

BILLS 1981 - 1982

CSSB 18 - CSSB 29

Log. Fin. ...

1600

1600

Cook

Original sponsors: Fahrenkamp and Sturgulewski

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 18 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a special aid program for provid-
7 ing special education programs during the summer of
8 1981; and providing for an effective date."

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

10 * Section 1. AID PROGRAM FOR SPECIAL EDUCATION PROVIDED DURING THE
11 SUMMER. (a) A school district or regional educational attendance area
12 which provides special services to exceptional children identified under
13 AS 14.30.350(1)(A), (B), (C), (D) and (F) during the summer of 1981 may
14 receive aid under this section by filing an application with the Department
15 of Education.

16 (b) The commissioner of education may approve aid to an applicant
17 under this section in an amount up to 33 percent of the state aid which

18 (1) the applicant qualified for during the 1980-1981 school year;
19 and

20 (2) was calculated under AS 14.17.041(f) for services to excep-
21 tional children identified under AS 14.30.350(1)(A), (B), (C), (D), and (F).

22 (c) The Department of Education shall

23 (1) provide forms for applying under this section;

24 (2) disburse aid under this section which has been approved by
25 the commissioner of education.

26 * Sec. 2. This Act is repealed September 1, 1981.

27 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.
28 070(c).

29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HCS CSSB 18 (fin)
 Title Establishing a special all program for providing special education
 Requested by during summer of 1981 Date _____

II. FISCAL DETAIL
 Agency Affected Education
 Program Category Affected Education
 BRU, Program, or Subprogram(s) Affected Foundation Program components-special education
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each adjustment component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		4,000.0				
TOTAL		4,000.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		4,000.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME						
TEMPORARY						

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

IV. DATE 5/25/81 PREPARED BY Alison Elgee
 AGENCY Legislative Finance
 PHONE 465-3795
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. FCCSHCS CS Senate Bill-18 (Fin)
 Title An Act ... Special Aid Program
 Requested by Free Conference Committee Date June 5, 1981

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, or Subprogram(s) Affected Financial Support Programs, Districts
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		2,000.0				

TOTAL

FUNDING (Thousands of Dollars)

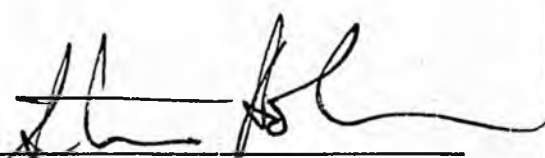
GENERAL FUND		2,000.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		N/A				
PART TIME						
TEMPORARY						

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

Recent information indicates that very few school districts will offer summer school programs.

IV. DATE June 5, 1981 PREPARED BY Steve Hole 
 AGENCY Department of Education
 PHONE 465-2800

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS SB-18 (Finance) am H
Title An act establishing a special aid program for providing special education programs...
Requested by House Finance Date 5-22-81

II. FISCAL DETAIL

Agency Affected Education
Program Category Affected Elementary and Secondary
BRU, Program, or Subprogram(s) Affected Financial Support Districts, State Contract Programs
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		4,000.0				

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		4,000.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		N/A				
PART TIME						
TEMPORARY						

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

This represents the department's best estimate of the maximum cost of the bill.

IV. DATE May 22, 1981

PREPARED BY Steve Hole

AGENCY Education

PHONE 4652800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS Senate Bill 18 (Finance)
Title An Act providing special aid for Special Education programs during summer of 1981
Requested by Senate Finance Date 3/27/81

II. FISCAL DETAIL

Agency Affected Department of Education
Program Category Affected Elementary and Secondary Education
BRU, Program, or Subprogram(s) Affected Foundation Support Components Special Educ. Adjustment
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		1,936.8				

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		1,936.8				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

FY 81 Special Education Foundation = \$23,476.4 = $\$23,476.4 \times 25\%$
= $\$5,869.1 \times 33\% = \$1,936.8$

FY 81 percentage of total special education population covered by bill = 25%

IV. DATE March 27, 1981

PREPARED BY Steve Hole
AGENCY Department of Education
PHONE 465-2800

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

SB 18

Original sponsors: Fahrenkamp and
Sturgulewski

Offered: 4/3/81
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 ^{House} CS FOR SENATE BILL NO. 18 (Finance) ~~am~~

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a special aid program for provid-
7 ing special education programs during the summer of
8 1981; and providing for an effective date."

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

10 * Section 1. AID PROGRAM FOR SPECIAL EDUCATION PROVIDED DURING THE

11 SUMMER. (a) A school district or regional educational attendance area
12 which provides special services to exceptional children identified under
13 AS 14.30.350(1)(A), (B), (C) and (F) during the summer of 1981 may receive
14 aid under this section by filing an application with the Department of
15 Education.

16 (b) The commissioner of education may approve aid to an applicant
17 under this section in an amount up to 33 percent of the state aid which

18 (1) the applicant qualified for during the 1980-1981 school year;
19 and

20 (2) was calculated under AS 14.17.041(f) for services to excep-
21 tional children identified under A. 14.30.350(1)(A), (B), (C) and (F).

22 (c) The Department of Education shall

23 (1) provide forms for applying under this section;

24 (2) disburse aid under this section which has been approved by
25 the commissioner of education.

26 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
27 070(c).

28 * Sec. 3. This Act is repealed September 1, 1981.

29

Original sponsors: Fahrenkamp and
Sturgulewski

Offered: 4/3/81
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 18 (Finance) am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act establishing a special aid program for provid-
7 ing special education programs during the summer of
8 1981; and providing for an effective date."

9

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

10

* Section 1. AID PROGRAM FOR SPECIAL EDUCATION PROVIDED DURING THE

11

SUMMER. (a) A school district or regional educational attendance area

12

which provides special services to exceptional children identified under

13

AS 14.30.350(1)(A), (B), (C), and (F) during the summer of 1981 may receive

14

aid under this section by filing an application with the Department of

15

Education.

16

(b) The commissioner of education may approve aid to an applicant

17

under this section in an amount up to 33 percent of the state aid which

18

(1) the applicant qualified for during the 1980-1981 school year;

19

and

20

(2) was calculated under AS 14.17.041(f) for services to excep-

21

tional children identified under AS 14.30.350(1)(A), (B), (C), and (F).

22

(c) The Department of Education shall

23

(1) provide forms for applying under this section;

24

(2) disburse aid under this section which has been approved by

25

the commissioner of education.

26

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

27

070(c).

28

* Sec. 3. This Act is repealed September 1, 1981.

29

§ 14.30.347

EDUCATION

§ 14.30.350

SB 18

refer to the board rather than the department derived from § 4, ch. 81, SLA 1965, and § 52, ch. 98, SLA 1966.

Editor's note. — The repealed section

Sec. 14.30.347. Transportation of exceptional children. When transportation is required to be provided as part of special services, exceptional children, whenever practicable, shall be carried separately from the children attending regular classes. State reimbursement for transportation of exceptional children shall be as provided for transportation of pupils attending regular classes except that eligibility for reimbursement shall not be subject to restriction based on the minimum distance between the school and the residence of the exceptional child. (§ 1 ch 105 SLA 1966)

Sec. 14.30.350. Definitions. In §§ 180—350 of this chapter

(1) "exceptional children" means children who differ markedly from their peers to the degree that they are better served by placement in a special learning program designed to serve their particular exceptionality; these children may be identified in the following categories:

(A) "mentally retarded" includes those children of educable and trainable mind who consistently demonstrate evidence of reduced academic achievement or social behavior and whose intellectual potential indicates restriction significantly below that of their peers;

(B) "physically handicapped" includes children whose known or diagnosed physical impairments are so severe or involved that special facilities, equipment or methods are needed to make their educational program effective;

(C) "emotionally handicapped" includes children whose known or diagnosed emotional impairment is so severe or involved that special facilities, equipment or methods are needed to make their educational program effective;

(D) "children with learning disabilities" includes those who exhibit disorders in one or more of the basic learning processes involved in comprehending or using expressive or receptive language and who may require special facilities, equipment or methods to make their educational program effective;

(E) "gifted" includes children having outstanding intellect, ability or creative talent; programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis;

(F) "multiple-handicapped" includes children whose known or diagnosed handicaps are determined to be any combination of (A)—(E) of this paragraph whose needs demand the provision of special facilities, equipment or methods to make their educational program effective;

(G) "special services" includes but is not limited to transportation, special teaching, corrective teaching, corrective health habits, and the

Title 15
Education

Title 10
Fish and Game

Title 14
Education

SB 18

§ 14.30.400

ALASKA STATUTES

§ 14.30.410

provision of special seats, books, teaching supplies, facilities, and equipment required for the instruction of exceptional children, and includes education and training for children who cannot utilize regular classroom instruction. (§ 2 ch 120 SLA 1959; am §§ 5, 6 ch 81 SLA 1965; am §§ 13, 14 ch 144 SLA 1970)

Revisor's note (1970). — In ch. 144, SLA 1970, the revised version of AS 14.30.350 was incorrectly designated AS 14.30.351.

Article 4. Bilingual-Bicultural Education.

Sections

- 400. Bilingual-bicultural education
- 410. Bilingual-bicultural education fund

Effective date of article. — Section 45, ch. 124, SLA 1975, makes this article effective on July 1, 1975.

