

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

7757 HOUSE • COMMUNITY & REGIONAL AFFAIRS •

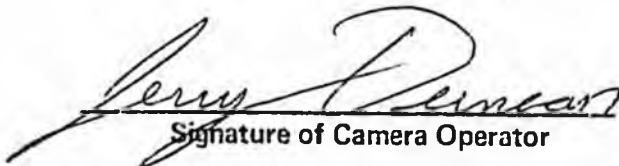
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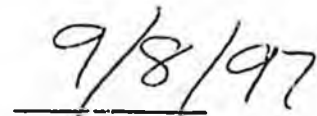


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Signature of Camera Operator

  
Date

HJR

22



## SPONSOR'S STATEMENT

The primary reason for offering this resolution is to give the voters the option of having smaller legislative districts. This has the effect of bring legislators closer to the people that they represent. While this is less important in the urban areas, it is extremely important in rural areas. In my own case, the house district is several hundred miles long and represents very diverse interests.

One advantage of smaller districts is that campaigning would be easier and less expensive for persons who may otherwise might not be able to finance a campaign. It would also make it possible for more people to participate in the political system as legislators. Another advantage is that residents would be more likely to know their legislators and as a result cast an informed ballot.

This legislation would result in more rural and urban district but would not change the rural and urban proportions of the legislature since that is governed by federal law.

There are two fiscal notes. The first deals with the cost of reapportionment. The projected cost of \$682.5 could be significantly reduced if the plan was implemented after the 2000 census as a part of the required redistricting needed to meet federal reapportionment requirements.

The second fiscal note is the more interesting since the Legislative Affairs Agency has projected the increased annual cost as \$3,667,700. This figure seems excessive when one considers that the FY 94 House proposed budget for LAA is \$5,489,400. If one makes the assumption that a 25% increase would inflate the budget by 125% the expected increase in cost would be \$1,372,350 which is \$2,295,350 less than Legislative Affairs has projected.

Since increase membership does not increase the number of committees within the body, staff should not be expected to also rise by 25%. Also we are looking at attempting to shorten the legeslative sessions and this would also affect the cost that would be incurred.

RECEIVED JAN 22 1993

# Alaska State Legislature

Legislative Research Agency



130 Seward Street, Suite 218  
Juneau, Alaska 99801-2196

Phone: (907) 465-3991  
Fax: (907) 463-3351

January 22, 1993

## MEMORANDUM

TO: Representative Richard Foster

FROM: Gordon S. Harrison, Director *gsh*

RE: **Cost and Other Effects of Enlarging the Alaska Legislature**  
Research Request 93.083

You asked for an assessment of the cost and other effects of increasing the Alaska Senate to 30 members and the Alaska House of Representatives to 60 members (i.e., adding 10 senators and 20 representatives), particularly the effects on representation. You also asked for information about the size of other state legislatures.

This memorandum will provide a brief historical account of the evolution of the size of the Alaska legislature, a comparison with other state legislatures, a discussion of the impact on representation, and an assessment of the cost of the change.

### Evolution of the Alaska Legislature to a 60-Member Body

The Alaska territorial legislature was created in 1912. With only 24 members--8 senators and 16 representatives--it must surely have been among the smallest of such legislative bodies in American history. Many in Congress at the time were skeptical that the sparse and transient population of the territory of Alaska justified the expense of an elected legislature, and the diminutive body probably reflected a concern for costs.

In 1942 Congress enlarged the territorial legislature to 40 members: from 8 to 16 senators, and from 16 to 24 representatives. This change (which took effect in 1944) was the result of efforts by Delegate Anthony Dimond, who believed strongly that the territorial senate of 8 was too small to be an effective legislative body. He was particularly incensed that as few as four senators could--and regularly did--thwart the will of the 24-member institution. Delegate Dimond initially campaigned for a unicameral body. When a territorial-wide referendum in 1937 rejected that option, he introduced a bill in Congress to increase both

LEGISLATIVE RESEARCH

houses to 18 members and to apportion them both on the basis of population.<sup>1</sup> Congress eventually consented to an enlargement of the senate to 16 and the house to 24, with only the house apportioned on the basis of population.

