

**ALASKA LEGISLATURE**

**1666**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998**

**ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL**  
**Social Worker Questionnaire**  
**(DFYS and, if appropriate, Tribal Social Worker)**  
Date of Review: \_\_\_\_\_

Name of Child(ren) \_\_\_\_\_ Please return by \_\_\_\_\_

1. When did your agency first have contact with the family? (describe) \_\_\_\_\_  
\_\_\_\_\_
  - What was the problem that brought this child into care? \_\_\_\_\_  
\_\_\_\_\_
  2. Is there a written Case Plan/Service Plan at this time? \_\_\_\_\_  
If not, why not? \_\_\_\_\_
  3. Were the parents involved in developing the plan? \_\_\_\_\_
  4. What services are being provided to the family at this time? \_\_\_\_\_  
\_\_\_\_\_
  5. Is the family accepting the services offered? \_\_\_\_\_ What additional services has the family requested?  
\_\_\_\_\_
  6. Have any of the conditions that caused the child to come into foster care changed? \_\_\_\_\_  
Please explain. \_\_\_\_\_  
\_\_\_\_\_
  7. How long do you think it will take to accomplish the plan? \_\_\_\_\_
  8. Can you think of any problems or barriers that keep this plan from succeeding? \_\_\_\_\_  
\_\_\_\_\_
  9. Describe the parent-child and sibling visitation arrangements. \_\_\_\_\_  
\_\_\_\_\_
  10. Do the initial problems that led to the placement still exist? \_\_\_\_\_
  11. What new problems developed since the initial intervention? How have these been responded to?  
\_\_\_\_\_
  12. Is there anything else about the child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_
  13. Date of child's first physical after entering care? \_\_\_\_\_ Most recent physical? \_\_\_\_\_
- Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU. PLEASE RETURN FORM TO:**

State of Alaska Department of Administration  
Foster Care Review Division  
900 West 5th Avenue Suite 710  
Anchorage, Alaska 99501

Call 907/258-6104 to respond to questionnaire by phone.  
FAX NUMBER ONLY: 907/258-1651

ANCHORAGE CITIZEN FOSTER CARE REVIEW PANEL  
Attorney Questionnaire

Date of Review: \_\_\_\_\_

Name of Child \_\_\_\_\_ Please return by \_\_\_\_\_

1. What do you understand to be this child's permanency plan? \_\_\_\_\_  
\_\_\_\_\_
2. Can you think of any problems or barriers that are keeping this plan from succeeding? \_\_\_\_\_  
\_\_\_\_\_
3. How long do you think it will take to accomplish the plan? \_\_\_\_\_
4. What additional services do you feel could or should be provided to this family? \_\_\_\_\_  
\_\_\_\_\_
5. Have any of the conditions that caused the child to come into foster care changed? \_\_\_\_\_ Please explain.  
\_\_\_\_\_
6. Do you feel that the child could return home at this time with appropriate support services? \_\_\_\_\_  
If so, what services do you feel would be needed. \_\_\_\_\_  
\_\_\_\_\_
7. What new problems, if any, have developed since the initial intervention? \_\_\_\_\_  
\_\_\_\_\_
8. Is there anything else about the child or family that you would like the Board to know? \_\_\_\_\_  
\_\_\_\_\_

Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to case: \_\_\_\_\_

**THANK YOU. PLEASE RETURN FORM TO:**

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Foster Care Review Division  
900 West 5th Avenue Suite 710  
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ANCHORAGE CITIZEN FOSTER CARE REVIEW

Information/Instructions for Interested Parties

WHEN YOU ARRIVE:

Another review may be in progress when you arrive. Please wait outside the review panel room until you are called. The Review Specialist will escort you into the review. It is important that you arrive on time; however, if you are unavoidably detained, please call us to advise us of your anticipated arrival time.

APPEARING BEFORE THE PANEL:

During the review process, you will not be sworn in. The review panel will ask you if you have information that you wish to provide. You may make a statement either verbally or in writing. In addition, the review panel may have some questions to ask of you. If you have any additional information that you wish to provide, please inform the chairperson of the review panel. If you are confused or do not understand what is happening, please feel free to ask questions of the Review Specialist or the Review Panel Chairrerson.

Usually the child's parents, the DFYS Social Worker, the guardian ad litem and the child (if over ten years of age) will be present throughout the review. Interested parties will be heard from one at a time. Interested parties may not question one another.

ATTORNEYS:

Legal counsel may accompany you to the review. The reviews are not adversary proceedings, and the same rules do not apply as in the courtroom.

TAPE RECORDING:

Information and proceedings of the review panels are confidential. The proceedings are tape recorded.

MAKING RECOMMENDATIONS:

After hearing all of the interested parties, the review panel will make its recommendations. Interested parties are not present during that part of the review. The recommendations from the panel will be mailed to all interested parties.

IF YOU CANNOT ATTEND:

We think it is important that you attend this review, and we encourage your participation in person. However, if you are unable to attend at the scheduled time, we request that you complete and return the enclosed questionnaire or your own written statement by \_\_\_\_\_ . A self addressed envelope is enclosed for your convenience. You also may call our office at 258-6104.

QUESTIONS:

For any questions or concerns, please contact \_\_\_\_\_  
Review Specialist at 258-6104.

Form 11/93

ADVISING CHILD OF REVIEW

Review Specialist will determine the age of the child.

Review Specialist will contact the G.A.L. of those children under the age of ten years to request that the G.A.L.:

- determine whether the child should participate in the review;  
and
- assist the child to prepare a statement to the panel when the child will not be attending.

Review Specialist will, in conjunction with the G.A.L., arrange to meet with the child over ten to:

- advise the child of the review;
- determine whether the child wishes to attend;
- assist the child who does not wish to attend to prepare a statement to the panel.

**CHILD OVER TEN YEARS OF AGE QUESTIONNAIRE**

(Assistance in completing this questionnaire should be provided by the Review Specialist or G.A.L. prior to the review meeting.)

Name: \_\_\_\_\_ Date of Review: \_\_\_\_\_

1. How long have you been in the home you are in now? \_\_\_\_\_
2. Are you safe where you live now? \_\_\_\_\_
3. Is there anything you want the panel to know about where you live now? \_\_\_\_\_
4. Have you asked for help with any problems you are having? \_\_\_\_\_  
Are you getting help? \_\_\_\_\_
5. Are there services you would like to get or programs you would like to participate in? \_\_\_\_\_
6. Please tell us why you would like to get these services or be in these programs? \_\_\_\_\_
7. What do you understand the plan is for you and your future? \_\_\_\_\_  
\_\_\_\_\_
8. Are you visiting your mom and dad? \_\_\_\_\_ Your brothers and sisters? \_\_\_\_\_ How often? \_\_\_\_\_  
Is there anyone else you would like to visit? (for example: grandparent, aunt, uncle) \_\_\_\_\_
9. Have you missed any visits because it was unclear when or where you were supposed to visit or because there was no one to give you a ride to the visit? \_\_\_\_\_
10. When was the last time you saw your social worker? \_\_\_\_\_  
\_\_\_\_\_ When was the last time you talked to your social worker on the phone? \_\_\_\_\_
11. When was the last time you saw your G.A.L. (attorney)? \_\_\_\_\_  
Talked to your G.A.L. (attorney) on the phone? \_\_\_\_\_
12. How are you doing in school? \_\_\_\_\_  
How are you doing in your foster home? \_\_\_\_\_  
How are things going with your friends? \_\_\_\_\_
13. If you are 16 or over, has anyone talked to you about an independent living plan (balancing a checkbook, driving a car, applying for a job, cooking, etc.)? \_\_\_\_\_  
\_\_\_\_\_
14. Is there anything else about you that you would like the Panel to know? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INFORMATION FROM DFYS;  
WHAT IS FOSTER CARE

Foster care is a program designed to provide a substitute family life experience in an agency-approved household for a child who needs care for a temporary or extended period of time; during this time the child's biological family is either non-existent or dysfunctional. The primary goal of foster care is to reunite families or to insure the child will leave foster care for a permanent placement. Foster care is founded on the premise that all children have the right to physical care and educational and emotional nurturance. Foster parenting is not a lifetime commitment to a child, but a commitment to be meaningful during a child's lifetime.

FACTS AND FIGURES

FOR INFORMATION REGARDING FOSTER CARE LICENSING, CONTACT:

Licensing Unit  
Division of Family and Youth Services  
Department of Health and Social Services  
550 West 8th Avenue, Suite 201  
Anchorage, Alaska 99501

Phone 276-1450

CURRENT RATES FOR FOSTER CARE RE-IMBURSEMENT:

Ages:	0-30 MONTHS	\$19.33 per day	}
	30 mo - 1 day-11 yrs	\$17.18 per day	
	12 and over	\$20.40 per day	
	Emergency placements	\$24.58 per day	

*This info needs to be updated Ask DFYS*

	Yes	No
1. Do I have to be wealthy?		X
2. Do I need to be able to support myself and not be dependent on income received from being a foster parent?	X	
3. Do I need to own my own home?		X
4. Does each child have to have his/her own bedroom?		X
5. Can I be a single foster parent?	X	
6. Do I need to have children of my own?		X
7. Do I need to provide transportation for foster children?	X	
8. Do I have any contact with birth parents?	X	
9. Will I be able to adopt my foster children?		X

# FINANCIAL MATTERS

## FINANCIAL ARRANGEMENTS AND REIMBURSEMENT PROCEDURES

Standard rates  
 Emergency shelter payment rates  
 Runaway status  
 Augmented rates  
 Special needs requests  
 How the payment system operates

## INSTRUCTIONS FOR COMPLETING THE A&I FORM

Left side of the form  
 Right side of the form

## WHAT TO DO IF YOUR CHECK DOES NOT ARRIVE OR IS NOT ACCURATE



## FINANCIAL ARRANGEMENTS AND REIMBURSEMENT PROCEDURES

Foster home care payment rates are established yearly by the Division of Administrative Services of the Alaska Department of Health and Social Services. Foster home care rates include standard rates, emergency shelter rates and augmented rates.