Sec. 14.30.400. Bilingual-bicultural education. City or borough district school boards and regional educational attendance area boards shall provide a bilingual-bicultural education program for each school in a city or borough school district or regional educational attendance area which is attended by at least eight pupils of limited English speaking ability and whose primary language is other than English. A bilingual-bicultural education program shall be provided under a plan of service which has been developed in accordance with regulations adopted by the department. Nothing in this section precludes a bilingual-bicultural education program from being provided for less than eight pupils in a school. (§ 26 ch 124 SLA 1975)

Sec. 14.30.410. Bilingual-bicultural education fund. (a) There is in the Department of Education a bilingual-bicultural education fund which is an account in the general fund to receive money appropriated by the legislature for bilingual-bicultural education and to be used for bilingual-bicultural education program implementation and operation, including but not limited to the establishment of a statewide bilingual-bicultural educational center.

(b) The department shall adopt regulations for the determination of entitlement and the distribution of bilingual-bicultural funds to city and borough school districts and regional educational attendance areas and the statewide center. (§ 26 ch 124 SLA 1975)

§ 14.33.010

Article
Safety Patrols

- 1. Requirements for schools
- 2. Organization of a patrol
- 3. Duties of a patrol
- 4. Guidance for patrols

Sec. 14.33.010. Re board of a borough attendance area, or a school safety patrols highways adjacent to ch. 98 SLA 1966; am

Effect of amendment amendment, effective July Board of the state-oper the benefit of schools in th

Sec. 14.33.020. Or private or denominat le-established for a sc in the school to serv (b) A pupil shall nc or guardian give wri (c) The principal si to supervise the open (d) The principal authority to determin patrol may be most a ch 46 SLA 1970; am

Effect of amendment amendment, effective July

Sec. 14.33.030. Du (1) encourage pupi as other than regula (2) direct pupils no of traffic renders cre (3) when directed,



NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

CSBB 18 (Fin) am

Robert C. Manners
Executive Secretary
Juneau Office

Robert C. Cooksey
Deputy Executive Secretary
Juneau Office

James D. Alter
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PHONE: (907) 456-4435

TO: Chairman Parr
Members of the Senate HESS Committee

FROM: NEA/Alaska

SUBJECT: Senate Bill 18:
An Act Relating to Special Education

MEMORANDUM OF SUPPORT

NEA/Alaska supports and urges passage of Senate Bill 18.

Continuity of an educational program is an essential component of a successful school experience for children with learning disabilities. Reinforcement and repetition are basic techniques used with exceptional learners. Access to a continuing program would add significantly to the cumulative success of Alaska's handicapped children. Senate Bill 18 would provide such an opportunity.

This bill is significant in its implementation in that it is designed to make the opportunity of access to a continuing program available to all children in the state who are classified as mentally retarded, physically and mentally handicapped and multi-handicapped. NEA/Alaska eagerly supports this effort.

Finally, NEA/Alaska supports the concept that a child who would qualify for summer school instruction under this bill may have access to the services of another district or REAA in the event their home school district does not operate a summer school, as stated in AS 14.30.348 (b).

Respectfully Submitted,

Bob

Bob Manners
Executive Secretary
January 28, 1981.

Original sponsor: Rodey

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 19 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rates of interest; and providing
7 for an effective date."

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

9 * Section 1. AS 06.20.230(b) is amended to read:

10 (b) Notwithstanding (a) of this section, a licensee who makes
11 open-end loans under this chapter or who makes a loan under this chapter
12 exceeding \$5,000 but not exceeding \$25,000 may elect to charge, contract
13 for, and receive interest not to exceed the greater of

14 (1) one and one-half percent a month; or

15 (2) eight percentage points above the Federal Reserve dis-
16 count rate on 90-day commercial paper charged to banks for advances by
17 the 12th Federal Reserve District [ON THE FIRST DAY OF THE MONTH BEFORE
18 THE CALENDAR QUARTER DURING WHICH THE LOAN IS MADE].

19 * Sec. 2. AS 06.20.310 is amended to read:

20 Sec. 06.20.310. ILLEGAL INTEREST RATE. (a) No loan of the
21 amount or value of \$25,000 or less for which a greater rate of interest,
22 consideration or charge than is permitted by this chapter has been
23 charged, contracted for or received, wherever made, may be enforced in
24 the state, and every person participating in such a loan in the state
25 is subject to this chapter.

26 (b) This section does not apply to loans legally made in any
27 state or territory of the United States which has in effect a regulatory
28 small loan law similar in principle to this chapter.

29 (c) This section does not apply to a loan as to which a licensee

1 refunds, tenders a refund, or credits an overcharge within 30 days after
2 the closing of the loan so the loan records reflect the permissible
3 interest, consideration or charge.

4 * Sec. 3. AS 06.20.320 is amended by adding a new subsection to read:

5 (d) A licensee is not liable under this section if, within 30
6 days after the closing of the loan, the licensee makes an adjustment in
7 the account of the borrower which removes any obligation to pay interest
8 or other charges in excess of the amount permitted under this chapter.

9 * Sec. 4. AS 09.55.440(a) is amended to read:

10 (a) Upon the filing of the declaration of taking and the deposit
11 with the court of the amount of the estimated compensation stated in
12 the declaration, title to the estate as specified in the declaration
13 vests in the plaintiff, and that property is condemned and taken for
14 the use of the plaintiff, and the right to just compensation for it
15 vests in the persons entitled to it. The compensation shall be ascer-
16 tained and awarded in the proceeding and established by judgment. The
17 judgment shall include lawful interest [AT THE RATE OF SIX PERCENT PER
18 YEAR] on the amount finally awarded which exceeds the amount paid into
19 court under the declaration of taking. The interest runs from the date
20 title vests to the date of payment of the judgment.

21 * Sec. 5. AS 45.45.010(b) is amended to read:

22 (b) No interest may be charged by express agreement of the
23 parties in a contract or loan commitment [DATED AFTER JUNE 4, 1976]
24 which is more than five percentage points above the annual rate charged
25 member banks for advances by the 12th Federal Reserve District on the
26 day on [THAT PREVAILED ON THE 25th DAY OF THE MONTH PRECEDING THE
27 COMMENCEMENT OF THE CALENDAR QUARTER DURING] which the contract or loan
28 commitment is made. A contract or loan commitment in which the princi-
29 pal amount exceeds \$25,000 [\$100,000] is exempt from the limitation of

1 this subsection.

2 * Sec. 6. AS 45.45.010(d) is repealed.

3 * Sec. 7. In accordance with sec. 501(b)(2) of P.L. 96-221, 94 Stat. 162,
4 the provisions of sec. 501(a)(1) of P.L. 96-221, 94 Stat. 161, do not apply
5 with respect to loans, mortgages, credit sales, and advances made in this
6 state.

7 * Sec. 8. In accordance with sec. 512 of P.L. 96-221, 94 Stat. 164, the
8 provisions of sec. 511 of P.L. 96-221, 94 Stat. 164, do not apply to busi-
9 ness and agricultural loans made in this state.

10 * Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).

PROPOSED AMENDMENT

New. Sec. 2 :

Section AS 06.20.310 is amended to read:

Sec. 06.20.310. Illegal interest rate. No loan of the amount or value of \$25,000 or less for which a greater rate of interest, consideration or charge than is permitted by this chapter has been charged, contracted for or received, wherever made, may be enforced in the state, and every person participating in such a loan in the state is subject to this chapter. This section does not apply to loans legally made in any state or territory of the United States which has in effect a regulatory small loan law similar ⁱⁿ ~~to~~ principle to this chapter. This section shall not apply to loans as to which a licensee refunds, tenders a refund, or credits any overcharge to reflect the permissible interest, consideration or charge within thirty days after ^{the closing of a loan} ~~receipt of notification of~~ ~~the violation by the department.~~

New Sec. 3 :

Section AS 06.20.320 by adding a new subsection (d) to read:

Sec. 06.20.320(d). A licensee has no liability under this section for violation of this chapter if, within thirty days after ^{closing a loan,} ~~receipt of notification by the department of such violation,~~ the licensee makes whatever adjustments in the appropriate account as are necessary to assure that the borrower will not be required to pay interest or other charges in excess of the amount permitted.

Original Sponsor: Rodey

Offered: 4/10/81
Referred: Finance

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 19 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to rates of interest; and providing
7 for an effective date."

8

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

9

* Section 1. AS 06.20.230(b) is amended to read:

10

(b) Notwithstanding (a) of this section, a licensee who makes
11 open-end loans under this chapter or who makes a loan under this chapter
12 exceeding \$5,000 but not exceeding \$25,000 may elect to charge, contract
13 for, and receive interest not to exceed the greater of

14

(1) one and one-half percent a month; or

15

(2) eight percentage points above the Federal Reserve dis-
16 count rate on 90-day commercial paper charged to banks for advances by
17 the 12th Federal Reserve District [ON THE FIRST DAY OF THE MONTH BEFORE
18 THE CALENDAR QUARTER DURING WHICH THE LOAN IS MADE].

