

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984

2938

HSA HB 62 - HB 85

2938

4 WHITE v. MASS. COUNCIL OF CONSTR. EMPLOYERS

gram constituted direct state participation in the market.”
Id., at 436, n. 7. We reaffirm that principle now.

The Supreme Judicial Court of Massachusetts concluded that the City of Boston is not participating in the market in the sense described in *Alexandria Scrap Corp.* and *Reeves* because the order applies where the city is acting in a nonproprietary capacity, has a significant impact on interstate commerce, is more sweeping than necessary to achieve its objectives, and applies to funds the city receives from federal grants. 384 Mass., at —, 425 N. E. 2d, at 354-355. For the same reasons the court found that the city is not a market participant, it concluded that the executive order violated the substantive restraints of the Commerce Clause.⁴ *Ibid.*

II

Petitioners and respondents both, to a greater or lesser extent, seek to have us decide questions not presented by the record in this case. In support of the Massachusetts court's finding that the city is acting in a nonproprietary capacity, respondents urge that much of the construction subject to the mayor's order involved nonpublic projects that were financed largely through private funds. While the mayor's order by its terms would appear to apply to such construction, there is simply nothing in the record before us to support the conclusion that city funds were used for these types of construction projects. Respondents, had they wished to raise this question, were obligated to offer some evidence that city funds and private funds were used jointly to finance construction of some of the projects which were in fact subjected to the provisions of the mayor's order; nothing in the record supports such a conclusion.⁵ The only issues before us, then, are the

⁴ Respondents made several other challenges to the order, none of which are before us. Respondents also directed challenges to resident preferences contained in other state and local laws. None of these provisions is before us.

⁵ The case was submitted below on an agreed statement of facts. The

propriety of applying the mayor's executive order to projects funded wholly with city funds and projects funded in part with federal funds. We address first the application of the order to city funded projects.

The Supreme Judicial Court of Massachusetts expressed reservations as to the application of the "market participation" principle to the city here, reasoning that "the implementation of the mayor's order will have a significant impact on those firms which engage in specialized areas of construction and employ permanent works crews composed of out-of-State residents." 384 Mass., at —, 425 N. E. 2d, at 354. Even if this conclusion is factually correct,⁶ it is not relevant

only reference in that statement to the funds affected by the order provides:

"The approximate dollar value of construction, both private and public, within the City of Boston in 1980 was \$492,886,000; of that amount approximately \$4,421,040 represented construction projects funded in whole or in part by City funds, or funds which, in accordance with a federal grant or otherwise, the City expends or administers, and to which the City is a signatory to the construction contract to which the Executive Order, by its terms, was applicable. Of that \$4,421,040 approximately \$24,000,000 represented projects involving Urban Development Action Grants." Agreed Statement of Facts, at A42.

"The record does not readily support a finding of "significant impact" on firms employing out-of-state residents. The parties stipulated that a "small number of plaintiff contractors are out-of-state contractors who have regular and permanent work crews comprised entirely of out-of-state residents. These contractors for the most part are those who perform specialty work. . . ." Agreed Statement of Facts, at A41 (emphasis added). Although the parties also stipulated that some out-of-state workers who would otherwise have been employed on the projects would be unemployed and that some out-of-state contractors would be discouraged from bidding on public construction work. Agreed Statement of Facts, at A-37, the record does not reveal that any significant number of out-of-state workers or contractors has withdrawn from the construction market because of the order. Furthermore, the data in the record does not show that the increased employment of city residents in publicly funded construction projects has been accompanied by a decline in the percentage of

to the inquiry of whether the city is participating in the marketplace when it provides city funds for building construction. If the city is a market participant, then the Commerce Clause establishes no barrier to conditions such as these which the city demands for its participation. Impact on out-of-state residents figures in the equation only after it is decided that the city is regulating the market rather than participating in it, for only in the former case need it be determined whether any burden on interstate commerce is permitted by the Commerce Clause.

The same may be said of the Massachusetts court's finding that the executive order sweeps too broadly, creating more burden than is necessary to accomplish its stated objectives. *Id.*, at —, 425 N. E. 2d, at 355. While relevant if the Commerce Clause imposes restraints on the city's activity, this characterization is of no help in deciding whether those restraints apply. The Massachusetts court relied in part on our decision in *Hicklin v. Orbeck*, 437 U. S. 518 (1978), saying that "as in *Hicklin*, *supra*, there is a broadly drawn statute which sweeps far wider than merely favoring unemployed or underemployed local residents." *Ibid.*

In *Hicklin* we considered an Alaska statute which required employment in all work connected with oil and gas leases to which the State was a party to be offered first to "qualified" Alaska residents in preference to nonresidents. The State sought to justify the "Alaska Hire" law on the ground that the underlying oil and gas were owned by the State itself. Analyzing the case under the Privileges and Immunities Clause of Art. IV, § 2, cl. 1, we held that mere ownership of a natural resource did not in all circumstances render a state regulation such as the "Alaska Hire" law immune from attack under that clause. We summarized our view of the Alaska statute in these words:

out-of-state residents. See Agreed Statement of Facts, at Appendix E.

"In sum, the Act is an attempt to force virtually all businesses that benefit in some way from the economic ripple effect of Alaska's decision to develop its oil and gas resources to bias their employment practices in favor of the State's residents." 437 U. S., at 531.

Even though respondents no longer press the Privileges and Immunities Clause holding of *Hicklin* in support of their Commerce Clause argument, we note that on the record before us the application of the mayor's executive order to contracts involving only city funds does not represent the sort of "attempt to force virtually all businesses that benefit in some way from the economic ripple effect" of the city's decision to enter into contracts for construction projects "to bias their employment practices in favor of the [city's] residents."

The Supreme Judicial Court of Massachusetts also observed that "a significant percentage of the funds affected by the order are received from Federal sources." 384 Mass., at —, 425 N. E. 2d, at 354. The record does indicate that of approximately \$54 million expended on projects affected by the mayor's executive order, some \$34 million represented projects being funded in part through Urban Development

JUSTICE BLACKMUN's opinion dissenting in part, *post*, argues that the mayor's order goes beyond market participation because it regulates employment contracts between public contractors and their employees. We agree with JUSTICE BLACKMUN that there are some limits on a state or local government's ability to impose restrictions that reach beyond the immediate parties with which the government transacts business. Cf. *Hicklin v. Orbeck*, 437 U. S. 518, 529-531 (1978). We find it unnecessary in this case to define those limits with precision, except to say that we think the Commerce Clause does not require the city to stop at the boundary of formal privity of contract. In this case, the mayor's executive order covers a discrete, identifiable class of economic activity in which the city is a major participant. Everyone affected by the order is, in a substantial if informal sense, "working for the city." Wherever the limits of the market participation exception may lie, we conclude that the executive order in this case falls well within the scope of *Alexandria Scrap* and *Reeves*.

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Action Grants (UDAGs).⁸ While the record assigns specific dollar amounts only for UDAGs, the parties also have stipulated that the executive order applies to Community Development Block Grants (CDBGs) and Economic Development Administration Grants (EDAGs).⁹

But all of this proves too much. The Commerce Clause is a grant of authority to Congress, and not a restriction on the authority of that body. See *American Power & Light Co. v.*

⁸ Not all UDAG projects in Boston have been subjected to the executive order. HUD publications indicate that in 1980 Boston received \$28,600,000 through UDAGs and that this money was to be spent on projects costing a total of \$397,000,000. UDAG Project Approval List, Region I, Department of Housing and Urban Development, at 1 (Boston, Mass., Feb. 9, 1982). While we do not know what percentage of the \$34,000,000 spent on projects affected by the executive order was in fact UDAG money, we do know that overall UDAG funds comprised 7% of the total costs of projects they were expended on.

⁹ UDAGs are administered by the Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1977, 42 U. S. C. § 5318 (Supp. IV 1980). The HUD regulations governing the program are found at 24 CFR Part 570, Subpart G (1982). CDBGs are administered by HUD pursuant to the Housing and Community Development Act of 1974, 42 U. S. C. § 5301 et seq. (1976 & Supp. IV 1980), and the implementing regulations at 24 CFR Part 570 (1982). EDAGs are administered by the Department of Commerce in accordance with the Public Works and Economic Development Act of 1965, 42 U. S. C. § 3131 et seq. (1976 and Supp. IV 1980), and the implementing regulations at 13 CFR Part 305 (1982).

Respondents have asserted in this Court that the executive order also applies to funds the city receives from the Department of Transportation. In the Agreed Statement of Facts the parties stipulated that a resident preference in a state statute challenged below applied to DOT funds. Agreed Statement of Facts, at A45. There is, however, nothing in the record to indicate that DOT funds are affected by the order. In fact, the parties stipulate that the affected federal funds come from UDAGs, CDBGs, and EDAGs. Agreed Statement of Facts, at A43-A44. Without support in the record for a contrary conclusion, we decide this case as though DOT funds are not involved. See *Ramsey v. UMW*, 401 U. S. 302, 312 (1971); *Tyrrell v. District of Columbia*, 243 U. S. 1, 4-6 (1917).

WHITE v. MASS. COUNCIL OF CONSTR. EMPLOYERS 9

SEC, 329 U. S. 90 (1946); *Gibbons v. Ogden*, 9 Wheat. 1 (1824). Congress, unlike a state legislature authorizing similar expenditures, is not limited by any negative implications of the Commerce Clause in the exercise of its spending power. Where state or local government action is specifically authorized by Congress, it is not subject to the Commerce Clause even if it interferes with interstate commerce. *Southern Pacific Co. v. Arizona*, 325 U. S. 761, 769 (1945). Thus, if the restrictions imposed by the city on construction projects financed in part by federal funds are directed by Congress then no dormant Commerce Clause issue is presented.

An examination of the applicable statutes reveals that these federal programs were intended to encourage economic revitalization, including improved opportunities for the poor, minorities, and unemployed.¹⁰ Examination of the regulations set forth in the margin indicates that the mayor's executive order sounds a harmonious note; the federal regulations for each program affirmatively permit the type of parochial favoritism expressed in the order.¹¹

¹⁰See 42 U. S. C. § 5318 (Supp. IV 1950) (UDAGs); 42 U. S. C. § 5301 (1976 and Supp. IV 1950) (CDBGs); 42 U. S. C. 3131 (1976) (EDAGs).

¹¹In issuing implementing regulations to carry out its authority under the UDAG program, HUD requires that a city certify that its project would not be undertaken by the private sector without public funds and that the project will alleviate economic distress by helping the poor, minorities, and unemployed. 24 CFR § 570.458(c) (1982). The regulations further provide that the city must "comply with . . . Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations at 24 CFR Part 135." 24 CFR § 570.458(c)(14)(ix)(D) (1982). The regulations implementing that Act provide that "to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project. . . ." 24 CFR § 135.1(a)(2)(i) (1982) (emphasis added).

Similarly, CDBG regulations provide that a recipient of funds must "comply with section 3 of the Housing and Urban Development Act of 1968,

III

We hold that on the record before us the application of the mayor's executive order to the contracts in question did not violate the Commerce Clause of the United States Constitution.¹² Insofar as the city expended only its own funds in en-

as amended, requiring that to the greatest extent feasible *opportunities for training and employment be given to lower-income residents of the project area* and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project." 24 CFR § 570.307(m) (1982) (emphasis added).

EDAG regulations provide that

"[t]he maximum feasible employment of local labor shall be made in the construction of public works and development facility projects receiving direct grants and loans. Accordingly, every contractor and subcontractor undertaking to do work on any such project which is or reasonably may be done as on-site work, shall be required to employ in carrying out such contract work, *qualified persons who regularly reside in the designated area where such project is to be located*, or in the case of economic development centers, *qualified persons who regularly reside in the center or in the adjacent or nearby redevelopment areas within the economic development district. . . .*" 13 CFR § 305.54(a) (1982) (emphasis added).

"Respondents ask us to decide whether the executive order offends the Privileges and Immunities Clause of Art. IV, § 2, cl. 1, which provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in several States." In addressing this issue, the Massachusetts court said:

"The preference is for inhabitants of the city, and its 'negative' effect is felt in significant part by other citizens of the Commonwealth, as well as by residents of other States. In such circumstances it may be more difficult to find a violation of the privileges and immunities clause because the discrimination adversely affects citizens of the Commonwealth as well." 384 Mass., at —, 425 N. E. 2d, at 354.

Because of its disposition under the Commerce Clause, however, the court did not resolve this issue.

This question has not been, to any great extent, briefed or argued in this Court. We did not grant certiorari on the issue and remand without passing on its merits. See *General Talking Pictures Corp. v. Western Electric Co.*, 304 U. S. 175, 177-178 (1938).

WHITE v. MASS. COUNCIL OF CONSTR. EMPLOYERS 9

SEC, 329 U. S. 90 (1946); *Gibbons v. Ogden*, 9 Wheat. 1 (1824). Congress, unlike a state legislature authorizing similar expenditures, is not limited by any negative implications of the Commerce Clause in the exercise of its spending power. Where state or local government action is specifically authorized by Congress, it is not subject to the Commerce Clause even if it interferes with interstate commerce. *Southern Pacific Co. v. Arizona*, 325 U. S. 761, 769 (1945). Thus, if the restrictions imposed by the city on construction projects financed in part by federal funds are directed by Congress then no dormant Commerce Clause issue is presented.