The Alaska Constitutional Convention set the present size of the state legislature at 60 members. The question of the optimum size of the two houses was not debated on the floor of the convention. In general, the delegates wanted to increase representation, particularly of rural areas, over that afforded by a 40-member body, but they were also determined to have a small legislature. The cost of operating the prospective government was never far from the minds of the delegates, and concern for the expense of the legislature doubtless contributed much to the pressure to keep it comparatively small.

Some convention delegates thought a senate of 20 members was too small. Doubts about so small a body have been expressed from time to time since statehood. Although the state senate has more members, it is proportionally the same size as the original territorial senate. One complaint about so few senators is the fact that they have too many committee assignments. In his book *Legislative Life*, Alan Rosenthal writes: "It is difficult to imagine a body of 40 members (not to mention those with fewer) really maintaining a committee system."

Despite this lingering concern about the size of the senate, only two resolutions have been introduced over the years to enlarge the legislature: HJR 71 in 1978 proposed to increase the senate to 25 members and the house to 51 members, and HJR 48 in 1981 proposed to increase the senate to 30 members and the house to 60. In addition, two resolutions have been introduced to increase by one the membership of both the senate and house, but these measures were concerned with another problem, that of partisan deadlocks of 10-10 and 20-20.

### **Comparison with Other States**

Attached is a table that shows the size of legislative chambers in each of the 50 states. Alaska has the smallest bicameral legislature, although Delaware with 62 members, and Nevada, with 63, are close. The average number of members in the upper houses is about

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<sup>1</sup>With regard to apportioning both houses on the basis of population, Dimond was ahead of his time. He argued eloquently for the inherent fairness and democratic logic of the idea, but Congress turned a deaf ear. Apportionment of both houses of state legislatures on the basis of population was imposed on the states by a series of U.S. Supreme Court cases in the early 1960s.

Representative Foster  
January 22, 1993  
Page 3

38, and the average number of members of the lower houses is about 110. There does not appear to be any correlation between the population of a state and the size of its legislature. New Hampshire is one of the least populated states yet has a lower house of 400; California is one of the most populous states, and it has a legislature of 120. One of the few generalizations that may be possible is that western states tend to have smaller legislatures than the older, New England states.

In all states the senate is smaller than the house. This is a matter of political custom rather than law or logic (Delegate Dimond argued this point, unsuccessfully, in his effort enlarge both chambers of the Alaska territorial legislature to 18 members).

Several states have decreased the size of their legislatures in recent years. However, these reductions have occurred in states with comparatively large legislatures, and the resulting bodies remain substantially larger than Alaska's.

### **Effects Of Enlargement on Representation**

Enlarging Alaska's legislature would result in more legislators from smaller districts. This would have the effect of bringing elected representatives "closer to the people," and it would result in more rural districts as well as urban districts, but it would not alter the current proportion of urban and rural legislators.

Both houses of state legislatures must be, as a matter of federal law, apportioned on the basis of population. There are currently 40 election districts in Alaska. One house member is elected from each. Senate districts are a combination of two election districts; one senator is elected from each. If the number of house members were increased from 40 to 60, there would be 20 additional districts from which a representative would be elected (assuming the continuation of single-member districts). The 60 house members would, in the short run at least, each represent substantially fewer constituents than the 40 members currently represent, and the mega-districts which we now have in Alaska would be reduced in size to some extent. Senators would likewise represent smaller constituencies. While there would be more rural and urban districts, the urban and rural areas of the state would continue to have the same proportion of total members.

There may be several advantages to smaller election districts in Alaska. One is that campaigning for office would be easier and less expensive. Another is that residents would be more likely to know their legislators and be able to cast an informed ballot on election day. Greater familiarity could improve communication with and access to elected representatives. Also, there would be opportunity for more people to participate in the political system as legislators.

### **Fiscal Impacts**

Increasing the membership of the legislature from 60 to 90 would create higher annual operating expenses of about \$6 million. It would also involve a substantial one-time capital expense because the existing legislative chambers, committee rooms and office space would have to be expanded to accommodate the new members. While we have estimated the annual recurring cost, we have not attempted to estimate the one-time capital cost.

