

REG. FINANCE - BILLS 1983 - 1984 2126
SSB 461 - SB 464 2126

COMMITTEE REPORT
HOUSE

(11)

FURTHER:

5/24/84

Date: 5-25-84

The Committee on FINANCE has had CS 461 (Res)

"An Act relating to the management and use of water in mining;
and providing for an effective date."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS 461 (Res) same title
 new title
- and recommends Individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: Fahrenkamp

1 IN THE SENATE

BY THE HOUSE SPECIAL
COMMITTEE ON STATE LOANS

2 HOUSE CS FOR CS FOR SENATE BILL NO. 461 (Loans)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management and use of water
7 in mining; and providing for an effective date."

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

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 16. MANAGEMENT AND USE OF WATER IN MINING.

11 Sec. 46.16.010. MINING WATER USE REVIEW COMMITTEE ESTABLISHED.

12 The mining water use review committee is established. The review
13 committee is responsible for reviewing and making recommendations on
14 applications for grants under this chapter.

15 Sec. 46.16.020. MEMBERSHIP OF THE REVIEW COMMITTEE. (a) The
16 review committee consists of the commissioner of natural resources,
17 the commissioner of environmental conservation, the dean of the school
18 of mineral industry at the University of Alaska, two individuals
19 appointed by the governor who have placer mining experience, and one
20 public member appointed by the governor.

21 (b) An individual described in (a) of this section who serves ex
22 officio may designate an alternate to serve on the review committee.

23 (c) An individual appointed by the governor serves for a three-
24 year term.

25 Sec. 46.16.030. RESPONSIBILITY OF THE REVIEW COMMITTEE. (a)

26 The review committee shall select a presiding officer and establish
27 procedures necessary to implement its responsibilities.

28 (b) The review committee shall review each application for a
29 grant filed under this chapter and make a recommendation to the

1 commissioner of natural resources or to the commissioner of environ-
2 mental conservation for action on the application.

3 (c) In making its recommendation, the committee shall consider
4 the economic benefits to the placer mining industry, the environmental
5 benefits to the public, and other benefits that each grant may offer.

6 Sec. 46.16.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
7 SOURCES. The commissioner of natural resources shall administer the
8 innovative gold recovery demonstration grant program established under
9 AS 46.16.070.

10 Sec. 46.16.050. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
11 CONSERVATION. The commissioner of environmental conservation shall
12 administer the innovative pollution control demonstration grant
13 program established under AS 46.16.080.

14 Sec. 46.16.060. UNIFORM REGULATIONS. The commissioner of
15 natural resources and the commissioner of environmental conservation
16 shall adopt uniform regulations and administrative procedures to
17 implement the grant program established by this chapter.

18 Sec. 46.16.070. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.
19 (a) The innovative gold recovery demonstration grant program is
20 established as a direct grant program to give a person engaged in
21 placer mining the opportunity to study and test new methods of gold
22 recovery and water use reduction.

23 (b) The commissioner of natural resources may make a grant under
24 this section to a person that has

25 (1) a proven history of successful placer mining in the
26 state;

27 (2) the capability to produce verifiable results; and

28 (3) the capability to study and test new methods of gold
29 recovery and water use reduction under actual operating conditions.

1 (c) The commissioner of natural resources may not make a grant
2 under this section to a person in excess of \$100,000.

3 (d) The commissioner of natural resources shall monitor and
4 evaluate the results of grants made under this section.

5 Sec. 46.16.08C. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
6 PROGRAM. (a) The innovative pollution control demonstration grant
7 program is established as a direct grant program to give a person
8 engaged in placer mining the opportunity to study and test innovative
9 and economically viable mining techniques for waste disposal and
10 pollution control in placer mining.

11 (b) The commissioner of environmental conservation may make
12 grants under this section to a person that has

13 (1) a proven history of successful placer mining in the
14 state;

15 (2) the capability to produce verifiable results; and

16 (3) the capability to study and test innovative and econom-
17 ically viable techniques for waste disposal and pollution control in
18 placer mining.

19 (c) The commissioner of environmental conservation may not make
20 a grant under this section to a person in excess of \$100,000.

21 (d) The commissioner of environmental conservation shall monitor
22 and evaluate the results of grants made under this section.

23 Sec. 46.16.090. ACCESS TO INFORMATION. (a) All information
24 generated as a result of grants made under this chapter is public
25 information. The commissioner of natural resources and the commis-
26 sioner of environmental conservation shall compile, analyze, and
27 distribute the information for the benefit of the placer mining indus-
28 try and the state and federal governments.

29 (b) The contents of an application for a grant are available to

1 the extent permitted under AS 09.25.110 and 09.25.120.

2 Sec. 46.16.100. PATENTS. A person who applies for a grant under
3 this chapter shall assign to the state the right to patent any
4 patentable process developed as a result of a grant under this chap-
5 ter. The department making the grant shall seek to patent any patent-
6 able process developed as a result of a grant under this chapter. The
7 state shall license without cost to a person engaged in placer mining
8 in the state the right to use in the state a patented process that was
9 developed as a result of a grant under this chapter.

10 * Sec. 2. This Act takes effect July 1, 1984.
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STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 24, 1984

REQUEST

Bill/Resolution No.: HCS CSSB 461

Title: Management and Use of (Loans) Water in Mining

Sponsor: Fahrenkamp

Requestor:

Date of Request:

FISCAL DETAIL

Agency Affected: Natural Resources

Program Category Affected:

BRU, Program or Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		7.0	7.0			
300 CONTRACTUAL		15.0	15.0			
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		22.0	22.0			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		22.0	22.0			
FEDERAL FUNDS						
OTHER		22.0	22.0			
TOTAL		22.0	22.0			

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

general funds

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Adams, Chair

Division: House Finance Committee

Phone: 465-3706

Date: May 24, 1984

Approved by Commissioner:

Date:

Agency:

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

12/1/83

200. TRAVEL. Travel will be needed for attending review committee meetings and for site inspections.

300. CONTRACTUAL. The department will need contractual funds to perform the necessary sampling, analysis and evaluation to fulfill the monitoring mandated by the legislation.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 24, 1984

REQUEST

Bill/Resolution No.: HCS CSSB 461
Title: Management and Use of
Water in Mining
Sponsor: _____
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Environmental Conservation
Program Category Affected: _____
BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		49.5	52.9	0		
200 TRAVEL		10.0	10.0	0		
300 CONTRACTUAL		18.4	25.0	20		
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		77.9	87.9	20		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		77.9	87.9	20		
FEDERAL FUNDS						
OTHER						
TOTAL		77.9	87.9	20		

POSITIONS:

FULL-TIME				0		
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Al Adams, Chair *AA* Phone: 465-3706
Division: House Finance Committee Date: May 24, 1984

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
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12/1/83

200. TRAVEL. Travel will be needed for attending review committee meetings and for site inspections.

300. CONTRACTUAL. The department will need contractual funds to perform the necessary sampling, analysis and evaluation to fulfill the monitoring mandated by the legislation.

POSITION PAPER

ON

SENATE BILL 461

BY

Richard A. Neve'
Commissioner

Alaska Department of Environmental Conservation

March 22, 1984

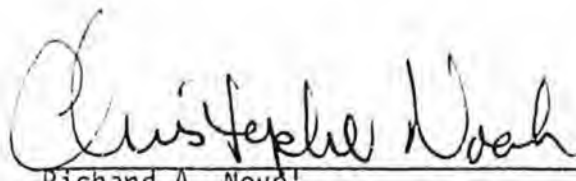
An Act Relating to the Management and Use
of Water in Mining

The Department wholeheartedly, enthusiastically supports this legislation. This bill would demonstrate new ideas in pollution control and increased gold recovery, which suprisingly are often compatible. Archaic sluice box "technology" fails to capture fine gold particles and demands high water use, thus causing costly pumping and waste treatment problems. This bill provides incentive to focus research, money, miners' natural ingenuity, and state laboratory, engineering, and technical resources on broad, innovative schemes to increase gold recovery, reduce water consumption, reduce discharges to streams, and give new thought to decreasing waste generation.

This bill has a meritorious aspect deserving special note: it places the Alaskan miner, with admirable ingenuity and resourcefulness, in the lead role to develop his own ideas and make them work. Government bureaucrats and consultants take a secondary role: that of testing and writing evaluations. It also places DEC and DNR field staff in an enviable positive situation -- that of verifying water reduction and recycling successes and making loan forgiveness an easy matter for the miner.

It's much better to spend time and money on increasing gold recovery and reducing water consumption and discharge than on digging deeper settling ponds. New methods and technology and their applications offer the best solution for the future of placer mining. This bill provides for just that.

The department is unable, however, to support creation of an advisory board. We suggest incorporating the duties and powers of this proposed advisory board into an existing board or creation of a review committee and guidance therefor.


Richard A. Neve'
Commissioner

SECTIONAL ANALYSIS

House CS for CSSB 461 (Loans)

Section 1 of the bill amends Title 46 by adding a Chapter 16, "Management and Use of Water in Mining."

Section 010 establishes a "mining water use review committee." The committee is charged with "reviewing and making recommendations (to the commissioners of DNR and DEC) on applications for grants under this chapter." This committee has all the usual powers of a similarly-established board or commission, and its members are entitled to the usual travel and per diem.

Section 020(a) provides for the membership of the committee: the commissioners of DNR and DEC, the dean of the school of mineral industry at the University, two appointees of the governor who have "placer mining experience", and a public member appointed by the governor.

Section 020(b) permits a member of the committee who serves ex officio to designate an alternate.

Section 020(c) provides that appointees to the committee serve a three year term. Members who serve by virtue of other positions serve so long as they hold those other positions.

Section 030(a) directs the committee to select a presiding officer and to "establish procedures necessary to implement its responsibilities."

Section 030(b) directs the committee to review each application for a grant filed under the chapter to the appropriate commissioner (DNR or DEC) for action on the application.

Section 030(c) establishes the broad goals of the committee in its review of the applications: "the economic benefits to the placer mining industry, the environmental benefits to the public, and other benefits" that each grant would offer.

Section 040 directs the commissioner of DNR to implement the innovative gold recovery demonstration grant program (sec.070).

Section 050 directs the commissioner of DEC to administer the innovative pollution control demonstration grant program (sec.080).

Section 060 directs the commissioners of DNR and DEC to establish "uniform regulations and administrative procedures" to implement the grant programs established under the chapter.

Section 070(a) establishes the "innovative gold recovery demonstration grant program" as a direct grant program for the study and test of "gold recovery and water use reduction.

Section 070(b) establishes the tests for the commissioner's determination on grant applications after review by the review committee: (1) a history of successful placer mining in the state; (2) the capability to produce verifiable results; and (3) the capability to study and test new methods of gold recovery and water use reduction under actual operating conditions.

Section 070(c) limits grants to \$100,000.00.

Section 070(d) requires the commissioner to monitor and evaluate the results of the grants made under this section.

Section 080(a) establishes the "innovative pollution control demonstration program" as a direct grant program to give a person engaged in placer mining an opportunity to study and test innovative and economically viable mining techniques for waste disposal and pollution control in placer mining.

Section 080(b) establishes the tests for the commissioner's determination on grant applications: (1) a history of successful placer mining in the state; (2) the capability to produce verifiable results; and (3) the capability to study and test new methods of innovative and economically viable techniques for waste disposal and pollution control in placer mining.

Section 080(c) limits grants to \$100,000.00.

Section 080(d) requires the commissioner to monitor and evaluate the results of grants made under the section.

Section 090(a) provides that the "information gathered and obtained from grants made under this chapter" is public information. The commissioners are directed to compile, analyze and distribute broadly the information gathered.

Section 090(b) provides that the contents of the applications for grants under the chapter are available for public inspection to the extent permitted under AS 09.25.110 and AS 09.25.120 (attached).

Section 100 provides that a person who applies for and receives a grant under these programs must assign to the State any patentable process developed as a result of a grant under this chapter. The State shall seek to patent any patentable process and must make the patentable process available to any placer miner in the state without cost.