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tering into construction contracts for public projects. it was a market participant and entitled to be treated as such under the rule of *Hughes v. Alexandria Scrap Corp.*, *supra*. Insofar as the mayor's executive order was applied to projects funded in part with funds obtained from the federal programs described above, the order was affirmatively sanctioned by the pertinent regulations of those programs. The judgment of the Supreme Judicial Court of Massachusetts is therefore reversed, and the case is remanded to that court for proceedings not inconsistent with this opinion.

It is so ordered.

HOUSE BILL NO. 62

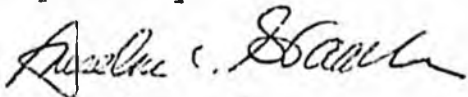
POSITION PAPER

HB 62 would require that a written report be filed with the Office of the Governor and the Division of Legislative Audit where public money is paid to a nonresident individual or business. Information to be provided includes a work description, reasons a nonresident was chosen, efforts made to use residents and recommendations to use residents in the future.

The use of resident contractors is certainly desirable. Our concern is that there are lower cost methods to conduct the information gathering and review function attempted by this bill. The Division of Legislative Audit or other agency could conduct a performance review of employment of nonresident contractors, targeting those areas necessary. They can do this with much greater efficiency and without the cost of additional resources, forms, further bureaucracy, etc.

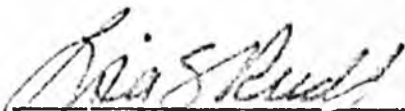
It is necessary that the bill define "nonresident" so there is no confusion as to which group this bill is to be applied to; also to insure consistency with any other legal rulings as to the definition of residency.

Prepared by:



Anselm Staack, Deputy Commissioner

3/28/83
Date



Lisa Rudd, Commissioner

3/28/83
Date

(3/28/83)

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST SSHB 62
 Bill/Resolution No. _____
 Title An Act relating to the use of public money for the payment of non- (+)
 Requested by Reps. Lindauer and Grussendorf Date _____

(+) resident individuals or businesses.

II. FISCAL DETAIL Legislative Audit Division
 Agency Affected _____
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 84	FY '85	FY 86	FY87	FY '88	FY '89
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES	1.0	1.0	1.0			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

	FY 84	FY '85	FY 86	FY87	FY '88	FY '89
GENERAL FUND	1.0	1.0	1.0			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 84	FY '85	FY 86	FY87	FY '88	FY '89
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Form design and printing costs

IV. DATE March 7, 1983 PREPARED BY Gerald L. Wilkerson
 AGENCY Division of Legislative Audit
 PHONE 465-3830

Original: Legislative Finance
 cc: OMB
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
FINAL STATEMENT OF FISCAL IMPACT

Bill No: HB226 Page 1 of 2 Date on Bill: 2/25/83
 Title: An Act relating to the compensation of State Officers and employees
 Sponsor: Governor
 Requestor: Governor

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating	6,269.6	746.9	12,746.9	
Total	6,269.6	746.9	12,746.9	

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

These funds are included in the Governor's expenditure plan for FY 83 and FY 84. The FY 83 amount has been requested as a supplemental appropriation in HB227. The FY 84 amount will be included as an amendment to the Governor's FY 84 budget.

3. Assumptions:

Estimates of fiscal impact on Legislative branch, Judicial Branch, and University of Alaska were provided by agency representatives and are assumed to be accurate.

*This statement has been reviewed by the OMB in the Office of the Governor.

Prepared by: Jeff Morrison Phone: 465-3568
 Division: Office of Management and Budget Division of Budget Review Date: 2/29/83

Approved by Commissioner: [Signature] Date: 3/1/83
 Department: OMB

Reviewed by OMB: [Signature] Date: 3-24-83
 Phone: 7567

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor
- Copy to Requestor

2/24/83

HB 226 Page 2 of 2

Analysis of Salary Schedule Bill

The fiscal impact of changing the salary schedule as proposed affects the executive, legislative, and judicial branches of government and the University of Alaska. The fiscal impact on the legislative and judicial branches and the University of Alaska was obtained by contacting the following representatives:

Court System	Robert Fisher
Legislative Affairs	Wally Harrison
Legislative Finance	Pat Williams
Legislative Audit	Merle Jensen
Ombudsman	Robin Ross
University of Alaska	Frank Spargo

The fiscal impact on the executive branch was calculated using a computer program developed by the Office of Management and Budget, and coordinated by Jeff Morrison. Fiscal impacts are summarized as follows:

	FY 83 TOTAL	FY 83 GF	FY 85/85 TOTAL	FY 84/85 GF
Court System	578.7	578.7	1163.0	1163.0
Legislative Affairs	312.2	312.2	629.8	629.8
Legislative Finance	43.4	43.4	86.8	86.8
Legislative Audit	53.9	53.9	107.8	107.8
Ombudsman	28.9	28.9	57.8	57.8
University of Alaska	3781.1	3390.4	7753.8	6150.1
Executive Branch	<u>1461.2</u>	<u>1408.1</u>	<u>2947.9</u>	<u>2839.2</u>
TOTALS	6269.6	5815.6	12,746.9	11,010.5

The FY 83 amounts will be requested as a supplemental appropriation. The FY 84 amount will be included as an amendment to the Governor's FY 84 budget. The FY 85 amounts will be included in the instructions for agency preparation of the FY 85 budget.

HOUSE JOURNAL SUPPLEMENT

March 4, 1983

No. 19

HB
203

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 203 Date on Bill: February 16, 1983
 Title: Appropriation to DOT/PP for Phase 1 of the Nome Pier Facility
 Sponsor: Faller and Bussell
 Requestor: _____

1. Estimate fiscal impact on:

a. Expenditures:

(Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87
Capital	12,000.0			
Operating	0			
Total	12,000.0			

b. Revenues:

Revenue	FY 84	FY 85	FY 86	FY 87

2. Source of funds to offset fiscal impact of bill.

Not identified by sponsor.

3. Assumptions:

This project is already designed. \$12 million is sufficient to construct the full 3600' causeway, plus the required bridge.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Robert R. Venusti Phone: 479-4281
 Division: Planning and Programming Date: 2/24/83

Approved by Commissioner: [Signature] Date: 3/25/83
 Department: Department of Transportation and Public Facilities

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor
 Copy to Requestor

2/8/83

H

B

6

6

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



While in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

March 2, 1983

TO: House State Affairs Committee
FROM: Representative John Lindauer *J.L.*
RE: House Bill 66: "An Act relating to fiscal notes on bills that affect state retirement systems; and providing for an effective date."

The intent of this bill is to close a loophole within the current statute. While fiscal notes are currently required on bills affecting the state retirement systems, the entity who is to prepare these fiscal notes is no longer in existence.

The bill amends AS 24.30.036 by replacing the Legislative Board of Retirement Benefits, which no longer exists, with the Division of Retirement Benefits in the Department of Administration.

In addition, this section has been changed to conform with AS 24.30.035 requiring the fiscal note to be prepared before the bill is reported from the committee of first reference.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 5, 1983

SUBJECT: Actuarial notes for retirement legislation
(Work Order No. 13-0343)

TO: Representative-elect John Lindauer

FROM: *LHA* Linn H. Asper
Legislative Counsel

I have received your authorization to proceed with the suggestion in my December 15th memorandum that a bill be prepared that would state actuarial note requirements for state retirement legislation. I have prepared this bill by drafting an amendment to AS 24.30.036. As it was enacted in 1977, this section did essentially what you have requested, but it is not used now because the entity that was directed by the statute to make the fiscal and actuarial analysis, the Legislative Board of Retirement Benefits, no longer exists (sec. 40, Chapter 146, SLA 1980). In amending the section, I have replaced the Legislative Board of Retirement Benefits with the division of retirement benefits in the Department of Administration. I have also conformed the section to the change made to AS 24.30.035, requiring the fiscal note to be prepared before the bill is reported from the committee of first reference. Please review this bill to see if it will accomplish your purpose. The last date for receipt of prefile approvals is noon on January 11th. We are assuming that this bill has not yet been approved for prefile because you have not had it before you in draft until now.

LHA:ljb

Enclosure

HB

74

HB 74 FISCAL NOTE

THERE IS A ZERO FISCAL NOTE FROM THE DEPARTMENT OF ADMINISTRATION.

IT HAS NOT ARRIVED FROM OMB YET.

City of Nenana
State of Alaska

HB 74

January 18, 1983

Mari: Lewis, Commissioner
Department of Community & Regional Affairs
Pouch B
Juneau, Alaska 99811

Ref: Correspondence of January 13, 1983

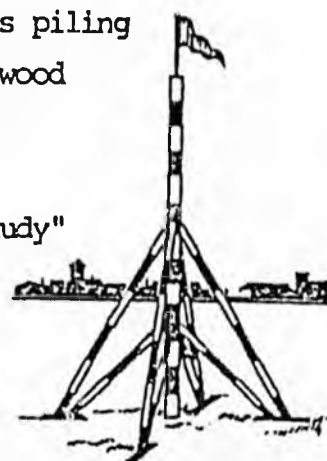
Dear Mr. Lewis,

For the past several years, the City of Nenana has been promoting the development of two major projects which have an impact on the economic development of a large portion of the State. These projects are:

- 1) Rehabilitation of the dock facilities at Nenana that provide service to the river freight transportation system for the Yukon River and its tributaries. Design and permitting for these improvements was performed in 1981 and 1982. The project was funded during the second session of the 12th Legislature, as part of the "bond bill" which Governor Hammond eventually vetoed.

Reconstruction of the dock is vitally important-especially the replacement of that wood piling installed by the Alaska Railroad circa 1937. This piling is rotted and falling in the river. The City plans on replacing the wood piling with 1,000 l.f. of steel sheetpile bulkhead.

Attached is a copy of the "Port of Nenana-Bulkhead Expansion Study" done by Peratrovich and Nottingham in 1981. A project budget of \$2.5 million is recommended.



- 2) Construction of the main east-west transportation corridor for the Nenana-Totchaket Resource area in general, and, in particular the Nenana-Totchaket Agricultural Project.

The State of Alaska is currently planning a disposal of large acreage farm tracts to the west of Nenana. Funding for the farm project development is being sought, but neither DNR nor DOT/PF have done any budgeting for the construction of a first class farm-to-market road. It does not make any economic sense at all to put farmers in a remote area for the purpose of producing marketable crops, without providing them with a farm-to-market road.

To this end, the City of Nenana is pursuing funding for the construction of such a road. Included as major cost items are:

a. NENANA RIVER BRIDGE	\$3.8 MILLION
b. BRIDGES ACROSS LITTLE NENANA RIVER, EAST AND WEST MIDDLE RIVERS	\$1.9 MILLION
c. 22.8 MILES OF ROADWAY	\$10.1 MILLION
	<hr/>
TOTAL	\$15.8 MILLION

Approximately \$1.6 million now sits with the Ag Action Council to begin construction on this roadway. (This money was re-appropriated from DELTA II West during the second session of the 12th Legislature)

A complete set of plans and cost estimates for the construction of the 22.8 miles of roadway and the four bridges was developed under various design contracts administered by the City of Nenana working with DOT/PF according to the terms of a Transfer of Responsibilities Agreement (T.O.R.A.).

The permits for the project were secured by the City of Nenana.

This project is designed and ready to build. A complete set of construction plans will be sent to your office under a separate cover.

A copy of resolution C82-2, passed unanimously by the Nenana Municipal Assembly on November 11, 1982, is attached to this letter as support of the "Statewide" project funding that the City of Nenana is pursuing. All of these projects will stimulate economic development in the State of Alaska as a whole.

The construction of the Interior State Fire Fighting Center is not a priority for 1983, but plans are underway to pursue construction of this facility in 1984 or 1985.

At the same time, the City of Nenana seeks to improve that area within its municipal boundaries. A copy of Resolutions C82-3 and C82-5 lists those areas of immediate local concern. A brief summary of the items, listed according to priority, is as follows:

1. CONSTRUCTION OF ROADWAYS AND DRAINAGE STRUCTURES WITHIN THE CITY LIMITS OF NENANA \$615,000

The City, lying predominantly within a flood plain area between the confluence of the Nenana and Tanana Rivers, is continuously filling in areas, and building new streets. Expansion and growth have continued to the point where drainage and upgrading of the roadways has become critical. The City is currently working under a T.O.R.A. with DOT/PF to develop a six year transportation improvement program. This should be available by March 1, 1983, and will at that time be sent to your office to provide additional detail as to phase funding required, project time tables, and O&M costs.

2. RENOVATION OF EXISTING CITY OF NENANA CIVIC CENTER \$750,000

The existing Civic Center (50 x 100 ft.) was built in 1952. The Building frame-work remains intact, but the other components (plumbing, heating, electrical, insulation, etc.) have reached the end of their useful life. The building is used extensively, so the City of Nenana is currently preparing to renovate and largely reconstruct the Civic Center.

Plans and cost estimates are due to be complete in March of 1983, at which time they will be sent to your office.

3. RECLAMATION OF THAT ROAD RIGHT-OF-WAY AND PROPERTY WITHIN ST. MARKS ADDITION THAT HAS BEEN LOST TO EROSION BY THE TANANA RIVER, INCLUDING CONSTRUCTION OF BANK STABILIZATION AND A FLOOD CONTROL DIKE \$885,000

An area of the St. Marks addition (see attached U.S. Survey map) has been eroded by the forces of the Tanana River. A large portion of that public right-of-way named "Front Street" has fallen into the river. The City must reclaim this property and establish a bank protection system to prevent further erosion.

