

LEGISLATIVE FINANCE - HOUSE / SENATE FINANCE COMM. FILES 8879

HB 571 cont. - HB 578 548 139

Representative Peter Goll
March 12, 1990
Page 2 of 2

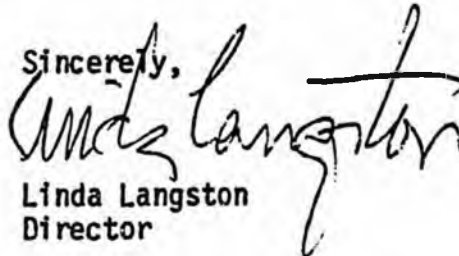
Finally, to address the concern that obligors are unable to pay both the liability and the interest when there has been a delay in notice, we suggest that no interest accrue on the liability to the State if timely notice is not given, as stated in proposed subsection (b). AS 47.23.120 should be amended to provide that an obligor is liable for public assistance provided regardless of receipt of notice under AS 47.23.277. It then would read as follows:

AS 47.23.120. OBLIGOR LIABLE FOR PUBLIC ASSISTANCE FURNISHED OBLIGEE.

(a) An obligor is liable to the State in the amount of assistance granted under AS 47.25.310 - 47.25.420 to a child whom the obligor owes a duty of support except that if a support order has been entered, the liability of the obligor may not exceed the amount of support provided in the support order. An obligor is liable to the State regardless of receipt of notice under AS 47.23.277.

(b) An obligor is liable to the State in the amount of the cost incurred if the State is maintaining a child whom the obligor owes a duty of support in a foster home or institution, except that if a support order has been entered, or an agreement for payment of that cost executed between the obligor and the State, the liability of the obligor may not exceed the amount provided in the support order or agreement. An obligor is liable to the State regardless of receipt of notice under AS 47.23.277.

Sincerely,



Linda Langston
Director

LL:AL:tr
90-57

Enclosure (HB 571 with annotations)

cc: Representative Johnny Ellis, Chairman, House HESS Committee ✓

FN: 32871

STIVE COWPER
GOVERNOR



PHONE
(907) 561-4227

STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

March 7, 1990

Representative Johnny Ellis
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Ellis and members of House HESS:

I had the opportunity to listen in on the discussion on HB 571, and the clarification regarding the intent of directing this bill towards absent parents who are accruing a debt to AFDC. The Women's Commission supports the speedy notification to absent parents who do not have a child support order in place and who are accruing a debt to AFDC. It is, of course, incumbent upon that parent to respond in a timely manner.

The Women's Commission strongly supports HB513. This legislation is long overdue. Many youth are in school at age 19. Completion of their education is our first concern.

Regarding HB472, the Women's Commission at their meeting on Mar 2 and 3 in Anchorage, made a decision not to support HB472. Last year I observed the court appointed child support guidelines committee. This committee took extensive testimony and carefully addressed all issues. A review of their committee notes would easily persuade you of this. There were good reasons for their decisions and the process was cost effective for the State.

Only the court has the opportunity of actually knowing both sides of the story. The obligors have been very vocal. It is my experience from years of working in the domestic violence field that where there is ongoing harassment in relation to custody and support there is often past or present violence or threats. We are only hearing one side of the story at these hearings. Custodial parents rarely feel able or safe to testify. If guidelines are decided legislatively, I believe that we will not have a fair and balanced process because we will only hear from obligors.

STATE OF ALASKA

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT DIVISION

STEVE COWPER, GOVERNOR

560 WEST 7TH, 4TH FLOOR
ANCHORAGE, AK 99501-3558
PHONE: (907) 278-3441
TOLL FREE ALASKA: 800-478-3300

March 5, 1990

Representative Johnny Ellis
Room 104, Capitol
P.O. Box V
Juneau, Alaska 99811

Subject: HB 571

Dear Johnny:

We have had an opportunity to review HB 571 in conjunction with the new Federal standards for program operations (45 CFR Part 232, 301 through 304, 306 and 307). The new Federal standards become effective for all States on October 1, 1990. They establish specific time frames for child support case actions that will now be uniform across the nation.

The new Federal rules stipulate a 90-day notice requirement, and we would like to recommend that that standard be adopted in HB 571. We also recommend that the bill, instead of adding a new section as AS 47.23.277, be entered as a new subsection (c) to AS 47.23.120. It then would read as follows:

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(b) An obligor is liable to the State in the amount of the cost incurred if the State is maintaining a child whom the obligor owes a duty of support in a foster home or institution, except that if a support order has been entered, or an agreement for payment of that cost executed between the obligor and the State, the liability of the obligor may not exceed the amount provided in the support order or agreement. An obligor is liable to the State regardless of receipt of notice under (c) of this section.

(c) An obligor who resides in the State shall be notified of the accruing liability for a child for whom a duty of support has been established within 90 days after the agency knows the identity and address of the obligor.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**



STATE OF ALASKA
OFFICE OF THE GOVERNOR
ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

March 7, 1990

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P.O. Box V (MS 3100)
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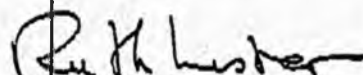
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The present guidelines, with allowance for special case exceptions, provide for adequate support if the non-custodial parent is working. They are not high compared to other states. One of the problems that is most often brought up is second families. Some non-custodial parents who have been paying low support amounts have suddenly, through a modification, had their obligation increased. This problem will decline with time as all new awards are determined by 90.3 and non-custodial parents do not therefore experience large changes in their obligations.

Sincerely



Ruth Lister
Executive Director

RL/kh

STATE OF ALASKA

DEPARTMENT OF REVENUE

CHILD SUPPORT ENFORCEMENT DIVISION

STEVE GOWPER, GOVERNOR

580 WEST 7TH, 4TH FLOOR
ANCHORAGE, AK 99501-3558
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March 5, 1990

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Room 104, Capitol
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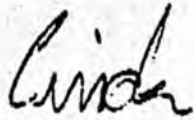
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Representative Johnny Ellis
Re: HB 571
March 5, 1990
Page 2 of 2

You will note that we have added language to clarify that the obligor's liability for support is not affected by the notice requirement, since it could be construed under HB 571 that the notice requirement imposes a 30-day statute of limitations on the State's right to recover support to offset the State's public assistance debt.

We thank you for the opportunity to comment and look forward to working with you on this bill.

Sincerely,



Linda Langston
Director

LL:AAL:akj

FN: 32611

ATTENTION: HOUSE H.E.S.S.

H.B. 472 I strongly support this bill. This Bill will put the child support award system in to the democratic process.

In my opinion it is good policy for parents and elected officials to be directly involved in formulating child support laws.

H.B. 571 I strongly support this bill so that obligors will be notified when a duty of support begins accruing.

H.B. 538 and 539 I strongly support these bills. I believe that children have the right to have access to both parents and both parents have the right to access their children. This visitation project will benefit families and children by providing mediation for visitation problems.

I am a member of the Alaska Support Group.

^
FAMILY

Paul A. L. Nelson

Paul A. L. Nelson

March 6, 1990

Rhona L. Miels

Rhona L. Miels Non-member

Notify Obligor within 30 Days

RECOMMENDATION 37:

THE TASK FORCE RECOMMENDS THAT IN CASES WHERE THE UNCONTESTED IDENTITY AND THE ADDRESS WITHIN ALASKA OF THE NON-CUSTODIAL PARENT ARE KNOWN, THE CHILD SUPPORT ENFORCEMENT DIVISION MUST NOTIFY OBLIGORS THAT A SUPPORT OBLIGATION HAS BEEN ACCRUING BECAUSE OF NON-PAYMENT OF COURT-ORDERED SUPPORT AND/OR BECAUSE OF PAYMENT OF AID TO FAMILIES WITH DEPENDENT CHILDREN BENEFITS FOR WHOM THE PARENT HAS A DUTY OF SUPPORT, WITHIN 30 DAYS AFTER THE DATE THAT THESE FACTS BECOME KNOWN TO THE DIVISION.

Issue

Sometimes government agencies take a long time to notify non-custodial parents that the custodial parent of their children is receiving AFDC benefits. Because of this, non-custodial parents can build a large debt to the state without knowing that the debt is being incurred, with interest. How can this be avoided?

FSA Criteria

The Act strengthens the relationship between the public assistance and Child Support Enforcement agencies, both of which operate on the assumption that parents are responsible for the support of their children, even if they don't live in the same house.

AFDC benefits can sometimes be viewed as child support payments paid by the government on behalf of the non-custodial parent. Just because the parents don't make the payments doesn't mean they are not still responsible for some or all of the payments. Therefore AFDC cash benefits can be considered a loan to the non-custodial parent, which must be repaid, with interest. This debt and interest accrual begins when the first AFDC check is issued for a parent's children.

Therefore when single parents apply for AFDC, they must provide the name and address of the children's other parent, so that child support payments can be collected to offset the government-paid AFDC benefits. The government then notifies the non-custodial parent that the other parent is receiving AFDC benefits for their children and that a debt is therefore developing.

Rationale

Neither the Act nor existing regulations provide guidelines for when the State must notify the non-custodial parents that costs are being incurred for which they are responsible. This recommendation provides a reasonable time frame. The intent is to allow the non-custodial parent as much time as possible to repay or make plans for repaying AFDC debts.

(b) In determining the amount of money an obligor must pay to satisfy the obligor's immediate duty of support, the agency shall consider all payments made by the obligor directly to the obligee or to the obligee's custodian before the time the obligor is ordered to make payments through the agency. After the obligor is ordered to make payments through the agency, the agency may not consider direct payments made to the obligee or the obligee's custodian unless the obligor provides clear and convincing evidence of the payment.

(c) If admitted to the practice of law in the state, the director of the agency, or the director's designee, shall sign a complaint or other pleadings on behalf of the agency in an action to establish or enforce a support obligation under this chapter in which the agency is not represented by the attorney general (§ 1 ch 251 SLA 1976; am § 7 ch 126 SLA 1977; am §§ 3 — 5 ch 118 SLA 1982; am § 4 ch 40 SLA 1985; am § 1 ch 72 SLA 1986; am §§ 4-5 ch 68 SLA 1988)

Sec. 47.23.022. Enforcement requests from other states.