### Standard rates

Standard rates for foster home care include payment for the following, once the proposed regulations are in effect:

1. Food, including meals and snacks.
2. Clothing replacement.
3. Shelter, including utilities and use of household furnishing and equipment.
4. Daily supervision, including those activities which a parent would normally carry out to assure protection, emotional support and care of the child.
5. Personal items and grooming care for the foster child such as toothbrushes, diapers, haircuts and other essentials.
6. School supplies and regular school activities.

7. Games, toys, books and equipment, like skates, and other items costing less than \$50 per item, that are appropriate to the ages of children in care in sufficient quantity to promote normal growth and development.
8. General recreation of the foster child such as picnics, community sports and movies.
9. Usual transportation expenses on behalf of the foster child, including the purchase of bus passes for children old enough to take buses, and reasonable local travel to the child's home for visitation.
10. An allowance for the foster child.
11. Babysitting and child care, except as provided in 7 AAC 53.050(b)(5).
12. Other items which are normal and usual in the care and supervision of a child.

Payment rates vary by region. A new rate schedule will be sent to you each year.

#### Emergency shelter payment rates

Emergency shelter rates are paid for a maximum of 30 days on any one placement.

#### Runaway status

If a foster child runs from your home and it has not been determined whether the child will be returned to your home, foster care rates may be continued for a maximum of five days after the child has run. This five day payment may be made whether or not the child returns, as long as the social worker/probation officer was notified within 12 hours from the time that the child's runaway status was established. If the child does not return within the five day period, that foster care space becomes available on the sixth day unless other arrangements are made with the social worker or probation officer. If DFYS determines within the first five days that the child will not return, payment will continue through the date of the determination, not the full five days.

For example, John Jones was in your home from October 1 through October 11. On October 12, John ran. He returned to your home on October 22. Payment would be made for October 1 through October 16 provided that you notified the social service worker of the child's absence within 12 hours. No payments would be made for October 17, 18, 19, 20 and 21. Payment would resume on October 22.

PRIMARY RESPONSIBILITIES OF GUARDIAN AD LITEM OR CASA  
(Contrasted with a brief description of Social Worker's Role)  
Compiled by Candace E. Wheeler, MSW  
Anchorage Citizen Foster Care Review  
4/27/94

Social Worker

1. By law must represent established public policy on every case, i.e. family reunification.
2. Pursues goal of reuniting child with custodial parent, providing child's safety is assured.
3. Gathers information from child, family, caretakers, interested persons, expert sources (i.e. educational, medical, counseling), law enforcement, etc.
4. Makes decisions on day-to-day casework issues, i.e. services needed, placement, visitation.
5. Shares information with clients, GAL/CASA, attorneys, and the court.
6. Assists Attorney General in writing the CINA petition.

GAL/CASA

- Must represent best interest of each child; not bound by public policy. Note that the GAL's decision as to what is best for the child may not be the same as what the child wants. Where there is a significant conflict between the two, the court may appoint an attorney to represent the child's wishes.
- Seeks cooperative solutions to the child's situation within the scope of the child's interest and welfare. These solutions may be reunification, or may not.
- Gathers information from the same sources as DFYS, with the addition of access to the DFYS file. (In some instances you may find that the GAL gathers information that the social worker did not have time to solicit, notably such things as teacher comments and direct feedback from foster parents.)
- Makes recommendations on day-to-day casework issues.
- Shares information with the court, the social worker, attorneys and clients.
- Shares information as needed with the Attorney General for amending the CINA petition.

7. Assists Attorney General in presenting evidence to support the allegations in the CINA petition; has burden of proof.

8. Provides services directly; refers clients to appropriate service providers. May pay for counseling, urinalysis, etc.

9. Is responsible for monitoring child's and parents' compliance with court orders.

10. Through the Attorney General, may request judicial review of case.

11. Files the predisposition report to the court ten days prior to the disposition hearing.

12. Appears at all hearings represented by the Attorney General.

Presents factual information regarding child's and family's situation; may or may not support allegations in petition.

Recommends/advocates for services but does not provide them. (In selected cases some CASAs or GALs take a more active role, such as supervising visits.) In court the GAL asks that clear and specific orders are entered for the evaluation services, placement and treatment of the child and the child's family.

Is responsible for monitoring implementation of service plans and dispositional orders to determine whether services ordered by the court are actually provided in a timely manner and are accomplishing the desired goal(s). May also monitor parents' and child's compliance.

May request judicial review of case. Should inform the court promptly if services are not being made available to the child and/or family, if the family fails to take advantage of such services, if services are not achieving their purpose, and bring to the court's attention any violation of orders, new developments, or changes in the child's circumstances.

Files the GAL report to the court five days prior to the disposition hearing.

Appears at all hearings to represent the child's best interests, providing testimony and/or ensuring that appropriate witnesses are examined.

*We are changing this statute with notes to cover the change  
might help you understand what local panels do.*

## CITIZEN REVIEW OF CHILDREN IN OUT OF HOME CARE

Summary of Alaska Statute 47.10.400-490

-Citizen Review Panel for Permanency Planning (Enabling Statute)

### APPOINTMENT OF CITIZEN REVIEW PANELS

Under this statute, the governor appoints the members of the out of home care review panels. These panelists are local volunteers who serve staggered three year terms in five member panels.  
(AS 47.10.420)

### DUTIES OF LOCAL PANELS

1. Review the case plan of each child who is in the legal custody of the Department of Health and Social Services and who is in a placement out of the child's own home:
  - a. within 180 days after the child is initially removed from the child's home; and
  - b. every six months thereafter.
2. Consider as part of the case plan review, any progress reports of the Department, or the guardian ad litem, court records, and other relevant information about the child and the child's family.
3. During a review:
  - a. determine whether a child has a case plan designed to achieve placement in the least restrictive, most family like setting available in close proximity to the home of the child's parents that is consistent with the best interests, special needs, and circumstances of the child;
  - b. evaluate:
    - 1) the continuing necessity and appropriateness of the child's placement;
    - 2) the extent of the compliance with the child's plan; and
    - 3) the extent of the progress that has been made toward mitigating the cause that necessitated placement away from the child's parents.
  - c. ascertain the date by which it is likely the child may be returned to the home or placed for adoption or legal guardianship;
  - d. determine whether there has been compliance with applicable provisions of 25 U.S.C. 1901-1963 (The Indian Child Welfare Act) and other applicable state and federal laws; and

Duties of Local Panels, continued:

- e. determine whether there has been compliance with court review requirements of AS 47.10.080(f) and (l) and with 48.10.142(h).
4. Provide written notice to the following persons that a review will be conducted and that they may participate in the review:
- a. the Department of Health and Social Services;
  - b. the child or the child's legal representative;
  - c. each of the child's parents;
  - d. the child's guardian;
  - e. the child's guardian ad litem;
  - f. the child's out of home care providers; and, if the case is governed by 25 U.S.C. 1901 - 1963 (The Indian Child Welfare Act),
  - g. the child's Indian Custodian; and
  - h. the designated representatives of the child's tribe, if the tribe has intervened in the case.
5. Provide the following persons an opportunity to be interviewed by the panel in person or by telephone, or to submit written material to the panel:
- a. the child, if the child is ten years of age or older;
  - b. the parents, custodians, or other relatives of the child;
  - c. the child's out of home care provider;
  - d. the child's guardian;
  - e. the child's guardian ad litem;
  - f. the social worker assigned to the case; and
  - g. if the case is governed by 25 U.S.C. 1901-1963 (The Indian Child Welfare Act),
    - 1) the child's custodian;
    - 2) the designated representative of the child's tribe, if the tribe has intervened in the case; and
  - h. other persons with a close personal knowledge of the case.

Duties of Local Panels, continued:

6. Permit a child over ten years of age, who so requests, to be present while some or all of the persons identified in Section 4 are interviewed by the panel, unless the panel determines for good cause that the child's presence would be contrary to the child's best interests. (Children under ten may be present at such interviews at the discretion of the child's guardian ad litem.)

7. Within 30 days of the review, issue a report and make an advisory recommendation based on the best interests of the child in accord with AS 47.10.082, including notification of the right to request court review under AS 47.10.080(f).

8. Submit the report and advisory recommendation required under Section 7:

a. to the court at least twenty days before a scheduled review hearing; and

b. to the persons listed in Section 4 within thirty days after the review.  
(AS 47.10.440)

CONFIDENTIALITY

Persons appointed to serve on Citizen Review Panels shall swear or affirm to keep confidential all information that comes before the panel, except:

1. information for reports required under AS 747.17 or as required by court order for good cause shown.

