

ALASKA LEGISLATURE

1826

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

**SB**

**285**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/9/98

FURTHER: 2/26/98

Date of 5-Day Notice: 2/17/98  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/26/98

Finance Committee considered SENATE BILL NO. 285

"An Act relating to state procurement practices."

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 title
  - new: SCR# \_\_\_\_\_

SIGNING <del>DO</del> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>		→	
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair: <i>[Signature]</i>			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

DOTPF	2/13/98	∅	
DCED	2/17/98	∅	

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

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

REPORTED OUT OF  
2/26/98

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SB 285

Revision Date (Note if correction) \_\_\_\_\_ Dept. Affect: Commerce and Economic Development  
 Title An Act relating to state procurement practices BRU AK Railroad Corporation  
 Component AK Railroad Corporation  
 Sponsor Senate Finance Committee  
 Requester Senate Finance Committee Component Serial No. (none)

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by Tom Lawson, Director Phone (907)465-2505  
 Division Administrative Services Date 2/17/98  
 Approved by Commissioner Deborah B. Sedwick Date 2/17/98  
 Agency Commerce and Economic Development

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# FISCAL NOTE

REPORT  
2/26/98

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SB 285

Revision Date _____	Dept. Affected <u>DOT&amp;PF</u>	Title <u>State Procurement</u>
Sponsor <u>Finance</u>	BRU <u>Commissioners Office</u>	Component <u>Office of the Commissioner</u>
Requester <u>Senate Finance</u>	Component Serial No. <u>530</u>	

**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>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type)	0.0	0.0	0.0	0.0	0.0	0.0
<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**

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

Prepared by Dennis Poshard, Legislative Liaison  
 Division Office of the Commissioner  
 Approved by *Joseph E. Dubens* Commissioner  
 Agency Department of Transportation and Public Facilities

Phone 465-3900  
 Date 2/13/98  
 Date 2/13/98

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**SB**

**297**

HFIN

FILE

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 7, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/8/98

The FINANCE Committee considered:

CSSB 297(2d RLS)

CS FOR SENATE BILL NO. 297(2d RLS)

BREAST-FEEDING IN PUBLIC PLACE

"An Act relating to breast-feeding."

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

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

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

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

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

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) Senate DOH, 4/2/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>George Therriault</i> Therriault			X	
<i>John Kohring</i> Kohring	X			
<i>John Mulder</i> Mulder			X	
<i>Ben Gussendorf</i> Gussendorf	X			
<i>Pete Kelly</i> Kelly			✓	
<i>Al Moses</i> Moses	X			
<i>Tom Davis</i> DAVIS			X	
<i>John Davies</i> DAVIES	X			

CHAIR'S SIGNATURE *George Therriault*

# FISCAL NOTE

No. 1

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

Bill Version: SB 297

(S) Publish Date: 4-2-98

Revision Date (Note if correction)	Dept. Affected
Title <u>An Act relating to breast-feeding</u>	<u>Law</u>
	BRU <u>Criminal Division</u>
Sponsor <u>Senator Ellis</u>	Component <u>1st-4th Judicial Districts</u>
Requester <u>Senate Judiciary Committee</u>	<u>OSPA</u>
	Component Serial No <u>2198/99/2261/79/01/02</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

SB 297, to be known as the Breast-feeding Promotion and Protection Act of 1998, would insure that breast-feeding is not illegal under state laws or local ordinances. In addition, the bill would create a new class B misdemeanor for interference with the right to breast-feed.

The Department of Law does not anticipate a caseload increase sufficient to warrant fiscal note costs.

Prepared by <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date <u>3/27/98</u>
Approved by Commissioner <u>Bruce M. Botelho</u> , Attorney General	Date <u>3/27/98</u>
Agency <u>Department of Law</u>	

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# ALASKA STATE LEGISLATURE

Senate Health, Education and  
Social Services Committee

•  
Senate Judiciary Committee

•  
Department of Health and Social  
Services Budget Subcommittee

•  
Department of Law  
Budget Subcommittee



January - May  
State Capitol, Rm. 9  
Juneau, Alaska 99801  
(907) 465-3704  
fax: (907) 465-2529

•  
June - December  
716 West 4th Ave., Ste. 440  
Anchorage, Alaska 99501  
(907) 258-8182  
fax: (907) 258-8734

## SENATOR JOHNNY ELLIS

### Sponsor Statement For Senate Bill 297

#### *"The Breast-feeding Promotion and Protection Act"*

Breast-feeding is the most basic act of nurturing between a mother and her baby. Alaska law must be clear that mothers who breast-feed their babies in public will not be prosecuted under indecent exposure and lewd conduct laws. Senate Bill 297, "The Breast-feeding Promotion and Protection Act", shields these women.

Twelve states have recently passed progressive breast-feeding legislation. The surge of breast-feeding promotion and protection policies comes in the wake of new research indicating that babies who are breast-fed are smarter. Research also reveals that breast-fed infants have lower rates of premature death, meningitis, childhood leukemia and other cancers, diabetes, respiratory disease, and allergies. Scientists have found that moms are healthier, too. Mothers who breast-feed their children show lower incidents of breast cancer, osteoporosis, and urinary infections.

Regardless of the tremendous benefits of breast-feeding, more mothers are choosing to formula-feed their babies. New moms generally choose not to breast-feed due to demanding work schedules. Many moms are apprehensive to breast-feed merely because they want to avoid public embarrassment. "The Breast-feeding Promotion and Protection Act" is a significant step towards reducing barriers for moms who want to breast-feed their infants.

I urge your support and prompt passage of "The Breast-feeding Promotion and Protection Act".

and again, it changes the structure of the brain," says Dr. Linda Mayes of the Yale Child Study Center. Here's how:

- Trauma elevates stress hormones, such as cortisol, that wash over the tender brain like acid. As a result, regions in the cortex and in the limbic system (responsible for emotions, including attachment) are 20 to 30 percent smaller in abused children than in normal kids, finds Perry; these regions also have fewer synapses.

- In adults who were abused as children, the memory-making hippocampus is smaller than in nonabused adults. This effect, too, is believed to be the result of the toxic effects of cortisol.

- High cortisol levels during the vulnerable years of zero to 3 increase activity in the

brain structure involved in vigilance and arousal. (It's called the locus ceruleus.) As a result the brain is wired to be on hair-trigger alert, explains Perry; regions that were activated by the original trauma are immediately reactivated whenever the child dreams of, thinks about or is reminded of the trauma (as by the mere presence of the abusive person). The slightest stress, the most inchoate fear, unleashes a new surge of stress hormones. This causes hyperactivity, anxiety and impulsive behavior. "The kids with the higher cortisol levels score lowest on inhibitory control," says neuroscientist Megan Gunnar of the University of Minnesota. "Kids from high-stress environments [have] problems in attention regulation and self-control."

Trauma also scrambles neurotransmitter signals, ratcheting up some and depressing others. Since neurotransmitters play key roles in telling growing neurons where to go and what to connect to, children exposed to chronic and unpredictable stress—a mother's boyfriend who lashes out in fury, an alcoholic uncle who is kind one day and abusive the next—will suffer deficits in their ability to learn. "Some percentage of capacity is lost," says Perry. "A piece of the child is lost forever."

That is tragedy enough, of course, but it is made even greater by the loss of what could have been. Babies are born into this world with their brain primed to learn. But they cannot do it alone.

With ANDREW MURR in Los Angeles

# Rooting for Intelligence

Breast-feeding is good for health and bonding. And mother's milk may have another payoff: boosting a child's IQ scores.

BY DANIEL GLICK

**B**REAST MILK MAY be Mother Nature's ultimate food. It's potent enough to keep babies alive for the first 16 weeks of life. It contains antibodies to ward off illness; breast-fed babies suffer fewer ear infections, respiratory infections, rashes and allergies than bottle-fed babies. For mothers, nursing lowers the chance of getting breast cancer later in life, accelerates weight loss after pregnancy and may act as a natural (though imperfect) contraceptive.

But can breast-feeding also make a baby smarter?

The answer is still uncertain. But a series of studies shows everything from "small but still detectable" increases in cognitive development to an eight-point IQ difference between breast- and bottle-fed babies. Various measurements, including standard infant testing and even report cards from grade-school children, all give a statistically significant nod to babies who nursed. In one widely publicized 1992 study by Alan Lucas of the Dunn Nutrition Unit



Nature has its own formula for success

in Cambridge, Mass., preterm infants who were tube-fed breast milk scored much higher on developmental tests than babies who were tube-fed formula. "It's hard to come out and say, 'Your baby is going to be stupider or sicker if you don't breast-feed,'" says Dr. Lawrence Gartner, chair of the American Academy of Pediatrics' working group on breast-feeding. "But that's what the literature says." (The academy recommends that infants be fed breast milk for the

first 6 to 12 months of life, with appropriate solid foods added between the ages of 4 and 6 months.)

No one can explain exactly why breast milk may be such good brain food. The precise mix of enzymes, long-chain fatty acids and proteins that make up breast milk is so complex that no human engineer could ever duplicate it. And each ingredient has a purpose. Specific fatty acids found in breast

milk have been shown to be critical for neurological development. Certain amino acids are a central component for the development of the retina, which could account for breast-fed babies' increased visual acuity—another way of measuring advanced brain development.

Critics say that trying to quantify the developmental advantages of breast-feeding is an epidemiologist's nightmare. Confounding factors include race, age, socioeconomic

status and parental intelligence. But even formula makers acknowledge that their product will always be a pale imitation. Cow's-milk-based formula, even fortified with iron or fatty acids, simply can't match the complexity of nature's own. "Breast milk gives you things we don't even know about," says Dr. William Goldman, medical director of Wyeth Nutritionals International. The U.S. Food and Drug Administration is currently assessing a fierce debate over adding to formula a polyunsaturated fat that has been shown in some studies to stimulate eye and brain development—and in others to stunt growth.

**Food for thought:** The controversy will likely get louder, as breast-feeding advocates seize on the latest studies to bolster their case. Some researchers on the other hand, suggest that different factors, like a loving home environment, may ultimately prove to be more important than what a child is fed. In a 1996 commentary in the British journal *Lancet*, William and Mark Feldman of the Hospital for Sick Children in Toronto wrote: "The best evidence is that intelligent, loving and caring mothers are more likely to have intelligent children, irrespective of how they feed their babies." But wouldn't it be something if mother's milk turns out to be, ahem, the mother's milk of intelligence?

Bureau Empire

3/10/98

### Babies have a right to mother's milk

In regard to Judy Raynor's letter (Feb. 27) objecting to public breast feeding, I would like to point out that the American Academy of Pediatricians recommends that babies be breast fed for at least one year. The World Health Organization recommends that babies be breast fed for at least two years. Realistically, we mothers cannot follow these recommendations—without sometimes breast feeding in public. Wouldn't it be nice for us to be able to do that without breaking the law and being subject to legalized harassment? Hooray for Sen. Johnny Ellis and Rep. Kim Elton for introducing bills to change this misguided law.

Women who breast feed in public are only trying to do what is best for their babies. We are not getting turned on, nor are we trying to provoke anyone's sexual desires or even attract their attention. Most bystanders would be more offended to have to listen to the cries and screams of a hungry or upset baby than to see a baby peacefully nursing. Those who proclaim that we should pump our milk and feed with a bottle in public probably don't realize how ineffective breast pumps are, especially the affordable ones. Many women cannot maintain their milk supply if they pump rather than nurse more than a couple of times a day. Mothers who are employed outside the home have all they can do to pump enough milk to last through

day care, let alone enough for shopping expeditions, concerts, etc. And besides, the tremendous benefits of breast feeding come not just from the breast milk, but from the act of nursing.

I'll admit that I was shocked and couldn't help staring the first few times I saw mothers breast feeding in public. I, too, questioned whether it was appropriate, because I was ignorant, an ignorance born of being from a generation raised on formula. Our generation grew up thinking that breasts are only for sex. Exposure to public breast feeding will help our children learn a more balanced view.

Rather than putting first the rights of businesses to be free from more restrictions or the rights of those who don't want to witness public breast feeding, let's promote the rights of the people who can't speak for themselves: the babies. Don't babies have a right to get the very best start in life that we can give them? Babies have the right to breast feed in public.

Sharon Blick

re: SB2971

# Lawmakers tackle public breastfeeding

By MARK SABBATINI

THE JUNEAU EMPIRE

Susan Pollard said she never felt uncomfortable or was troubled by others while breast-feeding her three children in public. But she said it's important other mothers feel a similar sense of security.

Legislation guaranteeing women can breast-feed publicly has been introduced by two state lawmakers, including one from Juneau. Pollard, leader of the local chapter of the La Leche League International, which provides instruction and support to breast-feeding women, said she supports the proposals, but regrets they are needed.

"The motivation is commendable that you would want to be supporting such an important activity and such an important relationship between mother and baby," she said today. "I think it's sad it's necessary, that people are so ignorant they

Please see Breastfeeding, Page 8

Juneau Empire

2/16/93

## Breastfeeding...

Continued from Page 1  
think it's inappropriate for a woman to breast-feed in public. Interfering with a woman's right to breast-feed in public would be a class B misdemeanor. Women can currently be prosecuted for indecent exposure and lewd conduct for breast-feeding in public, although there are no known cases where a woman has been charged, said Sen. Johnny Ellis, an Anchorage Democrat who introduced Senate Bill 297. He said he has talked with women in Anchorage who have been asked to leave businesses and experienced other harassment, which often goes unreported.

