

ALASKA LEGISLATURE

1620

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4322  
FAX: (907) 465-4362

December 18, 1996

Representative Eldon Mulder  
716 West 4th Suite 310  
Anchorage, AK 99501-2133


Dear Representative Mulder:

Mr. Charles Hosack, Deputy Director, Division of Motor Vehicles (DMV) forwarded a copy of your letter dated December 10, 1996 to me. In your letter you request that Mr. Hosack reconsider his decision regarding the collection of the MVRT<sup>1</sup> from rental vehicles. While it appeared that Mr. Hosack was correct in his assessment of what DMV could lawfully do under the law, I asked Ms. Carpeneti in the Department of Law to review the statutes and provide us guidance.

Ms. Carpeneti advised us that AS 28.10.431 is the statute that adopts the registration tax on certain vehicles, and provides the amount of tax. Rental cars registered annually are not taxed under this provision. DMV cannot impose a tax that is not included in the statute. Even if it could under the law, it wouldn't have the basic information to do so - the amount of tax to charge. Although it appears the omission of the registration tax on rental vehicles was inadvertent, it can only be remedied by the Legislature. According to Ms. Carpeneti, there is no ambiguity in the statutory scheme. Courts will sometimes look beyond the plain meaning of a statute for guidance in interpreting it, but would not go so far as to imply a tax that is not in the statute.

Unfortunately, DMV is not in a position to administratively correct this situation, but we certainly will work cooperatively with the legislature to find a timely solution.

Sincerely,

  
Ronald L. Otte  
Commissioner



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES



REPRESENTATIVE ELDON MULDER  
DISTRICT 23 MULDOON-FT. RICHARDSON

CLERK  
M. J. COOK  
CHIEF CLERK  
H. J. COOK  
CLERK  
M. J. COOK  
CLERK  
M. J. COOK  
CLERK  
M. J. COOK

December 10, 1996

Charles R. Hosack  
Deputy Director  
Division of Motor Vehicles  
Department of Public Safety  
State of Alaska  
5700 East Tudor Road  
Anchorage, Alaska 99507-1225

RE: Motor Vehicle Registration Tax on Rental Vehicles

Dear Mr. Hosack:

I reviewed your letter of November 4, 1996, to Ellen Braden, Treasurer of the Municipality of Anchorage. (Letter enclosed) Its conclusion is completely contrary to legislative intent.

I sponsored the amendment to Senate Bill 226 that provided for annual registration of rental vehicles. The clear intent of that amendment was to allow owners of rental vehicles the convenience of annual registration. There was no intent by me or anybody else in the legislature to allow rental vehicles to escape payment of the Municipal Vehicle Registration Tax (MVRT). You might want to listen to the recording of the House Finance Committee meeting when the amendment was adopted.

I urge you to reconsider your decision to stop collecting the MVRT on rental vehicles.

DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF MOTOR VEHICLES

TONY KNOWLES, GOVERNOR

Ronald L. Otte, Commissioner

5700 EAST TUDOR ROAD  
ANCHORAGE, ALASKA 99507-1225

PHONE: (907) 269-5659

November 4, 1996

Ellen B. Braden, Treasurer  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, AK 99519-6650

Dear Ms. Braden:

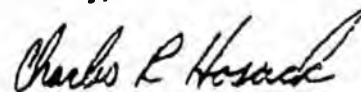
The provisions of SB 226 establish a system of biennial registration but there is an exception for rental vehicles. At the request of the owner, rental vehicles may be registered for an annual rather than a biennial period and a separate fee schedule was established in AS 28.10.421(h) for the annual registration fees. SB 226 also changed the Municipal Vehicle Registration Tax (MVRT) rates in AS 28.10.431 but these changes did not include any reference to those rental vehicles registered under AS 28.10.421(h) for the annual period.

Since there is no reference to the new annual registration category in AS 28.10.431, there is no authority to collect the tax. This is similar to other categories of registrations such as farm vehicles, vehicles owned by handicapped or disabled persons, municipal vehicles, etc., that are not referenced in AS 28.10.431 and therefore no tax is collected with these registrations.

Rental vehicles are not currently identified on the registration records, so these vehicles will not be given an automatic exemption from MVRT. If the owner chooses to register a rental vehicle for the biennial period, all normal fees including the MVRT would be collected as they would with any other commercial vehicle. If the owner of a rental vehicle does exercise the option to register for an annual period, no MVRT would be collected since there is no tax associated with this registration category.

If you have any questions on this, please feel free to contact me.

Sincerely,



Charles R. Hosack  
Deputy Director

Post-It Fax Note	7671	Date	11-26	# of pages	1
To	Lenny Duvitt	From	Lin Kopus		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	465-3518	Fax #			

01 23 07 ICE 03 14 FAX 001 349 4110 ANCH MIST MOR 2002

**Municipality  
of  
Anchorage**



P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Telephone: (907) 343-4431  
Fax: (907) 343-4499  
<http://www.ci.anchorage.ak.us>

*Rick Mystrom, Mayor*

OFFICE OF THE MAYOR

January 27, 1997

Representative Eldon Mulder  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801

Re: House Bill 43, "An Act relating to registration of rental motor vehicles"

Dear Eldon:

Thank you for introducing House Bill 43, which is intended to correct a problem created with the passage of Senate Bill 226 during the 19th Legislature.

Senate Bill 226 provides for biennial registration of motor vehicles. It was amended late in the session to allow for continued annual registration of rental vehicles. Unfortunately, it appears that the language of the amendment precludes the collection of the existing motor vehicle registration tax on rental vehicles. This situation, if not corrected, will mean a loss of approximately \$150,000 annually to the Municipality of Anchorage.

House Bill 43 is designed to correct this situation while still allowing rental agencies the option of annual registration.

Thanks again for your help with this matter and please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Mystrom". The signature is fluid and cursive, written over a horizontal line.

**Rick Mystrom  
Mayor**

*"City of Lights and Flowers"*

**HB**

**43**

SFIN

FILE



OFFICIAL BUSINESS

Alaska State Legislature  
Senate  
Office of the Secretary

STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3701  
FAX: 465-2832

FOR YOUR IMMEDIATE ATTENTION

DATE: February 25, 1997

TO: Finance Committee

(~~Senator Sharp~~) *Jerry/Reggy*

FROM: Office of the Senate Secretary

*S. Sharp*

The Co-Chair of the Committee noted above has waived referral on the following bill(s):

**HOUSE BILL NO. 43 - RETRIEVE**

Please give the bill file(s) to the page for forwarding to the next Committee of referral.

Thank you.

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO.**

No. 1  
 Bill Version: HB 43  
 (H) Publish Date: 1/29/97

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: An Act relating to registration and municipal BRU: Motor Vehicles  
tax on rental vehicle... Component: Field Service  
 Sponsor: Representative Mulder  
 Requestor: H. FIN COMPONENT SERIAL NO. 0502

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation net included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
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<b>CHANGE IN REVENUES ( )</b>						
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
<b>TOTAL</b>						

Estimate of current year (FY 97) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary.)**

This bill will not fiscally impact the Division of Motor Vehicles

Prepared By: Juanita M. Hensley Phone: 465-2650  
 Division: Motor Vehicles Date: 1/22/97  
 Approved by Commissioner: *Ronald L. Otto* Date: 1/24/97  
 Agency: Ronald L. Otto, Dept. of Public Safety

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**COMMITTEE COPY**

**HB**

**46**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT OF  
SFC APR 9 1997

DATE: 3/27/97

FURTHER:

DATE TURNED  
IN TO OFFICE: 4-10-97

Finance Committee considered CS FOR HOUSE BILL NO. 46(RES)

"An Act relating to mining; and providing for an effective date."

and recommends:

- be replaced with SCS CS 4B 46 (FIN)
- adopt previous        CS        (      )
- attached amendment(s)
- adopt Letter of Intent by        Committee
- further referral to the        Committee

- Senate Bill: same title
- new title
- House Bill:**
- same title
- technical change
- new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Paul E. Kelly</i>	✓	<i>Sean Farrell</i>	✓		
<i>Al Adams</i>	✓	<i>David Dwyer</i>	✓		
<i>John Joyner</i>	✓				
<i>Co-Chair: [Signature]</i>	✓	<i>Co-Chair:</i>			
<i>Co-Chair: [Signature]</i>	✓	<i>Co-Chair:</i>			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal

DNR	4/10		7.5

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

REPORTED OUT OF  
FISCAL NOTE SFC APR 9 1997

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SCSCSHB46(FIN)

Revision Date: 10-Apr-97 Dept Affected: Natural Resources  
 Title: An Act relating to mining; and providing BRU: Resource Development  
for an effective date. Component: Mining Development  
 Sponsor: Kelly, Theriault  
 Requestor: S(FIN) Component Serial No. 442

Expenditures/Revenues (Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES	4.0	4.0	4.0	4.0	4.0	4.0
TRAVEL						
CONTRACTUAL	3.5	3.5	3.5	3.5	3.5	3.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (1005)</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

FUND SOURCE (Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	7.5	7.5	7.5	7.5	7.5	7.5
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>	<b>7.5</b>

Estimate of any current year (FY97) cost: \$ none

POSITIONS

	FY98	FY99	FY00	FY01	FY02	FY03
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)

HB 46 is housekeeping in nature. Amendments to the bill in Committee deleted the requirement to develop new regulations. The change in the requirements for adjusting annual rental for state-owned mineral property is better in that adjustments are to the nearest whole \$5. Change in the cost of administration or to mineral property holders are speculative since there will be bookkeeping and billing savings. For example if this had been the tenth year under the existing law, the rental for a 40 acre mineral property would be \$25.59 if claim is less than 5 years old, \$51.19 if between 5 and 10 years old, and \$127.96 if more than 10 years old. Under the amended version these would be \$25, \$50, and \$130 respectively. The booking/billing savings are considered to be a wash for the purposes of estimating administrative costs and revenue to the state treasury.