(a) The agency may act, under the laws of this state, upon requests from similar state agencies in other states that operate child support enforcement programs under 42 U.S.C. 651 — 665 (Title IV-D Social Security Act) to establish and enforce against obligors within this state support obligations determined in other states.

(b) Requests from child support enforcement agencies in other states shall be made by application containing the information that this state's agency requires and including written authorization from the requesting state agency and the obligee for this state's agency to initiate action necessary to establish, enforce, and collect the support obligation on their behalf. (§ 5 ch 40 SLA 1985)

Sec. 47.23.025. Rates of interest. The rate of interest imposed under AS 47.23.020(a)(2)(C) shall equal the rate imposed under AS 3.05.225 or a lesser rate that is the maximum rate of interest permitted to be imposed under federal law. (§ 6 ch 118 SLA 1982; am § 6 ch 40 SLA 1985)

Sec. 47.23.030. Establishment of fund. There is established in the state general fund a continuing, revolving, reserve account to receive collections and make the authorized disbursements of the agency. (§ 1 ch 251 SLA 1976)

Sec. 47.23.040. Determination of paternity. (a) The agency shall appear on behalf of minor children or their mother or legal custodian of the state and initiate efforts to have the paternity of children born out of wedlock determined by the court on voluntary application by the mother or other legal custodian.

(b) The agency may not attempt to establish paternity in any case involving incest or forcible rape, when legal proceedings for adoption are pending, or when it would not be in the best interests of the children or the state. (§ 1 ch 251 SLA 1976; am § 18 ch 126 SLA 1977)

Sec. 47.23.045. Determination of support obligation. The agency may appear in an action seeking an award of support on behalf of a child owed a duty of support, or to enforce a spousal support order if a spousal support obligation has been established and if a support obligation, established with respect to a child of that spouse, is also being administered, and may also appear in an action seeking modification of a support order, decree or judgment already entered. Action under this section may be undertaken upon application of an obligee, or at the agency's own discretion if the obligor is liable to the state under AS 47.23.120(a) or (b). (§ 19 ch 126 SLA 1977; am § 7 ch 40 SLA 1985)

Sec. 47.23.050. Legal assistance. The agency shall contract with the Department of Law to provide needed legal services. (§ 1 ch 251 SLA 1976; am § 20 ch 126 SLA 1977)

Sec. 47.23.060. Order of support. (a) An order of support establishes a relationship by which the custodian of the child is the administrator for the purposes of administering child support on behalf of the child. The court shall carefully consider the need for support, the ability of both parents to meet such support obligations, the extent to which the parents supported the child before divorce, and the economic ability of the parents to pay after separation and divorce. The court shall also consider the effect on the support obligation of a change in custodian. The need of the child for support shall be considered regardless of the sex of the parent awarded custody of the child.

(b) *[Repealed, § 21 ch 126 SLA 1977.]*

(c) In a court proceeding where the support of a minor child is at issue, the court may order either or both parents to pay the amount necessary for support, maintenance, nurture, and education of the child. The court shall issue a medical support order as part of a child support order if health care coverage is available to the obligor at a reasonable cost. Upon a showing of good cause the court may order the parents required to pay support to give reasonable security for payments.

(d) An order for prospective child support may be modified or revoked under AS 25.24.170. (§ 1 ch 251 SLA 1976; am § 21 ch 126 SLA 1977; am § 8 ch 40 SLA 1985; am § 6 ch 68 SLA 1988)

Sec. 47.23.062. Income withholding order for support. (a) A judgment, court order, or order of the child support enforcement agency under this chapter providing for support must contain an income withholding order. An income withholding order under this section may not be enforced unless the obligor had notice of the order when it was made or an application for the order was served on the obligor in the manner provided for service of a summons under Rule 4, Alaska Rules of Civil Procedure.

123

BFH

SENATE FINANCE COMMITTEE REPORT

DATE: 4/26/90

FURTHER:

DATE TURNED INTO OFFICE: 5/6/90

The Finance Committee considered

CSHB 571 (HESS)

"An Act requiring notice to obligors about obligations relating to support."

and recommended:

replace with _____ CS
 or adopt _____ CS

CS HB 571 (Hess)

same title
 new title
 technical title change (HB only)

attached amendment(s)

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

SPC/DOR

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

[Signature]
[Signature]
Paul Gruber

OTHER RECOMMENDATIONS:

1. John B. [Signature] DO PASS

2. Paul Hess (DO PASS)

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Revenue
 Title: Requiring notice to Obligors BRU: Child Support Enforcement
about obligations relating to support
 Sponsor: House (Hess) Components: _____
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senator Rick Uehling, Co-chairman
 Division: Senate Finance Committee

Phone: 465-4821
 Date: May 6, 1990

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by preparer):

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

Adopted

Original sponsor(s): HESS Committee

1 IN THE HOUSE BY THE HESS COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 571 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act requiring notice to obligors about obliga-
7 tions relating to support."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 47.23.120 is amended by adding new subsections to read:
10 (c) Within 30 days after the agency knows the identity and
11 address of an obligor who resides in the state and who is liable to
12 the state under this section, the agency shall send written notifica-
13 tion by certified mail to the obligor parent of the obligor's accruing
14 liability. The notice required under this subsection must be in
15 clear, concise, and easily readable language. The notice may ac-
16 company other communications by the agency.
17 (d) If the agency fails to comply with (c) of this section,
18 interest does not accrue on the liability to the state unless a sup-
19 port order has been entered.
20 (e) The agency's failure to comply with (c) of this section does
21 not bar an action by the state to recover amounts owed by the obligor.

HB

5741

<u>Funding Information:</u>	General Fund	\$900,000
	Other Funds	-0-
		<u>\$900,000</u>

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 574 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Depart-
7 ment of Natural Resources to build certain fire
8 breaks and to take other action regarding controlling
9 the fire hazard created by the bark beetle infesta-
10 tion; and providing for an effective date."

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

12 * Section 1. The sum of \$700,000 is appropriated from the general fund
13 to the Department of Natural Resources for the division of forestry to
14 build fire breaks in the Cooper Landing vicinity of the Kenai Peninsula and
15 on other state land to control the fire hazard created by the bark beetle
16 infestation.

17 * Sec. 2. The sum of \$200,000 is appropriated from the general fund to
18 the Department of Natural Resources for the division of forestry to iden-
19 tify and develop a public consensus on how to treat state land in order to
20 control the fire hazard created by the bark beetle infestation.

21 * Sec. 3. The unexpended and unobligated balances of the appropriations
22 made by this Act lapse into the general fund June 30, 1991.

23 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
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26
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Alaska State Legislature

HOUSE RESOURCES COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-3715

MEMORANDUM

TO: REP. RON LARSON, CO-CHAIR HOUSE FINANCE COMMITTEE
REP. LYMAN HOFFMAN, CO-CHAIR HOUSE FINANCE COMMITTEE

FROM: REP. CURT MENARD, CO-CHAIR HOUSE RESOURCES COMMITTEE *Curt*
REP. CLIFF DAVIDSON, CO-CHAIR HOUSE RESOURCES COMMITTEE *Cliff*

DATE: MARCH 26, 1990

RE: ~~CSM 574 (RES) AMENDMENT~~

We would like to thank you for your prompt scheduling of HB 574, a special appropriation bill to address the spruce bark beetle problem on the Kenai Peninsula.

Following our review of the bill and passage out of the Resources Committee, we discovered a potential problem in Section 3 regarding the date on which the unobligated and unexpended balances will lapse into the general fund. The lapsing date in the original bill was June 30, 1990.

It is likely that the firebreaks project, estimated at a cost of \$700,000, cannot realistically be completed by June 30, 1990. The solution we believe is to change the date in Section 3 to June 30, 1991. Also, please note that in the final printing, a typographical error existed on line 23. The date reads June 30, 19. We would recommend that the date read June 30, 1991.

Thank you for your attention to this suggested change.

*Am # 1
Adopt.
U.C.*

EVALUATION OF SPRUCE BEETLE ALTERNATIVES ON THE KENAI PENINSULA
ALASKA DIVISION OF FORESTRY
March 9, 1990

Outline of Project Proposal

The Division of Forestry has submitted an appropriation request to the legislature to fund an evaluation of alternatives to deal with spruce beetle (*Dendroctonus rufipennis*, kby.) infestations on the Kenai Peninsula. The three areas of highest priority for evaluation of beetle infestations on State lands on the Peninsula are Moose Pass, Kalgin Island, and Bear Cove. These areas will be prioritized for evaluation and field review will be undertaken to assess forest conditions and beetle population levels. The evaluation process will include interagency activities, landowner interface and public involvement. A summary document will be prepared listing areas of concern by priority, alternatives for action, a preferred alternative, a funding estimate to implement the preferred alternative and a decision document.

Minimum staffing to manage and complete the actions outlined in this project proposal are outlined below. The new positions are temporary and will only last until June 30, 1991, which is the projected completion date of this project.

Natural Resource Manager I (new)	\$51.0
This position will be the project leader. The employee will lead field crews in the collection of field data; will coordinate agency, landowner and public involvement; will develop and evaluate alternatives; will prepare cost estimates of alternatives; and will prepare decision documents for line officer approval.	
Clerk-Typist III (new)	\$30.0
This position will provide clerical support to the project including formulating newsletters, maintaining mailing lists, typing documents and correspondence, recording minutes of meetings, serving as receptionist for the group, etc.	
Information Officer I (new)	\$45.0
Design public participation program and implement that program. Ensure compliance with public meeting regulations. Identify opportunities for better keeping the general public informed of the merging issues as well as steps being undertaken to effect control. Get results of annual aerial surveys out to everyone. Design other publications and brochures as needed.	
Forest Tech III (extension - 8mm)	\$25.6
Forest Tech II (extension - 8mm)	\$20.9
Extend present seasonal technicians to gather data and do preliminary map preparation; verification of ownerships, classifications and infestation levels. These positions would also gather stand data to allow determination of treatment alternatives.	