"I have a feeling things may have happened in Juneau that people don't call the police to report," he said. "They just feel bad about it, and they just take their child and leave." Ellis' bill also prohibits municipalities and businesses from imposing restrictions that interfere with a woman's right to breast-feed in public. In addition, he has introduced Senate Concurrent Resolution 24, seeking an official endorsement by the Legislature for breast-feeding. The resolution notes breast-feeding is healthiest for the mother and child during the first year after birth, but only a small percentage of babies are breast-fed after six months.

Rep. Kim Elton, a Juneau Democrat, is introducing identical measures in the House.

Five other states - Florida, New York, North Carolina, Virginia and Michigan - have enacted similar legislation.

Studies indicate breast-feeding reduces the risk of cancer for both the mother and child, along

with the possibility of other diseases for the child such as diabetes and liver disorders. Ellis, in his resolution, also stated "it may increase the intelligence quotient of the child."

Pollard said the comfort level of women who breast-feed in public depends upon the settings they are used to.

"If you're sort of your basic 35-year-old woman who's planning on breast feeding and a lot of your friends have seen it, (you'll) be more confident," she said. "I think it is more difficult for young women."

Pollard said legislation should also protect women who want to use breast pumps in the workplace, allowing them to bottle-feed that milk to the baby. She said workplaces have set aside spaces for such activities.

# THE ALASKA WOMENS' LOBBY

211 FOURTH STREET, SUITE 108  
JUNEAU, ALASKA 99801

Tel: 907-586-1107  
Fax: 907-586-1097  
E-Mail: dcc@alaska.net

March 9, 1998

Senator Robin Taylor  
Chair, Senate Judiciary Committee  
Capitol Building, Room 30  
Juneau, Alaska 99811

**RE: SB 297**

Dear Senator Taylor:

The Alaska Women's Lobby is comprised of citizen activists who, in 1982, formed a lobbying association dedicated to equality. We work on issues affecting women and children primarily on the state level. We urge you to support SB 297 and schedule a hearing soon on this important legislation.

Breast feeding is good for babies and mothers. A few facts to consider:

**The United States Surgeon General and the American Academy of Pediatrics agree that breast milk is the best form of nutrition for children during the first months of life. Breast milk contains all the nutrients that a child needs for ideal growth and development.**

**The American Academy of Pediatrics recommends exclusive breast feeding for at least the first 12 months of a child's life arrangements should be made to provide expressed breast milk if the mother and child must separate during the first year.**

**Women with infants and toddlers are the fastest growing segment of today's labor force.**

**Many employers have seen positive effects on morale and performance when facilitating lactation programs in the work place.**

February 26, 1998

Senator Johnny Ellis  
Capital Building, Room #9  
Juneau, AK 99801

Dear Senator Ellis,

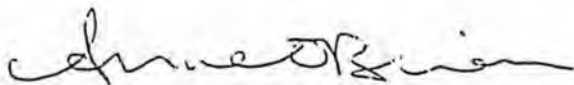
I am writing to you to applaud you for the introduction of SB 297. It is about time someone took the courage to introduce something that should be every infants right. I certainly wish more lawmakers had the same courage and conviction.

Breastfeeding has been proven to be healthier for a baby in nutritive value. People say they want to do everything they can for children and give them the best start in life possible. Why then, would breastfeeding be banned everywhere? Experts now say that babies should be breastfed for at least one year. Does society expect mothers to stay home for that full first year, never to go out in public?

It is unreasonable to expect mothers to immediately drop everything they are doing (work, shopping, waiting in a doctor's office, etc.) and go home to breastfeed. There is no reason why there ca not be a place to go for mothers to nurse without having to stay at home twenty-four hours a day.

Breastfeeding, in my opinion, is certainly not "lewd conduct". It is basic, natural, beautiful. Thank you for bringing this subject into the limelight.

Sincerely,



Anne O'Brien  
P.O. Box 3341  
Palmer, AK 99645

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
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State of Alaska

# THE ALASKA WOMENS' LOBBY

211 FOURTH STREET, SUITE 108  
JUNEAU, ALASKA 99801

Tel: 907-586-1107  
Fax: 907-586-1097  
E-Mail: dcc@alaska.net

March 9, 1998

Senator Robin Taylor  
Chair, Senate Judiciary Committee  
Capitol Building, Room 30  
Juneau, Alaska 99811

**RE: SB 297**

Dear Senator Taylor:

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**The United States Surgeon General and the American Academy of Pediatrics agree that breast milk is the best form of nutrition for children during the first months of life. Breast milk contains all the nutrients that a child needs for ideal growth and development.**

**The American Academy of Pediatrics recommends exclusive breast feeding for at least the first 12 months of a child's life arrangements should be made to provide expressed breast milk if the mother and child must separate during the first year.**

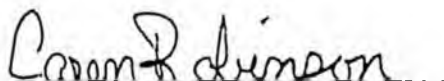
**Women with infants and toddlers are the fastest growing segment of today's labor force.**

**Many employers have seen positive effects on morale and performance when facilitating lactation programs in the work place.**

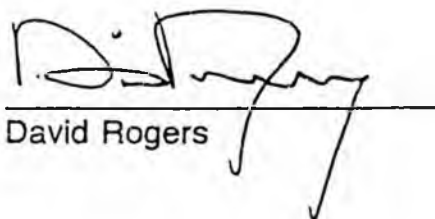
Research and experience have confirmed common sense - there are tremendous, undisputed health benefits and other advantages associated with regular breast feeding of infants. HB 297 ensures the right of moms to nourish their babies with dignity and will help break down artificial barriers to this wholesome practice.

Alaska should make every effort to support and encourage this basic act of nurturing between a mother and her child. This bill is particularly compelling in a time of busy moms and a renewed focus on the importance of children and family.

Yours truly,



Caren Robinson



David Rogers

cc. Senator Ellis

February 26, 1998

Senator Johnny Ellis  
Capital Building, Room #9  
Juneau, AK 99801

Dear Senator Ellis,

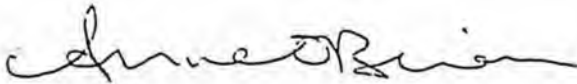
I am writing to you to applaud you for the introduction of SB 297. It is about time someone took the courage to introduce something that should be every infants right. I certainly wish more lawmakers had the same courage and conviction.

Breastfeeding has been proven to be healthier for a baby in nutritive value. People say they want to do everything they can for children and give them the best start in life possible. Why then, would breastfeeding be banned everywhere? Experts now say that babies should be breastfed for at least one year. Does society expect mothers to stay home for that full first year, never to go out in public?

It is unreasonable to expect mothers to immediately drop everything they are doing (work, shopping, waiting in a doctor's office, etc.) and go home to breastfeed. There is no reason why there can not be a place to go for mothers to nurse without having to stay at home twenty-four hours a day.

Breastfeeding, in my opinion, is certainly not "lewd conduct". It is basic, natural, beautiful. Thank you for bringing this subject into the limelight.

Sincerely,



Anne O'Brien  
P.O. Box 3341  
Palmer, AK 99645

February 27, 1998

Senator Johnny Ellis  
State Capitol Building, Rm. #9  
Juneau, Alaska 99801-1182

Dear Senator Ellis,

I have written this letter to show my strong support of Senate Bill 297. I am a single mother of a beautiful 4-year old daughter. Raising my child on my own is a huge responsibility but also has been an enormous learning experience. One of the first decisions I made concerning my baby, was the nourishment I wanted to provide for her. Information provided by health care workers led me to the conclusion that breast-feeding is one of the best gifts I can give my child! I would like all mothers to feel comfortable providing this nourishment to their babies not only in the privacy of their own home, but also in public.

Breast-feeding is a natural act of nourishment and I believe that a mother should have the right to nurse a child without feeling like an outcast or a criminal. I do not think everyone realizes the benefits a child or a mother receives, due to breast-feeding. These benefits include ensuring a healthier future for the baby and providing a more economical option for the mother, which is great for us single parents.

I believe that our children are more prone to colds and infections due to the fact that we live in a cooler climate. Don't we want to help our children put up a stronger shield to help fight off these illnesses? If mothers cannot nurse in public then who is making the decision of when, where, and how to feed our babies? That should be a decision the parents should be able to make. I have also learned that nursing increases the learning ability of a child. Future education of babies and their learning abilities go hand-in-hand. All parents should have this option available to provide a better future for all babies. I would have to say that my daughters' future is very important to me, and I know that other parents feel the same way.

I will encourage others to support SB297 and I look forward to seeing the successful passage of this bill. If I could be of assistance in any area regarding this issue, do not hesitate to let me know.

Sincerely,



Edna M. Abbott  
P.O. Box 32266  
Juneau, Alaska 99803

Dear Senator,

3-8-98

I am writing to you in support of senate bill #297.

I have longed for such legislation in support of breastfeeding.

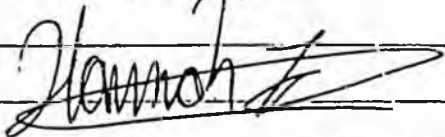
As a breastfeeding mother I have discovered the true meaning of discrimination. In the workplace

I have found I was treated as a lower class citizen.

I lost respect of both my superiors & coworkers.

It is difficult to resolve problems & issues both in the workplace & social settings without a legal precedence. I urge you & all other senators & representatives to pass this bill to protect my breastfeeding rights. Thank you for your time.

Sincerely,



Hannah E. B. Lotton

6938 Stella PL.

Anchorage, AK 99507

(907) 349-1239

Attention to the Seminars/Representatives,

I strongly support Breast Feeding/Senate Bill # 297, because I'm a breast feeding mom myself. Is of new the only thing I do is go sit in a coffee around the building, do know one day, because I refuse to go nurse in the bathroom. This is very mean-

venient for me to leave the area at and go to car to nurse. I have in talked to other moms and they agree. I would like to see a special room made for nursing moms, so they can breast feed baby privately and have a toddler area where the toddler can play free without worry while mom is nursing other. I believe this would help reduce some of the stress on a mother like myself.

\* Please only please  
questions, for call  
feel free to call

Troy C. Dehn  
3/8/97

Troy C. Dehn  
2210 E. 3rd Ave  
Anchorage, AK 99503  
907) 272-0527

March 13, 1998

Senator Johnny Ellis  
State Capitol Rm 9  
Juneau, AK 99801-1182

Dear Senator Ellis:

I am writing in support of Senate Bill 297 - relating to breast-feeding. I have a seven month old baby boy and nursed him for the first four months of his life.

Although, no one directly told me to leave an establishment because I was breast-feeding my son, I was certainly made to feel uncomfortable. At the time, my son was still nursing every two to two and a half hours and not nursing in public made it nearly impossible to go anywhere.

Some people may not be aware that breast-feeding actually requires a certain state of mind. Many women cannot produce enough milk to feed their infants if they cannot relax. In my particular case, if I felt stressed or uncomfortable then my son would react by fussing and not eating.

I believe that many women would feel more comfortable breast-feeding in public if the legislature showed their support.

Saturday, March 7, 1998

POMS V.3W

Page: 1

## POM for Representative Croft



From: Ms. Sandra J Lindeke  
PO Box 232153

Telephone: 522-2379

Anchorage, AK 99523

Constituant

Registered Voter: Y

Bill: SB 297 Title: BREAST-FEEDING IN PUBLIC PLACE  
Message:

AS A FORMER BREAST-FEEDING MOTHER, I HAVE BEEN EMBARRASSED WHEN I TRY TO FEED MY BABIES IN A PUBLIC MALL AND RESTAURANT. OUT OF DESPERATION I WENT TO THE WOMAN'S BATHROOM, SAT ON A STOOL AND FED MY BABY. THIS IS NO WAY TO TREAT OUR CHILDREN. THANK YOU.

Entered in ANC on 3/06/98 POMID: 2504

Distribution: 60

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 4.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

March 13, 1998

Senator Johnny Ellis  
State Capitol Rm 9  
Juneau, AK 99801-1182

Dear Senator Ellis:

I am writing in support of Senate Bill 297 - relating to breast-feeding. I have a seven month old baby boy and nursed him for the first four months of his life.

Although, no one direct<sup>ly</sup> told me to leave an establishment because I was breast-feeding my son, I was certainly made to feel uncomfortable. At the time, my son was still nursing every two to two and a half hours and not nursing in public made it nearly impossible to go anywhere.

Some people may not be aware that breast-feeding actually requires a certain state of mind. Many women cannot produce enough milk to feed their infants if they cannot relax. In my particular case, if I felt stressed or uncomfortable then my son would react by fussing and not eating.

I believe that many women would feel more comfortable breast-feeding in public if the legislature showed their support.

Senate Bill 257 is their opportunity  
to show that support.

Thank you for sponsoring this  
legislation.

Sincerely,

Karisse Ackerman  
1170 Coppet St.  
Fairbanks, AK 99709

Saturday, March 7, 1998

POMS View

Page: 1

## POM for Representative Croft



From: Ms. Sandra J Lindeke  
PO Box 232153

Telephone: 522-2379

Anchorage, AK 99523

Constituant

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Bill: SB 297 Title: BREAST-FEEDING IN PUBLIC PLACE  
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Entered in ANC on 3/06/98 POMID: 2504

Distribution: 60

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 3 out of 4.

**SB**

**298**

SFIN

FILE

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO:** No. 1  
 Bill Version: SB298  
 (S) Publish Date: 3/27/98

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to the regulation of commercial vehicles..." BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: S. Transportation  
 Revisor: (S) TRA COMPONENT SERIAL NO. 2151

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES (1005)</b> Revenue Code	<b>15.5</b>	<b>15.5</b>	<b>15.5</b>	<b>15.5</b>	<b>15.5</b>	<b>15.5</b>
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**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 98) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Rounding fees for the registration of the trailers and transferring those fees to the trucks (power-units) derives the revenue.