(continued on following page)

Prepared by: Jules Tileston, Director Phone: 269-8625  
 Division: Division of Mining and Water Management Date: 10-Apr-97  
 Approved by Commissioner: [Signature] Date: 4-10-97  
 Agency: Natural Resources

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Analysis HB46 continued...

Amendment to the exploration incentive credit program will require authority to receive an estimated \$7,500 in application fees annually. During the initial year of the program, administrative costs for processing 33 applications were \$20K from other funds since the exploration incentive credit program was unfunded. This expenditure was necessary since the legislation provided for automatic approval of more than \$13,300K in these applications if the commissioner took no action.

The existing statutory deadline for requesting certification of exploration credits during calendar year 1996 was March 3, 1997. The revisions do not require the development of regulations. It does require future submissions to be on a form developed by the department. The existing form has been in use for two years and was developed by the department, in close cooperation with the Department of Revenue and the mining industry. This existing form may require some minor revisions, but no substantive work is expected. The estimated annual work is projected to total about 2 work months as a result of 5 applications under \$1,000, and 5 over that amount: hence, the request to receive the \$7.5K to cover direct administrative costs. The \$7.5K will provide the capability to contract a substantial part of the review of the new applications that will already have a CPA statement for any year where the credit exceeds \$40K for a single mineral property.

There are no known costs to the department from designation of the two tracts at Petersville as Recreational Mining Areas. An existing Mineral Closing Order (674) requires that detailed consideration be given to the best way to manage the two tracts in the public interest. Once the plan is completed, there may be additional costs required to manage the two areas.

SENATE FINANCE  
COMMITTEE

Amendment Number: 1  
Bill Number: SCS CSHB 46(RES)  
Sponsor: \_\_\_\_\_ Date: 4-8-97  
Logged In By: FJH

*Moved by Parnell  
Adams obj Ret, then W/D  
Adopted w/o objection*  
0-LS0265\K.3-  
Luckhaupt  
4/8/97

A M E N D M E N T

OFFERED IN THE SENATE

TO: SCS CSHB 46(RES)

1 Page 14, following line 25:

2 Insert a new bill section to read:

3 **"\* Sec. 20.** Nothing in secs. 8 - 17 and 19 of this Act is intended to impair, remove, or  
4 deny any valid, prior existing rights that have been acquired by a miner through location,  
5 lease, or permit."

6 Renumber the following bill sections accordingly.

7 Page 14, line 26:

8 Delete "sec. 21"

9 Insert "sec. 22"

10 Page 14, line 30:

11 Delete "and 20"

12 Insert "and 21"

13 Page 14, line 31:

14 Delete "and 20"

15 Insert "and 21"

**HB**

**47**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 2, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/8/97

The FINANCE Committee considered:

HB 47

HOUSE BILL NO. 47

TELEPHONE VICTIM NOTIFICATION SYSTEM

"An Act relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) HFC

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DPS

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Therriault</i>	Therriault			✓	
<i>Eldon Yule</i>	MULLER	✓			
<i>Terry Martin</i>	Martin			✓	
<i>Vicki Kohring</i>	Kohring	X			
<i>J. Davis</i>	J. Davis	X			
<i>G. Davis</i>	G. Davis			✓	
<i>J. Kelly</i>	Kelly			✓	

CHAIR'S SIGNATURE *Therriault*

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 47

Title: Authorizing Department of Corrections to provide  
Automated Victim Notification & Prisoner Information System

Dept. Affected Corrections

BRU: Administration & Support

Sponsor: Rep. Kemplen

Components: Data & Word Processing

Requestor: \_\_\_\_\_

Serial # 698

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	3.0	3.0	3.0	3.0	3.0	3.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	100.0	90.9	90.9	90.9	90.9	90.9
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	3.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	86.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
GF/Program Receipts	20.0	93.9	93.9	93.9	93.9	93.9
<b>TOTAL</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

**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)**

see attached analysis

Prepared by:

House Finance Committee

Date:

Rep. Mark Hanley, Co-Chair

Phone:

465-4939

Rep. Gene Therriault, Co-Chair

Phone:

465-4797

# CORRECTION

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State of Alaska

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 47

Title: Authorizing Department of Corrections to provide  
Automated Victim Notification & Prisoner Information System

Sponsor: Rep. Kemplen

Requestor: \_\_\_\_\_

Dept. Affected Corrections

BRU: Administration & Support

Components: Data & Word Processing

Serial # 698

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	3.0	3.0	3.0	3.0	3.0	3.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	100.0	90.9	90.9	90.9	90.9	90.9
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	3.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	86.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
GF/Program Receipts	20.0	93.9	93.9	93.9	93.9	93.9
<b>TOTAL</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

**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)**

see attached analysis

Prepared by:

House Finance Committee

Date:

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

Rep. Gene Therriault, Co-Chair

Phone: 465-4797

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO: HB 47**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Automated victim notification system BRU: CDVSA  
 Component: CDVSA  
 Sponsor: Representative Kempen  
 Requestor: H. State Affairs COMPONENT SERIAL NO. 0521

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts						
1006 GE/MHTIA						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

Estimate of current year (FY 97) impact: \$ 0

**POSITIONS:**

FULL-TIME		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.)**

This bill has no fiscal impact on the Council on Domestic Violence and Sexual Assault.

Prepared By: Jayne E. Andreen, Executive Director Phone: 907-465-4356  
 Division: Council on Domestic Violence and Sexual Assault Date: 4/23/97  
 Approved by Commissioner: *Ronald L. Otte* Date: 4/23/97  
 Agency: Ronald L. Otte, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 47

Title: Authorizing Department of Corrections to provide  
Automated Victim Notification & Prisoner Information System  
Sponsor: Rep. Kemplen  
Requestor: \_\_\_\_\_

Dept. Affected Corrections  
BRU: Administration & Support  
Components: Data & Word Processing  
Serial # 698

**EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)**

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Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	100.0	90.9	90.9	90.9	90.9	90.9
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	3.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	86.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
GF/Program Receipts	20.0	93.9	93.9	93.9	93.9	93.9
<b>TOTAL</b>	<b>106.0</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

**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)**

see attached analysis

Prepared by: House Finance Committee

Date:

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

Rep. Gene Therriault, Co-Chair

Phone: 465-4797

# FISCAL NOTE

Jo. 1  
 Bill Version: HB 47  
 (H) Publish Date: 4/28/97

**STATE OF ALASKA  
 1997 LEGISLATIVE SESSION**

Revision Date: 4/25/97 Dept. Affected: Corrections  
 Title: Authorizing Department of Corrections to provide BRU: Administration and Support  
Automated Victim Notification & Prisoner Information System Component: Data and Word Processing  
 Sponsor: Representative Kemplen  
 Requester: H. State Affairs COMPONENT SERIAL NO. 698

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	3.0	3.0	3.0	3.0	3.0	3.0
TRAVEL						
CONTRACTUAL	144.1	90.9	90.9	90.9	90.9	90.9
SUPPLIES						
EQUIPMENT	3.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>150.1</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( 1005 )</b>	0.0	93.9	93.9	93.9	93.9	93.9
------------------------------------	-----	------	------	------	------	------

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.1					
1005 GF/Program Receipts		93.9	93.9	93.9	93.9	93.9
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>150.1</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>	<b>93.9</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This information is the Department's best estimate for system and operation costs of an automatic victim notification system for Alaska's prisons, jails, probation offices, and CRC locations. Exact expenditures would not be available until the Department received responses to an RFP for an automated victim notification system.

There would be no charge for notifying victims or changes in prisoner's status. The estimated revenues shown are anticipated through fees charged to members of the public who wish to obtain additional information such as bail costs, charges, visitation, or information on prisoners who have been released.

Prepared by: Bruce Richards  
 Division: Office of the Commissioner  
 Approved by: Commissioner Margaret M. Pugh  
 Agency: Department of Corrections

Phone: 465-3307  
 Date: 4/25/97  
 Date: 4/25/97

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# ALASKA STATE LEGISLATURE



REPRESENTATIVE ALLEN KEMPLEN

## Sponsor Statement for House Bill 47

"An Act relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system."

Each day, over 600 concerned Alaskans call our state institutions seeking information on inmates. Alaska's prisons and pre-trial facilities housed 2,920 inmates, 49% of whom are considered violent in November, 1996. Clearly proper and timely notification to victims about the release or escape of their attackers can improve their sense of safety.

A state-of-the-art computer system, called Victim Information and Notification Everyday (VINE) was developed to keep crime victims informed of inmate activity. VINE provides two important services that enhance that vital link of communication between the justice system and the victim.

First: VINE provides automatic notification calls to a crime victim when an inmate's status changes. If an inmate is released, transferred, posts bail or escapes, VINE places an automated telephone call to all registered victims within 10 minutes of the change in the offender's status. VINE continues to call the victim for 24 hours or until successful notification is verified by the victim.

Second: VINE provides critical inmate information 24 hours a day, 7 days a week through the automated telephone system. VINE allows confidential exchange of information. Victims may access information on a prisoner through the use of personal identification numbers. Victims may easily enter new contact numbers.

Kentucky became the first state to implement VINE statewide in February, 1996. During the first 90 days of operation, over 20,000 phone calls were processed. Over 600 victims were notified through VINE of impending inmate releases. Three months later, over 3,500 successful notifications had been made, with an average of 7 new registrations a day. Currently, the VINE Company has contracts with over 150 counties in more than 12 states, including Texas, California, New Jersey, Georgia and Michigan.

The goal of this legislation is to meet the need for timely, efficient and reliable notification to a victim about the offender's status. This legislation provides for the use of innovative technology that will assist corrections staff charged with the responsibility of notifying crime victims who may move. This legislation gives victims control. The timely notification will allow victims to prepare for offenders' releases and victims can, in confidence, keep corrections staff informed of their telephone contact numbers.

I urge your support and prompt passage.