A municipal water and sewer system for the "downtown" area of the City of Nenana was built in 1979-1980. This system, owned and operated by the City of Nenana, has been working very well. As development and expansion of Nenana continues, we are now encountering problems with an increasing density of on-site water and sewer systems located on the standard platted 50ft. x 140 ft. city lot. The close proximity of septic tanks and well points are leading to contamination of individual water sources.

The City of Nenana at this time must begin planning for an extension of the municipal water and sewer systems. The existing sewage treatment plant is adequately sized to handle sewage flow two to three times the current flows, so an extension of the sewer system should be looked at for construction in the near future.

5. FOR THE BENEFIT OF THE MUNICIPALITY OF NENANA'S FIRE RESCUE AND EMERGENCY MEDICAL SERVICES:

1.) 3,000 Gallon Large Capacity Fire Tanker, fully equipped as per NFPA #1901	\$195,000
2.) Equipment to fight flammable and hazardous material fires at the Nenana Municipal Airport	51,650
3.) Water supply and flammable liquids fire protection equipment for the Nenana River Port Facility	54,500
TOTAL	\$301,150

The City of Nenana has a very well trained and competent Fire Department and Emergency Medical Service Branch. Being located on the Parks Highway, the Nenana Fire Department has a protection area that is 45 miles long, with fire hydrants located only in the core area of downtown Nenana. With a substantial increase in business and residential construction, railroad and airport traffic, the need for a 3,000 gallon large capacity fire tanker is immediate. Cost of this fire tanker is estimated to be \$195,000.

Our nearest mutual aid department is over 20 miles away. With two bulk fuel tank farms, increasing highway, barge, railroad, and airport traffic, we must increase our capabilities to attack and control large flammable, and hazardous materials incidents with our own resources. The \$51,650 requested would provide the fire department with such things as:

Combustible gas indicators
Aluminized Crash/rescue suits
Spare airpack bottles
Forestry fire tools

Fire/rescue training tapes/films
Smoke ejector
Breathing air compressor (refill bottles)
Portable electric generators
2 1/2" nozzles and adapters
Rescue torch cutting kit
Ground to Air search & rescue radios
Salvage tarps
Metal radio antenna tower
Hose drying/training tower

Due to the economic importance of the Nenana Port Facility not only to Nenana but to all the downriver villages which depend upon the barge lines for vital fuel and supplies, the fire protection facilities in the dock areas must be extensive and complete. Water supply and flammable liquids fire protection are two key points. The \$54,500 requested will provide such things as:

Diesel-powered skid-mounted fire pumps (100 gpm each, set up at each end of port)
Foam carts, eductor tubes, hose/nozzles
High expansion foam generator for shipboard fires
Firefighter protective clothing
Fire alarm/detection system

6. FUNDING TO PURCHASE GRADER FOR MAINTENANCE OF MUNICIPAL STREETS AND AIRPORT \$185,000

The City maintains its own airport and streets. This puts a lot of wear and tear on the City's grader. Our current grader has about come to the end of its useful life. The City faces major maintenance costs to rebuild its current grader, so it economically makes more sense to purchase new equipment if at all possible.

7. FUNDING FOR CONSTRUCTION OF A SIDING TRACK OFF OF THE ALASKA RAILROAD FOR HANDLING OF HAZARDOUS MATERIAL \$495,000

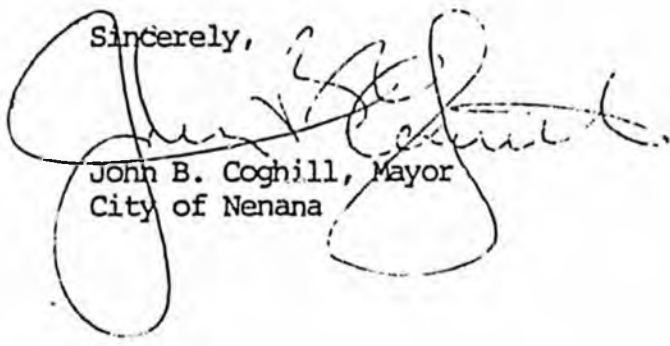
There currently exists in Nenana, a bulk propane tank and transfer facility, in the immediate downtown area, 14 feet from the main railroad trackline, and 5 feet from a major truck thorough-fare. This situation is extremely dangerous, and if the propane tank were to explode, most of the downtown area (including the school) would be destroyed. The City has approached the Alaska Railroad for purposes of relocating the propane storage and transfer facilities. There exists enough open railroad land in U.S.S. 1138, but construction of a siding track into this area is required. The City needs to pursue the funding for the construction of this siding track in hopes of getting the propane plant out of the town core area before a major catastrophe occurs.

This is a project which the City is thinking about for 1984 or 1985. There is a lot of support in the community for public recreational facilities, and especially a public swimming pool. It is also recognized that a swimming pool has tremendous operation and maintenance costs, so the City is considering incorporating this into the next expansion phase of the municipal water project in hopes that it might serve as additional water storage capacity available for fire fighting or other emergency situations.

The preceding pages should give you some indication of where the City of Nenana is headed in the next couple of years. We recognize that the City is pursuing an aggressive program, but we see this as an effort to be able to meet the direct and indirect demands placed on our community by the fast-paced development of the areas adjacent to the City of Nenana.

As indicated in this letter, various items of backup material will be sent to your office as it becomes available. Feel free to contact myself or Steve Bainbridge at 832-5501 should additional information be required.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'John B. Coghill', is written over the typed name and title.

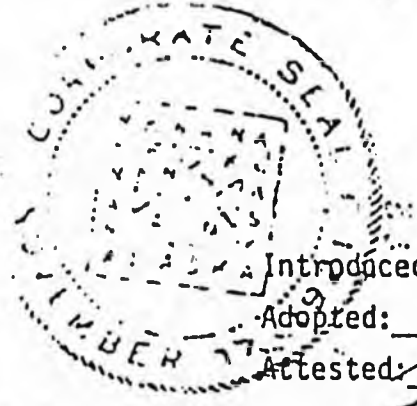
John B. Coghill, Mayor
City of Nenana

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NENANA OR HIS DESIGNATED REPRESENTATIVE TO PURSUE FUNDING REQUESTS AND ENTER INTO AGREEMENTS WITH THE STATE OF ALASKA FOR PURPOSES OF ACCOMPLISHING THE FOLLOWING CAPITAL IMPROVEMENT PROJECTS;

ON A STATEWIDE BASIS:

1. REHABILITATION OF THE TANANA RIVER DOCK AND WATER FRONT FACILITIES AT NENANA THAT PROVIDE SERVICES FOR DELIVERY OF FREIGHT TO ALL VILLAGES ALONG THE YUKON RIVER
2.5 MILLION
2. DEVELOPMENT OF THE TOTCHAKET RESOURCE AREA, INCLUDING AGRICULTURE, MINERALS, AND TIMBER
 - a. NENANA RIVER BRIDGE 3.8 MILLION
 - b. BRIDGES ACROSS LITTLE NENANA RIVER, EAST AND WEST MIDDLE RIVERS 1.9 MILLION
 - c. 22.8 MILES OF ROADWAY 10.1 MILLION
 - d. THREE PHASE ELECTRICAL POWER 1.3 MILLION
3. CONSTRUCTION OF THE INTERIOR STATE FIRE FIGHTING CENTER 1.4 MILLION

Adopted by the Municipal Assembly of the City of Nenana, Alaska on this 11th day of November, 1982, by a vote of 5 for and 0 against.



By: [Signature]
(John B. Coghill, Mayor
City of Nenana)

Introduced: Nov. 11, 1982
Adopted: Nov. 11, 1982
Attested: [Signature]

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NENANA OR HIS DESIGNATED REPRESENTATIVE TO PURSUE FUNDING REQUESTS AND ENTER INTO AGREEMENTS WITH THE STATE OF ALASKA FOR PURPOSES OF ACCOMPLISHING THE FOLLOWING CAPITAL IMPROVEMENT PROJECTS;

ON A LOCAL BASIS:

1. CONSTRUCTION OF ROADWAYS AND DRAINAGE STRUCTURES WITHIN THE CITY LIMITS OF NENANA \$615,000
2. RENOVATION OF EXISTING CITY OF NENANA CIVIC CENTER \$750,000
3. RECLAMATION OF THAT ROAD RIGHT-OF-WAY AND PROPERTY WITHIN ST. MARKS ADDITION THAT HAS BEEN LOST TO EROSION BY THE TANANA RIVER, INCLUDING CONSTRUCTION OF BANK STABILIZATION AND A FLOOD CONTROL DIKE \$885,000
4. FUNDING FOR IMPLEMENTATION OF THE ENGINEERING REQUIRED TO PRODUCE PLANS AND SPECIFICATIONS FOR THE PHASE II EXPANSION OF THE MUNICIPAL WATER AND SEWER SYSTEM \$ 45,000
5. FUNDING TO PURCHASE GRADER FOR MAINTENANCE OF MUNICIPAL STREETS AND AIRPORT \$185,000
6. FUNDING FOR CONSTRUCTION OF MUNICIPAL SWIMMING POOL (EMERGENCY WATER RESERVOIR) \$495,000
7. FUNDING FOR CONSTRUCTION OF A SIDING TRACK OFF OF THE ALASKA RAILROAD FOR HANDLING OF HAZARDOUS MATERIALS \$495,000

Adopted by the Municipal Assembly of the City of Nenana, Alaska on this 11th day of November, 1982, by a vote of 5 for and 0

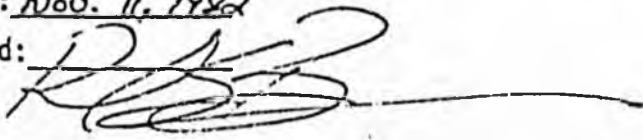
against.

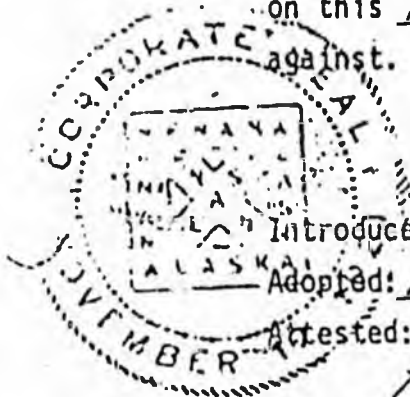
By: 

John B. Coghill, Mayor
City of Nenana

Introduced: Nov 11, 1982

Adopted: Nov. 11, 1982

Attested: 

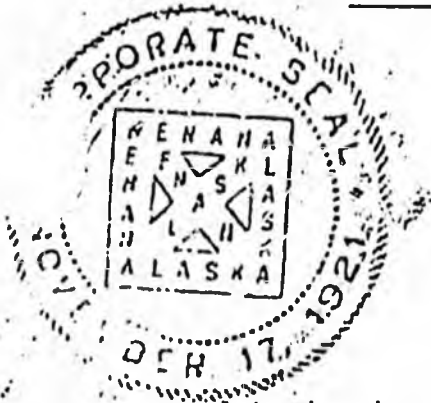


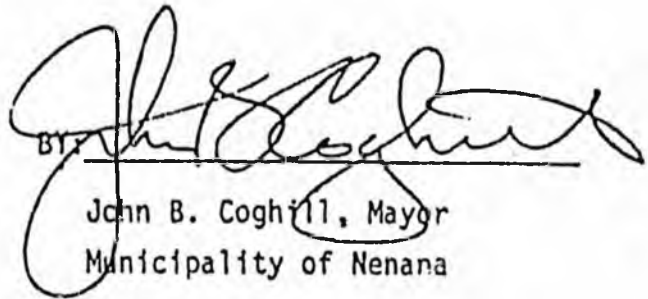
RESOLUTION C 82-5

A RESOLUTION AUTHORIZING THE MAYOR OF THE MUNICIPALITY OF NENANA OR HIS DESIGNATED REPRESENTATIVE TO PURSUE FUNDING REQUESTS AND ENTER INTO AGREEMENTS WITH THE STATE OF ALASKA FOR PURPOSES OF ACCOMPLISHING THE FOLLOWING CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE MUNICIPALITY OF NENANA'S FIRE RESCUE AND EMERGENCY MEDICAL SERVICES:

- | | |
|---|-------------|
| 1.) 3,000 Gallon Large Capacity Fire Tanker, fully equipped as per NFPA #1901 | \$195,000 |
| 2.) Equipment to fight flammable and hazardous material fires at the Nenana Municipal Airport | 51,650 |
| 3.) Water supply and flammable liquids fire protection equipment for the Nenana River Port Facility | 54,500 |
| | <hr/> <hr/> |
| | \$301,150 |

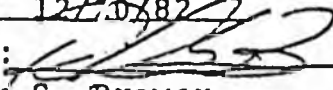
Adopted by the Assembly of the Municipality of Nenana, Alaska
on this 20th day of December, 1982, by a vote of 5
for and 0 against.




BY John B. Coghil, Mayor
Municipality of Nenana

Introduced: 12/20/82

Adopted: 12/20/82

Attested: 
Rick S. Brewer

Municipal Clerk

St. Marke
Addition
U.S.S. 4026

Under Sp
Dated A.
Appro

River Bank
Erosion (Since
1961)

UNITED STATES
BUREAU OF
LAND MANAGEMENT
Washington, D. C.

