliciting from municipalities nominations of persons to
25 fill the unexpired portion of the term.

26 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).

Original sponsor: Orsini

Offered: 3/28/78
Referred: Finance

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the state's coastal management pro-
7 gram; and providing for an effective date."

8 * Section 1. AS 46.40.040(1) is amended to read:

9 (1) by regulation, adopt under the provisions of the Admini-
10 strative Procedure Act (AS 44.62), not later than April 15, 1978 [WITHIN
11 SIX MONTHS OF THE EFFECTIVE DATE OF THIS ACT], for the use of and appli-
12 cation by coastal resource districts and state agencies for carrying out
13 their responsibilities under this chapter, guidelines and standards for

14 (A) identifying the boundaries of the coastal area sub-
15 ject to the district coastal management program;

16 (B) determining the land and water uses and activities
17 subject to the district coastal management program;

18 (C) developing policies applicable to the land and water
19 uses subject to the district coastal management program;

20 (D) developing regulations applicable to the land and
21 water uses subject to the district coastal management program;

22 (E) developing policies and procedures to determine
23 whether specific proposals for the land and water uses or activi-
24 ties subject to the district coastal management program shall be
25 allowed;

26 (F) designating and developing policies for the use of
27 areas of the coast which merit special attention; and

28 (G) measuring the progress of a coastal resource dis-
29 trict in meeting its responsibilities under this chapter;

1 * Sec. 2. AS 46.40.120(c) is amended to read:

2 (c) A determination under (b) of this section shall be made before
3 organization of the coastal resource service area [AND NO LATER THAN SIX
4 MONTHS FROM THE EFFECTIVE DATE OF THIS ACT].

5 * Sec. 3. AS 46.40.210(6)(C) is amended to read:

6 (C) the siting of major energy facilities, activities
7 pursuant to a state oil and gas lease, or large-scale industrial or
8 commercial development activities which are dependent on a coastal
9 location and which, because of their magnitude or the magnitude of
10 their effect on the economy of the state or the surrounding area,
11 are reasonably likely to present issues of more than local signi-
12 ficance;

13 * Sec. 4. AS 44.19.891(g) is repealed and re-enacted to read:

14 (g) If an incumbent public member ceases to meet the qualifica-
15 tions prescribed in (a)(1) of this section for nomination to the council
16 or if a vacancy exists among the public members for any other reason
17 except for a vacancy due to the expiration of the term of a public
18 member, the governor shall, within 30 days of the establishment of the
19 vacancy by lack of qualification or other reason, make an appointment,
20 to be immediately effective, for the unexpired portion of the term. An
21 appointment by the governor made under this subsection to fill an un-
22 expired term of a public member shall comply with the requirements of
23 (a)(1) of this section; however, the governor may appoint from qualified
24 persons without soliciting from municipalities nominations of persons to
25 fill the unexpired portion of the term.

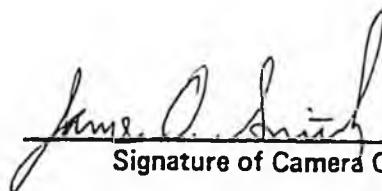
26 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).

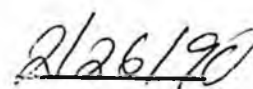


RECORDS CERTIFICATION



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.


Signature of Camera Operator


Date

Original sponsors: Ray, Sackett,
Butrovich and Kerttula

Offered: 4/5/78
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 389

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to gratuities to prisoners for work
7 performed in prison facilities."

8

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

9

* Section 1. AS 33.30 is amended by adding a new section to read:

10

Sec. 33.30.085. GRATUITY FOR INSTITUTIONAL WORK. A prisoner not

11

on furlough may not be required to perform work other than personal

12

housekeeping while detained or confined in a prison facility. A pri-

13

soner who participates in institutional work programs is eligible for a

14

gratuity payment. The amount of gratuity shall vary among the different

15

types of work performed in the institution in proportion to the dif-

16

ferences in pay received for the same work performed outside the insti-

17

tution; however, the amount of the gratuity may not exceed \$3 a day and

18

must be the same among all state prison facilities for the performance

19

of similar work.

20

* Sec. 2. AS 23.10.055(5) is amended to read:

21

(5) an individual employed by the United States or by the

22

state or political subdivision of the state including prisoners not on

23

furlough detained or confined in prison facilities;

24

* Sec. 3. No position in the classified service existing on the effective

25

date of this Act may be abolished in favor of employing a prisoner to carry

26

out the responsibilities of the position.

27

28

29

#

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

5

I. REQUEST
 Bill/Resolution No. CS For Senate Bill No. 389
 Title An Act relating to gratuities for work performed in prison facilities.
 Requested by HESS Committee Date 4-3-78

II. FISCAL DETAIL
 Agency Affected Health & Social Services
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		270.0	*40.0	*44.0	*48.0	*52.0
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		270.0	*40.0	*44.0	*48.0	*52.0
FEDERAL FUNDS						
OTHER (Specify)						

*only increase over prior year level shown

POSITIONS

FULL TIME		Ø	Ø	Ø	Ø	Ø
PART TIME						
TEMPORARY						

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

The limitation of gratuities may not exceed \$3 a day per inmate for all State facilities permits the flexibility for the Department to establish relative schedules for gratuity payments in accordance with skill levels, and allows for wage inflation factors.