Prepared by: Juanita M. Hensley Phone: 465-5648  
 Division: Motor Vehicles Date: \_\_\_\_\_  
 Approved by Commissioner: Mark Boyer Date: 3/23/98  
 Agency: Dept. of Administration

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# FISCAL NOTE

No. 2  
 Bill Version: SB298  
 (S) Publish Date: 3/27/98

STATE OF ALASKA  
 1998 LEGISLATIVE SESSION

Revision Date _____	Dept. Affected <u>DOT&amp;PF</u>
Title <u>Regs of Commercial Vehicles</u>	BRU <u>Commissioners Office</u>
Sponsor <u>Senate Transportation</u>	Component <u>Office of the Commissioner</u>
Requester <u>Senate Transportation</u>	Component Serial No. <u>530</u>

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

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	407.9	411.0	415.0	419.2	423.4	427.6
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	9.5	9.5	9.5	9.5	9.5
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	105.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>	612.5	612.5	2.5	612.5	612.5	612.5
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	512.9	420.5	424.5	428.7	432.9	437.1
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>512.9</b>	<b>420.5</b>	<b>424.5</b>	<b>428.7</b>	<b>432.9</b>	<b>437.1</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

	9	9	9	9	9	9
Full-time	9	9	9	9	9	9
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

This bill transfers the responsibility for establishing and collecting out of state registration fees for commercial trucks and increases the registration fee from the \$10 range to \$350 thereby generating approximately 612.5 in new revenue to fund size, weight & safety inspections. When added to the current collections of about 40.0 there is adequate funding to support this fiscal note. Additionally, this will provide protection to the motoring public by ensuring safer commercial vehicles and to our bridges and highways by ensuring properly loaded trucks. This will also create a level playing field for the industry that is essential to their ability to compete fairly in the market place and to ensure that a good part of Alaska's work is done by Alaskans.

Prepared by Dennis Poshard, Special Assistant  
 Division Office of the Commissioner  
 Approved by [Signature] Commissioner  
 Agency Department of Transportation and Public Facilities

Phone 465-3900  
 Date 3/20/98  
 Date 3/20/98

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**Analysis:**  
**Program Summary:**

SB298  
#2

This legislation will:

Add nine new Weigh Station Operator I, 2458-12, positions distributed as follows:

	#	Amount
Tok	3	147.5
Fairbanks	1	44.7
Sterling	3	129.4
Anchorage	2	86.3
	9	407.9

Add three new inspection vehicles as follows:

	#	Amount
Tok	1	35.0
Fairbanks	1	35.0
Sterling	1	35.0
Anchorage	0	0
	3	105.0

**Tok**

Add three additional positions to issue temporary registration permits 24 hours per day and perform size, weight and driver/vehicle safety inspections. Trained personnel will be on duty at all times to ensure that truck traffic coming into and leaving the state at Tok is complying with our laws and regulations. One or more persons will be trained to perform driver/vehicle inspections at commercial vehicle crash scenes. The additional revenue collections are estimated to be 1,750 vehicles at \$350 per vehicle = \$ 612.5.

**Fairbanks**

Add one position to allow additional coverage to increase truck size, weight and safety enforcement at the weigh stations by performing size and weight as well as safety inspections. Temporary registrations will be issued at the Fairbanks Weigh Stations.

**Sterling**

Add three new positions to the current one position staff at the Sterling Weigh Station to perform size, weight and driver/vehicle safety inspections and to issue temporary registrations for those vehicles entering the state at Seward, Kenai or Homer. This station is the only truck size, weight and safety inspection facility on the Kenai Peninsula located on the very busy Sterling Highway. There is no resident driver/vehicle safety inspector located on the Kenai Peninsula at this time. Since the weigh station is open only one shift per day, five days per week, it is nearly impossible to estimate the volume of unregistered out of state commercial vehicle traffic. The potential for increased revenue is small. The priority at this station is to provide the size, weight and safety inspections that are not being done at the present time.

**Anchorage**

Add two new positions to enable 24 hour per day, seven day per week staffing at the Glenn Outbound and the Potter Weigh Stations. These two positions will focus on truck size and weight enforcement with the present seven other size and weight enforcement personnel. There are presently three commercial vehicle inspector positions stationed in Anchorage who can effectively monitor truck traffic for driver and vehicle safety concerns. This additional coverage will allow for the issuance of temporary registrations at the Anchorage Weigh Stations for unregistered vehicles arriving at the Port of Anchorage.

These new positions will monitor all incoming and outgoing traffic into the state at the Tok Weigh Station and will enhance the coverage at the other stations listed above. The new positions will enable us to:

- issue out of state temporary registrations to foreign ( out of state ) commercial vehicles, thereby ensuring the proper payment of fees from those who live outside of our state.
- conduct size and weight inspections to ensure that the vehicles and their loads conform with state regulations governing truck size and weight.
- perform safety inspections of both the drivers and their vehicles to ensure compliance with state and federal safety and hazardous materials regulations.
- verify that the proper insurance coverage is in place to provide liability protection to our citizens.

Vehicle maintenance of \$ 9.5 for the three vehicles will be absorbed in the division budget in FY99. This cost has been identified as an increase in Contractual Services for the next five years.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

No. 3  
 Bill Version: CS SB 298 (TRA)  
 (S) Publish Date: 3/27/98

Revision Date: 3/26/98 Dept. Affected: Administration  
 Title: "An Act relating to the regulation of commercial vehicles..." BRU: Motor Vehicles  
 Component: Field Services  
 Sponsor: S. Transportation  
 Requestor: (S) TRA COMPONENT SERIAL NO. 2151

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

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	*	*	*	*	*	*
TRAVEL	*	*	*	*	*	*
CONTRACTUAL	*	*	*	*	*	*
SUPPLIES	*	*	*	*	*	*
EQUIPMENT	*	*	*	*	*	*
LAND & STRUCTURES	*	*	*	*	*	*
GRANTS CLAIMS	*	*	*	*	*	*
MISCELLANEOUS	*	*	*	*	*	*
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

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

<b>CHANGE IN REVENUES (1005)</b>						
Revenue Code	15.5	15.5	15.5	15.5	15.5	15.5

**FUNDING: (Thousands of Dollars)**

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

Estimate of current year (FY 98) impact: \$ \_\_\_\_\_

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED

Prepared By: Juanita M. Hensley Phone: 465-5648  
 Division: Motor Vehicles Date: \_\_\_\_\_  
 Approved by Commissioner: Mark Boyce Date: 3/26/98  
 Agency: Department of Administration

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Revision Date: 3/26/98

Dept. Affected: Administration

ANALYSIS CONTINUED:

### COMMERCIAL TRAILER PERMANENT REGISTRATION

DMV is in the process of redefining and re-energizing the way we do business. The efficiency measures are allowing the division to keep up with increased workload each year. For example from 1996 to 1997 the number of registered vehicles increased by 26,047.

The proposal to issue permanent registrations to commercial trailers is intended to be an efficiency savings for DMV and the transportation industry together. In 1997 there were 18,268 registered commercial trailers.

All of the trailer registrations will not be eliminated in one year. During the first year of implementation which would be CY 99 all trailers would still have to be registered and issued the permanent registrations and plate or decal so costs would remain the same. After that there would still be new trailers coming into the state each year and typically this figure would be 20% so the actual workload savings beginning in CY 2000 would be approximately 14,000 registration renewals. The transaction cost for renewal of a commercial trailer is \$7.74 per transaction. Registration and titling for a first time registration in the state is \$12.45 per transaction.

At this time, DMV cannot estimate the amount of savings associated with this bill. Rounding fees for the registration of the trailers and transferring those fees to the trucks (power-units) derives revenue indicated.

**CS FOR HOUSE BILJ. NO. 404(TRA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered: 2/27/98**

**Referred: Finance**

**Sponsor(s): HOUSE TRANSPORTATION COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the regulation of commercial vehicles; relating to the  
2 temporary registration of out-of-state commercial vehicles; relating to registration  
3 fees for commercial vehicles; and providing for an effective date."

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

5 \* **Section 1.** AS 19.10.300 is amended by adding a new subsection to read:

6 (g) When operating a commercial motor vehicle or motor vehicle for which  
7 security is required under (a) of this section, a person shall carry proof of insurance  
8 and, if involved in an accident with another person, shall display the proof of insurance  
9 to the other person. In this subsection, "proof of insurance" means a

10 (1) certificate of self-insurance acceptable to the department;

11 (2) card issued by an insurer described in (b)(1) of this section that  
12 indicates that insurance has been procured as required by this section, that contains a  
13 local or toll-free telephone number for filing or receiving claim information, and that  
14 indicates the name and address of the insurer; or

1 (3) copy of the surety bond described in (b)(2) of this section.

2 \* Sec. 2. AS 19.10.310 is amended to read:

3 **Sec. 19.10.310. Commercial motor vehicle safety inspections.** A commercial  
4 motor vehicle may not be operated [AFTER JANUARY 1, 1986] without a certificate  
5 of inspection. An owner or operator of a commercial motor vehicle shall renew a  
6 certificate of inspection at least annually. An owner or operator of a commercial  
7 motor vehicle shall provide proof of annual inspection upon demand of a peace  
8 officer or employee of the department authorized by the commissioner to enforce  
9 this section [SEMI-ANNUALLY AT AN OFFICIAL INSPECTION STATION  
10 UNDER AS 19.10.320. THE OWNER MAY RENEW A CERTIFICATE OF  
11 INSPECTION AT ANY TIME DURING THE OFFICE HOURS OF THE  
12 INSPECTION STATION. AN OWNER OF A COMMERCIAL MOTOR VEHICLE  
13 SHALL DISPLAY A CURRENT STICKER OF INSPECTION VISIBLE FROM  
14 OUTSIDE THE VEHICLE IN A LOCATION DETERMINED BY THE  
15 DEPARTMENT].

16 \* Sec. 3. AS 19.10.340 is repealed and reenacted to read:

17 **Sec. 19.10.340. Issuance of certificate of inspection.** A person conducting  
18 annual commercial motor vehicle inspections shall issue a certificate of inspection to  
19 the owner or operator after determining that the motor vehicle is in a safe and  
20 mechanically sound condition as required by law. The owner or operator of a  
21 commercial motor vehicle shall keep a record of the annual inspection of the vehicle.

22 \* Sec. 4. AS 19.10.370 is amended to read:

23 **Sec. 19.10.370. Regulations.** The commissioner shall adopt [PROCEDURAL]  
24 regulations [APPROPRIATE TO ACHIEVE COMPATIBILITY WITH OTHER  
25 WESTERN STATES AND PROCEDURAL REGULATIONS NECESSARY] to  
26 implement AS 19.10.310 - 19.10.399.

27 \* Sec. 5. AS 19.10 is amended by adding a new section to read:

28 **Sec. 19.10.375. Impoundment.** (a) If a peace officer or an employee of the  
29 department authorized by the commissioner to issue citations finds a commercial motor  
30 vehicle in operation without a current and valid certificate of inspection under this  
31 chapter, the commercial motor vehicle may be impounded. The commercial motor

1 vehicle may not be released from impoundment until

2 (1) a current and valid certificate of inspection under this chapter has  
3 been provided for the commercial motor vehicle; and

4 (2) any impoundment fees or charges have been paid.

5 (b) The department may adopt regulations to charge fees to recover costs of  
6 implementation of this section, including costs of impoundment.

7 \* Sec. 6. AS 19.10.399(1) is amended to read:

8 (1) "commercial motor vehicle" means a self-propelled or towed  
9 [MOTOR] vehicle [OR A COMBINATION OF A MOTOR VEHICLE AND ONE OR  
10 MORE OTHER VEHICLES]

11 (A) used to transport passengers or property for commercial  
12 purposes;

13 (B) used upon a highway or vehicular way; and

14 (C) that

15 (i) has a gross vehicle weight rating or gross  
16 combination weight rating greater than 10,000 pounds;

17 (ii) is designed to transport more than 15 passengers,  
18 including the driver; or

19 (iii) is used in the transportation of materials found by  
20 the United States Secretary of Transportation to be hazardous for  
21 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation  
22 Act);

23 (D) except that the following vehicles meeting the criteria in  
24 (A) - (C) of this paragraph are not commercial motor vehicles:

25 (i) emergency or fire equipment that is necessary to the  
26 preservation of life or property;

27 (ii) farm vehicles that are controlled and operated by a  
28 farmer; used to transport agricultural products, farm machinery, or farm  
29 supplies to or from that farmer's farm; not used in the operations of a  
30 common or contract motor carrier; and used within 150 miles of the  
31 farmer's farm;

- 1 (iii) school buses;
- 2 (iv) vehicles owned and operated by the federal
- 3 government unless the vehicle is used to transport property of the
- 4 general public for compensation in competition with other persons who
- 5 own or operate a commercial motor vehicle subject to AS 19.10.310 -
- 6 19.10.399, and except to the extent that regulation of vehicles operated
- 7 by the federal government is permitted by federal law; and
- 8 (v) vehicles used exclusively for purposes other than
- 9 commercial purposes;

10 \* Sec. 7. AS 28.10.021(c) is amended to read:

11 (c) An employee of the department who processes an application for

12 registration or renewal of registration, other than an application received by mail or

13 an application for registration under AS 28.10.152, shall ask the applicant orally

14 whether the applicant wishes to execute an anatomical gift or a living will. The

15 department shall make known to all applicants the procedure for executing a gift under

16 AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living

17 Wills and Do Not Resuscitate Orders) by displaying posters in the offices in which

18 applications are taken, by providing a brochure or other written information to each

19 person who applies in person or by mail, and, if requested, by providing oral advice.