Required start-up cost increment for this initiative:

Personal Services (new positions)	\$126.0
(extensions of seasonals)	\$ 46.5
Travel	6.0
Contractual (phones, utilities, copies, brochures, professional services)	103.5
(Advertisements, printing, helicopter/aircraft flights Vehicle lease and operating costs)	
Commodities	6.0
Equipment (computer, printer, peripherals)	7.0
(Desks, chairs, bookcases, etc.)	5.0

TOTAL START-UP INVESTMENT \$300.0

For additional information, contact Jim Peterson, the Kenai-Kodiak Area Forester and Project Manager at:

Alaska Division of Forestry
Kenai-Kodiak Area
HC 1, Box 107
Soldotna, AK 99669
(907) 262-4124

**STATEMENT OF
DUANE HARP
DISTRICT RANGER, SEWARD DISTRICT
CHUGACH NATIONAL FOREST, USDA FOREST SERVICE**

**Before the
Joint House and Senate Resources Committee
Alaska Legislature**

**Concerning
*Beetle infestation on the Kenai Peninsula.***

March 12, 1990

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

As Dr. Holsten has pointed out, the Kenai Peninsula has been infested with an epidemic of spruce bark beetle over the past 10 years. In particular, the Cooper Landing area has been severely affected.

In 1986, the Forest Service initiated plans to deal with the beetle epidemic. Based on an environmental assessment completed in July 1987, a decision was made to 1) reduce the spread of the infestation by thinning green stands of spruce trees susceptible to beetle attack, 2) to salvage harvest timber where feasible and 3) to reduce the threat of fire to the Cooper Landing area by harvesting dead and dying trees and by constructing fuelbreaks around trailheads and campgrounds. That decision was appealed, and consequently, harvest was limited to dead trees in areas posing only the highest fire threat to Cooper Landing.

The threat of wildfire to the Copper Landing area is very real. The Kenai Peninsula has a history of large wildfires including a burn of over 350,000 acres in 1947, the 10,000 acre Kenai Lake Burn of 1959, and in 1969, the 86,000 acre Swanson River Burn and the 2,600 acre Russian River Burn. Each of these fires was man caused. Each summer we experience fire starts in the Cooper Landing area. To date, weather and wind conditions have allowed us to suppress the fires before they became large.

Since the 1987 decision, the beetle infestation has increased in intensity. Currently, in the Cooper Landing area, some 27,000 acres of spruce on National Forest System lands are affected. Estimates of tree mortality range from 65 to 95 percent of all spruce 5 inches in diameter and larger. Of the total affected acreage, only 950 acres are currently scheduled for harvest; and to date, less than 100 acres have actually been logged. The Forest Service continues to reduce hazardous fuels in and around heavily used areas such as campgrounds and trailheads.

Over the past three years, the U.S. Forest Service, the State Division of Forestry, and the residents of Cooper Landing have become increasingly concerned about the potential for a catastrophic wildfire in the Cooper Landing area. Trees which have been dead for five years or more are now starting to fall, creating large concentrations of dry fuels on the forest floor. These concentrations increase both the severity of a fire and the difficulty of suppressing one. If no additional fuel reduction work is done, we can expect such hazardous fuel conditions to exist for 20 to 40 years.

In response to these concerns, in June 1989, the Forest Service, State Division of Forestry, U.S. Fish and Wildlife Service, and the Kenai Peninsula Borough strengthened plans for responding to a wildfire in the Cooper Landing area.

Last August, the Chugach National Forest began planning to deal with the present situation. In October, I initiated an environmental assessment process to examine alternatives to meet two primary objectives on National Forest System lands: 1) to reduce the risk of a catastrophic wildfire in the Cooper Landing area to an acceptable level; and 2) to restore forest health by re-establishing a vigorous and diverse forest. A working group consisting of Cooper Landing area residents, representatives of the local timber industry, the

environmental community, the Kenai Borough Economic Development District, the Department of Fish and Game, and the Division of Parks, was formed to participate in the planning process. The State Division of Forestry, the U.S. Fish and Wildlife Service, and the Kenai Peninsula Borough are also key in integrating and coordinating our efforts with their own plans.

The working group recommended a concentrated effort in three areas: 1) reduce fire hazards around residences and on private property, 2) construct fuelbreaks in strategic locations, and 3) reduce large concentrations of dead fuel. Public forums to discuss these actions are scheduled this week in Soldotna, Anchorage, and Cooper Landing.

The deadline for a decision based on the environmental assessment is June 29, 1990. However, it has become apparent that the situation is too urgent to wait and that some action is needed before the 1990 fire season. As a result, the Forest Service plans to construct two major fuelbreaks and several smaller fuelbreaks in critical areas. In addition, we will increase our fire suppression forces and fire prevention efforts. The Forest Service and State Division of Forestry will also conduct a workshop for Cooper Landing residents on how to make homes fire resistant.

I must stress that the fuelbreaks are only a small part of the solution to the problem. The 200 to 500 foot wide breaks will provide lines of defense for fighting wildfires. To adequately lower the risk of wildfire hazardous fuels must be reduced over a large area. The forest health and vigor must also be restored so that bark beetle infestations will not reach epidemic proportions in the future. The environmental assessment scheduled for completion in late June will assist me in making that decision for the National Forest System lands in the Cooper Landing area.

It is also crucial that actions be implemented on State of Alaska lands. The Division of Forestry has been working closely with us in developing coordinated strategic plans to deal with the spruce bark beetle epidemic and associated wildfire problem. I urge the Committee to give full support to the Department of Natural Resources efforts to work with the Forest Service on this important issue.

COOPER LANDING SPRUCE BEETLE PROJECT
ALASKA DIVISION OF FORESTRY
MARCH 7, 1990

Outline of Project Proposal

Over the years, the Kenai Peninsula has been impacted time and time again by spruce beetle (*Dendroctonus rufipennis*, kby). Approximately 538,000 acres has been infested from the late 60's through '75. Presently, the area of primary concern is the area from Kenai Lake to Skilak Lake along the Kenai River corridor and northward towards Hope. Within this area, an estimated 130,000 acres of spruce trees have been killed or infested. Due to the extensive amounts of beetle killed trees surrounding the community of Cooper Landing, this area has been given first priority for attention.

The State of Alaska owns approximately 6,400 acres in the Cooper Landing area. The lands have been selected by the Kenai Peninsula Borough under the Municipal Entitlement Act. Transfer of these lands to the Borough are still pending. Approximately 2,000 acres have been infested. The Division of Forestry has identified the following priorities:

1. Protect life and property from wildland fire;
2. Reduce the fuel loading adjacent to private lands;
3. Salvage usable forest products from the beetle killed forest and create employment opportunities;
4. Put the forest back into productivity as quickly as possible.

To achieve these objectives, the Division has embarked on the following course of action. Presently, the Division has seven active or completed salvage sales in the Cooper Landing Area. Additional salvage areas are currently being prepared. These actions are being completed under existing budget dollars.

The Division has requested an additional \$700,000 to be appropriated by the Legislature to help meet the above objectives. With these additional dollars, the Division proposes to develop two fuelbreaks of approximately 500 feet in width and 4,000 feet in length (92 acres). A containment line to mineral soil will be developed within these fuelbreaks. One is proposed east of Cooper Creek and will utilize the old Cooper Creek dam road as the containment line and the other is proposed west of Shackelford Creek and will require construction of a containment line. Within the fuelbreaks, all dead and infested spruce will be removed. The hardwoods and hemlock will be left untouched. The harvested trees will be tree length yarded to landings where they will be limbed and topped, cut to log length and decked. The slash will be disposed of by burning. The fuelbreaks will be regenerated to primarily hardwoods. Estimated cost of the fuelbreaks is \$117.1.

The Division is also proposing to reduce fuel loading in areas immediately adjacent to private land by the creation of fuel reduction areas. The fuel reduction areas total 655 acres. These areas will be treated similarly to the

Cooper Landing Spruce Beetle Project

fuelbreaks but will not include containment lines. Some of this area is currently under salvage contracts, but additional treatment and regeneration of areas is necessary to reduce the potential of fire spread. These areas are located within 1/2 mile of private lands and do not have any vegetative buffers between the treatment area and private lands. Estimated cost of the fuel reduction areas is \$477.4.

The areas outside of the fuelbreaks and fuel reduction areas are called vegetative management areas. Stands and pockets of beetle killed trees will be salvaged as part of the Division's normal budget process.

The Division also wants to remove the hazard trees on State land along the Sterling Highway. The field work is completed, but dollars are needed to contract the removal. The estimated cost of the project is \$25.0.

To administer these various contracts, the Division is proposing to hire a temporary position at the Forest Tech IV level for the life of the contracts. The Division also proposes to upgrade our radio system into Cooper Landing to allow better coordination on initial attack fires. At the present time, our initial attack vehicles do not have communications with our dispatch office by radio. Costs for this position plus administrative support dollars for the project are estimated to be \$20.5

The purpose of this project is to rapidly develop two fuelbreaks in the vicinity of Cooper Landing and to reduce fuel loading on areas adjacent to private lands in an effort to diminish the potential for loss of life or property from wildfire. This project is also designed to return the forest back into productivity by reforesting the treated areas with primarily hardwoods to reduce the potential of fire spread. Due to the seasonal time constraints of portions of this project proposal, the funds should be allocated as a capital improvement project (CIP). That portion of this project that may extend into the fall of 1991 is the regeneration and possibly slash burning. Some of the costs allocated are for cone and seed collection which will be undertaken in the fall of 1990. Approximately 110,000 seedlings will need to be ordered and should be old enough to outplant in the fall of 1991. To get a jump on the grass competition, we will want to scarify just prior to seeding and planting. This means scarification will be conducted in the late summer and early fall of 1991. Some of the slash and debris piles will need to be burned in the late fall of 1991.

Project Cost Summary:

Fuelbreak(s)	\$ 117.1
Fuel Reduction Areas	477.4
Hazard Trees	25.0
State Administration	<u>\$ 80.5</u>
	\$ 700.0

Cooper Creek Fuelbreak

Project size: 500 feet by 4,000 feet (46 acres)

Current conditions: 85% of the spruce is dead. Stand structure is roughly
2/3 spruce and 1/3 hemlock.

Special concerns: This bench has a very thin soil depth overlaid by alluvial deposits of silty sand.