The present \$1 per day rate has been in existence for several years and has not kept pace with inflation. Also it may be noted that total inmate gratuity budgets have not allowed for the increase of inmate population.

FY 77 gratuities totaled \$120,000 at the \$1 per day rate. Given the \$3 per day funding level and allowing for a 10% population growth factor the cost of gratuities for FY 79 would approximate \$400,000. An increase of \$270,000 over the FY 78 level of \$130,000 then 10% increase thereafter. Total cost for FY 79 - \$400.0, FY 80 - \$440.0, FY 82 - \$484.0, FY 83 - \$522.0

IV. DATE 4/4/78 PREPARED BY J. David T. Dalby
 AGENCY Health & Social Services - Corrections
 Original: Legislative Finance PHONE 465-3370
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

COMMITTEE REPORT

6/6/78

HOUSE

FURTHER: _____

Date: 6/12

Mr. Speaker:

The Committee on FINANCE has had SEN CSS 729

"An Act relating to gratuities to prisoners for work performed in prison facilities."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 _____ () new title () same title
- () AND attaches a Letter of Intent () New Fiscal Note
- () reports it back without recommendation
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

[Signature] Do Not Pass
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

5

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS For Senate Bill No. 389
 Title An Act relating to gratuities for work performed in prison facilities
 Requested by HESS Committee Date 4-3-78

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		270.0	*40.0	*44.0	*48.0	*52.0
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		270.0	*40.0	*44.0	*48.0	*52.0
FEDERAL FUNDS						
OTHER (Specify)						

*only increase over prior year level shown

POSITIONS

FULL TIME		∅	∅	∅	∅	∅
PART TIME						
TEMPORARY						

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

The limitation of gratuities may not exceed \$3 a day per inmate for all State facilities permits the flexibility for the Department to establish relative schedules for gratuity payments in accordance with skill levels, and allows for some inflation factors.

The present \$1 per day rate has been in existence for 1 years and has not kept pace with inflation. Also it may be noted that total the gratuity budgets have not allowed for the increase of inmate population.

FY 77 gratuities totaled \$120,000 at the \$1 per day rate. Given the \$3 per day funding level and allowing for a 10% population growth factor the cost of gratuities for FY 79 would approximate \$400,000. An increase of \$270,000 over the FY 78 level of \$130,000 then 10% increase thereafter. Total cost for FY 79 - \$400.0, FY 80 - \$440.0, FY 82 - \$484.0, FY 83 - \$532.0

IV. DATE 4/1/78 PREPARED BY Island T. Dalby Admin. Assistant
 AGENCY Health & Social Services - Corrections
 PHONE 465-3376
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

S

I. REQUEST
 Bill/Resolution No. CS For Senate Bill No. 389
 Title An Act relating to gratuities for work performed in prison facilities
 Requested by JBSIS Committee Date 4-3-78

II. FISCAL DETAIL
 Agency Affected Health & Social Services
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		270.0	*40.0	*44.0	*48.0	*52.0
TOTAL						

FUNDING (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
GENERAL FUND		270.0	*40.0	*44.0	*48.0	*52.0
FEDERAL FUNDS						
OTHER (Specify)						

*only increase over prior year level shown

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

The limitation of gratuities may not exceed \$3 a day per inmate for all State facilities permits the flexibility for the Department to establish relative schedules for gratuity payments in accordance with skill levels, and allows for ~~rate~~ inflation factors.

The present \$1 per day rate has been in existence for several years and has not kept pace with inflation. Also it may be noted that total inmate gratuity budgets have not allowed for the increase of inmate population.

FY 77 gratuities totaled \$120,000 at the \$1 per day rate. Given the \$3 per day funding level and allowing for a 10% population growth factor the cost of gratuities for FY 79 would approximate \$400,000. An increase of \$270,000 over the FY 78 level of \$130,000 then 10% increase thereafter. Total cost for FY 79 - \$400.0, FY 80 - \$440.0, FY 82 - \$484.0, FY 83 - \$532.0

IV. DATE 4/4/78 PREPARED BY Richard T. Dalby, Jr. Assistant
 AGENCY Health & Social Services - Corrections
 PHONE 465-3375
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

5

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS For Senate Bill No. 589
 Title An Act relating to gratuities for work performed in prison facilities.
 Requested by HESS Committee Date 4-3-78

II. FISCAL DETAIL
 Agency Affected Health & Social Services
 Program Category Affected Administration of Justice
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		270.0	*40.0	*44.0	*38.0	*50.0
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND		270.0	*40.0	*44.0	*48.0	*52.0
FEDERAL FUNDS						
OTHER (Specify)						

*only increase over prior year level shown

POSITIONS

FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

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

The limitation of gratuities may not exceed \$3 a day per inmate for all State facilities permits the flexibility for the Department to establish relative schedules for gratuity payments in accordance with skill levels, and allow for ~~cost~~ inflation factors.

The present \$1 per day rate has been in existence for several years and has not kept pace with inflation. Also it may be noted that total inmate gratuity budgets have not allowed for the increase of inmate population.

FY 77 gratuities totaled \$120,000 at the \$1 per day rate. Given the \$3 per day funding level and allowing for a 10% population growth factor the cost of gratuities for FY 79 would approximate \$400,000. An increase of \$270,000 over the FY 78 level of \$130,000 then 10% increase thereafter. Total cost for FY 79 - \$400.0, FY 80 - \$440.0, FY 82 - \$480.0, FY 83 - \$520.0

IV. DATE 4/4/78 PREPARED BY Iceland T. Dalby, Admin. Assistant
 AGENCY Health & Social Services - Corrections
 Original: Legislative Finance PHONE 465-3073
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Original sponsors: Ray, Sackett,
Butrovich and Kerttula

Offered: 4/5/78
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 389

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to gratuities to prisoners for work
7 performed in prison facilities."