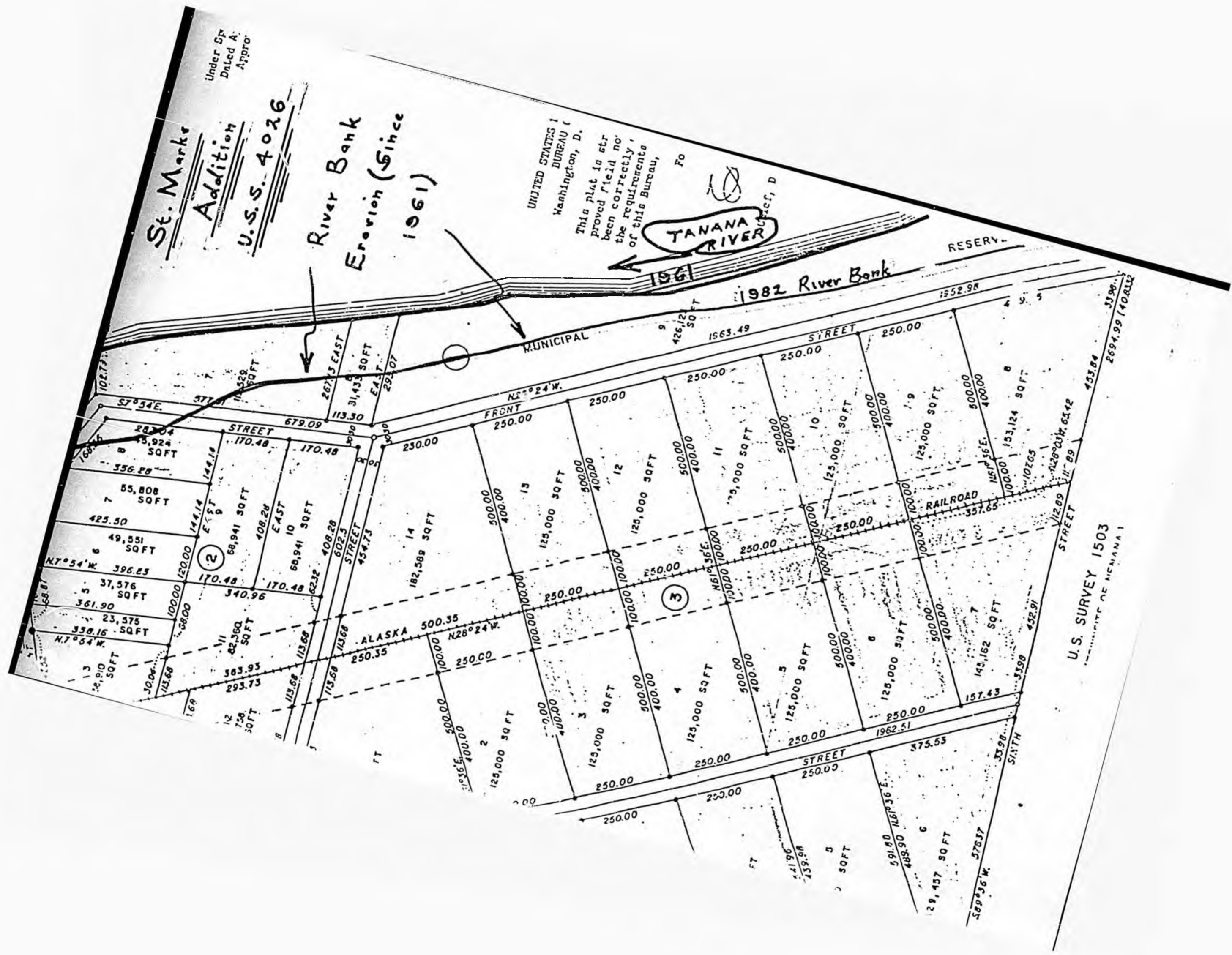
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FO

TANANA
RIVER

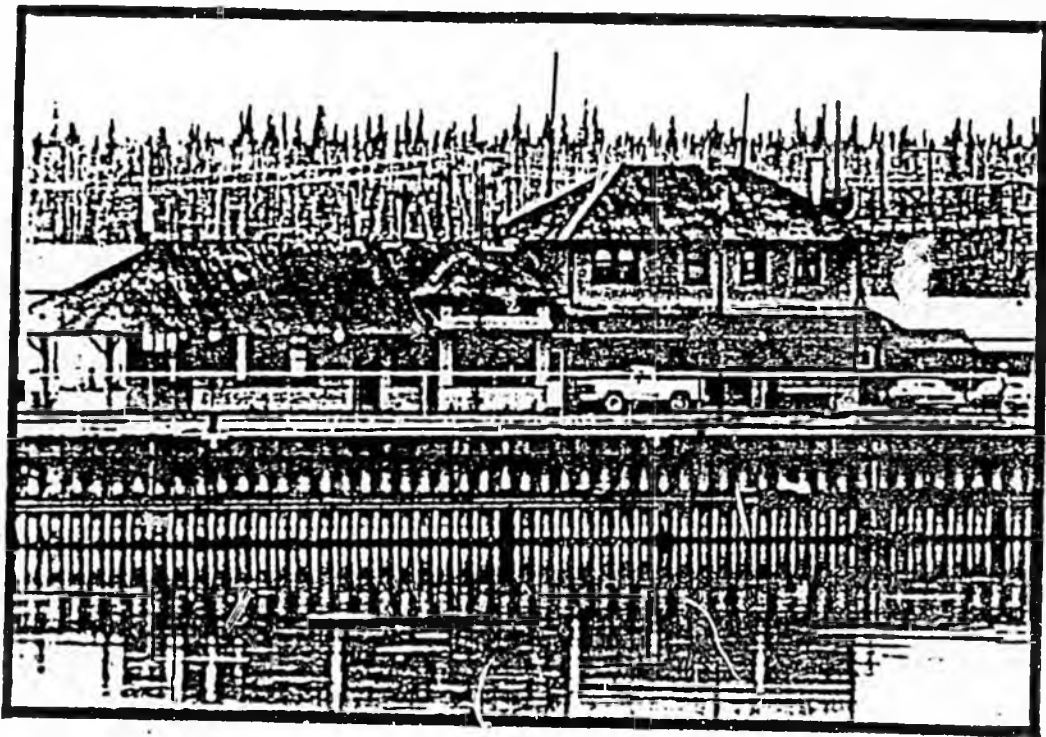
1961

1982 River Bank

RESERVATION



U.S. SURVEY 1503
TERRITORY OF ALASKA



PORT OF NENANA ALASKA

BULKHEAD EXPANSION STUDY



Peralovich, Nollingham & Drage, Inc.
Engineering Consultants



Engineering Consultants

1506 West 36th Avenue • Suite 101 • Anchorage, Alaska 99503 • 907-277-8633

January 20, 1983

PN&D 81059

Mr. Steve Bainbridge, City Engineer
City of Nenana
P.O. Box 177
Nenana, Alaska 99760

Re: Port of Nenana Bulkhead Expansion

Dear Mr. Bainbridge:

In accordance with your request, we have updated the 1981 preliminary study for the above referenced project. Included in this report are our initial findings and an updated projected budget.

Parts of the original study included a site visit to Nenana, contact with the USGS in Fairbanks regarding river parameters, inspection of Alaska Railroad-owned salvaged sheetpile material in Anchorage, and research of Alaska Railroad files and documents. The cost for the salvaged Railroad-owned sheet piling is no longer competitive.

From this effort, we concluded the following:


1. A 1,000-foot bulkhead extension, as shown on the attached drawing is possible.
2. This extension, properly placed, would create a longer usable dock and avoid riverbed deposition.
3. About 2.5 acres of additional improved marine use uplands would be created, and at least 800 linear feet of usable dock frontage would result.
4. Flood elevations are not expected to be significantly impacted, although this needs to be accurately established through more engineering work.
5. Suitable fill and riprap material is available near Nenana.
6. Riverbed materials are suitable for the type of construction envisioned.

As we noted before, due to an apparent constriction and the potential to raise flood levels, the Corps of Engineers will probably require an accurate analysis to show that flood levels will not increase significantly (usually less than one foot).

We hope this report addresses your needs; and should you have any questions,
please contact us at any time.

Sincerely,

PERATROVICH, NOTTINGHAM & DRAGE, INC.


Roy Peratovich, Jr., P.E.
Vice President

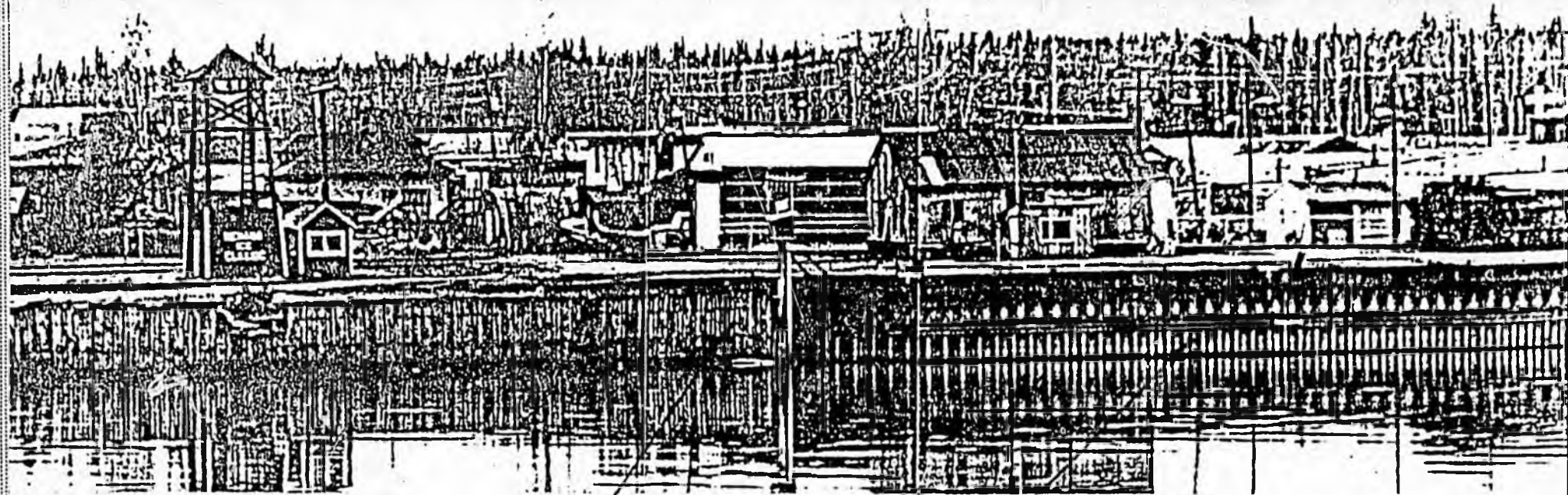
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Enclosures



Peratovich, Nottingham & Drage, Inc.