Section 2 of the bill provides an effective date of July 1, 1984.

Sec. 09.25.110. Inspection and copies of public records. Unless specifically provided otherwise the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record. (§ 3.22 ch 101 SLA 1962)

Sec. 09.25.120. Inspection and copying of public records. Every person has a right to inspect a public writing or record in the state, including public writings and records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50; (2) records pertaining to juveniles, (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the legal fees therefor a certified copy of the writing or record, and the copy shall in all cases be evidence of the original. Recordors shall permit memoranda, transcripts, and copies of the public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public writings and records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public writings and records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the writings and records and to prevent interference with the regular discharge of the duties of the recordors and their employees. (§ 3.23 ch 101 SLA 1962)

Original sponsor: Fahrenkamp

1 IN THE SENATE

BY THE HOUSE SPECIAL
COMMITTEE ON STATE LOANS

2 HOUSE CS FOR CS FOR SENATE BILL NO. 461 (Loans)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management and use of water
7 in mining; and providing for an effective date."

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

9 * Section 1. AS 4, is amended by adding a new chapter to read:

10 CHAPTER 16. MANAGEMENT AND USE OF WATER IN MINING.

11 Sec. 46.16.010. MINING WATER USE REVIEW COMMITTEE ESTABLISHED.

12 The mining water use review committee is established. The review
13 committee is responsible for reviewing and making recommendations on
14 applications for grants under this chapter.

15 Sec. 46.16.020. MEMBERSHIP OF THE REVIEW COMMITTEE. (a) The
16 review committee consists of the commissioner of natural resources,
17 the commissioner of environmental conservation, the dean of the school
18 of mineral industry at the University of Alaska, two individuals
19 appointed by the governor who have placer mining experience, and one
20 public member appointed by the governor.

21 (b) An individual described in (a) of this section who serves ex
22 officio may designate an alternate to serve on the review committee.

23 (c) An individual appointed by the governor serves for a three-
24 year term.

25 Sec. 46.16.030. RESPONSIBILITY OF THE REVIEW COMMITTEE. (a)
26 The review committee shall select a presiding officer and establish
27 procedures necessary to implement its responsibilities.

28 (b) The review committee shall review each application for a
29 grant filed under this chapter and make a recommendation to the

1 commissioner of natural resources or to the commissioner of environ-
2 mental conservation for action on the application.

3 (c) In making its recommendation, the committee shall consider
4 the economic benefits to the placer mining industry, the environmental
5 benefits to the public, and other benefits that each grant may offer.

6 Sec. 46.16.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
7 SOURCES. The commissioner of natural resources shall administer the
8 innovative gold recovery demonstration grant program established under
9 AS 46.16.070.

10 Sec. 46.16.050. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
11 CONSERVATION. The commissioner of environmental conservation shall
12 administer the innovative pollution control demonstration grant
13 program established under AS 46.16.080.

14 Sec. 46.16.060. UNIFORM REGULATIONS. The commissioner of
15 natural resources and the commissioner of environmental conservation
16 shall adopt uniform regulations and administrative procedures to
17 implement the grant program established by this chapter.

18 Sec. 46.16.070. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.
19 (a) The innovative gold recovery demonstration grant program is
20 established as a direct grant program to give a person engaged in
21 placer mining the opportunity to study and test new methods of gold
22 recovery and water use reduction.

23 (b) The commissioner of natural resources may make a grant under
24 this section to a person that has

25 (1) a proven history of successful placer mining in the
26 state;

27 (2) the capability to produce verifiable results; and

28 (3) the capability to study and test new methods of gold
29 recovery and water use reduction under actual operating conditions.

1 (c) The commissioner of natural resources may not make a grant
2 under this section to a person in excess of \$100,000.

3 (d) The commissioner of natural resources shall monitor and
4 evaluate the results of grants made under this section.

5 Sec. 46.16.080. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
6 PROGRAM. (a) The innovative pollution control demonstration grant
7 program is established as a direct grant program to give a person
8 engaged in placer mining the opportunity to study and test innovative
9 and economically viable mining techniques for waste disposal and
10 pollution control in placer mining.

11 (b) The commissioner of environmental conservation may make
12 grants under this section to a person that has

13 (1) a proven history of successful placer mining in the
14 state;

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17 ically viable techniques for waste disposal and pollution control in
18 placer mining.

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20 a grant under this section to a person in excess of \$100,000.

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22 and evaluate the results of grants made under this section.

23 Sec. 46.16.090. ACCESS TO INFORMATION. (a) All information
24 generated as a result of grants made under this chapter is public
25 information. The commissioner of natural resources and the commis-
26 sioner of environmental conservation shall compile, analyze, and
27 distribute the information for the benefit of the placer mining indus-
28 try and the state and federal governments.

29 (b) The contents of an application for a grant are available to

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the extent permitted under AS 09.25.110 and 09.25.120.

Sec. 46.16.100. PATENTS. A person who applies for a grant under this chapter shall assign to the state the right to patent any patentable process developed as a result of a grant under this chapter. The department making the grant shall seek to patent any patentable process developed as a result of a grant under this chapter. The state shall license without cost to a person engaged in placer mining in the state the right to use in the state a patented process that was developed as a result of a grant under this chapter.

* Sec. 2. This Act takes effect July 1, 1984.

CHAIRMAN
HOUSE SPECIAL COMMITTEE
ON STATE LOANS
VICE-CHAIRMAN
HOUSE RESOURCES COMMITTEE
HOUSE LABOR AND COMMERCE COMMITTEE
MEMBER
JOINT OIL & GAS COMMITTEE
HOUSE FINANCE SUBCOMMITTEE ON
ADMINISTRATION, REVENUE
AND THE GOVERNOR'S OFFICE

Alaska State Legislature



House of Representatives

Representative
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MEMORANDUM

Date: May 22 1984
To: Members, House Special Committee On State Loans
From: Rep. Rick Uehling, Chairman
Subject: Loans Committee Substitute for SB461

I have staff to prepare a comparison of the proposed Committee Substitute I have had prepared for SB461 " An Act relating to the management and use of water in mining; and providing for an effective date".

Placer Miners in this State are facing increasing difficulties in meeting State and Federal Water Quality Standards. The intent of this Legislation is to help Placer Miners develop new technology to meet the challenge of the upcoming years and to insure that Placer Mining remains a part of the Alaskan Economy. Senate Bill 461 as it left the House Resources Committee established a total of four new programs for this purpose. During the House Resources hearing on this legislation, a great many questions were raised about the advisability of establishing four different programs, two of which were Grant Programs and two of which were Loan/Grant Programs. After discussions with the Prime sponsor, Senator Fahrenkamp it was determined that the purposes of the legislation could be adequately addressed with the establishment of the two grant programs only.

The following details the changes made to the House Resources Committee Substitute by the proposed Loans Committee Substitute.

Section 1 - no change

Section 010- no change

Section 020- no change

Section 030- page two line 5 under subsection (c) Deletes "or loan "

Page Two

Section 040- page two line 10 deletes " and the placer mining water reduction loan program established under AS46.16.080. "

Section 050- page two line 15 deletes " and the placer mining water recycling loan program established under AS 46.16.100. "

Section 060- page two line 20 deletes " loan and".

Section 070- no change.

Section 080- This section is deleted (page three lines 7 thru page four line five).

Section 090- no change (this is renumbered Section 080).

Section 100- This section is deleted (page four line 23 thru page five line 20).

Section 110- Page five, line 22 deletes " loans and " line 27 deletes "or a loan" (this is renumbered Section 090).

New Section 100- This section has been added in order to clarify that patents for new technology will remain with the State.

Section 2- no change.

Offered: 5/22/84
Referred: House Special Committee on
State Loans and Finance

Original sponsor: Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 461 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the management and use of water
7 in mining; and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 46 is amended by adding a new chapter to read:
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11 Sec. 46.16.010. MINING WATER USE REVIEW COMMITTEE ESTABLISHED.
12 The mining water use review committee is established. The review
13 committee is responsible for reviewing and making recommendations on
14 applications for grants and loans under this chapter.
15 Sec. 46.16.020. MEMBERSHIP OF THE REVIEW COMMITTEE. (a) The
16 review committee consists of the commissioner of natural resources,
17 the commissioner of environmental conservation, the dean of the school
18 of mineral industry at the University of Alaska, two individuals
19 appointed by the governor who have placer mining experience, and one
20 public member appointed by the governor.
21 (b) An individual described in (a) of this section who serves ex
22 officio may designate an alternate to serve on the review committee.
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24 year term.
25 Sec. 46.16.030. RESPONSIBILITY OF THE REVIEW COMMITTEE. (a)
26 The review committee shall select a presiding officer and establish
27 procedures necessary to implement its responsibilities.
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29 grant or a loan filed under this chapter and make a recommendation to

1 the commissioner of natural resources or to the commissioner of en-
2 vironmental conservation for action on the application.

3 (c) In making its recommendation, the committee shall consider
4 the economic benefits to the placer mining industry, the environmental
5 benefits to the public, and other benefits that each grant or loan may
6 offer.

7 Sec. 46.16.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
8 SOURCES. The commissioner of natural resources shall administer the
9 innovative gold recovery demonstration grant program established under
10 AS 46.16.070 and the placer mining water reduction loan program estab-
11 lished under AS 46.16.080.

12 Sec. 46.16.050. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
13 CONSERVATION. The commissioner of environmental conservation shall
14 administer the innovative pollution control demonstration grant estab-
15 lished under AS 46.16.090 and the placer mining water recycling loan
16 program established under AS 46.16.100.

17 Sec. 46.16.060. UNIFORM REGULATIONS. The commissioner of
18 natural resources and the commissioner of environmental conservation
19 shall adopt uniform regulations and administrative procedures to
20 implement the loan and grant program established by this chapter.

21 Sec. 46.16.070. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.
22 (a) The innovative gold recovery demonstration grant program is
23 established as a direct grant program to give a person engaged in
24 placer mining the opportunity to study and test new methods of gold
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26 (b) The commissioner of natural resources may make a grant under
27 this section to a person that has

- 28 (1) a proven history of successful placer mining;
29 (2) the capability to produce verifiable results; and

1 (3) the capability to study and test new methods of gold
2 recovery and water use reduction under actual operating conditions.

3 (c) The commissioner of natural resources may not make a grant
4 under this section to a person in excess of \$100,000.

5 (d) The commissioner of natural resources shall monitor and
6 evaluate the results of grants made under this section.

7 Sec. 46.16.080. PLACER MINING WATER REDUCTION LOAN AND GRANT.

8 (a) The placer mining water reduction program is established as a
9 loan and grant program.

10 (b) A person whose primary source of income is derived from
11 placer mining may apply for a loan to purchase and test equipment that
12 reasonably offers the possibility of a reduction in the amount of
13 water used in placer mining.

14 (c) If a loan applicant demonstrates to the satisfaction of the
15 review committee that the loan applicant has developed and will use on
16 a continuing basis a practical method that will result in a 50 percent
17 reduction in the amount of water used in the placer mining operation,
18 the review committee may recommend to the commissioner of natural
19 resources that 50 percent of the loan be considered a grant to the
20 loan applicant.

21 (d) If a loan applicant demonstrates to the satisfaction of the
22 review committee that the loan applicant has developed and will use on
23 a continuing basis a practical method that will result in an 80 per-
24 cent reduction in the amount of water used in the placer mining opera-
25 tion, the review committee may recommend to the commissioner of natu-
26 ral resources that the entire loan be considered a grant to the appli-
27 cant.

28 (e) A loan under this section may not

- 29 (1) exceed \$50,000;

- 1 (2) exceed a term of 10 years;
2 (3) have an interest rate exceeding 10 percent per annum;
3 or
4 (4) have a repayment schedule requiring payments within one
5 year after the loan was disbursed to the applicant.

6 Sec. 46.16.090. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
7 PROGRAM. (a) The innovative pollution control demonstration grant
8 program is established as a direct grant program to give a person
9 engaged in placer mining the opportunity to study and test innovative
10 and economically viable mining techniques for waste disposal and
11 pollution control in placer mining.