8

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

9

* Section 1. AS 33.30 is amended by adding a new section to read:

10

Sec. 33.30.085. GRATUITY FOR INSTITUTIONAL WORK. A prisoner not

11

on furlough may not be required to perform work other than personal

12

housekeeping while detained or confined in a prison facility. A pri-

13

soner who participates in institutional work programs is eligible for a

14

gratuity payment. The amount of gratuity shall vary among the different

15

types of work performed in the institution in proportion to the dif-

16

ferences in pay received for the same work performed outside the insti-

17

tution; however, the amount of the gratuity may not exceed \$3 a day and

18

must be the same among all state prison facilities for the performance

19

of similar work.

20

* Sec. 2. AS 23.10.055(5) is amended to read:

21

(5) an individual employed by the United States or by the

22

state or political subdivision of the state including prisoners not on

23

furlough detained or confined in prison facilities;

24

* Sec. 3. No position in the classified service existing on the effective
25 date of this Act may be abolished in favor of employing a prisoner to carry
26 out the responsibilities of the position.

27

28

29

#

Original sponsors: Ray, Sackett,
Butrovich and Kerttula

Offered: 4/5/78
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 389

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to gratuities to prisoners for work
7 performed in prison facilities."

8

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

9

* Section 1. AS 33.30 is amended by adding a new section to read:

10

Sec. 33.30.085. GRATUITY FOR INSTITUTIONAL WORK. A prisoner not

11

on furlough may not be required to perform work other than personal

12

housekeeping while detained or confined in a prison facility. A pri-

13

soner who participates in institutional work programs is eligible for a

14

gratuity payment. The amount of gratuity shall vary among the different

15

types of work performed in the institution in proportion to the dif-

16

ferences in pay received for the same work performed outside the insti-

17

tution; however, the amount of the gratuity may not exceed \$3 a day and

18

must be the same among all state prison facilities for the performance

19

of similar work.

20

* Sec. 2. AS 23.10.055(5) is amended to read:

21

(5) an individual employed by the United States or by the

22

state or political subdivision of the state including prisoners not on

23

furlough detained or confined in prison facilities;

24

* Sec. 3. No position in the classified service existing on the effective

25

date of this Act may be abolished in favor of employing a prisoner to carry

26

out the responsibilities of the position.

27

28

29

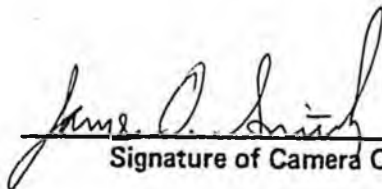
#



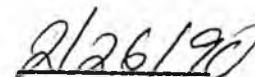
RECORDS CERTIFICATION



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.



Signature of Camera Operator



Date

COMMITTEE REPORT
SENATE

5/10/78

FURTHER: _____

Date: _____

Mr. President:

The Committee on FINANCE has had SB 393 relating to state assumption of the national pollutant discharge elimination system

under consideration and (a majority of the committee) (the committee reports it back as follows)

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 _____ new title same title

AND attaches a Letter of Intent New Fiscal Note

reports it back without recommendation

and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Chairman

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

1/10/78

Date: ~~1/10/78~~ 5/8/78

Mr. President:

The Committee on RESOURCES has had SB 393 relating to state assumption of the national pollutant discharge elimination system

under consideration and (a majority of the committee) (the committee reports it back as follows)

- () 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 _____ () new title () same title

- () AND attaches a Letter of Intent () New Fiscal Note
- (X) reports it back without recommendation with amendment as amended
- () and recommends it be referred to the _____ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1 Sen. Antreich "No Rec"
 1 Sen. Meland "NO Rec"
 1 DO NOT PASS UNLESS AMENDED
 1 C. Tillion "NO Rec"

1 R. Poland
 Chairman
 No Rec

A M E N D M E N T

OFFERED IN THE SENATE:

By: Resources

To: _____ SENATE BILL No. 393

HOUSE BILL No. _____

PAGE: 9
10

LINE: 29
1

Delete [or nonionizing, electromagnetic or
particulate radiation, or a sonic,
infrasonic, or ultrasonic wave]

and Substitute the following language in
its place [, x-ray, or other hard
radiation]

Introduced: 1/10/78
Referred: Resources and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 393

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state assumption of the national
7 pollutant discharge elimination system; and providing
8 for an effective date."

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

10 * Section 1. AS 46.03.010 is amended by adding a new subsection to
11 read:

12 (c) It is the policy of the state that the prevention, control,
13 and abatement of water pollution is principally a state responsibility,
14 and the legislature intends by this chapter to confer upon the depart-
15 ment all power and authority necessary to implement those programs
16 which can be delegated to a state under the Federal Water Pollution
17 Control Act.

18 * Sec. 2. AS 46.03.020(10)(D) is amended to read:

19 (D) collection and disposal of wastewater [SEWAGE AND
20 INDUSTRIAL WASTE];

21 * Sec. 3. AS 46.03.020(10) is amended by adding a new subparagraph to
22 read:

23 (I) implementation of the provisions of the Federal
24 Water Pollution Control Act.