SESSION  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-2435  
(907) 465-6615 FAX  
1-800-550-2435

INTERIM  
716 W. 4TH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 258-8100

## V.I.N.E. Bullet Sheet

*Authorizing and funding the Department of Corrections to provide an automated victim notification and prisoner information system.*

Senate Bills 25 and 26 sponsored by Senator Johnny Ellis  
House Bills 47 and 48 sponsored by Representative Allen Kemplen

- V.I.N.E. stands for Victim Information and Notification Everyday.
- System features:
  - Automatic notification calls to crime victims when an inmate's status changes. If an inmate is released, transferred, posts bail or escapes, V.I.N.E. places automated telephone calls to all registered victims with 10 minutes of a perceived change. V.I.N.E. continues to call the victims for 24 hours or until a successful notification is verified by the victim.
  - Inmate information 24 hours a day, 7 days a week through the automated telephone system. V.I.N.E. allows for a confidential exchange of information. Victims may access information on a prisoner through the use of a personal identification number, and they may easily enter new contact numbers.
  - Notification letters will be generated for all registered victims for upcoming parole hearings. If an unplanned hearing appears within 4 working days, V.I.N.E. will automatically begin telephone notification attempts for the victim.
- Goal: Provide an efficient and reliable method of notifying crime victims when an inmate has a change of status.
  - Timely notification allows a victim to prepare for the release, sometimes taking life saving precautions.
  - The burden placed on corrections staff charged with the responsibility of notifying often-transient crime victims is significantly reduced.
- Currently, the V.I.N.E. Company has contracts with over 150 counties in over 12 states including New Jersey, Texas, California, Michigan, Georgia and Florida.
- Endorsed by Alaska Peace Officers, Victims for Justice, STAR, AWRC, AWAIC and Tongass Counseling Services
- In November 1996, Alaska's prisons and pre-trial facilities housed 2,990 inmates, 49% whom are considered violent.
- In Alaska, 619 people are imprisoned for sexual abuse of a minor or sexual assault.
- In Alaska, 189 people are incarcerated for domestic violence offenses.
- Each day, over 600 concerned Alaskans calls our state institutions seeking information on inmates.

- Once the project is awarded, an engagement team assists in the development and introduction of the V.I.N.E. The team consists of:
  - Account Manager - primary account contact
  - Project Engineer - manage technical implementation
  - Account Coordinator - assist with promotional materials
  - PR Coordinator - assists with media coverage and press releases
- Interface hardware that is placed at the customer's site will be owned by the customer.
- This equipment will be maintained by the vendor as a part of the monthly service fee.
- The vendor provides an on-site V.I.N.E. training session.
- System price estimates:
  - Scenario I - DOC Implementation for incoming callers to get information, notification on release, transfer and parole hearings.
    - Up-front start-up fee \$19,750 (one time)  
*Includes hardware, software, project management, orientation, training, promotional material and marketing assistance. This price includes all 13 facilities if they all use OBSIS as a common system.*
    - Monthly operation fee \$2,900 per month  
*Includes call center access, monitoring, script changes, incoming and outgoing call traffic. This price includes all 13 facilities if they all use OBSIS as a common system.*
  - Scenario II - Additional cost for 8 halfway houses  
\$300 per facility per month
  - Scenario III - Addition of DA offices  
Set-up \$5,700 per DA's office (one time)  
Monthly \$700.00 per DA's office
  - Scenario IV - Addition of court houses  
Set-up \$5,700 per court house office (one time)  
Monthly \$700.00 per court house office
  - Scenario V - Addition of State Troopers  
Set-up \$5,700 per Trooper's office (one time)  
Monthly \$300.00 per Trooper's office
  - Scenario VI - Addition of 15 local jails  
Set-up \$20,000 for all 15 jails (one time)  
Monthly \$12,000.00 for all 15 jails
- JAIL-LINK Option - Provides a 900 number for more detailed information such as charges, bail amounts, visitation, or information on inmates who have been released. The state would receive \$1.25 per call, offsetting the costs of the system.

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**Effective dates.** — Section 1, ch. 37, SLA 1996, which enacted this section, took effect on August 21, 1996.

**Sec. 12.30.025. Release before trial in cases involving stalking.** (a) In determining the conditions of release under AS 12.30.020 in cases involving stalking but not domestic violence, the court shall consider the conditions specified in AS 12.30.020 and the following conditions and impose one or more conditions it considers reasonably necessary to protect the alleged victim of the stalking, including ordering the defendant

- (1) not to subject the victim to further stalking;
- (2) not to contact the victim other than through counsel;
- (3) to engage in counseling; if the court directs the defendant to engage in personal counseling, the court shall provide in the order that the counseling must propose alternatives to aggression if that type of counseling is available;
- (4) to refrain from the consumption of alcohol or the use of drugs.

- (b) As used in this section,
  - (1) "domestic violence" has the meaning given in AS 18.66.990;
  - (2) "stalking" means a violation of AS 11.41.260 or 11.41.270. (§ 35 ch 102 SLA 1980; am § 12 ch 61 SLA 1982; am § 4 ch 64 SLA 1991; am § 6 ch 40 SLA 1993; am § 2 ch 37 SLA 1996; am § 10 ch 64 SLA 1996)

**Revisor's notes.** — In 1996, in subsection (a) "the conditions specified in AS 12.30.020 and" was inserted after "shall consider" to reconcile § 2, ch. 37, SLA 1996 and § 10, ch. 64, SLA 1996.

**Effect of amendments.** — The 1991 amendment, effective September 16, 1991, rewrote paragraph (4) and, in subsection (b) (now rewritten), inserted "a parent, grandparent, child, or grandchild of the defendant;" and "or is in or has been in a dating, courtship, or engagement relationship with the defendant," and made punctuation changes.

The 1993 amendment, effective May 28, 1993, inserted "or stalking" throughout, and, in subsection (b) (now rewritten), added the paragraph (1) designation and paragraph (2).

The first 1996 amendment, effective August 20, 1996, inserted "conditions specified in AS 12.30.020 and the" in the introductory language of subsection (a).

The second 1996 amendment, effective July 1, 1996, rewrote this section. The amendments were harmonized by the revisor. See the revisor's note.

**Sec. 12.30.027. Release in domestic violence cases.** (a) Before ordering release before or after trial, or pending appeal, of a person charged with or convicted of a crime involving domestic violence, the court shall consider the safety of the alleged victim or other household member. To protect the alleged victim, household member, and the public and to reasonably assure the person's appearance, the court may impose bail and any of the conditions authorized under AS 12.30.020, any of the provisions of AS 18.66.100(c)(1) — (7) and (11), and any other condition necessary to protect the alleged victim, household member, and the public, and to ensure the appearance of the person in court, including ordering the person to refrain from the consumption of alcohol.

(b) A court may not order or permit a person released under (a) of this section to return to the residence of the alleged victim or the residence of a petitioner who has a protective order directed to the person and issued or filed under AS 18.66.100 — 18.66.180.

- (c) If the court imposes conditions of release under (a) of this section, it shall
  - (1) issue a written order specifying the conditions of release;
  - (2) provide a copy of the order to the person arrested or charged; and
  - (3) immediately distribute a copy of the order to the law enforcement agency that arrested the person.

(d) When a person is released from custody under (a) of this section,

- (1) from a correctional facility, the correctional facility shall notify the prosecuting authority and the prosecuting authority shall make reasonable efforts to immediately notify the alleged victim of the release, and to furnish the alleged victim with a copy of the order setting any conditions of release;

(2) from other than a correctional facility, the arresting authority shall make reasonable efforts to immediately notify the alleged victim of the release, and to furnish the alleged victim with a copy of the order setting any conditions of release.

(e) A person arrested for a crime involving domestic violence may not be released from custody until the person has appeared in person before a judicial officer or telephonically for arraignment.

(f) A person may not bring a civil action for damages for a failure to comply with the provisions of this section.

(g) In this section, "crime involving domestic violence" has the meaning given in AS 18.66.990. (§ 11 ch 64 SLA 1996)

**Effective dates.** — Section 83, ch. 64, SLA 1996, makes this section effective July 1, 1996.

**Sec. 12.30.030. Appeal from conditions of release.** (a) A person who remains in custody after a review provided for in AS 12.30.020(f) may move the court having original jurisdiction over the offense to amend the order. The motion shall be determined promptly.

(b) When a court denies a motion under (a) of this section or conditions of release have been imposed by the court having original jurisdiction over the offense, an appeal may be taken to the court having appellate jurisdiction over the court denying the motion or imposing the conditions subject to the applicable court rules. The order of the lower court shall be affirmed unless it is found that the lower court abused its discretion. If it is held that the lower court did abuse its discretion, the appellate court may modify, vacate, set aside, reverse, remand the action for further proceeding, or remand the action directing entry of the appropriate order, which may include ordering the person to be released under AS 12.30.020(a). The appeal shall be determined promptly. (Sec. 3.01 ch 34 SLA 1962; am § 1 ch 20 SLA 1966; am § 12 ch 69 SLA 1970; am § 12 ch 21 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective June 11, 1991, in subsection (b), substituted "the applicable court rules" for "the rules of the

Supreme Court of Alaska and the District Court Rules of Criminal Procedure.

#### NOTES TO DECISIONS

Alaska's Bail Reform Act provides for expeditious review of bail determinations. *Carman v. State*, 564 P.2d 361 (Alaska 1977).

The need for rapid review of bail orders is reflected in this section. *Martin v. State*, 517 P.2d 1389 (Alaska 1974).

The supreme court has implemented this section by the adoption of Appellate Rule 206(b) and

Appellate Rule 207. *Griffith v. State*, 541 P.2d (Alaska Ct. App. 1982).

Applied in *Gilbert v. State*, 540 P.2d 455 (Alaska 1975); *A.M. v. State*, 653 P.2d 346 (Alaska 1982).

Quoted in *Stiegele v. State*, 685 P.2d 1255 (Alaska Ct. App. 1984).