12 (b) The commissioner of environmental conservation may make
13 grants under this section to a person that has

- 14 (1) a proven history of successful placer mining;
15 (2) the capability to produce verifiable results; and
16 (3) the capability to study and test innovative and econom-
17 ically viable techniques for waste disposal and pollution control in
18 placer mining.

19 (c) The commissioner of environmental conservation may not make
20 a grant under this section to a person in excess of \$100,000.

21 (d) The commissioner of environmental conservation shall monitor
22 and evaluate the results of grants made under this section.

23 Sec. 46.16.100. PLACER MINING WATER RECYCLING LOAN AND GRANT
24 PROGRAM. (a) The placer mining water recycling program is estab-
25 lished as a loan and grant program.

26 (b) A person whose primary source of income is derived from
27 placer mining may apply for a loan to purchase and test equipment that
28 reasonably offers the possibility of recycling the water used in
29 placer mining.

1 (c) If a loan applicant demonstrates to the satisfaction of the
2 review committee that the loan applicant has developed and will use on
3 a continuing basis a practical method that will result in recycling 50
4 percent of the water used in the placer mining operation, the review
5 committee may recommend to the commissioner of environmental conserva-
6 tion that 50 percent of the loan be considered a grant to the loan
7 applicant.

8 (d) If a loan applicant demonstrates to the satisfaction of the
9 review committee that the loan applicant has developed and will use on
10 a continuing basis a practical method that will result in recycling 80
11 percent of the water used in the placer mining operation, the review
12 committee may recommend to the commissioner of environmental conserva-
13 tion that the entire loan be considered a grant to the applicant.

14 (e) A loan under this section may not

- 15 (1) exceed \$50,000;
16 (2) exceed a term of 10 years;
17 (3) have an interest rate exceeding 10 percent per annum;

18 or

19 (4) have a repayment schedule requiring payments within one
20 year after the loan was disbursed to the applicant.

21 Sec. 46.16.110. ACCESS TO INFORMATION. (a) All information
22 generated as a result of loans and grants made under this chapter is
23 public information. The commissioner of natural resources and the
24 commissioner of environmental conservation shall compile, analyze, and
25 distribute the information for the benefit of the placer mining indus-
26 try and the state and federal governments.

27 (b) The contents of an application for a grant or a loan are
28 available to the extent permitted under AS 09.25.110 and 09.25.120.

29 * Sec. 2. This Act takes effect July 1, 1984.

Offered: 3/30/84
Referred: Finance

Original sponsor: Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SENATE BILL NO. 461 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the management and use of water
7 in mining; and providing for an effective date."

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

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 16. MANAGEMENT AND USE OF WATER IN MINING.

11 Sec. 46.16.010. MINING WATER USE REVIEW COMMITTEE ESTABLISHED.

12 The mining water use review committee is established. The review
13 committee is responsible for reviewing and making recommendations on
14 applications for grants and loans under this chapter.

15 Sec. 46.16.020. MEMBERSHIP OF THE REVIEW COMMITTEE. (a) The
16 review committee consists of the commissioner of natural resources,
17 the commissioner of environmental conservation, the dean of the school
18 of mineral industry at the University of Alaska, two individuals
19 appointed by the governor who have placer mining experience, and one
20 public member appointed by the governor.

21 (b) An individual described in (a) of this section who serves ex
22 officio may designate an alternate to serve on the review committee.

23 (c) An individual appointed by the governor serves for a three-
24 year term.

25 Sec. 46.16.030. RESPONSIBILITY OF THE REVIEW COMMITTEE. (a)

26 The review committee shall select a presiding officer and establish
27 procedures necessary to implement its responsibilities.

28 (b) The review committee shall review each application for a
29 grant or a loan filed under this chapter and make a recommendation to

1 the commissioner of natural resources or to the commissioner of en-
2 vironmental conservation for action on the application.

3 (c) In making its recommendation, the committee shall consider
4 the economic benefits to the placer mining industry, the environmental
5 benefits to the public, and other benefits that each grant or loan may
6 offer.

7 Sec. 46.16.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
8 SOURCES. The commissioner of natural resources shall administer the
9 innovative gold recovery demonstration grant program established under
10 AS 46.16.070 and the placer mining water reduction loan program estab-
11 lished under AS 46.16.080.

12 Sec. 46.16.050. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
13 CONSERVATION. The commissioner of environmental conservation shall
14 administer the innovative pollution control demonstration grant estab-
15 lished under AS 46.16.090 and the placer mining water recycling loan
16 program established under AS 46.16.100.

17 Sec. 46.16.060. UNIFORM REGULATIONS. The commissioner of
18 natural resources and the commissioner of environmental conservation
19 shall adopt uniform regulations and administrative procedures to
20 implement the loan and grant program established by this chapter.

21 Sec. 46.16.070. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.
22 (a) The innovative gold recovery demonstration grant program is
23 established as a direct grant program to give a person engaged in
24 placer mining the opportunity to study and test new methods of gold
25 recovery and water use reduction.

26 (b) The commissioner of natural resources may make a grant under
27 this section to a person that has

- 28 (1) a proven history of successful placer mining;
29 (2) the capability to produce verifiable results; and

1 (3) the capability to study and test new methods of gold
2 recovery and water use reduction under actual operating conditions.

3 (c) The commissioner of natural resources may not make a grant
4 under this section to a person in excess of \$100,000.

5 (d) The commissioner of natural resources shall monitor and
6 evaluate the results of grants made under this section.

7 Sec. 46.16.080. PLACER MINING WATER REDUCTION LOAN AND GRANT.

8 (a) The placer mining water reduction program is established as a
9 loan and grant program.

10 (b) A person whose primary source of income is derived from
11 placer mining may apply for a loan to purchase and test equipment that
12 reasonably offers the possibility of a reduction in the amount of
13 water used in placer mining.

14 (c) If a loan applicant offers evidence reasonably believed by
15 the review committee to indicate a 50 percent reduction in the amount
16 of water used in the placer mining operation, the review committee may
17 recommend to the commissioner of natural resources that 50 percent of
18 the loan be considered a grant to the loan applicant.

19 (d) If a loan applicant offers evidence reasonably believed by
20 the review committee to indicate an 80 percent reduction in the amount
21 of water used in the placer mining operation, the review committee may
22 recommend to the commissioner of natural resources that the entire
23 loan be considered a grant to the applicant.

24 (e) A loan under this section may not

25 (1) exceed \$50,000;

26 (2) exceed a term of 10 years;

27 (3) have an interest rate exceeding 10 percent per annum;

28 or

29 (4) have a repayment schedule requiring payments within one

1 year after the loan was disbursed to the applicant.

2 Sec. 46.16.090. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
3 PROGRAM. (a) The innovative pollution control demonstration grant
4 program is established as a direct grant program to give a person
5 engaged in placer mining the opportunity to study and test innovative
6 and economically viable mining techniques for waste disposal and
7 pollution control in placer mining.

8 (b) The commissioner of environmental conservation may make
9 grants under this section to a person that has

- 10 (1) a proven history of successful placer mining;
11 (2) the capability to produce verifiable results; and
12 (3) the capability to study and test innovative and
13 economically viable techniques for waste disposal and pollution con-
14 trol in placer mining.

15 (c) The commissioner of environmental conservation may not make
16 a grant under this section to a person in excess of \$100,000.

17 (d) The commissioner of environmental conservation shall monitor
18 and evaluate the results of grants made under this section.

19 Sec. 46.16.100. PLACER MINING WATER RECYCLING LOAN AND GRANT
20 PROGRAM. (a) The placer mining water recycling program is estab-
21 lished as a loan and grant program.

22 (b) A person whose primary source of income is derived from
23 placer mining may apply for a loan to purchase and test equipment that
24 reasonably offers the possibility of recycling the water used in
25 placer mining.

26 (c) If a loan applicant offers evidence reasonably believed by
27 the review committee to indicate that the loan applicant has recycled
28 50 percent of the water used in the placer mining operation, the
29 review committee may recommend to the commissioner of environmental

1 conservation that 50 percent of the loan be considered a grant to the
2 loan applicant.

3 (d) If a loan applicant offers evidence reasonably believed by
4 the review committee to indicate that the loan applicant has recycled
5 80 percent of the water used in the placer mining operation, the
6 review committee may recommend to the commissioner of environmental
7 conservation that the entire loan be considered a grant to the appli-
8 cant.

9 (e) A loan under this section may not

10 (1) exceed \$50,000;

11 (2) exceed a term of 10 years;

12 (3) have an interest rate exceeding 10 percent per annum;

13 or

14 (4) have a repayment schedule requiring payments within one
15 year after the loan was disbursed to the applicant.

16 Sec. 46.16.110. ACCESS TO INFORMATION. (a) The information
17 gathered and obtained from loans and grants made under this chapter is
18 public information. The commissioner of natural resources and the
19 commissioner of environmental conservation shall compile, analyze, and
20 distribute the information for the benefit of the placer mining indus-
21 try and the state and federal governments.

22 (b) The contents of an application for a grant or a loan re
23 available to the extent permitted under AS 09.25.110 and 09.25.120.

24 * Sec. 2. This Act takes effect July 1, 1984.

Introduced: 2/13/84
Referred: Resources

1 IN THE SENATE

BY FAHRENKAMP

2

SENATE BILL NO. 61

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the management and use of water

7

in mining; and providing for an effective date."

8

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

9

* Section 1. AS 46 is amended by adding a new chapter to read:

10

CHAPTER 32. MANAGEMENT AND USE OF WATER IN MINING.

11

Sec. 46.32.010. MINING WATER USE BOARD ESTABLISHED. The mining

12

water use board is established. The board is responsible for the

13

implementation of this chapter.

14

Sec. 46.32.020. MEMBERSHIP AND PRESIDING OFFICER OF THE BOARD.

15

(a) The board consists of the commissioner of environmental conserva-

16

tion, the commissioner of natural resources, the commissioner of

17

commerce and economic development, the dean of the school of mineral

18

industry at the University of Alaska, and two individuals appointed by

19

the governor who are familiar with the mining industry.

20

(b) An individual described in (a) of this section who serves ex

21

officio may designate an alternate to serve on the board.

22

(c) The governor may designate the presiding officer of the

23

board.

24

(d) An individual appointed by the governor serves for a three-

25

year term.

26

Sec. 46.32.030. RESPONSIBILITY OF THE BOARD. (a) The board

27

shall review and may approve applications filed with the board for

28

grants or loans filed under this chapter.

29

(b) The board may adopt regulations necessary to implement this

1 chapter.

2 Sec. 46.32.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
3 SOURCES. (a) The commissioner of natural resources shall administer
4 the innovative gold recovery demonstration grant program established
5 under AS 46.32.050 and the placer mining water reduction loan program
6 established under AS 46.32.060.

7 (b) The commissioner of natural resources may adopt regulations
8 necessary to implement this section.

9 Sec. 46.32.050. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.

10 (a) The innovative gold recovery demonstration grant program is
11 established as a direct grant program to give an individual placer
12 miner and a business engaged in placer mining the opportunity to study
13 and test new methods of gold recovery.

14 (b) The commissioner of natural resources shall monitor and
15 evaluate the results of grants made under this section.

16 Sec. 46.32.060. PLACER MINING WATER REDUCTION LOAN AND GRANT.

17 (a) The placer mining water reduction program is established as a
18 loan and grant program.

19 (b) A placer miner may apply for a loan to study technology that
20 reasonably offers the possibility of a reduction in the amount of
21 water used in placer mining. The board shall review and may approve
22 an application for the study of a proposal that the board believes to
23 offer a reasonable possibility of a reduction in the amount of water
24 used in placer mining.

25 (c) If a loan applicant offers evidence that the commissioner of
26 natural resources reasonably believes has reduced the amount of water
27 used in the placer mining operation by 50 percent, the commissioner
28 may recommend to the board that 50 percent of the loan be considered a
29 grant to the loan applicant.

1 (d) If a loan applicant offers evidence that the commissioner of
2 natural resources reasonably believes has reduced the amount of water
3 used in the placer mining operation by 80 percent, the commissioner
4 may recommend to the board that the entire loan be considered a grant
5 to the applicant.