Project Proposal:

1. Open up old Cooper Creek dam road and put to bed after completion of use.
Cost \$6.0.
2. Remove all dead spruce 7" DBH and larger. Tree length yard, limb and top at landings and deck merchantable material. Burn slash and unmerchantable material at landings. Work to be completed by vendor service contract.
Cost: \$41.8 (\$160/MBF @ 5 MBF/ac - total 46 acres) (plus \$5.0 slash burning)
3. Mechanically pile ground fuel accumulations during winter months with dozer and brush blade. Vendor service contract on approximately 35 acres.
Cost: \$1.9 (\$50/acre + mobilization costs)
4. State crew to burn mechanically piled slash.
Cost: \$0.2
5. Regeneration of fuelbreak with birch by direct seeding. Some interplanting with spruce. Seed collection, handtool site prep and direct seeding to be accomplished by vendor service contract.
Cost: \$7.3 (\$150/acre and cone/seed collection and seedling cost)

Project Totals:

Open Road	\$ 6.0
Removal	41.8
Piling	1.9
Burning	.2
Regeneration	7.3
Total	\$ 57.2

Shackleford Creek Firebreak

Project size: 500 feet by 4,000 feet (46 acres)

Current Conditions: Predominately spruce forest with approximately 90% of the spruce dead.

Special Concerns:

1. Project will be highly visible from the Sterling Highway while crossing the Kenai River Bridge.
2. Lower sidehill is on unstable soils capable of mass movement.

Project Proposal:

1. Remove dead spruce 7" DBH and larger. Two vendor service contracts will be developed. One will address the lower sidehill with unstable slopes which may require unconventional harvest systems. The second contract will be the more stable uplands, and they will be harvested by conventional means. Logs will be decked at various accessible locations. Slash to be burned at landings.
Cost: \$49.7 (\$160/MBF @ 6 MBF/ac - Total 46 acres) (plus \$5.0 for slash disposal) (plus containment line construction)
2. Mechanical scarification by dozer with a brush blade of 50% of the upland area. To be completed by vendor service contract.
Cost: \$2.4 (\$70/ac and mobilization, etc.)
3. Regeneration of the fuelbreak will be completed by one vendor contract with distinctive provisions differing the sidehill area from the balance of the project. The sidehill will involve hand preparation of sites to plant spruce seedlings and to direct seed with birch and alder to stabilize slopes. The upper area will be direct seeded with birch and hand planted with spruce.
Cost: \$7.8 (\$150/ac and seed collection and seedling cost)

Project Totals:

Removal	\$ 49.7
Scarification	2.4
Regeneration	7.8
Total	\$ 59.9

Bean Creek Fuel Reduction Area

Project Size: 200 acres

Current Condition: 95% dead spruce in a homogenous stand.

Special Concerns:

1. The Bean Creek recreation trail transect area.
2. Removal of spruce product on Bean Creek road will negatively impact residents. This road is not satisfactorily built for heavy truck traffic.

Project Proposal

1. Develop a new access forest road along the DOT&PF "preferred alternative" for realignment of the Sterling Highway.
Cost: \$40.0
2. Log all dead spruce 7" DBH and larger by vendor service contract. Deck product along access route. Slash dead under 7" DBH size.
Cost: \$128.0 (\$160/MBF) (4 MBF/ac)
3. Mechanically scarify 50% of the fuel reduction area with dozer and brush blade by vendor service contract. This will effectively break ground fuel continuity while at the same time establishing regeneration planting sites.
Cost: \$14.0 (\$70/ac)
4. Regular State crew to develop prescribed burn plan to fire berm piles resulting from the scarification phase. Vendor service contract burning of the piles.
Cost: \$5.0
5. Relocate 1 1/2 miles of the Bean Creek recreation trail and develop trail head parking area. This will put the trail completely on State land compared to its current trespass through private property and the trail head parking on subdivision roads.
Costs: \$28.0
6. Regeneration of the fuel reduction area is planned to be in hardwoods-paperbirch. Vendor service contract to collect seed and distribute on site by a direct seeding method. Seed drying and cleaning to be completed by State nursery.
Cost: \$12.0

Project Totals:

Access Development	\$ 40.0
Dozer Work	14.0
Trail Relocation	28.0
Burning	5.0
Site Regeneration	12.0
Total	\$ 227.0

West Shackleford Fuel Reduction Area

Project size: 139 Acres (Snug Harbor)
+ 204 Acres (Cooper Creek)
+ 42 Acres (Shackleford Creek II)
+ 14 Acres (Bridgeview)
+ 17 Acres (Firebreak)
+ 50 Acres (Old Buffers)
Total 466 Acres

Current Conditions: 90% of the spruce stand is dead.

Special Concerns:

1. Existing timber salvage contracts on 385 acres. Snug Harbor sale totaling 139 acres will need special attention to work out a program with existing contractor.

Project Proposal:

1. Remove all dead spruce 7" DBH and larger on 81 acres by vendor service contract. Slash dead under 7" DBH in size. Deck logs at designated access points. Burn slash at landings as part of ongoing process.
Cost: \$64.8 (\$160/MBF @ 5MBF/ac)
2. A total of 385 acres will be harvested under salvage contracts. Approximately 343 acres will need to have all dead trees under 10" DBH removed or slashed. To be completed by vendor service contract.
Cost: \$60.0 (\$175/ac)
3. Mechanically scarify 50% of 281 acres with a dozer and brush blade by vendor service contract.
Cost: \$19.7 (\$70/ac)
4. Burn slash piles and berm piles from scarification by vendor service contract.
Cost: \$5.0
5. Regeneration of the fuel reduction area is planned to be primarily in hardwoods (birch and alder - alder on unstable soils). some interplanting of spruce seedlings is planned. Scarified sites will be direct seeded with hardwood seed. Vendor service contract to collect seed and distribute on site. Seed drying and cleaning will be completed by the State Nursery.
Costs: \$100.9 (collect and seed \$12.0-145 acres) (Interplant of spruce-200 acres @ \$220/ac=\$44.0) (Hand seed and hand seed bed prep-185 acres @ \$125/ac=\$23.1) (Cost of seedlings 436/ac @ \$.25/ea=\$21.8)

Project Totals:

Removal	\$	64.8
Slash		60.0
Scarify		19.7
Burning		5.0
Regeneration		100.9
Total	\$	250.4

HAZARD TREES REMOVAL-COOPER LANDING

The Division of Forestry has marked approximately 600 hazard trees located along the Sterling Highway in the Cooper Landing area. The trees marked have the potential to fall onto the road surface of the highway. The trees are located between milepost 46.0 -46.8 and milepost 49.5 - 50.2. Removal of the trees will be necessary to reduce the hazard to the passing motorist and disposal of the slash from the tree removal will be necessary to reduce the fire potential. Intermittent closure of the Sterling Highway will be necessary for public safety reasons. The estimated cost to remove these trees from state land is \$25.0.

State Administrative Costs

Forest Technician IV (new)	\$ 37.2
This position will assist in propagation, supervise, and administer contracts, evaluate field results, and complete project reports.	
Travel	2.0
Contractual	25.0
(Vehicle lease, advertisements, printing, professional contract preparation assistant, photoprocessing, phone charges, postage, vehicle maintenance, seedling shipping cost, etc.)	
Commodities	\$ <u>16.3</u>
(Gas, film, paper, communications, office supplies, paint, ribbon, tags, minor tools and equipment.)	
Total	\$ 80.5

Position Title Forest Technician IV			No. of Positions 1	Range/Step 13/A	Barg. Unit GG
Time Status T	Staff Months 12	Location S2400000		Election District	
Type of Expenditure			Amount		
1			2		
Salary* 2205 x 12			26,400		
Benefits* 891 x 12			10,692		
Premium Pay (Included in Above)			////////////////////		
Other			////////////////////		
Total Personal Services			////////////////////		
			31.2		
Travel			2.0		
Contractual			25.0		
Commodities			20.0		
Equipment					
Other					
Total Cost			84.2		
Funding Source for Total Cost					
Federal Receipts 1002					
G.F. Hatch 1003					
General Fund 1004			84.2		
Program Receipts/GF 1005					
I-A Receipts 1007					
CIP Receipts 1061					
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

Justification
This position will administer the various contracts that will be developed to handle the hazard reduction of the Cooper Landing Spruce Beetle Project.

Contracts will be developed and issued to do the following:

1. Remove hazard trees on state land along Sterling Highway.
2. Construct the Cooper Creek fuelbreak.
3. Construct the Shackelford Creek fuelbreak.
4. Fuel reduction in the Bran Creek area.
5. Fuel reduction in the west Shackelford area.

This position will be the contract administrator and the responsible person to see the fuel hazard reduction is accomplished.

REQUEST FOR
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AGENCY Natural Resources
 BRU Forest Management
 COMPONENT Forest Management

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EVALUATION OF SPRUCE BEETLE ALTERNATIVES ON THE KENAI PENINSULA
 ALASKA DIVISION OF FORESTRY
 March 9, 1990

Outline of Project Proposal

The Division of Forestry has submitted an appropriation request to the legislature to fund an evaluation of alternatives to deal with spruce beetle (*Dendroctonus rufipennis*, kby.) infestations on the Kenai Peninsula. The three areas of highest priority for evaluation of beetle infestations on State lands on the Peninsula are Moose Pass, Kalgin Island, and Bear Cove. These areas will be prioritized for evaluation and field review will be undertaken to assess forest conditions and beetle population levels. The evaluation process will include interagency activities, landowner interface and public involvement. A summary document will be prepared listing areas of concern by priority, alternatives for action, a preferred alternative, a funding estimate to implement the preferred alternative and a decision document.

Minimum staffing to manage and complete the actions outlined in this project proposal are outlined below. The new positions are temporary and will only last until June 30, 1991, which is the projected completion date of this project.

Natural Resource Manager I (new)

This position will be the project leader. The employee will lead field crews in the collection of field data; will coordinate agency, landowner and public involvement; will develop and evaluate alternatives; will prepare cost estimates of alternatives; and will prepare decision documents for line officer approval.

52.6
~~\$51.0~~

Clerk-Typist III (new)

This position will provide clerical support to the project including formulating newsletters, maintaining mailing lists, typing documents and correspondence, recording minutes of meetings, serving as receptionist for the group, etc.

29.4
~~\$30.0~~

Information Officer I (new)

Design public participation program and implement that program. Ensure compliance with public meeting regulations. Identify opportunities for better keeping the general public informed of the merging issues as well as steps being undertaken to effect control. Set results of annual aerial surveys out to everyone. Design other publications and brochures as needed.