Engineering Consultants



OLD TIMBER BULKHEAD

STEEL SHEETPILE BULKHEAD

**TYPICAL EXISTING BULKHEAD
PORT OF NENANA**

PORT OF NENANA
 PROPOSED BULKHEAD EXPANSION
Estimate and Recommended Budget

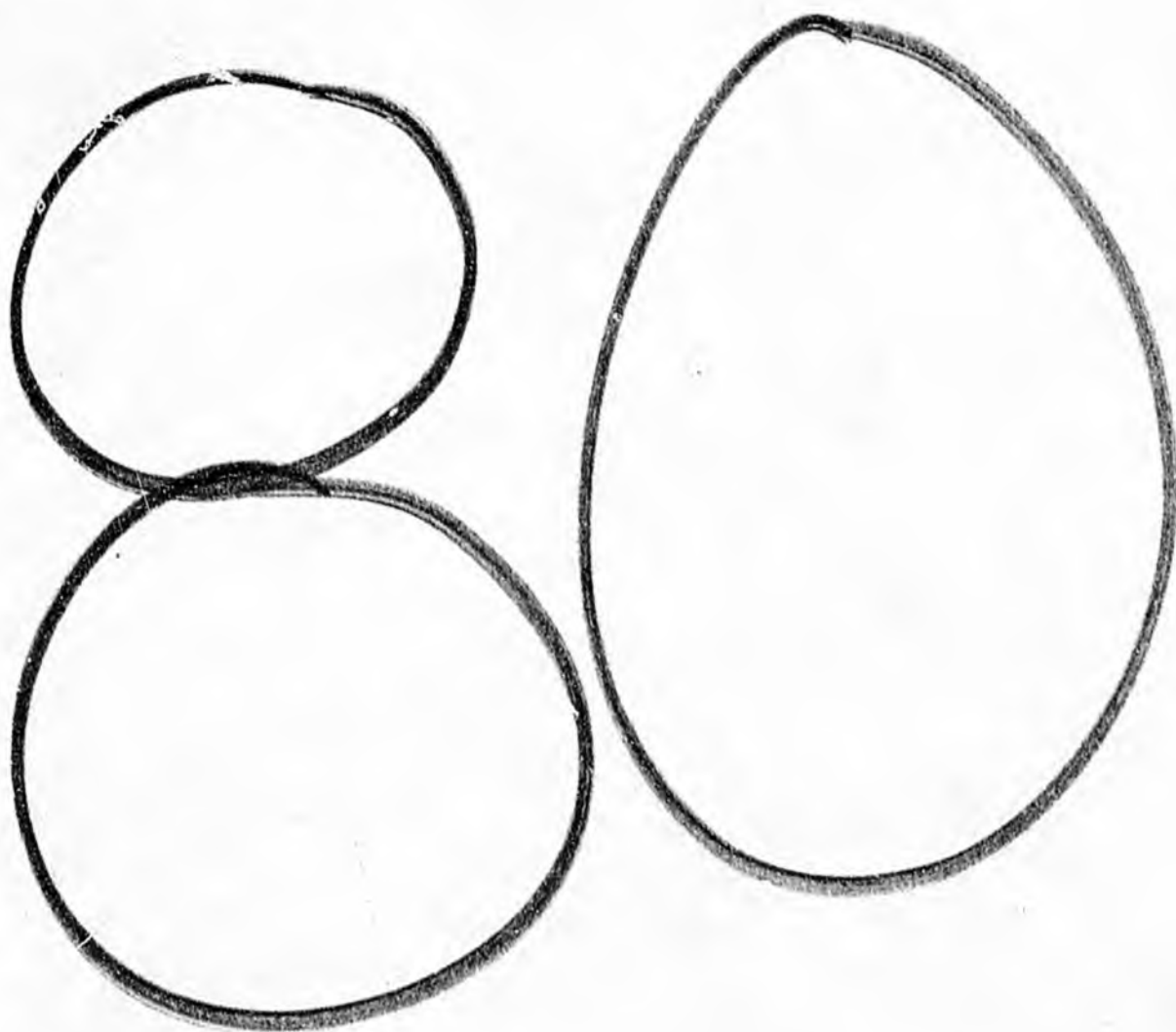
<u>Sheetpiles Supply</u>	2,275,000# @ \$.40 =	\$ 900,000
<u>Sheetpile Fabrication</u>	45 "Y" connections @ 2,100#	
	= 143,850# @ \$0.60 =	86,300
	47 "T" connections @ 1,050#	
<u>Sheetpile Erection</u>	2,635 LF @ \$200 =	527,000
<u>Bull Rail Supply</u>	1,100 ft. @ 85# = 94,000# @ \$1.00 =	94,000
<u>Bull Rail Erection</u>	94,000# @ \$0.50 =	47,000
<u>Fill</u>	60,000 CY @ \$6 =	360,000
<u>Ribrap</u>	500 CY @ \$30 =	15,000
<u>Mobilization and Demobilization</u> =		100,000
		\$2,129,300
Construction contingency		150,000
Surveys, soils and permit preparation		20,000
Administration and construction engineering		100,000
Design engineering		100,000
	Total Estimated 1983 Project Cost	\$2,499,300

Recommended Project Budget = \$2.5 Million



Peratrovich, Nottingham & Drage, Inc.
Engineering Consultants

H B



Alaska State Legislature



IN SESSION:
POUCH V
JUNEAU ALASKA 99811
(907) 465-4949

BOX 142
EAGLE RIVER, ALASKA
99577
(907) 684-4499

Representative Randy Phillips
HOUSE DISTRICT 15

TO: REPRESENTATIVE MITCH ABOOD
CHAIRMAN, HOUSE STATE AFFAIRS COMMITTEE

FROM: REPRESENTATIVE RANDY PHILLIPS

DATE: JANUARY 31, 1983

RE: HOUSE BILL 80

On the day of the 1982 general election, the Anchorage area experienced a power outage, caused by person or persons unknown who shot out a power line in the Anchorage area. While power was restored to some of the Anchorage bowl by about 6:00 p.m. that day, power was not restored to outlying areas (including the Chugiak-Eagle River area) until 12:30 a.m. the next morning. Additionally, the normally 45-minute to an hour trip from the downtown Anchorage area to places of residence in Chugiak-Eagle River took approximately two hours because of traffic signal light malfunction and traffic tieups. Many persons in my district have expressed to me that they just assumed the polling places would be closed (for lack of lighting) or that they left town at the normal time, only to arrive home too late to vote because of the traffic problems.

According to an article in the November 3 Anchorage Times, "Stray Bullet Stalls Traffic, Voters, Power," page C-1, Attorney General Wilson Condon stated that after review of the situation and the law, he determined that there was "Absolutely no authority to extend the polling time."

The proposed legislation presently before your committee in the form of House Bill 80 is an attempt to rectify this matter so that if a natural disaster or something on the order of the Anchorage situation occurs in later years, there will be some authority for some action if any action is deemed necessary.

I. REQUEST

Bill/Resolution No. House Bill No. 80 -- "An Act providing for the
Title extension of the time for voting on election day under certain
 Requested by Representative Phillips Date 1/24/83
 circumstances.

II: FISCAL DETAIL

Agency Affected Office of the Governor
 Program Category Affected Division of Elections
 BRU, Program, Or Subprogram(s) Affected Division of Elections
 (Note: If more than one budget component is affected, separate line-item
 amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional fiscal impact will be incurred with House Bill No. 80.

IV. DATE 1/24/83

PREPARED BY Danith D. Arnoldt, Deputy Director
 AGENCY Office of the Governor, Division of
 PHONE 586-6181 Elections

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Polling Hours for the General Election

	Polls open	Polls close	Notes on Hours
ALABAMA	8 a.m.	6 p.m.	Opening and closing times not mandatory: polls must be open at least 10 consecutive hours
ALASKA	8 a.m.	8 p.m.	
ARIZONA	6 a.m.	7 p.m.	
ARKANSAS	8 a.m.	7:30 p.m.	Polls may open at 7 a.m.
CALIFORNIA	7 a.m.	8 p.m.	Charter cities may set different hours for municipal elections
COLORADO	7 a.m.	7 p.m.	
CONNECTICUT	6 a.m.	8 p.m.	
DELAWARE	7 a.m.	8 p.m.	
FLORIDA	7 a.m.	7 p.m.	
GEORGIA	7 a.m.	7 p.m.	In cities of 100,000 or more, polls remain open until 8 p.m.
HAWAII	7 a.m.	6 p.m.	Voters standing in line at 6 p.m. may vote. No one may join line after 6 p.m.
IDAHO	8 a.m.	6 p.m.	Polls close 8 p.m. or earlier when all registered electors of the precinct have appeared and voted. County clerk has option of opening polls at 7 a.m.
ILLINOIS	6 a.m.	7 p.m.	
INDIANA	6 a.m.	6 p.m.	
IOWA	7 a.m.	9 p.m.	
KANSAS	7 a.m.	7 p.m.	Hours may be changed by election authorities, but polls must be kept open at least 12 consecutive hours between 6 a.m. and 8 p.m.
KENTUCKY	6 a.m.	6 p.m.	Persons in line may vote until 7 p.m.
LOUISIANA	6 a.m.	8 p.m.	Persons in line at 8 p.m. are entitled to vote.
MAINE	Between 6 a.m. & 10 a.m.	Between 8 p.m. & 9 p.m.	Only municipalities using voting machines have the option of staying open until 9 p.m.
MARYLAND	7 a.m.	8 p.m.	
MASSACHUSETTS	May open as early as 5:45 a.m.; must be opened by 10 a.m.	8 p.m.	In cities and towns, the polls shall be kept open at least 10 hours
MICHIGAN	7 a.m.	8 p.m.	
MINNESOTA	7 a.m.	8 p.m.	Municipalities of less than 1,000 may establish hours of 9 a.m. to 8 p.m.
MISSISSIPPI	7 a.m.	6 p.m.	
MISSOURI	6 a.m.	7 p.m.	
MONTANA	8 a.m. 12 p.m.	8 p.m. 8 p.m. or earlier when all have registered in any precinct have voted	In precincts of less than 100 registered voters.

Polling Hours for the General Election (cont.)

	Polls open	Polls close	Notes on Hours
NEBRASKA	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
NEVADA	7 a.m.	7 p.m.	
NEW HAMPSHIRE	Varies	Varies	Cities: Polls open not less than 4 hours and may be opened not earlier than 6 a.m. nor later than 8 p.m. Small towns: In towns of less than 700 population the polls shall be open not less than 5 consecutive hours. On written request of 7 registered voters the polls shall be kept open until 6 p.m. In towns of less than 100 population, the polls shall close if all on the checklist have voted. Other towns: Polls shall open not later than 10 a.m. and close not earlier than 6 p.m. On written request of 10 registered voters the polls shall be kept open until 7 p.m.
NEW JERSEY	7 a.m.	8 p.m.	
NEW MEXICO	8 a.m.	7 p.m.	
NEW YORK	6 a.m.	9 p.m.	
NORTH CAROLINA	6:30 a.m.	7:30 p.m.	In voting precincts where voting machines are used, county board of elections may permit closing at 8:30 p.m.
NORTH DAKOTA	Between 7 a.m. & 9 a.m.	Between 7 p.m. & 9 p.m.	
OHIO	6:30 a.m.	7:30 p.m.	
OKLAHOMA	7 a.m.	7 p.m.	
OREGON	8 a.m.	8 p.m.	
PENNSYLVANIA	7 a.m.	8 p.m.	
RHODE ISLAND	Between 7 a.m. & 12 noon	9 p.m.	
SOUTH CAROLINA	8 a.m.	7 p.m.	Lancaster County is allowed to keep polls open until 8 p.m.
SOUTH DAKOTA	7 a.m. 8 a.m.	7 p.m. 8 p.m.	Mountain Time Zone. Central Time Zone.
TENNESSEE	Varies	8 p.m. EST 7 p.m. CST	Polls must be open minimum of 10 and maximum of 13 continuous hours
TEXAS	7 a.m.	7 p.m.	In counties of more than one million population the polls may be opened at 6 a.m.
UTAH	7 a.m.	8 p.m.	
VERMONT	Between 6 a.m. & 10 a.m.	Not later than 7 p.m.	Polls must be open at least 9 consecutive hours during the day.
VIRGINIA	6 a.m.	7 p.m.	
WASHINGTON	7 a.m.	8 p.m.	
WEST VIRGINIA	6:30 a.m.	7:30 p.m.	
WISCONSIN	7 a.m. 7 a.m.	8 p.m. 8 p.m.	1st, 2nd and 3rd class cities. 4th class cities, villages and towns. Opening hours extendable by governing body to not earlier than 7 a.m.
WYOMING	8 a.m.	7 p.m.	

SOURCE: *The Book of the States 1982-83*, (Lexington, Kentucky: The Council of State Governments, 1982) p. 106-7.

MEMORANDUM

State of Alaska

TO: Wilson L. Condon
Attorney General
Juneau - AGO

Mrs Minor

DATE: November 13, 1982

FILE NO:

TELEPHONE NO:

FROM: Elizabeth Page Kennedy
Assistant Attorney General
and
Gayle W. Savage, Investigator
Anchorage - AGO

SUBJECT: Effect of Power
Outage on Voting
Procedures

As a result of the power outage in the Anchorage area on November 2, 1982, an investigation was initiated at the request of the Attorney General to determine whether or not election procedures at the polls were adversely affected and whether or not the voters in those areas were deprived of their right to vote.

The investigation included interviews with officials of Chugach Electric, Municipal Light & Power, the Anchorage Police Department, the Federal Bureau of Investigation, officials of the Division of Elections, and members of the election boards from the election precincts directly affected by the power outage.*

I. Extent of Power Outage

According to Robert H. Day, an engineer for Municipal Light and Power, there were two power outages in Anchorage on

* A list of election board members interviewed follows this report.

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DIRECTOR OF ELECTIONS

Election Day, November 2, 1982. The first occurred at approximately 7:00 a.m. and power was restored at about 7:45 a.m. The second power outage in Anchorage occurred at about 4:00 p.m. and was caused by an apparent act of vandalism** which caused a power line belonging to Chugach Electric to fall across a power line belonging to Municipal Light and Power. The resulting overload and power surge caused power to go out throughout much of Anchorage. Power in Anchorage west of Muldoon Road was restored by approximately 6:15 p.m. Power east of Muldoon to Eagle River was not restored until as late as 1:00 a.m. the following morning.

According to officials in the Division of Elections, the following 28 polling places reported power outages:

1. District 10, Precinct 84 (Stellar School, 2508 Blueberry, Anchorage)
2. District 10, Precinct 86 (Rogers Park Elementary School, 1400 East Northern Lights Blvd., Anchorage)
3. District 10, Precinct 88 (North Star Elementary School, 605 W. Fireweed, Anchorage)
4. District 10, Precinct 89 (West High School, 1700 Hillcrest Dr., Anchorage)
5. District 11, Precinct 104 (Enstar, 3000 Spenard Road, Anchorage)
6. District 11, Precinct 111 (West High School, 1700 W. Hillcrest Dr., Anchorage)
7. District 12, Precinct 120 (Inlet View School, 1219 'N' Street, Anchorage)

** The cause of the power outage was not the subject of this investigation but is being investigated by the FBI. Agent Kampher of the FBI indicated that at this point in time, there is no evidence to suggest that the motive for the vandalism, if in fact it was vandalism, was to affect election results.