6 Sec. 46.32.070. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
7 CONSERVATION. (a) The commissioner of environmental conservation
8 shall administer the innovative pollution control demonstration grant
9 established under AS 46.32.080 and the placer mining water recycling
10 loan program established under AS 46.32.090.

11 (b) The commissioner of environmental conservation may adopt
12 regulations necessary to implement this section.

13 Sec. 46.32.080. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
14 PROGRAM. (a) The innovative pollution control demonstration grant
15 program is established as a direct grant program to give an individual
16 placer miner and a business engaged in placer mining the opportunity
17 to study and test innovative and economically viable mining techniques
18 for waste disposal and pollution control in placer mining.

19 (b) The commissioner of environmental conservation shall monitor
20 and evaluate the results of grants made under this section.

21 Sec. 46.32.090. PLACER MINING WATER RECYCLING LOAN AND GRANT
22 PROGRAM. (a) The placer mining water recycling program is estab-
23 lished as a loan and grant program.

24 (b) A placer miner may apply for a loan to study technology that
25 reasonably offers the possibility of recycling the water used in
26 placer mining. The board shall review and may approve an application
27 for the purchase of water recycling pumps and other equipment that the
28 board believes will offer a reasonable possibility of recycling the
29 water used in placer mining.

1 (c) If a loan applicant offers evidence that the commissioner of
2 environmental conservation reasonably believes has recycled 50 percent
3 of ~~the~~ water used in the placer mining operation, the commissioner may
4 ~~recomm~~end to the board that 50 percent of the loan be considered a
5 grant to the loan applicant.

6 (d) If a loan applicant offers evidence that the commissioner of
7 environmental conservation reasonably believes has recycled 80 percent
8 of the water used in the placer mining operation, the commissioner may
9 recommend to the board that the entire loan be considered a grant to
10 the applicant.

11 * Sec. 2. This Act takes effect July 1, 1984.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revised 5/22/84

Revision Date: 5/21/84

REQUEST

Bill/Resolution No.: CSSB 461 (Res)
Title: Management and Use of Water
in Mining

Sponsor: Sen. Fahrenkamp
Requestor:
Date of Request:

FISCAL DETAIL

Agency Affected: DNR
Program Category Affected: NRMEC

BRU, Program or Subprogram(s) Affected:
Minerals and Energy Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES			78.1	125.7	132.0	138.6
200 TRAVEL			20.0	22.1	23.2	24.4
300 CONTRACTUAL			65.0	35.0	36.0	37.1
400 SUPPLIES			4	6	6	6
500 EQUIPMENT			1.5	7	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	165.0	184.1	191.8	200.7
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND			165.0	184.1	191.8	200.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME			2	3	3	3
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Laurel Murphy Phone: 265-4184
Division: Mining Date: 5/21/84

Approved by Commissioner: *William J. Amundson* Date:
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DNR BACKUP FOR FISCAL NOTE
FOR CS SB 461 (Res)

	FY 86	FY 87	FY 88	FY 89
100:	78.1	125.7	132.0	138.6

In the first year, the Department will assign a mining engineer (52.9) to supervise the loan fund and begin preparing for the disbursement of loans from the fund. This will require assignment of contractors for items shown under line 300, as well as preliminary evaluation of technologies and demand for loans. A Clerk-Typist III (25.2) will assist the supervising mining engineer and the review committee.

After the first year, the Department will add a Loan Examiner II (41.6) to monitor and check compliance on loans.

200:	20.0	22.1	23.2	24.4
------	------	------	------	------

Travel for regulation hearings, interagency coordination and briefing, inspection of operations.

300:	65.0	35.0	36.0	37.1
------	------	------	------	------

Development of loan and grant regulations, forms, and procedures; accounting procedures; analysis and preparation of testing and compliance procedures; inspection and other reports; audit; air charter; legal counsel; training; office overhead; printing; noticing; computer time.

400:	.4	.6	.6	.6
------	----	----	----	----

Miscellaneous office supplies (\$200 per position).

500:	1.5	.7	0	0
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Office equipment for new positions.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Rec'd 5/23/84

Revision Date: May 21, 1984

REQUEST

Bill/Resolution No.: CSSB 461
 Title: Management and use of
water in mining
 Sponsor: Fahrenkamp
 Requestor: House Resources
 Date of Request: May 18, 1984

FISCAL DETAIL

Agency Affected: Environmental Conservation
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Billie Trent Phone: 465-2600
 Division: Office of Commissioner Date: 5/21/84
 Approved by Commissioner: Richard A. Nevil Date: 5/21/84
 Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

COMMITTEE REPORT
SENATE

FURTHER:

3730/86

Date 5/7/84

Mr. President

The Committee on FINANCE considered SB 461

MEMBERS SIGNING: [Faint text]

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 461 (Res)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
DFW
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 461 (Res)
 Title: Management and use of
water in mining
 Sponsor: Senator Fahrenkamp
 Requestor: Senate Finance Committee
 Date of Request: May 7, 1984

FISCAL DETAIL

Dept. of Natural Resources
 Agency Affected: Dept. of Environmental Conservation
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 SUPPLIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS CLAIMS	0	0				
800 MISCELLANEOUS	0	0				
TOTAL OPERATING	0	0				
CAPITAL	0	0				
REVENUE	0	0				

FUNDING: (Thousands of Dollars)

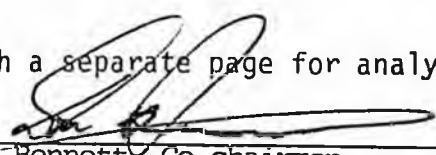
GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER	0	0				
TOTAL	0	0				

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By:  Phone: 465-3714
 Division: Don Bennett, Co-chairman Date: May 7, 1984
Senate Finance Committee
 Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

Offered: 3/30/84
Referred: Finance

Original sponsor: Fahrenkamp

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 461 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management and use of water
7 in mining; and providing for an effective date."

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

9 * Section 1. AS 46 is amended by adding a new chapter to read:

10 CHAPTER 16. MANAGEMENT AND USE OF WATER IN MINING.

11 Sec. 46.16.010. MINING WATER USE REVIEW COMMITTEE ESTABLISHED.

12 The mining water use review committee is established. The review
13 committee is responsible for reviewing and making recommendations on
14 applications for grants and loans under this chapter.

15 Sec. 46.16.020. MEMBERSHIP OF THE REVIEW COMMITTEE. (a) The
16 review committee consists of the commissioner of natural resources,
17 the commissioner of environmental conservation, the dean of the school
18 of mineral industry at the University of Alaska, two individuals
19 appointed by the governor who have placer mining experience, and one
20 public member appointed by the governor.

21 (b) An individual described in (a) of this section who serves ex
22 officio may designate an alternate to serve on the review committee.

23 (c) An individual appointed by the governor serves for a three-
24 year term.

25 Sec. 46.16.030. RESPONSIBILITY OF THE REVIEW COMMITTEE. (a)
26 The review committee shall select a presiding officer and establish
27 procedures necessary to implement its responsibilities.

28 (b) The review committee shall review each application for a
29 grant or a loan filed under this chapter and make a recommendation to

1 the commissioner of natural resources or to the commissioner of en-
2 vironmental conservation for action on the application.

3 (c) In making its recommendation, the committee shall consider
4 the economic benefits to the placer mining industry, the environmental
5 benefits to the public, and other benefits that each grant or loan may
6 offer.

7 Sec. 46.16.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
8 SOURCES. The commissioner of natural resources shall administer the
9 innovative gold recovery demonstration grant program established under
10 AS 46.16.070 and the placer mining water reduction loan program estab-
11 lished under AS 46.16.080.

12 Sec. 46.16.050. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
13 CONSERVATION. The commissioner of environmental conservation shall
14 administer the innovative pollution control demonstration grant estab-
15 lished under AS 46.16.090 and the placer mining water recycling loan
16 program established under AS 46.16.100.

17 Sec. 46.16.060. UNIFORM REGULATIONS. The commissioner of
18 natural resources and the commissioner of environmental conservation
19 shall adopt uniform regulations and administrative procedures to
20 implement the loan and grant program established by this chapter.

21 Sec. 46.16.070. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.
22 (a) The innovative gold recovery demonstration grant program is
23 established as a direct grant program to give a person engaged in
24 placer mining the opportunity to study and test new methods of gold
25 recovery and water use reduction.

26 (b) The commissioner of natural resources may make a grant under
27 this section to a person that has

- 28 (1) a proven history of successful placer mining;
29 (2) the capability to produce verifiable results; and

1 (3) the capability to study and test new methods of gold
2 recovery and water use reduction under actual operating conditions.

3 (c) The commissioner of natural resources may not make a grant
4 under this section to a person in excess of \$100,000.

5 (d) The commissioner of natural resources shall monitor and
6 evaluate the results of grants made under this section.

7 Sec. 46.16.080. PLACER MINING WATER REDUCTION LOAN AND GRANT.

8 (a) The placer mining water reduction program is established as a
9 loan and grant program.

10 (b) A person whose primary source of income is derived from
11 placer mining may apply for a loan to purchase and test equipment that
12 reasonably offers the possibility of a reduction in the amount of
13 water used in placer mining.

14 (c) If a loan applicant offers evidence reasonably believed by
15 the review committee to indicate a 50 percent reduction in the amount
16 of water used in the placer mining operation, the review committee may
17 recommend to the commissioner of natural resources that 50 percent of
18 the loan be considered a grant to the loan applicant.

19 (d) If a loan applicant offers evidence reasonably believed by
20 the review committee to indicate an 80 percent reduction in the amount
21 of water used in the placer mining operation, the review committee may
22 recommend to the commissioner of natural resources that the entire
23 loan be considered a grant to the applicant.

24 (e) A loan under this section may not

25 (1) exceed \$50,000;

26 (2) exceed a term of 10 years;

27 (3) have an interest rate exceeding 10 percent per annum;

28 or

29 (4) have a repayment schedule requiring payments within one

1 year after the loan was disbursed to the applicant.

2 Sec. 46.16.090. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
3 PROGRAM. (a) The innovative pollution control demonstration grant
4 program is established as a direct grant program to give a person
5 engaged in placer mining the opportunity to study and test innovative
6 and economically viable mining techniques for waste disposal and
7 pollution control in placer mining.

8 (b) The commissioner of environmental conservation may make
9 grants under this section to a person that has

10 (1) a proven history of successful placer mining;

11 (2) the capability to produce verifiable results; and

12 (3) the capability to study and test innovative and
13 economically viable techniques for waste disposal and pollution con-
14 trol in placer mining.

15 (c) The commissioner of environmental conservation may not make
16 a grant under this section to a person in excess of \$100,000.

17 (d) The commissioner of environmental conservation shall monitor
18 and evaluate the results of grants made under this section.

19 Sec. 46.16.100. PLACER MINING WATER RECYCLING LOAN AND GRANT
20 PROGRAM. (a) The placer mining water recycling program is estab-
21 lished as a loan and grant program.

22 (b) A person whose primary source of income is derived from
23 placer mining may apply for a loan to purchase and test equipment that
24 reasonably offers the possibility of recycling the water used in
25 placer mining.

26 (c) If a loan applicant offers evidence reasonably believed by
27 the review committee to indicate that the loan applicant has recycled
28 50 percent of the water used in the placer mining operation, the
29 review committee may recommend to the commissioner of environmental

1 conservation that 50 percent of the loan be considered a grant to the
2 loan applicant.

3 (d) If a loan applicant offers evidence reasonably believed by
4 the review committee to indicate that the loan applicant has recycled
5 80 percent of the water used in the placer mining operation, the
6 review committee may recommend to the commissioner of environmental
7 conservation that the entire loan be considered a grant to the appli-
8 cant.

9 (e) A loan under this section may not

10 (1) exceed \$50,000;

11 (2) exceed a term of 10 years;

12 (3) have an interest rate exceeding 10 percent per annum;

13 or

14 (4) have a repayment schedule requiring payments within one
15 year after the loan was disbursed to the applicant.