#### **Annual Recurring Cost**

Annual recurring costs would fall into four general categories: compensation, travel, contractual, and staff. We obtained estimates of these items, based on the current average cost per legislator, from the Division of Administrative Services, Legislative Affairs Agency. The total cost would be approximately \$6,102,540, as shown below. This estimate assumes that central support staff (employees of Legislative Affairs Agency, for example) would remain unchanged.

Compensation for legislators is currently \$33,000 each (including benefits). Thus, 30 additional legislators would increase compensation \$990,000 annually.

Travel expense, including moving, session per diem, and long-term per diem, averages approximately \$20,933 per legislator. Thus, the new members would increase travel expense by \$627,990 per year.

Contractual expense includes a \$4,000 allowance per member, plus an additional approximately \$7,000 each for phones, supplies, and equipment. Thus, contractual expenses associated with the additional members would be an additional \$330,000 per year.

Staff expenses average \$21,465 per staff member during session; they average \$37,045 per staff during the interim. If we assume that on average each legislator has three session staff and two interim staff, the additional staff expense per legislator is \$138,485. Thus, staff expense caused by the expansion would be \$4,154,550.

The foregoing incremental costs total \$6,102,540.

#### **One-time Capital Costs**

We have not attempted to estimate the capital cost required to accommodate the new legislators, but we presume it would be several million dollars. The existing capitol

Representative Foster  
January 22, 1993  
Page 5

building would have to be remodeled to make space available to the new members. In all likelihood, the executive branch would vacate the capitol building and it would become a legislative hall. The existing house and senate chambers would have to be enlarged, several of the meeting rooms would have to be expanded, and more office space would have to be found. The reshuffle of office space could push some employees into leased space, which would increase the foregoing estimate of annual recurring costs.

I hope this information is useful. If you have any questions, please contact this agency.

Attachments

NUMBER OF MEMBERS IN THE STATE LEGISLATURES

State	Senate	House	Total
ALABAMA	35	105	140
ALASKA	20	40	60
ARIZONA	30	60	90
ARKANSAS	35	100	135
CALIFORNIA	40	80	120
COLORADO	35	65	100
CONNECTICUT	36	151	187
DELAWARE	21	41	62
FLORIDA	40	120	160
GEORGIA	56	180	236
HAWAII	25	51	76
IDAHO	42	84	126
ILLINOIS	59	118	177
INDIANA	50	100	150
IOWA	50	100	150
KANSAS	40	125	165
KENTUCKY	38	100	138
LOUISIANA	39	105	144
MAINE	35	151	186
MARYLAND	47	141	188
MASSACHUSETTS	40	160	200
MICHIGAN	38	110	148
MINNESOTA	67	134	201
MISSISSIPPI	52	122	174
MISSOURI	34	163	197
MONTANA	50	100	150
NEBRASKA	49		49
NEVADA	21	42	63
NEW HAMPSHIRE	24	400	424
NEW JERSEY	40	80	120
NEW MEXICO	42	70	112
NEW YORK	61	150	211
NORTH CAROLINA	50	120	170
NORTH DAKOTA	53	106	159
OHIO	33	99	132
OKLAHOMA	48	101	149
OREGON	30	60	90
PENNSYLVANIA	50	203	253
RHODE ISLAND	50	100	150
SOUTH CAROLINA	46	124	170
SOUTH DAKOTA	35	70	105
TENNESSEE	33	99	132
TEXAS	31	150	181
UTAH	29	75	104
VERMONT	30	150	180
VIRGINIA	40	100	140
WASHINGTON	49	98	147
WEST VIRGINIA	34	100	134
WISCONSIN	33	99	132
WYOMING	30	64	94

Source: Book of the States, 1992 - 1993, The Council of State Governments

Prepared by the Legislative Research Agency, January 1993 (93.083)