19

* Sec. 2. AS 09.55.440(a) is amended to read:

20

(a) Upon the filing of the declaration of taking and the deposit
21 with the court of the amount of the estimated compensation stated in
22 the declaration, title to the estate as specified in the declaration
23 vests in the plaintiff, and that property is condemned and taken for
24 the use of the plaintiff, and the right to just compensation for it
25 vests in the persons entitled to it. The compensation shall be ascer-
26 tained and awarded in the proceeding and established by judgment. The
27 judgment shall include lawful interest [AT THE RATE OF SIX PERCENT PER
28 YEAR] on the amount finally awarded which exceeds the amount paid into
29 court under the declaration of taking. The interest runs from the date

1 title vests to the date of payment of the judgment.

2 * Sec. 3. AS 45.45.010(b) is amended to read:

3 (b) No interest may be charged by express agreement of the
4 parties in a contract or loan commitment [DATED AFTER JUNE 4, 1976]
5 which is more than five percentage points above the annual rate charged
6 member banks for advances by the 12th Federal Reserve District on the
7 day on [THAT PREVAILED ON THE 25th DAY OF THE MONTH PRECEDING THE
8 COMMENCEMENT OF THE CALENDAR QUARTER DURING] which the contract or loan
9 commitment is made. A contract or loan commitment in which the princi-
10 pal amount exceeds \$25,000 [\$100,000] is exempt from the limitation of
11 this subsection.

12 * Sec. 4. AS 45.45.010(d) is repealed.

13 * Sec. 5. In accordance with sec. 501(b)(2) of P.L. 96-221, 94 Stat.
14 162, the provisions of sec. 501(a)(1) of P.L. 96-221, 94 Stat. 161, do not
15 apply with respect to loans, mortgages, credit sales, and advances made in
16 this state.

17 * Sec. 6. In accordance with sec. 512 of P.L. 96-221, 94 Stat. 164, the
18 provisions of sec. 511 of P.L. 96-221, 94 Stat. 164, do not apply to busi-
19 ness and agricultural loans made in this state.

20 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 19

Title An Act relating to the legal rate of interest; and providing effec.date

Requested by S. Labor & Commerce Date 1/16/81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Consumer Protection

BRU, Program, or Subprogram(s) Affected Financial Institutions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0		0	0	9	0
700 GRANTS CLAIMS ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

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

IV. DATE

1/19/81

PREPARED BY Willis F. Kirkpatrick, Dir. of Banking
 AGENCY Dept. of Commerce & Economic Development
 PHONE 465-2521

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

Introduced: 1/13/81
Referred: Labor & Commerce

1 IN THE SENATE

BY RODEY

2 SENATE BILL NO. 19 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the legal rate of interest; and
7 providing for an effective date."

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

9 * Section 1. AS 45.45.010(b) is amended to read:

10 (b) No interest may be charged by express agreement of the
11 parties in a contract or loan commitment [DATED AFTER JUNE 4, 1976]
12 which is more than five percentage points above the annual rate charged
13 member banks for advances by the 12th Federal Reserve District on the
14 day on [THAT PREVAILED ON THE 25th DAY OF THE MONTH PRECEDING THE
15 COMMENCEMENT OF THE CALENDAR QUARTER DURING] which the contract or loan
16 commitment is made. A contract or loan commitment in which the princi-
17 pal amount exceeds \$25,000 [\$100,000] is exempt from the limitation of
18 this subsection.

19 * Sec. 2. AS 45.45.010(d) is repealed.

20 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
21 070(c).

COMMITTEE REPORT
SENATE

5/8/81

FURTHER: None

Date: May 20, 1981

Mr. President:

The Committee on FINANCE has had SB 23

increasing state aid to school districts under the public school foundation program

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 23 (Finance) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

Original sponsors: Kerttula, Ferguson,
Kelly, et al

5/19/81
Delivered
to Legis.
Affairs
5/20/81
10:15 am

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 23 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average local appropriation [LOCAL TAX CONTRIBUTIONS] per pupil in
16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average local appropriation [LOCAL
22 TAX CONTRIBUTIONS] per pupil in average daily membership to all city
23 and borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.056 is amended to read:

26 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
27 tional unit value for fiscal years beginning on or after July 1, 1982
28 [1981] is \$42,450 [\$38,590].

29 * Sec 4. This Act takes effect July 1, 1981.

X

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

sent w/ CS SB 23 (fn)
5/20/81

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS Senate Bill - 23 (HESS)
Title An Act Increasing State Aid to School Districts . . . foundation program
Requested by Senate Hess Date 5/12/81

II. FISCAL DETAIL

Agency Affected Department of Education
Program Category Affected Elementary and Secondary Education
BRU, Program, or Subprogram(s) Affected Foundation Support Programs/Financial Support Districts
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			35,591.9	39,151.1*	43,066.2	47,372.8

TOTAL

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND			35,591.9	39,151.1*	43,066.2	47,372.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME			N/A			
PART TIME						
TEMPORARY						

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

Section 3.

FY 82 Foundation: 330,563.0
FY 82 Contract Schools: 25,355.5 (Base schools, special schools)
FY 82 Total 355,918.5
Bill Increase of 10%
for FY 83 35,591.9

Sections 1 and 2. No Fiscal Impact

*Assumes 10% annual inflation

IV. DATE May 12, 1981 PREPARED BY Steve Hole

AGENCY Department of Education

PHONE 465-2800

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

TO: Senator Don Bennett, Co-chairman
Senate Finance Committee

FROM: Diana Hamar, Secretary
Senate Finance Committee

DATE: May 20, 1981

SUBJECT: CSSB 23 (Finance)

Please note the attached letter from John Chenoweth of the Legislative Counsel, along with a copy of CSSB 23 (Finance), passed from the Senate Finance Committee this morning.

Since the bill was read across on the floor this morning, and since there is a priority to get Senate bills across to the House, Jay Hogan advised me to go ahead and send the final version to the Senate Secretary. Mr. Chenoweth's letter has been forwarded to the House Finance Committee, where the language can be changed according to Mr. Chenoweth's advice.

If you disagree with this action, or have further questions, please let me know.

Attachment

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

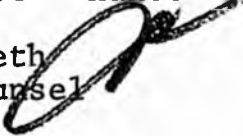
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 20, 1981

SUBJECT: State aid to school districts
(CSSB 23 (Finance))

TO: Senator Don Bennett
Chairman, Senate Finance Committee

FROM: John B. Chenoweth
Legislative Counsel 

The enclosed bill is returned in final per your request. Is it clear that the phrase "local appropriation per pupil in average daily membership to the city or borough school district" (which appears twice in the bill) is directed at locally-generated appropriations (i.e. appropriations made by the municipality to the city or borough school district)? If it is not, may I respectfully suggest substituting "local appropriation per pupil in average daily membership appropriated by the city or borough to the school district" to clarify.

JBC:ljb

Enclosure

Original sponsors: Kerttula, Ferguson,
Kelly, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 23 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average local appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average local appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.056 is amended to read:

26 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
27 tional unit value for fiscal years beginning on or after July 1, 1982
28 [1981], is \$42,450 [\$38,590].

29 * Sec. 4. This Act takes effect July 1, 1981.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS SB-23
 Title An Act increasing state aid to school districts under the . . ."
 Requested by Senate HESS Date 5/6/81

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected Foundation Support Programs
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			33,056.3	36,361.9	39,998.1	43,997.9

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND			33,056.3	36,361.9*	39,998.1	43,997.9
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			N/A			
PART TIME						
TEMPORARY						

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

*Assumes 10% annual inflation.

Section 1.

FY-82 Foundation: 330,563.0
 Bill increase of 10% for FY-83: 33,056.3

Section 2. No fiscal impact.

IV. DATE 5/6/81 PREPARED BY Steve Hole 

AGENCY Department of Education
 PHONE 465-2800

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

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB - 23
 Title An Act increasing state aid to school districts under the ...
 Requested by Senate HESS Date May 4, 1981

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected Foundation Support

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES			*			
700 GRANTS, CLAIMS, ETC.		43,278.6	47,606.5	52,367.2	57,603.9	63,364.3

TOTAL

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		43,278.6	47,606.5	52,367.2	57,603.9	63,364.3
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		N/A				
PART TIME						
TEMPORARY						

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

Assumes 10% annual inflation

FY'82 Basic Need:	328,865.1
Bill increase of 13.16%	372,143.7
- FY'82 Basic Need	328,865.1

FY'82 increase	\$43,278.6

IV. DATE May 4, 1981 PREPARED BY Steve Hole 

AGENCY Education
 PHONE 465-2800

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

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 5/8/81
Referred: Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR SENATE BILL NO. 23 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average amount of money [LOCAL TAX CONTRIBUTIONS] per pupil in
16 average daily membership appropriated by the city or borough school
17 district for school operating costs in that district in the prior
18 fiscal year or in the fiscal year ending June 30, 1979, whichever is
19 higher.

20 * Sec. 2. AS 14.17.023(c) is amended to read:

21 (c) The amount per ADM of supplemental equalization aid is cal-
22 culated as the amount equal to the average amount of money [LOCAL TAX
23 CONTRIBUTIONS] per pupil in average daily membership appropriated by
24 all city and borough school districts for school operating costs in the
25 city and borough school districts in the prior fiscal year.

26 * Sec. 3. AS 14.17.056 is amended to read:

27 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
28 tional unit value for fiscal years beginning on or after July 1, 1982
29 [1981], is \$42,450 [\$38,590].

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* Sec. 4. This Act takes effect July 1, 1981.

