

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6131 HOUSE STATE AFFAIRS

535

IN THE TRIAL COURTS FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT
AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs

25,050 SQUARE FEET, TEXACO et al,

Defendant.

I certify this is a true copy of the original transcript herein, and that same is valid only if it bears my raised seal.

H & M COURT REPORTING

BY: George Alan Hayes

No. 3AN 89-4206 CIVIL

MOTION FOR IMMEDIATE POSSESSION

SEPTEMBER 11, 1989

PAGES 1 THROUGH 16

H & M Court Reporting
510 "L" Street, Suite 650
Anchorage, Alaska 99501
(907) 274-5661

BEFORE THE HONORABLE RENE GONZALEZ
Superior Court Judge

Anchorage, Alaska
September 11, 1989
3:15 o'clock p.m.

APPEARANCES:

For Plaintiff:

ATTORNEY GENERAL'S OFFICE
RICHARD TODD, ESQ.
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(907) 276-3550

For Defendant:

WANAMAKER & DeVEAUX
JAMES WANAMAKER, ESQ.
LEROY DeVEAUX, ESQ.
1031 West 4th Avenue, Suite 401
Anchorage, AK 99501
(907) 279-6591

H & M Court Reporting
510 "L" Street, Suite 650
Anchorage, Alaska 99501
(907) 274-5661

1 PROCEEDINGS

2 SEPTEMBER 11, 1989

3 (Tape: J-1998)

4 (564)

5 (On record - 3:15 p.m.)

6 THE CLERK: This court resumes its session
7 with the Honorable Rene Gonzalez presiding.

8 THE COURT: Please be seated. We're on the
9 record in the State of Alaska versus 25,050 Square
10 Feet, et al. Case number 3AN 89-4206 Civil.

11 Present is Mr. Todd for the State. Mr.
12 Wanamaker and Mr. DeVeaux for property owners, Mr.
13 Snyder and Mr. Morgan, and Texnor, Inc.

14 I appreciate your coming on shortened notice.
15 I'm in trial (indiscernible - unclear) tomorrow
16 morning at 6:00 in the morning, and I, unfortunately,
17 will not have the opportunity to get this typed up and
18 reviewed and signed before I leave. I might be gone
19 for four days or two weeks, but I don't know yet.

20 So, we'll put my findings so far on the
21 record, and so both parties will know where they stand.

22 This case came before the court for hearing on
23 August 17th, 24th and 25th of 1989, and continued
24 through September 1st, 1989. On the State's expedited
25 motions to establish authority and necessity in order

1 for possession. And on James Morgan's and Charles
2 Snyder's and Texnor, Inc's motions to dismiss the
3 complaint, set aside declaration of taking, and to
4 divest the State of title they had acquired by virtue
5 of filing a declaration of taking.

6 This court has considered all the evidence
7 offered at the hearings, as well as the affidavits and
8 exhibits filed by the parties in connection with their
9 pleadings.

10 The background procedural history of this case
11 is as follows:

12 On or about May 19th, 1989, and prior to the
13 filing of its condemnation action, the State of Alaska
14 entered into an agreement with Texaco Refining and
15 Marketing, Inc. This agreement provided that the State
16 would initially file its slow take condemnation action
17 against Parcel 7. Texaco, the tenants, and other
18 parties claiming an interest to Parcel 7.

19 The Department of Transportation and Public
20 Facilities, at its sole discretion, could convert the
21 action to a fast take proceeding by filing a
22 declaration of taking. Texaco agreed that it did not
23 have any objection to the project. Agreed that the
24 taking was necessary. And waived the filing of a
25 decisional document.

1 Texaco also agreed that upon receiving notice
2 of the slow take condemnation action of the State, it
3 would not renew the franchise and lease to its
4 franchisees and lessees, Charles Snyder and James
5 Morgan, d/b/a Texnor, Inc.. And that Texaco would
6 only provide to them a month-to-month lease until July
7 31st, 1989, with notice to vacate by that date.

8 Snyder nor Morgan did not vacate. Texaco
9 committed itself to bring in an unlawful detainer
10 action to remove them from Parcel 7. Texaco agreed
11 with the State on the net of \$458,850.00 as just
12 compensation for Texaco's fee interest and all
13 improvements and fixtures located thereon.

14 The parties agreed -- the State and Texaco --
15 that the total sum of \$491,000.00 would be deposited,
16 and that \$32,150.00 would be used for remediation of
17 soil contaminants.

18 The franchisees, lessees, Morgan and Snyder,
19 were not parties to this agreement between the State
20 and Texaco, nor were they informed of or aware of his
21 existence until on or about August 30th, 1989.

22 On May 19th, 1989, and after its agreement
23 with Texaco, the State filed this complaint
24 condemnation seeking the taking of property under its
25 (indiscernible - unclear) and domain. The property to

1 be acquired by this slow taking proceeding was
2 described as Parcel 7. It was being taken for a
3 roadway right-of-way of Alaska Highway Project FM-0526
4 (1). Known as the Raspberry Road Project.

5 The estate being condemned was a fee simple
6 estate, and the persons or entities identified as
7 having a claim or interest in the property where Texaco
8 Refining and Marketing, Inc., James M. Morgan, Charles
9 E. Snyder, Texnor, Inc., Chugach Electric Association,
10 Inc. and the Municipality of Anchorage. The State did
11 not deposit with the court any funds as estimated value
12 of the property condemned.

13 On June 12th, 1989, prior to any party having
14 filed an answer, the State converted its complaint to a
15 quick take proceeding by filing its First Amended
16 Complaint, a Declaration of Taking dated June 12, 1989,
17 and signed by William R. Snell, Regional Director,
18 Department of Transportation and Public Facilities,
19 Northern Region. And a decisional document signed on
20 May 31st, 1989, by Tommy Jean Heinrich (ph), Director,
21 Design and Construction, Central Region, Department of
22 Transportation and Public Facilities.

23 The State, upon filing the declaration of
24 taking and the decisional document, deposited the sum
25 of \$491,000.00 as the estimated value of the fee estate

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condemned.

On June 12th, 1989 Chugach Electric Association, Inc. filed its appearance and designated this property interest as a duly recorded easement granted to it by Texaco, Inc. on August 31st, 1966. Chugach Electric did not object to the take of the easement by the State and demanded recovery of the cost of relocating these utility facilities under AS 19.25.020.

The Municipality of Anchorage has filed an appearance, but has not objected to the taking. Snyder and Morgan have objected to the taking, and have moved the court to dismiss the complaint. First, challenging their jurisdiction of this court, or, on the basis that the United States, as an indispensable party, has not been joined in the action. Also, they have moved to divest the State of title it has acquired by virtue of the filing of its declaration of taking.

I have carefully reviewed all the pleadings that have been filed. First, let me address the challenge to the jurisdiction of the court again, as filed by Snyder and Morgan.

Snyder and Morgan have moved to dismiss the complaint on the basis of the State's failure to join, as an indispensable party, the United States of

1 America, and does assert that this court lacks
2 jurisdiction over the subject matter.

3 Snyder and Morgan have cited the single case
4 of City of Fairbanks versus Electric Distribution
5 System, the City of Fairbanks versus Electric
6 Distribution System. The City of Fairbanks Borough
7 filed an eminent domain action against an electric
8 association to condemn the complete distribution system
9 of an electric association in which the United States
10 had a security interest by virtue of the mortgage on
11 the system securing the loan from the United States
12 pursuant to the Rural Electrification Act of 1936.

13 The court did hold in the City of Fairbanks
14 case, that the United States, by virtue of this
15 security interest in the complete distribution system,
16 was an indispensable party under Civil Rule 19, and
17 since the United States could not be joined as a part
18 to that action because it could not be sued without its
19 consent, the action was subject to dismissal.

20 The court in the City of Fairbanks applied the
21 standard or the test of State Department of Highways
22 versus Crosby, whether a determination of when a party
23 is indispensable.

24 I have reviewed carefully the test of State
25 Department of Highways versus Crosby. The test of

1 indispensability. And that case is found in 410 Pac
2 2d, 924, Alaska, 1966. And I conclude that the United
3 States is not a dispensable party to this action. In
4 this case, Chugach Electric Association had an easement
5 in Parcel 7. It is clear that the United States does
6 have a security interest in the -- in Chugach Electric
7 Association's property. But this -- the property
8 that's been condemned in this case, as far as Chugach
9 Electric is concerned, is an easement owned by Chugach
10 on Parcel 7. And Chugach has not objected to the take,
11 and apparently has entered into an agreement with the
12 State that the State would pay for the relocation of
13 this utility facility.

14 Therefore, Snyder or Morgan's motion to
15 dismiss the complaint on the basis of lack of
16 jurisdiction of this court is denied.

17 (1037)

18 Snyder and Morgan also challenged the
19 decisional document that was filed by the State in this
20 case. And cite Sheep Creek Hydraulic Syndicate versus
21 State, 685 Pac 2d, 715, Alaska, 1984. Sheep Creek
22 Hydraulic made mandatory the filing of a decisional
23 document contemporaneously with the Declaration of
24 Taking, which explains the decision to use the quick
25 take method of the Declaration of Taking. The

1 decisional document is an essential and integral part
2 of the Declaration of Taking.

3 Although not specifically stated in Sheep
4 Creek, it can be implied that the decisional document
5 be signed by the Commissioner of the Department of
6 Transportation, Public Facilities, or by designee of
7 the Commissioner within the Department.

8 It is clear from the evidence presented in
9 this court that Tommy Lee Henreich [sic] -- is it
10 Henrick or Heinrich?

11 MR. TODD: Heinrich.

12 THE COURT: Heinrich, was not delegated the
13 authority by the Commissioner of the Department of
14 Transportation and Public Facilities to sign the
15 Declaration of Taking and the decisional documents.

16 The Commissioner, in fact, has not designated
17 any person within the department to sign the decisional
18 documents. A compelling argument can be made that a
19 decisional document, which is signed by a person not
20 specifically delegated by the Commissioner of the
21 Department of Transportation Public Facilities to sign
22 a Declaration of Taking, cannot serve as the basis for
23 a Declaration of Taking.

24 Particularly in this case -- as in this case,
25 the Declaration of Taking signed on June 12th, 1989 by

1 William R. Snell, the Regional Director of the
2 Department of Transportation Public Facilities,
3 Northern Region, who was duly delegated to sign the
4 Declaration of Taking. That decisional document did
5 not incorporate or adopt by reference, the decisional
6 document.

7 In Sheep Creek the Supreme Court stated the
8 following: We will not impose detailed requirements as
9 to how the decisional documents is structured, or as
10 to what they must contain, so long as a decisional
11 document adequately reflects the facts and premises in
12 which a decision is based.

13 The decisional documents, most useful, a
14 document which separates and agency's actual reasons
15 for making a decision from the legal arguments he later
16 advises to justify it. And that quotation is on page
17 720.