STATE OF ALASKA

**OFFICE OF THE GOVERNOR**

DIVISION OF ELECTIONS  
P.O. BOX AF  
JUNEAU, ALASKA 99811-0105  
PHONE (907) 465-4611

RECEIVED MAR 30 1993

March 31, 1993

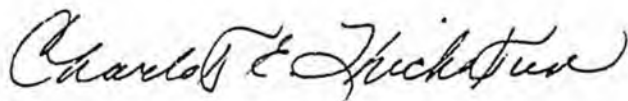
The Honorable Richard Foster  
Representative  
Alaska State Legislature  
Court Building, Room 611  
Juneau, Alaska 99801-1182

Dear Representative Foster:

Just a word to let you know we have submitted the attached fiscal note through the normal process. If the effective date could have corresponded with reapportionment in the year 2000 we could have avoided such a high dollar figure.

Your bill is excellent, please give me a call if you would like to discuss this fiscal note.

Sincerely yours,



Charlot E. Thickstun  
Director

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HJR22

Revision Date: \_\_\_\_\_  
Title: Amendment to the Constitution RE: Legislature  
of 25 Senators and 50 Representatives  
Sponsor: Representative Foster  
Requestor: \_\_\_\_\_

Department Affected: Office of the Governor  
BRU: Division of Elections  
Component: General and Primary Elections  
COMPONENT SERIAL NO. 22

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	203.8	0	0	0
TRAVEL	0	0	16.7	0	0	0
CONTRACTUAL	2.2*	0	462.0	27.0	0	27.0
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	2.2*	0	682.5	27.0	0	27.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	2.2*	0	682.5	27.0	0	27.0
1005 GF/Program	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTH.	0	0	0	0	0	0
TOTAL	2.2*	0	0	27.0	0	27.0

POSITIONS:

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

Estimate of current year (FY93) impact: 0

ANALYSIS: (Attach a separate page if necessary.) \*This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for Data/ote counting of votes cast on the measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be 53.4. See attached for further Analysis

Prepared by: Charlot E. Thickstun, Director *Charlot E. Thickstun* Phone: 65-4611  
Division: Division of Elections Date: 2/23/93  
Approved by Commissioner: Lt. Governor John B. Cobill *John B. Cobill*  
Agency: Office of the Lt. Governor Date: 2/23/93

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FISCAL NOTE

STATE OF ALASKA

BILL NO. HJR22

1993 LEGISLATIVE SESSION

ANALYSIS: (continued)

Travel:

72270	Administrative Travel	16.7
	(2 Supervisor meetings[1 Juneau, 1 Anchorage 7.8; Reapportionment paralegal [2 trips to 4 regions] 5.9; Admin. Officer [1 trip to 3 Regional Offices and Director's Office 3.0)	

Personal Services:

	Additional Clerk IIIs	203.8
	(17 @ Range 8A, no overtime 6 months)	

Contractual Services:

73100	Professional Services	
	Mapping	236.3
	Voter ID cards (330,000)	130.0
73300	Communications	
	Postage	95.7
	Printing and Binding	27.0
	Additional Ballots	

Total

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709.5

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO: HJR 22

Revision Date: \_\_\_\_\_  
Title: Proposing amendments to the  
Constitution....relating to membership of the legislature.  
Sponsor: Representative Foster  
Requestor: Representative Foster

Department Affected: Legislative Affairs Agency  
BRU: Legislative Council  
Legislative Operating Budget  
Component: Sal. & Allowances, Gen. Services  
Session Expenses, Leg. Oper. Budget

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES			1523.0	2891.7	2891.7	2891.7
TRAVEL			267.2	318.5	318.5	318.5
CONTRACTUAL			442.5	442.5	442.5	442.5
SUPPLIES			15.0	15.0	15.0	15.0
EQUIPMENT			195.0	0.0	0.0	0.0
LAND & STRUCTURES			0.0	0.0	0.0	0.0
GRANTS, CLAIMS						
MISCELLANEOUS			0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	2442.7	3667.7	3667.7	3667.7