8. District 12, Precinct 121 (Pioneer Home, 923 West 11th Ave., Anchorage)
9. District 12, Precinct 122 (Denali Elementary School, 148 East 9th Ave., Anchorage)
10. District 12, Precinct 123 (Fairview Elementary School, 1317 Nelchina, Anchorage)
11. District 12, Precinct 124 (Airport Heights Elementary School, 1510 Alder, Anchorage)
12. District 12, Precinct 126 (Alaska Sales & Service, 1300 East Fifth Ave., Anchorage)
13. District 12, Precinct 127 (Chugach Elementary School, 1205 "E" St., Anchorage)
14. District 12, Precinct 128 (Government Hill Elementary School, 525 E. Bluff Road., Anchorage)
15. District 13, Precinct 140 (Lake Otis Elementary School, 3331 Lake Otis Pkwy., Anchorage)
16. District 13, Precinct 141 (College Gate Elementary School, 3104 Sunflower, Anchorage)
17. District 13, Precinct 142 (Baxter Elementary School, 2991 Baxter Road, Anchorage)
18. District 13, Precinct 143 (East High School, Bragaw and Northern Lights Blvd., Anchorage)
19. District 13, Precinct 144 (Russian Jack Elementary School, 4420 East 20th Ave., Anchorage)
20. District 13, Precinct 147 (Clark Jr. High School, 150 S. Bragaw, Anchorage)
21. District 14, Precinct 160 (Baxter Elementary School, 2991 Baxter Road, Anchorage)
22. District 14, Precinct 170 (Bartlett High School, 25500 North Numdoon, Anchorage)

23. District 15, Precinct 184 (Homestead Elementary School, 2901 Baranof Drive, eagle River)
24. District 15, Precinct 185 (Northland Baptist Church, Eagle River Loop Road, Eagle River)
25. District 15, Precinct 186 (First Baptist Church, Old Glenn Highway, Eagle River)
26. District 15, Precinct 187 (Eagle River Elementary School, Old Eagle River Road, Eagle River)
27. District 15, Precinct 188 (Chugiak High School, Birchwood Loop, Chugiak)
28. Statewide Precinct at Anchorage International Airport

Of the above-listed polling places, power was restored to all before or by about 6:15 p.m. except for the five polling places in District 15 (Chugiak, Eagle River) where power was not restored until after midnight.

II. Auxillary Power or Supplemental Lighting

With the exception of precincts 12-121, 12-126, 14-170, 15-185, 15-186, and the statewide polling place at Anchorage International Airport, all of the polling places were equipped with auxillary power sources and those persons working at the polling places were able to move polling booths and punch machines beneath lighted areas so that those voting could see more clearly.

At the precinct polling places which were not equipped with auxillary power, election board members usually were able to move the punch machines and booths near windows until supplemental sources of light such as candles, flashlights and lanterns, could be obtained.

All board members that were interviewed reported that supplemental light was obtained very quickly; many reported that due to the morning power outage, they brought flashlights with them to the polls and were prepared when the power went out in the evening. In addition, precinct workers reported that school principals, custodians, as well as the voters were very cooperative in providing light sources to the poll workers.

III. Ballot Security

All board members interviewed reported that despite the power outage, security of the ballots and the procedures ensuring the integrity of the voting process were not compromised. In most instances, those signing the precinct registers were separated from those waiting to vote and those voting. Reports indicated that at no time did four or five voters have ballots in hand waiting to vote. Many precincts used a card system whereby those who had signed the register received cards and in turn traded the card for a ballot. Other precincts did not give voters ballots until booths and flashlights became available.

All precincts reported that despite less than ideal lighting conditions, visual contact and control were maintained throughout the power outage.

Finally, all precincts reported that throughout the entire election day, including the period of time the power was out, the ballot box was attended by a precinct worker and a source of light was near the ballot box to ensure security.

IV. Poll Closures

All board members interviewed except those in precinct 13-143 indicated that their precincts closed the polls at 8:00 p.m. Precinct 13-143 closed the polls at 8:01 and allowed two people to vote who had come in by way of a back door and were in the building at 8:00 p.m.

Fourteen of the precincts that reported a power outage, also reported that persons arrived at their polling place after closure of the polls and were not allowed to vote. The total number of people denied access to the polls ~~after~~ closure in these 14 precincts was about 30 with precinct 15-185 (Eagle River) reporting about four or five people arriving too late to vote.

Those denied access to the polls in some cases indicated to the precinct workers that they had had a difficult time getting from their work in Anchorage to the polling place due to fog and traffic. Others indicated that they had heard on the radio or television that because of the power outage, polling places might be open late. Many indicated that they simply did not make it to the polls in time and offered no excuse.

According to precinct workers interviewed, the number of people who arrived late at the polls and were not allowed to vote did not differ appreciably from previous elections.

V. Questioned Ballots

Board members interviewed reported a range of 33 to 103 questioned ballots in their precincts. People generally cast questioned ballots because their names were not on the precinct register. Others told precinct workers that due to traffic delays, they would not be able to get to their polling places before the 8:00 p.m. poll closure. Others simply indicated that due to traffic congestion, it was inconvenient to vote at their regular polling places.

Board members indicated that the number of questioned ballots generally did not differ significantly from previous elections and where significant differences did occur, may have been a result of redistricting as well as problems associated with the power outage.

All those interviewed indicated that when a voter wanted to cast a questioned ballot, they were advised, if time permitted, to vote at their correct precinct so that the voter could vote for the local legislative candidates for their district but in all cases, if the voter wanted to vote a questioned ballot at their precinct, the precinct workers allowed voters to do so.

VI. Complaints by Voters

Nearly all precinct workers interviewed indicated that generally, voters were very cooperative and praised the election workers for an admirable job in light of the conditions. It was reported that some voters complained of long lines, or the inconvenience involved in getting to the polls, or of the poor lighting conditions, but those complaints were few in number. None of those interviewed reported people walking away from the polls without voting because of lines or conditions. Some voters did indicate they would vote later after polls were a bit less crowded and did return. While voters generally were inconvenienced by traffic congestion and, in some cases, insufficient light, board members indicated that the atmosphere was a bit more jovial and voters more cooperative as a result of the power outage.

Generally, board members reported that, subsequent to the election, they had not talked with any people who absolutely had been unable to vote either in their own district or cast a questioned ballot in another district as a result of the power outage.

VII. Conclusions

The power outage in the Anchorage area has raised three primary concerns:

- 1) whether or not security of the ballots and integrity of the voting procedures as practiced by the election boards was compromised;
- 2) whether or not voters were deprived in any way of their right to vote;
- 3) whether or not the turnout by voters was affected by the power outage.

With regard to the security of the ballots and the integrity of the procedures followed by the election boards, it appears that neither were compromised despite less than ideal lighting conditions. Board members seem to have been very careful with regard to the security of the ballots by ensuring that ballot boxes were under constant supervision and under adequate light. Those signing the voter register generally were kept separate from those obtaining ballots. Those receiving ballots were generally limited to a small number of people and various procedures were used to safeguard against non-registered persons obtaining ballots. Finally, while in many instances lighting limitations required that voting booths be abandoned, voters were able to vote in relative privacy and sufficiently lighted areas.

Interviews with board members indicated that the polling places were open until 8:00 p.m. and that voting was not interrupted except in some instances for a very short period of time, a few minutes at most, to enable board members to find supplemental lighting or to move voting booths or punches to lighted areas.

All of the precinct boards allowed voters to cast questioned ballots if voters chose to do so but if time permitted, encouraged voters to vote at the proper polling places

so that voters could vote for candidates in their legislative districts.

Apparently, some people indicated that they heard on the radio or television that the polls might be open later than 8:00 p.m. According to the Division of Elections, no release or statements by the Division were made to the media that polling hours would be extended. This misinformation was apparently a result of conjecture by certain members of the media. In fact, the Division of Elections enlisted the assistance of the Anchorage Police Department and the Alaska State Troopers to notify election boards that the polls would officially close at 8:00 p.m.

Finally, with regard to how the outcome of the elections was affected by the power outage, it is impossible to determine how many voters did not participate in the election as a result of the power outage. There is no question that traffic congestion, as a result of inoperative traffic signals, may have affected the ability of many people to vote in areas that were both directly and indirectly affected by the power outage. Officer Hutchison of the Anchorage Police Department indicated that some traffic arteries were congested as much as 45 minutes to an hour after power was restored. On the other hand, members of election boards reported that while many people were delayed by as much as two hours in getting to the polls, there generally was enough time for most voters to make it to their precincts. In addition, there was nothing prohibiting persons from casting questioned ballots at more convenient locations which many voters in fact did.

A look at the percentage of registered voters who cast ballots in the November 2 election (excluding questioned and absentee ballots) shows that the turnout in those precincts directly affected by power outages ranged from 43.4 percent (District 12, Precinct 127, a downtown Anchorage location) to 67.1 percent (District 15, Precinct 187, an Eagle River precinct). The figures cited are not intended to be used to explain voting patterns, only to show that the power outage did not necessarily adversely impact voter turnout in areas where power was out for a period of time.

The conclusion to be drawn then is that while many people may have been inconvenienced and delayed by the power outage in the Anchorage area, a majority of the people registered to vote did vote and while others may not have voted, most had the opportunity to vote either at their proper precincts or to

Wilson L. Condon
Attorney General

November 13, 1982
Page 9

cast questioned ballots in other precincts. In addition, despite less than ideal conditions in those precincts without power, order and control over the security of the ballots and integrity of the voting procedures was maintained by election board members. It does not appear that anyone was deprived of the right to vote nor was that right compromised by improper conduct or negligence on the part of election boards.

ELECTION BOARD MEMBERS INTERVIEWED

1. District 10, Precinct 84: Kathryn Marshall (274-4724) and Holly Brown (337-3897)
2. District 10, Precinct 86: Lela Morgan (272-1882) and Clara Tappley (279-9873)
3. District 10, Precinct 88: Hazel Gallagher (277-7832) and Janet Boylan (694-5387)
4. District 10, Precinct 89: Kay Linton (272-6961) and Marjean Dunaway (277-5356)
5. District 11, Precinct 104: Martha Proudfoot (277-8854) and Lorraine Russo (274-4149)
6. District 11, Precinct 111: Carol Merbs (277-2760) and Suzanne Stefano (279-4338)
7. District 12, Precinct 120: Dorothy Wilcox (277-5906) and Phyllis Kempton (274-8138)
8. District 12, Precinct 121: Grace Nurse (272-1989) and Eileen Hickey (272-1609) and Frieda Plumb (272-2929)
9. District 12, Precinct 122: Cindy Bline (345-1067) and Inez Parko (272-1866)
10. District 12, Precinct 123: Dorothy Seitz (272-4832)
11. District 12, Precinct 124: Gayle Hunter (279-4668), Pat Robar (279-3981) and Peggy Hicklin (279-1001)
12. District 12, Precinct 126: Eileen Rink (272-4155) and Deanna Wieskamp (277-4554)
13. District 12, Precinct 127: Mary McKenzie (277-0448) and Vivian Hearig (272-8177)
14. District 12, Precinct 128: Gloria White (277-0439) and Lorraine Bennett (279-5396)
15. District 13, Precinct 140: Margaret Barr (276-3136) and Dianne Acheson (276-1281)
16. District 13, Precinct 141: Sparky Rumfelt (337-2903) and Marge McLaughlin (333-5485)
17. District 13, Precinct 142: Ruth Deary (333-8003)

Attachment 1
Effect of Power Outage on
Voting Procedures

November 13, 1982
Page 2

18. District 13, Precinct 143: Mary Ann Bartholomew (333-7327) and Donna Luiten (333-7583)
19. District 13, Precinct 144: Shirleen Noble (337-6376) and Paula Lund (337-1978)
20. District 13, Precinct 147: Mary Topolski (272-8291) and Hermine Beuwkamp (337-2057)
21. District 14, Precinct 160: Francis Pitzke (337-7335) and Tammy Townsend (337-5665)
22. District 14, Precinct 170: Anna Campbell (333-7633) and Alpha Brown (333-5677)
23. District 15, Precinct 184: Phyllis Janke (694-2712) and Marty Rourke (694-9153)
24. District 15, Precinct 185: Norma Kindred (694-2283) and Annette LaPage (694-2534)
25. District 15, Precinct 186: Hazel Arndt (694-2310) and Lorraine Pederson (694-9125)
26. District 15, Precinct 187: Mary Whitman (694-5084) and Alma Werre (688-2634)
27. District 15, Precinct 188: Rita Lane (688-2507) and Mickie Delk (688-3347)
28. Statewide Precinct at International Airport: Shirley Looney (428-2937)

H B

84

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 84
 Title "An Act relating to smoking in public places and vehicles."
 Requested by House State Affairs Committee Date 2/8/83

II. FISCAL DETAIL

Agency Affected Department of Law
 Program Category Affected Legal Services
 BRU, Program, Or Subprogram(s) Affected Legal Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY. 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		48.4	51.1	54.2		

FUNDING (Thousands of Dollars)

	FY. 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		48.4	51.1	54.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY. 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 This bill extends the state's current mandatory prohibition of smoking in public places to include public meetings of municipalities and most places of business such as retail stores, restaurants, banks, offices, factories, warehouses, and other places of employment. Under existing statute, this extended prohibition is at the option of the person having control of such places of employment. The bill would also make the existing mandatory requirement to provide reasonable smoking areas, in most prohibited areas, optional. Because of the very broad changes to the existing law, requiring mandatory compliance by nearly every place of business in the state, except for cocktail lounges, taverns and tobacco shops, it is anticipated that the department will have to devote additional resources to provide the enforcement actions required by the bill such as seeking injunctions and the collection of fines and penalties.