Introduced: 1/13/81
Rererred: Health, Education &
Social Services and Finance

BY KERTTULA, FERGUSON, KELLY,
STIMSON AND RODEY

1 IN THE SENATE

2 SENATE BILL NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act increasing state aid to school districts under
7 the public school foundation program; and providing
8 for an effective date."

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

10 * Section 1. AS 14.17.056 is amended to read:

11 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
12 tional unit value for fiscal years beginning on or after July 1, 1981,
13 is \$43,670 [\$38,590].

14 * Sec. 2. This Act takes effect July 1, 1981.

COMMITTEE REPORT

HOUSE

5/5/81

FURTHER:

(11)

Date: 5/19/81

Mr. Speaker:

The Committee on FINANCE has had CSSB 23(Fin)

"An Act relating to state aid to school districts under the public school foundation program; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CSSB 23 (Fin) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

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

[Signature]
CHAIRMAN

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Bevina

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 23 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.056 is amended to read:

11 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
12 tional unit value for fiscal years beginning on or after July 1, 1982
13 [1981], is \$42,450 [\$38,590].

14 * Sec. 2. This Act takes effect July 1, 1982.

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Original sponsors: Kerttula, Ferguson
Kelly, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (FINANCE)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

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11 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
12 tional unit value for fiscal years beginning on or after July 1, 1982
13 [1981], is \$42,450 [\$38,590].

14 * Sec. 2. This Act takes effect July 1, 1982.

SB-23A

CSSE 279 (21A):

* Sec. (1) AS 14.17.023 (b) is amended to read:

(b) The amount of supplemental equalization aid for a district is calculated by multiplying the ADM of the district as reported for the prior fiscal year under AS 14.17.180 by the amount per ADM calculated in (c) of this section. This amount shall be reduced by the [AMOUNT OF THE] average locally-generated [LOCAL] appropriation [TAX CONTRIBUTIONS] per pupil in average daily membership appropriated by the city or borough to the school district for school operating costs in that district in the prior fiscal year or in the fiscal year ending June 30, 1979, whichever is higher.

* Sec. (2) AS 14.17.023 (c) is amended to read:

(c) the amount per ADM of supplemental equalization aid is calculated as the amount equal to the average locally-generated [LOCAL] appropriation [TAX CONTRIBUTIONS] per pupil in average daily membership appropriated by the city or borough to the school districts for school operating costs in the city and borough school districts in the prior fiscal year.

* Sec. 4 AS 14.17.250 is amended to read:

(20) "locally-generated appropriation" means an appropriation made from revenue sources originating within the municipality and does not include funds acquired by transfer from federal, state or other governmental units.

Sec. 4 AS 14.17.023 is amended by adding

NOW (e) the amount calculated in (c) shall not be less than

\$880 per ADM for Regional Education Attendance Areas.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (~~HESS~~) (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

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12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average [local] ^{locally-generated} appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership, ^{appropriated by the city or borough} to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average [local] ^{locally-generated} appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership, ^{appropriated by all cities & borough} to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.051(5) is amended to read:

26 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
27 District, Valdez City School District, and Haines Borough School Dis-
28 trict, the district or area is entitled to receive 115 percent of the
29 base instructional unit allotment;

1 * Sec. ⁶~~K~~. AS 14.17.051(6) is amended to read:

2 (6) for Nenana City School District, Delta School District,
3 Alaska Gateway School District, Upper Railbelt Regional School District,
4 Yakutat City School District, [AND] Chugach School District, and Copper
5 River School District, the district or area is entitled to receive 120
6 percent of the base instructional unit allotment;

7 * Sec. ⁷~~J~~. AS 14.17.056 is amended to read:

8 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
9 tional unit value for fiscal years beginning on or after July 1, 1982
10 [1981], is \$42,450 [\$38,590].

11 * Sec. ⁸~~K~~. Sections 1 - 4 of this Act take effect July 1, 1981.

12 * Sec. ⁹~~L~~. Section 5 of this Act takes effect July 1, 1982.

13 Sec. 4. AS 14.17.250 is amended to read:

14 (20) "locally-generated appropriation" means an appropriation
15 made from revenue sources originating within the municipality
16 and does not include funds acquired by transfer from federal,
17 state or other governmental units.

18 Sec. 5. AS 14.17.023 is amended by adding:

19 (e) the amount calculated in (c) shall not be less
20 than \$880 per ADM for Regional Education Attendance Areas.
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Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 23 (HESS) (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average [local] ^{locally-generated} appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership ^{appropriated by the city or borough} to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

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21 culated as the amount equal to the average [local] ^{locally-generated} appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership ^{appropriated by all cities & borough} to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.051(5) is amended to read:

26 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
27 District, Valdez City School District, and Haines Borough School Dis-
28 trict, the district or area is entitled to receive 115 percent of the
29 base instructional unit allotment;

1 * Sec. ⁶ ~~H~~ AS 14.17.051(6) is amended to read:

2 (6) for Nenana City School District, Delta School District,
3 Alaska Gateway School District, Upper Railbelt Regional School District,
4 Yakutat City School District, [AND] Chugach School District, and Copper
5 River School District, the district or area is entitled to receive 120
6 percent of the base instructional unit allotment;

7 * Sec. ⁷ AS 14.17.056 is amended to read:

8 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
9 tional unit value for fiscal years beginning on or after July 1, 1982
10 [1981], is \$42,450 [\$38,590].

11 * Sec. ⁸ Sections 1 - 4 of this Act take effect July 1, 1981.

12 * Sec. ⁹ Section 5 of this Act takes effect July 1, 1982.

13 Sec. 4. AS 14.17.250 is amended to read:

14 (20) "locally-generated appropriation" means an appropriation
15 made from revenue sources originating within the municipality
16 and does not include funds acquired by transfer from federal,
17 state or other governmental units.

18 Sec. 5. AS 14.17.023 is amended by adding:

19 (e) the amount calculated in (c) shall not be less
20 than \$880 per ADM for Regional Education Attendance Areas.
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Berrier ✓

Original sponsors: Kerttula, Ferguson,
Kelly, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 23 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average locally generated appropriation [LOCAL TAX CONTRIBUTIONS]
16 per pupil in average daily membership appropriated by the city or
17 borough to the school district for school operating costs in that
18 district in the prior fiscal year or in the fiscal year ending June 30,
19 1979, whichever is higher.

20 * Sec. 2. AS 14.17.023(c) is amended to read:

21 (c) The amount per ADM of supplemental equalization aid is cal-
22 culated as the amount equal to the average locally generated appropria-
23 tion [LOCAL TAX CONTRIBUTIONS] per pupil in average daily membership
24 appropriated by all cities and boroughs to school districts for school
25 operating costs in the city and borough school districts in the prior
26 fiscal year.

27 * Sec. 3. AS 14.17.023 is amended by adding a new subsection to read:

28 (e) The amount calculated under (c) of this section for a regional
29 educational attendance area may not be less than \$880 per ADM.

1 * Sec. 4. AS 14.17.051(5) is amended to read:

2 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
3 District, Valdez City School District, and Haines Borough School Dis-
4 trict, the district or area is entitled to receive 115 percent of the
5 base instructional unit allotment;

6 * Sec. 5. AS 14.17.051(6) is amended to read:

7 (6) for Nenana City School District, Delta School District,
8 Alaska Gateway School District, Upper Railbelt Regional School District,
9 Yakutat City School District, [AND] Chugach School District, and Copper
10 River School District, the district or area is entitled to receive 120
11 percent of the base instructional unit allotment;

12 * Sec. 6. AS 14.17.056 is amended to read:

13 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
14 tional unit value for fiscal years beginning on or after July 1, 1982
15 [1981], is \$42,450 [\$38,590].

16 * Sec. 7. AS 14.17.250 is amended by adding a new paragraph to read:

17 (20) "locally generated appropriation" means an appropriation
18 made from revenue sources originating within the city or borough and
19 does not include an appropriation made from funds acquired by the city
20 or borough by transfer from federal, state, or other government sources.

21 * Sec. 8. Sections 1 - 5, and 7 of this Act take effect July 1, 1981.

22 * Sec. 9. Section 6 of this Act takes effect July 1, 1982.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 6/5/81

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 23 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average local appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average local appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.051(5) is amended to read:

26 (5) for [COPPER RIVER SCHOOL DISTRICT,] Cordova City School
27 District, Valdez City School District, and Haines Borough School Dis-
28 trict, the district or area is entitled to receive 115 percent of the
29 base instructional unit allotment;

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* Sec. 4. AS 14.17.051(6) is amended to read:

(6) for Nenana City School District, Delta School District, Alaska Gateway School District, Upper Railbelt Regional School District, Yakutat City School District, [AND] Chugach School District, and Copper River School District, the district or area is entitled to receive 120 percent of the base instructional unit allotment;

* Sec. 5. AS 14.17.056 is amended to read:

Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instructional unit value for fiscal years beginning on or after July 1, 1982 [1981], is \$42,450 [\$38,590].

* Sec. 6. Sections 1 - 4 of this Act take effect July 1, 1981.

* Sec. 7. Section 5 of this Act takes effect July 1, 1982.

CORRECTION

Re: CS FOR SENATE BILL NO. 23 (Finance)

May 20, 1981

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CORRECTION

Please discard CS FOR SENATE BILL NO. 23 (Finance) and replace with this corrected version.