18 This court concludes that as to this case the
19 fact that the State has filed the decisional document
20 which was signed by a person who had not been delegated
21 the authority by the Commissioner of the Department of
22 Transportation Public Facilities to execute the
23 Declaration of Taking is not fatally flawed. Sheep
24 Creek did not make it specifically a mandatory
25 requirement that the decisional document be signed by

1 the Commissioner or his duly delegated and authorized
2 representative.

3 There is no doubt in my mind, however, that
4 the preferable practice, and to be consistent with the
5 Sheep Creek Hydraulic Syndicate decision, the State,
6 henceforth, should require that the commissioner or a
7 duly authorized representative of his be the person who
8 carefully reviews the decisional document and the
9 Declaration of Taking, be one in the same person.

10 I will give a little bit of background as to
11 Snyder/Morgan's status on the subject property. In
12 the spring of 1979 Snyder or Morgan purchased the
13 business known as Sand Lake Texaco for approximately
14 \$87,000.00. As a part of completing such purchase,
15 Snyder and Morgan entered into lease and franchise
16 agreements with Texaco. They have maintained such
17 lease and franchises for approximately 10 years.

18 Snyder and Morgan have operated a full
19 service station on said location. That is, the sale of
20 gasoline and Texaco oil products, as well as the
21 mechanics shop for the last 10 years.

22 As a direct consequence of the take by the
23 State of Parcel 7, Snyder and Morgan -- Snyder and
24 Morgan's business, as a service station, will be shut
25 down completely. As all the improvements on Parcel 7

1 will be removed, and the highway improvement will drop
2 the level of the parcel approximately 12 feet. The
3 remainder of the parcel, which will not be used for a
4 permanent highway improvements will be about 13,000
5 square feet. An area too small to support a gas
6 station.

7 Snyder and Morgan stand to lose all of their
8 investment on the franchise and leasehold station as a
9 direct result of the State's action. The State takes a
10 position, and I -- in the view of the of this court,
11 rather cavalierly, and erroneously, that Snyder/Morgan
12 are not entitled to compensation for the long term loss
13 of their business and the loss of their franchise with
14 Texaco because they can relocate to another location.

15 The franchise itself cannot be relocated
16 because it terminates by virtue of the condemnation by
17 the State, and in order for Snyder and Morgan to start
18 another service station business, they have to purchase
19 a new franchise in the open market and pay very
20 substantial consideration for it.

21 It is clear from the evidence before me that
22 the State's plan originally was to acquire Parcel 7 by
23 meaningfully dealing only with Texaco and not Snyder
24 and Morgan. Prior to the filing of the condemnation,
25 the State did not meet its duty and obligation to deal

1 with Snyder and Morgan fairly and in good faith. .

2 Under the facts and circumstances of this
3 case, this court concludes that Snyder and Morgan have
4 a property interest which the State must make a
5 reasonable effort to compensate them for before the
6 State acquires possession of the subject property. The
7 State cannot be permitted to shut down an on-going
8 business and completely fail to acknowledge the
9 estimated losses suffered by the owners of the business
10 for their long term business and franchise loss.

11 The State has failed to establish that they
12 dealt with Morgan and Snyder fairly and in good faith.
13 The State has not complied with the uniform real
14 property acquisition policy found in AS 34.60.120.
15 That the State shall, to the greatest extent practical,
16 make every reasonable effort to expeditiously acquire
17 property by negotiations.

18 AS 09.55.460 (b) mandates that private
19 property be considered were referenced to the
20 particular properties involved -- or, private injury,
21 I'm sorry. AS 09.55.460 (b) mandates that private
22 injury be considered with reference to he particular
23 properties involved.

24 Where an agency fails to consider an
25 independent factor in making its decision, the decision

1 will be regarded as arbitrary. The State in this case
2 has failed to consider the impact of the taking of
3 Snyder and Morgan's property interests, and has thus
4 failed to properly take into account this factor as a
5 part of a rational decision of the greatest public good
6 and the least private injury.

7 For this reason, the State's motion for
8 immediate possession of the subject property is denied.

9 Nothing further. We'll stand in recess.

10 THE CLERK: Please rise. This court stands in
11 recess.

12 (1444)

13 (Off record - 3:30 p.m.)

14 ***END***
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CERTIFICATE

SUPERIOR COURT)
) SS.
STATE OF ALASKA)

I, Georgi Ann Haynes, Certified Professional Court Reporter for the Third Judicial District, State of Alaska, hereby certify:

That this transcript was prepared to the best of my knowledge and ability from Third Judicial District Gyr tapes identified as follows: .

That the transcript was prepared from 2-Channel quality tapes recorded by Alaska Court System personnel, therefore "indiscernible" portions appear throughout the transcript.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12th day of September, 1989.

Notary Public in and for Alaska
My commission expires: 1/10/91

Item 6

STATE OF ALASKA THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 4, 1990

SUBJECT: Sectional summary of draft CSHB 537 (State Affairs) (Work Order No. 6-1833E, 4-3-90)

TO: Representative H.A. "Red" Boucher
Chair, House State Affairs Committee

FROM: Theresa L. Bannister *TB*
Legislative Counsel

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

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 09.55.310(a) to require the jury or master in an eminent domain action to ascertain and assess the full amount of business loss caused by taking or damaging the property.

Section 2 amends AS 09.55.440(b) by directing the court in an eminent domain action to expeditiously order that deposited money be paid immediately to the entitled persons.

Section 3 amends AS 09.55.450(a) by adding a third situation in which a court is prohibited from granting a right of entry in an eminent domain action. The new provision delays the right of entry until the court determines that the deposited amount of the estimated just compensation for all property taken or damaged is substantiated by one or more appraisals prepared in good faith.

Section 4 adds four additional situations in which the plaintiff in an eminent domain action may be divested of a title or possession taken. The new situations are when the court

finds that the amount of the estimated just compensation deposited under AS 09.55.440(a) is not adequate, the state failed to comply with AS 34.60, the plaintiff is a municipality that failed to comply with AS 34.60, or the plaintiff failed to comply with AS 09.55.275.

Section 5 defines "business loss" and "private injury" for the eminent domain article.

Section 6 makes a technical change to make AS 29.35.100(25) compatible with the change made in sec. 7.

Section 7 adds to AS 29.35.030(a) the requirement that municipalities use the procedures set out in AS 09.55.250 - 09.55.-460 (Eminent Domain) and AS 34.60 (Relocation Assistance and Real Property Acquisition Practices), regardless of the source of funding, when exercising the powers of eminent domain and declaration of taking.

Section 8 states that the purpose of AS 34.60 is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of state agency activities.

Section 9 requires state agencies to establish a relocation and payment program for persons displaced as a result of state agency activities, in order to carry out relocation assistance programs and to provide payments to persons as a result of the taking or damaging of property for activities of state agencies.

Section 10 requires a state agency to make certain payments to displaced persons when the taking or damaging of property for a state agency program or project will displace the persons.

Section 11 Sec. 34.60.050(a) requires a state agency to make, in addition to other payments authorized by AS 34.60, an additional payment to a displaced person who meets certain requirements. The payment must include

(1) the amount that, when added to the cost of taking the dwelling, equals the reasonable cost of a comparable replacement dwelling that meets certain criteria;

(2) the amount that will compensate the displaced person for any increased interest costs that the displaced person is required to pay for financing a comparable replacement dwell-

ing; this amount is to be paid only if the dwelling taken by the state agency was encumbered by a mortgage meeting certain requirements a specified time before the negotiations began for the taking of the dwelling; and

(3) certain other expenses incurred by the displaced person relating to the replacement dwelling.

Sec. 34.60.050(b) limits the making of the additional payment authorized in (a) to a displaced person who purchases and occupies a replacement dwelling (that meets certain criteria) within one year from (1) when the person receives final payment of all costs of the taken dwelling, or (2) when the person moves from the taken dwelling, whichever is later.

Section 12 requires state agencies, in addition to amounts otherwise authorized by AS 34.60, to make a specified payment to a displaced person who is not eligible for a payment under AS 34.60.050, if the dwelling was actually and lawfully occupied by the person for a certain period before the initiation of negotiations for taking the dwelling.

Section 13 requires a state agency, as soon as practicable after paying the purchase price or depositing the funds to satisfy the award of compensation in a condemnation proceeding, whichever event is earlier, to reimburse the owner to a fair and reasonable extent for certain expenses necessarily incurred for conveying the property to the state agency, certain mortgage prepayment penalty costs, and a pro rata portion of certain property taxes.

Section 14 requires the state court handling a state agency condemnation proceeding to award the owners of certain interests in the property a sum that the court determines will cover certain costs incurred because of the condemnation proceedings, if (1) the final judgment is that the agency cannot take the property by condemnation, or (2) the state agency abandons the proceeding.

Section 15 directs a state agency to provide a specified relocation assistance advisory program for displaced persons when the taking or damaging of property for a program or project undertaken by a state agency will result in the displacement of a person. Directs the state agency to offer the occupant of immediately adjacent property the relocation

advisory services under the program if the person is caused substantial economic injury because of the taking.

Section 16 directs a state agency or other entity taking or damaging property for a project or program to comply with certain policies to the greatest extent practicable. These policies include

- (1) making every reasonable effort to expeditiously take or make compensation for the property by negotiation;
- (2) appraising the property before the initiation of negotiations, and giving the owner or designated representative an opportunity to accompany the appraiser during the inspection of the property;
- (3) before the initiation of negotiations for the property, establishing and offering a reasonable amount for compensation for all property taken or damaged; the amount is not to be less than the approved appraisal of the fair market value of the property; certain increases or decreases in the fair market value of the property are to be disregarded; the owner of the property must be provided with certain written information about the amount established as compensation;
- (4) not requiring the owner to surrender possession of the property before a specified payment or court deposit is made;
- (5) scheduling the construction or development of a public improvement so that a person lawfully occupying the property is not required to move or to move the person's business or farm operation without at least 90 days' written notice of the date for moving, and until 90 days have elapsed after
 - (1) a court determines that the prerequisites under AS 09.55.270 have been met, or
 - (2) has ruled under AS 09.55.450(a) on any objections made to a declaration of taking, or the time for filing objections under AS 09.55.450(a) has expired without an objection being filed.
- (6) if an owner or tenant is permitted to occupy the taken or damaged property on a rental basis for a short term or for a term subject to termination by the state agency on short notice, not charging rent that exceeds the fair rental value of the property to a short-term occupier;

(7) not advancing the time of condemnation, deferring certain other activities, or engaging in other coercive action in order to compel an agreement on the price for taking or damaging the property;

(8) initiating formal condemnation proceedings if an interest in property is to be taken or damaged by the exercise of eminent domain and not intentionally requiring the owner to begin legal proceedings to prove the taking or damage;

(9) offering to take the entire property if the taking or damage of only part of the property would leave the owner with an uneconomic remnant.

Section 17 directs a state agency taking property to take at least the same interest as taken in the property, in all buildings, structures, and certain other improvements located upon the property that are to be removed by the state agency or that will be adversely affected by the use to which the real property will be put.