CAPITAL	0.0	0.0	150.0	0.0	0.0	0.0
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REVENUE FUND SOURCE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	2442.7	3667.7	3667.7	3667.7
FEDERAL FUNDS	0	0	0.0	0	0	0
OTHER FUND SOURCE	0	0	150.0	0	0	0
TOTAL	0	0	2592.7	3667.7	3667.7	3667.7

POSITIONS:

FULL-TIME	0	0	45	45	45	45
PART-TIME	0	0	34	34	34	34
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

HJR 22 proposes amendments to the Constitution changing the membership of the Legislature from 20 senators to 25 and from 40 representatives to 50. Total membership would change from 60 to 75. It is estimated there would be increased costs by enlarging the size of the membership of the Legislature. These increases would be additional members and legislative staff, additional sgt-at-arms staff, additional support staff, additional office space, increase in travel, additional annual allowances, increase in supplies, telephone equipment and charges, computer and office equipment, etc. Also a one time cost would be incurred to remodel the existing chambers to accommodate the additional members.

Prepared By: Pamela A. Stoops, Director  
Division: Administrative Services

*Pamela A. Stoops*

Phone: 465-3850  
Date: 3/5/93

Approved By: Warren W. Endicott, Executive Director  
Agency: Legislative Affairs Agency

*Warren W. Endicott*

Date: 3/5/93

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE: HJR 22

PERSONAL SERVICES

It is anticipated the additional members and staff will not occur until FY 96. The FY 96 cost is for six months.

15 additional legislators (75 not 60) - \$519,000	
30 additional full time legislative staff - \$1,699,500	
30 additional permanent part time legislative staff - \$615,000	
2 additional sgt-at-arms staff for House and Senate - \$25,000	
2 additional House and Senate support staff - \$33,200	2891.7

Personal services costs are estimated using FY 94 personal services costs. Support staff costs are conservative. Not sure what impact additional 15 members will have on the Agency.

TRAVEL

Travel to and from session, session per diem, relocation costs, interim per diem, travel per diem for 15 additional legislators - \$318,500. FY 96 cost is \$51,300 less for legislator's interim per diem. 318.5

CONTRACTUAL

Telephones 70 lines @\$250/yr - \$17,500	
Long distance and local charges - \$90,000	
Annual \$4,000 allowance - \$60,000	
Increased lease space for session and interim - \$275,000	442.5

SUPPLIES

Supplies for 79 additional members and staff for session and interim - \$25,000 25.0

EQUIPMENT

Equipment for 79 additional members and staff for session interim. This would be a one time cost.

75 Desks or funding for built-ins = \$33,000	
40 Computers @\$1,500 = \$60,000	
45 File cabinets = \$18,000	
40 Printers @\$1,500 = \$60,000	
75 Chairs = 15 @ \$400; 60 @ \$300 = \$24,000	195.0

MISCELLANEOUS

A capital appropriation would be requested to remodel the 2nd floor of the Capitol. The Senate and House Chambers would have to be enlarged to accommodate additional members. Offices would need to be moved and additional committee and office space would be required. The Legislative Lounge might also need to be enlarged.

Approximate amount for the 2nd floor renovation is \$150,000. 150.0

HJR

37

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 30, 1993

FURTHER REFERRALS:

HESS

Date of Committee Action: 4-6-93

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HJR 37

HOUSE JOINT RESOLUTION NO. 37

FED MONEY FOR RURAL WATER/SEWER PROJECTS

Urging the Congress to enact H.R. 1033 or similar legislation authorizing construction grants for publicly-owned treatment works in economically distressed rural communities.

RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title

[ ] have attached amendments(s)

do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

zero fiscal note L A A

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

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Jerry Sanders</i>	✓				
<i>Pat N. Harris</i>	✓				
<i>V. J. Willis</i>	✓				
<i>W. K. Williams</i>	✓				
<i>W. J. D. [unclear]</i>	✓				
<i>Harley Olberg</i>	✓				