**Sec. 12.30.040. Release after conviction.** (a) A person who has been convicted of an offense and is awaiting sentence, or who has filed an appeal, shall be released in accordance with the provisions of AS 12.30.020 unless the court has reason to believe that no one or more conditions of release will reasonably assure the appearance of the person as required or prevent the person from posing a danger to other persons or the community. If that determination is made, the person may be remanded to custody. This section does not affect the right of a person appealing from a judgment of conviction in a district court to the superior court to be released on bail pending appeal under AS 603(b) of the Rules of Appellate Procedure.

(b) Notwithstanding the provisions of (a) of this section, a person may be released on bail either before sentencing or pending appeal if the person has been convicted of an offense that is

(1) an unclassified felony or a class A felony; or

# Lawmakers buy mom a gun

Woman fighting for victim rights makes an impression in Juneau

By SHEILA TOOMEY  
Daily News reporter

A bigger gun is not always a better gun, so a group of legislators are buying a Mat-Su mom a new .38-caliber pistol, a solid improvement on her present piece. Ethel Barenz owns an old mini-14, a semi-automatic rifle with a 30-round clip. She sleeps with it under her bed in case a violent ex-boyfriend who has already done time for attacking her shows up again. But it's an inconvenient load for a mother of seven.

The real problem is a road gun. Right now, Barenz is using a borrowed Colt .45 that must be returned soon, leaving her with just the clunky rifle.

"When you have a 2-year-old and a 3-

year-old," she explained, "it's easier to be able to put your gun in a shoulder holster."

Rep. Fred Dyson, who says he can get a real deal from a local gunsmith, learned of Barenz's weapon problem last month when she showed up in Juneau to lobby for her favorite cause, victim rights. Barenz won this year's Daily News "Send me to Juneau" contest.

As she went from office to office during her five days in the capital, she used her own case to illustrate the advantages of a computer system that would automatically call victims when their assailant got out of jail. Current law requires notification by mail, and even

Please see Back Page, GUN



FRAN DURNER / Anchorage Daily News

Ethel Barenz, who keeps watch against an ex-boyfriend who has been in prison for attacking her, keeps a semi-automatic rifle at home. Some lawmakers have decided to buy a more portable weapon and a training course for her. Barenz has been lobbying the Legislature as an advocate for the rights of victims.

SUNDAY MAY 4, 1997



# GUN: Lawmakers help to arm woman

Continued from Page A-1

that doesn't always happen, said Municipal Prosecutor J.R. Richard, who supports the bill Barenz was lobbying for. It would appropriate \$150,000 to buy the "Victims Information and Notification Everyday," or VINE program.

Barenz, 33, keeps a gun at home, and carries one whenever she travels without another adult along. The five of her children who live at home do all the normal things kids do, so when Barenz is not working one of her two jobs, she's ferrying them to sports and lessons and schools and doctors.

The ex spent 1996 in jail for assault and drunk driving. Released on Jan. 13, he now faces trial on a charge of assaulting another woman in an effort to find out where Barenz lived, according to the municipal prosecutor's office.

"It's a very scary situation," Barenz said.

Barenz was not notified when her assailant was released. She talks about him showing up, about waiting for the police to get there while she held the gun and a friend hustled the children out the back door. Legislators who heard her were clearly impressed.

"She took this place by storm," said Dyson, R-Eagle River. "She's got more guts than a Christmas goose."

In addition to attracting the offer of a newer, better gun, Barenz seems to have resuscitated the VINE bill. Long considered dead because Democrats are sponsoring it in a Republican controlled world, VINE is showing life signs.

"The bill had been in a coma for the entire session 'til she hit town," said Johnny Ellis, D-Anch., one of the co-sponsors. "I couldn't get a hearing at all.

"She came, and the bill passed out of Senate State Affairs. She really connected and bonded with a lot of those people who are in charge."

Neither Barenz nor the legislators find it odd that lawmakers should offer to get a gun for a constituent. It's perfectly legal, they point out. She really needs one. And they also are sending her to a concealed weapons training class to make sure she knows how to use it.

"I was more into giving her a concealed weapons permit," said Rep. Ethan Berkowitz, D-Anch., who gave \$20 to the \$129 donated for the permit. "That's what my contribution went for."

"It's no more strange than having the Legislature spend a million dollars to sue its own citizens," said Rep. Tom Brice, D-Fairbanks, taking a shot at the pot appropriated to fight Native sovereignty. He also donated \$20.

*'She took this place by storm. She's got more guts than a Christmas goose.'*

— Rep. Fred Dyson

Sen. Lyda Green's staff interrogated Barenz before approving the armaments upgrade plan. "They were all concerned that I was mentally able to handle it," Barenz said. "that I wasn't out for blood. All I'm out for is a peaceful, safe life with my children."

Green didn't donate any money, but she heads the committee that approved VINE and sent it to Senate Finance.

"She was very compelling," said Green, R-Mat Su.

Not everyone agrees that arming a domestic violence victim is a good idea. Dyson said he often runs into opposition when he suggests it. "All the professionals who deal with domestic violence, they launched and went flapping around the chandeliers (saying) 'this is terrible, it's absolutely inconsistent to advocate violence to resist violence.'"

Dyson is going to get the new gun, either donated or at wholesale — one that retails for about \$300, he said.

Ellis, who did not contribute to the gun fund, said he has mixed feelings. "That was her solution to her feeling safe," he said. "It's her right."

Barenz said the Anchorage prosecutor's office told her she should probably have a gun because she lives so far out in the boonies the police will never be able to get there in time if real trouble comes calling.

"I don't think I told her that," said Arnie Fritz, the prosecutor's victim coordinator who deals with domestic violence cases. "I usually would not advise women to arm. My perspective is the more weapons you introduce into a violent situation, the more likely someone is to get hurt ... When you're getting a weapon for self defense, you're kind of raising the stakes."

"I'm quite concerned about an angry or frightened person misusing a weapon," Dyson agreed. "But we have a very poor history in our country of restraining orders saving anyone."

Meanwhile, Barenz is back home, writing about her "neat" experience as a citizen lobbyist, carrying her .45 out in the open until she gets a concealed weapons permit, waiting for the training class to begin.

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355

January 17, 1997

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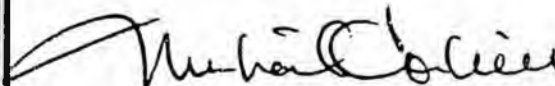
Representative Allen Kemplen  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative Kemplen,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing House Bills 47 and 48 relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system and appropriations for the same. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that the better the communications are between Corrections, departments, municipalities and victims, the better the prevention of prisoner-related problems.

We encourage you to call on us when there are hearings on these bills, so that we may testify about the need for this legislation. If you need assistance as you shepherd these bills through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,



Michael Corkill  
APOA State President



# City and Borough of Sitka

## POLICE DEPARTMENT

304 Lake Street, Room 102 • Sitka, Alaska 99835

Lynn F. Lamm  
Chief of Police

200 200 200 200  
200 200 200 200

RECEIVED FEB 26 1997

TO: Representative Jeanette JAMES, Chair  
State Affairs Committee

FROM: Chief Lynn LAMM, Sitka Police Department  
Director Christine MCLEOD, Sitkans Against Family Violence

DATE: 2-06-97

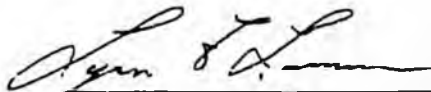
SUBJECT: Support for Senate Bills 25 and 26  
Support for House Bills 47 and 49  
VINE


Representative JAMES-

The Sitka Police Department and Sitkans Against Family Violence would like to jointly express our support for this legislation.

Automatic notification would be beneficial to the domestic violence victim and the police. Immediate notification would be very beneficial to the victim allowing sufficient time to prepare themselves and family members for release of an inmate. For the police it would mean timely notification to the victim and another method of notification besides the current methods outlined in the Domestic Violence Prevention and Victim Protection Act of 1996.

We urge passage of this legislation on behalf of victim's rights in domestic violence cases and as a continuation of legislative efforts toward prevention of domestic abuse.

  
Lynn LAMM, Chief of Police  
Sitka Police Department

  
Christine MCLEOD, Director  
Sitkans Against Family Violence



# WOMEN IN CRISIS

*Counseling and Assistance*

717 Ninth Avenue • Fairbanks, Alaska 99701  
(907) 452-2293 • Fax: 452-2613 • 1-800-478-7273

February 12, 1997

RECEIVED FEB 14 1997  
RECEIVED FEB 17 1997

Representative Jeanette James, Chair  
State Affairs Committee  
State Capitol, Room 102  
Juneau, AK 99801-1182

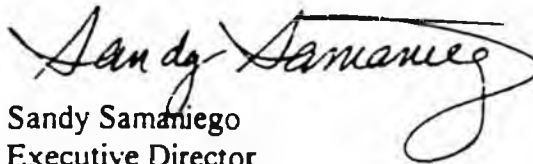
Dear Representative James:

I am writing in support of HB 47, "An Act relating to authorizing the Department of Corrections to provide an automated victim notification and prisoner information system" and HB 48, providing funding.

Passage of and funding for HB 47 will allow for greater safety for victims of violent crimes. It would save victims from physical harm and save lives. It stands to reason that the sooner this bill becomes law, the sooner can this protection be provided. Therefore, I urge you to facilitate both bills' passage this session.

Thank you for your consideration.

Sincerely,

  
Sandy Samaniego  
Executive Director

cc: Representative Allen Kemplen



# Bethel Police Department

P.O. Box 500 Bethel, Alaska 99559  
543-3785

February 7 1997

Representative Jeanette James Chair  
State Affairs Committee  
Room 102  
State Capitol  
Juneau, AK. 99801-1182

RE: Victim Information and Notification Everyday (VINE)  
House Bill Nos. 47

Dear Representative James,

The Bethel Police Department is very much in support of the VINE legislation.