20 \* Sec. 8. AS 28.10.041(a) is amended to read:

21 (a) The department may refuse to register a vehicle if

22 (1) the application contains a false or fraudulent statement;

23 (2) the applicant fails to furnish information required by the

24 department;

25 (3) the applicant is not entitled to the issuance of a certificate of title

26 or registration under this chapter;

27 (4) the vehicle is determined to be mechanically unsafe to be driven or

28 moved on a highway, vehicular way or area, or other public property in the state;

29 (5) the department has reasonable grounds to believe that the vehicle

30 was stolen or fraudulently acquired or that the granting of registration would be a fraud

31 against the rightful owner or other person having a valid lien upon the vehicle;

1 (6) the registration of the vehicle has been suspended or revoked for  
2 any reason under the laws of the state;

3 (7) the required fees or taxes have not been paid;

4 (8) the vehicle or applicant fails to comply with this chapter or  
5 regulations implementing this section;

6 (9) the vehicle is without a certificate of inspection required under  
7 AS 19.10.310;

8 (10) except for a vehicle to be registered under AS 28.10.152, the  
9 vehicle is subject to a state-approved emission inspection program adopted under  
10 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that  
11 program, unless the vehicle uses a fuel source that does not primarily emit carbon  
12 monoxide;

13 (11) the applicant fails to certify to the department the existence of a  
14 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being  
15 registered unless the owner of the vehicle qualifies as a self-insurer under  
16 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

17 \* Sec. 9. AS 28.10.041(c) is amended to read:

18 (c) Except for a vehicle to be registered under AS 28.10.152, the [THE]  
19 department shall refuse to register a vehicle subject to the federal heavy vehicle use  
20 tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails  
21 to furnish proof, in the form prescribed by the United States [U.S.] Secretary of the  
22 Treasury, that the tax has been paid.

23 \* Sec. 10. AS 28.10.108(a) is amended to read:

24 (a) Except for a vehicle registered under AS 28.10.152, a [A] vehicle  
25 required to be registered under this chapter shall be registered under the procedures set  
26 out in this section.

27 \* Sec. 11. AS 28.10.121(a) is amended to read:

28 (a) A nonresident owner of a noncommercial vehicle registered outside the  
29 state is exempt from the registration provisions of this chapter for 60 days after entry  
30 into the state if the vehicle at all times when driven in this state is registered in and  
31 has displayed upon it a currently valid registration plate issued for it by another

1 jurisdiction. However, if the person becomes gainfully employed in the state or takes  
 2 action that indicates an intention to acquire residence in the state, the person shall  
 3 comply with the licensing and registration provisions of this chapter within 10 days  
 4 of commencement of employment or of taking action that indicates the person's  
 5 intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must  
 6 be registered when its commercial use begins except as provided in AS 28.10.011,  
 7 [AND] 28.10.131(c), and 28.10.152.

8 \* **Sec. 12.** AS 28.10.131(a) is amended to read:

9 (a) Except for a vehicle to be registered under AS 28.10.152, if [IF] a  
 10 vehicle to be registered under this chapter is previously registered outside the state, the  
 11 jurisdiction of registry shall be stated in the application, and the owner shall surrender  
 12 to the department all evidence of out-of-state registration in the owner's possession or  
 13 control except as provided in this section [OR AS 28.10.141], and the department may  
 14 require verification of the vehicle identification number.

15 \* **Sec. 13.** AS 28.10.131(c) is amended to read:

16 (c) Except as provided in AS 28.10.152, if [IF] the owner of a commercial  
 17 vehicle desires to maintain title in another jurisdiction, the department, when satisfied  
 18 that the applicant is temporarily operating in-state and is the lawfully registered owner  
 19 of the commercial vehicle, may register the commercial vehicle without issuing a title  
 20 and shall type or stamp on the face of the State of Alaska certificate of registration  
 21 "No Title Issued."

22 \* **Sec. 14.** AS 28.10 is amended by adding a new section to read:

23 **Sec. 28.10.152. Certificates of temporary registration for certain**  
 24 **commercial vehicles.** (a) If a commercial vehicle registered outside the state enters  
 25 the state and is not to be registered under AS 28.10.121, 28.10.131, or another  
 26 provision of this chapter, it must be temporarily registered under the provisions of this  
 27 section.

28 (b) For a commercial vehicle to be registered under this section, the operator  
 29 of the vehicle must provide proof of valid registration of the vehicle in another  
 30 jurisdiction and any other documentation required by the department by regulation.  
 31 Upon receipt of the proof of registration, any other required documentation, and

1 payment of the applicable fee under (d) of this section, the department or the  
 2 department's designee may issue a certificate of temporary registration, valid for 30  
 3 days, for the commercial vehicle. The certificate of temporary registration must state  
 4 the date of issuance and the expiration date.

5 (c) A certificate of temporary registration under this section may be issued for  
 6 a commercial vehicle even if a certificate of temporary registration has previously been  
 7 issued for the vehicle and has expired.

8 (d) The fee for a certificate of temporary registration under this section is

9 (1) for a truck or a truck tractor, \$350;

10 (2) for a commercial bus, \$350;

11 (3) for all other commercial vehicles, including a trailer or a semi-  
 12 trailer, \$10.

13 (e) Fees collected under this section may be appropriated by the legislature to  
 14 the Department of Transportation and Public Facilities for programs related to  
 15 commercial vehicles, including the administration and operation of weigh stations and  
 16 commercial vehicle safety programs.

17 \* Sec. 15. AS 28.10.161(a) is amended to read:

18 (a) Except for a vehicle registered under AS 28.10.152, the [THE]  
 19 department, upon registering a vehicle, shall issue the owner one fully reflectorized  
 20 registration plate for a trailer or a motorcycle and two fully reflectorized registration  
 21 plates for every other vehicle. Except as specifically provided in AS 28.10.181, the  
 22 plate or plates must remain with the vehicle as long as the vehicle is subject to  
 23 registration under this chapter.

24 \* Sec. 16. AS 28.10.201(a) is amended to read:

25 (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and  
 26 28.10.152 [28.10.141], every owner of a vehicle subject to registration in this state  
 27 shall apply for a certificate of title under this chapter.

28 \* Sec. 17. AS 28.10.201(d) is amended to read:

29 (d) Except for vehicles registered under AS 28.10.131(b) or (c) or 28.10.152  
 30 [AND 28.10.141], the department may not register a vehicle unless the applicant for  
 31 registration at the same time applies for and obtains a certificate of title under this

1 chapter [,] or presents satisfactory evidence that a certificate of title was previously  
2 issued to the applicant. The department may not accept the application for the original  
3 certificate of registration or title to a vehicle unless the vehicle is in the state at the  
4 time of application. However, the department may accept an application for  
5 registration and certificate of title for a vehicle that is not in the state when the  
6 application is made by a registered and bonded dealer or by a resident of the state  
7 when the application is accompanied by a manufacturer's statement of origin [,] or, in  
8 the case of a used vehicle, when the application is accompanied by a certificate of title  
9 issued in another jurisdiction.

10 \* Sec. 18. AS 28.10.421(c) is amended to read:

11 (c) The biennial registration fees under this subsection are imposed and are  
12 based upon the actual unladen weight as established by the manufacturer's advertised  
13 weight or upon the actual weight that [WHICH] the owner shall furnish, subject to the  
14 approval of the commissioner or the commissioner's representative, for a vehicle,  
15 including a motor vehicle pulling a trailer or semi-trailer, that is registered in the name  
16 of a company or business [,] or is used or maintained for the transportation of  
17 passengers for hire, excepting taxicabs and buses under (b) of this section, or for the  
18 transportation of property for hire or for other commercial purposes, including a  
19 [TRAILER, SEMI-TRAILER,] truck, wrecker, tow car, hearse, ambulance, and tractor,  
20 as follows:

- 21 (1) up to and including 5,000 pounds . . . . . \$158 [\$100];
- 22 (2) more than 5,000 pounds to and including
- 23 12,000 pounds . . . . . \$246 [\$170];
- 24 (3) more than 12,000 pounds to and including
- 25 18,000 pounds . . . . . \$494 [\$310];
- 26 (4) more than 18,000 pounds . . . . . \$640 [\$440].

27 \* Sec. 19. AS 28.10.421(h) is amended to read:

28 (h) The annual registration fees under this subsection for vehicles not  
29 registered biennially under (c) of this section and used for commercial purposes are  
30 imposed and are based upon the actual unladen weight as established by the  
31 manufacturer's advertised weight or upon the actual weight that [WHICH] the owner

1 shall furnish, subject to the approval of the commissioner or the commissioner's  
2 representative, as follows:

- 3 (1) up to and including 5,000 pounds . . . . . \$ 80 [\$ 51];
- 4 (2) more than 5,000 pounds to and including
- 5 12,000 pounds . . . . . \$124 [\$ 86];
- 6 (3) more than 12,000 pounds to and including
- 7 18,000 pounds . . . . . \$248 [\$156];
- 8 (4) more than 18,000 pounds . . . . . \$321 [\$221].

9 \* Sec. 20. AS 28.10.421 is amended by adding a new subsection to read:

10 (i) A one-time registration fee of \$10 is imposed upon initial registration for  
11 a trailer or semi-trailer used for commercial purposes.

12 \* Sec. 21. AS 45.75.131(a) is amended to read:

13 (a) A peace officer or an employee of the Department of Transportation and  
14 Public Facilities who is authorized by the commissioner of transportation and public  
15 facilities to enforce this chapter may issue a citation to a person who

- 16 (1) violates a weight, size, or load limitation adopted by the Department  
17 of Transportation and Public Facilities under AS 19.10.060;
- 18 (2) violates the terms of an overweight or oversize vehicle permit  
19 issued under AS 19.10.060(b);
- 20 (3) violates a regulation adopted under AS 19.10.060(b) or (c),  
21 AS 28.05.011(a)(2), or [UNDER AS 19.10.060(b) AND] AS 45.75.050(b)(5); or
- 22 (4) commits a violation identified under AS 45.75.380.

23 \* Sec. 22. AS 45.75.380(a) is amended to read:

24 (a) A person commits a violation subject to the penalty specified in  
25 AS 12.55.035(b)(5) if the person does one or more of the following acts:

- 26 (1) uses or has in possession for the purpose of using for a commercial  
27 purpose specified in AS 45.75.080, sells, offers, or exposes for sale, or hire, or has in  
28 possession for the purpose of selling or hiring, an incorrect weight or measure or a  
29 device or instrument used to or calculated to falsify a weight or measure;
- 30 (2) uses or has in possession for current use, in buying or selling a  
31 commodity or thing, or for hire or award, or in the computation of a basic charge or

1 payment for services rendered on the basis of weight or measurement, or in the  
2 determination of weight or measurement when a charge is made for determination, a  
3 weight or measure that has not been tested and sealed by the appropriate authority  
4 within one year, unless

5 (A) the person gives written notice to the appropriate authority  
6 to the effect that the weight or measure is available for examination, or is due  
7 for reexamination, as the case may be;

8 (B) the person receives specific written permission to use the  
9 weight or measure from the appropriate authority; or

10 (C) the weight or measure is exempt from sealing or annual  
11 testing requirements by AS 45.75.080 or by a regulation adopted under  
12 AS 45.75.050;

13 (3) disposes of a rejected or condemned weight or measure in a manner  
14 contrary to law or regulation;

15 (4) removes from a weight or measure, contrary to law or regulation,  
16 a tag, seal, or mark placed on it by the appropriate authority;

17 (5) sells or offers for sale less than the quantity the person represents  
18 of a commodity, thing, or service;

19 (6) takes more than the quantity the person represents of a commodity,  
20 thing, or service when, as buyer, the person furnished the weight or measure that the  
21 seller used to determine the amount of the commodity, thing, or service;

22 (7) keeps for the purpose of sale, advertises, or offers for sale, or sells  
23 a commodity, thing, or service in a condition or manner contrary to law or regulation;

24 (8) uses in retail trade, except in the preparation of packages put up in  
25 advance of sale and of medical prescriptions, a weight or measure that is not so  
26 positioned that a customer may accurately read, from a position that may reasonably  
27 be assumed by a customer, its indications and observe the weighing or measuring  
28 operation;

29 (9) hinders or obstructs the director, an inspector, a sealer, or a deputy  
30 sealer in the performance of official duties under this chapter;

31 (10) violates a provision of an overweight or oversize vehicle permit

1 issued under AS 19.10.060(b);

2 (11) violates a weight, load, or size limitation established under  
3 AS 19.10.060 or a regulation adopted under AS 19.05.020, AS 19.10.060  
4 [AS 19.10.060(b)], or AS 45.75.050(b)(5);

5 (12) violates a provision of this chapter or a regulation adopted under  
6 this chapter for which a specific penalty is not prescribed.

7 \* Sec. 23. AS 19.10.320, 19.10.330, 19.10.350, 19.10.360; AS 28.10.011(9), and 28.10.141  
8 are repealed.

9 \* Sec. 24. TRANSITION: REGULATIONS. The Department of Administration and the  
10 Department of Transportation and Public Facilities may proceed to adopt regulations necessary  
11 to implement their respective provisions of this Act. The regulations take effect under  
12 AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1 - 23 of  
13 this Act.