Section 18 states that for determining just compensation for a building, structure, or other improvement required to be taken under AS 34.60.130(a) the building, structure, or other improvement is considered to be a part of the real property to be taken although a tenant has the right or obligation to remove it. The tenant with the right or obligation of removal is to be paid the fair market value that the building, structure, or improvement contributes to the fair market value of the real property to be taken, or the fair market value of the building, structure, or improvement for removal, whichever is greater.

Section 19 authorizes a state agency to make, in addition to other programs authorized by AS 34.60, loans to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons. States that the loans are part of the project cost, identifies to whom and for what they may be made, identifies the maximum proportion of certain planning and financing costs that the loans may constitute, indicates when and how much interest is to be charged, establishes certain repayment requirements, and authorizes the cancellation of a loan under certain circumstances.

Section 20 authorizes a state agency to take the action necessary or appropriate to provide certain housing by using

Representative H. A. "Red" Boucher
Page 6
April 4, 1990

funds authorized for the project, if the agency program or project cannot proceed to actual construction because comparable replacement sale or rental housing is not available and if the agency determines that housing cannot otherwise be made available.

Section 21 adds a definition of property to include short-term and long-term business interests. Makes several changes in the definition of "displaced person" to reflect the changes in the rest of the chapter and to delete an obsolete date.

Section 22 repeals AS 34.60.100.

Section 23 gives the act an immediate effective date.

If I can be of further assistance, please advise.

TLB:mi
wkmi6/068

H B

540

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 540

Space and Science Week

Received February 12, 1990
by Rep. C. Davis

Heard March 1, 1990

Passed Out of Committee March 1, 1990
4 Do Pass

TABLE OF CONTENTS

HB 540: Space and Science Week

- Item 1: HB 540 by Rep. C. Davis
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- Item 3: Letter and Backup from Rep. C. Davis,
February 22, 1990

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 540

HOUSE BILL NO. 540

SPACE AND SCIENCE WEEK

"An Act establishing Space and Science Week."

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____ fiscal note(s) _____
- zero fiscal note Rev _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Glenn Hanley
James H. ...
Glenn Hanley
W. B. ...

	Do Not Pass	No Rec	Amend

W. B. ...
Chairman's Signature

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HB 540
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act establishing Space and
Science Week
Sponsor: C. Davis
Requestor: House State Affairs

Agency Affected: Department of Revenue
BRU: Alaska Science & Technology
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: Attach a separate page for analysis.

Prepared By: John Sibert
Division: Alaska Science & Technology Foundation

Phone: 272-4333
Date: February 23, 1990

ACKNOWLEDGED
Approved by Commissioner: Hugh Malone
Agency: Department of Revenue

Date: 2/23/90

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

Item

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT 1
HYDER
KETCHIKAN
KUPREANOF
MEYERS CHUCK
PETERSBURG
SAXMAN
WRANGELL



HOME
P.O. BOX 5723
KETCHIKAN, AK 99901
PHONE 225-6304

DURING SESSION
P.O. BOX V
STATE CAPITOL BUILDING
JUNEAU, AK 99811
PHONE 465-3424

Representative Cheri L. Davis

February 22, 1990

Mrs. Jean Ellis
CB/ Astronaut Appearances Office
NASA - JSC
Houston, TX 77058

Dear Mrs. Ellis:

I recently met Col. Jim Adamson in Wrangell, Alaska, where he was the guest of the community during their annual "Tent City Days" Festival. I saw his slide presentation showing our earth's geography, from the point of view of the shuttle.

In a conversation with Col. Adamson later, he indicated that you work with school districts, and others, to have astronauts make appearances in schools. I was so impressed by Col. Adamson's presentation and with my conversations with him that I initiated a bill in the Alaska House of Representatives asking that our State set aside one week as Space and Science Week. My objective is to focus some attention on the sciences, in particular geography, as they relate to space travel.

I would like to know the name of someone I could communicate with in your organization to see if we could arrange visits in Alaska with a number of school districts next year. Whether or not my bill passes, I intend to follow up on this. I have already talked with a couple of teachers, one from my town of Ketchikan and the other a Juneau Middle School geography teacher, both of whom were very excited about the possibilities of this.

Thank you for your help.

Sincerely,

Handwritten signature of Cheri L. Davis in cursive script.

Cheri L. Davis
Alaska House of Representatives

CORRECTION

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

Item 3

ALASKA STATE LEGISLATURE

ELECTIVE DISTRICT I

HYDER
KETCHIKAN
KUPREANOF
MEYERS CHUCK
PETERSBURG
SAXMAN
WRANGELL



HOME

P.O. BOX 5723
KETCHIKAN, AK 99901
PHONE 225-6304

DURING SESSION

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STATE CAPITOL BUILDING
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Alaska House of Representatives

POSITION PAPER FOR HOUSE BILL 540

I am very concerned about our national problem with the lack of knowledge about the sciences. In particular I am concerned that most of our population has little, if any, knowledge of geography. This is evidenced by the need for the recent passing of Rep. Ulmer's HJR64, which asks that Alaska be placed closer to where it geographically is.

A recent presentation by Col. Jim Adamson, one of the shuttle astronauts, gave me the idea to focus attention on the subject by using astronauts in the schools to spark students interest in geography and other sciences. Col. Adamson presented slides that he had taken from the shuttle showing such prominent features as volcanos, mountain ranges, lakes, etc., and finishing with shots of Southeast Alaska. I know students would be interested in meeting and talking to Col. Adamson or his fellow astronauts.

My intent with this bill is to focus some attention on the subject and, at the same time, I will be working with school districts and N.A.S.A. to see if we can develop a program for several Alaska schools.

Robert L. Gibson

*Introduced by
Dave Haugen
Lynden, Inc.*



Commander Robert L. Gibson, USN, is a NASA astronaut. He was born October 30, 1946 in Cooperstown, New York, but considers Lakewood, California his home.

He holds a bachelor of science degree in Aeronautical Engineering from California Polytechnic State University, graduating in 1969.

Gibson entered active duty with the Navy in 1969. He is a graduate of the Naval Fighter Weapons School, "Topgun." His flight experience includes over 4,000 hours in different types of civil military aircraft. He holds commercial pilot, multi-engine, and instrument ratings. Gibson has also completed over 300 carrier landings.

He was selected by NASA in January 1978, becoming an astronaut in August 1979. He flew a Challenger mission in February 1984, logging 191 hours in space. His second flight was aboard the Columbia, in January 1986 and included a night landing at Edwards Air Force Base.

A little more than a year ago, he was spacecraft commander aboard the Atlantis, a mission that carried a Department of Defense payload. All total, Gibson has completed 442 hours in space. His current assigned duties are within the Astronaut Office in support of upcoming Shuttle flights.

He is married to Dr. M. Rhea Seddon and they have two children.

what is something that we can pick out so that when we're in orbit we see something that's unusual, we shoot a photo of it and let them tell us what it all means later on.

Before I get into all of that, let me spend just a couple seconds talking about the fun part of it. Mr. Chase earlier today mentioned the fact that this is an anniversary for the roller coaster. Let me say that this trip has completely spoiled me. The trip into orbit has completely spoiled me for any roller coaster. Because this ride is by far about 3 or 4 or 10 times anything that I've ever seen on a roller coaster before.

The moment that's pictured here -- and these are a bunch of slides from the three space flights that I've been on -- is kind of a significant moment. This is where you realize that they're serious about launching you into space. And if you had any second thoughts about it, this is not the right time to say hold on a second. Right about here happens about 4 seconds later. There's not a whole lot of difference in time between those two pictures, and this is where the co-pilot looks over and says, "Whats all that noise I hear behind us." And that's about 7,000,000 lbs. of thrust that's boosting us up into orbit. The noise aspect of it is something that I have never really quite gotten use to. I think everyone of your sensors is maxed out at this point in the lift-off.

At this point here, which is about that same point, we're well over 200 miles an hour when we get that high off the launch pad. The acceleration is something that I never really appreciated from watching it from the outside, because the vehicle is so big. It looks like such a stately majestic lift-off and it looks so slow, but in fact, you are really being slapped back in the seat. We fly straight up hill for two minutes, and this point right here is where the solid rocket boosters have about burned out. You can see that by the smoke diminishing way down, and we're about to jettison the booster rockets. Notice that we've gone from liftoff to this point in 2 minutes and 5 seconds. And this point is 30 miles up and 30 miles down range, and we're going about 4500 mph. So its a pretty good acceleration in that 2 minutes. Its better than any Covette I've ever been in.

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ROBERT L. (HOOT) GIBSON
COMMANDER USN, ASTRONAUT
Speech to "MEET ALASKA" '90 Conference
Anchorage, Alaska
January 20, 1990

Let me say thank you to the Alliance for inviting me to come up here to speak to you today. This is a place I've passed about 70 times now, but I've never stopped by to say hello.

I'd like to talk today a little bit about how we study the earth; how we explore the earth from the vantage of manned space flight. And I know that the observation from space and use of sensing, remote sensing, from orbit is something that you're all very familiar with. I know that you use it to study the growth and the movement of the ice flows. I know that you use it to keep an eye on the weather, and you use it for some clues in studying geology. And, of course, those types of systems that you use are multi-spectral sensors, visible light, infra red and things of that nature.

I'm going to show you a little bit about what we do from the space shuttle using the human eye and using the sensors that we have onboard, and how it augments and assists with what we do in the way of space flight.

In the case of earth observation from space and our use of crews onboard, it's of course, sort of a piggyback mission, if you will, in that the major payload, of course, defines the mission. But once we have loaded aboard the major payload, we go from there and we structure a number of secondary payloads in, we wind up with an awful lot of time that we spend in orbit that we could devote to studying the earth and looking for different things that are of interest to a bunch of different people. And along those lines we study geology, we study oceanography, meteorology, astronomy and we study uses and utilization of earth resources. What we try to do is pick a number of particular target areas, as you will, that these people, these scientists that are involved with these things, would like to look at, and then along the way they teach us what's interesting, what's unusual, and

what is something that we can pick out so that when we're in orbit we see something that's unusual, we shoot a photo of it and let them tell us what it all means later on.

Before I get into all of that, let me spend just a couple seconds talking about the fun part of it. Mr. Chase earlier today mentioned the fact that this is an anniversary for the roller coaster. Let me say that this trip has completely spoiled me. The trip into orbit has completely spoiled me for any roller coaster. Because this ride is by far about 3 or 4 or 10 times anything that I've ever seen on a roller coaster before.

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We continue up hill for another 6.5 minutes and that's where we get rid of the tank. Then engines are shut down on the orbiter at that point. We jettison the external tank, and then any maneuvering that we do on orbit, we use what we call OMS thrusters (Orbital Maneuvering System) and these are the engines that you see burning here. There's one of them burning in this picture. So we use that for all of our orbital maneuvering.

Just real quickly. The kinds of things that we do when we're up on orbit, and these are the major payloads and the major reasons for being there: one of them is deploying communication satellites, and this is a picture of a satellite that we deployed on my second flight, coming out of the cargo bay. We carry these as a contractor, if you will. We carry the satellite for a paying customer, drop it off on orbit, and then it uses its own booster motor to take it up to a geosynchronous orbit from there.