We feel it is critical that the rights of the victims of violent crime are defended. It is paramount to the well-being of every victim that they be notified of and have access to information regarding the activities of the violent offender.

Most sincerely,

Gary K. Eilers  
Chief of Police

cc: Representative Allen Kempen  
Room 112  
State Capitol  
Juneau, AK. 99801-1182

**Municipality  
of  
Anchorage**



P.O. Box 198650  
Anchorage, Alaska 99519-0650  
Telephone: (907) 343-4250

*Rick Mystrom, Mayor*

DEPARTMENT OF LAW  
Office of the Prosecutor  
420 L Street, Suite 100

March 19, 1997

Representative Terry Martin  
State Capitol, Room 502  
Juneau, Alaska 99801-1182

Dear Representative Terry Martin;

I am writing on behalf of the Municipal Prosecutors Office, the Municipality of Anchorage and its people, and all the victims of domestic violence. I urge your support for the passage of House Bill 47 and the attendant appropriations bill.

Since the passage of the Domestic Violence Protection/Victim Protection act of 1996, particularly the amendments to AS 12.30.027, Prosecutor and District Attorney offices around the state have been charged with a responsibility we simply cannot meet this in any meaningful manner.

AS 12.30.027(d)(1) provides:

When a person is released from custody under (a) of this section (bail), from a correctional facility, the correctional facility shall notify the prosecuting authority and the prosecuting authority shall make reasonable efforts to immediately notify the alleged victim of the release, and to furnish the alleged victim with a copy of the order setting any conditions of release.

As things stand now, there simply are no reasonable efforts we can make to immediately notify the victim if a defendant makes bail at 2:00 or 3:00 in the morning, which is when most of these arrests are made.

An automated and statewide victim notification system is the only meaningful method of complying with AS 12.30.027. If we are to protect the victim's of domestic violence and remain at the forefront of domestic violence prosecution, this system must be implemented.

Sincerely,

John Marston Richard  
Chief Municipal Prosecutor

cc: Representative Kubina

# Alaska Women's Lobby

P.O. Box 210685 Anchorage 99521  
211 Fourth Street Suite 108 Juneau 99801

phone: 907-586-1107  
fax: 907-586-1097

RECEIVED JUNE 17 1997

## POSITION STATEMENT

### **HB47/HB48: Automated Victim Notification/Prisoner Identification System**

These bills authorize and fund an automated victim notification system called Victim Information and Notification Everyday (V.I.N.E.) This system automatically places calls to victims to notify them that their attacker has been released, transferred to another facility or posted bail. Victims may also anonymously call to check on the status of an inmate anytime.

We heartily support the goal of this legislation to provide an efficient and reliable method of notifying crime victims when the inmate has a change of status. Timely notification allows a victim to prepare for the perpetrator's release, which can sometimes involve taking lifesaving precautions. In addition, the burden placed on corrections and victim/witness staff, charged with responsibility for notifying the crime victim, is significantly reduced.

The Alaska Women's Lobby supports these bills and applauds this effort to make life a little safer for victims of crime. We urge prompt passage.

RECEIVED MAR 13 1997

March 3, 1997

Dear Representative Jeannette James,

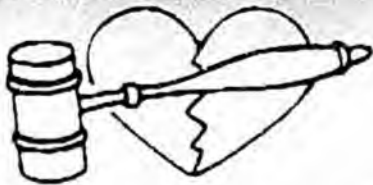
I strongly urge you to support HB 47 and 48. Alaskans who have been victimized should not also live in daily fear that the perpetrator will be released without their knowledge. An efficient and reliable method for victim notification that reduces the burden on corrections staff is in all our best interests. The VINE system seems an excellent way to accomplish this essential public service. Thank-you in advance for moving these bills.

Sincerely,

Patty Kartelic

4920 Anderson Rd  
Fairbanks, Alaska

99709



**for Justice** 619 East Fifth Avenue • Anchorage, AK 99501  
(907) 278-0977 • Fax: (907) 258-0740

March 11, 1997

The Honorable Representative Jeanette James, Chair  
State Affairs Committee  
State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Representative James:

I am writing to you to urge you to support the swift passage of House Bill 47 and House Bill 48: *An Act relating to authorizing the Department of Corrections to provide an automated victims notification and prisoner information system.*

Alaskan families and victims of violent crime deserve to be recognized and assisted by Alaska's Department of Corrections. In fact, in 1994, the people of Alaska overwhelmingly passed at the state level, the Victims' Bill Rights. This Constitutional amendment makes *explicit* the *right* to be *informed, present* and *heard* at the same proceedings where the accused or convicted offenders have such rights. As you are aware, the Alaska Department of Corrections has statutory duties relating to crime victims, ranging from the notification of parole hearings; transfers to other facilities; an escape or release from custody to supervising restitution compliance. The Victim Information and Notification Everyday (VINE) computer system will enhance Alaska's Department of Corrections relationship with the families and victims of violent crimes and will significantly increase compliance with the intent of these laws.

Sincerely,

Janice Lienhart

Executive Director

cc: Representative Allen Kemplen



RECEIVED FEB 28 1997

# advocates for victims of violence

P.O. Box 524 • Valdez, Alaska 99686  
24 Hour Crisis Line (907) 835-2999 • Office (907) 835-2980

February 25, 1997

Representative Jeanette James, Chair  
State Affairs Committee  
Room 102, State Capitol  
Juneau, AK 99801-1182

Dear Representative James:

I am writing in support of House Bill 47 and House Bill 48. These bills would authorize the Department of Corrections to provide an automated victim notification and prisoner information system in the State of Alaska. This system is commonly referred to as "VINE." Victims of violence deserve prompt and accurate information regarding the status of the perpetrator, including release, transfer, posting bail, or escape. In many cases, this information may be a matter of life and death, especially in the cases of victims of domestic and sexual violence.

I appreciate your attention to this matter, and urge your support and the prompt passage of these bills. Thank you.

Sincerely,

Debra Pexa  
Executive Director

cc: Representative Allen Kemplen



**HB**

**50**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 21, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/8/97

The FINANCE Committee considered:

HB 50

HOUSE BILL NO. 50

ALLOW BROADCASTING OF RAFFLES AND CLASSIC

"An Act relating to the use of broadcasting to promote or conduct certain classics or sweepstakes; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 50 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Revenue 2/21/97

Discontinued

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>[Signature]</i>	Thermault			X	
<i>[Signature]</i>	FOSTER	X	<del>X</del>		
<i>[Signature]</i>	Hanley		X		
<i>[Signature]</i>	MARTIN		X	<del>X</del>	
<i>[Signature]</i>	G. Davis	X			
<i>[Signature]</i>	J. Davies			X	
<i>[Signature]</i>	Kelly		X		
<i>[Signature]</i>	Moses	X			
<i>[Signature]</i>	Grissendant			X	
		(3)	(3)	(3)	

CO-CHAIR'S SIGNATURE

*[Signature]*  
Thermault

*[Signature]*  
Hanley

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 21, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/9/97

The FINANCE Committee considered:

HB 50

HOUSE BILL NO. 50

ALLOW BROADCASTING OF RAFFLES AND CLASSIC

“An Act relating to the use of broadcasting to promote or conduct certain classics or sweepstakes; and providing for an effective date.”

recommends it be replaced with the following committee substitute CS HB 50 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Rev 2/21/97

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Theriault			X	
<i>Mark Hanley</i>	Hanley		X		
<i>Colin Mulder</i>	Mulder	X			
<i>Cerry Martin</i>	Martin		X		
<i>Vick Kohring</i>	Kohring		X	<del>X</del>	UK
<i>John N. S. Davies</i>	Davies		X		
<i>Ben Grussendorf</i>	Grussendorf			X	
<i>[Signature]</i>	Kelly		X		
<i>[Signature]</i>	Foster	X			
<i>[Signature]</i>	Davis			X	

10

CHAIR'S SIGNATURE

*Gene Theriault* *Mark Hanley*  
 \_\_\_\_\_  
 Theriault Hanley

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: Allow Broadcasting of Raffles and Classics BRU: Revenue Operations  
 Component: Charitable Gaming Division  
 Sponsor: Rep. Hodgins  
 Requestor: (H) STA COMPONENT SERIAL NO. 1883

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

House Bill 50 removes the restriction on the use of broadcasting to promote or conduct classics and musing sweepstakes.

The Department of Revenue, Charitable Gaming Division does not anticipate any changes in program receipts as a result of this bill.

Prepared by: Dennis R. Poshard, Director *DRP*  
 Division: Charitable Gaming Division  
 Approved by Commissioner: Wilson L. Condon *Wilson L. Condon*  
 Agency: Revenue

Phone: 465-2279  
 Date: February 14, 1997  
 Date: \_\_\_\_\_

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

CS FOR HOUSE BILL NO. 50(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/21/97  
Referred: Finance

Sponsor(s): REPRESENTATIVE HODGINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of broadcasting to promote or conduct certain  
2 classics or sweepstakes; and providing for an effective date."

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

4 \* Section 1. AS 05.15.640 is amended to read:

*passed* 5/3

5           Sec. 05.15.640. Restrictions on use of broadcasting. (a) A permittee may  
6           use broadcasting to promote or conduct a charitable gaming activity permitted  
7           under this chapter other than bingo, pull-tab games, raffles and lotteries, and  
8           contests of skill. Prior to commencing the broadcasting, a permittee using  
9           broadcasting under this subsection shall notify the department in writing of the  
10           type of broadcasting to be used, what is planned for the broadcasting, and when  
11           the broadcasting is to be conducted. A [UNTIL THE EFFECTIVE DATE OF AN  
12           ACT AUTHORIZING THE USE OF BROADCASTING TO PROMOTE OR  
13           CONDUCT CHARITABLE GAMING ACTIVITY UNDER THIS CHAPTER A]  
14           person may not use broadcasting to promote or conduct bingo, pull-tab games, raffles

1 and lotteries, or contests of skill [CHARITABLE GAMING ACTIVITY UNDER  
2 THIS CHAPTER]. In this subsection, "broadcasting" includes television and radio  
3 transmission by 2,500 megahertz, microwave video and audio programming, slow-scan  
4 television programming, and programming via satellite, cable, teletype, or facsimile  
5 transmission and distribution methods.