39.9
~~\$45.0~~

Forest Tech III (extension - 8mm)

\$25.6

Forest Tech II (extension - 8mm)

\$20.9

Extend present seasonal technicians to gather data and preliminary map preparation; verification of ownerships, classifications and infestation levels. These positions would also gather stand data to allow determination of treatment alternatives.

Required start-up cost increment for this initiative:	
Personal Services (new positions)	119.2
(extensions of seasonals)	5126.0
	\$ 46.6
Travel	6.0
Contractual (phones, utilities, copies, brochures, professional services)	103.3
(Advertisements, printing, helicopter/aircraft flights)	
Vehicle lease and operating costs)	12.8
Commodities	6.0
Equipment (computer, printer, peripherals)	7.0
(Desks, chairs, bookcases, etc.)	5.0
TOTAL START-UP INVESTMENT	\$300.0

For additional information, contact Jim Paterson, the Kenai-Kodiak Area Forester and Project Manager at:

Alaska Division of Forestry
 Kenai-Kodiak Area
 HC 1, Box 107
 Soldotna, AK 99669
 (907) 262-4124

Position Title Natural Resource Manager I		No. of Positions 1	Range/Step 18/A	Org. Unit GG
Time Status I	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Justification		
		This position will be the project leader in development and evaluation of alternatives to deal with spruce beetle infestations on the Kenai Peninsula. Duties of the position will include:		
1	2	3		
Salary* 3113 x 12	31,356	////	1. Leading of field crews in collection of field data.	
Benefits* 1099 x 12	13,188	////	2. Coordinate agency, landowner and public involvement.	
Premium Pay (Included in Above)	////	////	3. Develop and evaluate alternatives.	
Other	////	////	4. Prepare cost estimates of alternatives.	
Total Personal Services	////	50.5	This position will provide overall project management and direction. Getting the job done on time and within budget are direct responsibilities of this position.	
Travel		3.0		
Contractual		53.5		
Commodities		3.0		
Equipment		5.0		
Other				
Total Cost		115.0		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Hatch	1003			
General Fund	1004	115.0		
Program Receipts/GF	1085			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

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Position Title Clerk Typist III			No. of Positions 1	Range/Step B/A	Barg. Unit GG
Time Status T	Staff Months 12		Location Anchorage		Election District 7
			Justification		
Type of Expenditure			Amount		
1			2		3
Salary* 1678 x 12			20,136		//////
Benefits* 771 x 12			9,252		//////
Premium Pay (Included in Above)			//////		//////
Other			//////		//////
Total Personal Services			//////		29.4
Travel					
Contractual					
Commodities					6.8
Equipment					
Other					
Total Cost					36.2
Funding Source for Total Cost					
Federal Receipts 1002					
G.F. Match 1083					
General Fund 1004					36.2
Program Receipts/GF 1085					
I-A Receipts 1007					
CIP Receipts 1061					
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

This position will provide clerical support for the Kenai Peninsula Spruce Bark Beetle project. Duties will include receptionist, recording minutes at public meetings, typing documents and correspondence, developing newsletters, maintaining mailing list and mailing of newsletters and notices to the public.

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AGENCY Natural Resources
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0 4 0 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

Position Title Information Officer I			No. of Positions 1	Range/Step 14/A	Barg. Unit GO	
Time Status T	Staff Months 12		Location Anchorage		Election District 5	
Type of Expenditure			Justification			
			<p>This position will design the public participation program dealing with spruce beetle alternatives on the Kenai Peninsula. The public is a major player in which alternative is accepted and must be involved in its development.</p> <p>Duties of this position will include the following:</p> <ol style="list-style-type: none"> 1. implement the public participation program. 2. Ensure compliance with public meeting regulations. 3. Ensure the public is informed of issues and what steps are underway for beetle control. 4. Conduct any necessary surveys and get the results out to the public. 5. Develop and have printed brochures and any other publications. 			
1		2				3
Salary*	2353 x 12	28,836				//////
Benefits*	925 x 12	11,100				//////
Premium Pay (Included in Above)						//////
Other						//////
Total Personal Services						39.3
Travel						3.0
Contractual						50.0
Commodities						3.0
Equipment						7.0
Other						
Total Cost						102.3
Funding Source for Total Cost						
Federal Receipts	1002					
G.F. Match	1003					
General Fund	1004					
Program Receipts/GF	1005		102.3			
I-A Receipts	1007					
CIP Receipts	1061					
Other						
* Personal Services Salary and Benefits Costs are from PACS.						

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ALASKA DIVISION OF FORESTRY
 COOPER LANDING AREA-PROGRAM RECEIPTS
 MARCH 13, 1990

The following is an estimate of the program receipts or salvage operations in the spruce beetle killed stands in the Cooper Landing Vicinity.

1. Proposed Operations Under Service Contract Within the Proposed fuelbreaks and Fuel Reduction Areas

<u>Activity</u>	<u>Acres</u>	<u>Est. Volume</u>	<u>Est. Value</u>	<u>Total Value</u>
Fuelbreaks	92	920 Cords	\$25/Cord	\$23,000.00
Buan Creek	200	300 Cords	\$25/Cord	7,500.00
Bridgeview	10	93 Cords	\$25/Cord	2,325.00
Firbreak	22	240 Cords	\$25/Cord	6,000.00
Old Buffers	50	500 Cords	\$25/Cord	12,500.00
			Total	\$51,325.00

2. Operations Proposed or Existing Under Timber Sale Contract Within Fuel Reduction Areas

<u>Activity</u>	<u>Acres</u>	<u>Est. Volume</u>	<u>Est. Value</u>	<u>Total Value</u>
		70 MBF	\$22.75/MBF	
*Snug Harbor	139	563 Cords	\$ 1.00/Cord	\$ 2,155.50
*Shackleford Creek	42	42 Cords	\$ 1.00/Cord	450.00
Cooper Creek	204	2,618 Cords	\$ 1.00/Cord	2,618.00
Total (Less \$1,522.50 for Scarification on Portions of Snug Harbor)				\$ 3,701.00
			Grand Total of #1 and #2	\$55,026.00

*Active Sales previously sold.

HB

5741

SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/90

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered CSHB 574 (Finance) am

Special appropriations to the Department of Natural Resources to build certain fire breaks and for prescribed burning operations; and to take other action regarding controlling the fire hazard created by the bark beetle infestation; efd.

and recommended:

replace with _____ CS _____ same title
 or adopt _____ CS _____ new title
 attached amendment(s) technical title change (HB only)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

OTHER RECOMMENDATIONS:

1. _____

2. _____

Co-Chairs: Signatures and Recommendations

Amended: 4/26/90
Offered: 4/23/90
Referred: Rules

6-2139E

Funding Information: General Fund \$900,000
Other Funds -0-
\$900,000

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 574 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act making special appropriations to the Depart-
7 ment of Natural Resources to build certain fire
8 breaks and for prescribed burning operations; and to
9 take other action regarding controlling the fire
10 hazard created by the bark beetle infestation; and
11 providing for an effective date."

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

13 * Section 1. The sum of \$700,000 is appropriated from the general fund
14 to the Department of Natural Resources for the division of forestry to
15 build fire breaks and for prescribed burning operations in the Cooper
16 Landing vicinity of the Kenai Peninsula and on other state land to control
17 the fire hazard created by the bark beetle infestation.

18 * Sec. 2. The sum of \$200,000 is appropriated from the general fund to
19 the Department of Natural Resources for the division of forestry to iden-
20 tify and develop a public consensus on how to treat state land in order to
21 control the fire hazard created by the bark beetle infestation.

22 * Sec. 3. The unexpended and unobligated balances of the appropriations
23 made by this Act lapse into the general fund June 30, 1991.

24 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).
25
26
27
28
29
H

H B

5 7 5

HOUSE COMMITTEE REPORT

RIE

(11)

Date Referred: March 15, 1990

FURTHER REFERRALS:

Date of Committee Action: 4/20/90

The FINANCE Committee considered:

HB 575

HOUSE BILL NO. 575

PROCUREMENT CODE EXEMPTION/FIRE HAZARDS

"An Act exempting from the procurement code certain expenditures for the handling of fire hazards created by bark beetles; and providing for an effective date."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] _____ [] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [] fiscal impact _____
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) 3/15/90 / H. RES CMTE
- [] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not
PASS No Rec Amend

Hoffman

Carson

Swackhammer

Brown

KOPONEN

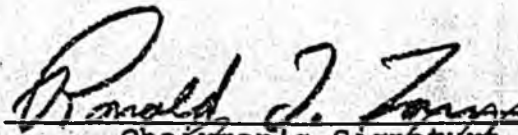
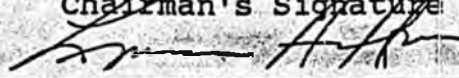
Ulmer

Shultz

Phillips

Rieger

BARNES


 Chairman's Signature Carson

 Hoffman

BY THE RESOURCES COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 575

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act exempting from the procurement code certain
7 expenditures for the handling of fire hazards created
8 by bark beetles; and providing for an effective
9 date."

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

11 * Section 1. EXPENDITURES TO HANDLE CERTAIN FIRE HAZARDS. Notwith-
12 standing the provisions of AS 36.30, because of the extreme fire hazards
13 created by bark beetle infestation in the state and the need for expedi-
14 tious action to handle the hazardous situation, AS 36.30 does not apply to
15 expenditures by the division of forestry in the Department of Natural
16 Resources to handle fire hazards created by bark beetles.

17 * Sec. 2. Section 1 of this Act is repealed.

18 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.-
19 10.070(c).