25 * Sec. 4. AS 46.03 is amended by adding a new section to read:

26 Sec. 46.03.095. EFFLUENT LIMITATIONS. (a) The department may,
27 by regulation, adopt effluent limitations promulgated by the admini-
28 strator under secs. 301, 302, 306, 307, or 403 of the Federal Water
29 Pollution Control Act. The adoption by the department of effluent

1 limitations promulgated by the administrator is subject to AS 44.62.-
2 300 only to the extent of determining whether the adoption complies
3 with the procedural requirements of AS 44.62.040 - 44.62.210.

4 (b) Alternatively, and to the extent permissible under the
5 Federal Water Pollution Control Act, the department, if it determines
6 that effluent limitations promulgated by the administrator do not
7 reflect the appropriate standard of the Federal Water Pollution Control
8 Act in this state, may adopt effluent limitations which in its judg-
9 ment do reflect the appropriate standard in this state.

10 (c) If the administrator has not adopted effluent limitations
11 for a category or source the department may, in consultation with the
12 administrator, establish effluent limitations on a case-by-case basis,
13 applying the applicable standard of the Federal Water Pollution
14 Control Act.

15 * Sec. 5. AS 46.03.100 is repealed and re-enacted to read.

16 Sec. 46.03.100. WATER POLLUTION CONTROL PERMIT. (a) A person
17 who conducts an operation which results in the entry of a pollutant to
18 the water of the state must obtain a permit from the department.

19 (b) If, on the effective date of this Act, an entry of a pollu-
20 tant is permitted under secs. 402(a)(1) or 404(a) of the Federal Water
21 Pollution Control Act, and the department has certified that permit
22 under sec. 401(a)(1) of the Federal Water Pollution Control Act, the
23 person need not obtain a permit under (a) of this section until the
24 expiration of the federally issued permit. The person shall apply for
25 a permit under (a) of this section no later than 180 days before the
26 expiration of the federally issued permit. A violation of a term or
27 condition of a federally issued permit adopted under this subsection
28 is considered a violation of a permit issued by the department under
29 the authority of this chapter.

1 (c) For operations commencing after the effective date of this
2 Act, application must be made at least 180 days before commencement of
3 this operation.

4 (d) For operations which commenced before the effective date of
5 this Act, and which do not fall within the exemption of (b) of this
6 section, application must be made within 60 days after the effective
7 date of this Act.

8 (e) The department may issue general permits under this section
9 for classes or categories of operations which, individually or cumu-
10 latively, do not significantly affect water quality.

11 * Sec. 6. AS 46.03 is amended by adding new sections to read:

12 Sec. 46.03.105. PERMIT REVIEW CRITERIA; TERMS AND CONDITIONS.

13 (a) The department shall issue a permit under sec. 100 of this chapter
14 if the applicant demonstrates that the operation will comply with:

15 (1) water quality standards adopted under secs. 70 and 80
16 of this chapter, and maximum daily load requirements which may be
17 adopted to implement water quality standards under sec. 303(d) of the
18 Federal Water Pollution Control Act;

19 (2) applicable effluent limitations established under sec.
20 95 of this chapter;

21 (3) the applicable areawide waste treatment management plan
22 approved under sec. 208 of the Federal Water Pollution Control Act;

23 and

24 (4) standards adopted by the department which are in
25 substantial conformity with guidelines and standards promulgated under
26 sec. 404 of the Federal Water Pollution Control Act.

27 (b) No permit may be issued for:

28 (1) the discharge of any radiological, chemical, or biologi-
29 cal warfare agent or high-level radioactive waste;

1 (2) any discharge which the Secretary of the Army, acting
2 through the Chief of Engineers, finds would substantially impair
3 anchorage and navigation of any water of the United States; or

4 (3) any discharge to which the administrator has objected
5 pursuant to any right provided to the administrator under the Federal
6 Water Pollution Control Act.

7 (c) The department may impose as conditions in permits for the
8 discharge of pollutants from publicly-owned treatment works require-
9 ments for information to be provided by the permittee concerning new
10 introductions of pollutants or substantial changes in the volume or
11 character of pollutants being introduced into the treatment works.

12 (d) The department may impose as conditions in permits for the
13 discharge of pollutants from publicly-owned treatment works appropriate
14 measures to establish and insure compliance by industrial users with a
15 system of user charges.

16 (e) No permit may be issued for a period greater than five
17 years.

18 (f) The department may attach to a permit the terms and con-
19 ditions, including schedules of compliance, it finds necessary to
20 ensure compliance with any applicable standard.

21 Sec. 46.03.107. MONITORING AND INSPECTION. (a) The department
22 may require any owner or operator of any source of a pollutant to:

23 (1) establish and maintain records;
24 (2) make reports;
25 (3) install, calibrate, use and maintain monitoring equip-
26 ment or methods (including, where appropriate, biological monitoring
27 methods);

28 (4) sample discharges in accordance with methods the de-
29 partment may prescribe; and

AB 393

1 (5) provide other information relating to the entry of a
2 pollutant into water of the state or to introduction of a pollutant
3 into publicly owned treatment works as the department may reasonably
4 require.