16 Sec. 46.16.110. ACCESS TO INFORMATION. (a) The information
17 gathered and obtained from loans and grants made under this chapter is
18 public information. The commissioner of natural resources and the
19 commissioner of environmental conservation shall compile, analyze, and
20 distribute the information for the benefit of the placer mining indus-
21 try and the state and federal governments.

22 (b) The contents of an application for a grant or a loan are
23 available to the extent permitted under AS 09.25.110 and 09.25.120.

24 * Sec. 2. This Act takes effect July 1, 1984.

Introduced: 2/13/84
Referred: Resources

1 IN THE SENATE

BY FAHRENKAMP

2

SENATE BILL NO. 461

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the management and use of water

7

in mining; and providing for an effective date."

8

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

9

* Section 1. AS 46 is amended by adding a new chapter to read:

10

CHAPTER 32. MANAGEMENT AND USE OF WATER IN MINING.

11

Sec. 46.32.010. MINING WATER USE BOARD ESTABLISHED. The mining

12

water use board is established. The board is responsible for the

13

implementation of this chapter.

14

Sec. 46.32.020. MEMBERSHIP AND PRESIDING OFFICER OF THE BOARD.

15

(a) The board consists of the commissioner of environmental conserva-

16

tion, the commissioner of natural resources, the commissioner of

17

commerce and economic development, the dean of the school of mineral

18

industry at the University of Alaska, and two individuals appointed by

19

the governor who are familiar with the mining industry.

20

(b) An individual described in (a) of this section who serves ex

21

officio may designate an alternate to serve on the board.

22

(c) The governor may designate the presiding officer of the

23

board.

24

(d) An individual appointed by the governor serves for a three-

25

year term.

26

Sec. 46.32.030. RESPONSIBILITY OF THE BOARD. (a) The board

27

shall review and may approve applications filed with the board for

28

grants or loans filed under this chapter.

29

(b) The board may adopt regulations necessary to implement this

1 chapter.

2 Sec. 46.32.040. RESPONSIBILITY OF COMMISSIONER OF NATURAL RE-
3 SOURCES. (a) The commissioner of natural resources shall administer
4 the innovative gold recovery demonstration grant program established
5 under AS 46.32.050 and the placer mining water reduction loan program
6 established under AS 46.32.060.

7 (b) The commissioner of natural resources may adopt regulations
8 necessary to implement this section.

9 Sec. 46.32.050. INNOVATIVE GOLD RECOVERY DEMONSTRATION GRANT.

10 (a) The innovative gold recovery demonstration grant program is
11 established as a direct grant program to give an individual placer
12 miner and a business engaged in placer mining the opportunity to study
13 and test new methods of gold recovery.

14 (b) The commissioner of natural resources shall monitor and
15 evaluate the results of grants made under this section.

16 Sec. 46.32.060. PLACER MINING WATER REDUCTION LOAN AND GRANT.

17 (a) The placer mining water reduction program is established as a
18 loan and grant program.

19 (b) A placer miner may apply for a loan to study technology that
20 reasonably offers the possibility of a reduction in the amount of
21 water used in placer mining. The board shall review and may approve
22 an application for the study of a proposal that the board believes to
23 offer a reasonable possibility of a reduction in the amount of water
24 used in placer mining.

25 (c) If a loan applicant offers evidence that the commissioner of
26 natural resources reasonably believes has reduced the amount of water
27 used in the placer mining operation by 50 percent, the commissioner
28 may recommend to the board that 50 percent of the loan be considered a
29 grant to the loan applicant.

1 (d) If a loan applicant offers evidence that the commissioner of
2 natural resources reasonably believes has reduced the amount of water
3 used in the placer mining operation by 80 percent, the commissioner
4 may recommend to the board that the entire loan be considered a grant
5 to the applicant.

6 Sec. 46.32.070. RESPONSIBILITY OF COMMISSIONER OF ENVIRONMENTAL
7 CONSERVATION. (a) The commissioner of environmental conservation
8 shall administer the innovative pollution control demonstration grant
9 established under AS 46.32.080 and the placer mining water recycling
10 loan program established under AS 46.32.090.

11 (b) The commissioner of environmental conservation may adopt
12 regulations necessary to implement this section.

13 Sec. 46.32.080. INNOVATIVE POLLUTION CONTROL DEMONSTRATION
14 PROGRAM. (a) The innovative pollution control demonstration grant
15 program is established as a direct grant program to give an individual
16 placer miner and a business engaged in placer mining the opportunity
17 to study and test innovative and economically viable mining techniques
18 for waste disposal and pollution control in placer mining.

19 (b) The commissioner of environmental conservation shall monitor
20 and evaluate the results of grants made under this section.

21 Sec. 46.32.090. PLACER MINING WATER RECYCLING LOAN AND GRANT
22 PROGRAM. (a) The placer mining water recycling program is estab-
23 lished as a loan and grant program.

24 (b) A placer miner may apply for a loan to study technology that
25 reasonably offers the possibility of recycling the water used in
26 placer mining. The board shall review and may approve an application
27 for the purchase of water recycling pumps and other equipment that the
28 board believes will offer a reasonable possibility of recycling the
29 water used in placer mining.

1 (c) If a loan applicant offers evidence that the commissioner of
2 environmental conservation reasonably believes has recycled 50 percent
3 of the water used in the placer mining operation, the commissioner may
4 recommend to the board that 50 percent of the loan be considered a
5 grant to the loan applicant.

6 (d) If a loan applicant offers evidence that the commissioner of
7 environmental conservation reasonably believes has recycled 80 percent
8 of the water used in the placer mining operation, the commissioner may
9 recommend to the board that the entire loan be considered a grant to
10 the applicant.

11 * Sec. 2. This Act takes effect July 1, 1984.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/23/84

REQUEST
Bill/Resolution No.: SB 461
Title: Management & Use of Water
Mining
Sponsor: Sen. Fahrenkamp
Requestor:
Date of Request:

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected:
Minerals Energy Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		\$52.8	\$55.4	\$58.2	\$61.1	\$64.2
200 TRAVEL		20.0	21.0	22.1	23.2	24.4
300 CONTRACTUAL		100.0	55.0	60.3	65.8	71.5
400 SUPPLIES		.3	.2	.2	.2	.2
500 EQUIPMENT		.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		\$173.8	\$131.6	\$140.8	\$150.3	\$160.3

FUNDING: (Thousands of Dollars)

GENERAL FUND		173.8	131.6	140.8	150.3	160.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Senate Bill 462 appropriates \$4,000,000.00 from the general fund to the Mining Water Use Board established in SB 461.

ANALYSIS: Attach a separate page for analysis

Prepared By: Laurel Murphy Phone: 265-4184
Division: Mining Date: 3/23/84

Approved by Commissioner: James D. Arnold Date: 3/26/84
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

Analysis of Fiscal Note

- 100: New Position; Mining or Hydraulic Engineer.
- 200: Travel for regulation hearings; interagency coordination and briefing; inspection of on-site operations.
- 300: Development of loan and grant regulations, forms and procedures; development of accounting procedures; analysis and preparation of test results; inspections and other reports; audit; air charter; legal counsel; training; office overhead; printing; noticing; computer time.
- 400: Miscellaneous office supplies.
- 500: Office equipment for new position.

Note: These figures assume close coordination with DEC in the development of this program. Also, FY 86-89 include a 5% inflation adjustment.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/23/84

REQUEST

Bill/Resolution No.: SB 461
Title: Management & Use of Water
Mining
Sponsor: Sen. Fahrenkamp
Requestor:
Date of Request:

FISCAL DETAIL

Agency Affected: Natural Resources
Program Category Affected: NRMEC
BRU, Program or Subprogram(s) Affected:
Minerals Energy Management

EXPENDITURES REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		\$52.8	\$55.4	\$58.2	\$61.1	\$64.2
200 TRAVEL		20.0	21.0	22.1	23.2	24.4
300 CONTRACTUAL		100.0	55.0	60.3	65.8	71.5
400 SUPPLIES		.3	.2	.2	.2	.2
500 EQUIPMENT		.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						
CAPITAL						
REVENUE		\$173.8	\$131.6	\$140.8	\$150.3	\$160.3

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND		173.8	131.6	140.8	150.3	160.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME		1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Senate Bill 462 appropriates \$4,000,000.00 from the general fund to the Mining Water Use Board established in SB 461.

ANALYSIS: Attach a separate page for analysis

Prepared By: Laurel Murphy Phone: 265-4184
Division: Mining Date: 3/23/84

Approved by Commissioner: *John D. Arnold* Date: 3/26/84
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Analysis of Fiscal Note

- 100: New Position; Mining or Hydraulic Engineer.
- 200: Travel for regulation hearings; interagency coordination and briefing; inspection of on-site operations.
- 300: Development of loan and grant regulations, forms and procedures; development of accounting procedures; analysis and preparation of test results; inspections and other reports; audit; air charter; legal counsel; training; office overhead; printing; noticing; computer time.
- 400: Miscellaneous office supplies.
- 500: Office equipment for new position.

Note: These figures assume close coordination with DEC in the development of this program. Also, FY 86-89 include a 5% inflation adjustment.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 5, 1984

SUBJECT: Management & use of water in mining
(CSSB 461(Resources))

TO: Senator John Sackett
Co-Chairman, Senate Finance Committee

FROM: Richard A. Bradley
Legislative Counsel

You have requested a sectional analysis of the above described bill.

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

Section 1 of the bill adds a new Chapter 16 to AS 46:
"Management and Use of Water in Mining."

Section 10 establishes a "mining water use review committee." The committee is charged with "reviewing and making recommendations (to the commissioners of natural resources and environmental conservation) on applications for grants and loans under this chapter." While the more usual legislative drafting might have called this committee a "board" or "commission", I am advised that the administration thought that there were "too many" boards and commissions already. Of course, this "committee" has the usual powers of a similarly established board or commission and its members are entitled to the usual travel allowances and per diem. See, for example, AS 39.20.180.

Section 20(a) provides for the membership of the committee: the commissioners of natural resources and environmental conservation, the dean of the school of mineral industry at the University, two appointees of the governor who have

Senator John Sackett
Page 2
May 5, 1984

"placer mining experience", and a public member appointed by the governor.

Section 20(b) permits a member of the committee who serves ex officio to designate an alternate.

Section 20(c) provides that appointees to the committee serve a three year term. Members who serve by virtue of other positions serve so long as they hold the other positions.

Section 30(a) directs the committee to select a presiding officer and to "establish procedures necessary to implement its responsibilities."

Section 30(b) directs the committee to review each application for a grant or loan filed under the chapter to the appropriate commissioner (DNR or DEC) for action on the application.

Section 30(c) establishes the broad goals of the committee in its review of the applications: "the economic benefits to the placer mining industry, the environmental benefits to the public, and other (individual) benefits" that each grant or loan would offer.

Section 40 directs the commissioner of natural resources to implement the innovative gold recovery demonstration grant program (sec. 70) and the placer mining water reduction loan program (sec. 80).

Section 50 directs the commissioner of environmental conservation to administer the innovative pollution control demonstration grant program (sec. 90) and the placer mining water recycling loan program (sec. 100).

The bill might read better if "program" were added after "demonstration grant" on line 14 of page 2 of the bill.

Section 60 directs the commissioners of natural resources and environmental conservation to establish "uniform regulations and administrative procedures" to implement the grant and loan programs established under the chapter.

Section 70(a) establishes the "innovative gold recovery demonstration grant program" as a direct grant program for the

study and test of "gold recovery and water use reduction. The program is assigned to DNR by sec. 40.

Section 70(b) establishes the tests for the commissioner's determination on grant applications after review by the review committee: (1) a history of successful placer mining, (2) the capability to produce verifiable results, and (3) the capability to study and test new methods of gold recovery and water use reduction under actual operating conditions.

Section 70(c) limits grants to \$100,000.

Section 70(d) requires the commissioner to monitor and evaluate the results of grants made under the section.