Some of the really fun things that you can do though happened on my first flight, which was where we sent two of our guys outside to do a space walk. And this is a picture of Bruce McCannus running a test on the end of the robot arm. This is an arm built in Canada, the Canadian Remote Manipulator System. And we put Bruce in this foot platform, maneuvered him all over the cargo bay to test different work stations. But by the far the most fun that they got to do was go flying. They put on the Buck Rogers jet backpack, if you will, the man maneuvering unit, and used it to fly away from the orbiter without being tethered to the shuttle. And as you can see, they used it to fly pretty far away from us. Bruce and Bob both flew out to about 300 feet away, the length of a football field, and equally as important to them, to fly back to the orbiter from that point. And, of course, while he was out there, he took some pictures looking back at us. And this is a few of what we looked out in Challenger about 200 miles up over the earth. I think you can probably picture - we have a pretty nice view looking out the windows of the orbiter, but the view that they have looking out below their feet and seeing the earth 200 miles below must have been pretty good.

We spend 8 days up on that first flight, and this is a picture of us as we were coming back down. We landed at, this was the first landing at Cape Canaveral in Florida on my first flight, and this is a picture of what we

looked like as we went by Galveston Island. This is a picture taken from Galveston as we came across the Gulf down there in the Lower 48, and coming back into land. What this looks like from inside the cabin is pretty impressive. This is a view taken kind of early in the re-entry, and we're looking out my forward window over on the left side. This was a night time re-entry and so it should be dark as night outside, but you can see we're seeing kind of a pinkish glow, and the farther down we get the brighter this gets.

This is a little bit later and we're starting to see some flow interaction. As the flow is coming up, this is out the pilot's side of the orbiter, out the pilot's right hand window. We're seeing some flow interaction as the flow comes up over the nose and hits the flow that's coming over the right side. And you can see we're getting some pretty hot spots out the window. A little bit farther down its even brighter outside. This last picture shows its just as bright as day outside the window. You fly surrounded by this kind of fire and flame for about fifteen minutes during the course of re-entry, and it looks like you're flying inside of a blow torch. In actuality, its a lot hotter than any blow torch. The temperatures of that plasma, outside the window, are just a little bit hotter than the surface temperature of the sun. Its about 7,000 degrees _____ out the window and the surface of the sun is about 6,000. So its a little bit warm outside. Fortunately, it stays nice and cool inside. And we arrive back down in the atmosphere gliding, of course, as you'll recall we're a 100-ton glider at that point, which isn't a real great glider. So we hold the landing gear right up until the last second, cause it glides worse than pit special does when you shut the engine off, but it glides pretty poorly with the gear up, it really glides terribly with the gear down, so we hold the gear until the very last second. Drop the gear, and if the gear doesn't come down - people have asked me a lot of times, what are you going to do? I said we're going land anyway. And of course that's true. That's kind of what our system is right now. Where's it going to go from here.

I found this picture kind of interesting because this was something that was drawn or depicted maybe about 40 years ago by Willy Lay and Co., and its kind of interesting because it shows a big manned rocket that flies into

space, it joins up with a big space station up there, and low and behold 40 years later that's exactly what we're talking about. We can accomplish a lot of things with the space shuttle, and this flight that just landed last night, you probably heard, achieved 11 days in orbit, which is a new record for us. We're working on a capability that the Congress has asked us to develop called extended duration orbiter, where we try to keep the orbiter up (I emphasize try) on the order of 16 to maybe even 28 days. It's going to be a real process of evolution to get it to be up that long 'cause it was designed as a delivery truck. So the real capability to get some continuity, to really be able to learn and evolve in our earth observation and in other things, is going to come to us from our space station, which we're working on now. And I'm not going to go into all of these functions, but there are a number of things that we'll do with the space station, and one of the things that we'll accomplish of course, is a lot more continuity and lot of more things that we can do with our earth observation. Its going to be a multi-national facility. We have the Europeans involved, the Japanese are getting involved, so its going to be a facility that a lot of people are going to be utilizing. And one of the things that we will be using it for, of course, will be earth observation.

Looking a little farther down the road, we may even replace our space shuttle at some point with this vehicle, which is the space plane, National Aero Space Plane, that we hope to be able to take off from a runway and launch into orbit and fly up to the space station with that, and then return and land on a runway again. This is something that we're hoping to fly before the end of this decade, and we're expecting a production decision on the first three, the X-3 National Aerospace plane in about 1993.

Well what are some of the things that we wind up doing - getting back to the real heart of this - the earth observation. The one big advantage that we have in the manned space program is that we have the human eye. The human eye can see a lot of things that we can't catch on film. The resolution in some of these very good overhead systems that we have up there, is not quite as good as we what we can capture on plain old film. And the areas in the field geology, and here's a couple of examples here of some of our geologic observations, they'll have us look for interesting things, they

also have us look at areas that change real fast. This is one of those - up in the upper Andes, where they have earthquake activity, where they have wintertime activity, mudslides and things like that, some volcanic activity. They have us keep a close eye on this area because it does change its topography fairly frequently. So this is one area that we have consistently watched quite a bit.

To get an idea of the kind of scale that we can catch, this is a picture taken from outside - this is down on the Lower 48 again (I just learned that expression this weekend) - but we're looking at perhaps the kind of viewpoint that we have from orbit with cameras and film. And this is a picture we've taken, and down on the bottom corner here we're looking at San Diego, CA, and that's the harbor, Pt. Wilma, right there, so we're looking at San Diego, CA down in the bottom of the picture. And to summarize, we're looking across half the United States at one time. Because in looking at this picture, Phoenix, AZ is right here. The Great Salt Lake is this little blue spot right up here. This line of mountains right here is the Rocky Mountains, so Denver is right about there, and Colorado Springs is down right about here, and there's a little dark spot that you can just barely make out right up here and that's the black hills of South Dakota. So right on the edge of the picture is Kansas City. So we're seeing halfway across the United States with one shot. And this is one of the things that we can accomplish. We've got decent resolution down at this altitude and we can take in a fairly large area, when you look at what we're seeing here.

This was kind of a dramatic photograph, and while I'm telling you how we can accomplish such wonderful things in our earth observation, this was a photograph that we took on my second mission in 1986, and this was the first ever photograph from space of the Niger River Delta. It took us 25 years to get a photograph from space of the Niger River Delta. Why is that? That's because those pesky clouds keep getting in our way. The meteorologists, of course, don't like us to say things like that, because the only thing worth studying from orbit is clouds and meteorology to them, but nevertheless, over all those years, clouds and weather conditions have prevented us from ever getting a photo of the Niger River Delta. And if you look at the Niger River on maps, you'll see a whole bunch of white

areas that say relief lines are not available in this area. So this is one of the things that we use our photography from space to accomplish.

Speaking of those clouds - one of the other things that we do of course, we photograph any of the major storms, this one being a major summer storm, obviously a hurricane. This is Hurricane Delapena which we shot off the coast of Australia on my second flight. It turns out that photography is really about the only good way you can study the eyewall of a hurricane and study the eyewall characteristics. The DMSP satellites, the GO satellites, really won't get you the granular, they can't get the detail, whereas when we pass over these things 200 miles up, we can shoot right down into the eye and get the vertical structure of the eyewall. And in that way, we can help them, the meteorologists, calibrate what they're seeing on the DMSP satellites, and calibrate what they're getting out of their other data, the GO satellite, and try to understand what they are seeing. And this is probably where one of our major contributions is in the way of manned space flight, is helping to look at the overhead sensors that we have up all the time and get a better idea of what a multi-spectral sensor is telling us.

During my last flight which was aboard Atlantis, I was on a 57 degree orbit, so that's when I passed by here about 70 times, and we had a chance to study, which we don't study very often because we aren't usually that far north. We had a chance to study the major winter storms, and you're very familiar with those. I guess I lucked out by not being here last year, cause I missed one of those apparently, but this is a shot that we took off the Aleutians in December of 88 of a rather larger winter storm brewing.

Its been in the area of oceanography, however, that we have really come up with the most surprises from manned space, and we have been able to see things in the ocean that none of the sensors had ever predicted or had ever had an inkling of. And of the biggest features that we use on the ocean to be able to see things that are going on is the sun glint, where the sun is reflecting off the surface of the ocean. It lets us see a lot things. It lets us see texture, it lets us see underwater features, and lets us see things that, like I say, none of the other sensors had expected. When you look at this picture, down in this area here. We're seeing some large linear

features. Well surfs up, because those are waves in the water, and if you can see a wave from orbit, that's got to be a pretty big wave, and these are pretty big waves. Those waves are 50 to 100 feet high. Well these aren't waves that you'd see on the surface of the ocean though. These are underwater waves. These are what are known as internal waves. We can't feel them if we're out on a ship going along through the ocean, but they tell me that other things can feel them. They tell me that drilling platforms out there in the water can feel these underwater waves. These particular ones were named V-Brand waves for Vance Brand, who was my commander on my first shuttle flight, because he's the first one to capture these things, and this was in the Endomen Sea as I recall, and we went on to catch some other pictures, and here's some more photos showing just a whole slew of internal waves out there again in the Endomen Sea. And you can see they are pretty prevalent. All over the place here, up in that area. So all of a sudden we're seeing all kinds of features in the ocean that oceanographers never suspected were there, and they're just too big to see. You get down to close to them and you can't see them happening. You have to back off far enough to where you can really see them going on.

Here's kind of an interesting picture. I guess you all know about tides up in this area, but this is a tidal feature. This is the Straits of Gibraltar. And again we're using the sun glint to let us see some things going on. We look at a bunch of waves up in this area and you can just make out a circular feature up here. This is the flow of the tide into the Mediterranean. And again we're able to pick it out by using the sun glint reflecting off the surface to see it happen.

The real dramatic thing - and this is kind of a boring looking photo - but this is a really dramatic photo to oceanographers, because all of a sudden, when we started bringing back this data from flights, we were seeing these circular features out in the ocean. We seeing things called spiral eddies, and the oceanographers had never seen these before on any of the satellite data. They're too big to show up in photography from airplanes like that. There are on the order of about 20 miles across, so there are features that just didn't show up from down here on the surface, and yet when you take the total amount of energy that we are suddenly finding in these spiral eddies,

It's caused the oceanographers to have to completely revise their theories of what the total energy level is that's in the oceans. Because the spiral eddys and the amount of energy that's wrapped up in those about quadrupled the amount of total energy that they calculate that the ocean possesses. So this was a rather dramatic find. And once we started looking for these things - as you can see in this picture - we see them everywhere. Sometimes they're caused by flow and of course that's something that we're used to in aeronautical engineering or mechanical engineering with fluids, we'll see eddys form around corners. And that's what we're seeing here. We're seeing a large eddy formed out here off the Straits of Warmuse, I guess this group is pretty familiar with some of that area, but this is a large circular eddy being formed out here. But there is another interesting thing showing up in this picture - and that's a ship wake. We can see a ship sitting right here. You can just make a little V-shape Kelvin wake of a little ship sitting right down there. This isn't a real dramatic picture of a ship wake because they show up quite well from orbit.