Original sponsors: Kerttula, Ferguson,
Kelly, et al

Offered: 5/20/81
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 23 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

9

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

10

* Section 1. AS 14.17.023(b) is amended to read:

11

(b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average local appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19

* Sec. 2. AS 14.17.023(c) is amended to read:

20

(c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average local appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25

* Sec. 3. AS 14.17.056 is amended to read:

26

Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
27 tional unit value for fiscal years beginning on or after July 1, 1982
28 [1981], is \$42,450 [\$38,590].

29

* Sec. 4. This Act takes effect July 1, 1981.

Alaska State Legislature

PERMANENT ADDRESS:
1527 H STREET
ANCHORAGE, ALASKA 99501
(907) 278-4188

WHILE IN SESSION:
FOUCH V
JUNEAU, ALASKA 99811
(907) 465-3777



CHAIRMAN
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE
VICE CHAIRMAN
JUDICIARY COMMITTEE

Representative Don Clocksin
DISTRICT 7

Date: June 5, 1981

To: Rep. Sam Cotten, Chair
House Finance Committee

Fr: Rep. Don Clocksin, Chair
House HESS Committee

Re: HCS CSSB 23 (HESS)

Please be advised that the House HESS Committee passed SB 23 which relates to state aid to school districts, out of Committee on June 2, 1981.

In a memo, after the bill was passed out and sent to legal services for final drafting, Jack Chenoweth noted some problems with the language of the bill. Please find a copy of Mr. Chenoweth's memo attached.

Perhaps the Finance Committee could address the problematic language in the bill if time permits.

STATE OF ALASKA
THE LEGISLATURE

PC-JCH Y · STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 3, 1981

SUBJECT: State aid to school districts
(HCS CSSB 23 (HESS))

TO: Representative Donald E. Clocksin
Chairman, House Health, Education
and Social Services Committee

FROM: John B. Chenoweth
Legislative Counsel

Is it clear that the phrase "local appropriation per pupil in average daily membership to the city or borough school district" (which appears twice in the bill) is directed at locally-generated appropriations (i.e. appropriations made by the municipality to the city or borough school district)? If it is not, may I respectfully suggest substituting "local appropriation per pupil in average daily membership appropriated by the city or borough to the school district" or a comparable phrase in order to clarify.

The rate of \$38,590 becomes effective July 1, 1981, as an increase from the current (FY 81) payment of \$34,935. See Sec. 14, Chapter 26, SLA 1980. The change to take effect July 1, 1982 -- the increase to \$42,450 -- is shown in this committee substitute as an amendment to the FY 82 increase.

JBC:ljb

Enclosure

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House CS Senate Bill-23 (HESS)
 Title An Act Relating to State Aid to school districts . . .
 Requested by House Finance Date 6/8/81

II. FISCAL DETAIL

Agency Affected Department of Education
 Program Category Affected Elementary and Secondary Education
 BRU, Program, or Subprogram(s) Affected Foundation Support Programs/Financial Support Districts
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES				*		
700 GRANTS, CLAIMS, ETC.		176.6	35,786.2	39,364.8	43,301.3	47,631.4

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND		176.6	35,786.2	39,364.8	43,301.3	47,631.4
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		N/A				
PART TIME						
TEMPORARY						

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

Sections 1. and 2.: No fiscal impact
 Sections 3. and 4.: Total FY-82 cost attributable to the 5% increase in the I.U. Value of Copper River. Portions of post FY-82 impact can be determined by using 176.6 times 10% per year inflation factor.

Section 5.: FY-83 cost: FY-82 Foundation: 330,563.0
 FY-82 Contract Schools: 25,355.5
 FY-82 Total: 355,918.5
 Bill Increase of 10%: 35,591.9
 Sections 3 and 4: 194.3
 Total: 35,786.2

*Assumes 10% annual inflation.

IV. DATE June 8, 1981 PREPARED BY Steve Hole
 AGENCY Department of Education
 Original: Legislative Finance PHONE 465-2800
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS Senate Bill - 23 (HESS)

Title An Act Increasing State Aid to School Districts . . . foundation program

Requested by Senate Hess Date 5/12/81

II. FISCAL DETAIL

Agency Affected Department of Education

Program Category Affected Elementary and Secondary Education

BRU, Program, or Subprogram(s) Affected Foundation Support Programs/Financial Support Districts

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.			35,591.9	39,151.1*	43,066.2	47,372.8

TOTAL

FUNDING (Thousands of Dollars)

GENERAL FUND			35,591.9	39,151.1*	43,066.2	47,372.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME			N/A			
PART TIME						
TEMPORARY						

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

Section 3.

FY 82 Foundation: 330,563.0
 FY 82 Contract Schools: 25,355.5 (Base schools, special schools)
 FY 82 Total 355,918.5
 Bill Increase of 10%
 for FY 83 35,591.9

Sections 1 and 2. No Fiscal Impact

*Assumes 10% annual inflation

IV. DATE May 12, 1981

PREPARED BY Steve Hole

AGENCY Department of Education

PHONE 465-2800

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

STATE OF ALASKA
THE LEGISLATURE

POUCH-Y STATE CAPITOL
JUNEAU ALASKA 998
907-465-3600


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 20, 1981

SUBJECT: State aid to school districts
(CSSB 23 (Finance))

TO: Senator Don Bennett
Chairman, Senate Finance Committee

FROM: John B. Chenoweth
Legislative Counsel 

The enclosed bill is returned in final per your request. Is it clear that the phrase "local appropriation per pupil in average daily membership to the city or borough school district" (which appears twice in the bill) is directed at locally-generated appropriations (i.e. appropriations made by the municipality to the city or borough school district)? If it is not, may I respectfully suggest substituting "local appropriation per pupil in average daily membership appropriated by the city or borough to the school district" to clarify.

JBC:ljb

Enclosure

Original sponsors: Kerttula, Ferguson,
Kelly, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 23 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid to school districts
7 under the public school foundation program; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.17.023(b) is amended to read:

11 (b) The amount of supplemental equalization aid for a district is
12 calculated by multiplying the ADM of the district as reported for the
13 prior fiscal year under AS 14.17.180 by the amount per ADM calculated
14 in (c) of this section. This amount shall be reduced by the [AMOUNT OF
15 THE] average local appropriation [TAX CONTRIBUTIONS] per pupil in
16 average daily membership to the city or borough school district for
17 school operating costs in that district in the prior fiscal year or in
18 the fiscal year ending June 30, 1979, whichever is higher.

19 * Sec. 2. AS 14.17.023(c) is amended to read:

20 (c) The amount per ADM of supplemental equalization aid is cal-
21 culated as the amount equal to the average local appropriation [TAX
22 CONTRIBUTIONS] per pupil in average daily membership to all city and
23 borough school districts for school operating costs in the city and
24 borough school districts in the prior fiscal year.

25 * Sec. 3. AS 14.17.056 is amended to read:

26 Sec. 14.17.056. BASE INSTRUCTIONAL UNIT VALUE. The base instruc-
27 tional unit value for fiscal years beginning on or after July 1, 1982
28 [1981], is \$42,450 [\$38,590].

29 * Sec. 4. This Act takes effect July 1, 1981.

Rec'd 6/19/84
after bill reported
out.

Position Paper

On

House Committee Substitute for Committee Substitute for SB 29 (Judiciary)

An Act entitled "An Act Relating to hazardous wastes and to nuclear and radioactive facilities and materials; and providing for an effective date".

HCS CSSB29 prohibits the construction of nuclear facilities, specifies the permit requirements for construction of high level radioactive waste disposal facilities, sets requirements for the storage and disposal of radioactive waste material, and sets forth provisions regarding the transportation, disposal and handling of hazardous wastes.

The Department suggests three specific changes in this Bill:

- 1.) Page 7, lines 4 through 6, Section 46.03.250(2). The wording in this subpart seems to be somewhat confusing. The following is suggested:
 - (2) establishing standards for the storage and disposal of radioactive waste materials which will protect the public health and safety; and

- 2.) Page 7, lines 7 through 9, Section 46.03.250 (3). As presently worded, this provision appears to withhold from the Department of Environmental Conservation the authority to establish procedures for storage and disposal for certain categories of radioactive materials used in industry. Industrial uses extend beyond instruments and industrial testing. In addition, authorizing the Department to establish "procedures" has the potential of hindering the use or development of innovative technology and procedures related to storage and disposal. To avoid these problems the following wording is suggested:
 - (3) establishing criteria for the storage and disposal of radioactive materials.

- 3.) The definition of "low level radioactive materials" which appears on page 7, lines 17 through 23, is presently worded to include uranium mine and mill tailings. The usual definition of low level radioactive waste excludes these materials because of the unique nature and problems associated with them. Therefore, it is suggested that uranium mine and mill tailings be eliminated from the definition of low level radioactive materials, and, if necessary, considered separately to ensure that potential problems are properly addressed and to avoid unintentional interference and hinderance to uranium mining in Alaska. The following definition is suggested:
 - (30) "Low level radioactive materials" means radioactive waste other than high level radioactive waste and uranium mine and mill tailings.

With incorporation of these recommendations the Department of Health and Social Services takes a neutral stand on HCS CSSB29 (Judiciary).