2. information that is shared with other panel members or staff to the panel during a review. (AS 47.10.420(e); AS 47.10.460(b))

INDEMNIFICATION OF PANEL MEMBERS

Panel members shall be indemnified (shielded) by the state from civil liability for a negligent act or omission of the panel member that occurs in the performance of the member's duties, unless the civil liability results from the panel member's violation of the oath of confidentiality. (AS 47.10.480)

## THE FEDERAL ADOPTION ASSISTANCE AND CHILD WELFARE ACT

Requirements of Public Law 96-272 -- 42 U.S.C. Section 671 - 675

In creating PL 96-272, the United States Congress recognized the need to divert funds away from foster care and channel funds toward other alternatives. Congress also recognized, however, that a redirection of funds alone would not be sufficient to address the problems in the child welfare system nationwide or to protect children and their families from abuse by this system. The reforms mandated by PL 96-272 are described below. These reforms are essential elements in any child welfare system designed to ensure permanence for children.

### 1. CASE PLANS

To ensure permanence for all children PL 96-272 requires that the state develop a written case plan on each child in care. This plan must be designed to achieve "placement in the least restrictive (most family like) setting available and in close proximity to the parent's home, consistent with the best interest and special needs of the child."

In order for a state agency to receive federal funds for these programs, these case plans must specifically describe:

- a. the type and appropriateness of the child's placement;
- b. the care and services that will be provided to the child, biological parents and foster parents;
- c. how the care and services will meet the needs of the child while in care and will facilitate the child's return home or other permanent placement;
- d. plans for carrying out the voluntary placement agreement or judicial determination that brought the child into care;
- e. the appropriateness of the services to be provided to the child and family under this plan.

### 2. SEMIANNUAL REVIEWS AND DISPOSITIONAL HEARINGS

With regard to periodic case review, PL 96-272 specifically requires:

- a. a two-tiered review system to be in place, with review by a court or administrative body at least every six months and a dispositional hearing by a court or judicially sanctioned body within eighteen months of placement and periodically thereafter;
- b. a six month review panel to consider the continuing need for placement, compliance with the case plan, progress made on the plan and a projected date for permanent placement of the child;

- c. that six month reviews be conducted by an impartial body, either a court or an administrative body that includes at least one member not responsible for case management or service delivery to the family or child in question;
- d. that the six month review be open to the parents for their participation;
- e. that the court hearing be for the purpose of determining the future status of the child and for determining efforts necessary to provide the child with a permanent family;
- f. that the review process continue throughout the child's placement in foster care

### 3. PROCEDURAL SAFEGUARDS

By requiring states to have procedural safeguards Congress recognized that state intervention into family life is a serious action that may violate fundamental constitutional rights. Public Law 95-272 requires each state to develop safeguards relevant to these four areas:

- a. removal of the child from the home
- b. changes in the child's placement
- c. determinations affecting visitation by parents
- d. voluntary placement of children

### 4. PREVENTATIVE AND REUNIFICATION SERVICE PROGRAMS

Public Law 95-272 requires that all states develop programs to prevent the unnecessary placement of children in foster care and to reunite children with their families. Federal funding for each state hinges on the development and implementation of such programs.

### 5. INVENTORY AND INFORMATION SYSTEMS

In order to assess the status and progress of children in state systems, all states were required to do an initial inventory of all children in foster care. Subsequently, tracking systems were required to be put into place in order to produce data on all children and to continue monitoring their progress through the system. This data must be available for all children currently in care or in care during the preceding twelve months. Reports from this system must be made to the U.S. Department of Health and Human Services on a periodic basis.

**HB**

**127**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/6/97

FURTHER: REPORTED OUT OF  
5/09/97

DATE TURNED  
 IN TO OFFICE: 5/09/97

Finance Committee considered CS FOR HOUSE BILL NO. 127(FIN)

FOSTER CARE REVIEW BOARD

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS HB 127 ( FIN )
- 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>Bill E. Kelley</i>	✓	<i>Scott Starnell</i>	✓		
<i>John Ferguson</i>	✓	<i>David Orley</i>	✓		
Co-Chair: <i>[Signature]</i>		Co-Chair: _____			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: _____			

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


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

Department                      Date    Zero    Fiscal

Admin/PDA	4/21/97		*** Gr determined
Admin/Foster Care			

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**FISCAL NOTE**

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 1  
Bill Version: CSHB 127(HES)  
(H) Publish Date: 4/23/97

5/09/97

Revision Date: \_\_\_\_\_  
Title: Relating to Foster Care Review Boards  
Sponsor: Bunde  
Requestor: House (HES)

Dept. Affected: Health and Social Services  
BRU: Family and Youth Services  
Component: DFYS Central Office  
COMPONENT SERIAL NO. 259  
See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
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						
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CHANGES IN REVENUES ( )						
-------------------------	--	--	--	--	--	--

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<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>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

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

There would be no fiscal impact to the Division if this bill were to become law.

Prepared by: L. Diane Worley, Director *Diane W* Phone: 465-3191  
Division: Family & Youth Services Date: 03/11/97  
Approved by Commissioner: Karen Perdue, Commissioner *K Perdue* Date: 3/19/97  
Agency: Department of Health & Social Services

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**FISCAL NOTE**

No. 2  
 Bill Version: CSHB 127(HES)  
 (H) Publish Date: 4/23/97

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

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to the citizen review board and panels for permanency planning for certain children in state custody..."  
 Sponsor: (S) HES  
 Requestor: (H) HES

Department Affected: Administration  
 BRU: Public Defender Agency  
 Component: Public Defender Agency  
 COMPONENT SERIAL NO. 1631

**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						
TOTAL OPERATING	***	***	***	***	***	***
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						
TOTAL	***	***	***	***	***	***

Estimate of any current year (FY 97) cost: \$ -0-

**POSITIONS:**

FULL-TIME	***	***	***	***	***	***
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.) This bill would establish citizens' foster care review in CINA cases. The Public Defender Agency (PDA) was appointed by the court to represent parents in 623 CINA cases in FY 1996. We estimate that in roughly 50% of our cases out-of-home placement extends long enough to require placement review.

It is difficult to estimate how much attorney time would be required to participate in these reviews. The current citizens' panels only review a limited number of CINA cases. Currently, we do not routinely attend the review hearings.

If the proposed legislation results in local review panels being established statewide and the review panel reports are considered in court decisions (see Sec. 21), we would have to start participating in the review process. It is impossible to accurately estimate how many of these cases would require our participation. But where the placement of a child is in controversy and the court would rely on a review panel report, we will have to participate.

Prepared by: Barbara K. Brink, Director  
 Division: Public Defender Agency

Phone: (907) 264-4414  
 Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
 Agency: Department of Administration

Date: 4/21/97

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# FISCAL NOTE

No. 4

Bill Version: CSHB 127(FIN)

BILL NO. (H) Publish Date: 5/5/97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

REPORTED DATE  
5/09/97

Dept. Affected Administration

BRU: Central Admin. Services

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody

Sponsor: House HESS

Components: Citizen's Foster Care Review

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

Serial # 1888

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	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	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</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	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	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>160.0</b>	<b>287.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>	<b>487.0</b>

**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 analysis

Prepared by:

House Finance Committee

Date: 5/2/97

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. CS HB 127(FIN)

### Updated Analysis (5/2/97)

#### Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

#### Travel (6.0)

Travel will fund one face to face board meeting the first year.

#### Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

#### Supplies (4.0)

#### Equipment (5.0)

#### Grants (50.)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the last quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

**HB**

**128**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 1, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/8/97

The FINANCE Committee considered:

SSHB 128

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128

WATER QUALITY; WATER SCIENCE OVERSIGHT BD

“An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date.”

recommends it be replaced with the following committee substitute CS SSHB 128 (FIN)  the same title  a new title

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

attached amendment(s)

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

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

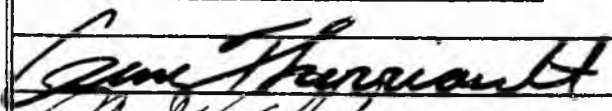
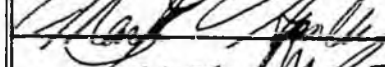
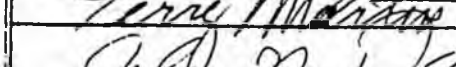
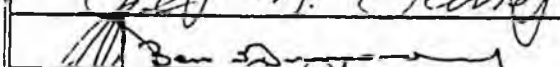
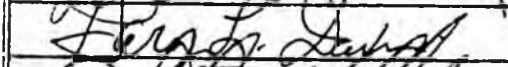


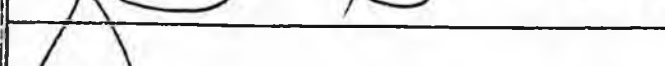
APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

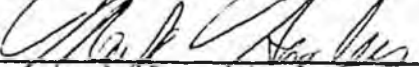
fiscal note(s) DEC HFC

fiscal note(s) Law 4/1/97

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

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

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault	X			
	Hanky	X			
	Martin	X			
	J. Davis			X	
	Grussendorf			X	
	G. Davis	X			
	Kelly	X			
	Foster	X			

30 CHAIR'S SIGNATURE    
Therriault Hanky

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. CS SSB 128 (FIN)

Title: Water Quality: Water Science Oversight BD  
 Sponsor: Representative Hudson  
 Requestor: \_\_\_\_\_

Dept. Affected Environmental Conservation  
 BRU: Air & Water  
 Components: Water Quality  
 Serial # 2062

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	62.3	62.3	62.3	62.3	62.3	62.3
Travel	16.0	16.0	16.0	16.0	16.0	16.0
Contractual	23.9	23.9	23.9	23.9	23.9	55.7
Supplies	0.5	0.5	0.5	0.5	0.5	0.5
Equipment	0.0	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>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>134.5</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
---------	-----	-----	-----	-----	-----	-----

**FUNDING: (THOUSANDS OF DOLLARS)**

General Fund	102.7	102.7	102.7	102.7	102.7	134.5
Federal Fund	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>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>102.7</b>	<b>134.5</b>

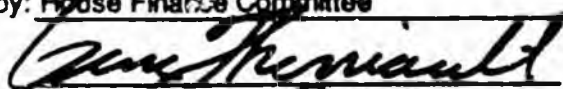
**POSITIONS:**

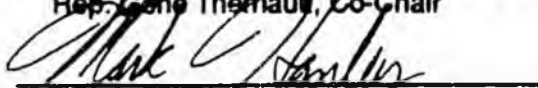
Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)**

Personal Services line is reduced to reflect actual costs (salary & benefits) of an Environmental Specialist III, 18BC. Contractual has been modified to reflect Committee's action to reduce compensation for board members.