There are a lot of people find it kind of interesting how well we can spot ships from orbit, and when you find them, you'll generally see a wake out behind the ship that's about 150, 180 miles long. Now it isn't a white water foamy type wake that we see out behind them. It's the Kelvin wake, the 15 degree wake that extends out behind them, and it disappears if you're on the ship and you really can't see it very far behind you. We can see them from orbit out a 150-180 miles. Well the Navy finds it real interesting that he's just told us everywhere he's been for the last 10 hours. If you take the normal speed of advance of a ship out on the ocean, we know everywhere he's been for quite awhile. They find that kind of interesting.

Here's the, I think this is the last oceanography picture, but this is kind of an interesting photo. This again shows a couple of these significant features. Here's an eddy, a not very well-defined eddy up here, but here's a horizontal shear in the ocean. We can see this wake from a ship coming from the bottom of the picture and then it's being cut by this horizontal shear in the ocean. Well there's a lot of people find that's kind of interesting. Submarines find any kind of shears in the ocean very interesting, because they can use them to hide in. They can hide in spiral eddys, they

can hide on the other side of a shear, any kind of a discontinuity in the ocean is very interesting to the Navy. There's a couple of other interesting things here: there's another ship wake sitting out here. This is in the Mediterranean as I recall. There's another ship wake down here, a pretty long wake. These two people seem to be following about the same sort of general path, but this guys wake doesn't seem to show up very well. It certainly doesn't show up as well as this guy's wake. And there is a good reason for that. This bad boy here has been dumping his bilge. That shows up real clearly when we look at the sun glint and when we look at pictures from orbit. And this one, he's not doing a lot of dumping, just enough to alter his wake. When they really dump, you can really spot it from orbit. I know none of the American ships are doing that, but we need to keep an eye on all those other guys.

One of the other things that we have watched from orbit and I guess its probably of interest to you up in this area, is getting some small scale pictures of the aurora, and this is a picture of the Northern Lights taken from orbit. Its kind of interesting cause we looked down on the Northern Lights. We look down on meteorites and we look down on the Northern Lights, and I had a chance to see those on my third flight for the first time, and its really fascinating and interesting to get to watch that. And as you recall, its just a portion of a circle. This was a picture taken from way up high. And that's what the aurora looks from a satellite that's out a couple thousand miles.

I mentioned the other big area that we can study, is we can study earth resources, land use practices, and that sort of thing. And this is a picture that kind of illustrates how well we can watch what's going on in the rivers, what's coming down the rivers. This, of course, being the Mississippi River Delta. We can take these images and our scientists and people back in Houston, can take these images and digitize them and really measure what the area of the delta is and estimate how much water is coming down, how much silt is coming down the delta. We also can use information like this to forecast what we see going on and what the prospects look like in a number of the developing countries where we can't get in and get ground truth data. This is a picture taken of Mt. Kilimenjaro, looking straight down on

it. And its just to illustrate the cutting down of the forest that we see going on. And of course this is happening, as I'm sure you're aware, on a very large scale down in Brazil and in a couple of other areas across the world. But you can see down here how the forests are being trimmed back along the slopes of Mt. Kilimenjaro, and its these hard wood plantations of trees that are being harvested and turned into charcoal that we see an awful lot of in Africa. Of course the very large scale resettlement projects that we're continuing monitoring in Brazil, when we can get through.

There are sometimes such large clouds of smoke over the Amazon Basin, that we're not able to get any photographs of it because of how much of the land is being cut and burned in that area.

Another area that we're keeping an eye on is Madagascar and in that area there is an awful lot of the slash and burn economy going on. And we don't even have to look at the area where its all being done. We can look at the harbors and river mouths. And this is a picture of the Betsy Bocca River in Madagascar, and of course we talked about the Red Dog mine earlier. This isn't the same phenomena. The red coloring that we see coming down the water is the silt from mountainous areas that have been cleared of trees and the rainfalls come down and it washes away all the topsoil. The topsoil is coming down in such droves, that its filling in the harbor in the Betsy Bocca River. They've had to try and dredge out some areas for ships to get through. There are going to be some major changes in Madagascar based on the slash and burn economy that's going on in that area. So we're keeping an eye on that.

This was kind of an interesting photo. One of the other places that we were studying water usage - this is a picture that we took on my third flight over the Soviet Union. This is the Aerol Sea, and that's an area where the water is being pumped off at a tremendous rate for irrigation, so we have watched the size of this lake decreasing. And this is the shoreline, and this peninsula used to be an island, is about to be turned into a large peninsula by the amount of water that's being dredged off. This isn't a very good picture of the Aerol Sea, but I threw it in because down in the bottom of the picture is where the Soviets launch their space shuttles from.

The Soviet space launch center, the _____, is near the town of Ti_____ and that's right down here. There's a little industrial area that I can just barely make out. This was in December of '88, so the sun was kind of low this far north, but this industrial area that's right down here is where the Soviets have their launch pads and launch all their manned space flights from.

A couple more pictures referring to water use. And again, one of the things we have watched over the last 6-8 years has been the very critical process going on in Africa in the _____, with the drought that was occurring there. This was taken from my first flight in February, 1984, and it's Lake Chad, which is in Chad, and you can see in this picture the lake used to be pretty big and the extent of the lake where it used to be is referenced by that outer dark line. The present boundaries of the lake in 1984 is the lighter blue color and you can see its about 1/5 of its former size. This was about the height of the drought and this was about the lowest that the lake got. Two years later, after they had a little bit of a recovery, we took this picture from Columbia on my second mission, and to reference the two, the lake portion with these little islands is what's seen on this picture. We've zoomed in on the lake a little bit and you can see out in these areas. The lake has really expanded quite a bit. It doesn't really show off that its expanded a lot, but its filled out a lot of the water out among those sand dunes and out in the areas out there where the lake has filled in and really increased the amount of water that's there. They went on to recover quite a bit more since '86 when this was taken. But, again, its one of the areas we have been keeping an eye on.

And I've got just a couple of pretty pictures. One of the other things that we can accomplish very nicely from orbit is taking pretty photos. And this is one taken up in the right part of the world, this is up 57 degrees north off the east coast of the U.S., this is what Greenland looks like from orbit. I had never been that far north before and it was kind of reassuring to see that it really looks like what it is drawn like on the maps. Its all white and looks just like its supposed to.

Here's the last picture I was going to show. This is the really significant part of the world. This is right at the very center of the universe. You'll probably recognize again, those pesky clouds are kind of getting in our way, but this is one the pictures I took as I went by 70 times a little bit over a year ago, and what we're seeing: here's Cook Inlet, here's the Kenai Peninsula, this would be Kodiak Island, Anchorage is sitting somewhere about right in here. I was hoping to get a better look at it when I flew in yesterday, but you had clouds in the way for me, so this is even a better picture than I could have arrived with yesterday.

Let me say in summary, that there are a number of things that we can do in studying the earth from orbit. I wish that I could say that everyday we discover oil from orbit and obviously we can't do that. I don't think we even get very close to it. The type of scales that we deal with in the world of geology and so on is going to kind of limit what we can accomplish. We serve probably as more of a calibration, like I mentioned, for the other satellites that we have up for the remote sensing things that, again, don't use film and don't use direct view, but are digital images, and therefore give us some of the limitations.

Space station will really enhance our capabilities.

HB

542

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 542

Art in Public Places

Received February 12, 1990
by Rep. Hanley, C. Davis

Heard April 11, 1990

Passed Out of Committee April 11, 1990
3 Do Pass
1 No Recommendation

TABLE OF CONTENTS

HB 542: Art in Public Places

- Item 1: HB 542 by Rep. Hanley, C. Davis
- Item 2: Fiscal Note by Department of Transportation/
Public Facilities
- Item 3: Memorandum from Rep. Hanley, March 29, 1990
- Item 4: Position Paper from the Department of Transportation/
Public Facilities
- Item 5: Sectional Analysis

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 542

HOUSE BILL NO. 542

ART IN PUBLIC PLACES

"An Act relating to art in public places; and providing for an effective date."

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note DOT/PF
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

Alvin Hanley Hanley
Jim Zawacki Zawacki
Tom Bacher Bacher

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>Don Finkelstein</i> Finkelstein		X	

Tom Bacher

 Chairman's Signature

Item 2

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HB 542
PUBLISH DATE: 2/12/90

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act Relating to Art in Public Places

Agency Affected: DOT&PF
BRU: Buildings Design & Construction
and the Alaska State Council on
the Arts

Sponsor: Hanley
Requestor:

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS:

No significant change in overall project costs are anticipated under the provisions of this bill.

Prepared by: Rod Wilson, Architect
Division: Engineering and Operations Standards

Phone: 465-2960
Date: April 9, 1990

Approved by Commissioner: *[Signature]*
Agency: Department of Transportation and Public Facilities

Date: 4/9/90

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

Alaska State Legislature

House of Representatives



3111 "C" STREET, SUITE 410
ANCHORAGE, ALASKA 99503
(907) 561-2033

DURING SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4939

REPRESENTATIVE
ALYCE HANLEY
DISTRICT 9, SEAT B

MEMBER
STATE AFFAIRS COMMITTEE
REGULATION REVIEW COMMITTEE

March 29, 1990

MEMORANDUM

TO: Representative Red Boucher, Chairman
House State Affairs Committee

FROM: Representative Alyce Hanley *A. Hanley*

SUBJECT: HB 542 - "An Act relating art in public places; and providing for an effective date."

Reference my letter dated February 22, 1990, requesting a hearing for HB 542. As you are aware I re-introduced the concept contained in HB 3 because of Governor Cowper's veto of that bill last summer.

The veto message stated that the bill was vetoed because of the provision in the bill requiring the use of Alaskan resident artists. I have removed the language requiring the use of Alaskan resident artists from HB 542.

In addition the bill contains the amendments adopted by the House State Affairs Committee, amendments adopted during the House Floor debate last year and amendments adopted in the Senate Transportation Committee.

The Senate Transportation Committee amendment was requested to allow purchase of Alaska artifact antiquities or original Alaska fine art for public display in state buildings with monies from the art in public places fund.

Therefore, I once again respectfully request HB542 be scheduled for a State Affairs Committee hearing within the next two weeks.

RECEIVED
MAR 30 1990

Item 4



Department of Transportation and Public Facilities

POSITION PAPER

Bill No: HB 542

Approved: Mark S. Hickey
Commissioner

Handwritten initials "MSH" in black ink.

Title: An Act Relating to Art in Public Places

Date: April 10, 1990

The \$50,000 artwork cap as contained in Section 5 of the bill has the potential of providing additional construction funds in large projects. However, given present budgetary restraints the department does not anticipate the construction of many projects exceeding \$5 million -- which would then be subject to the bill's artwork cap. In future years this provision may have an impact.

For this reason the department's position on this bill is one of neutrality.