IV. DATE February 9, 1983 PREPARED BY Richard I. Pegues, Dir. Adm. Svcs.
 AGENCY Department of Law
 Original: Legislative Finance PHONE 465-3672
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)

FEBRUARY 7, 1983

MILLER FAMILY
P.O. BOX 2436
JUNEAU, AK.
99803

STATE AFFAIRS COMMITTEE
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
ALASKA STATE HOUSE OF REPRESENTATIVES

DEAR PEOPLE,

WE HAVE READ HOUSE BILL NO. 84, "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES". WE FEEL THAT WHILE THE BILL IS AN IMPROVEMENT TO THE CURRENT STATUTES, IT FALLS FAR SHORT OF PROTECTING THE PUBLIC. WE FEEL THAT SMOKING SHOULD BE LIMITED TO ONES RESIDENCE, PRIVATE VEHICLE, OR THE OUT-OF-DOORS.

IN THE UNITED STATES, 67% vs 33% OF THE POPULATION IS NONSMOKING AND WE FEEL THE STATUTES SHOULD PROTECT THE RIGHTS OF THE 67% WHO DON'T AND NOT THE PRIVILEGE OF THE 33% WHO DO. WE HOPE YOU WILL CONSIDER MAKING IT ILLEGAL TO SMOKE ANYWHERE BUT IN ONES RESIDENCE, PRIVATE VEHICLE, OR THE OUT-OF-DOORS.

THANK YOU.

SINCERELY,

Kathy Miller
Gary Miller

KATHY, SHAWN, AND GARY MILLER

RECEIVED
FEB 8 1983

1. SURGEON GENERALS REPORT, 1978

STATE OF ALASKA
FINAL STATEMENT OF FISCAL IMPACT

Bill No: HB 84 Date on Bill: January 20, 1983
 Title: "An Act relating to smoking in public places and vehicles"
 Sponsor: Fritz et al
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-		
Operating		\$10,000.00		
Total		\$10,000.00		

b. Revenues:

Revenue		-0-		
---------	--	-----	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

18 AAC 55, "Smoking In Public Places" will be amended if this legislation passes. It would necessitate printing new regulations and public education to inform affected public facility operators and the general public of their rights and responsibilities under the new law.

4. This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: Joe Cladouhos Phone: 465-2640
 Division: Environmental, Quality Management Date: 2-14-83
 Approved by Commissioner: *Law (Relating to R.P. Gene)* Date: 2/14/83
 Department: *Environmental Cooperation*
 Reviewed by OMB: _____ Date: _____
 Phone: _____

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor
- Copy to Requestor

2/8/83

Juneau, Alaska
February 10, 1983

The Honorable Mitchell E. Abood, Jr.
Alaska State House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Sir:
RE: HB 84 Smoking in Public Places

As a respiratory Therapist in an acute care facility I see the ravages of smoking every day. Men and women who were once active and healthy now are reduced to no better than cripples by the self destructive act of smoking.

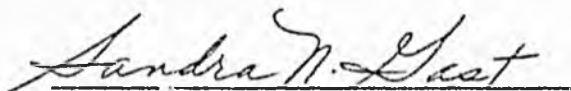
As Chairman of the State Affairs Committee, I encourage you to work toward passing this bill out of your committee with a unanimous "Do Pass." It will protect the non-smokers from the exposure to smoke in the air from smokers. Cigarette, cigar and pipe smoke does not heed "No Smoking Signs" it drifts as it pleases. Smoke assaults the lungs, sometimes only as unseen particles of all people, smokers and non smoker alike.

Smoking is an active habit done by conscious choosing, unfortunately non-smokers are subjected to the passive act of smoking against their own choosing. Passive smoking by non-smokers causes some people great distress, in the form of headache, nausea, itchy eyes and sore throats. In some cases it can trigger shortness of breath, elevated blood pressure and heart rate, coughing and even asthma attacks in some individuals. The worst result of passive smoking is the effect on infants and little children and the elderly who have minimal reserves to combat the ill effect.

Non Smokers deserve equal rights, provide them with public places where they will be free from passive smoking.

PLEASE SUPPORT H.B. #84 SMOKING IN PUBLIC PLACES.

Sincerely,



Sandra N. Gast, R.T.
6310-22 Glacier Hwy
Juneau, Alaska 99801

(Bartlett Memorial Hospital)

CC: Milo Fritz
Mike Miller

WANTS to TESTIFY ✓

SANDRA HARBANUK



Gary Miller

Bill Chord
Rico Iannolis

These folks want to
testify

Non-smoker gets disability pay

The Associated Press

SAN FRANCISCO — A non-smoking federal worker transferred to an office with several smokers is entitled to about \$20,000 in disability pay because she developed breathing difficulties, a federal appeals court ruled Thursday.

Irene Parodi cannot "perform her job due to its location in a smoke-filled office," the 9th U.S. Circuit Court of Appeals wrote in what the woman's lawyer called a landmark ruling.

"Unlike a person with a physical limitation, a person with an environmental limitation can physically perform the assigned work in a proper environment," the court said.

"She is as disabled for her job at her assigned worksite as she would be had she actually suffered permanent and severe chronic bronchitis or another physically disabling disease," the court said.

The court said that unless Parodi is offered a job in a smoke-free office within 80 days, she will become eligible for disability retirement benefits of about \$500 a month.

BARTLETT MEMORIAL HOSPITAL

P. O. BOX 3-3000 • JUNEAU, ALASKA 99801 • TELEPHONE (907) 286-2811
MILE 3 — GLACIER HIGHWAY

February 11, 1983

HOUSE BILL 84 "SMOKING IN PUBLIC PLACES"

Traditionally, smokers have enjoyed the freedom to smoke when and where they choose. In recent years, research has shown that second hand smoke can have harmful effects on non-smokers. Non-smokers are no longer a silent majority, they mind if you smoke and are speaking up.

Tobacco smoke contains hazardous compounds; tar, nicotine, carbon monoxide, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde and hydrogen sulfide. Two-thirds of the smoke from the burning cigarette goes into the environment. The smoke from the burning end of the cigarette has the highest concentration of these pollutants.

Being in a room with smokers can significantly increase the carbon-monoxide levels in non-smokers. The half-life of carbon-monoxide is over 5 hours and with prolonged repeated exposure a non-smoker may have a carbon-monoxide level as high as someone that smokes. This carbon-monoxide has a higher affinity for hemoglobin in the blood than does oxygen and causes a decrease in the ability of the blood to transport oxygen thru out the body. This can lead to impaired performance and physiological stress to vital organs.

Persons exposed to second hand smoke experience an increase in the likelihood of developing; bronchitis, emphysema, lung cancer and persons with existing lung disease such as asthma who are sensitive to tobacco smoke are compromised.

Nonsmokers have the right to breath clean air, free from harmful and irritating tobacco smoke. I support House Bill 84 and encourage the legislature to take action on their behalf.

Sincerely,

Gary Dunne RRT
Gary Dunne RRT

February 14, 1983

Dear Hearing Officer,

I support House Bill No. 84, which if enacted would prohibit smoking in public places and work area. As a nonsmoker, I am concerned about the injurious effects of secondary smoke to my health.

I believe my desire for a smoke free environment can be achieved, and that smokers may continue to smoke, by providing for designated smoking areas and segregating work areas into smoking and nonsmoking areas.

I am also concerned that the tobacco industry, by spending large amounts of money, may sway the apparent consensus of the group presenting testimony.

I hope that you will seek information from the interested public beyond the short sighted profit motive of the tobacco companies.

Sincerely,

Eugene E. Miller

Eugene E. Miller
17040 Glacier Highway
Juneau, AK 99801

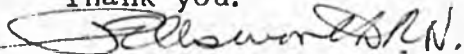
cc: Representative Mike Miller
Representative Jum Duncan
Senator Bill Ray

Feb. 14, 1983

To: The Honorable Sponsors of HB No. 84

I would like to see passage of the above---especially as related to the "close work area". Many workers are exposed, to "smokers," who have allergy/respiratory problems and should be allowed to have a smoke-free work place.

Thank you.



Pat Ellsworth RN
Health Unit, Fed. Bldg.
Bx 378
Juneau, Alaska 99802

COPY

P.O. Box 803
Juneau, AK 99802
Feb. 10, 1983

TO: State Affairs, Resources & Judiciary Committees

Dear Committee Members:

We are both state office workers in the Department of Labor Building. The Air conditioning doesn't work and our superiors have repeatedly failed to address the problem of smoke in the air with reasonable accommodations to protect us from the effects of ambient smoke inhalation. In the light of recent court decisions on the subject and in behalf of the approximately two thirds of state workers who don't smoke please consider your duty to your constituents and to the state workers and give your full support to passage of House Bill #84 "An Act Relating to Smoking in Public Places and Vehicles".

Thank you,

Roberta S. Banko.
Dennis G. Andison
Roberta S. Banko
Dennis G. Andison

COPV

To: All Members of the State Affairs, Resources & Judiciary Committee

From: Anna von Reitz, State Employee, Alaska Voter

Dear Committee Members,

I urge you to support and pass the proposed House Bill 84, "An Act Relating to Smoking in Public Places and Vehicles." The health hazards of smoking and of ambient smoke inhalation are well documented; the correlation between exposure to tobacco smoke and incidence of heart and lung diseases is too strong to ignore. In the best interests of public health, it is your responsibility to take action against this ubiquitous menace.

There are some special areas of concern that I urge you to consider with exceptional care - those being the provisions to protect young children, the elderly and non-smoking members of the work force.

As you are probably well aware, the elderly and young children are especially susceptible to lung damage and impaired vascular performance, which is further complicated by exposure to ambient smoke. Non-smoking members of the work force deserve special consideration because their abstinence from smoking is a contributing factor toward greater productivity, lower insurance rates and lower work site maintenance costs.

A final urgent concern is for the establishment of an effective and comprehensive educational program for the general population concerning the dangers to public and personal health, and the very real social costs, that are associated with smoking and inhalation of ambient smoke.

Support House Bill 811!

2-2-83
P.O. box 206
Douglas, Ak. 99824

2 - 8 - 83

State Affairs

C.C.Resources and Judiciary

I wish to convey my suport for House Bill No. 84.
Tobacco smoke irritates my eyes, nose and throat. I
resent having to restrict my activites to protect my
health from others smoking

Sincerely,

Mark J. Miller

Mark J. Miller

RECEIVED
FEB 8 1983

APPLECART

Feb. 14, 1983



TO: State Affairs, Resources + Judiciary Committees

Dear Committee members,

I would appreciate your consideration of House Bill # 84 "an Act Relating to Smoking in Public Places + Vehicles."

I am now in private business + do not allow smoking on the premises due to the fact that I quit working at the Museum (Dept. of Ed.) to get away from smoke as I have a real allergy to cigarette smoke.

Sincerely,

Martha Stevens

Larry and Martha Stevens
515 N. Franklin Street
Juneau, Alaska 99801

(907) 586-3689

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Ca - A Cancer Journal for Clinicians

Published by the
American Cancer Society

Jan/Feb 1981
Vol. 31, No. 1



Ca
1981



1945 1955 1965 1975 1985

**Lung Cancer in Women:
#1 Cause of Cancer Death by 1985?**

TESTIMONY OF REP. MILO FRITZ

FEBRUARY 12, 1983 ON HB 84

MR. CHAIRMAN, I AM REP. MILO FRITZ TESTIFYING IN FAVOR OF THE PASSAGE OF HOUSE BILL 84.

THE LEADING CAUSE OF CANCER DEATH AMONG MEN IS DUE TO LUNG CANCER CAUSED BY SMOKING. LUNG CANCER IS A RARE DISEASE AMONG NON-SMOKING MALES.

LUNG CANCER, I BELIEVE, YOU CAN CALL AN EQUAL-OPPORTUNITY DISEASE, IN THAT, AS MORE AND MORE WOMEN SMOKE, THE INCIDENCE OF LUNG CANCER AMONG THEM IS APPROACHING THAT AMONG SMOKING MEN. IN THIS CHART THAT I HOLD BEFORE YOU, IT SHOWS WHAT HAS HAPPENED SINCE 1945 AND WHAT IS PROJECTED FOR 1985 WHEN LUNG CANCER WILL EQUAL IN INCIDENCE AMONG SMOKING WOMEN WHAT NOW PREVAILS AMONG SMOKING MEN.

IN ADDITION TO LUNG CANCER, SMOKING CAUSES CANCER OF THE LARYNX, THAT IS, THE VOICE BOX, THE BRONCHIAL TUBES, AND THE BLADDER. IN ADDITION, IT AGGRAVATES HEART DISEASE, LUNG DISEASE, SUCH AS BRONCHIECTASIS, AND DIFFERENT CIRCULATORY DISEASES AS WELL, AND IS RESPONSIBLE FOR THE LOSS OF MANY MEN AND WOMEN IN THE PRIME OF THEIR LIVES. TIME LOST FROM WORK OWING TO ILLNESS CAUSED BY OR AGGRAVATED BY SMOKING APPROACHES BILLIONS OF DOLLARS EVERY YEAR. OF EQUAL IMPORTANCE IS DEATH IN THE EARLY RETIREMENT YEARS OR ILLNESS FROM SMOKING WHEN PLANS FOR CARRYING OUT HOBBIES AND TRAVEL THAT COULD NOT BE AFFORDED

DURING ACTIVE YEARS OF WORK ARE NEVER CARRIED OUT. THIS IS A FREQUENT AND MOVING TRAGEDY.