Prepared by: House Finance Committee

  
 Rep. Gene Theriault, Co-Chair

  
 Rep. Mark Hanley, Co-Chair

Date: 4/8/97  
 Phone: 465-4939  
 Phone: 465-4797

# FISCAL NOTE

No.   L    
 1 Version:   SSHB 128    
 (H) Publish Date:   4/1/97  

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

Revision Date: \_\_\_\_\_ Dept. Affected:   Department of Law    
 Title:   An Act relating to water quality; directing the   BRU:   Civil Division    
 Department of   Environmental Conservation to conduct . . . research . . .   Component:   Environmental Law    
 Sponsor:   Representative Hudson    
 Requester:   House Resources Committee   COMPONENT SERIAL NO.   2092  

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

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						26.9
TRAVEL						0.4
CONTRACTUAL						4.0
SUPPLIES						0.5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	31.8

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

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1007 Interagency Receipts						31.8
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	31.8

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

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

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

HB 128 directs the Department of Environmental Conservation (DEC) to conduct research and adopt new regulations based on that research in order "to reconcile the sometimes conflicting demands of protecting water quality and encouraging the economic use of the state's water." Research results must be submitted to the Water Science Oversight Board for review and recommendation by June 30, 2002. After the Board's recommendations are received, the regulations development process would begin. Under the bill, the regulations proposed and adopted would be part of one process, with the same effective date for all.

The Department of Law anticipates no fiscal impact from this bill until FY 03. With the promulgation of a presumably large package of new regulations all at once, some additional legal resources would be necessary. While it is somewhat speculative to project what might be necessary in the fall of 2002, the department anticipates needing approximately 1/4 of an attorney's time, 375 hours, at a cost of \$31,755. Funding would be interagency receipts from a reimbursable services agreement with DEC.

Prepared by:   Joan M. Kasson   *Joan M. Kasson* Phone:   465-5370    
 Division:   Administrative Services Division   Date:   3/20/97    
 Approved by Commissioner:   Bruce M. Botelho, Attorney General   *Bruce Botelho for* Date:   3/20/97    
 Agency:   Department of Law  

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ANALYSIS CONTINUATION:

The cost estimate is based on the department's FY 97 standard attorney cost schedule (\$87/hour) and includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses.

# 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:** CSSSHB 128(FIN) (Water Quality)

**TO:** Representative Mark Hanley  
Attn: Louann

**FROM:** Terri Lauterbach  
Legislative Counsel 

Enclosed is the CS you requested.

It appears to me that Amendment #4 may have overlooked related sentences that should also have been amended. Shouldn't the second and third sentence of Sec. 46.03.085(b) be amended the same way the first sentence was?

Please let me know if I can be of assistance.

TML:jdr  
97-251.jdr

Enclosure

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 1, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/10/97

The FINANCE Committee considered:

SSHB 128

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128

WATER QUALITY; WATER SCIENCE OVERSIGHT BD

“An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date.”

recommends it be replaced with the following committee substitute CSHB 128 (Fin)  the same title  a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept) DEC APPROVES PREVIOUS: (Dept/Date) LAW 4/1/97  
 fiscal note(s) DEC  fiscal note(s) LAW 4/1/97

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Kelly</i> Kelly	✓			
<i>Gene Therriault</i> Therriault	X			
<i>John Foster</i> Foster	X			
<i>John Mulder</i> Mulder	X			
<i>Terry Martin</i> Martin			X	
<i>Ben Gussendorf</i> Gussendorf			X	
<i>John Davis</i> Davis	X			
<i>Carl Moscos</i> Moscos	X			
<i>John Davies</i> Davies			X	

CHAIR'S SIGNATURE *Gene Therriault*  
 Therriault



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## TWENTIETH LEGISLATURE - FIRST SESSION

**SS for HB 128: "An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date"**

The Alaska Environmental Lobby concurs with the legislature's intent that it is the policy of the state to protect the quality and uses of Alaska's waters. Our member groups, representing over 10,000 Alaskans, are united in the belief that there is ample room in Alaska for both a strong state economy and strong environmental protection; in fact, we believe one cannot exist without the other. Additionally, we maintain that if resource extractive industries wish to do business in Alaska, they must be willing and able to expend the funds to conduct their activities with the utmost care of our water, respecting the fact that other users of our water depend on its purity for their own livelihood and enjoyment. Clean water is a resource held in trust for all Alaskans by the state government, and the legislature has an affirmative duty to manage this resource for the public good, not for the private gain of individual interests.

The Lobby commends Representative Hudson and his staff for their good faith efforts of working with the Department of Environmental Conservation and for briefing AEL on this legislation. We think the deletion of the interim standards provisions goes a long way to making this bill more balanced. We acknowledge the efforts made towards the adoption of water quality standards that provide the level of protection Alaskans want for our waters and, at the same time, offer the practicality that industry seeks.

Nevertheless, we have certain concerns that prevent us from endorsing SSHB 128; these concerns include:

- **The composition of the Water Science Oversight Board** - as proposed in this legislation, the composition of the Board surely guarantees that the Board will be a highly politicized group. If "good

OVER



science" is truly the goal, then a truly objective group of experts must be identified to perform the peer review of the research being conducted and the oversight of DEC's efforts. The 5-member Board as proposed will neither be perceived to have the necessary objectivity nor will it likely, in fact, possess the necessary objectivity to gain the confidence of the many stakeholders involved in water quality issues.

- **Adequate funding of the Department of Environmental Conservation** - while AEL appreciates Representative Hudson's efforts to facilitate funding for water quality research, we question how DEC is expected to implement the standards and regulations that will be adopted, given the minimal level of funding that the legislature provides for the water quality programs. Though much of industry's purported discontent with the service provided by DEC could be attributed to the lack of specific data regarding Alaskan waters, many of industry's concerns undoubtedly will remain unaddressed unless funding is obtained to staff an adequate number of technical positions in the water quality programs. Financing basic research on a few issues, while a start in the right direction, must be coupled with a longer term plan of monetary support for water quality protection.

The Alaska Environmental Lobby would be far more amenable to supporting Representative Hudson's approach to water quality issues if the composition of the Water Science Oversight Board were more objective and if the legislature would show a commitment to a level of funding of DEC that would enable DEC to fulfill its mission to protect our water resources for all Alaskans. Until these concerns are resolved, AEL is unable to support HB 128.

Susan E. Schrader, Executive Director  
3/25/97

Adopted

Amendment # /

TO: SSHB 128

By Representative Martin

Page 3, line 7

IA  
Adopted

Insert new sentence after "house."

"No member of the board may be an employee of the Department of Environmental Conservation except for the commissioner or the commissioner's designee."

Page 3, line 9

IB  
Adopted

Delete "\$400"

Insert "\$150"

\$ 300.

~~Page 3, lines 10-12~~

~~Delete entire sentence that begins and ends with "The board may provide by rule.....duties as a member of the board."~~

#2

AMENDMENT

Adopted

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: SS HB 128

Page 2, line 27:

Delete "shall"

Insert "may"

#3

*failed*

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: SS HB 128

Page 2, line 31, following "members":

Insert "appointed by the governor"

Page 3,, line 3, following "AS 46.03.082."

Delete through line 7

SSHB 128

#4

Rep. Davies

page 3

line 8:

Adopted

after "who"

insert "while serving the board"

after "not"

insert "being compensated as"

(Compensated)



## Key Provisions Of SSHB 128 - The Water Research Bill

The goal of this bill is, to the greatest extent possible, substitute science for the emotion and political debate that normally characterizes consideration of water quality regulations.

If Alaska wishes to change a water quality standard, the Clean Water Act requires the regulation be submitted to EPA, together with the scientific basis for the change and the public process the regulation change went through. EPA examines both the research and the public process and then either certifies or denies the change. If the EPA denies the state change, a federal standard based on existing federal guidance is then adopted for Alaska. As a general rule, federal standards are far more troublesome for industry to deal with, without proving any real additional protection for the environment.

### SSHB 128:

- I. Sets forth the intent of the legislature to provide for scientific research to serve as the basis for future decisions on water quality regulations.
- II. Provides framework for groups affected by water quality regulations to join with DEC to seek and receive funds for the scientific research to necessary to change water quality regulations.
- III. Requires DEC to revise water quality regulations based on research and other science that becomes available in the next five years.
- IV. Temporarily creates the Water Science Oversight Board to oversee the quality of research performed under this bill, to make recommendations to the department regarding research plans and regulations based on the research, and to make annual reports to the governor and the legislature. The board expires at the end of the five year research program.



# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## TWENTIETH LEGISLATURE - FIRST SESSION

**SS for HB 128: "An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date"**

The Alaska Environmental Lobby concurs with the legislature's intent that it is the policy of the state to protect the quality and uses of Alaska's waters. Our member groups, representing over 10,000 Alaskans, are united in the belief that there is ample room in Alaska for both a strong state economy and strong environmental protection; in fact, we believe one cannot exist without the other. Additionally, we maintain that if resource extractive industries wish to do business in Alaska, they must be willing and able to expend the funds to conduct their activities with the utmost care of our water, respecting the fact that other users of our water depend on its purity for their own livelihood and enjoyment. Clean water is a resource held in trust for all Alaskans by the state government, and the legislature has an affirmative duty to manage this resource for the public good, not for the private gain of individual interests.

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OVER



science" is truly the goal, then a truly objective group of experts must be identified to perform the peer review of the research being conducted and the oversight of DEC's efforts. The 5-member Board as proposed will neither be perceived to have the necessary objectivity nor will it likely, in fact, possess the necessary objectivity to gain the confidence of the many stakeholders involved in water quality issues.

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Susan E. Schrader, Executive Director  
3/25/97

# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3744  
Fax (907) 465-2273

## COMMITTEES

CO-CHAIR  
Resources Committee

MEMBER  
Transportation Committee  
Labor & Commerce Committee

## SSHB 128 SPONSOR STATEMENT

"An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date."

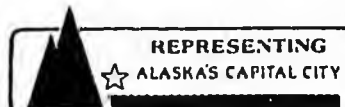
HB 128 provides a mechanism for DEC to form partnerships with interested parties to seek funding for water quality research for the state of Alaska leading to improved water quality regulations. The bill establishes a temporary Water Science Oversight Board to oversee the research.

The goal of this bill is to the greatest extent possible, substitute science for the emotion and political debate that characterizes consideration of water quality regulations. The Alaska Science and Technology Foundation has expressed interest in funding such research, but will only accept applications from a public agency if it is in partnership with private organizations.

Another potential source of funding would be federal dollars. Without such research to provide scientific backing, the Environmental Protection Agency will not accept changes to Alaska's water quality regulations to reflect Alaska specific conditions.

The Water Science Oversight Board which will oversee this research is to be composed of the department commissioner or a commissioner's designee and four additional members, each of whom has academic credentials and Alaska-based expertise in the field of water quality. The board will expire at the end of the five year research program.

HB 128 will lead to continued protection of Alaska's clean waters while encouraging responsible economic development in the state. I urge the support of the committee on this bill.



# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-3744  
Fax (907) 465-2273

## COMMITTEES

CO-CHAIR  
Resources Committee

MEMBER  
Transportation Committee  
Labor & Commerce Committee

## SSHB 128

### Sponsor's Sectional Analysis Water Science Board: Water Quality Research

"An Act relating to water quality; directing the Department of Environmental Conservation to conduct water quality research; establishing the Water Science Oversight Board; and providing for an effective date."

The history of water quality standards in Alaska has at times been a painful one, marked by emotional and political battles. The goal of House Bill 128 is, to the greatest extent possible, provide for scientific research to serve as the basis for future discussions and decisions on water quality standards and criteria. Section 1 of the bill, Findings and Intent, sets forth this goal.

Section 2, AS 46.083.082 of the bill instructs the Department of Environmental Conservation to work cooperatively with interested parties affected by water quality regulations to seek funds to perform water quality research. The Council of Alaska Producers has approached the Department of Environmental Conservation and proposed a joint application to the Alaska Science and Technology Foundation to fund research in the procedures for whole effluent toxicity (WET) testing as a first step in this research.

ASTF has expressed keen interest in funding such research, but will not provide funding to a public agency without a private partner. ASTF is willing to accept multiple applications for different aspects of water quality research. If the application for ASTF funding is not successful, federal funds will be considered for this proposal. The department could contract with the University of Alaska or other appropriate entities and individuals to carry out this research.



**AS 46.03.083** requires the department, after receiving the results of the research and consulting with the Water Science Oversight Board, to propose water quality regulations.

**AS 46.03.085 (a)** temporarily establishes a Water Science Oversight Board composed of the Commissioner or her designee and four additional members, each of whom has academic credentials and Alaska based expertise in the field of water quality.

**(b)** establishes compensation for those board members who are not public employees, and sets forth the board's duties.

**Sec. 3. Timelines for Actions -**

**(a)** The department must submit to the Water Science Oversight Board at least one research plan by October 1, 1997.

**(b)** The department shall adopt the interim regulations required by AS 46.03.083 (b) by December 31, 1997.

**(c)** The department shall submit its research results to the board by June 30, 2002.

**(d)** AS 46.03.082 (research plans), and .085 (Water Science Oversight Board) are repealed on the effective date of regulations adopted as a result of the research process.

MAR 14 1997

## 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 14, 1997

**SUBJECT:** Appointment of Members of the Water Science Oversight Board  
(HB 128)

**TO:** Representative Bill Hudson  
Attn: Marieke

**FROM:** Terri Lauterbach *Terri Lauterbach*  
Legislative Counsel

You have asked me to review a March 4, 1997, memo from James Baldwin, Assistant Attorney General, to Al Ewing, Deputy Commissioner of DEC, concerning the proposed membership of the Water Science Oversight Board that would be established by HB 128. Mr. Baldwin suggests that the way HB 128 sets the parameters for the composition of the board violates the separations of powers doctrine because the legislature would be infringing upon executive functions.

In my opinion, there's a very good chance that a court would not agree with Mr. Baldwin's suggestion because this board would have only an advisory role, no power to execute or enforce a law. Since no executive function would be exercised by the board, I believe a court could easily find that strict parameters for its composition would not encroach on an executive function.

As Mr. Baldwin notes, there is no Alaska case directly on point, so the issue is still an open one. If you want the safest course of action, then the governor should make all of the appointments without being restricted to a slate of candidates. However, I think the composition of the board is quite defensible as long as the bill is not changed later in the legislative process to give the board more than an advisory role.

If you have further questions on this matter or need other assistance, please let me know.

TML:jdr:glc  
97-177:jdr

# MEMORANDUM

State of Alaska  
Department of Law

TO Al Ewing  
Deputy Commissioner  
Department of Environmental Conservation

DATE March 4, 1997

FILE NO

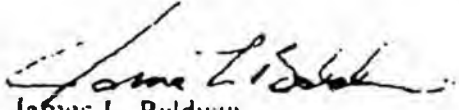
TEL NO

465-3600

SUBJECT

HB 128 (water science oversight  
board)

FROM

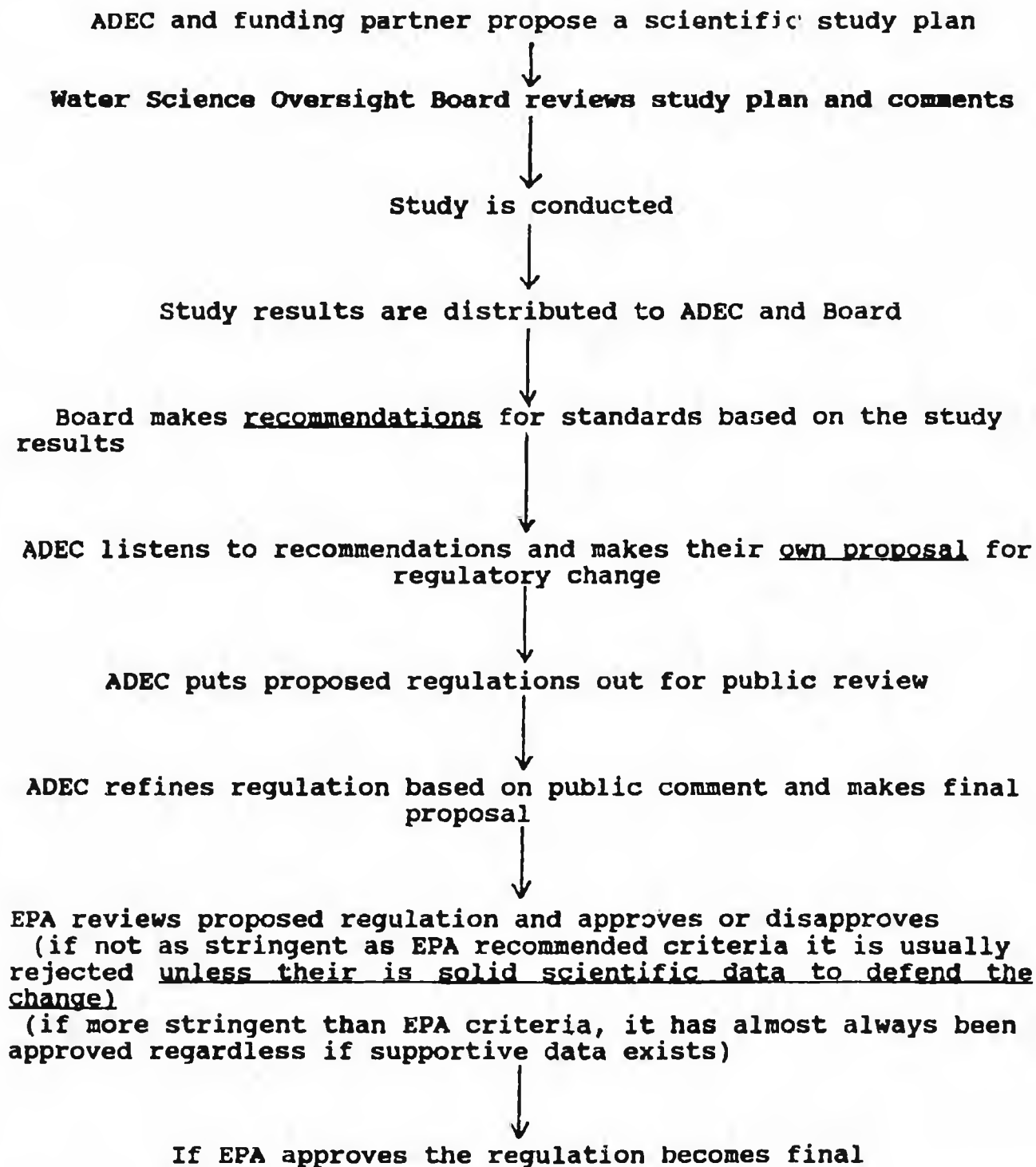
  
James L. Baldwin  
Assistant Attorney General  
Governmental Affairs - Juneau

You requested me to review a version of HB 128 which proposes the establishment of a water science oversight board. The board would consist of one member appointed by the Chancellor of the University of Alaska and three members appointed by the governor. Two of the governor's appointments would be from a slate of persons nominated by the presiding officers of each house of the legislature. Specifically, you ask whether this scheme violates the Alaska Constitution.