Item 5

Alaska State Legislature House of Representatives



3111 "C" STREET, SUITE 410
ANCHORAGE, ALASKA 99503
(907) 561-2033

REPRESENTATIVE
ALYCE HANLEY
DISTRICT 9, SEAT B

DURING SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4939

MEMBER
STATE AFFAIRS COMMITTEE
REGULATION REVIEW COMMITTEE

April 11, 1990

MEMORANDUM

TO: Representative Red Boucher, Chairman
House State Affairs Committee and
Members of the State Affairs Committee

FROM: Representative Alyce Hanley *A.H.*

SUBJECT: Sectional Analysis HB 542 - An act relating to
art in public places; and providing for an effective
date.

- ✓ Section 1. Caps the amount spent on a percent for art project at \$50,000 per project and allows the percent for art program to use project money for an artist-in-residence program.
- Section 2. Establishes criteria for granting waivers to the percent for art program.
- Section 3. Requires a plaque to be placed near these projects which gives the artist's name, title of the piece, date of completion, and names of the selection committee.
- Section 4. Adds a new section establishing who will be on the percent for art selection committee and requires public notice of the meetings held for art selection.
- Section 5. Amends the amount deposited in the art public places fund.
- Section 6. Allows the art in public places fund to also purchase Alaskan artifact antiquities or original Alaskan fine art.

- Section 7. Directs the Arts Council to establish regulations for disbursement of monies from the art in public places fund.
- Section 8. Repeals certain procedures for selecting artists. Section 4 replaces these repealed sections.
- Section 9. Holds harmless current projects that are in the process of request for proposals or competitive bidding.
- Section 10. Establishes an immediate effective date.

b. Example / Checklist Contact sheet

LEGISLATIVE

SPONSOR: HS State Affairs

TC DATE/DAY: Wed, April 11

Pub. Hear Work Ses. Inv. Hear

TIME: 8:45-11:00 AM

LEGISLATIVE REFERENCE: HB 542

JUNEAU ROOM: Cap 102

SUBJECT: Art in Public Places

BRIDGE: _____

OF PORTS: _____

CONTACT: Ann PH: 4963

DATE TAKEN/BY: 4/10 Joanne

TELECONFERENCE SITES:

LIO'S

LTC'S

VIS'S

- Anchorage
- Barrow *
- Bethel
- Delta Junction *
- Dillingham *
- Fairbanks
- Glennallen *
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg *
- Sitka
- Soldotna
- Valdez *

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: Kris D'Arcy
272-7995

CHAIRING SITE: Juneau

CHAIRPERSON: Boucher

[] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

SIGNATURE OF SPONSOR/CONTACT PERSON

DATE

SPECIAL INSTRUCTIONS

HB

557

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 557

Telephone Services for Hearing Impaired

Received February 12, 1990
by Rep. Boucher, Collins, Gruenberg

Heard April 3, 1990

Passed Out of Committee April 3, 1990
4 Do Pass

TABLE OF CONTENTS

HB 557: Telephone Services for Hearing Inapaired

- Item 1:** HB 557 by Rep. Boucher, Collins, Gruenberg
- Item 2:** Fiscal Note by House State Affairs Committee
- Item 3:** Letter from Alaska Public Utilities Commission, December 1, 1989
- Item 4:** Letters from the Alaska Association of the Deaf
- Item 5:** Letter from Anchorage Telephone Utility, March 5, 1990
- Item 6:** National Association of Regulatory Utility Commissioners Bulletin Article

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

LABOR & COMMERCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 557

HOUSE BILL NO. 557

TELEPHONE SERVICES FOR HEARING IMPAIRED

"An Act relating to telephone services for the hearing impaired."

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:
(Date/Dept)

- fiscal impact _____
- zero fiscal note HSA
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass
No Rec
Amend

Wayne Housley

Carl M...

John ...

...

	Do Not Pass	No Rec	Amend

[Signature]
Acting Chairman's Signature

Item 2

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: HB 557
PUBLISH DATE: 4/2/90

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Telephone Service for the
Hearing Impaired
Sponsor: H.A. "Red" Boucher
Requestor: _____

Agency Affected: APUC
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

Prepared by: House State Affairs
Division: _____
Approved by Commissioner: H. A. "Red" Boucher
Agency: _____
Phone: 465-4963
Date: 4/2/90
Date: 4/2/90

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

STATE OF ALASKA

STEVE COWPER, GOVERNOR

ALASKA PUBLIC UTILITIES COMMISSION DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

420 "I" STREET
SUITE 100
ANCHORAGE, ALASKA 99501
(907) 276 6222

December 1, 1989

Representative H. A. "Red" Boucher
3111 C Street
Suite 445
Anchorage, Alaska 99503

Dear Representative Boucher:

Thank you for the opportunity to offer some preliminary comments on the draft bill entitled, "An Act relating to telephone services for the hearing impaired."

The Commission supports the intent of this legislation to make available to the hearing impaired reasonable access to the telephone network. The Commission believes that the bill should also apply to the speech impaired and recommends that the titles of the bill and Section 1 be changed accordingly.

However, the Commission does have a couple of legal concerns and requests for clarification. First, the Commission's existing statute contains a prohibition against undue discrimination in rates at AS 42.05.391. The Commission recommends that a legal analysis be made to be sure that it has the authority to carry out the intent of the bill, i.e. to require that any additional costs of giving hearing and speech impaired subscribers reasonable access to all phases of public telephone service be borne by all other subscribers, without "granting an unreasonable preference or advantage to any of its customers."

Second, the Commission notes that the bill states that the intended service is to be provided as part of the basic exchange rate. However, it also requires that "all phases of public telephone service" be provided. If this language was intended to include both local exchange service and toll service, it is not clear how this would be done through the basic exchange rate since these services are provided by different companies under different rate arrangements. The Commission assumes that intra-state toll services for the hearing and speech impaired would be charged at the tariffed toll rates for those services, and the basic exchange rate would cover local exchange costs. If this assumption is correct, then service would be provided both through the "basic exchange rate" and through applicable toll rates.

Representative H. A. "Red" Boucher
December 1, 1989
Page 2 of 2

The Commission does not currently anticipate any fiscal impact to carry out the responsibilities contemplated under this bill that can not otherwise be handled at its current budget level.

I hope that this input is useful to you in finalizing the bill that will be introduced. Please let me know if we can be of further assistance.

Sincerely yours,

Peter Sokolov

Peter Sokolov
Chairman

Enclosure

Alaska
Association of the
Deaf

Item 4

RECEIVED
1345 Rudakof Circle, Suite 107
Anchorage, Alaska 99508
907-333-7545 (TTY)
MAY 21 1990

March 15, 1990

Rhonda
c/o Red Boucher's office
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Rhonda:

Enclosed is a copy of a bill recently passed in the Senate of Mississippi and relating to the relay service of the deaf. We are forwarding it to you in regard to the H.B. 557 now in our House.

We appreciate any assistance you can give us in this matter and sincerely hope that a relay service in the best of everyone's interest can be established statewide.

Best regards,
Al Berke
Al Berke, President

DUAL PARTY RELAY SERVICE ACT

SENATE BILL NO. 2331

If you are a person who is deaf or have a hearing or speech impairment, making a telephone call for even simple everyday needs - such as making a doctor's appointment, calling a friend, ordering a pizza and a thousand other purposes - can be difficult and, oftentimes, impossible. If you are a hearing person, calling friends and loved ones who are deaf or otherwise communication impaired is equally impossible without expensive telecommunication devices at both ends of the telephone line.

However, with passage of the Dual Party Relay Service Act (S.B. 2331) - which is now pending before the Mississippi Legislature - that situation will change drastically.

The Dual-Party Relay Act would establish a new telephone service that lets persons who are deaf or who have other communication problems, "talk" to anyone, anytime, anywhere in Mississippi. Using the system will be as easy as picking up the telephone and dialing a toll-free number.

This "miracle" for literally thousands of people in Mississippi will be accomplished by way of routing calls through a center staffed by specially trained communications assistants. These staff would take calls on the toll-free line from persons who are deaf or otherwise communication impaired and relay them to whomever necessary.

This will be a simple process. The communications assistant would receive a call from a person with a communication impairment over the toll-free line and would then call the requested party. The assistant would then simultaneously receive messages from the caller, either verbally or through use of a telecommunication device for the deaf, and read the message aloud to the hearing person at the other end of the line. The assistant would then relay the hearing person's message back to the caller - once again, either verbally or by way of a telecommunication device. Of course, the system is equally effective when a hearing person calls a person with a communication problem. (All calls handled by this system will be in the strictest confidence.)

This system would entail no additional charge to the caller. The caller would only be responsible for the regular long distance charges, if any, to communicate with the intended party. All costs for this system would be absorbed by the State's entire telephone system. In other states, this has resulted in an additional monthly charge of ten to twenty cents per telephone - a small price to pay to allow a group of individuals an opportunity to use a system that most people take for granted.

*Dual Party Relay Bill passed. Now
goes to Governor Mabus for Approval*

Alaska
Association of the
Deaf

March 7, 1990

RECEIVED

MAR 13 1990

4241 B Street, Suite 201
Anchorage, Alaska 99503
907-563-4713 (V/TTY)

Red Boucher, Chairman
State Affairs
Room 102, Capitol
Juneau, Alaska 99811

Re: House Bill No. 557

Dear Red:

We received a copy of House Bill No. 557, which was introduced on February 12, 1990, and we have some comments concerning it.

First, we believe that the wording should be changed to "Deaf and hard of hearing" instead of "hearing impaired."

Secondly, the proposed legislation does not indicate the method by which telephone service will be made accessible. We believe that, if relay services are chosen, then the legislation should ensure that such service: (1) is available 24 hours each day, 7 days each week; (2) permits simultaneous or real-time conversations between TDD users and voice telephone users (as compared with the relaying of consecutive messages); (3) imposes no restrictions on the number of calls, the length of calls, and the type of calls that may be relayed; (4) insures confidentiality of the conversations relayed; (5) is funded through the general ratebase, and not only by Deaf and hard of hearing subscribers.

Thirdly, we think is the second paragraph is somewhat confusing. Any service which is intended to enable Deaf people to communicate with hearing people by telephone should necessarily be available to those hearing people. Yet, Section (b) of the Bill states that a telephone subscriber is eligible for the service required by the legislation (again, presumably, this is relay service) only if the subscriber is certified as Deaf or hard of hearing, or is an organization representing Deaf and hard of hearing persons. Were this to be the criteria for using the accessible services, then hearing individuals would never be able to call their Deaf friends and colleagues through the relay service. Unless there is another reason for this Section, we believe it should be deleted in its entirety.

Enclosed is an article and map from the December issue of Deaf Life, which pertains to relay services and which I thought would be of interest to you.

House Bill 557
March 7, 1990
Page 2

Enclosed is an article and map from the December issue of Deaf Life, which pertains to relay services and which I thought would be of interest to you.

Thank you for your time and attention to this matter.

Sincerely,

ALASKA ASSOCIATION OF THE DEAF


Albert Berke, President

AB/jt
Enclosure



It's not hard to understand the importance of telecommunications in the Deaf community.