5 (b) The department, upon presentation of credentials,

6 (1) has a right of entry to, upon, or through any premises
7 in which any pollutant source is located or in which any records are
8 required to be maintained;

9 (2) may at reasonable times have access to and copy any
10 records required to be maintained;

11 (3) may inspect any monitoring equipment or method which is
12 required; and

13 (4) may have access to and sample any entry of a pollutant
14 to the water of the state or to publicly owned treatment works result-
15 ing from activities or operations of the owner or operator of the
16 premises in which the source of a pollutant is located.

17 (c) For the purpose of this section, "source of a pollutant" in-
18 cludes any permittee under sec. 100 of this chapter (other than a
19 general permittee), and any source of introduction of a pollutant into
20 publicly owned treatment works by an industrial user.

21 * Sec. 7. AS 46.03.110 is repealed and re-enacted to read:

22 Sec. 46.03.110. PERMIT PROCEDURES. (a) The department shall
23 adopt regulations establishing procedures for review of permit appli-
24 cations, including provisions for public notice and public hearing, in
25 accordance with applicable provisions of the Federal Water Pollution
26 Control Act.

27 (b) When the department receives an application, the commis-
28 sioner shall immediately send copies of the application to the com-
29 missioner of fish and game, the commissioner of natural resources,

1 the commissioner of commerce and economic development, the commissioner
2 of health and social services, and the commissioner of transportation
3 and public facilities.

4 * Sec. 8. AS 46.03.120 is repealed and re-enacted to read:

5 Sec. 46.03.120. TERMINATION OR MODIFICATION OF WASTE DISPOSAL
6 PERMIT. The department may terminate or modify a permit issued under
7 sec. 100 of this chapter if the department finds that:

8 (1) the permit was procured by misrepresentation of a mate-
9 rial fact or by failure of the applicant to disclose fully the facts
10 relating to its issuance;

11 (2) there has been a violation of a condition of the per-
12 mit; or

13 (3) there has been a change in any condition that requires
14 either a temporary or permanent reduction or elimination of the entry
15 of pollutants.

16 * Sec. 9. AS 46.03.160(b) is amended to read:

17 (b) Within 60 [30] days of receipt of the plans and information
18 for a proposed undertaking, the department shall either approve the
19 undertaking and issue a permit, or if the department determines that
20 the proposed undertaking will not meet the requirements of secs. 140 -
21 150 of this chapter and applicable regulations, it shall issue a
22 prohibition order against the undertaking.

23 * Sec. 10. AS 46.03 is amended by adding a new section to read:

24 Sec. 46.03.715. SOLID WASTE PERMIT. (a) No person may estab-
25 lish, expand, or operate a solid waste disposal facility without
26 obtaining a permit from the department.

27 (b) Upon receipt of a proper application for a permit under this
28 section the department shall publish notice of the application in two
29 separate publications of a newspaper of general circulation within the

1 general, affected area. The notice may also be published in other
2 appropriate information media. The notice must include a statement
3 that a person who wants to present his views to the department in
4 regard to the application may do so in writing to the department
5 within 30 days after the second publication of the notice. The written
6 response entitles the writer to a copy of the application.

7 (c) When the department receives an application, the commis-
8 sioner shall immediately send copies of the application to the com-
9 missioner of fish and game, the commissioner of natural resources, the
10 commissioner of commerce and economic development, the commissioner of
11 health and social services, and the commissioner of transportation and
12 public facilities.

13 (d) The department may attach terms and conditions to a permit
14 to ensure compliance with appropriate standards. No permit may be
15 effective for a period of more than five years from the date of issu-
16 ance.

17 (e) As used in this section, "solid waste disposal facility"
18 means an intermediate disposal facility, transfer station, landfill,
19 incinerator, composting plant, recycling or reclamation facility, or
20 any site used for the reduction, consolidation, conversion, processing,
21 or disposal of solid waste, except:

22 (1) a single-family or duplex residence in which solid
23 waste is generated and disposed of on-premises;

24 (2) a farm on which solid waste generated from the opera-
25 tion of that farm is disposed of; and

26 (3) incinerator facilities having a capacity of more than 200 pounds of solid waste per hour.
27 to read: is

28 * Sec. 11. AS 46.03.760(c) is amended to read:

29 (c) The court [, UPON MOTION OF THE DEPARTMENT OR UPON ITS OWN

1 MOTION,] may defer assessment of [ALL OR PART OF] that portion of the
2 sum imposed upon a person under (a)(3) of this section which repre-
3 sents the economic savings which the person will realize by continued
4 non-compliance, conditioned upon the person complying, within the
5 shortest feasible time, with the requirement for which a violation is
6 shown.

7 * Sec. 12. AS 46.03 is amended by adding a new section to read:

8 Sec. 46.03.865. CONFIDENTIALITY. Upon a satisfactory showing to
9 the commissioner that any information obtained pursuant to any permit
10 requirement of this chapter would, if made public, divulge methods or
11 processes entitled to protection as trade secrets of the person, the
12 commissioner shall protect the information as confidential. However,
13 information accorded confidential treatment may be disclosed or trans-
14 mitted, for a specific purpose stated in writing by the potential
15 recipient, to other offices, employees, or authorized representatives
16 of this state or of the United States concerned with carrying out any
17 program related to the prevention, abatement, or control of water,
18 air, or land pollution. Confidential information so disclosed or
19 transmitted retains its confidential status and may not be further
20 disclosed or transmitted by the recipient.