In my opinion, the involvement of other officers in appointing or nominating candidates and limiting the governor to appointing from those nominated constitutes an unreasonable limitation on the executive power of appointment. This would be a usurpation of the governor's power of appointment by officers of the legislature. While there is no Alaska case directly on point, I believe that a court would find that proposed sec. 46.03.085 violates the separation of powers doctrine by granting legislators control over the discretion of the governor to this extent. See Baudner v. Hammond, 553 P.2d 1 (Alaska 1976) (power of appointment of executive branch officers is vested in governor to prevent diffusion of executive power and vesting too great a concentration of power in legislative branch). It is appropriate to prescribe by law objective professional qualifications for persons appointed by the governor. These qualifications must be reasonable so that the governor's discretion is not unduly restricted.

JLB:cln

## HOUSE BILL 128



NOTE REGARDING EPA STANDARDS AND STATE STANDARDS: In most cases, EPA "recommended criteria" are effectively the State standard. The only real possibility for the State to set its own standards is by generating Alaska specific science.



March 24, 1997

Alaska State Legislature  
House of Representatives  
c/o Rep. Bill Hudson  
Co-Chair, Resources Committee

Dear Members of the House Resources Committee

On behalf of the Council of Alaska Producers I urge your support of HB 128, the water research bill. The Council of Alaska Producers is a non-profit organization composed of all the major mining companies working in Alaska. Our members are:

Alaska Gold Company  
American Copper & Nickel Company, Inc./INCO  
Coeur Alaska, Inc.  
Cominco Alaska, Inc.  
Echo Bay Mines  
Fairbanks Gold Mining, Inc.  
Greens Creek Mining Company  
Kennecott Exploration  
Nevada Goldfields, Inc.  
Newmont Mining Corporation  
North Pacific Mining Company/CIRI  
Placer Dome, U.S., Inc.  
USMX, Inc.

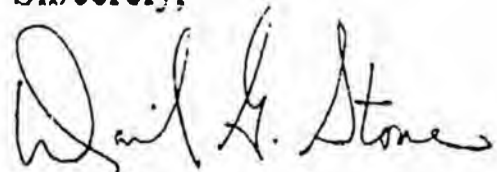
We believe mining can be a bright growth industry for Alaska, but like other natural resource industries, our future depends on environmental regulations that protect Alaska's air and water while allowing responsible development.

Under the provisions of the federal Clean Water Act, when DEC changes a water quality regulation it must submit that regulation to the Environmental Protection Agency. The EPA is then required to examine both the public process and the science behind the regulation change. If EPA finds either the public process or the science lacking, it is required to promulgate substitute federal regulations.

We believe HB 128 encourages the scientific research necessary to allow DEC to consider the most appropriate water quality regulations for Alaska. HB 128 provides a framework for DEC to form partnerships with interested parties to seek funding for water quality research leading to improved water quality regulations and it temporarily establishes a Water Science Oversight Board to oversee the research.

We believe HB 128 will lead to continued protection of Alaska's clean waters while encouraging responsible economic development in the state. I urge the committee's support on this bill.

Sincerely,

A handwritten signature in cursive script that reads "David H. Stone". The signature is written in dark ink and is positioned above the printed name and title.

David Stone  
President

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

FISCAL NOTE  
REPORTED OUT OF  
HFHC

SSHB 128

Revision Date: \_\_\_\_\_  
Title: An Act relating to water quality; directing  
DEC to conduct water quality research...  
Sponsor: Representative Hudson  
Requestor: House Resources Committee

Department Affected: Environmental  
Conservation  
BRU: Air & Water  
Component: Water Quality 2062

COMPONENT SERIAL NO. 2062

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	<del>90.0</del> 100.0	100.0	100.0	100.0	100.0	100.0
TRAVEL	16.0	16.0	16.0	16.0	16.0	16.0
CONTRACTUAL	<del>23.9</del> 28.7	28.7	28.7	28.7	28.7	60.5
SUPPLIES	0.5	0.5	0.5	0.5	0.5	0.5
EQUIPMENT	0.0	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>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>177.0</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
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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	145.2	145.2	145.2	145.2	145.2	177.0
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>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>145.2</b>	<b>177.0</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 attachment

Prepared by: Carl Schrader  
Division: Air & Water Quality

Phone: 465-5307  
Date: 3/24/97

Approved by Commissioner: [Signature]  
Agency: Department of Environmental Conservation

Date: 3/24/97

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Attachment to Fiscal Note, SSHB 128

The break out of the fiscal note for SSHB 128 includes costs to the department associated with developing one research plan per year, administering the Water Science Oversight Board (board) and legal costs associated with the proposed regulation package. These costs do not include funding the research detailed in the research plan.

**DEC Staff Position**

One full-time Environmental Specialist III position would be required to: develop and finalize the research plans; administer the board; administer the grant to fund the research; hire a contractor to perform the research; and administer and manage the research contract. Developing the research plan will involve working with technical experts in the department, industry, the board, and the public to determine the highest priority issue to research; develop the technical scope of the work; and detail the products required from the research. Many technical issues are likely to arise during the course of the research that will need direction and resolution by department staff to assure that goals of the research plan are met. Besides the personal service costs, annual costs include travel costs (meetings with contractors to supervise the research contract, meetings with interest groups, etc., and one out-of-state trip for technical meeting/training) and contractual costs (peer review of research results, public notices, copying, and other costs associated with holding public meetings):

Line 100	Personal Services:	1 FTE (Environmental Specialist III)	\$100,000
Line 200	Travel:	4 trips to Anchorage @ \$600 1 out-of-state trip @ \$1,600	\$4,000
Line 300	Contractual:	public notices, copying, meetings, peer review, etc.	\$9,500
Line 400	Supplies		\$ 500
Line 500	Equipment		\$ 0
<b>TOTAL STAFF COSTS PER YEAR</b>			<b>\$114,000</b>

### Board Expenses

Four public members would be eligible for reimbursement for board work at \$400/day. Assumes that each member would attend four meetings per year in Juneau, with each meeting being two days, plus 1 day to prepare for each meeting.

Each member: 4 meetings X 3 days X \$400/day = \$4,800 ea.  
Contractual Costs (4 x \$4,800) = \$19,200

Board Travel: Four meetings per year in Juneau  
Airfare: 4 people X 4 trips X \$450 (Anch/Jnu) = \$7,200  
Per diem: 4 people X 4 trips X 2 days @ \$150 = \$4,800  
Travel Costs = \$12,000

### Legal Services

With the promulgation of a presumably large package of new regulations in FY 03, additional legal resources would be necessary. The Department of Law anticipates needing approximately 1/4 of an attorney's time, 317 hours, at a cost of \$31,755. The cost estimate is based on the department's FY 97 standard attorney cost schedule (\$87/hr) and includes the clerical support, communications, space, supplies, data processing, and other normal overhead expenses. Funding would be through a reimbursable services agreement with DOL.

Contractual Costs for Legal Services \$31,755

**HB**

**133**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/97

FURTHER:

DATE TURNED  
IN TO OFFICE: 4-24-97

Finance Committee considered

CS FOR HOUSE BILL NO. 133(L&C)

"An Act relating to regulation of architects, engineers, and land surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- 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>Roll &amp; Hill</i>	<i>✓</i>	<i>Be Cdn</i>	<i>X</i>		
<i>Alan Powell</i>	<i>✓</i>				
<i>David Wiley</i>	<i>✓</i>				
Co-Chair: <i>[Signature]</i>	<i>✓</i>	Co-Chair: <i>France</i>		<i>✓</i>	
Co-Chair: <i>[Signature]</i>	<i>✓</i>	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

DCEd	4/24		2.5

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

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

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

**BILL NO. CSHB 133(L&C)**

REPORTED OUT OF  
 APR 24 1997

Revision Date: \_\_\_\_\_  
 Title: An Act relating to Architects, Engineers &  
Land Surveyors  
 Sponsor: House Rules  
 Requestor: House Labor & Commerce

Department: Commerce and Economic Development  
 BRU: Occupational Licensing  
 Component: Operations  
 COMPONENT SERIAL NO. 1844

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR	2.5	2.5	2.5	2.5	2.5	2.5
<b>TOTAL</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>