14 \* Sec. 25. Section 24 of this Act takes effect immediately under AS 01.10.070(c).

15 \* Sec. 26. Except as provided in sec. 25 of this Act, this Act takes effect July 1, 1998.

**HOUSE BILL NO. 404**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Introduced: 2/12/98**

**Referred: Transportation, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the regulation of commercial vehicles; relating to the  
2 temporary registration of out-of-state commercial vehicles; relating to registration  
3 fees for commercial vehicles; and providing for an effective date."

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

5 \* **Section 1.** AS 19.10.300 is amended by adding a new subsection to read:

6 (g) When operating a commercial motor vehicle or motor vehicle for which  
7 security is required under (a) of this section, a person shall carry proof of insurance  
8 and, if involved in an accident with another person, shall display the proof of insurance  
9 to the other person. In this subsection, "proof of insurance" means a

10 (1) certificate of self-insurance acceptable to the department;

11 (2) card issued by an insurer described in (b)(1) of this section that  
12 indicates that insurance has been procured as required by this section, that contains a  
13 local or toll-free telephone number for filing or receiving claim information, and that  
14 indicates the name and address of the insurer; or

1 (3) copy of the surety bond described in (b)(2) of this section.

2 \* Sec. 2. AS 19.10.310 is amended to read:

3 **Sec. 19.10.310. Commercial motor vehicle safety inspections.** A commercial  
4 motor vehicle may not be operated [AFTER JANUARY 1, 1986] without a certificate  
5 of inspection. An owner or operator of a commercial motor vehicle shall renew a  
6 certificate of inspection at least annually. An owner or operator of a commercial  
7 motor vehicle shall provide proof of annual inspection upon demand of a peace  
8 officer or employee of the department authorized by the commissioner to enforce  
9 this section [SEMI-ANNUALLY AT AN OFFICIAL INSPECTION STATION  
10 UNDER AS 19.10.320. THE OWNER MAY RENEW A CERTIFICATE OF  
11 INSPECTION AT ANY TIME DURING THE OFFICE HOURS OF THE  
12 INSPECTION STATION. AN OWNER OF A COMMERCIAL MOTOR VEHICLE  
13 SHALL DISPLAY A CURRENT STICKER OF INSPECTION VISIBLE FROM  
14 OUTSIDE THE VEHICLE IN A LOCATION DETERMINED BY THE  
15 DEPARTMENT].

16 \* Sec. 3. AS 19.10.340 is repealed and reenacted to read:

17 **Sec. 19.10.340. Issuance of certificate of inspection.** A person conducting  
18 annual commercial motor vehicle inspections shall issue a certificate of inspection to  
19 the owner or operator after determining that the motor vehicle is in a safe and  
20 mechanically sound condition as required by law. The owner or operator of a  
21 commercial motor vehicle shall keep a record of the annual inspection of the vehicle.

22 \* Sec. 4. AS 19.10.370 is amended to read:

23 **Sec. 19.10.370. Regulations.** The commissioner shall adopt [PROCEDURAL]  
24 regulations [APPROPRIATE TO ACHIEVE COMPATIBILITY WITH OTHER  
25 WESTERN STATES AND PROCEDURAL REGULATIONS NECESSARY] to  
26 implement AS 19.10.310 - 19.10.399.

27 \* Sec. 5. AS 19.10 is amended by adding a new section to read:

28 **Sec. 19.10.375. Impoundment.** (a) If a peace officer or an employee of the  
29 department authorized by the commissioner to issue citations finds a commercial motor  
30 vehicle in operation without a current and valid certificate of inspection under this  
31 chapter, the commercial motor vehicle may be impounded. The commercial motor

1 vehicle may not be released from impoundment until

2 (1) a current and valid certificate of inspection under this chapter has  
3 been provided for the commercial motor vehicle; and

4 (2) any impoundment fees or charges have been paid.

5 (b) The department may adopt regulations to charge fees to recover costs of  
6 implementation of this section, including costs of impoundment.

7 \* Sec. 6. AS 19.10.399(1) is amended to read:

8 (1) "commercial motor vehicle" means a self-propelled or towed  
9 [MOTOR] vehicle [OR A COMBINATION OF A MOTOR VEHICLE AND ONE OR  
10 MORE OTHER VEHICLES]

11 (A) used to transport passengers or property for commercial  
12 purposes;

13 (B) used upon a highway or vehicular way; and

14 (C) that

15 (i) has a gross vehicle weight rating or gross  
16 combination weight rating greater than 10,000 pounds;

17 (ii) is designed to transport more than 15 passengers,  
18 including the driver; or

19 (iii) is used in the transportation of materials found by  
20 the United States Secretary of Transportation to be hazardous for  
21 purposes of 49 U.S.C. 1801 - 1813 (Hazardous Materials Transportation  
22 Act);

23 (D) except that the following vehicles meeting the criteria in  
24 (A) - (C) of this paragraph are not commercial motor vehicles:

25 (i) emergency or fire equipment that is necessary to the  
26 preservation of life or property;

27 (ii) farm vehicles that are controlled and operated by a  
28 farmer; used to transport agricultural products, farm machinery, or farm  
29 supplies to or from that farmer's farm; not used in the operations of a  
30 common or contract motor carrier; and used within 150 miles of the  
31 farmer's farm;

- 1 (iii) school buses;
- 2 (iv) vehicles owned and operated by the federal
- 3 government unless the vehicle is used to transport property of the
- 4 general public for compensation in competition with other persons who
- 5 own or operate a commercial motor vehicle subject to AS 19.10.310 -
- 6 19.10.399, and except to the extent that regulation of vehicles operated
- 7 by the federal government is permitted by federal law; and
- 8 (v) vehicles used exclusively for purposes other than
- 9 commercial purposes;

10 \* Sec. 7. AS 28.10.011 is amended by adding a new paragraph to read:

11 (14) a trailer used for commercial purposes.

12 \* Sec. 8. AS 28.10.021(c) is amended to read:

13 (c) An employee of the department who processes an application for

14 registration or renewal of registration, other than an application received by mail or

15 an application for registration under AS 28.10.152, shall ask the applicant orally

16 whether the applicant wishes to execute an anatomical gift or a living will. The

17 department shall make known to all applicants the procedure for executing a gift under

18 AS 13.50 (Uniform Anatomical Gifts Act) or a living will under AS 18.12 (Living

19 Wills and Do Not Resuscitate Orders) by displaying posters in the offices in which

20 applications are taken, ~~by providing a brochure or other written information to each~~

21 person who applies in person ~~or by mail~~, and, if requested, by providing oral advice.

22 \* Sec. 9. AS 28.10.041(a) is amended to read:

23 (a) The department may refuse to register a vehicle if

24 (1) the application contains a false or fraudulent statement;

25 (2) the applicant fails to furnish information required by the

26 department;

27 (3) the applicant is not entitled to the issuance of a certificate of title

28 or registration under this chapter;

29 (4) the vehicle is determined to be mechanically unsafe to be driven or

30 moved on a highway, vehicular way or area, or other public property in the state;

31 (5) the department has reasonable grounds to believe that the vehicle

1 was stolen or fraudulently acquired or that the granting of registration would be a fraud  
2 against the rightful owner or other person having a valid lien upon the vehicle;

3 (6) the registration of the vehicle has been suspended or revoked for  
4 any reason under the laws of the state;

5 (7) the required fees or taxes have not been paid;

6 (8) the vehicle or applicant fails to comply with this chapter or  
7 regulations implementing this section;

8 (9) the vehicle is without a certificate of inspection required under  
9 AS 19.10.310;

10 (10) except for a vehicle to be registered under AS 28.10.152, the  
11 vehicle is subject to a state-approved emission inspection program adopted under  
12 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that  
13 program, unless the vehicle uses a fuel source that does not primarily emit carbon  
14 monoxide;

15 (11) the applicant fails to certify to the department the existence of a  
16 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being  
17 registered unless the owner of the vehicle qualifies as a self-insurer under  
18 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

19 \* Sec. 10. AS 28.10.041(c) is amended to read:

20 (c) Except for a vehicle to be registered under AS 28.10.152, the [THE]  
21 department shall refuse to register a vehicle subject to the federal heavy vehicle use  
22 tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails  
23 to furnish proof, in the form prescribed by the United States [U.S.] Secretary of the  
24 Treasury, that the tax has been paid.

25 \* Sec. 11. AS 28.10.108(a) is amended to read:

26 (a) Except for a vehicle registered under AS 28.10.152, a [A] vehicle  
27 required to be registered under this chapter shall be registered under the procedures set  
28 out in this section.

29 \* Sec. 12. AS 28.10.121(a) is amended to read:

30 (a) A nonresident owner of a noncommercial vehicle registered outside the  
31 state is exempt from the registration provisions of this chapter for 60 days after entry

1 into the state if the vehicle at all times when driven in this state is registered in and  
2 has displayed upon it a currently valid registration plate issued for it by another  
3 jurisdiction. However, if the person becomes gainfully employed in the state or takes  
4 action that indicates an intention to acquire residence in the state, the person shall  
5 comply with the licensing and registration provisions of this chapter within 10 days  
6 of commencement of employment or of taking action that indicates the person's  
7 intention to acquire residence. If the vehicle is a commercial vehicle, the vehicle must  
8 be registered when its commercial use begins except as provided in AS 28.10.011,  
9 [AND] 28.10.131(c), and 28.10.152.

10 \* **Sec. 13.** AS 28.10.131(a) is amended to read:

11 (a) Except for a vehicle to be registered under AS 28.10.152, if [IF] a  
12 vehicle to be registered under this chapter is previously registered outside the state, the  
13 jurisdiction of registry shall be stated in the application, and the owner shall surrender  
14 to the department all evidence of out-of-state registration in the owner's possession or  
15 control except as provided in this section [OR AS 28.10.141], and the department may  
16 require verification of the vehicle identification number.

17 \* **Sec. 14.** AS 28.10.131(c) is amended to read:

18 (c) Except as provided in AS 28.10.152, if [IF] the owner of a commercial  
19 vehicle desires to maintain title in another jurisdiction, the department, when satisfied  
20 that the applicant is temporarily operating in-state and is the lawfully registered owner  
21 of the commercial vehicle, may register the commercial vehicle without issuing a title  
22 and shall type or stamp on the face of the State of Alaska certificate of registration  
23 "No Title Issued."

24 \* **Sec. 15.** AS 28.10 is amended by adding a new section to read:

25 **Sec. 28.10.152. Certificates of temporary registration for certain**  
26 **commercial vehicles.** (a) If a commercial vehicle registered outside the state enters  
27 the state and is not to be registered under AS 28.10.121, 28.10.131, or another  
28 provision of this chapter, it must be temporarily registered under the provisions of this  
29 section.

30 (b) For a commercial vehicle to be registered under this section, the operator  
31 of the vehicle must provide proof of valid registration of the vehicle in another

1 jurisdiction and any other documentation required by the department by regulation.  
 2 Upon receipt of the proof of registration, any other required documentation, and  
 3 payment of the applicable fee under (d) of this section, the department or the  
 4 department's designee may issue a certificate of temporary registration, valid for 60  
 5 days, for the commercial vehicle. The certificate of temporary registration must state  
 6 the date of issuance and the expiration date.

7 (c) A certificate of temporary registration under this section may be issued for  
 8 a commercial vehicle even if a certificate of temporary registration has previously been  
 9 issued for the vehicle and has expired.

10 (d) The fee for a certificate of temporary registration under this section is

11 (1) for a truck or a truck tractor, \$350;

12 (2) for a commercial bus, \$350;

13 (3) for all other commercial vehicles, including a trailer or a semi-  
 14 trailer, \$10.

15 (e) Fees collected under this section may be appropriated by the legislature to  
 16 the Department of Transportation and Public Facilities for programs related to  
 17 commercial vehicles, including the administration and operation of weigh stations and  
 18 commercial vehicle safety programs.

19 \* Sec. 16. AS 28.10.161(a) is amended to read:

20 (a) Except for a vehicle registered under AS 28.10.152, the [THE]  
 21 department, upon registering a vehicle, shall issue the owner one fully reflectorized  
 22 registration plate for a trailer or a motorcycle and two fully reflectorized registration  
 23 plates for every other vehicle. Except as specifically provided in AS 28.10.181, the  
 24 plate or plates must remain with the vehicle as long as the vehicle is subject to  
 25 registration under this chapter.

26 \* Sec. 17. AS 28.10.201(a) is amended to read:

27 (a) Except as otherwise provided in (b) of this section or in AS 28.10.131 and  
 28 28.10.152 [28.10.141], every owner of a vehicle subject to registration in this state  
 29 shall apply for a certificate of title under this chapter.

30 \* Sec. 18. AS 28.10.201(d) is amended to read:

31 (d) Except for vehicles registered under AS 28.10.131(b) or (c) or 28.10.152

1 [AND 28.10.141], the department may not register a vehicle unless the applicant for  
2 registration at the same time applies for and obtains a certificate of title under this  
3 chapter [,] or presents satisfactory evidence that a certificate of title was previously  
4 issued to the applicant. The department may not accept the application for the original  
5 certificate of registration or title to a vehicle unless the vehicle is in the state at the  
6 time of application. However, the department may accept an application for  
7 registration and certificate of title for a vehicle that is not in the state when the  
8 application is made by a registered and bonded dealer or by a resident of the state  
9 when the application is accompanied by a manufacturer's statement of origin [,] or, in  
10 the case of a used vehicle, when the application is accompanied by a certificate of title  
11 issued in another jurisdiction.