Section 80(a) establishes the placer mining water reduction loan and grant program. The program is assigned to DNR by sec. 40.

Section 80(b) provides that a person whose primary source of income is derived from placer mining "may apply for a loan to purchase and test equipment that reasonably offers the possibility of a reduction in the amount of water used in placer mining."

Section 80(c) provides that if the loan applicant demonstrates to the satisfaction of the review committee a 50 percent reduction in the amount of water used in the placer mining operation, the review committee may recommend to the commissioner of natural resources that 50 percent of the loan be considered a grant.

Section 80(d) similarly provides that if the loan applicant demonstrates to the satisfaction of the review committee an 80 percent reduction in the amount of water used in the placer mining operation, the review committee may recommend to the commissioner of natural resources that the entire loan be considered a grant.

Section 80(e) provides that a loan under this section may not exceed \$50,000, have a term in excess of ten years, carry an interest rate in excess of ten percent per annum, or have a repayment schedule requiring payments for the year after the loan was disbursed to the applicant.

Section 90(a) establishes the "innovative pollution control demonstration program" as a direct grant program to give a person engaged in placer mining an opportunity to study and test innovative and economically viable mining techniques for waste disposal and pollution control in placer mining. The program is assigned to DEC by sec. 50.

Section 90(b) establishes the tests for the commissioner's determination on grant applications: (1) a history of successful placer mining, (2) the capability to produce verifiable results, and (3) the capability to study and test new methods of innovative and economically viable techniques for waste disposal and pollution control in placer mining.

Section 90(c) limits grants to \$100,000.

Section 90(d) requires the commissioner to monitor and evaluate the results of grants made under the section.

Section 100(a) establishes the placer mining water recycling program as a loan and grant program. The program is assigned to DEC by sec. 50.

Section 100(b) provides that a person whose primary source of income is derived from placer mining "may apply for a loan to purchase and test equipment that reasonably offers the possibility of a recycling the water used in placer mining."

Section 100(c) provides that if the loan applicant demonstrates to the satisfaction of the review committee that 50 percent of the water used in the placer mining operation has been recycled, the review committee may recommend to the commissioner of natural resources that 50 percent of the loan be considered a grant.

Section 100(d) similarly provides that if the the loan applicant demonstrates to the satisfaction of the review committee that 80 percent of the water used in the placer mining operation has been recycled, the review committee may recommend to the commissioner of natural resources that the entire loan be considered a grant.

Section 100(e) provides that a loan under this section may not exceed \$50,000, have a term in excess of ten years, carry an interest rate in excess of ten percent per annum, or

have a repayment schedule requiring payments for the year after the loan was disbursed to the applicant.

Section 110(a) provides that the "information gathered and obtained from loans and grants made under this chapter" is public information. The commissioners are directed to compile, analyze, and distribute the information gathered broadly.

Section 100(b) provides that "the contents of an application for a grant or loan are available to the extent permitted under AS 09.25.110 and 09.25.120." The sections provide:

Sec. 09.25.110. INSPECTION AND COPIES OF PUBLIC RECORDS. Unless specifically provided otherwise the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records and are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of costs a certified copy of the public record.

Sec. 09.25.120. INSPECTION AND COPYING OF PUBLIC RECORDS. Every person has a right to inspect a public writing or record in the state, including public writings and records in recorders' offices except (1) records of vital statistics and adoption proceedings which shall be treated in the manner required by AS 18.50; (2) records pertaining to juveniles; (3) medical and related public health records; (4) records required to be kept confidential by a federal law or regulation or by state law. Every public officer having the custody of records not included in the exceptions shall permit the inspection, and give on demand and on payment of the legal fees therefor a certified copy of the writing or record, and the copy shall in all cases be evidence of the original. Recorders shall permit memoranda, transcripts, and copies of the public writings and records in their offices to be made by photography or otherwise for the purpose of examining titles to real estate described in the public writings and records, making abstracts of title or guaranteeing or insuring the titles of the real estate, or building and maintaining title and abstract plants; and shall furnish proper and reasonable facilities to persons having lawful occasion for access to the public writings and

Senator John Sackett
Page 6
May 5, 1984

records for those purposes, subject to reasonable rules and regulations, in conformity to the direction of the court, as are necessary for the protection of the writings and records and to prevent interference with the regular discharge of the duties of the recorders and their employees.

Section 2 of the bill establishes a July 1, 1984 effective date.

If I may be of further assistance, please advise.

RAB:ojb
J7/028

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 461

Title: Management and Use of Water
in Mining

Sponsor: Fahrenkamp

Requestor: _____

Date of Request: _____

FISCAL DETAIL

Agency Affected: Environmental Conservation
Program Category Affected: _____

BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		49.5	52.0	54.6	57.3	60.2
200 TRAVEL		20.0	21.0	22.1	23.2	24.4
300 CONTRACTUAL		40.0	42.0	44.1	46.3	48.6
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		109.5	115.0	120.8	126.8	133.2
CAPITAL		--	--	--	--	--
REVENUE		--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	109.5	115.0	120.8	126.8	133.2
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0
PART-TIME					
TEMPORARY					

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Funds

ANALYSIS: Attach a separate page for analysis

Prepared By: Randolph Bayliss

Phone: 465-2653

Division: Environmental Quality Management

Date: 2/28/84

Approved by Commissioner: *Christopher Walsh*

Date: 2/28/84

Agency: ADEC

Distribution (by Agency preparing fiscal note):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

12/1/83

1.	POSITION TITLE Environmental Engineer III				RANGE/STEP 19A	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT Juneau	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				Additional staff required to provide technical review and assistance; to evaluate grant and loan applications and to prepare guidance on procedures.					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		38,124.00							
6.	Benefits		1,020.58							
7.	Supplemental Benefits		7,598.11							
8.	Fixed Benefits		2,728.20							
9.	TOTAL PERSONAL SERVICES		01		49,470.89					
10.	Travel		02		20,000.00					
11.	Contractual		03		40,000.00					
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				09,470.89					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004 09,470.89					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Environmental Conservation
PROGRAM NRMEC
BRU Environmental Quality Management
COMPONENT Water Quality Management

Page _____ of _____
Revised Date _____

FY 85

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 461
 Title: Management and Use of Water
 in Mining
 Sponsor: Fahrenkamp
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Environmental Conservation
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		49.5	52.0	54.6	57.3	60.2
200 TRAVEL		20.0	21.0	22.1	23.2	24.4
300 CONTRACTUAL		40.0	42.0	44.1	46.3	48.6
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		109.5	115.0	120.8	126.8	133.2
CAPITAL		--	--	--	--	--
REVENUE		--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	109.5	115.0	120.8	126.8	133.2
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0
PART-TIME					
TEMPORARY					

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

General Funds

ANALYSIS: Attach a separate page for analysis

Prepared By: Randolph Bayliss Phone: 465-2653
 Division: Environmental Quality Management Date: 2/28/84
 Approved by Commissioner: Christopher W. Wootch Date: 2/28/84
 Agency: ADEC

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

12/1/83

1.	POSITION TITLE Environmental Engineer III				RANGE/STEP 19A	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT Juneau	LEC.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				Additional staff required to provide technical review and assistance; to evaluate grant and loan applications and to prepare guidance on procedures.					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		38,124.00							
6.	Benefits		1,020.58							
7.	Supplemental Benefits		7,598.11							
8.	Fixed Benefits		2,728.20							
9.	TOTAL PERSONAL SERVICES		01		49,470.89					
10.	Travel		02		20,000.00					
11.	Contractual		03		40,000.00					
12.	Commodities		04							
13.	Equipment		05							
14.	Other									
15.	TOTAL COST				09,470.89					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		09,470.89						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

13 REQUEST FOR
NEW POSITION

AGENCY Environmental Conservation
PROGRAM NRMEC
BRU Environmental Quality Management
COMPONENT Water Quality Management

Page _____ of _____
Revised Date _____

FY 85

COMMITTEE REPORT
SENATE

FURTHER:

4/2/84

Date 5/25/84

Mr. President

The Committee on FINANCE considered SB 464

revising the laws to horizontal property regimes and permitting the establishment of condominiums for mobile homes.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 464 (FIN)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Original sponsor: Halford

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 464 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act permitting the establishment of horizontal
7 property regimes for mobile homes."

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

9 * Section 1. AS 34.07 is amended by adding a new section to read:

10 ARTICLE 8. MOBILE HOMES HORIZONTAL PROPERTY REGIME.

11 Sec. 34.07.500. MOBILE HOME HORIZONTAL PROPERTY REGIME. (a)

12 Notwithstanding the provisions of AS 34.07.010 - 34.07.460, a horizon-
13 tal property regime for mobile homes may be established as an estate
14 in real property consisting of an undivided interest in common in a
15 portion of the real property together with a separate interest in
16 space, the boundaries of which are described in a declaration filed by
17 the sole owner or all of the owners of the property and which complies
18 to the extent applicable with AS 34.07.020.

19 (b) The portion of the parcel of real property held in undivided
20 interest may be all of the real property of an existing parcel except
21 for the separate interests in space without regard to any three-
22 dimensional aspects of the real property if the purpose of the hori-
23 zontal property regime is the establishment of a horizontal property
24 regime for mobile homes.

25 (c) Except to the extent that AS 34.07.010 - 34.07.460 is in-
26 applicable to a horizontal property regime for mobile homes, the
27 provisions of AS 34.07.010 - 34.07.460 apply to a horizontal property
28 regime established for mobile homes.

4/12/1

The Judiciary Committee discussed Senate Bill 464 and decided to waive it with a further referral to the Finance Committee. However, the following amendment to the Labor & Commerce committee substitute was suggested for the Finance Committee's consideration:

Page 4, line 27: After the word "chapter" delete all language through "common" on line 28.

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907-465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 24, 1984

SUBJECT: CSSB 464 (Finance) Mobile home condominiums
TO: Senator John Sackett
FROM: Richard A. Bradley
Legislative Counsel *B*

Max Gifford has asked for a brief memorandum explaining the finance committee substitute for SB 464.

It tracks the bill as introduced.

It eliminates the clean-up of existing law proposed in CSSB 464 (L&C).

It provides simply that notwithstanding the use of the terminology ("apartments") within AS 34.07, a horizontal property regime (condominiums) may be established for mobile home parks.

If I may be of further assistance, please advise.

RAB:lmb
L3/017

Original sponsor: Halford

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BY THE FINANCE COMMITTEE

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16 space, the boundaries of which are described in a declaration filed by
17 the sole owner or all of the owners of the property and which complies
18 to the extent applicable with AS 34.07.020.

19 (b) The portion of the parcel of real property held in undivided
20 interest may be all of the real property of an existing parcel except
21 for the separate interests in space without regard to any three-
22 dimensional aspects of the real property if the purpose of the hori-
23 zontal property regime is the establishment of a horizontal property
24 regime for mobile homes.

25 (c) Except to the extent that AS 34.07.010 - 34.07.460 is in-
26 applicable to a horizontal property regime for mobile homes, the
27 provisions of AS 34.07.010 - 34.07.460 apply to a horizontal property
28 regime established for mobile homes.

Original sponsor: Halford

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 464 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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18 to the extent applicable with AS 34.07.020.

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24 regime for mobile homes.

25 (c) Except to the extent that AS 34.07.010 - 34.07.460 is in-
26 applicable to a horizontal property regime for mobile homes, the
27 provisions of AS 34.07.010 - 34.07.460 apply to a horizontal property
28 regime established for mobile homes.

29

COMMITTEE REPORT

SENATE

FURTHER:

3/16/84

Date

*f/h
referred
rec to fur
w/amnd*

Mr. President

The Committee on JUDICIARY considered SB 464

permitting the establishment of horizontal property regimes for mobile homes.

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

- do pass
- to pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE

FURTHER: JUDICIARY

2/13/84

Date 3/15/84

Mr. President

The Committee on LABOR AND COMMERCE considered SB 464

permitting the establishment of horizontal property regimes for mobile homes.