Estimate of any current year (FY 97) cost: \$ 407.6

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

CSHB 133(L&C) extends the Board of Registration for Architects, Engineers and Land Surveyors to June 30, 2001. Travel costs shown in this fiscal note represent funding for the new board member position to attend board meetings required by AS 08.48. Funding for continuation of the board in the amount of \$407.6 is included in the department's FY 98 operating budget request. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager  
 Division: Occupational Licensing  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: 3/20/97  
 Date: 7-20-97

SFC Received 4/24/97

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**HB**

**144**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 9, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/27/98

The FINANCE Committee considered:

HB 144

HOUSE BILL NO. 144

DEC FEES: PESTICIDES AND CHEMICALS

“An Act authorizing the Department of Environmental Conservation to charge certain fees relating to registration of pesticides and broadcast chemicals; and providing for an effective date.”

recommends it be replaced  the same title  
 with the following committee substitute CS HB 144 (Fin)  a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Date) \_\_\_\_\_ APPROVES PREVIOUS: (Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note(s) DEC  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault	X			
<i>Gordon Mulder</i>	Mulder	X			
<i>Terry Martin</i>	Martin			✓	
<i>Vick Kohring</i>	Kohring		X		
<i>Cal James</i>	J. Davies		X		
<i>Greg Gussendorf</i>	Gussendorf		X	✓	
<i>Charles Moses</i>	Moses			X	
<i>Tom Davis</i>	Davis			X	
<i>Pat Kelly</i>	Kelly	X			
<i>Bob Foster</i>	Foster			X	

CHAIR'S SIGNATURE *Gene Therriault*  
 CS-CHAIR - \_\_\_\_\_

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. CSHB144(FIN)

Revision Date (Note if correction) 26-Mar-98 Dept. Affected Environmental Conservation  
 Title DEC Fees BRU Administration  
 Component Commissioner  
 Sponsor House State Affairs  
 Requester House Finance Component Serial No. 633

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	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>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</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>
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<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>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(55.0)	(55.0)	(55.0)	(55.0)	(55.0)	(55.0)
1004 GF	1,762.5	1,762.5	1,762.5	1,762.5	1,762.5	1,762.5
1005 GF/Program Receipts	(1,447.5)	(1,447.5)	(1,447.5)	(1,447.5)	(1,447.5)	(1,447.5)
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1091 Statutory Program Receipts	(260.0)	(260.0)	(260.0)	(260.0)	(260.0)	(260.0)
<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 (FY98) cost: 0.0

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

The department remains concerned that the fee levels for pesticide registration established in this legislation will be insufficient to generate the needed general fund match.

See attached for detail of financial impacts by component.

Prepared by Barbara Frank  
 Division Administrative Services  
 Approved by Commissioner  
 Agency Department of Environmental Conservation

Phone 465-5256  
 Date 3/26/98  
 Date 3/26/98

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**IMPACT OF HB 144 ON PROGRAM RECEIPT COLLECTIONS - FUND SOURCE CHANGES**

Component	General Fund Program Receipts	Statutory Program Receipts	Total Program Receipts	Change in Recovery of Personal Services and Definition of Actual Costs	Overhead	Excluded Non Personal Services	Excluded Services Previously Recovered	Total Conversion to General Fund
Statewide Public Service	24.6	0.0	24.6	0.0	0.0	0.0	0.0	0.0
Air	263.8	50.0	313.8	125.5	28.2	10.3	3.0	167.3
Water	178.6	452.7	631.3	252.5	56.8	2.0	15.0	326.3
Animal Industries	25.0	0.0	25.0	10.0	2.3	5.0	0.0	17.3
Seafood and Sanitation	1,139.4	0.0	1,139.4	455.8	102.5	0.0	0.0	558.3
Laboratory Services	143.7	0.0	143.7	30.4	6.8	0.0	67.8	105.4
Drinking Water	503.3	0.0	503.3	201.3	45.3	0.0	115.0	361.3
Municipal Solid Waste	146.5	0.0	146.5	58.6	13.2	0.0	5.0	76.3
Industrial Solid Waste	285.9	0.0	285.9	114.4	25.7	0.0	10.0	150.1
	<b>2,710.8</b>	<b>502.7</b>	<b>3,213.5</b>	<b>1,248.5</b>	<b>280.9</b>	<b>17.3</b>	<b>215.8</b>	<b>1,762.3</b>

For purposes of the fiscal analysis, in the Air program 15% of the total funds converted to general funds are statutory program receipts and in the Water program 72% are statutory program receipts.

Fees for Pesticides	GF Program Receipts							GF Match
Laboratory Services	55.0	0.0	0.0	0.0	0.0	0.0	0.0	(55.0)

Adopted  
3/27/98

AMENDMENT 13

OFFERED IN THE HOUSE  
TO: CSHB144(FIN)  
0-LS0573\P

Page 2, Lines 25 - 26

After "based on the"

Delete "actual hourly wage rate of the employees performing the services"

Insert "average hourly rate of compensation of each departmental employee  
required to perform the service"

0-LS0573VP

Lauterbach

3/25/98

## CS FOR HOUSE BILL NO. 144(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the authority of the Department of Environmental  
2 Conservation to charge fees; and providing for an effective date."

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

4 \* Section 1. AS 44.46.025(a) is amended to read:

5 (a) Subject to other provisions of this section, the [THE] Department of  
6 Environmental Conservation may adopt regulations that prescribe reasonable fixed fees  
7 to be paid by the person receiving the department's services, and establish  
8 procedures for the collection of the fees, to cover the actual [APPLICABLE] direct  
9 costs [, NOT INCLUDING TRAVEL,] of certifications, inspections, training, permit  
10 preparation and administration, and plan review and approval [, AND OTHER  
11 SERVICES PROVIDED BY THE DEPARTMENT] relating to

12 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics  
13 under AS 17.20; and public accommodations and facilities under AS 18.35; in  
14 addition to fees otherwise allowed under this subsection, the department may also

1 prescribe reasonable fixed fees, and establish procedures for collection of the fees,  
2 to cover the actual direct costs of other services provided by the department  
3 relating to matters described in this paragraph:

4 (2) certificates of inspection for motor vehicles under AS 46.14.400 or  
5 46.14.510;

6 (3) sewerage system and treatment works and wastewater disposal  
7 systems, and drinking water systems, under AS 46.03.720; in addition to fees  
8 otherwise allowed under this subsection, the department may also prescribe  
9 reasonable fixed fees, and establish procedures for the collection of the fees, for  
10 the actual direct costs of sanitary surveys, determinations, classifications, and  
11 monitoring waivers relating to matters described in this paragraph:

12 (4) [REPEALED

13 (5) REPEALED

14 (6)] water and wastewater operator training under AS 46.30;

15 (5) [(7)] control of solid waste facilities under AS 46.03.020(10) and  
16 46.03.100;

17 (6) [(8)] certification of laboratories conducting environmental analyses  
18 of public drinking water systems or of oil or hazardous substances, or conducting other  
19 analyses required by the department;

20 (7) [(9)] certification of federal permits or authorizations under 33  
21 U.S.C. 1341 (sec. 401, Clean Water Act).

22 \* Sec. 2. AS 44.46.025 is amended by adding new subsections to read:

23 (e) Notwithstanding (a), (g), and (j) of this section, the department shall, at the  
24 request of an applicant or permittee, negotiate a fee for services provided under (a)(1) -  
25 (7) of this section that is based on the actual hourly wage rate of the employees  
26 performing the services and a maximum number of hours for which the fee will be  
27 charged, and the fee may cover associated travel costs and costs described in (g) of  
28 this section.

29 (f) The department shall charge and collect a fee for the registration of  
30 pesticides under AS 46.03.320. The fee shall be \$30 for registration of a restricted-use  
31 pesticide, as defined in AS 46.03.900, and \$20 for registration of other pesticides.

1 (g) Except for fees under (c) of this section, the department may not charge  
2 a fee for the costs to the department for conferring with or providing information to  
3 a third party about an application or a permit unless the third party is acting as a legal  
4 representative or as an agent of the applicant or permittee. However, the department  
5 may require an applicant to pay for the costs of providing public notice of a permit  
6 application when the notice is otherwise required by law.

7 (h) Notwithstanding (a) of this section, the department may prescribe an hourly  
8 fee for services provided under (a)(5) of this section, rather than a fixed fee, if the fee  
9 otherwise complies with this section.

10 (i) Notwithstanding (a) of this section, the department may prescribe an hourly  
11 fee to cover the actual direct costs to the department for

12 (1) work performed on an application that is withdrawn before  
13 completion; or

14 (2) an inspection that is conducted at the request of an applicant or  
15 permittee when the department would not otherwise conduct an inspection or for an  
16 inspection that is conducted outside of the department's normal working hours after a  
17 request by an applicant or permittee for an after-hours inspection; fees charged under  
18 this paragraph may include travel costs incurred in providing the inspection.

19 (j) In this section,

20 (1) "actual direct costs" means the actual hourly wage rate of the  
21 department employees, including clerical staff, directly engaged in providing the  
22 service, multiplied by the number of hours usually required to perform the service  
23 being provided; "actual direct costs" does not include

24 (A) overhead expenses;

25 (B) the costs of administrative support or supervisory personnel  
26 who are not directly engaged in providing the service; or

27 (C) travel expenses;

28 (2) "training" means educational services provided by the department  
29 for the purpose of carrying out services provided under (a)(1) - (7) of this section,  
30 except that "training" does not include training of employees of the department.

31 \* Sec. 3. AS 44.46.025(h), enacted by sec. 2 of this Act, is repealed July 1, 2000.