20 * Sec. 4. Section 2 of this Act takes effect January 1, 1991.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: All Agencies
 Title: Procurement Code Exemption/
Fire Hazards BRU: _____
 Sponsor: Resources Committee Components: _____
 Requestor: House Resources Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
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	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Resources Committee Phone: 465-4944
 Division: Rep. Curt Menard Date: 3/12/90

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

HB

575

SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/90

FURTHER:

DATE TURNED INTO OFFICE: 5/2/90

The Finance Committee considered

HB 575

"An Act exempting from the procurement code certain expenditures for the handling of fire hazards created by bark beetles; and providing for an effective date."

and recommended:

[] replace with _____ CS _____ [] same title
[] or adopt _____ CS _____ [] new title
[] attached amendment(s) [] technical title change (HB only)
[] _____ letter of intent adopted

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

[] fiscal note(s) _____

[] zero fiscal note(s) _____

[] appropriation-no fiscal note

APPROVES PREVIOUS:

Dept/Date:

[] fiscal note(s) _____

[] zero fiscal note(s) H(Res)/All 3/12/90

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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

1. [Signature] DO PASS

2. [Signature] (NO PASS)

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Procurement Code Exemption/
 Fire Hazards
 Sponsor: Resources Committee
 Requestor: House Resources Committee

Agency Affected: All Agencies
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Resources Committee
 Division: Rep. Curt Menard

Phone: 465-4944
 Date: 3/12/90

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by preparer) :
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

BY THE RESOURCES COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 575

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act exempting from the procurement code certain
7 expenditures for the handling of fire hazards created
8 by bark beetles; and providing for an effective
9 date."

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

11 * Section 1. EXPENDITURES TO HANDLE CERTAIN FIRE HAZARDS. Notwith-
12 standing the provisions of AS 36.30, because of the extreme fire hazards
13 created by bark beetle infestation in the state and the need for expedi-
14 tious action to handle the hazardous situation, AS 36.30 does not apply to
15 expenditures by the division of forestry in the Department of Natural
16 Resources to handle fire hazards created by bark beetles.

17 * Sec. 2. Section 1 of this Act is repealed.

18 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.-
19 10.070(c).

20 * Sec. 4. Section 2 of this Act takes effect January 1, 1991.

H B

5 7 6

SENATE FINANCE COMMITTEE REPORT

DATE:

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered

HB 576

Provision of fire protection services by a municipality outside its boundaries.

*No action taken.
Bill died in committee.*

and recommended:

See SB 438.

replace with _____ CS _____
 or adopt _____ CS _____

same title
 new title
 technical title change (HB only)

attached amendment(s)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept./Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:

Dept./Date:

fiscal note(s) _____

zero fiscal note(s) _____

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1. _____

2. _____

Co-Chairs: Signatures and Recommendations

BY THE C&RA COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 576

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the provision of fire protection
7 services by a municipality outside its boundaries."

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

9 * Section 1. AS 29.35.020(a) is amended to read:

10 (a) To the extent a municipality is otherwise authorized by law
11 to exercise the power necessary to provide the facility or service,
12 the municipality may provide parks, playgrounds, cemeteries, emergency
13 medical services, fire protection services, solid and septic waste
14 disposal, utility services, airports, streets (including ice roads),
15 trails, transportation facilities, wharves, harbors and other marine
16 facilities outside its boundaries and may regulate the [THEIR] use and
17 operation of the facilities and services to the extent that the juris-
18 diction in which they are located does not regulate them. A regula-
19 tion adopted under this section must state that it applies outside the
20 municipality.

CC

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

— P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
— 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99502-4302
PHONE: (907) 563-1073

March 14, 1990

POSITION PAPER

RE: House Bill 576

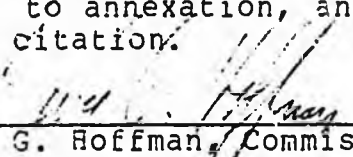
SPONSOR: House C&RA Committee

Program Effects of the Bill

The bill amends AS 29.35.020(a) by adding language which would authorize municipalities to exercise the power of fire protection outside their boundaries. Existing AS 29.35.020(a) authorizes municipalities to provide the following services outside their boundaries: parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities.

Comments

Extraterritorial powers have been added to AS 29.35.020 incrementally as needed or requested by municipal governments. This bill to permit fire protection powers appears to fit within this tradition and would clear up existing ambiguities as to the power of municipalities to exercise this service on an extraterritorial basis. The provision of this service is not expected to act as a deterrent to annexation, any more than the other powers listed under this citation.



David G. Hoffman, Commissioner

FISCAL NOTE

CC

REQUEST:

Revision Date: _____
Title: "An Act..fire protection services
..municipality outside its boundaries."
Sponsor: House C&RA
Requestor: _____

Agency Affected: Community & Regional Affairs
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

There is no fiscal effect for FY 90.

Prepared by: Carol Carroll
Division: Municipal & Regional Assistance
Approved by Commissioner: Harry E. Kilham
Agency: Community & Regional Affairs

Phone: 465-4750
Date: 3/14/90
Date: 3-14-90

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

FISCAL NOTE

a

REQUEST:

Revision Date: _____
Title: An Act Relating to Fire Protection
by a Municipality Outside its Boundaries.
Sponsor: House C&RA
Requestor: Representative Maclean

Agency Affected: Public Safety
BRU: Fire Prevention
Component: Fire Prevention
Operations

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Gordon E. Brunton
Division: Fire Prevention

Phone: 465-4331
Date: 3/14/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 3-14-90
Page 1 of 1

BY SEN. COGHILL, Fischer

Senate Version

1 IN THE SENATE

2

SENATE BILL NO. 438

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the provision of fire protection services by a municipality outside its boundaries."

7

8

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

9

* Section 1. AS 29.35.020(a) is amended to read:

10

(a) To the extent a municipality is otherwise authorized by law

11

to exercise the power necessary to provide the facility or service,

12

the municipality may provide parks, playgrounds, cemeteries, emergency

13

medical services, fire protection services, solid and septic waste

14

disposal, utility services, airports, streets (including ice roads),

15

trails, transportation facilities, wharves, harbors and other marine

16

facilities outside its boundaries and may regulate the [THEIR] use and

17

operation of the facilities and services to the extent that the juris-

18

isdiction in which they are located does not regulate them. A regula-

19

tion adopted under this section must state that it applies outside the

20

municipality.

444

57

HOUSE COMMITTEE REPORT

File

(11)

Date Referred: March 22, 1990

FURTHER REFERRALS:

Date of Committee Action: 4/23/90

The FINANCE Committee considered:

HB 578

HOUSE BILL NO. 578

ADVISORY COUNCIL TRANSP. OIL/HAZARD SUBS.

"An Act creating a citizens' oversight council on oil and other hazardous substances and regional advisory committees."

RECOMMENDATIONS:

[X] be replaced with CS HB 578 (FIN) [] the same title
[X] a new title

[] have attached amendment(s)

[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

[X] fiscal impact LAA

[] fiscal note(s) _____

[] zero fiscal note _____

[] zero fiscal note(s) _____

[] zero with analysis _____

[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Do Not Pass No Rec Amend

Swackhammer Swackhammer

Hoffman Hoffman

Brown Brown

Carson Larson

Koponen Koponen

Barnes Barnes

Ulmer Ulmer

Rieger Rieger

Phillips Phillips

Hoffman Hoffman
Chairman's Signature
Carson Carson

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Legislative Affairs Agency
 Title: "An Act creating a citizen's oversight council on oil & other hazardous..." BRU: Legislative Council
 Sponsor: H. Resources Components: Council & Subcommittees
 Requestor: H. Finance

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services	96.5	96.5	96.5	96.5	96.5	96.5
Travel	18.9	18.9	18.9	18.9	18.9	18.9
Contractual	108.6	108.6	108.6	108.6	108.6	108.6
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment	10.7	0	0	0	0	0
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	236.7	226.0	226.0	226.0	226.0	226.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other	236.7	226.0	226.0	226.0	226.0	226.0
TOTAL	236.7	226.0	226.0	226.0	226.0	226.0

POSITIONS:

Full-Time	2	2	2	2	2	2
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

CSHB 578(Res) establishes a Citizen's Oversight Council on Oil and Other Hazardous Substances. Funding will be from the Oil & Hazardous Release Response Fund. The following is requested to adequately support the Council:

Prepared By: Pamela A. Stoops, Director *Pamela A. Stoops* Phone: 465-3850
 Division: Administrative Services Date: 4/20/90

Approved By: Warren Endicott, Executive Director *Warren Endicott*
 Agency: Legislative Affairs Agency Date: 4/20/90

DISTRIBUTION (BY PREPARER)
LEGISLATIVE FINANCE
LEGISLATIVE SPONSOR

REQUESTOR
OFFICE OF MANAGEMENT & BUDGET
AGENCY (IES)

CONTINUATION OF FISCAL NOTE: CSHB 578(Fin)

PERSONAL SERVICES

Staff is requested as follows to assist the Citizens Oversight Council on Oil & Other Hazardous Substances:

Administrative Officer - Range 21A			
\$3,831 x 12 months =	\$45,972		
\$45,972 x 36% benefits =	\$16,550		
	<u>\$62,522</u>		62.5
Secretary - Range 12A			
\$2,082 x 12 months =	\$24,984		
\$24,984 x 36% benefits =	\$8,994		
	<u>\$33,978</u>		34.0
			<u>96.5</u>

TRAVEL

It is anticipated there will be 6 meetings of the Council.

6 meetings x 5 members at 3 days each			
airfare - 6 meetings x 5 members = 30 airfares			
30 airfares x \$390 =	\$11,700		
per diem - 6 meetings x 5 members = 30			
30 x 3 days per diem = 90			
90 x \$80 =	\$7,200		
	<u>\$18,900</u>		18.9

CONTRACTUAL

Professional services for contracts to investigate compliance with environmental laws and regulations relating to production, transport and storage of oil and other hazardous substances - \$75,000		75.0
--	--	------

Lease office space - 1,000 sq. ft x \$2.00 sq. ft. = \$2,000; \$2,000 x 12 months = \$24,000		24.0
--	--	------

Phones & postage - \$800 a month x 12 months = \$9,600		9.6
--	--	-----

SUPPLIES

Office supplies - paper, stationery, etc. - \$2,000		2.0
---	--	-----

EQUIPMENT

Initial office setup - 2 desks, 2 chairs, 1 computer, 1 printer, phones, filing cabinets, bookcases - \$10,700		10.7
--	--	------

Original sponsor(s): Resources Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 578 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a citizens' oversight council on oil
7 and other hazardous substances; and authorizing
8 funding of the council through the oil and hazardous
9 substance release response fund."