21 * Sec. 13. AS 46.03.900 is repealed and re-enacted to read:

22 Sec. 46.03.900. DEFINITIONS. In this chapter

23 (1) "administrator" means the administrator of the United
24 States Environmental Protection Agency, or his designee;

25 (2) "air contaminant" means dust, fumes, mist, smoke, other
26 particulate matter, vapor, gas, odorous substances, or a combination
27 of these;

28 (3) "air pollution" means the presence in the outdoor
29 atmosphere of one or more air contaminants in quantities and duration

1 which tend to be injurious to human health or welfare, animal or plant
2 life, or property or which would unreasonably interfere with the
3 enjoyment of life or property;

4 (4) "atomic radiation" means all ionizing radiation;

5 (5) "broadcast chemicals" means chemical substances which
6 are released into the air or onto land or water for the purpose of
7 preventing, destroying, repelling, stimulating or retarding plant or
8 animal life, or chemical substances released for meteorological con-
9 trol, oil spill control, or fire control;

10 (6) "commissioner" means the commissioner of environmental
11 conservation;

12 (7) "department" means the Department of Environmental
13 Conservation;

14 (8) "effluent limitation" means any limitation, standard of
15 performance, guideline, prohibition, pretreatment standard, or other
16 standard which implements secs. 301, 302, 306, 307, or 403 of the
17 Federal Water Pollution Control Act;

18 (9) "electronic product" means a manufactured product which

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

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

28 (10) "electronic product radiation" means an atomic radia-
29 tion or nonionizing, electro-magnetic or particulate radiation, or a

COMMITTEE COPY.

1 sonic, infrasonic, or ultrasonic wave) which is emitted from an elec-
2 tronic product as the result of the operation of an electronic circuit
3 in the product;

4 (11) "entry of a pollutant to the water of the state" means
5 the addition of a pollutant to the water of the state by any means,
6 except:

7 (A) approved aquaculture projects;

8 (B) any discharge of any pollutant when the discharge
9 conforms with the national contingency plan for removal of oil
10 and hazardous substances, published under sec. 311(c)(2) of the
11 Federal Water Pollution Control Act, and any applicable state
12 plan or requirement;

13 (C) water, gas, or other material which is injected
14 into a well to facilitate production of oil or gas;

15 (D) additions of wastewater into publicly owned treat-
16 ment works; this exclusion applies only to the actual addition of
17 materials into the publicly owned treatment works; plans or
18 agreements to make additions in the future do not relieve dis-
19 chargers of the obligation to apply for and receive a permit
20 until the entry of any pollutants to water of the state is
21 actually eliminated; this exclusion does not relieve the person
22 causing the addition from complying with the pretreatment stan-
23 dards adopted under sec. 95 of this chapter; and

24 (E) runoff from activities occurring solely outside
25 the water of the state, until activities creating a significant
26 water quality problem due to runoff are identified as requiring a
27 permit under sec. 100 of this chapter in an applicable areawide
28 waste treatment management plan approved under sec. 208 of the
29 Federal Water Pollution Control Act; this exclusion applies only

1 to the permit requirement of sec. 100 of this chapter; it does
2 not exempt activities creating runoff from any other standard or
3 requirement of this chapter;

4 (12) "facility" means any offshore or onshore structure,
5 improvement, vessel, vehicle, land, enterprise, or endeavor;

6 (13) "Federal Water Pollution Control Act" means the
7 Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. sec.
8 1251, et seq., and all Acts amending or supplementing it which are
9 reasonably within the scope and purpose of the 1972 Act;

10 (14) "industrial use" means those industries identified in
11 the Standard Industrial Classification Manual, Bureau of the Budget,
12 1967, as amended and supplemented, under the category "Division D -
13 Manufacturing, and other classes of significant waste producers as, by
14 regulation, the administrator or department considers appropriate;

15 (15) "motor vehicle" has the same meaning as in AS 28.20.-
16 630;

17 (16) "municipality" means an organized borough or an
18 incorporated city outside an organized borough, and includes all
19 classes of boroughs and cities whether home rule or otherwise;

20 (17) "person" means any individual, public or private
21 corporation, political subdivision, government agency, municipality,
22 industry, co-partnership, association, firm, trust, estate, or any
23 other entity whatsoever;

24 (18) "pesticide" means any chemical or biological agent
25 intended for preventing, destroying, repelling, or mitigating plant or
26 animal life and any substance intended for use as a plant regulator,
27 defoliant or desiccant, including but not limited to insecticides,
28 fungicides, rodenticides, herbicides, nematocides, and biocides;

29 (19) "pollutant" means anything which alters the chemical,

1 physical, biological or radiological integrity, including heat from
2 cooling or other operations, and is either man-made or man-induced;

3 (20) "pollution" means the contamination or altering of
4 water, land, or subsurface land of the state in a manner which creates
5 a nuisance or makes the water, land, or subsurface land unclean,
6 noxious, impure, or unfit so that it is actually or potentially harm-
7 ful, detrimental or injurious to public health, safety or welfare, to
8 domestic, commercial, industrial, or recreational use, or to live-
9 stock, wild animals, birds, fish, or other aquatic life;

10 (21) "radiation" means all atomic and electronic product
11 radiation;

12 (22) "radiation source" means any substance, machine, or
13 electronic product which emits radiation;

14 (23) "schedule of compliance" means a schedule of remedial
15 measures including an enforceable sequence of actions or operations
16 leading to compliance with an effluent limitation, other limitation,
17 prohibition, or standard;