12 \* Sec. 19. AS 28.10.421(c) is amended to read:

13 (c) The biennial registration fees under this subsection are imposed and are  
14 based upon the actual unladen weight as established by the manufacturer's advertised  
15 weight or upon the actual weight that [WHICH] the owner shall furnish, subject to the  
16 approval of the commissioner or the commissioner's representative, for a vehicle,  
17 including a motor vehicle pulling a trailer or semi-trailer, that is registered in the name  
18 of a company or business [,] or is used or maintained for the transportation of  
19 passengers for hire, excepting taxicabs and buses under (b) of this section, or for the  
20 transportation of property for hire or for other commercial purposes, including a  
21 [TRAILER, SEMI-TRAILER,] truck, wrecker, tow car, hearse, ambulance, and tractor,  
22 as follows:

- 23 (1) up to and including 5,000 pounds . . . . . \$158 [\$100];
- 24 (2) more than 5,000 pounds to and including
- 25 12,000 pounds . . . . . \$246 [\$170];
- 26 (3) more than 12,000 pounds to and including
- 27 18,000 pounds . . . . . \$494 [\$310];
- 28 (4) more than 18,000 pounds . . . . . \$640 [\$440].

29 \* Sec. 20. AS 28.10.421(h) is amended to read:

30 (h) The annual registration fees under this subsection for vehicles not  
31 registered biennially under (c) of this section and used for commercial purposes are

1 imposed and are based upon the actual unladen weight as established by the  
2 manufacturer's advertised weight or upon the actual weight that [WHICH] the owner  
3 shall furnish, subject to the approval of the commissioner or the commissioner's  
4 representative, as follows:

- 5 (1) up to and including 5,000 pounds . . . . . \$ 80 [\$ 51];
- 6 (2) more than 5,000 pounds to and including  
7 12,000 pounds . . . . . \$124 [\$ 86];
- 8 (3) more than 12,000 pounds to and including  
9 18,000 pounds . . . . . \$248 [\$156];
- 10 (4) more than 18,000 pounds . . . . . \$321 [\$221].

11 \* Sec. 21. AS 45.75.131(a) is amended to read:

12 (a) A peace officer or an employee of the Department of Transportation and  
13 Public Facilities who is authorized by the commissioner of transportation and public  
14 facilities to enforce this chapter may issue a citation to a person who

15 (i) violates a weight, size, or load limitation adopted by the Department  
16 of Transportation and Public Facilities under AS 19.10.060;

17 (2) violates the terms of an overweight or oversize vehicle permit  
18 issued under AS 19.10.060(b);

19 (3) violates a regulation adopted under ~~AS 19.10.060(b) or (c),~~  
20 AS 28.05.011(a)(2), or [UNDER AS 19.10.060(b) AND] AS 45.75.050(b)(5); or

21 (4) commits a violation identified under AS 45.75. . . . .

22 \* Sec. 22. AS 45.75.380(a) is amended to read:

23 (a) A person commits a violation subject to the penalty specified in  
24 AS 12.55.035(b)(5) if the person does one or more of the following acts:

25 (1) uses or has in possession for the purpose of using for a commercial  
26 purpose specified in AS 45.75.080, sells, offers, or exposes for sale, or hire, or has in  
27 possession for the purpose of selling or hiring, an incorrect weight or measure or a  
28 device or instrument used to or calculated to falsify a weight or measure;

29 (2) uses or has in possession for current use, in buying or selling a  
30 commodity or thing, or for hire or award, or in the computation of a basic charge or  
31 payment for services rendered on the basis of weight or measurement, or in the

1 determination of weight or measurement when a charge is made for determination, a  
2 weight or measure that has not been tested and sealed by the appropriate authority  
3 within one year, unless

4 (A) the person gives written notice to the appropriate authority  
5 to the effect that the weight or measure is available for examination, or is due  
6 for reexamination, as the case may be;

7 (B) the person receives specific written permission to use the  
8 weight or measure from the appropriate authority; or

9 (C) the weight or measure is exempt from sealing or annual  
10 testing requirements by AS 45.75.080 or by a regulation adopted under  
11 AS 45.75.050;

12 (3) disposes of a rejected or condemned weight or measure in a manner  
13 contrary to law or regulation;

14 (4) removes from a weight or measure, contrary to law or regulation,  
15 a tag, seal, or mark placed on it by the appropriate authority;

16 (5) sells or offers for sale less than the quantity the person represents  
17 of a commodity, thing, or service;

18 (6) takes more than the quantity the person represents of a commodity,  
19 thing, or service when, as buyer, the person furnished the weight or measure that the  
20 seller used to determine the amount of the commodity, thing, or service;

21 (7) keeps for the purpose of sale, advertises, or offers for sale, or sells  
22 a commodity, thing, or service in a condition or manner contrary to law or regulation;

23 (8) uses in retail trade, except in the preparation of packages put up in  
24 advance of sale and of medical prescriptions, a weight or measure that is not so  
25 positioned that a customer may accurately read, from a position that may reasonably  
26 be assumed by a customer, its indications and observe the weighing or measuring  
27 operation;

28 (9) hinders or obstructs the director, an inspector, a sealer, or a deputy  
29 sealer in the performance of official duties under this chapter;

30 (10) violates a provision of an overweight or oversize vehicle permit  
31 issued under AS 19.10.060(b);

1 (11) violates a weight, load, or size limitation established under  
2 AS 19.10.060 or a regulation adopted under AS 19.05.020, AS 19.10.060  
3 [AS 19.10.060(b)], or AS 45.75.050(b)(5);

4 (12) violates a provision of this chapter or a regulation adopted under  
5 this chapter for which a specific penalty is not prescribed.

6 \* **Sec. 23.** AS 19.10.320, 19.10.330, 19.10.350, 19.10.360; AS 28.10.011(9), and 28.10.141  
7 are repealed.

8 \* **Sec. 24.** TRANSITION: REGULATIONS. The Department of Administration and the  
9 Department of Transportation and Public Facilities may proceed to adopt regulations necessary  
10 to implement their respective provisions of this Act. The regulations take effect under  
11 AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1 - 23 of  
12 this Act.

13 \* **Sec. 25.** Section 24 of this Act takes effect immediately under AS 01.10.070(c).

14 \* **Sec. 26.** Except as provided in sec. 25 of this Act, this Act takes effect July 1, 1998.

**SB**

**299**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 6, 1998

FURTHER REFERRALS:

Date of Committee Action: 4/7/98

The FINANCE Committee considered:

SB 299

SENATE BILL NO. 299

WELL TEST FLARES & NONROAD ENGINES

“An Act relating to the treatment of well test flares, nonroad engines, and aggregated fuel burning equipment associated with nonroad engines under the state's air quality control program; defining 'stationary source' for purposes of the state's air quality program.”

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


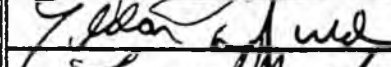
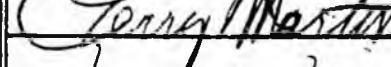

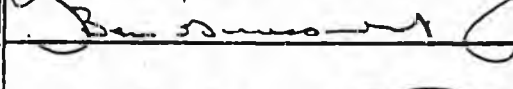
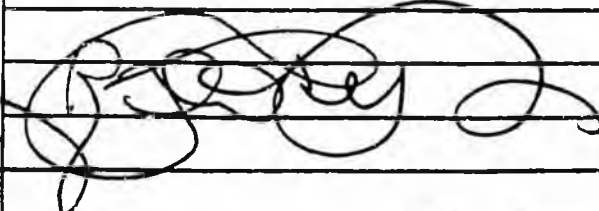
additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

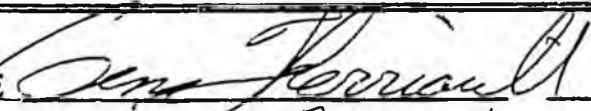
ADOPTS: \_\_\_\_\_ Letter of Intent

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

fiscal note(s) \_\_\_\_\_  fiscal note(s) SFC 4/2/98

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
 Therrault			X	
 Milder	X			
 Martin			X	
 Kohring	X			
 Grussendorf			X	
 Foster	X			

CO CHAIR'S SIGNATURE   
Therrault

FISCAL NOTE

No. 2 \*\*CORRECTED\*\*

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill Version: SB 299

(S) Publish Date: 4/2/98

Revision Date: \_\_\_\_\_  
Title: Well Test Flares and nonroad engines

Dept. Affected Environmental Conservation  
BRU Air and Water  
Component Air Quality

Sponsor: Leman  
Requester: Senate Finance Committee

Component Serial No. 2061

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 03	FY 01	FY 02	FY 03	FY 04
Personal Services	0.0					
Travel	0.0					
Contractual	11.6					
Supplies	0.0					
Equipment	0.0					
Land & Structures	0.0					
Grants & Claims	0.0					
Miscellaneous	0.0					
<b>TOTAL OPERATING</b>	<b>11.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 03	FY 01	FY 02	FY 03	FY 04
1000 General Receipts	0.0					
1001 Franchise	0.0					
1002	11.6					
1003 GF/Program Receipts	0.0					
1037 GF/Mental Health	0.0					
1091 Designated Program Receipts	0.0					
<b>TOTAL</b>	<b>11.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

DOL review	50 hrs @ 98.50	4.7
Advertising - public notices	5 papers/twice/@ \$300	3.0
Public hearings		
room rental	4 @ \$250	1.0
hearing officer	4 @ \$250	1.0
Publication of new regulations		1.9
		<u>11.6</u>

Prepared By: SENATE FINANCE COMMITTEE

  
SENATOR IRENE PEARCE, CO-CHAIR

Date: 04/01/98  
Phone: 465-4993

  
SENATOR BERT SHARP, CO-CHAIR

Date: 04/01/98  
Phone: 465-3004

Failed 2/6  
AMENDMENT \

4/7/98

OFFERED IN THE HOUSE

TO: CSHB 299

BY: DAVIES

Page 2:

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Page 2:

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WELL TEST FLARING OCCURRENCE  
1985-1995

YEAR	EXP WELL PERMITS /# TSTD	HOURS TESTED (#wells)	VOLUME FLARED MMcf	COMMENTS
1985	14/5	364(2)	11	
1986	3/1	614(4)	10	A well was tested this year that vented rather than flared the produced gas.
1987	12/3	240(1)*	6.2	*Duration of test is estimated
1988	11/2	223(4)	8.5	
1989	11/1	57(1)	3	This gas was probably shipped to the Lisburne facilities rather than flared.
1990	12/3			No available records to indicate any wells were flare tested this year.
1991	18/1	?(1)	0.5	This test may have been to a facility rather than a test flare.
1992	10/3	45(1)	0.4	
1993	16/4	33(1)	0.5	
1994	12/2			
1995	9/1			



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue  
Seattle, Washington 98101

April 7, 1998

Reply To  
Attn Of: OAQ-107

Representative Mark S. Hanley  
House of Representatives  
State Capitol, Room 507  
Juneau, AK 99801-1182

Representative Gene P. Therriault  
House of Representatives  
State Capitol, Room 511  
Juneau, AK 99801-1182

Dear Representatives:

In response to a request from the State of Alaska, the U.S. Environmental Protection Agency, Region 10 (EPA) is providing comments on Senate Bill No. 299, a bill being considered by the Legislature of the State of Alaska. The proposed legislation would affect the authority of the Department of Environmental Conservation (the Department) with regard to the "treatment of well test flares, nonroad engines, and aggregated fuel burning equipment associated with nonroad engines under the state's air quality program." The following offers EPA's preliminary legal and programmatic concerns with this proposed legislation and how it may affect the air quality programs that EPA has approved, or are awaiting approval, under the federal Clean Air Act.

Our first concern with the proposed legislation is that it clearly will limit the Department's authority to administer the air quality programs in the manner specified in the State Implementation Plan (SIP) and the state's Prevention of Significant Deterioration (PSD) construction permit program that have been approved by EPA. We are also concerned that the Department will be constrained from implementing certain aspects of Alaska's operating permit program that has received interim approval from EPA. A number of other Clean Air Act programs are potentially affected as well.

We can see some difficulties with the way the bill totally exempts certain categories of air pollution sources from administrative oversight without clearly defining the equipment or type of facility covered by the exemption. The result is that the scope of the exemptions may be far broader than intended by the legislation. We are concerned that the bill may affect a number of facilities in addition to the oil drilling rigs which we understand have been the focus of this legislation. EPA understands the

types of equipment that can be included as "nonroad engines" which are considered "mobile sources." However, the term "aggregated fuel burning equipment associated with nonroad engines" is not defined and the reach of the proposed exclusion is uncertain. For example, it is not clear how the bill would affect the Department's authority over asphalt plants which use nonroad engines to produce electric power. Similarly, the bill could exempt all or parts of soil remediation facilities and the potentially toxic emissions from those operations.

The withdrawal of the Department's authority to permit or consider the impact of emissions from these broad categories of air pollution sources is a program implementation concern. Under the SIP and the PSD program approved by EPA, and the operating permits program which has received interim approval, there can be no exclusions for well test flares or "aggregated fuel burning equipment" as specified in the proposed legislation. Moreover, we are concerned that the bill would prevent the Department from evaluating all emission sources at a facility for purposes of determining permit requirements. Under the federal Clean Air Act requirements, the Department is expected to consider emissions from all sources and activities, even nonroad engines, when determining whether a preconstruction PSD permit should be issued. So, if the Legislature were to forbid the Department from including certain emissions or facilities in permit reviews, neither the Department nor EPA would be assured that facilities that must receive air permits were being adequately regulated, since portions of the facility emissions were not being counted. The proposed bill would not only prevent the Department from performing the work in accordance with the requirements approved by EPA, but the bill would prevent the Department from meeting the permitting requirements of the Federal Clean Air Act. Thus, this bill would jeopardize Alaska's authority to issue permits as required by the federal Clean Air Act.