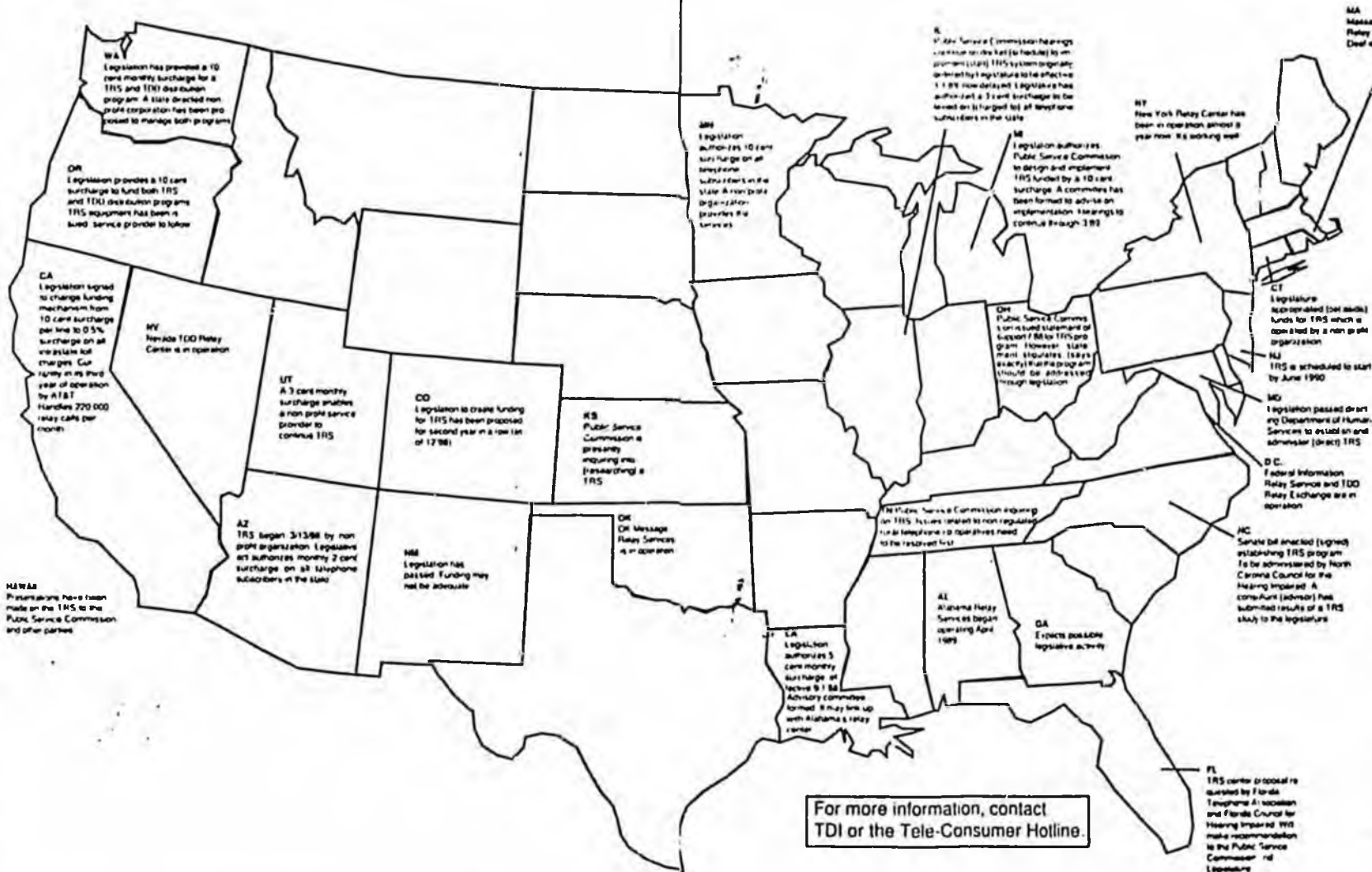
Hearing people, whether at home, in business, or leisure, can comfortably take unlimited telephone access for granted. Deaf people cannot. We have all experienced the frustration and injustice of lack of equal telephone access. It has had a profoundly (very) restrictive effect on us—whether as individuals, job-seekers, or businesspeople. Because only a fraction of individuals, homes, business, offices, and agencies still have easy access to a TTY, a telephone relay service (TRS) is one practical solution to an old problem.

Basically a TRS, or a dual-party relay service, works like this: A Deaf caller, for example, switches on her TDD, and dials the relay center's number. The center's Communications Assistant (C.A.) answers, takes the phone number of the caller and the hearing party, and relays conversation back and forth between them. (The C.A. sits in a private cubicle (small booth-like space), using a TDD-compatible computer and headset.) Likewise, the C.A. will relay conversation between a hearing caller and a Deaf recipient.

This past year has seen encouraging signs that statewide telephone relay services (TRS) are not only being discussed widely (eagerly) in the Deaf community; in several states they have become a reality. And in several more, they are in the

Statewide telephone relay services: the boom continues

More states have started or are planning relay services, and the ADA proposes a nationwide TRS



For more information, contact TDI or the Tele-Consumer Hotline.

Item 5



Tom Fink,
Mayor

March 5, 1990

Anchorage Telephone Utility

600 TELEPHONE AVENUE, ANCHORAGE, ALASKA 99503-6091
TELEPHONE (907) 561-3000
Telex 090-26-532
Facsimile (907) 561-1703



Owned by the
Municipality
of Anchorage

Mr. Albert Burke
Alaska Association for the Deaf
1345 Rudakof Circle
Anchorage, AK 99508

MAR 08 1990

Dear Mr. Burke:

Mr. Burke, as a representative for the ALASKA ASSOCIATION for the DEAF (AAD), you have expressed a concern about the operations of the crisis center that is currently providing voice relay service for the deaf. You indicated that the crisis center presently provides limited relay service between a hearing impaired person and a hearing person. The crisis center is staffed primarily by volunteers and high turnover and insufficient training have resulted in less than satisfactory service.

Anchorage Telephone Utility (ATU) Switching Services has researched the feasibility of providing relay type service for the hearing impaired throughout the ATU service area. To provide this type of service would require the following items:

- o Auxiliary operator positions equipped to provide calling number display;
- o ports for teletype devices compatible with devices used by the deaf or hearing impaired persons;
- o recording capabilities for long distance call records.

You stated that relay service should be provided for the deaf and/or hearing impaired at no extra charge, as it is in other states. To provide this service ATU would have to make a substantial capital investment and incur additional annual operating expenses. A mechanism to recover these costs would have to be identified. Equipment costs to provide this service are estimated at \$1.5 million for software and \$25,000 for each operator position. Staffing requirements sufficient to monitor the hearing impaired positions on a 24 hour, 7 day per week basis are estimated at \$1,380,000 annually. Training costs are estimated at \$40,000 annually.

The software has been included in the 1991 Capital Budget as part of a plan to replace the existing Directory Assistance system. The plan has not been subjected to economic analysis nor has it received approval at any level. If the software is installed primarily for Directory Assistance, the costs to be recovered for

Mr. Albert Burke
March 5, 1990
Page Two

the portion allocated to providing relay service would be significantly reduced.

Some states have established legislation requiring a monthly surcharge be added to each telephone customer's billing. The revenues generated from the surcharge are used to compensate the various state programs established for the hearing impaired. It should be noted that those states that have adopted legislation have done so on a statewide basis. This allows the surcharge to be applied to a larger customer base, increasing the amount of money collected while minimizing the cost per customer. Should ATU be ordered to provide this service within its service area, and possibly Eagle River-Chugiak, and further be allowed to collect a surcharge, the rate per ATU/Eagle River-Chugiak customer would be higher than the rate charged to customers in states that have implemented the surcharge on a statewide basis.

ATU has some operational concerns around the suggestion that lines assigned to the hearing impaired be class marked so that 911 calls are routed to the TDD printer at the 911 Emergency Center. It is not extremely costly and would remove the requirement for hearing impaired customers to dial a special 7-digit number for emergency services, but it may cause some confusion because the TDD's are portable and can be used on any telephone line. The special routing for 911 calls would only work on lines class marked accordingly. If the TDD user attempted a 911 call from a regular line (neighbor's house or coin phone), the user would be connected to a live 911 operator in lieu of the 911 TDD printer. Another potential problem would be the case where a hearing person attempted to call 911 from the specially class marked line. That person would be connected to a printer and unable to communicate. We would speculate that, more often than not, households are shared among hearing and hearing impaired people.

In the case where the relay center is handling medical emergencies, liability may be an issue. It is possible that critical information be misinterpreted or erroneously relayed. Would the provider of the relay service be liable? What about personal liability on the part of the operator? These are questions that would have to be addressed.

At this point, ATU is waiting to see what the regulatory or legislative bodies mandate and what vehicles for cost recovery will be made available to the provider of the service. If the service is to be provided on a statewide or an interstate basis, it is quite possible that the Interexchange Carriers will be the ones required to provide the service.

Mr. Albert Burke
March 5, 1990
Page Three

In the meantime, we can appreciate your concerns and involvement in the matter. I understand my Executive Assistant, Linda Kross, is making arrangements for you to give a presentation to the Telephone Commission at our next meeting. Please feel free to contact this office if we can assist further.

Sincerely,

ANCHORAGE TELEPHONE UTILITY



Dale R. Merrell
General Manager

dc/lk/drm/dcs

Item 6



National Association of Regulatory Utility Commissioners

1102 Interstate Commerce Commission Building
P.O. Box 684, Washington, D.C. 20044
Telephone 202-898-2300



BULLETIN

RECEIVED

JAN 22 1990

NARUC No. 4-1990

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January 22, 1990

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United States-Canada Annual Subscription Rate: \$90.00 First Class Mail

The commission said publishing of directories is a necessary part of adequate phone service, and that revenues from the directories help keep local phone rates affordable. Data considered in the investigation of U S West's rates showed that in 1985 the contribution from directory advertising to local rates was \$40.20 per customer per year.

"PNB's plan to eliminate the contribution to local telephone service from directory advertising contravenes state policy" of making phone service available to as many people as possible at affordable rates, the commission said.

The commission said U S West Communications' Oregon revenue requirement must include approximately \$29 million in profits from directory advertising, which eliminates the need to collect that money from customers. In essence, the commission's action captures profits that should have been used to benefit customers instead of stockholders.

At the same time, the commission ordered adjustments in U S West's revenue requirement related to other issues and a settlement between the company and the PUC staff. For example, the commission allowed U S West to recover in rates approximately \$6.5 million for research and development supplied by Bellcore, another U S West affiliated interest company.

The company's capital structure and rate of return were settled through negotiations between U S West and the PUC staff. The commission accepted the negotiated settlements.

The net effect of the Commission's actions will be a rate reduction of \$24,057,000 for U S West Oregon residential and business customers.