18 (24) "sewage" means the water-carried human or animal
19 wastes from residences, buildings, industrial establishments, or other
20 places, together with ground water infiltration and surface water as
21 may be present; the admixture with sewage of industrial wastes or
22 other wastes is "sewage";

23 (25) "sewer system" or "sewerage system" means pipelines or
24 conduits, pumping stations, and force mains, and all other appurtenant
25 constructions, devices, and appliances used for conducting wastewater
26 to a point of ultimate disposal;

27 (26) "solid waste" means all unwanted, abandoned, or dis-
28 carded solid or semi-solid material whether putrescible or non-put-
29 rescible, originating from any source, including but not limited to

1 garbage, paper, wood, metal, glass, plastic, rubber, cloth, ashes,
2 litter and street sweepings, dewatered sewage sludge, dead animals,
3 offal, junked vehicles and equipment, material and debris resulting
4 from construction or demolition projects or logging operations,
5 abandoned and decaying structures, hazardous wastes, mine wastes,
6 gravel pit, quarry and dredge spoils, and overburden except that
7 originating from the construction of single buildings;

8 (27) "treatment works" means a plant, disposal field,
9 lagoon, pumping station, constructed drainage ditch or surface water
10 intercepting ditch, incinerator or other works installed or used for
11 the purpose of treating, neutralizing, stabilizing or disposing of
12 wastewater;

13 (28) "wastewater" means sewage, waterborne industrial
14 waste, laundry liquid effluent, shower or sink water, or other wastes
15 which are waterborne or in a liquid state;

16 (29) "water quality standard" means the measure of purity
17 or quality of water, the maintenance of which is necessary to assure
18 the water's integrity for its reasonable and appropriate use as estab-
19 lished by the department;

20 (30) "water" includes lakes, bays, sounds, ponds, impound-
21 ing reservoirs, springs, wells, rivers, streams, creeks, estuaries,
22 marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of
23 Alaska, Bering Sea and Arctic Ocean, in the territorial limits of the
24 state, and all other bodies of surface or underground water, natural
25 or artificial, public or private, inland or coastal, fresh or salt,
26 which are wholly or partially in or bordering the state or under the
27 jurisdiction of the state; the term includes all water subject to
28 federal jurisdiction under the Federal Water Pollution Control Act.

29 * Sec. 14. AS 46.03.180 is repealed.

COMMITTEE COPY

1 * Sec. 15. This Act takes effect upon approval of the state's National
2 Pollutant Discharge Elimination System program by the administrator of the
3 United States Environmental Protection Agency, or his designee, under sec.
4 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat.
5 816).

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

LB 393

January 10, 1978

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

Dear Mr. President:

Under the authority of art. III, sec. 18 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 provide the Department of Environmental Conservation with sufficient statutory authority to assume responsibility for implementing the National Pollutant Discharge Elimination System ("NPDES") within Alaska.

The NPDES is established under sec. 402 of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.). It requires that any person discharging a pollutant into water obtain a permit from the United States Environmental Protection Agency ("EPA"). The section also provides, however, that state environmental departments with sufficient authority may implement the NPDES program within their jurisdictions. So far, twenty-seven states and the Virgin Islands have assumed the program.

In 1976, the legislature urged me to direct the Department of Environmental Conservation to assume the NPDES program "as quickly as possible." HCR 122, 9th Leg., 2nd Sess. I share the legislature's belief that water pollution control is a state responsibility, and that our citizens should be able to deal with their own state officials, rather than distant federal bureaucrats, in obtaining water pollution control permits. The primary constraint, until now, has been a lack of funding to properly administer the program. However, under amendments to the federal Act now in Congressional Conference Committee, it is likely that sufficient

federal funds will be available to remove this fiscal stumbling block. Given the probable availability of sufficient federal program grants, the time is ripe for equipping the department with the statutory tools necessary to obtain EPA approval.

The bill will not take effect until EPA has actually delegated the NPDES program to the state, and the department will petition for delegation only when sufficient program funds are secured. By meeting statutory deficiencies in advance, I am confident that the department will be able to assume the program at a far earlier date than if legislation were deferred pending sufficient funding.

The transmitted bill borrows heavily from the model state NPDES bill prepared by the Council of State Governments in 1973. The bill confers upon the department the authority to establish discharge standards according to the criteria established in the federal Act, and provides for permit procedures, and the imposition of permit terms consistent with federal requirements. The bill was also drafted to provide for delegation to the department of the federal dredge and fill permit program contained in sec. 404 of the federal Act. Under pending amendments to the federal Act, this program, as well as the NPDES program, can be delegated to the states, and, certainly, the same considerations warranting a delegation of the NPDES program apply to delegation of the dredge and fill program as well. The bill also allows the department to issue general permits for minor discharges, obviating the need for small operations to become enmeshed in regulatory details when their activities pose no real environmental consequences.

Passage of this legislation will not bring with it a weakening of water pollution control efforts. Under the federal Act, standards established by the department must be as stringent as federal requirements. The bill will, however, make the drafting and monitoring of permits a state function, and will provide for state establishment of standards for those operations for which no federal standard has been adopted.