Recommended by:

David Bruce

David Bruce, Deputy Director
Division of Public Health

Date:

JUNE 12, 1981

Approved by:

Helen D. Beirne

Helen D. Beirne, Commissioner

Date:

6/17/81

Original sponsor: Kerttula

Offered: 6/8/81
Referred: Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous wastes and to nuclear
7 and radioactive facilities and materials; and providing
8 for an effective date."

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

10 * Section 1. AS 18.45 is amended by adding a new section to read:

11 Sec. 18.45.100. NUCLEAR FACILITIES PROHIBITED. A person may not
12 construct a nuclear fuel production facility, a nuclear utilization
13 facility, a nuclear reprocessing facility, or a nuclear enhancement
14 facility in the state.

15 * Sec. 2. AS 18.45 is amended by adding new sections to read:

16 Sec. 18.45.110. HIGH LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY
17 PERMIT. (a) A person may not construct a high level radioactive waste
18 disposal facility in the state unless he has first obtained a permit
19 from the commissioner to construct the facility on land designated by
20 the legislature under (b) of this section.

21 (b) The legislature shall designate by law the land in the state
22 on which a high level radioactive waste disposal facility may be
23 located.

24 (c) A permit may not be issued by the commissioner under this
25 section unless

26 (1) the governor has approved the permit;

27 (2) local approval has been obtained; local approval is
28 obtained

29 (A) if the municipality with jurisdiction over the

1 proposed facility site has approved the permit; or

2 (B) if the facility is to be located in the unorganized
3 borough, a majority of the registered voters who live within 100
4 miles of the proposed facility votes to approve the issuance of
5 the permit at a general election of the state or at a special
6 election of the state called for the purpose; and

7 (3) issuance of the permit is approved by a majority of the
8 registered voters at a general or special statewide election.

9 (d) The commissioner shall adopt regulations governing the issu-
10 ance of permits required by this section.

11 Sec. 18.45.120. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR
12 FACILITY OPERATION. (a) A person may not operate a high level radio-
13 active waste disposal facility unless he has furnished proof to the
14 commissioner of financial ability to care for the radioactive material
15 that will be used in the facility until the material is no longer a
16 threat to health or safety, as determined by the commissioner by regu-
17 lation. Financial responsibility may be demonstrated by self-insurance,
18 insurance, surety, or guarantee, under terms the commissioner may pre-
19 scribe.

20 (b) Acceptance of proof of financial responsibility under this
21 section expires

22 (1) one year from its issuance for self-insurance;

23 (2) on the effective date of a change in the surety bond,
24 guarantee, or insurance agreement; or

25 (3) on the expiration or cancellation of the surety bond,
26 guarantee, or insurance agreement.

27 (c) The person whose proof of financial responsibility is accepted
28 by the commissioner under this section shall notify the commissioner at
29 least 30 days before the effective date of a change, expiration or

1 cancellation in the surety bond, guarantee, or insurance agreement.
2 Application for renewal of acceptance of proof of financial responsi-
3 bility under this section must be filed at least 30 days before the
4 date of expiration.

5 (d) The commissioner, after notice and hearing, may revoke accep-
6 tance of proof of financial responsibility if he determines that

7 (1) acceptance was procured by fraud or misrepresentation;
8 or

9 (2) a change of circumstance has occurred, other than a
10 change specified in (b)(1) - (3) of this section, which would have
11 warranted denial of the application.

12 * Sec. 3. AS 18.45.110(a) is amended to read:

13 Sec. 18.45.110. FACILITIES [HIGH LEVEL RADIOACTIVE WASTE DISPOSAL
14 FACILITY] PERMIT. (a) A person may not construct a nuclear fuel pro-
15 duction facility, nuclear utilization facility, nuclear reprocessing
16 facility, nuclear enhancement facility, or high level radioactive waste
17 disposal facility in the state unless he has first obtained a permit
18 from the commissioner to construct the facility on land designated by
19 the legislature under (b) of this section.

20 * Sec. 4. AS 18.45.110(b) is amended to read:

21 (b) The legislature shall designate by law the land in the state
22 on which a nuclear fuel production, utilization, reprocessing, enhance-
23 ment, or high level radioactive waste disposal facility may be located.

24 * Sec. 5. AS 18.45.120(a) is amended to read:

25 (a) A person may not operate a nuclear fuel production facility,
26 a nuclear utilization facility, a nuclear reprocessing facility, a
27 nuclear enhancement facility, or a high level radioactive waste dis-
28 posal facility unless he has furnished proof to the commissioner of
29 financial ability to care for the radioactive material which will be

1 used in the facility until the material is no longer a threat to health
2 or safety, as determined by the commissioner by regulation. Financial
3 responsibility may be demonstrated by self-insurance, insurance, surety,
4 or guarantee, under terms the commissioner may prescribe.

5 * Sec. 6. AS 18.45 is amended by adding new sections to read:

6 Sec. 18.45.130. TRANSPORTATION OF RADIOACTIVE WASTE MATERIAL.

7 (a) The transportation of high level radioactive waste material,
8 except to a facility approved for operation under this chapter or for
9 purposes of disposal outside the state, is prohibited.

10 (b) A person may not transport radioactive waste material in the
11 state unless he has first obtained a permit from the commissioner. The
12 commissioner shall adopt regulations governing the issuance of permits
13 required by this subsection, and shall establish and implement a system
14 to record by manifest the movement of radioactive waste materials which
15 are transported.

16 (c) This section does not apply to the transportation of radio-
17 active waste material by the federal government. When an agency of the
18 federal government proposes to transport radioactive waste material in
19 the state, the agency shall notify the commissioner and the Department
20 of Public Safety of its plans. When notice is received from the federal
21 agency, the commissioner and the commissioner of public safety may take
22 any action they regard as necessary to protect the health and safety of
23 persons in the vicinity of the route to be used to transport the radio-
24 active waste material. The notice provisions of this subsection do not
25 apply if advance notice would represent a threat to national security.

26 Sec. 18.45.140. PROOF OF RESPONSIBILITY FOR DISPOSAL OF HIGH
27 LEVEL RADIOACTIVE WASTES REQUIRED. (a) A person may not dispose of
28 high level radioactive wastes in the state unless he has furnished
29 proof to the commissioner of financial ability to care for the radio-

1 active waste material. Financial responsibility may be demonstrated by
2 self-insurance, insurance, surety, or guarantee, under terms the commis-
3 sioner may prescribe.

4 (b) Acceptance of proof of financial responsibility under this
5 section expires

6 (1) one year from its issuance for self-insurance;

7 (2) on the effective date of a change in the surety bond,
8 guarantee, or insurance agreement; or

9 (3) on the expiration or cancellation of the surety bond,
10 guarantee, or insurance agreement.

11 (c) The person whose proof of financial responsibility is accepted
12 by the commissioner under this section shall notify the commissioner at
13 least 30 days before the effective date of a change, expiration or
14 cancellation in the surety bond, guarantee, or insurance agreement.
15 Application for renewal of acceptance of proof of financial responsi-
16 bility under this section must be filed at least 30 days before the
17 date of expiration.

18 (d) The commissioner, after notice and hearing, may revoke accep-
19 tance of proof of financial responsibility if he determines that

20 (1) acceptance was procured by fraud or misrepresentation;
21 or

22 (2) a change of circumstance has occurred, other than a
23 change specified in (b)(1) - (3) of this section, which would have
24 warranted denial of the application.

25 Sec. 18.45.150. PENALTIES. (a) A person who violates a provision
26 of AS 18.45.130 is guilty of a class C felony.

27 (b) In addition to the penalty prescribed for a class C felony
28 under AS 12.55.035(b)(2) and (c), a person who violates a provision of
29 AS 18.45.130 - 18.45.140 is subject to

1 (1) a penalty of \$50, 00 for each offense; each day that the
2 violation continues constitutes a separate offense;

3 (2) the payment to the state of expenses incurred by the
4 state in removing, correcting, or abating the adverse effects of the
5 violation; and

6 (3) actual damages resulting from the violation.

7 Sec. 18.45.160. DEFINITIONS. In AS 18.45.100 - 18.45.160,

8 (1) "commissioner" means the commissioner of environmental
9 conservation;

10 (2) "high level radioactive waste" means

11 (A) used nuclear reactor fuel;

12 (B) waste produced during the reprocessing of used
13 nuclear reactor fuel; and

14 (C) elements having an atomic number greater than 92
15 and containing 10 or more nanocuries per gram;

16 (3) "manifest" means the form used for identifying the
17 quantity, composition, origin, routing, and destination of radioactive
18 wastes during transportation;

19 (4) "nuclear fuel production facility" means a facility that
20 purifies radioactive mineral concentrates and fabricates fissionable
21 material to be used for producing energy in a nuclear reactor; and

22 (5) "nuclear utilization facility" means an apparatus,
23 device, or equipment in which nuclear fission is sustained in a self-
24 supporting and controlled chain reaction; term does not include an
25 apparatus, device, or equipment used exclusively for educational, medi-
26 cal, or research purposes.

27 * Sec. 7. AS 46.03.250 is amended to read:

28 Sec. 46.03.250. AUTHORITY. The department shall adopt regula-
29 tions

1 (1) establishing standards governing the discharge of low
2 level radioactive materials [RADIONUCLIDES] to the air, water, land,
3 and subsurface land of the state;

4 (2) establishing safeguards for radioactive waste materials
5 that do not constitute a threat to public health or safety and that may
6 be stored or disposed in the state; and

7 (3) establishing procedures for the storage and disposal of
8 radioactive materials used in medicine, education, instruments, indus-
9 trial testing, or scientific research.