6 (b) Notwithstanding (a) of this section, [A PERSON MAY USE  
7 BROADCASTING TO PROMOTE FISH DERBIES, AND] the department may  
8 authorize a noncommercial broadcasting station or network of stations to broadcast the  
9 conducting of an activity under this chapter, for which broadcasting is not otherwise  
10 permitted under (a) of this section, on the station or network under a permit held by  
11 the station or network. The department may not authorize a station to broadcast the  
12 conducting of an activity for more than 12 hours in a calendar year. In this subsection,  
13 "noncommercial broadcasting station" means a radio or television station that is  
14 licensed by the Federal Communications Commission to a governmental entity or to  
15 an entity that is exempt from federal taxation under 26 U.S.C. 501(c)(3) (Internal  
16 Revenue Code).

17 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Adopted

0-LS0288\B.1  
Luckhaupt  
4/9/97

AMENDMENT 2

OFFERED IN THE HOUSE

TO: CSHB 50(FIN)

1 Page 1, line 6, following "promote":

2       Insert ", but not conduct,"

3 Page 2, lines 9 - 10:

4       Delete ", for which broadcasting is not otherwise permitted under (a) of this  
5 section."

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

April 8, 1997

**SUBJECT:** Charitable Gaming Broadcasting (CSHB 50(FIN))

**TO:** Representative Gene Therriault  
Attn: Mike Tibbles

**FROM:** Gerald P. Luckhaupt *gpl*  
Legislative Counsel

Enclosed is the Final CS(FIN) you requested. While I understand the committee's intent in the changes that were proposed and which are now embodied in the CS(FIN), those changes have caused a couple of problems with the CS(FIN).

First, AS 05.15.640(a), amended in sec. 1 of the CS(FIN), allows the use of broadcasting to **promote** forms of charitable gaming, other than bingo, pull-tabs, raffles and lotteries, and contests of skill. That subsection also provides that broadcasting may not be used to **promote or conduct** bingo, pull-tabs, raffles and lotteries, and contests of skill. The subsection does not prohibit the use of broadcasting to conduct charitable gaming that may utilize broadcasting for promotion.

Second, AS 05.15.640(b) continues the exemption provided under current law that authorizes the commissioner of revenue to allow a noncommercial broadcasting station to use broadcasting to conduct an activity "**for which broadcasting is not otherwise permitted under (a) of this section**". The activities under (a) that are allowed to use broadcasting to promote the activity are not explicitly prohibited from conducting the activity, as explained earlier. Considering the changes made to (a), the language being added to (b) should be deleted.

GPL:jdr:glc  
97-253.jdr

Enclosure

# LEGAL SERVICES

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FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

February 19, 1997

**SUBJECT:** Sectional Summary of HB 50. (Work Order No. 20-LS0288\A)

**TO:** Representative Mark Hodgins  
Attn: Pat Carter

**FROM:** Gerald P. Luckhaupt  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 05.15.640(a) to allow a charitable gaming permittee to use broadcasting to promote or conduct certain classics and sweepstakes. The classics and sweepstakes listed are those classics and sweepstakes which the legislature has limited - no one can conduct one of these classics and sweepstakes listed without legislative approval. This bill section amends subsection (b) by removing the reference to fishing derbies and continuing the limited authority noncommercial broadcasting stations have to broadcast certain charitable gaming activities.

Section 2 of the bill amends AS 05.15.640(a), amended in sec. 1 of the bill, to remove the reference to "mushing sweepstakes" which are sunsetted effective December 31, 1999 by ch.13, SLA 1995.

Section 3 of the bill provides an effective date for sec. 2 of the bill.

Section 4 of the bill provides an immediate effective date for the rest of the bill.

GPL:glc  
97-105.glc

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

December 23, 1996

**SUBJECT:** Charitable Gaming Broadcasting (Work Order No. 20-LS0288\A)

**TO:** Representative-Elect Mark Hodgins

**FROM:** Gerald P. Luckhaupt *GLP*  
Legislative Counsel

Enclosed is the bill draft you requested. As with any legislation that selects certain limited entities to perform an activity or to receive some benefit there is a potential that this bill draft violates Art. II, § 19 of the Alaska Constitution prohibiting local and special legislation. The test employed by the Alaska Supreme Court under Art. II, § 19 is substantially the same as that applied to equal protection analysis. Upon examining the legislative goals and the means used to advance them, the court determines whether the legislation bears a fair and substantial relationship to a legitimate state purpose. State v. Lewis, 559 P.2d 630, 643 (Alaska 1977), cert. denied, 432 U.S. 901 (1977). To satisfy the fair and substantial relationship standard, the classification established by the legislation must be tailored to the purpose of the legislation. The classification must be neither overinclusive nor underinclusive. Isakson v. Rickey, 550 P.2d 350, 362 (Alaska 1976). If the "fair and substantial relationship" standard is met, the bill will not be invalidated because of incidental local or private advantages. Lewis, 559 P.2d at 643. In Lewis, the court agreed that an Act of statewide significance need not have an effect in all parts of the state; legislation does not become "local" merely because it operates only on a limited number of geographical areas rather than on a statewide geographical basis. The Lewis case involved the Cook Inlet land exchange and the court accepted the premise that the application, while only affecting land in Southcentral Alaska, required legislation to be accomplished and was of statewide significance. The court relied heavily on the record developed by the legislature in support of the need for the land exchange and the decision to resolve serious issues surrounding Native land selections under the Alaska Native Claim Settlement Act through legislation authorizing the Cook Inlet land exchange.

In a case where a violation of § 19 was found, the court said that legislation establishing the Eagle River Borough was special and peculiar to the locality where the borough was established. Since there was nothing in the nature of the Eagle River-Chugiak area that justified a departure from the general law scheme for the establishment of boroughs, the Act violated § 19. Abrams v. State, 534 P.2d 91 (Alaska 1975). It has consistently been my opinion that the limitation by the legislature of who can undertake charitable gaming classics

Representative-Elect Mark Hodgins

December 23, 1996

Page 2

to a single identified group or a couple of identified groups probably is local and special legislation violative of the constitution; the legislature, though, has been limiting who can perform certain charitable gaming activities in this matter for many years now. This bill draft, by limiting who can utilize broadcasting to promote charitable gaming to those groups the legislature has previously singled out, also appears to implicate Art. II, § 19. If this limited authorization was challenged a court would have to accept the justification advanced by Senator Torgerson during our conference call the other day. Failing that, this authorization could be found to be unconstitutional. But in any event I do not consider this bill draft any more violative than those previous enactments limiting the operation of certain classics to particular groups that have not as of yet been challenged by anyone as being unconstitutional.

Also, per your further request, this memorandum lists all of the charitable gaming events that have been specifically identified in statute and a concise explanation of what the bill draft does.

1. Legislatively identified classics.

**Canned salmon classic** - Petersburg Chamber of Commerce;

**Deep freeze classic** - Delta Chamber of Commerce;

**Goose classic** - Kenai Chamber of Commerce and Fairbanks Montessori Association or the Friends of Creamer's Field;

**Ice classic** - Nenana and Chena Ice Pools, Kuskokwim Ice Classic operated by Bethel Social Services, Inc., Kenai River Ice Classic operated by the Kenai and Soldotna Rotary Clubs, Yukon River Ice Classic operated by the City of Fort Yukon, Alaska-Soviet Ice Classic operated by CAMAI, Inc., and the City of Diomed. Big Lake Ice Classic operated by the Houston Junior-Senior High School Booster Club and the Big Lake Chamber of Commerce, and the McGrath Ice Classic operated by the Kuskokwim Public Broadcasting Company;

**King salmon classic** - Greater Juneau Chamber of Commerce;

**Mercury classic** - Greater Fairbanks Chamber of Commerce and the Fairbanks Convention and Visitors' Bureau;

**Mushing sweepstakes** - Iditarod Trail Committee;

**Salmon classic** - United Fishermen of Alaska.

2. Section 1 of the bill amends As 05.15.640 by identifying certain charitable gaming events that may avail themselves of broadcasting to promote the charitable gaming activity.

Section 2 of the bill deals with the repeal of mushing sweepstakes which is scheduled to occur on January 1, 2000. See ch. 13, SLA 1995. Sections 1 and 2 allow mushing sweepstakes to utilize broadcasting until their repeal.

Section 3 provides that Section 2 takes effect January 1, 2000.

SECTION 4 - ALL CITATIONS SECTIONS  
IMMEDIATE DATE

# Alaska State Legislature



Official Business

State Capitol  
Juneau AK  
99801-1182

FROM THE OFFICE  
OF  
**REPRESENTATIVE MARK HODGINS**

## **SPONSOR STATEMENT**

**HB 50 - "An Act relating to the use of broadcasting to promote or conduct certain classics or sweepstakes; and providing an effective date."**

This legislation amends AS 05.15.640 by removing the prohibition on broadcast advertising for the following Legislatively identified classics as per statute: The removal of the prohibition shall be limited to only Legislatively identified classics as follows.