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

11 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

12 (1) a pervasive contributing factor to the Exxon Valdez disaster
13 was the complacency of the oil industry and the federal and state agencies
14 responsible for monitoring the operation of the Valdez oil terminal and oil
15 tanker traffic in Valdez Arm and Prince William Sound;

16 (2) it is essential to involve local citizens to help ensure
17 compliance with environmental laws and regulations relating to the produc-
18 tion, transport, and storage of oil and other hazardous substances in order
19 to overcome this complacency;

20 (3) a state oversight council will provide a valuable mechanism
21 for citizen participation and an opportunity for citizens to express their
22 concerns to the legislature and the governor about environmental safety in
23 production, transport, and storage of oil and other hazardous substances.

24 * Sec. 2. AS 24.20 is amended by adding new sections to read:

25 ARTICLE 4. CITIZENS' OVERSIGHT COUNCIL ON
26 OIL AND OTHER HAZARDOUS SUBSTANCES.

27 Sec. 24.20.600. CITIZENS' OVERSIGHT COUNCIL ON OIL AND OTHER
28 HAZARDOUS SUBSTANCES. (a) There is created in the legislature the
29 Citizens' Oversight Council on Oil and Other Hazardous Substances.

1 The council consists of five members appointed by the Alaska Legisla-
2 tive Council. The Alaska Legislative Council shall notify members of
3 the public throughout the state that nominations for membership are
4 being sought. Members of the council serve without compensation but
5 are entitled to per diem and travel expenses authorized for boards and
6 commissions under AS 39.20.180.

7 (b) The council shall elect a chair and other officers that the
8 council finds necessary to carry out its responsibilities.

9 (c) Members of the council serve staggered terms of four years
10 and, upon expiration of their terms, continue to serve until their
11 successors qualify and are appointed. A member may serve no more than
12 two consecutive terms.

13 (d) A member of the council may not be employed by the state or
14 by a person engaged in the production, transport, or storage of oil or
15 other hazardous substances, may not be an elected official of the
16 state or of a political subdivision of the state other than those
17 established under AS 14, and may not work as an independent contractor
18 for a person engaged in the production, transport, or storage of oil
19 or other hazardous substances, or for a state agency charged with
20 regulating the production, transport, or storage of oil or other
21 hazardous substances. The Alaska Legislative Council shall appoint
22 members who have a demonstrated interest in and commitment to prevent-
23 ing oil and hazardous substance releases in the state.

24 (e) The council shall make a formal request to the Alaska Legis-
25 lative Council for funds it considers necessary for the staff, per
26 diem, travel, and contractual expenses of the council. Funds distri-
27 buted to the council are to be disbursed and accounted for under
28 procedures required by the Legislative Affairs Agency. The council
29 chair shall approve all expenditure documents.

1 Sec. 24.20.610. POWERS AND DUTIES OF THE COUNCIL. (a) The
2 council shall

3 (1) determine whether state and federal agencies responsi-
4 ble for the prevention of the release of oil and other hazardous
5 substances, and for responding to releases, are carrying out their
6 duties in these areas;

7 (2) recommend to the legislature, the governor, agencies of
8 the federal government, and private entities appropriate policies and
9 actions to prevent releases of oil and other hazardous substances;

10 (3) assist the legislature and the governor in the develop-
11 ment of interstate compacts and policy recommendations to the federal
12 government regarding the prevention of releases of oil and other
13 hazardous substances;

14 (4) file an annual report with the legislature and the
15 governor assessing the status of major areas of risk, the performance
16 of state and federal regulatory agencies, and changes in the long-term
17 options for improving environmental safety;

18 (5) request the attorney general to bring or move to inter-
19 vene in legal actions in order to ensure compliance with state laws
20 and regulations regarding the release of oil and other hazardous
21 substances;

22 (6) make recommendations to the legislature, the governor,
23 and the federal government on the creation, funding, and composition
24 of regional or local advisory committees and on the relationship
25 between the council, local advisory committees, and other citizens'
26 oversight groups on oil and other hazardous substances; and

27 (7) schedule regular meetings with local and regional
28 advisory committees as they are created to make sure that they comple-
29 ment each other and avoid overlap in oversight and advisory functions.

1 (b) The council may

2 (1) hire a council administrator and additional administra-
3 tive staff, and enter into contracts for personal services that the
4 council finds necessary to carry out its responsibilities under this
5 section; all employees of the council are in the exempt service under
6 AS 39.25.110;

7 (2) subpoena witnesses, administer oaths, take testimony,
8 and require the production for examination and copying of books or
9 papers relating to matters within the responsibility of the council;
10 and

11 (3) conduct investigations, studies, and analyses necessary
12 to enable the council to carry out its duties under (a) of this sec-
13 tion; and

14 (4) appoint advisory panels in specialized areas to include
15 representatives of appropriate groups such as state and municipal
16 regulatory agencies; oil spill prevention and response authorities,
17 fishing and environmental groups, residents of areas of risk, scien-
18 tists, and shippers and owners of oil and other hazardous substances
19 produced or transported in the state.

20 Sec. 24.20.620. COOPERATION BY STATE AGENCIES. Each agency of
21 the executive branch of state government shall, to the extent permit-
22 ted by state or federal law, cooperate fully with the council by
23 providing information and assistance, including disclosure of records
24 relating to the agency's enforcement of laws and regulations for the
25 prevention of and response to releases of oil and other hazardous
26 substances.

27 Sec. 24.20.630. DEFINITIONS. In AS 24.20.600 - 24.20.630,

28 (1) "council" means the Citizens' Oversight Council on Oil
29 and Other Hazardous Substances;

(2) "hazardous substance" has the meaning given in

1 AS 46.08.900; and

2 (3) "oil" has the meaning given in AS 46.08.900.

3 * Sec. 3. AS 46.08.040 is amended by adding a new subsection to read:

4 (b) The commissioner shall use money from the fund to reimburse
5 the Alaska Legislative Council for expenditures made by the council
6 for the operation of the Citizens' Oversight Council on Oil and Other
7 Hazardous Substances, established under AS 24.20.600, upon a request
8 from the Alaska Legislative Council.

9 * Sec. 4. INITIAL APPOINTMENTS. Notwithstanding AS 24.20.600(c), as
10 enacted by sec. 2 of this Act, one initial member of the council shall be
11 appointed to a term of one year, one initial member shall be appointed to a
12 term of two years, one initial member shall be appointed to a term of three
13 years, and two initial members shall be appointed to terms of four years.
14 The members appointed to terms of one and two years are eligible to serve
15 two full terms following the completion of their initial shortened terms.
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A M E N D M E N T #1

OFFERED IN THE HOUSE

BY REP. DAVIDSON

TO: CSHB 578 (Resources)

Page 4, line 2:

Delete "an executive director"

Insert "a council administrator"

March 20, 1990

Senate Conferees
Senate Bill 686
U.S. Senate
Washington, D.C. 20510

Dear Senate Conferee,

The Alaska State Legislature is currently working on legislation to create a Citizen's Oversight Council on Oil and Hazardous Substances. In testimony before the House Resources Committee there has been some discussion that this legislation may duplicate provisions in Title 8 of HR 1465/S 686. We do not believe this to be the case. In fact, we believe that federal and state legislation will complement each other to provide the highest degree of citizen oversight possible.

House Bill 578 was introduced in the Alaska State Legislature at the request of the Alaska Oil Spill Commission. After eight months work, the Commission identified citizen oversight as an essential component of any oil spill prevention program. Our legislation creates a five member state council primarily to oversee and monitor state and federal regulatory agencies. As currently written, the Citizen's Oversight Council will be an arm of the Alaska State Legislature.

The role of the Council will be to ensure vigilance on the part of government. As a statewide entity, it will also have a role in coordinating among any regional citizen councils created by state federal or local governments.

Both the federal and the state government have a compelling interest in ensuring that a disaster such as the Exxon Valdez never again occurs. We encourage you to continue with your efforts to create strong regional citizen's groups in Cook Inlet and Prince William Sound.

Thank you for your efforts.

Sincerely,

Representative Cliff Davidson
Co-Chair

Representative Curt Menard
Co-Chair

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

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DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-8026

April 05, 1990

The Honorable Curt Menard
The Honorable Cliff Davidson
Co-Chairs
House Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Curt and Cliff:

Thanks for your letter explaining the State Legislature's proposed legislation to create a Citizens' Oversight Council on Oil and Hazardous Substances. I support provisions in the federal oil spill legislation that would create citizen advisory groups.


It would seem that the Alaska State Legislature's proposed legislation would not duplicate the federal provisions. Rather, it would act more as a watch dog to state and federal agencies, not to the industry which is the purpose of the federal legislation.

I agree that a combination of the federal and state legislation would create the ultimate level of citizen involvement to ensure that every step is taken to protect against another tragedy like The Exxon Valdez.

Thanks again for writing.

With best wishes,

Cordially,


TED STEVENS

ORA

page 4

ATTACHMENT: INTERFACE CHART

	<u>HB566</u>	<u>HB578</u>	<u>NATIONAL</u>
	RESPONSE.	OVERSIGHT	
STATE	SERC	COUNCIL (5 members)	
REGIONAL	NA	COMMITTEES	RCAC/CI (substitute)
LOCAL	LEPC	NA	

SERC: Statewide Emergency Response Commission
 LEPC: Local Emergency Planning Committee
 RCAC: Regional Citizen's Advisory Committee
 CI: Cook Inlet

Note that regional advisory committees established under federal legislation (RCAC/CI) would be substituted for appropriate regional committees in HB578.

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

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BENNY F. HOLLINGS, SOUTH CAROLINA
J. BENNIE JOHNSON, LOUISIANA
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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-8025

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

April 05, 1990

The Honorable Curt Menard
The Honorable Cliff Davidson
Co-Chairs
House Resources Committee
Alaska State Legislature
P.O. Box V
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It would seem that the Alaska State Legislature's proposed legislation would not duplicate the federal provisions. Rather, it would act more as a watch dog to state and federal agencies, not to the industry which is the purpose of the federal legislation.

I agree that a combination of the federal and state legislation would create the ultimate level of citizen involvement to ensure that every step is taken to protect against another tragedy like The Exxon Valdez.

Thanks again for writing.