Another area of great concern is that this bill would prevent the Department from implementing the measures EPA determined were necessary in the approved SIP under the Clean Air Act. The SIP approved by EPA has been designed to ensure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) as required by Sections 110(a) and 172(c) of the Clean Air Act, to assure that the PSD increments are not exceeded as required by Sections 163 and 166, to prevent significant deterioration of air quality in general as required by Section 161, and to protect visibility in the mandatory federal Class I areas as required by Section 169A. The proposed bill would exempt broad categories of air polluting facilities and prevent the Department from considering emissions from those facilities as part of ambient air analyses. The result would be that the Department would not be fully characterizing emissions to ambient air, and would be unable to develop accurate emission inventories, thereby endangering the Department's ability to meet the Clean Air Act mandates.

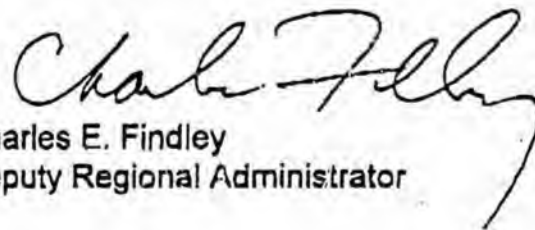
In addition to the potential impacts the proposed bill would have on the Department's programs, it is important to recognize that the Clean Air Act provides

alternatives if a state fails to fulfill the Clean Air Act's requirements. First, as already noted, once a SIP has been approved by the EPA, the state must seek EPA approval of revisions to the SIP before the changes are effective. This would mean that EPA would disapprove revisions to adopt all or some of the terms of this proposed bill if, as it appears, some are inconsistent with or prohibited by the Clean Air Act. Until a SIP revision is approved, the existing SIP provisions remain legally in effect, and EPA may itself federally enforce the SIP requirements that were approved. A state may also be subject to a citizen suit to force implementation of a SIP that EPA has approved under the Clean Air Act, and EPA can be required to impose statutory sanctions or take other actions if a state fails to implement an approved SIP. In cases where a state fails to establish a SIP meeting the Clean Air Act requirements, EPA may be required to promulgate a Federal Implementation Plan and itself manage air quality in the state.

Moreover, EPA's approval of any SIP revision must consider the State's statutory authority to regulate sources. Passage of this bill would impact EPA's review of the pending SIP revisions and would likely result in EPA's disapproval of Alaska's PSD permitting program and reinstatement of the EPA PSD program. In addition, passage of this bill would require EPA to initiate the process of rescinding the interim approval of Alaska's Title V operating permit program pursuant to 40 CFR 70.10.

As you can see from these comments, there are a number of aspects of this proposed bill that causes concern to EPA. Please let me know if you have any questions about this letter or would like more explanation of Region 10's views. If you have any questions please contact me at (206) 553-1234 or Anita Frankel, Director, Office of Air Quality, Region 10, at (206) 553-2963.

Sincerely yours,



Charles E. Findley  
Deputy Regional Administrator



## Sponsor Statement SB 299: Well Test Flares & Nonroad Engines

Senate Bill 299 clarifies Alaska's air quality control program as it relates to the treatment of stationary and mobile sources of emissions in air quality control permitting. This legislation does not create an exemption from the Clean Air Act. It simply codifies in state statute the federally recognized distinction between mobile and stationary emission sources.

I sponsored this bill because as a member of the subcommittee that wrote the state's implementation of the Clean Air Act in 1993, I was aware that some issues would have to be resolved later. One of the major issues not addressed in the state's current air quality program was the treatment of stationary vs. mobile sources of emissions in air quality control permitting. I have monitored the Department of Environmental Conservation's public meetings on this subject over the last four years. Although the DEC has made this issue difficult, it can be resolved simply - by adopting the federal standard.

As early as 1990, the Environmental Protection Agency formally recognized a distinction between mobile and stationary sources of emissions. Most stationary sources are determined to be significant sources of emissions; ALL mobile sources have been determined by federal statutes and regs as insignificant and therefore outside of Title V permitting (under the Clean Air Act).

The ADEC regulators do not distinguish between mobile and stationary sources of emissions when determining whether an air quality control permit is required. Although state regulations clearly require ADEC to take into consideration the mobility of emission sources when determining whether to regulate those emissions, ADEC, in practice continues to treat mobile and stationary sources alike.

The federal program recognizes that the same emission control technologies used for oil and gas refineries and power plants (stationary sources) are not suitable for mobile applications like lawn mowers, snow machines, bulldozers, transportation engines, and marine vessels. The cost, as well as the size and weight of emission control technologies such as exhaust scrubbers, and emission collection systems limit their use with mobile sources of emissions. All mobile equipment must be manufactured to meet the EPA established emissions standards. So, appropriate emission control technologies are built into the mobile equipment as opposed to requiring modification of the equipment at the time of initiating operations.

The problem with the situation as it is now is that it results in confusion in the application of state law when stationary and mobile sources of emissions are regulated under the same permitting program. For example, the holder of the operating permit for the production facility does not own or operate the mobile sources of emissions that have been included on the permit.

**SB 299 Testimony**  
**House Finance Committee**  
**Delivered by Al Ewing**  
**April 7, 1998**

Mr. Chairman, members of the Committee, good morning. For the record, my name is Al Ewing and I am the Deputy Commissioner of the Department of Environmental Conservation. I appreciate this opportunity to offer testimony on SB 299.

Governor Knowles has been very clear in word and deed that Alaska is open for business. The area-wide oil and gas leases on the Kenai Peninsula, in Cook Inlet, and on the North Slope and his actions to cause renewed leasing of the National Petroleum Reserve are illustrations of his commitment.

He has been equally clear that development in Alaska must be done right from an environmental perspective, and we have many illustrations of how that commitment is being kept, as well. These two guiding principles -"being open for business" and "doing it right" go hand in hand. Neither can endure for long without the other.

SB 299 is the exact opposite of doing it right! If enacted, it would prohibit regulation of oil drilling rigs which are significant sources of air pollution. Additionally, because of the imprecise wording of the bill, it can be interpreted to prohibit regulation of a wide range of significant sources of air pollution throughout the state. The bill would authorize, even mandate significant backsliding in Alaska's air quality. It would result in dirtier air for Alaska.

Even if its interpretation could be limited to oil drilling rigs, it would be unacceptable to the administration and I am confident it would also be unacceptable to the people living, working and playing on the Kenai Peninsula, in Cook Inlet, in the village of Nuiqsut and more generally on the North Slope.

The timing of this bill is also terrible and the signal it sends is even worse. It has the potential to jeopardize the progress we are making on NPRA leasing and the expectations we have for other development in Alaska.

Air pollution standards are designed to protect human health and the environment. They are not limited in their scope to protection of people who live in urban areas. All Alaskans have a right to clean air to breathe.

I would like to share with you a quote from a letter sent last year to Mr. Frank Brown, Vice President of ARCO Alaska. The letter was from Benjamin Nageak, Mayor of the North Slope

Borough and a quote from his letter follows:

"There is a significant concern regarding air pollution impacts to the health of the Nuiqsut people. There is an increasing incidence of respiratory problems in Nuiqsut residents and the 'dark or yellow' cloud often seen over Prudhoe is now sometimes seen extending to Nuiqsut. In view of this, we are very worried that added air pollution from the Alpine development (processing plant, various emissions, etc.) will cause even more problems."

The North Slope, the Kenai Peninsula and Cook Inlet are designated "unclassifiable" areas for the pollutants of particular concern (sulfur dioxide and oxides of nitrogen) that are emitted by oil drilling rigs. We believe that these areas do currently comply with air quality standard though we have no data to confirm that belief.

However, state-of-the-art air quality models tell us that if oil drilling rigs are allowed to operate unregulated, they will, in many cases, cause violations of clean air standards.

The industry tells us we shouldn't regulate these rigs until we can confirm that there are air quality standard violations. The law tells us we have a responsibility to prevent violations of air quality standards. I think that is what the people who live, work and play in these areas expect as well. In my judgment, it would be very unwise to wait until the health and welfare of Alaskans is adversely impacted before taking action.

We understand that oil drilling rigs are mobile, and that they need the flexibility to move quickly from site to site. We also understand that they need flexibility in how they operate. Commissioner Brown and I spent a day on the North Slope recently to get a first hand view of these rigs and how they operate.

We have been working with the industry for the past 3 years to design regulations that would provide flexibility and necessary air quality controls. We have provided several alternative solutions. Each proposal has been rejected by the drillers as being unsatisfactory. Now we understand why --- their solution is no regulation.

We are prepared to continue working with the industry to find a workable solution, but any solution must be acceptable not only to the industry, but also to the people who work, play, and most importantly, live in and subsist off the natural resources of impacted areas. We are willing to participate in an industry-proposed facilitated stakeholder process to resolve the issue. Any solution must also result in compliance with air quality standards. The drillers responded with this legislation to gain exemption from the air quality standards.

We are given a variety of reasons why these rigs shouldn't be regulated. We are told that

they don't emit enough pollution to be a problem. The fact is that a single rig can emit as much pollution as more than a hundred city buses operating in a single, very crowded intersection. That is not an insignificant amount of pollution, as anyone who has gotten stuck behind a city bus can attest. And once again, state of the art air quality models, not surprisingly, predict violations of air quality standards if these rigs are allowed to operated without controls.

We are told that federal rules don't require these sources to be regulated. Well, because the ARCO Wart hog project was offshore it was permitted by the federal government. Let me assure you, there has been no non-road engine in the state of Alaska that has ever been regulated by the state to the degree the drilling rig on the Wart hog project was regulated. They required use of .06 % diesel fuel and established an exclusionary zone around the project to prevent public exposure to air pollutants expected to exceed air quality standards. And remember, this was an off shore project! Like it or not, this bill is a formula for EPA takeover of Alaska's air quality program, and with this bill in place, we would have no defense.

We are told that other drillers in other states aren't regulated. We have not done a broad survey to see what other states are doing, because frankly we are not looking for the lowest common denominator. Our objective is to maintain clean air in ways that are consistent with the laws of the land and with common sense.

In conversations with air program managers of other states, we find that drilling rigs and other non-road engines are using low sulfur fuel (.05%) because that is what is available in every state except Alaska. If we were using .05% sulfur fuel in Alaska, drilling rigs would be insignificant sources of SO<sub>2</sub> and would not require regulation for that pollutant.

I believe that drilling rigs in other states are complying with "best available technology" (BAT) standards. These BAT standards are designed to control NO<sub>x</sub> emissions. If drilling rigs were complying with BAT standards in Alaska they would be insignificant sources of NO<sub>x</sub> as well.

I am sure, if we looked, we could find drilling rigs in some states not using low sulfur fuel and not complying with BAT standards and not otherwise being regulated, but I would not find that a compelling reason to make that our standard for Alaska.

We are also told that rigs are constantly moving and consequently couldn't be much of a problem for very long even if standards were being violated. We understand that drilling rigs generally move around a lot, but we also know that some rigs remain on a site for extended periods of time -sometimes for a year or more. Mobility though, doesn't seem

like a very good justification for allowing violations of air quality standards. We have all seen the "beater" car going down the road spewing clouds of blue smoke as it goes. I don't know about you, but while I am glad to see it go, the fact that it is moving doesn't make me feel a whole lot better.

We are told we use too many conservative assumptions, and that our models don't accurately predict what happens in the real world. Our models are the best available in the world, and the assumptions we use are standard assumptions spelled out in law and used throughout the country.

We hope to be able to do ambient air quality monitoring in the future to assess air quality conditions and trends on the North Slope and elsewhere in the State. That will cost money that we don't currently have. In the mean time we will use the best tools we have - --- the models.

In summary, for all the reasons outlined, we very strongly oppose SB299. It is a major threat to the air quality of Alaska. It would put our citizens and our environment at risk. It is the opposite of "doing it right", and we believe it is correctly being labeled the **DIRTY AIR BILL!**

This concludes my testimony. I will be happy to respond to questions.

G:\COM\MS\SPEECHES\SB299.WPD

Alaska Support Industry  
**ALLIANCE**

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Phone 907.563.2226  
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**GENERAL MANAGER**

Karen Cowart



# THE ALLIANCE

... for responsible development of Alaska's Oil, Gas & Mineral Resources

April 7, 1998

Representatives Mark Hanley and Gene Therriault, Co-Chairs  
House Finance Committee  
State Capitol  
Juneau, AK 99811

*Support for SB 299 – An act relating to the treatment of well test flares, nonroad engines, and aggregated fuel burning equipment associated with nonroad engines under the state's air quality control program; defining 'statutory source' for purposes of the state's air quality program.*

Dear Members of the House Finance Committee:

The Alaska Support Industry Alliance (The Alliance) represents over 300 businesses that provide products and services to the oil and gas industry. We are oilfield service companies, transportation enterprises, wholesale and retail businesses, professional firms and private citizens. Collectively, we employ over 25,000 people in Alaska, 23,000 of which are permanent Alaska residents.