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

do pass

do pass with attached amendment(s)

replace with/or adopt CS for SB 464 (L+C)

new title

same title and recommends _____

and attached a "LETTER OF INTENT" NEW FISCAL NOTE

reports it back without recommendation

recommends referral to Finance Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

no rec [Signature]
B.S. [Signature]
no rec Petrick [Signature]
John Saitott - Sent to Finance Committee.
No rec. [Signature]
AHFC impact.

[Signature]
Chairman

[Signature]
Chairman recommendation

Offered: 3/16/84
Referred: Judiciary

Original sponsor: Halford

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 464 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act revising the laws relating to horizontal
7 property regimes and permitting the establishment of
8 condominiums for mobile homes."

9

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

10

* Section 1. AS 34.07.020 is amended to read:

11

Sec. 34.07.020. CONTENTS OF DECLARATION. The declaration must

12

[SHALL] contain

13

(1) the name of the condominium association;

14

(2) a legally sufficient description of the real estate

15

[LAND] on which the condominium is [BUILDING AND IMPROVEMENT ARE OR
16 ARE] to be located;

17

(3) [(2)] a description of the boundaries of each unit

18

created by the declaration, and, if within a building, stating the
19 number of stories and basements, the number of units [APARTMENTS] and
20 the principal materials of which it is or is to be constructed;

21

(4) [(3)] the identifying [APARTMENT] number of each unit

22

[APARTMENT], and a statement of its location, approximate area or [,]
23 number of rooms, and immediate common areas to which it has access,
24 and any other information [DATA] necessary for its proper identifica-
25 tion;

26

(5) [(4)] a description of the common areas and facili-

27

ties;

28

(6) [(5)] a description of the limited common areas and

29

facilities, if any, stating to which units [APARTMENT] their use is

1 reserved;

2 (7) [(6)] the value of the condominium [PROPERTY] and of
3 each unit within the condominium [APARTMENT], and the percentage of
4 undivided interest in the common areas and facilities appertaining to
5 each unit [APARTMENT] and to its owner for all purposes, including
6 voting;

7 (8) [(7)] a statement of the purposes for which the condo-
8 minium [BUILDING] and each of the units [APARTMENTS] are intended and
9 restricted as to their use;

10 (9) [(8)] the name of a person to receive service of pro-
11 cess [IN THE CASES PROVIDED FOR IN THIS CHAPTER], together with the
12 residence or business [THE] address of the person that [OF HIS RESI-
13 DENCE OR HIS PLACE OF BUSINESS WHICH] shall be within the municipality
14 [CITY] or recording district in which the condominium [BUILDING] is
15 located;

16 (10) [(9)] a provision as to the percentage of votes by the
17 unit [APARTMENT] owners that [WHICH] determines whether or not to
18 rebuild, repair, restore, or sell the property in the event of the
19 damage or the destruction of all or a part of the property;

20 (11) [(10)] a provision [AUTHORIZING AND] establishing
21 procedures for the subdividing or combining of a unit or units [AN
22 APARTMENT OR APARTMENTS], common areas and facilities or limited
23 common areas and facilities, through the use of a metes and bounds
24 description or otherwise;

25 (12) [(11)] a provision requiring the adoption of bylaws for
26 the administration of the condominium and [PROPERTY OR] for other
27 purposes not inconsistent with this chapter that [WHICH] may include a
28 requirement that the property be administered by a board of directors
29 elected from among the [APARTMENT] owners of the units, or by a

1 manager, or by a managing agent, or otherwise, and the procedures for
2 the adoption and amendment of the bylaws;

3 (13) [(12)] any further details in connection with the
4 property that [WHICH] the person executing the declaration may con-
5 sider desirable and that are [TO SET OUT] consistent with this
6 chapter;

7 (14) [(13)] the method by which the declaration may be
8 amended, consistent with this chapter, except that not less than 60
9 percent of the [APARTMENT] owners of the units may consent to any
10 amendment; and

11 (15) [(14)] a reference, if applicable, to the file number
12 of the floor plans of the building affected that [WHICH] are required
13 to be filed simultaneously with the declaration under AS 34.07.030.

14 * Sec. 2. AS 34.07.030 is amended to read:

15 Sec. 34.07.030. FILING OF SURVEY MAP AND FLOOR PLANS WITH VERI-
16 FIED STATEMENT. There shall be filed simultaneously with the record-
17 ing of the declaration in the recording district in which the property
18 is located

19 (1) a survey map of the surface of the land submitted to
20 the provisions of this chapter showing the location of any [THE]
21 building on it;

22 (2) a set of the floor plans of the condominium, if appli-
23 cable, [BUILDING] showing the layout, identifying [APARTMENT] numbers
24 of the units and dimensions of the units [APARTMENTS] in sufficient
25 detail to identify and locate each unit [APARTMENT] with certainty,
26 stating the name of the building or that it has no name, and bearing
27 the verified statement of a registered architect or registered profes-
28 sional engineer certifying that it is an accurate copy of portions of
29 the plans of the condominium [BUILDING] as filed with and approved by

1 the municipality [GOVERNMENTAL ENTITY] having jurisdiction over the
2 approval of the plans or issuance of permits for the construction of
3 the condominium [BUILDING,] or a statement that no approval or permit
4 is required.

5 * Sec. 3. AS 34.07.040(a) is amended to read:

6 (a) If the floor plans do not include a verified statement by a
7 registered architect or registered professional engineer that the
8 plans fully and accurately depict the layout, identifying [APARTMENT]
9 numbers of the units, and dimensions of the units [APARTMENTS] as
10 built, there shall be recorded before the first conveyance of a unit
11 [AN APARTMENT] an amendment to the declaration to which shall be
12 attached a verified statement of a registered architect certifying
13 that the plans previously filed or being filed simultaneously with the
14 amendment fully and accurately depict the layout, identifying the
15 [APARTMENT] number of each unit and dimensions of the units
16 [APARTMENTS] as built.

17 * Sec. 4. AS 34.07.050 is amended to read:

18 Sec. 34.07.050. FORM OF [FLOOR] PLANS. The recording office
19 shall prescribe the style, size, form, and quality of [FLOOR] plans
20 filed under AS 34.07.030.

21 * Sec. 5. AS 34.07.060 is amended to read:

22 Sec. 34.07.060. SURVEY MAP AND [FLOOR] PLANS SUBJECT TO STATE
23 LAWS AND LOCAL ORDINANCES [LAWS]. The survey map and [FLOOR] plans
24 are subject to [THE PROVISIONS OF] state laws and local ordinances
25 [LAWS] relating to plats, planning and plans, subdivisions, and zon-
26 ing, if the laws or ordinances are not inconsistent with [THE PURPOSES
27 OF] this chapter and if the condominium [BUILDING] is or is to be
28 located on real estate that [LAND WHICH] is not owned in common.

29 * Sec. 6. AS 34.07.070 is amended to read:

1 Sec. 34.07.070. RECORDING OF INSTRUMENTS AFFECTING CONDOMINIUMS
2 [HORIZONTAL PROPERTY REGIMES]. The declaration, an amendment to it,
3 or any instrument by which a condominium [THE PROPERTY] may be removed
4 from the application of this chapter and every instrument affecting a
5 condominium or a unit within a condominium [THE PROPERTY OR AN APART-
6 MENT] may be recorded.

7 * Sec. 7. AS 34.07.080 is amended to read:

8 Sec. 34.07.080. CONDOMINIUM UNITS [APARTMENT] CLASSIFIED AS REAL
9 PROPERTY. Each unit of a condominium [APARTMENT,] together with its
10 undivided interest in the common areas and facilities is not consider-
11 ed an intangible or a security or any interest in an intangible or a
12 security [THEREIN] but for all purposes constitutes and is classified
13 as real property under the provisions of this chapter.

14 * Sec. 8. AS 34.07.090 is amended to read:

15 Sec. 34.07.090. CONDOMINIUM UNIT [APARTMENT] OWNERSHIP AND
16 POSSESSION. Each [APARTMENT] owner of a unit within a condominium has
17 [SHALL HAVE] exclusive ownership and possession of the unit [HIS
18 APARTMENT,] but any unit [APARTMENT] may be owned by husband and wife
19 as tenants by the entirety or may be commonly owned by more than one
20 person.

21 * Sec. 9. AS 34.07.100 is amended to read:

22 Sec. 34.07.100. SEPARATION OF UNIT [APARTMENT] OWNERSHIP FROM
23 COMMON AREAS AND FACILITIES OWNERSHIP PROHIBITED. The percentage of
24 the undivided interest in the common areas and facilities may [SHALL]
25 not be separated from the unit within the condominium [APARTMENT] to
26 which it appertains even though the interest is not expressly men-
27 tioned or described in the conveyance or other instrument.

28 * Sec. 10. AS 34.07.110 is amended to read:

29 Sec. 34.07.110. RELEASE OR PARTIAL RELEASE FROM ENCUMBRANCE

1 AFFECTING A UNIT [APARTMENT] WITH FIRST CONVEYANCE; PARTIAL WAIVER OF
2 LIEN CLAIMS. (a) At the time of the first conveyance of a unit of a
3 condominium [EACH APARTMENT], every mortgage, deed of trust, lien, or
4 other encumbrance affecting the unit of the condominium [APARTMENT],
5 including the percentage of undivided interest allocated to the unit
6 [OF THE APARTMENT] in the common areas and facilities, shall be paid
7 and satisfied of record [,] or the unit of the condominium [APARTMENT]
8 being conveyed and its percentage of undivided interest in the common
9 areas and facilities shall be released by a recorded partial release.

10 (b) A partial waiver of lien claims created under AS 34.35.050 -
11 34.35.120 (mechanics liens) on unsold units of a condominium [APART-
12 MENTS] may be obtained under [BY FOLLOWING THE PROCEDURES SPECIFIED
13 IN] AS 34.35.119.

14 * Sec. 11. AS 34.07.120 is amended to read:

15 Sec. 34.07.120. LIABILITY OF GRANTEE FOR UNPAID COMMON EXPENSES
16 AT TIME OF CONVEYANCE. In a voluntary conveyance the grantee of a
17 unit within a condominium [AN APARTMENT] is jointly and severally
18 liable with the grantor for all unpaid assessments against the grantor
19 [LATTER] for the [HIS] share of the grantor in the common expenses up
20 to the time of the grantor's conveyance, without prejudice to the
21 grantee's right to recover from the grantor the amounts paid on the
22 assessments by the grantee.

23 * Sec. 12. AS 34.07.130 is amended to read:

24 Sec. 34.07.130. PERSON OBTAINING POSSESSION UPON FORECLOSURE OF
25 CONDOMINIUM UNIT [APARTMENT] NOT LIABLE FOR COMMON EXPENSES. If a
26 mortgagee of a recorded mortgage or a trustee of a recorded deed of
27 trust or other purchaser of a unit within a condominium [AN APARTMENT]
28 obtains possession of the unit [APARTMENT] as a result of foreclosure
29 of the mortgage or deed of trust, the possessor and the [, HIS]

1 successors and assigns of the possessor are not liable for the share
2 of the common expenses or assessments by the association of unit
3 [APARTMENT] owners chargeable to the unit that [APARTMENT WHICH]
4 became due before [HIS] possession. The [THIS] unpaid share of common
5 expenses or assessments is a common expense collectable from all of
6 the unit [APARTMENT] owners including the possessor and the [HIS]
7 successors and assigns of the possessor.

8 * Sec. 13. AS 34.07.140 is amended to read:

9 Sec. 34.07.140. GRANTEE ENTITLED TO STATEMENT OF UNPAID ASSES:-
10 MENTS. A grantee is entitled to a statement from the manager or board
11 of directors setting out the amount of the unpaid assessments against
12 the grantor. The grantee is not liable for [,] nor is the unit
13 [APARTMENT] conveyed subject to a lien for [,] any unpaid assessments
14 against the grantor in excess of the amount contained in the
15 statement.