**Canned salmon classic-** Petersburg Chamber of Commerce;  
**Deep freeze classic-** Delta Chamber of Commerce;  
**Goose Classics-** Kenai Chamber of Commerce and Fairbanks Montessori Association or the Friends of Creamer's Field;  
**Ice Classics-** Nenana and Chena Ice Pools, Kuskokwim Ice Classic operated by Bethel Social Services, Inc., Kenai River Ice Classic operated by the Kenai and Soldotna Rotary Clubs, Yukon River Ice Classic operated by the City of Fort Yukon, Alaska-Soviet Ice Classic operated by CAMAI, Inc., and the City of Diomedea, Big Lake Ice Classic operated by the Houston Junior-Senior High School Booster Club and the Big Lake Chamber of Commerce, and the McGrath Ice Classic operated by the Kuskokwim Public Broadcasting Company;  
**King salmon classic-** Greater Juneau Chamber of Commerce;  
**Mercury classics-** Greater Fairbanks Chamber of Commerce and the Fairbanks Convention and Visitors' Bureau;  
**Mushing sweepstakes-** Iditarod Trail Committee;  
**Salmon classic-** United Fisherman of Alaska.

At present the only classics that are allowed to use broadcasting for promotion are fishing derbies. By providing these advertising vehicles we will assist these organizations by increasing public awareness of each event.

**НВ**

**51**

**HFIN**

**FILE**

**Testimony on CS for House Bill No. 51 ( )**  
**House Finance Committee**  
**Presented by Al Ewing, Deputy Commissioner**  
**Department of Environmental Conservation**  
**February 20, 1997**

Mr. Chairman and members of the Committee, I appreciate this opportunity to present testimony on the CS for HB 51. You have been provided with a letter from Commissioner Brown on this bill which provides in detail our strong concerns. Additionally, we have provided to you a copy of a letter from the Regional Administrator of Region 10 of the U.S. Environmental Protection Agency (EPA) which details their concerns with the bill.

I won't reiterate the content of those letters in detail. Commissioner Brown's letter clearly enumerates the reasons the department is strongly opposed to HB 51.

The language of HB 51 seems to indicate confusion about some of the basics of the Clean Water Act (CWA). There are three major provisions of the CWA that are relevant to HB 51. The first has to do with technology-based standards, the second is focused on water quality standards and the third concerns permitting of pollutant discharges.

Development of technology-based standards is the domain of the EPA. EPA, through exhaustive examination of available treatment technology on an industry by industry basis, determines what level of treatment is technologically and economically practicable. EPA is also charged with identifying best available treatment technology. Out of this examination comes effluent limits or limits on the concentration of pollutants that an industry can discharge. The CWA objective is zero discharge of pollutants, and for a number of industries technology is available to achieve zero discharge of pollutants.

Technology standards are not based on the conditions of a particular water body. They are applicable in all states and territories of the United States, without regard to the water body to which the discharge goes. A technology based standard may well require the discharge to be cleaner than the receiving water. It may go so far, as I mentioned above, to require zero discharge of pollutants just because it is technologically possible to do so. Again, setting technology-based standards is the domain of the EPA.

The CWA gives the states responsibility for setting water quality standards. In other words, it is up to Alaska to determine what uses are possible for the waters of this state and to set standards to protect those uses. The EPA assists in this effort by providing both numerical and narrative criteria on which the states can base water quality standards. They also provide guidance on the process and procedures for establishing water quality standards. When states fail to carry out their responsibility for setting water quality standards, the EPA may prescribe federal standards in lieu of state standards. That is how Alaska came to be covered by the National Toxics Rule (NTR), which has created numerous problems for permitting. It is important to note that standards and criteria are two different things. Criteria are a subset of water quality standards.

Both technology-based standards and water quality standards may come into play when permit limits are set for a particular discharger. If effluent limits (federally established technology-based limits) result in a discharge that is as clean or cleaner than the water quality standards for the water body receiving the discharge, then nothing more needs to be done. If the federally established technology-based limits are insufficient to meet water quality standards, then one of two things, or a combination of these two things needs to be considered - a mixing zone may be utilized, or additional treatment technology may be employed, or a combination of the two.

A very serious problem with HB 51, is that it confuses the concepts and the terminology associated with water quality criteria, water quality standards, technology based effluent limits, permitting, and compliance.

Now, having said this, we recognize that Alaska's water quality standards, which clearly are the responsibility of the state, are not as good as they could be. We have a major effort underway, utilizing extensive public involvement to make needed improvements to our standards.

In Governor Knowles' partnership with industry, he commits to keeping Alaska open for business. In return he asks for three things: create jobs, use Alaska businesses, and "do it right". Doing it right means being a good neighbor, including setting fair standards that ensure water quality is maintained for all uses and giving Alaskans a participatory voice in setting these standards.

Governor Knowles has given DEC the charge to ensure that our standards protect our waters for all users and to actively consult with Alaskans in setting those standards. Where changes are needed, we are aggressively making those changes.

Last year, we evaluated and reached a decision on regulations regarding suspended sediments and petroleum hydrocarbon particulates. After careful evaluation, we decided that no changes were appropriate at that time.

We have under way a rewrite of our mixing zone regulations. I personally have spent close to a hundred hours meeting with affected Alaskans and considering ways to make these regulations understandable, workable, and adequately protective of our resources. To ensure that we have achieved this objective, we will be going out for an additional period of public review. During this time, we will once again sit down with the broad range of interests to ensure that we fully understand and balance those interests in the best way possible.

We have focused on what we believe, and what Alaskans have told us, are unduly restrictive requirements of the NTR. Our negotiations with EPA have resulted in agreement by EPA to withdraw Alaska from coverage by 19 acute aquatic criteria. When withdrawal is completed, Alaska will be able to utilize

our site specific procedures and thereby be more flexible in permit requirements.

Arsenic limits are also currently prescribed by the NTR. We have focused on freeing Alaska from this overly restrictive federal limit. Commissioner Brown has written letters, met and discussed this issue with regional and national EPA leaders, and has written in support of an Alaska Miners Association petition to have this limit removed. Last week, Governor Knowles signed a petition to the Administrator of EPA demanding that the NTR criteria, which is 277 times more restrictive than Alaska's drinking water standard, be lifted until research has been completed to determine an appropriate limit. We are seeing movement by EPA and expect to see results from the Governor's petition in the not too distant future.

Last Fall, Governor Knowles sent a letter to 1200 Alaskans asking them to identify the most critical water quality standards issues having an impact on permitting, resource protection or compliance. That survey identified 12 issues including such things as petroleum hydrocarbons, total dissolved solids, coliform bacteria, and procedures for setting site specific standards and reclassifying water bodies. Working in conjunction with a water quality advisory group, DEC has teams of people working on each of these issues with the charge to develop scientifically sound solutions that we will carefully review with all interested Alaskans. We expect to bring all twelve of these issues to resolution over the next 10 months.

Our goal is to carefully protect Alaska's water resources, but at the same time to remove unnecessary obstacles and expense for development. We are committed to our partnership with industry, but we are equally committed to doing it right.

Resources available to DEC to accomplish these goals are very limited and, if I believe what I read, likely to be further reduced by this body. We can however achieve our goals if we don't have too many obstacles placed in our way.

HB 51 is an obstacle! It would do absolutely nothing to help us achieve our goal of removing Alaska from the clutches of the NTR. It would not help in our battle to be released from coverage by the federal arsenic limit which is 277 times more restrictive than our Alaska drinking water standard. It would do nothing to help us resolve any of the dozen problems identified by Alaskans as the most pressing water quality issues.

In a time of diminishing resources, HB 51 creates new and costly bureaucratic procedures which will divert our scarce resources from dealing with the problems and achieving the results Alaskans want most. In a time when we are working to Alaskanize our standards, as in the case of arsenic, HB 51 would hitch the state to the federal train to be pulled wherever they care to take us.

I firmly believe that DEC is on the right track! Look at our agenda. Look at our progress. Look at our results. We are doing what Alaskans want us to do and we are doing it in a responsible way. Please don't divert us to a side track. Please don't put us on the federal track. If the process ain't broken, please don't break it!

Thank you for this opportunity to testify. I will be happy to address your questions.



# Alaska State Legislature

Please enter into the record my testimony to the HFIN  
committee name  
committee on HB 51 , dated 2-20-97  
bill/subject

RE: HB51

Dear Committee member:

This bill concerns Trout Unlimited because it will weaken overall the beneficial effects (for all Alaskans) of the State's clean water standards.

This bill amounts to an unfunded mandate. By mandating ADEC accept the burden of investigating any individually proposed reduction of federal water quality standards this bill will place a tremendous burden on the department to fulfill its (the bills) intention. Unless of course there is amendments to budget such efforts.

This bill infers an industrial priority for water uses. With this inference rests the well being of other renewable natural resource dependent industries in Alaska. It is our opinion that we must proceed with this type of action very cautiously because our gains with regard to jobs may very well be measured in lost jobs to other industries.

The public process is in jeopardy with regard to this bill. It appears that this bill will disregard the public input process. If ADEC fulfills the described actions of the bill there appears to not be an opportunity for public involvement in this process which will certainly affect the public's water resources in Alaska.

Trout Unlimited's position on water quality is one of a conservative approach recognizing the value of clean water for both human and fishery resource needs. Industrial needs, especially nonrenewable extractive, must not be placed above renewable resource requirements. History demonstrates this to be folly, expensive folly.