10 * Sec. 8. AS 46.03.260 is amended to read:

11 Sec. 46.03.260. USE OF RADIOACTIVE MATERIALS [ATOMIC RADIATION].

12 A person who conducts an operation which results in the discharge of
13 low level radioactive materials [RADIONUCLIDES] to the air, water, land
14 or subsurface land of the state must obtain a permit from the depart-
15 ment before commencing the discharge.

16 * Sec. 9. AS 46.03.900 is amended by adding a new paragraph to read:

17 (30) "low level radioactive materials" means a radioactive
18 waste other than

19 (A) used nuclear reactor fuel;

20 (B) waste produced during the reprocessing of used
21 nuclear reactor fuel; and

22 (C) elements having an atomic number greater than 92
23 and containing 10 or more nanocuries per gram.

24 * Sec. 10. AS 46.03.020(10) is amended by adding a new subparagraph to
25 read:

26 (I) handling, transportation, treatment, storage, and
27 disposal of hazardous wastes;

28 * Sec. 11. AS 46.03.100 is amended by adding a new subsection to read:

29 (c) A permit for disposal of a hazardous waste may not be issued

1 under this section unless the applicant for the permit has furnished
2 proof to the commissioner of financial ability to control the hazardous
3 waste. Proof of financial responsibility may be demonstrated by self-
4 insurance, insurance, surety, or guarantee, under regulations issued by
5 the department. Acceptance of proof of financial responsibility under
6 this subsection expires

7 (1) one year from its issuance for self-insurance;

8 (2) on the effective date of a change in the surety bond,
9 guarantee, or insurance agreement; or

10 (3) on the expiration or cancellation of the surety bond,
11 guarantee, or insurance agreement.

12 * Sec. 12. AS 46.03 is amended by adding new sections to read:

13 ARTICLE 5. RADIATION AND HAZARDOUS WASTE PROTECTION.

14 Sec. 46.03.296. DISPOSAL OF HAZARDOUS WASTES. (a) It is unlawful
15 to dispose of hazardous wastes in the state unless

16 (1) the waste has been treated and disposed of in a manner
17 that uses the maximum degree of reduction of the harmful qualities of a
18 hazardous waste which is subject to this chapter and which the depart-
19 ment, on a case-by-case basis, determines is achievable for the hazar-
20 dous waste by application of production processes and available methods,
21 systems and techniques, taking into account energy, environmental, and
22 economic impacts and other costs; and

23 (2) the waste is disposed of in a manner that will ensure
24 the protection of human health, livestock, wildlife, property, and the
25 environment.

26 (b) The department shall adopt regulations in accordance with the
27 Administrative Procedure Act (AS 44.62) for the treatment, storage, and
28 disposal of hazardous wastes to ensure the protection of human health,
29 livestock, wildlife, property, and the environment.

1 Sec. 46.03.299. CONTROL OF HAZARDOUS WASTES. The department
2 shall, by regulations adopted under the Administrative Procedure Act
3 (AS 44.62), establish a state hazardous waste program; the state hazar-
4 dous waste program shall

5 (1) consistent with the Federal Resource Conservation and
6 Recovery Act of 1976 (P.L. 94-580, 42 U.S.C. 6901-6987),

7 (A) establish criteria to identify the characteristics
8 of hazardous wastes;

9 (B) enumerate specific hazardous wastes subject to the
10 provisions of AS 46.03.302 and 46.03.305; and

11 (C) identify the sources of hazardous wastes enumerated
12 under (B) of this paragraph;

13 (2) qualify the department to receive authorization from the
14 administrator of the Environmental Protection Agency to administer and
15 enforce a hazardous waste program in accordance with the Federal
16 Resource Conservation and Recovery Act;

17 (3) determine the amount of a hazardous waste that is so
18 small as to not present a hazard to public health, livestock, fish,
19 wildlife, and the environment of the state when disposed of;

20 (4) exempt a person who generates, treats, transports,
21 stores, or disposes of a hazardous waste from the provisions of this
22 chapter if the quantity of the hazardous waste is less than the amount
23 identified in (3) of this section;

24 (5) establish

25 (A) criteria for identifying appropriate hazardous
26 waste disposal site locations;

27 (B) procedures by which the public shall have opportun-
28 ity to

29 (1) participate in hazardous waste disposal site

1 locations;

2 (ii) review and comment on issuance of hazardous
3 waste disposal permits by the department; and

4 (6) avoid duplication of federal laws and regulations relat-
5 ing to the control of hazardous wastes.

6 Sec. 46.03.302. HAZARDOUS WASTE PERMIT. (a) A person may not
7 process, transport, store, or dispose of a hazardous waste as defined
8 by the department by regulation unless that person first secures a
9 permit from the department and submits to the department any reports or
10 manifests that the department may require for handling the hazardous
11 wastes.

12 (b) A person who generates hazardous waste is not required to
13 obtain a permit under (a) of this section unless the person also pro-
14 cesses, transports, stores, or disposes of the hazardous waste.

15 Sec. 46.03.305. HAZARDOUS WASTE REPORTS AND MANIFESTS. A person
16 who generates hazardous wastes shall submit to the department reports
17 or manifests that the department may require for handling the hazardous
18 wastes.

19 Sec. 46.03.308. TRANSPORTATION OF HAZARDOUS WASTES. Hazardous
20 wastes may not be transported to a hazardous waste disposal site unless
21 the wastes are accompanied by a report or manifest which the department
22 may require for handling hazardous wastes.

23 Sec. 46.03.311. PUBLIC RECORDS. (a) Permits, permit applica-
24 tions, records, reports, and information and documentation obtained
25 under AS 46.03.302 or 46.03.305 are available to the public for in-
26 spection and copying. However, upon a showing satisfactory to the
27 commissioner that a record, report, permit, application, or information
28 would, if made public, divulge methods or processes entitled to protec-
29 tion as trade secrets, the commissioner shall treat the record, report,

1 permit, application, or information as confidential.

2 (b) Information that is confidential may be transmitted under a
3 continuing restriction of confidentiality to other officers, employees,
4 or authorized representatives of the state or of the United States if

5 (1) the person responsible for furnishing the record,
6 report, permit, application, or information to which such information
7 pertains is informed at least two weeks before the transmittal; and

8 (2) the information has been acquired by the department
9 under the provisions of AS 46.03.296 - 46.03.311.

10 (c) The provisions of this section do not limit the department's
11 authority to release confidential information during emergency situa-
12 tions.

13 * Sec. 13. AS 46.03.790(a) is amended to read:

14 (a) A person who violates or who causes or permits a violation of
15 a provision of this chapter or AS 46.04, or of a regulation, lawful
16 order of the department, or permit, approval, or acceptance, or term or
17 condition of a permit, approval, or acceptance issued under this
18 chapter or AS 46.04 is guilty of a class B misdemeanor [VIOLATION].

19 * Sec. 14. AS 46.03.790(b) is amended to read:

20 (b) A person who wilfully violates a provision of this chapter,
21 or of a regulation, lawful order of the department, or permit, approval,
22 or acceptance, or term or condition of a permit, approval, or accep-
23 tance issued under this chapter or AS 46.04 is guilty of a class A
24 misdemeanor.

25 * Sec. 15. AS 46.03 is amended by adding new sections to read:

26 Sec. 46.03.830. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR
27 PETROCHEMICAL FACILITY OR HAZARDOUS WASTE DISPOSAL SITE OPERATION. (a)
28 A person may not operate a petrochemical facility or a hazardous waste
29 disposal site unless the person has furnished proof to the commissioner

1 of financial ability to control a hazardous waste that will be used in,
2 produced by, or disposed of at the facility or the site. Proof of
3 financial responsibility shall include responsibility for the hazardous
4 waste after the facility or site is closed, and may be demonstrated by
5 self-insurance, insurance, surety, or guarantee, under regulations
6 issued by the department.

7 (b) Acceptance of proof of financial responsibility under this
8 section expires

9 (1) one year from its issuance for self-insurance;

10 (2) on the effective date of a change in the surety bond,
11 guarantee, or insurance agreement; or

12 (3) on the expiration or cancellation of the surety bond,
13 guarantee, or insurance agreement.

14 Sec. 46.03.833. COMPLIANCE WITH FINANCIAL RESPONSIBILITY REQUIRE-
15 MENTS. (a) A person whose proof of financial responsibility is
16 accepted by the department under AS 46.03.830 or under 46.03.100(c)
17 shall notify the department at least 30 days before the effective date
18 of a change, expiration, or cancellation in the surety bond, guarantee,
19 or insurance agreement. Application for renewal of acceptance of proof
20 of financial responsibility under AS 46.03.830 or 46.03.100(c) must be
21 filed at least 30 days before the date of expiration.

22 (b) The department, after notice and hearing, may revoke accept-
23 ance of proof of financial responsibility if it determines that

24 (1) acceptance was procured by fraud or misrepresentation;

25 or

26 (2) a change of circumstance has occurred that warrants
27 revocation under regulations issued by the department.