As a statewide, non-profit trade organization, The Alliance strongly advocates legislation and government policies that encourage responsible oil and gas exploration, development and production. Over the years, The Alliance has also adopted regulatory reform as a major priority. We oppose inequitable, unnecessary and overburdensome regulations that effectively stifle economic growth and prosperity. The Alliance agrees that the Alaska Department of Conservation's ongoing attempts to impose new state regulations on oil and gas drilling rigs (nonroad engines) is a classic case of the latter.

Over the past three years, many of our members have tried to resolve nonroad engine issues. Despite efforts to coordinate with the Alaska Department of Environmental Conservation through correspondence, meetings and work groups, a number of issues remain unresolved. The major issue for our members is ADEC's continued treatment of nonroad engines (drilling rigs, in particular) as stationary facilities, and the department's efforts to include nonroad engines in the stationary source permit structure.

**THE ALLIANCE LETTER OF SUPPORT FOR SB 299****PAGE 2 OF 2**

Not only does this approach create an intolerable environment for drilling rig operations; it also ignores federal regulatory direction. In the 1990 Clean Air Act Amendments, the U.S. Environmental Protection Agency redefined "stationary source" to exclude nonroad engines. The federal Clean Air Act's Title V program regulates emissions from stationary sources through a permitting process. For mobile sources (including nonroad engines), the act regulates emission standards at the time of manufacture, so that further regulation through permits is unnecessary.

Drilling or well servicing rigs are considered to be nonroad engines; and accordingly, they should be treated the same as any other nonroad engine in the construction of a stationary source. Because ADEC continues to advise oil and gas operators to permit drilling rigs under its Title V authority, we believe legislation is needed to distinguish between mobile and stationary emission sources. For this reason, The Alliance supports passage of Senate Bill 299.

Thank you for your continued support of the oil and gas industry.

Sincerely,



Karen Cowart  
General Manager

## IADC SUMMARY OF DOCUMENTS SUBMITTED IN SUPPORT OF SB 299

### I. Relevant Excerpts from the EPA Regulations Implementing the Clean Air Act Amendments of 1990.

- 40 C.F.R. Part 71, section 71.2. Definition of "insignificant activity or emissions" -- establishes an exemption from the documentation and reporting requirements of the federal operating permit program (Clean Air Act, Title V Stationary Source Permitting (implemented in 40 C.F.R. Part 71, section 71.5)).
- 40 C.F.R. Part 71, section 71.5. This section of the federal operating permit program qualifies mobile sources as insignificant activities.
- 40 C.F.R. Part 89, Subpart A, section 89.2. Definition of "nonroad engines" -- establishing a nonroad engine as a mobile source.

**NOTE:** These sections of the federal regulations clearly establish that nonroad engines are mobile sources (**NOT** stationary sources), which are insignificant activities not subject to the federal operating permit program.

Pursuant to the 1990 Clean Air Act Amendments, EPA cannot require states to directly regulate nonroad engines under programs designed to regulate stationary sources.

### II. December 30, 1997 Direct Final Rule.

- The December 30, 1997 Direct Final Rule clarifies that the nonroad engine preemption of the 1990 Clean Air Act Amendments applies to **ALL** nonroad engines and nonroad vehicles, not just those manufactured after 1990. (The nonroad engine preemption of the 1990 Clean Air is codified in section 209(e), which states, in pertinent part, "All states are preempted from adopting emission standards and other requirements for new nonroad engines . . .").
- The December 30, 1997 Direct Final Rule further explains how states **MAY** adopt and enforce emissions standards for nonroad engines and vehicles, and establishes a procedure for promulgating such regulations beyond the federal minimum requirements.

**NOTE:** The December 30, 1997 Direct Final Rule **DOES NOT** mandate that states adopt and enforce standards and other requirements for nonroad engines. The Direct Final Rule simply says that states "may" develop nonroad engine emission restrictions beyond those established by

the Clean Air Act. Only California has adopted such restrictions in excess of the federal minimums.

### **III. Undated Summary of other oil producing states' treatment of drilling rig engines.**

- A survey of other oil producing states' air quality control statutes and regulations demonstrates that these states have embraced the federal mandate that mobile emission sources (i.e., nonroad engines) be regulated at the point of manufacture and need not be further regulated under the Clean Air Act stationary source permitting program.
- Only four states have addressed drilling rig engine emissions in statute or regulation. Three states (Colorado, Montana and North Dakota) specifically have exempted drilling rig engines from permitting requirements. The fourth state (Texas) only requires a permit if an engine stays at a location longer than six months.

### **VI. February 21, 1997 letter from Janet Platt (BPXA) to John Stone (ADEC).**

- In this letter, BPXA concludes that "nonroad engines are not regulated sources requiring identification or any other authorization to construct or operate under the ADEC's air quality laws and regulations."

### **V. March 3, 1997 letter from John Stone (ADEC) to Janet Platt (BPXA).**

- Quoting directly from BPXA's February 21, 1997 letter, ADEC confirms BPXA's conclusion that "nonroad engines are not regulated sources requiring identification or any other authorization to construct or operate under the Department of Environmental Conservation's air quality laws and regulations."

### **VI. July 24, 1997 letter from Michael Conway (ADEC) to Steven Taylor (BPXA).**

- This letter from ADEC, dated July 24, 1997, states that ADEC "is committed to working a longer term solution to this issue with all interested parties by establishing and leading a workgroup." Despite ADEC's July 24, 1997 commitment to establish a workgroup to address the nonroad engine issue, no such action has taken place.

**NOTE:** As of the date of this ADEC letter (July 24, 1997), the nonroad engine issue had been under consideration by ADEC since at least early 1996.

**VII. September 23, 1997 letter from John Stone (ADEC) to Bonnie Thie (EPA Region 10).**

- In this letter, ADEC states that mobile internal combustion engines (e.g., nonroad engines) are specifically exempt from being considered as fuel-burning equipment.

**VIII. December 29, 1997 letter from John Stone (ADEC) to Janet Platt (BPXA).**

- Notwithstanding ADEC's September 23, 1997 letter to EPA, in this December 29, 1997 letter, ADEC contends that nonroad engines are considered to be fuel-burning equipment and must be included as stationary sources.

**IX. March 16, 1998 IADC Board Resolution 98-1.**

- By a unanimous vote, the Board of Directors of the Alaska Chapter of the International Association of Drilling Contractors voted to support passage of SB 299.

From the Federal Register; Federal Operating Permits Program; Proposed Rule; April 27, 1995:

Preamble.

"The EPA proposes to include a short list of broadly-defined insignificant activities that are frequently included in State part 70 program submittals." (60 FR 20813)

40 CFR Part 71, §71.2, Definitions.

*Insignificant activity or emissions* means those activities, operations, and emissions levels which meet the criteria listed in §71.5(g) for exemption from the documentation and reporting requirements of §71.5(f). (60 FR 20828)

From the Federal Register; Federal Operating Permits Program; Final Rule; July 1, 1996:

40 CFR Part 71, §71.5, Permit Applications.

(11) *Insignificant activities and emissions levels.* The following types of insignificant activities and emissions levels need not be included in permit applications. ....

(i) *Insignificant activities.* Information concerning the following activities need not be provided in the application:

(A) Mobile sources;

(B) .... (61 FR 34235)

From 40 CFR Part 89, Subpart A, §89.2, Definitions:

*Nonroad engine* means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any internal combustion engine:

(i) in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a nonroad engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

(ii) the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or

(iii) the engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. ... This paragraph does not apply to an engine after the engine is removed from the location.

[Federal Register: December 30, 1997 (Volume 62, Number 249)]  
[Rules and Regulations]  
[Page 67733-67736]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr30de97-18]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 85 and 89

[AMS-FRL-5939-5]

Control of Air Pollution: Emission Standards for New Nonroad  
Compression-Ignition Engines at or Above 37 Kilowatts; Preemption of  
State Regulation for Nonroad Engine and Vehicle Standards; Amendments  
to Rules

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: This direct final rulemaking, consistent with an order and opinion from the U.S. Court of Appeals for the District of Columbia Circuit, amends EPA's regulations setting emission standards for large (at or above 37 kilowatts) nonroad compression ignition engines, and EPA's regulations establishing procedures for EPA authorization of California nonroad emission standards. Specifically, EPA is withdrawing portions of an interpretive rule which set forth the Agency's position on the Clean Air Act (Act) regarding the status of certain internal combustion engines manufactured before the effective date of the final rulemaking promulgating EPA's definition of nonroad engine. Additionally, consistent with the D.C. Circuit opinion, EPA also is amending the remaining text of this interpretive rule, as well as EPA's regulations issued under section 209(e) of the Act regarding the Agency's California nonroad standards authorization process, to clarify that California must seek authorization from EPA prior to enforcing standards and other requirements relating to emissions from any nonroad vehicles or engines, and not just new nonroad vehicles and engines, which was the original language used in these regulations.

DATES: This direct final rule is effective on March 2, 1998 unless notice is received by January 29, 1998 that any person wishes to submit adverse comments and/or request a hearing. Should EPA receive such notice, EPA will publish a timely document in the Federal Register withdrawing this direct final rule. Any party who sends EPA notice of intent to submit adverse comments must in turn submit the adverse comments by March 2, 1998, unless a hearing is requested. Any party objecting to this direct final rule, at the time it notifies EPA of its intent to submit adverse comments, can request EPA to hold a public hearing on this action. If a hearing is requested, it will take place on March 2, 1998, and interested parties will have an additional 30 days after the hearing (until March 30, 1998) to submit comments on any information presented at the hearing. Because no hearing will occur absent a request for one, interested parties should contact Robert M. Doyle at the number listed below after January 29, 1998 to determine whether a hearing will take place.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to: Air Docket Section (6102), Attention: Docket No. A-91-24, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, or hand-delivered to the Air Docket at the above address, in Room M-1500, Waterside Mall. A copy of written comments should also be submitted to Robert M. Doyle at the address below.

FOR FURTHER INFORMATION CONTACT: Robert M. Doyle, Attorney/Advisor, Engine Programs and Compliance Division (6403J), U.S. Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20560, (202) 564-9258, FAX (202) 233-9596, E-Mail, Doyle.Robert@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION:

I. Regulated Entities

Entities potentially regulated by this direct final rule are the California Air Resources Board and other state air quality agencies. Regulated categories and entities include:

Category	Examples of regulated entities
State and local government.....	California Air Resources Board. State and local air quality agencies.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular product, consult the person listed in the preceding FOR FURTHER INFORMATION CONTACT section.

II. Obtaining Electronic Copies of Documents

Electronic copies of the preamble and the regulatory text of this direct final rule are available via the Internet on the Office of Mobile Sources (OMS) Home Page (<http://www.epa.gov/OMSWWW/>). Users can find these documents and other nonroad engine and vehicle related information and documents by accessing the OMS Home Page and looking at the path entitled "Nonroad engines and vehicles." This service is free of charge, except for any cost you already incur for Internet connectivity. The official Federal Register version is made available on the day of publication on the primary Web site (<http://www.epa.gov/docs/fedrgstr/EPA-AIR/>).

Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

III. Legal Authority and Background

Authority for the actions set forth in this direct final rule is granted to EPA by sections 209, 213, and 301 of the Clean Air Act as

EPA - NRE exclusion from

amended (42 U.S.C. 7543, 7547, and 7601).

A. Amendments and Redesignation of Appendix Containing Interpretive Rule on Date and Scope of Nonroad Preemption

On May 17, 1993, EPA proposed rules setting standards for emissions from nonroad compression ignition engines at or above 37 kilowatts (approximately 50 horsepower) in power (large nonroad engine rule).<sup>1</sup> In this NREM, EPA was faced with the question (among many issues) of the manner and the extent to which states could regulate nonroad engines, which some states and localities previously had regulated as stationary sources. EPA noted that while emissions from nonroad engines are excluded from the Act's section 302(z) definition of stationary source,<sup>2</sup> the exclusion would apply only to those nonroad internal combustion engines that are manufactured after the effective

5/17/93 -  
"large NRE rule"

[[Page 67734]]

date of the large nonroad engine rule. EPA also noted that nonroad engines may be subject to state-imposed in-use restrictions such as limits on hours of use and may be subject to state regulation under section 209(e) (2).<sup>3</sup>

\1\ 58 FR 28809 (May 17, 1993).

\2\ Section 302(z) states that the term 'stationary source' means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216.'

\3\ Section 209(e) (2) (A) directs EPA to authorize California to adopt and enforce standards and other requirements for nonroad engines and nonroad vehicles (with some categorical exceptions) if California's regulations meet the criteria set forth in the Act. Other states may adopt EPA-authorized California nonroad engine or vehicle standards if the states comply with the criteria listed in section 209(e) (2) (B).



NOTE

During the rulemaking, EPA received comments from several parties objecting to its interpretation of the correct effective date. These parties generally asserted that the language in section 302(z) applied to all nonroad engines in existence on or after November 15, 1990, the date of the enactment of the Clean Air Act Amendments of 1990 (CAAA). The effect of this assertion would be that states would be preempted from promulgating emission standards or other requirements for nonroad engines produced after that date.

On June 17, 1994, EPA published a final rule<sup>4</sup> setting the standards for the large nonroad compression ignition engines; the effective date for this rule was July 18, 1994, 30 days after its Federal Register publication. In that rule, EPA finalized the definition of 'nonroad engine,' which determined whether certain engines should be considered 'nonroad engines' or 'stationary sources.' After careful consideration of the comments on the rule's preemption date briefly summarized above, EPA added an interpretive rule in the form of an appendix (Appendix A) to the regulations summarizing EPA's decisions on these preemption issues. In Appendix A, EPA noted basically that it interprets the Act as not precluding state