The investigation into U S West's earnings began in December 1988. At that time the PUC staff estimated that the company was exceeding its authorized rate of return by approximately \$65 million a

year. The staff modified its position after more detailed study during the investigation. At the beginning of the investigation, U S West indicated it was entitled to a rate increase of approximately \$24 million. (Case No. UT 85, Order No. 89-1807)

TEXAS PUC ACTS TO GIVE HEARING/SPEECH-IMPAIRED EQUAL ACCESS TO PHONE NETWORK

Hearing-impaired and speech-impaired customers could receive the benefits of, a new statewide telephone service as early as September 1990, the Public Utility Commission of Texas (PUC) has announced.

Rules and procedures approved by the Commission last week will result in the establishment of a dual-party relay service. The rules implement provisions of H.B. 174, which was enacted earlier this year by the Texas Legislature. The dual-party relay service enables individuals who must use special devices to communicate by telephone with individuals who use conventional telephones.

A \$1 million pilot relay system -- ordered by the PUC in the last GTE Southwest rate case -- is already serving thousands of hearing- and speech-impaired customers in the Dallas/Fort Worth/Denton area. The PUC and its advisory committee will use findings from this test project to implement the statewide service.

"We are proud to be a leader in giving hearing- and speech-impaired customers equal access to the telephone network," said PUC Chairman Paul Meek. "The relay system will enable hearing-impaired and speech-impaired customers to have access to all other telephone subscribers, and likewise other telephone customers will have access to the hearing-impaired and speech-impaired."

The dual-party relay service consists of specially trained operators and electronic equipment that allow a hearing- or speech-impaired customer to communicate with anyone else through a computer or a telecommunications device for the deaf (TDD). The TDD resembles a typewriter with a telephone receiver resting in a cradle on the top.

A customer will be able to make a call on the relay system by typing a message on the TDD or Computer and transmitting it to an operator with similar equipment. The operator receiving the electronic message then communicates the message verbally to the person being called.

Likewise, individuals without TDDs will be able to dial the dual-party relay center to call a hearing- or speech-impaired customer. The relay operator would transmit the caller's message electronically to the customer's TDD or computer.

In addition to adopting rules and procedures, the Commission also voted to solicit proposals from telecommunications carriers interested in providing the service. Proposals must be received at the Commission by February 15, 1990, and the relay service carrier will be selected no later than April 1, 1990. Additional information about the service may be obtained from Ms. Elaine Powell of the PUC Telephone Division.

Assisting the PUC staff has been a 13-member advisory committee established by the Legislature to ensure that the relay system meets user needs. Specific committee concerns include adequate operator training and public education on how to properly use the system. Chairman Meek believes the advisory committee will provide valuable information while the dual-party relay service is being developed.

"The creation of an advisory committee prior to development and implementation will help ensure that our

relay service truly meets user needs," Chairman Meek said.

The advisory committee includes 11 representatives of various consumer advocacy organizations and two representatives of telephone utilities. In addition, two utility representatives assist the committee.

PG&E RATES INCREASED JANUARY 1 IN CALIFORNIA

The California Public Utilities Commission (PUC) has concluded the general rate case for Pacific Gas & Electric Company (PG&E). Combined with the Commission's December 4th decision on PG&E's energy cost adjustment clause proceeding and other recent Commission decisions, PG&E's net revenue requirement has been increased by \$433.4 million. This is the amount of additional revenue the Commission estimates PG&E requires in 1990 to provide safe and reliable service at the lowest reasonable cost. The increase to a typical residential customer's combined monthly bill for gas and electricity beginning January 1, 1990 will be 5.5 percent or \$4.46 from \$80.86 to \$85.32.

About two-thirds of the amount of the rate increase is due to the higher costs PG&E has had to pay for fuel used to produce electricity. Utilities are allowed to recover their fuel costs in rates. In its December 4, 1989 decision in PG&E's energy cost adjustment proceeding (the proceeding used to determine PG&E's fuel costs) the Commission allowed increased revenue of \$613.8 million for 1990 to cover those costs, and consolidated that with an increase in the annual energy rate revenue requirement of \$26.4 million and a decrease in the electric revenue adjustment mechanism of \$368.2 million. The effect of combining these revenue adjustments is to allow PG&E a net increase in annual revenue requirement of \$272 million for

HB

561

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 561

Alaska Men's Commission

Received February 12, 1990
by Rep. Hanley by Request

Heard April 4, 1990

Passed Out of Committee April 4, 1990
1 Do Pass
3 No Recommendation

TABLE OF CONTENTS

HB 561: Alaska Men's Commission

- Item 1: HB 561 by Rep. Hanley by Request
- Item 2: Fiscal Note and Analysis by the Office of the Governor
- Item 3: Memorandum from Rep. Hanley, February 26, 1990
- Item 4: Written Testimony

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 12, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 561

HOUSE BILL NO. 561

ALASKA MEN'S COMMISSION

"An Act establishing the Alaska Men's Commission; and providing for an effective date."

RECOMMENDATIONS:

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

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [X] fiscal impact Gov Office
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not
Pass
No Rec
Amend

Allyce Shirley

	Do Not Pass	No Rec	Amend
<u>Allyce Shirley</u>			
<u>James W. Anderson</u>		✓	
<u>David Anderson</u>		✓	
<u>W.C. Brubaker</u>		✓	

W.C. Brubaker

Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act establishing the Alaska Men's Commission, ..."
Sponsor: Rep. Hanley
Requestor: _____

Agency Affected: Office of the Governor BRU, Commissions and Special Offices

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	152.3	157.2	162.1	167.1	116.9	
TRAVEL	36.2	36.2	36.2	36.2	1.2	
CONTRACTUAL	75.5	59.6	59.6	59.6	9.2	
SUPPLIES	2.6	2.6	2.6	2.6	1.0	
EQUIPMENT	27.9	.5	.5	.5	-0-	
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	294.5	256.1	261.0	266.0	128.3	

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	294.5	256.1	261.0	266.0	128.3	
FEDERAL FUNDS						
OTHER						
TOTAL	294.5	256.1	261.0	266.0	128.3	

POSITIONS:

FULL-TIME	3	3	3	3	2	
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis. *Sec. 2, HB 561 states a sunset date of 6/30/94. Fiscal note provides for wind-down year in FY 95.

Prepared by: Michael A. Nizich, Director *Mow* Phone: 465-3616
Division: Administrative Services Date: 3-30-90

Approved by Commissioner: Garrey Peska, Chief of Staff *[Signature]* Date: 4/2/90
Agency: Office of the Governor

Distribution (by preparer):

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

PERSONAL SERVICES 152.3

Fiscal note assumes Anchorage location of three commission staff, Executive Director Range 23, Information Officer Range 17, and a Secretary I Range 10.

Request for New Position forms are attached. Salaries shown are step A for FY 91. Personal Services requests for subsequent years include one-step merit increases.

TRAVEL 36.2

Travel has been averaged to incorporate the travel costs from statewide locations of the commission members, assumes four commission meetings annually.

Anchorage:

Commission members

travel @ 450/person x 9 people	=	4,050	
per diem @ 80 x 3 days x 10 people	=	2,400	6,450

Juneau:

Commission members

travel @ 450/person x 9 people	=	4,050	
per diem @ 80 x 3 days x 10 people	=	2,400	

Administrative staff

travel @ 366/person x 2 people	=	732	
per diem @ 80 x 3 days x 2 people	=	480	7,662

Fairbanks:

Commission members

travel @ 450/person x 9 people	=	4,050	
per diem @ 90 x 3 days x 10 people	=	2,700	

Administrative staff

travel @ 436/person x 2 people	=	872	
per diem @ 90 x 3 days x 2 people	=	540	8,162

TRAVEL (continued)

Rural:

Commission members

travel @ 800 x person x 10 people	=	8,000	
per diem @ 90 x 3 days x 10 people	=	2,700	

Administrative staff

travel @ 750/person x 2 people	=	1,500	
per diem @ 90 x 3 days x 2 people	=	540	12,740

Additional administrative staff travel

Juneau:

travel @ 366/trip x 2 trips	=	732	
per diem @ 80/day for total 6 days	=	480	1,212

Total Travel:			36,226
---------------	--	--	--------

CONTRACTUAL 75.5

Professional Services:

Professional services contracts			30,000
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Communication:

Telephone (toll costs, base/local fixed costs, centrex network costs) 200/mo x 12 months		2,400	
Telecopier charges -- 25/mo x 12 months		300	
Teleconference charges -- 4 @ 450		1,800	
Postage -- 200/mo x 12		2,400	6,900

CONTRACTUAL (Continued)

Transportation:

Freight and express charges -- 50/mo x 12 600

Advertising, Printing & Binding:

Subscriptions	75	
Advertising -- 4 meetings x 350	1,400	
Printing -- 4 newsletters x 800 each	3,200	
Publications	5,000	
Annual report	10,500	
Forms, misc.	750	20,925

Minor Repair, Maintenance 1,200

Rental for Office Space:

660.5 SF per DOA standards x \$2.00/SF 15,852

Total Contractual: 75,477

SUPPLIES AND MATERIALS 2.6

Office and library supplies, 200/mo x 12 =	2,400	
Data processing supplies =	150	2,550

EQUIPMENT 27.9

Communication/Data Processing Equipment:

3 PC workstations, 1 laser printer =	16,000	
Phones =	1,500	17,500

Furniture/Office Equipment:

Furniture/misc. equipment (3 stations) =	7,500	
2 5-drawer lateral file cabinets =	900	
Tabletop Photocopier =	2,000	10,400

Total Equipment: 27,900

1.	POSITION TITLE Information Officer				RANGE/STEP 17/A	BARG. UNIT	PAGE/LINE	COV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION: Administrative support to the Executive Director and the Alaska Men's Commission. Supervise Sec.I, responsible for information accumulation, data compilation and dissemination of the Commission's research results and recommendations.					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	36,072.00								
6.	Benefits	12,624.24								
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		48.7						
10.	Travel	02		2.3						
11.	Contractual	03		2.9						
12.	Commodities	04		.9						
13.	Equipment	05		9.0						
14.	Other									
15.	TOTAL COST			63.8						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		63.8						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
	FOR B&M USE ONLY									
	KEY NUMBER									

REQUEST FOR
NEW POSITION

AGENCY Office of the Governor

BRU Commissions and Special Offices

COMPONENT Alaska Men's Commission

FY 91

Page 2 of 3

Revised Date

1.	POSITION TITLE Secretary I				RANGE/STEP 10/A	BARG. UNIT	PAGE/LINE	GOV.	APPROV.	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION:					
4.	TYPE OF EXPENDITURE				<p>Secretarial support to the Alaska Men's Commission staff; process fiscal related documents for submission to Juneau for final action.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		22,872.00							
6.	Benefits		9,700.44							
7.	Supplemental Benefits									
8.	Fixed Benefits									
9.	TOTAL PERSONAL SERVICES	01		32.6						
10.	Travel	02								
11.	Contractual	03		1.5						
12.	Commodities	04		.8						
13.	Equipment	05		9.0						
14.	Other									
15.	TOTAL COST			43.9						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			43.9					
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
KEY NUMBER										

REQUEST FOR
NEW POSITION

AGENCY Office of the Governor
BRU Commissions and Special Offices
COMPONENT Alaska Men's Commission

FY 91

Page 3 of 3
Revised Date