With best wishes,

Cordially,


TED STEVENS

University of Alaska Fairbanks
Sea Grant College Program

DRAFT
Position Paper Number One

An Analysis of Community Empowerment
as a Vehicle for Maintaining
Regulatory Vigilance

Submitted by
Harry R. Bader

April 13, 1990

Chairperson Walt Parker skillfully maneuvered the Alaska Oil Spill Commission through seven months of turbulent seas to a successful conclusion with a masterful report. From a body of 59 separate recommendations drafted by the Commission, a central theme may be gleaned: the oil spill was the product of institutional complacency. To combat this complacency, and to maintain proper vigilance, the centerpiece of the Commission's efforts was the establishment of a formal mechanism of community empowerment. The purpose of this Sea Grant Position Paper is not to advocate or reject this recommendation, for that is a judgment which properly rests with the state legislature. Rather, the intent of this paper is to articulate the mechanisms of public participation that are essential for effective community empowerment if the legislature does choose this recommendation to serve as the vehicle for vigilance. It would be unfortunate if the legislature chose to adopt this salient attribute of the Commission's report, yet crafted it so as to leave it impotent.

The emetic event of the Exxon Valdez oil spill was not the consequence of insidious intent nor malevolent motive. It happened as a result of a malaise grown from a successful record of safe shipping. No party desired an oil spill, yet a spill obviously occurred. The efforts of the principal state agency, the DEC, as well as those of the Coast Guard and private industry, were enervated by a decade of relatively safe shipping. "In government as well as industry, enforcement zeal declined, alertness sagged,

and complacency took root in the years preceding the Exxon Valdez disaster."

Today, we have witnessed an invigorated commitment to oil spill prevention. Industry and state have made admirable strides, in partnership, to provide a high degree of monitoring and preparedness. Alyeska, for example, has voluntarily embarked upon a process which is transforming the port of Valdez into the nation's safest oil shipping terminal. Also, the potential establishment of PIRO, on the national front, is another development which deserves praise.

Viewed from the perspective of the Commission's report, the reforms, energy, and commitments to enhance oil spill prevention and response are welcome. Yet, the Commission's report would observe that no formal mechanism for assured long-term vigilance has been established to date. The oil spill of March 1989 occurred despite the best of intentions, it will occur again if the problem of institutional complacency is not directly addressed.

II. EFFICACY OF COMMUNITY EMPOWERMENT TO ENSURE REGULATORY VIGILANCE

The community must be imbedded in the bureaucracy because this is the only way oversight is going to happen. It is the only way that continued community involvement is going to happen. And it is the only way to guard against apathy if you don't have another spill for 20 years.

Public Testimony
Alaska Oil Spill Commission
Hearing 9/21/89

When the Commission heard testimony stating, "You work hard when you are protecting that which you love," the Commission was exposed to the basic premise which serves as the foundation of citizen participation theory. The reason behind citizen involvement is that if vigilance, powered "by citizen self-interest, could be

integrated into the decision-making process, then the chances of creeping compāacency would be reduced."

However, measures must be taken so as to assure that citizen involvement is not so great as to thwart the economic goals of the conduct subject to citizen oversight. Thus, community empowerment becomes a balance between substantive input and constrained impact. The goal is to provide sufficient opportunity for citizens to realize a return on their involvement (in order to maintain interest in the process), while ensuring that state agency flexibility and expertise is not eviscerated by unwarranted intrusion. Historically, the problem with citizen's committees has not been excessive power, but rather too little. Initially effective, "over time they lose their impetus" because they have not been vested with enough impact to sustain an interest sufficient for long-term involvement.

To guide them, the Commission turned to concrete examples of effective citizen's group participation in resource protection and management already found in the states of Oregon, Florida, Washington, and California. The recommendation adhered to the principles proffered by Professor Ralph Johnson. Prof. Johnson found that citizen participation formed an indispensable component in the states' policy which effectively enhanced state sovereignty when dealing with federal bureaucracies as well as having improved state regulatory conduct.

III. MECHANISMS FOR EFFECTIVE COMMUNITY INVOLVEMENT

The following two elements are those attributes which would raise citizen involvement from beyond a merely symbolic role to the level originally envisioned by the Commission. It is a vision which sees better agency decisions, an improved perception of state responsiveness to community needs and desires, and enhanced cooperation in the exchange of information relating to the transport of oil and hazardous substances.

(1) Formal Regulatory Petitioning

The Citizen Council must be empowered to conduct investigations and make findings. The Council should be authorized to make recommendations accompanied by a detailed explanation justifying that recommendation. It would be incumbent upon the Council (a) to identify what facts they considered in deriving the recommendation, (b) to demonstrate how the recommendation will achieve its intended goal, and (c) explain why the particular recommendation is the best possible option available to resolve the concern at hand.

Once the Council has met the justification burden, it may then petition a state agency directly to adopt the proposed recommendation or action. After the agency has received a petition from the Council, it would have to formally consider the recommendation. The agency would not possess the discretion to cavalierly ignore nor summarily reject a Council's request. The agency would be required to act promptly, within a reasonably stated period of time.

If the agency chose not to adopt the recommendation, it would have to explain, in writing, with fully developed reasons

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addressing each point of the Council's justifications, why the request was rejected. The explanation from the agency would be available to both the public and the legislature. This process for petitioning follows the existing Administrative Procedure in a number of states and in the federal government. (See sections 553(e) and 555(e) in the U.S. Administrative Procedures Act).

The petitioning techniques strikes the appropriate balance between empowerment and constraint. The obligation upon the agency is not overburdensome. The agency may reject any or all requests submitted to it by the Council; the agency would simply have to formally justify its reasons for doing so. Also, the Council would be constrained from making frivolous requests by its own obligations for reasoned justification. Finally, the Council would have no power to implement, unilaterally, any recommendation or request.

(2) Subpoena Power

In order to conduct effective investigations, the Council must have the power to subpoena specified documents and witnesses from agency and industry alike.

IV. CITIZEN EMPOWERMENT IN IMPENDING LEGISLATION

HB 558

This legislative proposal appears to be a bold and innovative stroke designed assist in achieving the type of citizen oversight contemplated by the Oil Spill Commission recommendation. Viewed from this perspective, the measure would certainly be effective in creating options for citizen involvement, and if the legislature desires to implement the goal of community empowerment, this bill should be

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adopted. However, it should be noted that citizen suit provisions are essential but insufficient by themselves as components for achieving the Commission's intent. Reliance upon the litigation avenue supposes a degree of sophistication and resources not readily available to the average citizen. This provision will assist the organized public interest group in correcting a situation once an agency has gone awry. It does not aid in infusing the citizen in the initial information and policy process. The role of an active Citizen Council as articulated in the Commission report cannot be achieved solely through this bill. Citizen suit provisions are companions to, not substitutes for, Citizen Councils.

HB 578

This legislative package comes the closest to the ideal articulated by the Commission. It is clearly aimed at the complacency which precipitated the Exxon Valdez tragedy. The vigilance vehicle contained in this proposal is the same as that which the Commission recommended, a state "citizen oversight council."

The powers and duties enumerated in the bill's language attest to the intent of this proposal to realize the full ambition of the Commission. The power to subpoena witnesses and documents, the authority to conduct investigations, and the ability to hire staff and consult auxiliary advisory groups are all essential for an effective citizen council.

However, its provisions for agency cooperation, monitoring agency conduct, and to make recommendations only carry political weight, and therefore the Council is substantively weak. It is essential if a council is to maintain its effectiveness, energy, and vigilance, to possess an action forcing recommendation/request process. Experience

has dictated that advisory panels whose effectiveness relies upon public disclosure alone, evolve into only atrophied forms of their former vision.

If the legislature makes the judgment that a citizen council is the appropriate vigilance vehicle, and if it adopts the goals of community empowerment as a continuing antidote to institutional complacency, as noted by the Commission, then HB578 would be the appropriate mechanism, given substantial changes in the recommendation/request process discussed above.

V. CONCLUSION

The legislature has labored long, with sincerity and zeal, in an effort to craft the appropriate responses to the Exxon Valdez tragedy. It is the hope of the Sea Grant team that this position paper will assist them in their decisions regarding effective citizen participation as a mechanism for combatting the principal cause of the oil spill in Prince William Sound: complacency.

HB 578

TESTIMONY TO THE
HOUSE FINANCE
COMMITTEE

BY

ESTHER WUNNICKE

VICE - CHAIR

ALASKA OIL SPILL COMMISSION

10 APRIL 1990

A fundamental conclusion of the Alaska Oil Spill Commission was that strong prevention regimes at every level are essential to protect oceans and coastlines from oil spills.

Elements of a strong prevention regime cited by the Commission were:

- 1) a shipping industry devoted to the environmentally safe shipment of oil;
- 2) alert, strong, fully-funded regulatory agencies, and
- 3) systematic research on hazards and resources at risk.

The 4th element was:

local, state and interstate watchdog organizations to guard against shipper and regulatory complacency.

Recommendation Number 12 of the Commission addressed this need at the State level by calling for a citizens oversight council for overseeing the safe transportation of oil, gas and other hazardous substances. You have responded in HB578 to meet this need

This is one of the most important prevention recommendations of the Commission and one that can be implemented by the State of Alaska at little cost but with profound benefits for the future.

The Commission found that shippers, federal and state regulators alike had many other objectives and duties than the environmentally safe transport of oil. As funding decreased and other obligations and duties took precedence the necessary oversight, redundancy of

command, attention to navigation guidance and other means by which the Exxon Valdez grounding could have been avoided received less and less attention. General complacency affected almost all those participating as shipper or regulator in shipping oil from the Port of Valdez.

No agency had as its primary mission the environmentally safe transport of oil.

Because many individuals and communities are placed at risk by modern transportation systems, citizens should be involved in oversight arrangements at every level of government. A statewide citizens oversight council will go far toward meeting this recommendation and should not be seen as a duplication of industry supported or federally created citizen groups but rather as a means of coordinating and focusing the attention and concern of those groups at the highest state levels.

As pointed out in testimony submitted to the Senate Finance Committee on SB503 which expands the current Alaska Emergency Response Commission we emphasized that adding citizen members to that planning group of agency representatives was not a substitute for a small public council reporting to the Governor or the Legislature to provide a focused oversight on all aspects of oil and gas transportation.

The Citizens Oversight Council addressed in House Bill No. 578

would give this primary mission to a State council which had no competing program or conflicting duties. Such a council would be the beacon to the Governor, the Legislature and the Citizens of Alaska of the State of oil transport now and in the future.

An ounce of prevention is worth a pound of cure.