The bill does pose a legal uncertainty. To gain EPA approval, state programs must provide that permittees consent to inspections of the discharging facilities. 40 C.F.R. § 124.45(c). In Woods and Rhode, Inc. v. Department of Labor (No. 1433, June 2, 1977), the Alaska Supreme Court ruled that the

Occupational Safety and Health Administration could not constitutionally conduct routine warrantless searches of regulated premises. The same reasoning may or may not limit the breadth of inspection authority in the water pollution control field. The bill meets the current federal requirement. If it is subsequently determined that the department cannot impose such an inspection requirement in permits, I am confident that EPA will not revoke its delegation simply on the basis of unavoidable constitutional constraints.

Sincerely,

S/ JSH

Jay S. Hammond
Governor

FISCAL ANALYSIS

ASSUMPTION OF NPDES PERMITS

The subject bill modifies existing statutes to allow the State's adoption of the Federal National Pollution Discharge Elimination System (NPDES) Permit Program. There are about 800 Federal NPDES permits issued in Alaska. The U. S. Environmental Protection Agency (EPA) currently has about four employees assigned to operate this program in Alaska.

The difficulty in preparing a fiscal analysis of this bill stems from the unspecified level of service which this program requires and the amount of man hours that EPA devotes to its operation which aren't charged directly to the NPDES Program. Currently, the Federal government appears to be devoting a minimum amount of effort to this program with uncertain benefit to the environment of the State.

This Fiscal Note assumes a level of service above that currently maintained by the Federal government but much less than maximum/optimum effort. It is anticipated that a short term contract will be developed in the near future to better define costs involved. This contract and eventual funding to support this program is to come from the Federal government. Without full Federal funding, Alaska should probably not adopt the program.

- 1. AS 46.03.095 permits the department to adopt by regulation effluent limitations previously promulgated by EPA, modify effluent limitations and/or adopt new limitations. This may require up to one year of effort to develop a complete set of Alaskan modifications. However, the initial preliminary adoption could be achieved almost immediately.

One Environmental Engineer First Year only:

<u>Object Code</u>	<u>Cost</u>
100	32.0
200	4.0
300	3.0
400	.5
500	.5
<u>TOTAL</u>	<u>40.0</u>

- 2. AS 46.03.100 adopts Federal permits as State permits, specifies Federal violations as State violations, establishes application schedules and allows general permits. No specific costs are incurred by this section.
- 3. AS 46.03.105 establishes guidelines by which to issue or deny permits. No costs are incurred through the provisions of this section.
- 4. AS 46.03.110 permits the Department to adopt permit regulations. Because the Department is already adopting similar regulations, no additional costs are incurred by its provisions.

5. AS 46.03.120 provides guidelines for permit termination, specifies permit conditions and additionally requires a departmental response to permit applications within 60 days. Other than the staffing level necessary to attain this level of service (addressed later) no specific costs are incurred by the provisions of this section.
6. AS 46.03.107 defines monitoring and inspection requirements. This section may be construed to generate a cost to the permittee. However, in that the Federal government requires self monitoring now, no additional cost to the permittee is foreseen.
7. AS 46.03.715 discusses Solid Waste permits. However because the substance of this section has already been adopted into law, this section has no effect.

AS 46.03.865 discusses confidentiality of industrial processes and generates no costs to the State.

AS 46.03.900 establishes definitions.

8. Should the Department adopt the NPDES program. We would be required to service between 800 to 1,000 permits. Most of the permits expire every five years. Additionally, general permits may be issued. For the major permittees (50) annual inspections are required. For the remainder, inspections would probably be scheduled every three to five years. Additionally, general permits may be issued. For the major permittees (50) annual inspections are required. For the remainder, inspections would probably be scheduled every three to five years. Work load which this entails includes:
 - a. Receive and route about 200-250 permit applications per year through the permit function in Program Coordination.

One Administrative Assistant:

<u>Object Code</u>	<u>Cost</u>
100	22.2
200	1.0
300	4.0
400	1.0
500	1.0
<u>TOTAL</u>	<u>29.2</u>

- b. Review and approve or reject about 200-250 permits/year in Water Programs Division.

One Engineer/Ecologist:

<u>Object Code</u>	<u>Cost</u>
100	32.0
200	4.0
300	3.0
400	.5
500	.5
<u>TOTAL</u>	<u>40.0</u>

- c. Mail responses, handle inquires, perform logging, tracking and filing activities, mail permits to applicants and Regional Offices;

One Clerk Typist III

<u>Object Code</u>	<u>Cost</u>
100	15.1
200	.5
300	4.0
400	1.0
<u>500</u>	<u>1.0</u>
TOTAL	21.6

- d. Perform about 50 inspections per year at major facilities assuming each inspection requires 3 days + office, travel, and onsite inspection time.

About 1/2 Environmental Field Officer (Fairbanks schedule)

<u>Object Code</u>	<u>Cost</u>
100	16.0
200	4.0
300	6.0
400	1.0
<u>500</u>	<u>1.0</u>
TOTAL	28.0

- e. Perform about 750 to 950 field inspections each 5-year period. Annual rate becomes 150-200 + inspections per year. Assume each inspection requires about 3 days office travel and on-site inspection time. Each man year results in about 250 man days available. Therefore, 200 inspections X 3 days + 250 = 2 1/2 man days per year.

2 1/2 Environmental Field Officers

<u>Object Code</u>	<u>Cost</u>
100	140.0
200	20.0
300	30.0
400	5.0
<u>500</u>	<u>5.0</u>
TOTAL	200.0

- f. Laboratory Analysis of an estimated three to five parameters/sample 100 X 4 parameters average = 4,000 analyses.

Chemist/Biologist