28 * Sec. 16. AS 46.03.900 is amended by adding new paragraphs to read:

29 (30) "dispose" has the same meaning as the term "disposal" is

1 defined in 42 U.S.C. 6903(3);

2 (31) "hazardous waste" means a waste or combination of wastes
3 which because of quantity, concentration, or physical, chemical, or
4 infectious characteristics may

5 (A) cause, or significantly contribute to, an increase
6 in mortality or an increase in serious irreversible or incapacitating
7 reversible illness; or

8 (B) pose a substantial present or potential hazard to
9 human health or the environment when improperly managed, treated,
10 stored, transported, or disposed of;

11 (32) "manifest" means the form used for identifying the
12 quantity, composition, origin, routing, and destination of a hazardous
13 waste when the hazardous waste is transported;

14 (33) "storage" means the containment of hazardous waste,
15 either on a temporary basis or for a period of years, in a manner that
16 does not constitute disposal of the hazardous waste;

17 (34) "treatment" has the same meaning as the term is defined
18 in 42 U.S.C. 6903(27).

19 * Sec. 17. AS 18.45.010 - 18.45.080 are repealed.

20 * Sec. 18. Sections 1, 2, 6 - 9, and 17 of this Act take effect immedi-
21 ately in accordance with AS 01.10.070(c).

22 * Sec. 19. Sections 3 - 5 of this Act take effect on the date of a final
23 court order ruling AS 18.45.100 as enacted by sec. 1 of this Act invalid or
24 unconstitutional.

25 * Sec. 20. Sections 10 - 16 of this Act take effect July 1, 1981.
26
27
28
29

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Committee Substitute for Committee Substitute for SB 29 (Jud.)
 Title An Act relating to hazardous wastes and to nuclear and radioactive facilities and
 Requested by Commissioner's Office Date 6/12/81

materials.

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Public Health

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

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

IV. DATE 6/12/81

PREPARED BY Sid Heidersdorf
 AGENCY Dept. of Health & Social Services
 PHONE 465-3019

Original: Legislative Finance
 cc: Budget and Management

A M E N D M E N T

OFFERED IN THE HOUSE:

By: FINANCE

To: HCS CS HOUSE BILL No. _____

SENATE BILL No. 29 (JUL)

PAGE: 6

LINE: 21

After "reactor:" add "however, nothing in this act shall apply to a facility that mills and refines uranium ore."

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HCS CSSB 29 (Jud) am
 Title Relating to disposal of radioactive and hazardous wastes
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Department of Environmental Conservation
 Program Category Affected Environmental Conservation
 BRU, Program, or Subprogram(s) Affected Quality Management, Env. Quality Operations
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		273.9				
200 TRAVEL		36.0				
300 CONTRACTUAL		234.3				
400 COMMODITIES		18.3				
500 EQUIPMENT		28.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		591.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		591.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 6/18/81 PREPARED BY Albert Adams, Chairman
 AGENCY House Finance Committee
 Original: Legislative Finance PHONE _____
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

AMENDMENT

OFFERED IN THE HOUSE:

By: FINANCE

To: HCS CS HOUSE BILL No. _____

SENATE BILL No. 29 (Jud)

PAGE: 6

LINE: 21

After "reactor;" add "however, nothing in this act shall apply to a facility that mills and refines uranium ore."

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HCS CSSB 29 (Jud) am
Title Relating to disposal of radioactive and hazardous wastes
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Environmental Conservation
Program Category Affected Environmental Conservation
BRU, Program, or Subprogram(s) Affected Quality Management, Env. Quality Operations
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		273.9				
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500 EQUIPMENT		28.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		591.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		591.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 6/18/81 PREPARED BY Albert Adams, Chairman
AGENCY House Finance Committee
PHONE _____
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

012775

PROPOSED AMENDMENTS TO HOUSE COMMITTEE SUBSTITUTE
FOR COMMITTEE SUBSTITUTE FOR SB 29 (FINANCE COMMITTEE)

Amendment No. 1

Section 1 of SB 29 which proports to prohibit all nuclear facilities. Section SEE.18.45.100. NUCLEAR FACILITIES PROHIBITED - a person may not construct a nuclear field production facility, a nuclear utilization facility, a nuclear reprocessing facility, or a nuclear enhancement facility in the state.

EXPLANATION: The above section presents an unconstitutional burden on interstate commerce. Similar statutes have been held on unconstitutional and thus have been nullified. The attorney general's office has also so stated.

Amendment No. 2.

Section 2 - HIGH LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY PERMIT. Would recommend deletion of (c)3 providing for issuance of the permit approval by majority of the registered voters at a general or special state-wide election.

EXPLANATION: The addition of this provides on top of the other obstacles to the construction of a high-level radioactive waste disposal facility will in all likelihood also be declared unconstitutional because the more preconditions imposed upon such a matter that is already in interstate commerce, the greater likelihood it will be declared unconstitutional. Legitimate state interests in this case can be exercised. Such interests do include siting of a facility, but where the exercise of local interest can stop such a project, it becomes illegal. The best way for the state to exercise its legitimate interest is by way of regulation and legislative approval. The more obstacles placed in front of the siting of such a facility, the greater the likelihood that the law itself will be thrown out.

Amendment No. 3

Section 3 - FACILITIES. Recommend the deletion of the term "nuclear fuel production facility" from the list of nuclear facilities to be regulated.

EXPLANATION: The major problem with the term nuclear fuel production facility relates to it overlapping with the term "nuclear enhancement facility" thus leading to the interpretation that the Legislature intended to regulate all forms of radioactive facilities including uranium mills. In essence, the uranium ore goes through several processes from the time it is leaves the ground to the time it becomes useable in a nuclear facility. The problem with this bill is that it sweeps too broadly, and the definition could be read to include simple uranium mill thus virtually stopping the operation of any future uranium mines in the state. The Legislature can effect its goal of exercising legitimate state interest in the regulation of these facilities, but need not go that far.

Amendment No. 4

Recommend the amendment of Section 6, Line 9, by deleting the "." and adding a "," and stating "except as provided under this section."

EXPLANATION: The outright prohibition in Subsection a is inconsistent with the provision in Subsection b that permits such intrastate transportation of radioactive wastes with a permit. This is a simple technical amendment which conforms the legislation.

Amendment No. 5

Section 6. Recommend adding a definition of a nuclear enhancement facility to stipulate that this is intended to apply to uranium enrichment plants.

EXPLANATION: Would recommend tying this definition to that of the federal definition.

Page 6 line 21

AMEND SECTION 18.45.160(4)

(4) "Nuclear fuel production facility" means a facility that purifies radioactive mineral concentrates and fabricates fissionable material to be used in for producing energy in a nuclear reactor; however, nothing in this act shall apply to a facility that mills and refines uranium ore.

EXPLANATION

Ensures that the definition of nuclear fuel production facility applies only to a uranium enrichment plant. The present language could be construed as to include a uranium mill and such facilities are an essential part of any uranium operation.

Original sponsor: Kerttula

Offered: 6/8/81
Referred: Finance

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 29 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hazardous wastes and to nuclear
7 and radioactive facilities and materials; and providing
8 for an effective date."

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

10 * Section 1. AS 18.45 is amended by adding a new section to read:

11 Sec. 18.45.100. NUCLEAR FACILITIES PROHIBITED. A person may not
12 construct a nuclear fuel production facility, a nuclear utilization
13 facility, a nuclear reprocessing facility, or a nuclear enhancement
14 facility in the state.

15 * Sec. 2. AS 18.45 is amended by adding new sections to read:

16 Sec. 18.45.110. HIGH LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY
17 PERMIT. (a) A person may not construct a high level radioactive waste
18 disposal facility in the state unless he has first obtained a permit
19 from the commissioner to construct the facility on land designated by
20 the legislature under (b) of this section.

21 (b) The legislature shall designate by law the land in the state
22 on which a high level radioactive waste disposal facility may be
23 located.

24 (c) A permit may not be issued by the commissioner under this
25 section unless

26 (1) the governor has approved the permit;

27 (2) local approval has been obtained; local approval is
28 obtained

29 (A) if the municipality with jurisdiction over the

1 proposed facility site has approved the permit; or

2 (B) if the facility is to be located in the unorganized
3 borough, a majority of the registered voters who live within 100
4 miles of the proposed facility votes to approve the issuance of
5 the permit at a general election of the state or at a special
6 election of the state called for the purpose; and

7 (3) issuance of the permit is approved by a majority of the
8 registered voters at a general or special statewide election.

9 (d) The commissioner shall adopt regulations governing the issu-
10 ance of permits required by this section.

11 Sec. 18.45.120. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED FOR
12 FACILITY OPERATION. (a) A person may not operate a high level radio-
13 active waste disposal facility unless he has furnished proof to the
14 commissioner of financial ability to care for the radioactive material
15 that will be used in the facility until the material is no longer a
16 threat to health or safety, as determined by the commissioner by regu-
17 lation. Financial responsibility may be demonstrated by self-insurance,
18 insurance, surety, or guarantee, under terms the commissioner may pre-
19 scribe.

20 (b) Acceptance of proof of financial responsibility under this
21 section expires

22 (1) one year from its issuance for self-insurance;

23 (2) on the effective date of a change in the surety bond,
24 guarantee, or insurance agreement; or

25 (3) on the expiration or cancellation of the surety bond,
26 guarantee, or insurance agreement.

27 (c) The person whose proof of financial responsibility is accepted
28 by the commissioner under this section shall notify the commissioner at
29 least 30 days before the effective date of a change, expiration or