Sincerely yours in conservation,

Dennis H. Randa, President  
Alaska Council of Trout Unlimited  
P.O. Box 3055  
Soldotna, Ak 99669

ALASKA COUNCIL OF TROUT UNLIMITED  
P.O.Box 3055, Soldotna AK 99669  
(907) 262-9494 Fax: 262-5920

copy on file  
2-20-97

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: January 31, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/27/97

The FINANCE Committee considered:

HB 51

HOUSE BILL NO. 51

REGULATIONS OF DEPT OF ENV. CONSERVATION



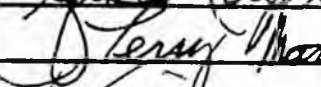
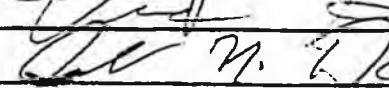
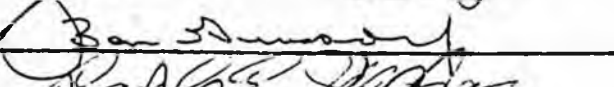
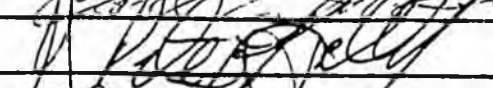

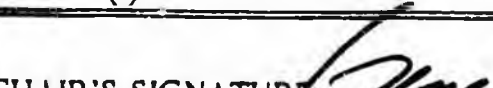
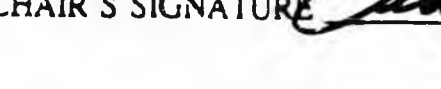

“An Act relating to the Department of Environmental Conservation.”

recommends it be replaced with the following committee substitute CS HB 51 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 2  fiscal note(s) DEC  fiscal note(s) \_\_\_\_\_  
Fish: game  
 zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault	<input checked="" type="checkbox"/>			
	Foster	<input checked="" type="checkbox"/>			
	Mulder	<input checked="" type="checkbox"/>			
	Martin	<input checked="" type="checkbox"/>			
	Kohring	<input checked="" type="checkbox"/>			
	G. Davies				<input checked="" type="checkbox"/>
	Grussendorf				<input checked="" type="checkbox"/>
	Moses			<input checked="" type="checkbox"/>	
	Kelly	<input checked="" type="checkbox"/>			
	G. Davis	<input checked="" type="checkbox"/>			

CO CHAIR'S SIGNATURE   
 THERRIAULT

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 51(FIN)

Revision Date:	<u>2/25/97</u>	Dept. Affected:	<u>Fish and Game</u>
Title:	<u>An Act Relating to the Department of Environmental Conservation</u>	BRU:	<u>Habitat and Restoration</u>
Sponsor:	<u>Rep. Rokeberg</u>	Component:	<u>Habitat</u>
Requester:	<u>House Finance</u>	COMPONENT SERIAL NO.:	<u>486</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 100	FY 01	FY 02	FY 03
PERSONAL SERVICES	37.5	37.5	37.5	37.5	37.5	37.5
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	4.0	4.0	4.0	4.0	4.0	4.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>
<b>CAPITAL EXPENDITURES</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	50.5	50.5	50.5	50.5	50.5	50.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>	<b>50.5</b>

Estimate of any current year (FY97) cost: 0.0

**POSITIONS**

FULL-TIME	0.5	0.5	0.5	0.5	0.5	0.5
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill proposes certain procedures that must be followed in order to develop state water quality standards for which there is no corresponding Federal water criteria. Alaska has standards for total suspended solids, turbidity, and stream sediment accumulation for which there is no corresponding Federal criteria. It is difficult to estimate the cost on conducting the work to demonstrate the need for such standards, because it is highly dependent on availability of site-specific data. Development of site specific criteria cost to the Department of Fish and Game has been as high as \$62,000 for one site. This fiscal note assumes a cost of \$10,000 per site with a maximum of five sites per year.

Prepared by: Janet Kowalski, Director JK  
 Division: Habitat and Restoration

Approved by Commi Frank Rue *Frank Rue*  
 Agency: Department of Fish and Game

Phone: 465-4105  
 Date: 2/25/97

Date: 2/25/97

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# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CSHB 51 (O&G)

Revision Date: 2/18/97  
 Title: An Act relating to the Department of Environmental Conservation  
 Sponsor: Reps Rokeberg and Kelly  
 Requestor: House Finance Committee

Department Affected: Environmental Conservation  
 BRU: Department-wide  
 Component: All

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	95.1	95.1	95.1	95.1	95.1	95.1
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	174.0	174.0	174.0	174.0	174.0	174.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	3.0	3.0	3.0	3.0	3.0	3.0
LAND&STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS,CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	276.1	276.1	276.1	276.1	276.1	276.1
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>	<b>276.1</b>

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS:

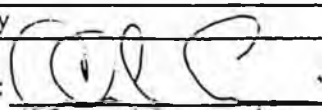
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Susan Braley  
 Division: Air & Water Quality

Phone: 907-465-5308  
 Date: 2/18/97

Approved by Commissioner:   
 Agency: Department of Environmental Conservation

Date: 2/18/97

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**CSHB 51 (O&G)**

The fiscal impact in HB 51 is in **Sections 4 & 5** of the bill.

To meet the requirements under these sections, we anticipate one additional full time staff position would be required to handle the requests to change a State water quality standard allowed in Sec. 46.03.085(c) and Section 36.03.087(b), as well as a full review of the regulations required in Section 5 of the bill. The timelines required in 46.03.085(c) would mean a staff person would have to give immediate and full time attention to the requested change.

Because of the contentious nature of making changes to the state water quality standards, it is vital that we seek and have available for the public, third party expertise on the water quality standard in question. Past experience with contractual funding for third party expertise shows that costs run from \$20,000 to \$75,000 depending on the complexity of the issue. For example, an initial review done just on settling velocities of sediment for the A-J Mine's tailing impoundment cost the Department \$20,000 in 1994. Given the estimate of four changes requested per year, it is estimated that \$100,000 in contractual expenses will be incurred per year to gather third party expertise on the issues. Public notice and hearing costs run approximately \$10,000 per regulatory change. Contractual funding is also included for consultation with a Department of Law attorney at .25 FTE, as necessary to implement the regulatory provisions of the bill.

Therefore, the fiscal note includes:

Line 100	1 FTE professional staff (Envir. Specialist III) .....	\$95,100
Line 200	Travel (hearings, research) .....	\$3000
Line 300	Contractual Costs for 3rd party expertise .....	\$100,000
	Public Notice costs .....	\$40,000
	Department of Law RSA .....	\$34,000
Line 400	Supplies .....	\$1000
Line 500	Equipment .....	\$3000
	<b>TOTAL SECTION 4 &amp; 5 PER YEAR .....</b>	<b>= ..276,100</b>

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

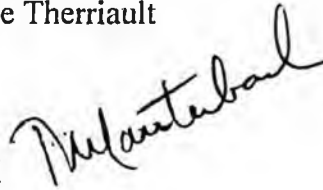
## MEMORANDUM

March 4, 1997

**SUBJECT:** CSHB 51(FIN)

**TO:** Representative Gene Therriault  
Attn: Mike

**FROM:** Terri Lauterbach  
Legislative Counsel



Enclosed is your new CS with the change requested by Mike Tibbles.

I think that, for grammatical consistency, the change made at page 4, line 18, by amendment T.6 means that "permit 'imits" should appear somewhere in Sec. 46.03.087(a) because page 4, line 18 is referring back to the types of things that the department is supposed to be justifying under subsection (a). I urge your review of this issue.

TML:glc  
97-134.glc

Enclosure

#1

Replaud By 1A 2/27/97

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 5, following "to"

Delete "implement water quality"

Insert "adopt"

Page 1, line 5, following "evidence"

Insert "that ensure that water quality standards are sufficient to protect human health and the propagation of fish and wildlife"

#2

adopted N/D 2/27/97  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 6, following "that"

Delete "state agencies possessing the necessary expertise to implement AS 46.03.085 - 46.03.088, enacted by sec. 3 of this Act, coordinate their efforts to enable cost efficiencies in adopting regulations"

Insert: "the department in implementing AS 46.03.085 - 46.03.088, enacted by sec 3 of this Act, coordinate its efforts with other state agencies to achieve cost efficiencies, and in adopting regulations consider measures"

#3

adopted N/O  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 11, following "on"

Delete "scientifically measurable"

Insert "scientific"

#4

*Withdrawn*  
AMENDMENT

2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 12, following "with."

Delete through line 13

#5

*withdrawn*

AMENDMENT

2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 12, following "criteria"

Delete "and"

page 1, line 12, following "feasible"

Delete "to comply with."

Insert "and ensure the protection of human health and the propagation of fish and wildlife."

#16

*withdrawn*

AMENDMENT

2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 1, line 13, following "action"

Insert ", and the courts provide checks against excesses by both the executive and the legislative branches of government"

# 7

Failed 3/7  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSHB 51 ( )

3  
Page ~~2~~ line 9:

Following "Within"

Delete "90"

Insert "180"

with drawn 2/27/97

#5

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 2, line 14, following "the"

Insert "natural and"

Page 2, line 17, following "develop"

Delete "water quality standards"

Insert "permit conditions"

Page 2, line 20, following "the"

Delete "background"

Insert "natural"

Page 2, line 21, following "the"

Delete "background"

Insert "natural"

Page 2, line 22, following "the"

Delete "standards"

Insert "criterion"

Page 2, line 22, following "quality"

Delete "criterion"

Insert "standard"

Page 2, line 23, following "the"

Delete "background"

Insert "natural"

Page 2, line 24, following "the"

Delete "background"

Insert "natural"

Page 2, line 25, following "water"

Delete "constitutes the criterion that"

Insert "shall be used to set the permit conditions which"

Page 3, line 5, following "standards"

Delete ", criteria,"

#9

Failed 4-6  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 3, line 9, following "and"

Insert "scientific and economic"

#10

Failed 3/7  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 3, delete lines 18 - 22

#11

Failed 3/6  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 3, delete lines 23 - 28

#12

passed 7/3  
AMENDMENT 2/27/97

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 4, line 15, following "chemical,"

Delete "and"

Insert "or"

Page 4, line 20, following "chemical,"

Delete "and"

Page 4, line 20, following "physical"

Insert ". or economic"

#13

withdrawn 2/27/97

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CS HB 51 ( )

Page 4, following line 24:

Following "Sec. 46.03.088."

Delete through page 5, line 2

Insert "Definitions. (a) In this section "water quality criteria" are scientific information regarding the maximum concentrations of specific chemicals or other pollutants in water which are consistent with the protection of aquatic life or human health. (b) "Standards" are legally enforceable state-established requirements that consist of the uses for which a water body should be protected and the criteria or pollution limits which are necessary to protect those uses. (c) "natural condition" means the condition of a water body before human impact; and (d) "background condition" means the condition of a water body after human influence."