1       \* Sec. 4. APPLICABILITY. This Act applies to agreements entered into, fees for  
2 registrations applied for, and fees for services performed on or after the effective date of this  
3 Act.

4       \* Sec. 5. This Act takes effect July 1, 1998.

Adopted NO  
3124198  
#1

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB144(FIN)  
0-LS0573L

Page 1, Line 7

After the first occurrence of "fees,"

Insert "to be paid by the person receiving the department's services."

Page 1, Line 9

After "training"

Delete "of permittees and applicants"

Page 3, L. 15

Delete material and move subparagraph (1) to fit into paragraph (i)

Page and Line numbers as appropriate

Insert new definition

"Training" means educational services provided by the department for purpose of carrying out services provided under (a)(1)-(8) of this section and does not include training of departmental employees.

AMENDMENT

A do not  
3/24/98  
no lobby

#2

OFFERED IN THE HOUSE  
TO: CSHB144(FIN)  
0-LS0573\L

Page 3, Line 9

After "department employees"

Insert ",including clerical staff,"

Page 3, Lines 12 - 15

Delete all

Replace with

- (1) overhead expenses;
- (2) the costs of administrative support or supervisory personnel that are not directly engaged in providing the service; or
- (3) travel expenses.

adopted 3/24/93  
NO 1085

#3

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 144(FIN)  
0-LS0573\L

Page 3, Line 8

Insert new subsection (i)

- (i) Notwithstanding (a) of this section, the department may prescribe an hourly fee to cover the actual direct costs to the department for:
  - (1) work performed on an application that is withdrawn before completion; or
  - (2) an inspection that is conducted at the request of an applicant or permittee when the department would not otherwise conduct an inspection or for an inspection that is conducted outside of the department's normal working hours after a request by an applicant or permittee for an after-hours inspection; fees charged under this paragraph may include travel costs incurred in providing the inspection.

Renumber subsection (i) to (j).

3/24/98 adopted  
no/obj

#4

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB144(FIN)  
0-LS0573\L

Page 3, Line 2

After "(g)"

Delete "The"

Insert "Except for fees under (c) of this section, the"

Page 3, Line 3

After "information to"

Delete "third parties"

Insert " a third party"

Page 3, Line 4

After "permit"

Delete "."

Insert ", unless the third party is acting as a legal representative or as an agent of the applicant or permittee. However, the department may require an applicant to pay for the costs of providing public notice of a permit application when such notice is otherwise required by law.

3/24/98

NO OBJ  
adopted

AMENDMENT

#5

OFFERED IN THE HOUSE  
TO: CSHB 144(FIN)  
0-LS0573\L

Page 2, Line 22

Delete all material

Page 2, Line 30 to Page 3, Line 1

After "collect a fee"

Delete all material

Insert "for the registration of pesticides under AS 46.03.320. The fee shall be \$30 for registration of a restricted-use pesticide, as defined in AS 46.03.900 and \$20 for registration of other pesticides."

3/24/98  
Jawed H/v  
AMENDMENT

0-LS0573L.2-  
Lauterbach  
3/19/98

A

IC

OFFERED IN THE HOUSE

TO: CSHB 144(FIN); Draft Version "L"

- 1 Page 2, line 24:
- 2 Delete "(a), (g), and (i)"
- 3 Insert "(a), (f), and (h)"
  
- 4 Page 2, line 28:
- 5 Delete "(g)"
- 6 Insert "(f)"
  
- 7 Page 2, line 30, through page 3, line 1:
- 8 Delete all material.
  
- 9 Reletter the following subsections accordingly.
  
- 10 Page 3, line 16:
- 11 Delete "AS 44.46.025(h)"
- 12 Insert "AS 44.46.025(g)"

3/24/98

withdrawn

0-LS0573\1.1  
Lauterbach  
3/19/98

# 7

AMENDMENT

B

OFFERED IN THE HOUSE

TO: CSHB 14 (FIN); Draft Version "L"

- 1 Page 3, line 16:
- 2 Delete all material.
- 3 Renumber the following bill sections accordingly.

failed  
3-6

#8  
Amended  
pg 2

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSHB 144(FIN), Draft Version "L"

- 1 Page 1, line 5, through page 2, line 22:
- 2 Delete all material and insert:
- 3 "(a) Subject to other provisions of this section, the [THE] Department of
- 4 Environmental Conservation may adopt regulations that prescribe reasonable fees, and
- 5 establish procedures for the collection of the fees, to cover the applicable direct costs,
- 6 not including travel, of inspections, permit preparation and administration, plan review
- 7 and approval, and other services provided by the department relating to
- 8 (1) agriculture and animals under AS 03.05; food, drugs, and cosmetics
- 9 under AS 17.20; and public accommodations and facilities under AS 18.35;
- 10 (2) certificates of inspection for motor vehicles under AS 46.14.400
- 11 or 46.14.510;
- 12 (3) domestic sewerage system and treatment works and wastewater
- 13 disposal systems, and drinking water systems, under AS 46.03.720;
- 14 (4) [REPEALED
- 15 (5) REPEALED
- 16 (6)] water and wastewater operator training under AS 46.30;
- 17 (5) [(7) CONTROL OF SOLID WASTE FACILITIES UNDER
- 18 AS 46.03.020(10) AND 46.03.100;
- 19 (8)] certification of laboratories conducting environmental analyses of
- 20 public drinking water systems or of oil or hazardous substances, or conducting other
- 21 analyses required by the department;
- 22 (6) registration of pesticides [(9) CERTIFICATION OF FEDERAL
- 23 PERMITS OR AUTHORIZATIONS UNDER 33 U.S.C. 1341 (SEC. 401, CLEAN
- 24 WATER ACT)]."

1 Page 2, line 24:

2 Delete "(a), (g), and (i)"

3 Insert "(a), (f), and (g)"

4 Page 2, line 30, through page 3, line 1:

5 Delete all material and insert:

6 "(f) The department may adopt regulations that prescribe reasonable fixed rate  
7 fees, and procedures for the collection of the fees, to cover the direct costs, not  
8 including travel, of permit preparation and administration, plan review and approval,  
9 operator training, and inspections relating to

10 (1) control of solid waste facilities under AS 46.03.020(10) and  
11 46.03.100;

12 (2) non<sup>domestic</sup> <sup>basin</sup> <sup>+</sup> municipal wastewater disposal systems under AS 46.03.720;

13 and

14 (3) certification of federal permits or authorizations under 33 U.S.C.  
15 1341 (sec. 401, Clean Water Act)."

16 ~~Page 3, line 3:~~

17 ~~Delete "conferring with or"~~

18 ~~Delete "third parties"~~

19 ~~Insert "the general public"~~

20 ~~Page 3, line 4, following "permit":~~

21 ~~Insert "However, the department may require an applicant to pay for the costs of~~  
22 ~~providing public notice of a permit application when the notice is required by law."~~

23 ~~Page 3, lines 5 - 16:~~

24 ~~Delete all material.~~

25 Renumber the following bill sections accordingly.

adopted NO/OBJ

AMENDMENT

B

#7

OFFERED IN THE HOUSE

TO: CSHB 144(FIN); Draft Version "L"

- 1 Page 3, line 16:
- 2 Delete all material.
- 3 Renumber the following bill sections accordingly.

Withdrawn

0-LS0573V.4  
Lauterbach ✓  
3/23/98

#9

W T H

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSHB 144(FIN), Draft Version "L"

1 Page 3, line 6:

2 Delete "for services provided under (a)(5) of this section"

3 Page 3, line 7, following "section":

4 Insert "and the fee is for

5 (1) services provided under (a)(5) of this section;

6 (2) an inspection that is conducted at the request of an applicant or  
7 permittee when the department would not otherwise conduct an inspection or for an  
8 inspection that is conducted outside of the department's normal working hours after  
9 a request by an applicant or permittee for an after-hours inspection; fees charged  
10 under this paragraph may also include travel costs incurred in providing the  
11 inspection; or

12 (3) work performed by the department in reviewing an application for  
13 a permit or for review and approval of a plan if the application for the permit or for  
14 review and approval of the plan is withdrawn by the applicant before the department  
15 takes final action on the application"

NCW #10

NO OBJ - adopted  
3/26/98

AMENDMENT

# 13

OFFERED IN THE HOUSE  
TO: CSHB144(FIN)  
0-LS0573P

Page 3, Lines 20 - 21

After "means the"

Delete "actual hourly wage rate of the department employees"

Insert "average hourly rate of compensation of each departmental employee"

Page 3, Line 21 - 22

After "staff, "

Delete "directly engaged in providing the service"

Insert "required to perform the service under normal circumstances"

Held

0-LS0573\L.6  
Lauterbach  
3/23/98

withdrawn #10

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSHB 144(FIN), Draft Version "L"

- 1 Page 3, line 8, following "the":
- 2 Delete "actual"
- 3 Insert "average"
  
- 4 Page 3, line 9:
- 5 Delete "directly"
- 6 Insert "normally"
  
- 7 ~~Page 3, line 10:~~
- 8 ~~Delete "; "actual direct"~~
- 9 ~~Insert "."~~
  
- 10 ~~Page 3, lines 11 - 15:~~
- 11 ~~Delete all material.~~

Withdrawn

0-LS0573V.7  
Lauterbach  
3/23/98

#11

Aft. = 3-23-98

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAVIES

TO: CSHB 144(FIN), Draft Version "I "

- 1 Page 2, line 30:
- 2 Delete "\$30"
- 3 Insert "\$50"
  
- 4 Page 3, line 1:
- 5 Delete "\$15"
- 6 Insert "\$20"