IF SMOKING AFFECTED ONLY THOSE WHO SMOKED, THERE WOULD BE LITTLE NEED FOR THIS KIND OF LEGISLATION. IF SMOKE FOLLOWED THE SMOKER ABOUT LIKE A PENUMBRA LEAVING NON-SMOKERS UNDISTURBED, THERE WOULD BE EVEN LESS NEED FOR THIS LEGISLATION, BUT SMOKE IS NOT CONFINED TO THE SMOKER; IT PERMEATES THE ROOM, BEFOULS THE CLOTHING OF NON-SMOKERS, MAKES THE EYES BURN, AND AGGRAVATES THOSE WITH NASAL ALLERGIES. IT CAUSES HOTELS' TOWELS TO REEK OF TOBACCO EVEN AFTER LAUNDERING. IN OTHER WORDS, SMOKING PERMEATES THE ROOM WHERE SMOKING IS CARRIED ON WHETHER OR NOT NON-SMOKERS ARE WILLING TO PUT UP WITH IT. SMOKING, THEREFORE, INTERFERES WITH THE RIGHTS AND PRIVILEGES OF OTHERS WHO DO NOT SMOKE, AND SHOULD BE BANNED AS A PUBLIC HEALTH HAZARD. SMOKING INTERFERES WITH THE RIGHTS OF THOSE WHO DO NOT SMOKE TO WORK OR CARRY ON THEIR BUSINESS IN A SMOKE-FREE ENVIRONMENT.

THEREFORE, SMOKING SHOULD BE BANNED IN VEHICLES AND INDOOR AREAS OPEN TO THE PUBLIC, IN VEHICLES OF PUBLIC TRANSPORTATION SUCH AS TAXIS, AIRLINES, BUSES, FERRIES, AND ELEVATORS.

IT SHOULD BE BANNED IN LIBRARIES, THEATERS, MUSEUMS, LECTURE AND CONCERT HALLS, SWIMMING POOLS, AND OTHER INDOOR PLACES OF ENTERTAINMENT OR RECREATION.

WHAT NON-SMOKER AMONG US HAS NOT BEEN REPELLED BY THE STINK OF SMOKE IN A TAXI OR AN AIRLINER? IN THE LATTER

INSTANCE, THE DESIGNATION OF SMOKERS' AND NON-SMOKERS' SECTIONS IS EUPHEMISM, SINCE THE SMOKE DIFFUSES THROUGHOUT THE CABIN FROM WHICH, OF COURSE, THERE IS NO ESCAPE.

I HOPE YOU WILL FAVORABLY CONSIDER THIS LEGISLATION. I STAND READY TO ANSWER ANY RELEVANT QUESTIONS. I THANK YOU, MR. CHAIRMAN.

P.O. Box 308
Juneau, Ak. 99802
Feb. 14, 1983

State Affairs Committee
State of Alaska

Ref. House Bill #84 - "An Act relating to smoking
in public places and vehicles."

I strongly support the enactment of
legislation which restricts or hopefully
eliminates smoking in public places
in the State of Alaska.

I feel it is a violation of my rights that I
must be subjected to second hand smoke.
Why should my health be jeopardized
by the action of others.

Thank you for considering this letter.

Sincerely,

Fredrick C. Low
FREDERICK C. LOW
586-7247; 3154

This is to show I have read House Bill # 84
and approve of its passage.

Big P

FEBRUARY 7, 1983

MILLER FAMILY
P.O. BOX 2436
JUNEAU, AK.
99803

STATE AFFAIRS COMMITTEE
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
ALASKA STATE HOUSE OF REPRESENTATIVES

DEAR PEOPLE,

WE HAVE READ HOUSE BILL NO. 84, "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES". WE FEEL THAT WHILE THE BILL IS AN IMPROVEMENT TO THE CURRENT STATUTES, IT FALLS FAR SHORT OF PROTECTING THE PUBLIC. WE FEEL THAT SMOKING SHOULD BE LIMITED TO ONES RESIDENCE, PRIVATE VEHICLE, OR THE OUT-OF-DOORS.

IN THE UNITED STATES, 67% vs 33% OF THE POPULATION IS NONSMOKING AND WE FEEL THE STATUTES SHOULD PROTECT THE RIGHTS OF THE 67% WHO DON'T AND NOT THE PRIVILEGE OF THE 33% WHO DO. WE HOPE YOU WILL CONSIDER MAKING IT ILLEGAL TO SMOKE ANYWHERE BUT IN ONES RESIDENCE, PRIVATE VEHICLE, OR THE OUT-OF-DOORS.

THANK YOU.

SINCERELY,

Kathy Miller
Gary Miller

KATHY, SHAWN, AND GARY MILLER

Feb 14, 1983

Dear Mr Vaska,

The bill to control smoking in public places needs committee action. I hope you can help the bill along.

Currently I work in a smoky office. I resent the costs (of cleaning, health, and smell) imposed on me. I must work but I'd like to have smoking restricted from the area in which I sit. Apparently, the management will resist this until there's a law.

Thank you for introducing the bill. I hope it is more than a nice sentiment.

registered voter
Goodnews Bay
ALASKA

Anne Fuller
Anne Fuller
2895 Mendota Loop 69
Juneau AK 99801

2-14-83

Dear Mr. Wood:

One of the great things about Alaska is its clean air. Maybe that's why I'm deeply concerned about the filthy air where I work.

The bill to limit smoking in public places, if passed, would make my life easier. Work would be pleasanter, my clothes would not stink. It seems to me smokers can use break times to light up, away from where I must work.

Sincerely

Anne Fuller

Anne Fuller

2895 Mendenhall Loop #19
Juneau AK 99801

June AIC 99202
P.O. Box 1001
Feb 14, 1983

Dear Committee members:

I am a state worker with the Dept. of Labor. Four
year ago I was in a trailer fire in which I lost
my son. The death stroke caused me to have
respiration problems. Cigarette smoke ~~is~~
makes me sick.

I'm all for house bill # 84. 1

Thank you -

Evelyn R. Darden

To the State Affairs Committee of the
Alaska House of Representatives

Mitch Abood, Chairman:

I am a nine-year resident of Alaska and a state employe. Although I respect the right of individuals to choose to smoke themselves, I strongly feel that this right cannot take precedence over the rights of other individuals who choose not to smoke. Unfortunately, non-smokers who work in close proximity to smokers do indeed forfeit their right of choice, forced as they are by the inhalation of ambient, or "second-hand" smoke, to endure the inconvenience, discomfort, and even toxic hazards posed by this smoke.

There are many professions and job situations which do not allow unrestricted smoking in the work place (teaching, public health, most factory situations, food processing and health industries, to name a few) so I suggest adopting similar restrictions as health protection in our state is not a radical idea.

I therefore strongly urge you to support and seek passage of House Bill 84 "An Act Relating to Smoking in Public Places and Vehicles". I am not asking that others be banned

from smoking, only that non-smokers
not be forced to do so, to the detriment
of their health.

Sincerely yours,
Jackie Lorensen
16044 Pine Street
Juneau, Alaska 99801

To State Affairs Committee
Alaska House of Representatives

Natch Hood, Chairman:

H. B 84 proposes to prohibit smoking in public places. I would encourage you to give serious consideration to this measure. Smokers have been suspecting themselves and others to the health hazards created by smoking far too long. Smokers should not have the unfettered right to inflict nose bleeds, headaches, noxious odors, and other medically verifiable afflictions on others.

While I may sound like a nonsmoker, this is not the case, I smoke a pipe and cigars. I do not smoke in public places or if someone in ^{my} presence objects.

Howard S. Tucker

Juneau, Alaska
February 10, 1983

COPY

The Honorable Mitchell E. Abood, Jr.
Alaska State House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Sir:
RE: HB #84 Smoking in Public Places

As a respiratory Therapist in an acute care facility I see the ravages of smoking every day. Men and women who were once active and healthy now are reduced to no better than cripples by the self destructive act of smoking.

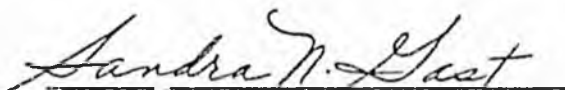
As Chairman of the State Affairs Committee, I encourage you to work toward passing this bill out of your committee with a unanimous "Do Pass." It will protect the non-smokers from the exposure to smoke in the air from smokers. Cigarette, cigar and pipe smoke does not heed "No Smoking Signs" it drifts as it pleases. Smoke assaults the lungs, sometimes only as unseen particles of all people, smokers and non smoker alike.

Smoking is an active habit done by conscious choosing, unfortunately non-smokers are subjected to the passive act of smoking against their own choosing. Passive smoking by non-smokers causes some people great distress, in the form of headache, nausea, itchy eyes and sore throats. In some cases it can trigger shortness of breath, elevated blood pressure and heart rate, coughing and even asthma attacks in some individuals. The worst result of passive smoking is the effect on infants and little children and the elderly who have minimal reserves to combat the ill effect.

Non Smokers deserve equal rights, provide them with public places where they will be free from passive smoking.

PLEASE SUPPORT H.B. #84 SMOKING IN PUBLIC PLACES.

Sincerely,



Sandra N. Gast, R.T.
6310-22 Glacier Hwy
Juneau, Alaska 99801

(Bartlett Memorial Hospital)

CC: Milo Fritz
Mike Miller

Box 981
Juneau, Alaska 99802
February 9, 1983

COPY

The Honorable Mitchell F. Abood, Jr.
Chair, State Affairs Committee
Alaska State House of Representatives
Pouch V State Capitol Building
Juneau, Alaska 99811

Dear Mr. Abood:

Re: HB #84 SMOKING IN PUBLIC PLACES

I encourage you to work toward passing HB #84 out of your committee with a unanimous "Do Pass."

Medical studies show that exposure to tobacco smoking among healthy non-smokers significantly reduces small airway function. In people who are allergic to smoke, it can cause headaches, elevated blood pressure and heart rate, coughing and even asthma attacks. Prevent discrimination against non smokers, by providing public places where they can do their grocery shopping etc, without being subjected to the passive act of smoking against their own choosing.

I think people in general are considerate of others, when it is pointed out that their actions can harm others. This is demonstrated by the way people obey the no smoking signs in hospital rooms and in elevators.

HB # 84 can be used to let smokers know that non smokers have the right not to be subjected to their side smoke.

Sincerely,

Nina L. Brown, R.N.
Nina L. Brown, R.N.

CC: Milo Fritz
Mike Miller

FEBRUARY 7, 1983

MILLER FAMILY
P.O. BOX 2436
JUNEAU, AK.
99803

STATE AFFAIRS COMMITTEE
RESOURCES COMMITTEE
JUDICIARY COMMITTEE
ALASKA STATE HOUSE OF REPRESENTATIVES

DEAR PEOPLE,

WE HAVE READ HOUSE BILL NO. 84, "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES". WE FEEL THAT WHILE THE BILL IS AN IMPROVEMENT TO THE CURRENT STATUTES, IT FALLS FAR SHORT OF PROTECTING THE PUBLIC. WE FEEL THAT SMOKING SHOULD BE LIMITED TO ONES RESIDENCE, PRIVATE VEHICLE, OR THE OUT-OF-DOORS.

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THANK YOU.

SINCERELY,

Kathy Miller
Gary Miller

KATHY, SHAWN, AND GARY MILLER

RECEIVED
FEB 8 1983

1. SURGEON GENERALS REPORT, 1978

H

B

8

5

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill 85 Date on Bill: 1/20/83
 Title: "An Act relating to the Alaska permanent fund (AS 37.13) and repealing the permanent fund
Sponsor: dividend program (AS43.23); and providing for an effective date."
 Requestor: St. Affairs, Judiciary and Finance Sponsor: Rep. Szymanski

1. Estimated fiscal impacts on:

a. Expenditures:

Millions
(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	\$117 mill.			
Operating				
Total	\$117 mill.			

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

COPY

3. Assumptions:

Bill takes effect immediately, and is retro to January 1, 1983. The \$117 million figure is an approximate of the assets from the PFD that would now transfer to the Alaska permanent fund upon the bill's effective date, taking in funds from FY 80, FY 81, FY 82, and FY 83 to date.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Mary Belief
 Division: Commissioner's office
 Approved by Commissioner: Rob O'Leary
 Department: Revenue

Phone: 465-2300
 Date: 2/10/83
 Date: 2/10/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

January 20, 1983

MEMORANDUM

TO: Hon. Mike Szymanski
House of Representatives

FROM: Milt Barker ^{MB}
Fiscal Analyst

SUBJECT: Permanent Fund Earnings Retention

The attached graphs compare projected Permanent Fund earnings to projected operating and total general fund budgets. The budgets are projected assuming 0%, 5%, 10%, and 15% annual increase. The Permanent Fund is assumed to earn a 12% annual return in all cases. All earnings are retained in the fund.

The amounts for operating and total budgets and the Permanent Fund balance (as well as other items) are shown in the attached computer runs for each case.

The amount of Permanent Fund earnings (not displayed in the runs) would be the same in all cases and was estimated as follows (\$ millions):

<u>Fiscal</u> <u>Year</u>		<u>Fiscal</u> <u>Year</u>	
1984	\$ 473	1993	\$1938
1985	565	1994	2209
1986	671	1995	2511
1987	792	1996	2847
1988	932	1997	3224
1989	1093	1998	3646
1990	1275	1999	4120
1991	1474	2000	4655
1992	1694		

PERMANENT FUND INCOME VS.
TOTAL BUDGET AT VARIOUS GROWTH RATES