16 * Sec. 14. AS 34.07.150 is amended to read:

17 Sec. 34.07.150. CONTENTS OF [APARTMENT] DEED TO UNIT. A deed to
18 a unit within a condominium must [AN APARTMENT DEED SHALL] include

19 (1) a description of the real estate [LAND] as required
20 under [PROVIDED IN] AS 34.07.020 [,] or the post office address of the
21 property [,] and, in either case, the date of recording of the
22 declaration and its volume, page, and receiving number;

23 (2) the identifying [APARTMENT] number of the unit as stated
24 [APARTMENT] in the declaration and any other information [DATA]
25 necessary for its proper identification;

26 (3) a statement of the use for which the unit [APARTMENT] is
27 intended and any restrictions on its use;

28 (4) the percentage of undivided interest appertaining to the
29 unit and [APARTMENT,] the common areas and facilities and the limited

1 common areas and facilities appertaining to the unit [IT], if any; and
2 (5) any further details that [WHICH] the grantor and grantee may
3 set out that are consistent with the declaration and with this
4 chapter.

5 * Sec. 15. AS 34.07.160 is amended to read:

6 Sec. 34.07.160. COMMON AREAS AND FACILITIES OWNERSHIP. (a)
7 Each [APARTMENT] owner of a unit within a condominium has the common
8 right to a share [,] with the other [APARTMENT] owners of units [,] in
9 the common areas and facilities.

10 (b) Each [APARTMENT] owner of a unit within a condominium is
11 entitled to an undivided interest in the common areas and facilities
12 in the percentage expressed in the declaration. The percentage is
13 computed by taking as a basis the value of the unit [APARTMENT] in
14 relation to the value of the condominium [PROPERTY].

15 * Sec. 16. AS 34.07.170 is amended to read:

16 Sec. 34.07.170. NONEXCLUSIVE EASEMENT TO USE COMMON AREAS AND
17 FACILITIES. Each [APARTMENT] owner of a unit within a condominium has
18 a nonexclusive easement for [,] and may use the common areas and
19 facilities in accordance with the purpose for which they were intended
20 without hindering or encroaching upon the lawful right of the other
21 [APARTMENT] owners of units.

22 * Sec. 17. AS 34.07.180 is amended to read:

23 Sec. 34.07.180. ALTERATION OF COMMON AREAS AND FACILITIES OWNER-
24 SHIP. (a) The percentage of the undivided interest of each [APART-
25 MENT] owner of a unit within a condominium in the common areas and
26 facilities as expressed in the declaration may [SHAL'] not be altered
27 except in accordance with procedures set out in the bylaws and by
28 amending the declaration.

29 (b) The bylaws shall provide for a periodic reappraisal of the

1 units [APARTMENTS] and the common areas and facilities together with a
2 recomputation, if required, of the percentage of the undivided inter-
3 est of each [APARTMENT] owner of a unit in the common areas and
4 facilities.

5 * Sec. 18. AS 34.07.190 is amended to read:

6 Sec. 34.07.190. PARTITION OF COMMON AREAS AND FACILITIES OWNER-
7 SHIP PROHIBITED. (a) The common areas and facilities within a condo-
8 minium shall remain undivided and an [NO APARTMENT] owner of a unit
9 within a condominium or other person may not bring an action for
10 partition or division of any part of the common areas or facilities
11 [,] unless the property has been removed from the application
12 [PROVISIONS] of this chapter under [AS PRESCRIBED BY] AS 34.07.300 -
13 34.07.340. Any covenant to the contrary is void.

14 (b) Nothing in this chapter limits the right of partition by a
15 husband and wife owning as tenants by the entirety or by the owners in
16 common of one or more of the units [APARTMENTS] as to the ownership of
17 a unit or units within the condominium [THE APARTMENT OR APARTMENTS].

18 * Sec. 19. AS 34.07.200(b) is amended to read:

19 (b) The association of unit [APARTMENT] owners has [HAVE] the
20 irrevocable right that may [, TO] be exercised by the manager or board
21 of directors [,] to have access to each unit within the condominium
22 [APARTMENT] from time to time during reasonable hours as may be neces-
23 sary for

24 (1) the maintenance, repair, or replacement of any of the
25 common areas and facilities in it [,] or accessible from it; or

26 (2) making emergency repairs in the unit [APARTMENT] neces-
27 sary to prevent damage to the common areas and facilities or to
28 another unit [APARTMENT].

29 * Sec. 20. AS 34.07.210 is amended to read:

1 Sec. 34.07.210. [APARTMENT] OWNER OF UNIT LIABLE FOR A [HIS]
2 SHARE OF THE COMMON EXPENSES [OF COMMON AREAS AND FACILITIES]. An [NO
3 APARTMENT] owner of a unit within a condominium may not seek exemption
4 [EXEMPT HIMSELF] from liability for [HIS] contribution towards the
5 common expenses of common areas or facilities by a [HIS] waiver of the
6 use or enjoyment of any of the common areas and facilities within the
7 condominium or by abandonment of the unit [HIS APARTMENT].

8 * Sec. 21. AS 34.07.220 is amended to read:

9 Sec. 34.07.220. COLLECTION OF UNPAID COMMON EXPENSES FROM UNIT
10 [APARTMENT] OWNER. A sum assessed by the association of unit [APART-
11 MENT] owners but unpaid for the share of the common expenses charge-
12 able to a unit [ANY APARTMENT] may be enforced by the manager or board
13 of directors acting on behalf of the association of unit [APARTMENT]
14 owners, [UPON FIRST OBTAINING THE APPROVAL OF A MAJORITY OF ALL APART-
15 MENT OWNERS,] in the following manner:

16 (1) 10 [TEN] days' notice shall be given the delinquent
17 [APARTMENT] owner of a unit stating that unless the assessment is paid
18 within 10 [TEN] days any or all utility services will be immediately
19 severed and shall remain severed until the assessment is paid; or

20 (2) by the lawful method of enforcement as may be provided
21 in the declaration or bylaws.

22 * Sec. 22. AS 34.07.230 is amended to read:

23 Sec. 34.07.230. UNPAID COMMON EXPENSE IS LIEN ON UNIT; [APART-
24 MENT,] ORDER OF LIEN PRIORITY. A sum assessed by the association of
25 unit [APARTMENT] owners but unpaid for the share of the common expen-
26 ses chargeable to a unit within a condominium [AN APARTMENT]
27 constitutes a lien on the unit [APARTMENT] prior to all other liens
28 except for

29 (1) tax liens on the unit [APARTMENT] in favor of a

1 municipality [AN ASSESSING UNIT OR SPECIAL DISTRICT]; and
2 (2) sums unpaid on deeds of trust or mortgages of record.

3 * Sec. 23. AS 34.07.240 is amended to read:

4 Sec. 34.07.240. COMMON EXPENSE LIEN FORECLOSURE. (a) A common
5 expense lien established under [AS PROVIDED FOR IN] AS 34.07 230 of
6 this chapter may be foreclosed in a civil action brought by the
7 manager or board of directors [,] acting on behalf of the association
8 of unit [APARTMENT] owners [,] in the same manner as a lien on [,] or
9 mortgage of or a deed of trust of real property.

10 (b) In the event of a foreclosure under (a) of this section, the
11 unit [APARTMENT] owner who holds over shall [BE REQUIRED TO] pay a
12 reasonable rental for the unit [APARTMENT, IF PROVIDED FOR IN THE
13 BYLAWS,] and the association of unit owners [PLAINTIFF IN THE FORECLO-
14 SURE] may [APPOINT A RECEIVER TO] collect the rental [IT].

15 (c) The manager or board of directors, acting on behalf of the
16 association of unit [APARTMENT] owners may, unless prohibited by the
17 declaration, bid on the unit [IN THE APARTMENT] at the foreclosure
18 sale [,] and may acquire and hold, lease, mortgage and convey the unit
19 [APARTMENT].

20 * Sec. 24. AS 34.07.260 is amended to read:

21 Sec. 34.07.260. CLAIMS [CAUSES OF ACTION RELATING] TO COMMON
22 AREAS AND FACILITIES. (a) Without limiting the rights of an [APART-
23 MENT] owner of a unit within a condominium, a claim [CAUSE OF ACTION]
24 may be brought by the manager or board of directors, in [EITHER CASE
25 IN] the discretion of the board of directors, on behalf of two or more
26 [APARTMENT] owners of units within the condominium, as their respec-
27 tive interests may appear, with respect to a claim [CAUSE OF ACTION]
28 relating to the common areas and facilities of more than one unit
29 [APARTMENT].

1 (b) A claim [CAUSE OF ACTION] relating to the common areas and
2 facilities for damages arising out of tortious conduct shall be main-
3 tained only against the association of unit [APARTMENT] owners and a
4 judgment lien or other charge is a common expense. The judgment lien
5 or charge is removed from a unit [AN APARTMENT] and its percentage of
6 undivided interest in the common areas and facilities upon payment by
7 the respective owner of the [HIS] proportionate share based on the
8 percentage of undivided interest owned by the respective owner [HIM].

9 * Sec. 25. AS 34.07.270 is amended to read:

10 Sec. 34.07.270. SERVICE OF PROCESS ON TWO OR MORE UNIT [APART-
11 MENT] OWNERS. Service of process on two or more [APARTMENT] owners of
12 units within a condominium in an action relating to the common areas
13 and facilities of more than one unit [APARTMENT] may be made on the
14 person designated in the declaration to receive service of process.

15 * Sec. 26. AS 34.07.280(b) is amended to read:

16 (b) All books and records shall be kept in accordance with good
17 accounting procedures and shall be audited at least once a year by an
18 auditor who does not have an interest in the condominium [OUTSIDE OF
19 THE ORGANIZATION].

20 * Sec. 27. AS 34.07.290 is amended to read:

21 Sec. 34.07.290. EXAMINATION BY UNIT [APARTMENT] OWNER OF RE-
22 CEIPTS AND EXPENDITURES. The receipts and expenditures records and
23 vouchers authorizing payment for maintenance and repair of common
24 areas and facilities required to be kept by AS 34.07.280 shall be
25 available for examination by the [AN APARTMENT] owner of a unit within
26 the condominium at convenient hours of weekdays.

27 * Sec. 28. AS 34.07.300 is amended to read:

28 Sec. 34.07.300. DETERMINATION TO BE MADE BY UNIT [APARTMENT]
29 OWNERS IF CONDOMINIUM [PROPERTY] DESTROYED. Except as otherwise

1 provided in a declaration or bylaws, if [IF] within 60 days of damage
2 or destruction of all or part of the condominium [PROPERTY IT IS NOT
3 DETERMINED BY] a majority of the [ALL APARTMENT] owners of units
4 within the condominium have not decided to repair, reconstruct, or
5 rebuild in accordance with the original plan [,] or [BY A UNANIMOUS
6 VOTE OF] all unit [APARTMENT] owners have not decided to do otherwise,
7 then

8 (1) the condominium [PROPERTY] shall be owned in common by
9 the unit [APARTMENT] owners;

10 (2) the undivided interest in the condominium [PROPERTY]
11 owned in common that [WHICH] appertains to each unit [APARTMENT] owner
12 shall be the percentage of undivided interest previously owned by the
13 owner [HIM] in the common areas and facilities; and

14 (3) mortgages, deeds of trust, or liens affecting any of
15 the units [APARTMENTS] are transferred in accordance with the existing
16 priorities to the percentage of the undivided interest of the [APART-
17 MENT] owner of a unit in the condominium [PROPERTY].

18 * Sec. 29. AS 34.07.310 is amended to read:

19 Sec. 34.07.310. ACTION FOR PARTITION IF UNIT [APARTMENT] OWNERS
20 FAIL TO ACT UNDER AS 34.07.300 OF THIS CHAPTER. An action for parti-
21 tion may be started by the [AN APARTMENT] owner of a unit within the
22 condominium if the [APARTMENT] owners fail to act under AS 34.07.300
23 within 60 days of [AFTER] the damage to or destruction of the
24 condominium [PROPERTY].

25 * Sec. 30. AS 34.07.320(b) is amended to read:

26 (b) The fund shall be divided into separate shares, one for each
27 [APARTMENT] owner of a unit within the condominium in a percentage
28 equal to the percentage of undivided interest that the owner [WHICH
29 HE] has in the condominium [PROPERTY].