*Harley Olberg*  
 CHAIRMAN'S SIGNATURE



Representative Lyman F. Hoffman

Alaska State House
State Capitol • Juneau, Alaska 99801-1182 • (907) 465-4453

April 5, 1993

DISTRICT 39

- AKIACHAK
AKIAK
ALEKNAGIK
ATMAUTLUAK
BETHEL
CHEFORNAK
CLARKS POINT
DILLINGHAM
EEK
EKUK
GOODNEWS BAY
KASIGLUK
KIPNUK
KONGIGANAK
KWETHLUK
KWIGILLINGOK
MANOKOTAK
NAPAKIAK
NAPASKIAK
NUNAPITCHUK
OSCARVILLE
PLATINUM
PORTAGE CREEK
QUINHAGAK
TOGIAK
TUNTUTULIAK
TWIN HILLS

TO: Representative Harley Olberg, Chairman
House Community and Regional Affairs Committee
FROM: Representative Lyman F. Hoffman
RE: HJR 37 - Urging Congress to enact H.R. 1033

\*\*\*\*\*

As Alaska prepares to enter the 21st century, it is difficult to believe our state's village residents continue to be subjected to hepatitis A, dysentery, meningitis and a host of other illnesses due to a lack of basic water and sewer systems.

Less than 7 years from the turn of the millennium, while many national economies become dependent on advanced science and technology, villagers rely on honeybucket dumpsters for sewage disposal and central watering spigots for drinking water.

In the summer of 1990, nearly 1/4 of the residents of Kotlik were victims of viral meningitis caused by two leaky underground pits filled with human sewage.

52 village clinics have no running water or flush toilets. Many community health aides must find alternative sources to clean themselves between patients. Some resort to heating water in microwave ovens.

HR 1033 establishes a grant program for construction of publicly owned treatment works in economically distressed rural communities. This program would provide \$300 million per year for 6 years to fund these grants.

Considering 90% of the wastewater facilities in Alaska Native villages have been assessed by the federal government as inadequate and DEC has identified a need for \$1.2 billion to correct water and sewer problems in rural Alaska, I ask your support for HJR 37.

Thank you for your consideration.

P.O. Box 886 • Bethel, Alaska 99559 • (907) 543-3541

Sponsor Statement

103D CONGRESS  
1ST SESSION

# H. R. 1033

To amend the Federal Water Pollution Control Act to establish a grant program for construction of publicly owned treatment works in economically distressed rural communities.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1993

Mr. HAYES introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend the Federal Water Pollution Control Act to establish a grant program for construction of publicly owned treatment works in economically distressed rural communities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Rural Community  
5 Clean Water Assistance Act of 1993".

HR 1033

1 SEC. 2. AMENDMENT TO FEDERAL WATER POLLUTION CON-  
2 TROL ACT.

3 The Federal Water Pollution Control Act (33 U.S.C.  
4 1251-1387) is amended by adding at the end the follow-  
5 ing:

6 **"TITLE VII—CONSTRUCTION**  
7 **GRANT PROGRAM FOR**  
8 **TREATMENT WORKS IN**  
9 **RURAL COMMUNITIES**

10 **"SEC. 701. GRANTS.**

11 **"(a) IN GENERAL.—**The Administrator is authorized  
12 to make grants to any State, municipality, or  
13 intermunicipal or interstate agency for the construction of  
14 publicly owned treatment works located in economically  
15 distressed rural communities and for any purpose for  
16 which a grant may be made under sections 319(h) and  
17 319(i) of this Act (including innovative and alternative ap-  
18 proaches for the control of nonpoint sources of pollution).

19 **"(b) APPLICATION.—**Any State, municipality, or  
20 agency referred to in subsection (a) interested in receiving  
21 a grant under this title shall submit to the Administrator  
22 an application for such grant. Such application shall be  
23 in such form and contain such information as the Admin-  
24 istrator may require by regulation.

25 **"(c) TERMS AND CONDITIONS.—**Grants made under  
26 this title shall be subject to such terms and conditions as

1 the Administrator may require by regulation to carry out  
2 the objectives of this title.

3 **"SEC. 702. FEDERAL SHARE.**

4 "The Federal share of any grant made under this  
5 title shall be 90 percent of the cost of construction. The  
6 non-Federal share of such costs shall be provided from  
7 non-Federal sources of funding.

8 **"SEC. 703. ALLOTMENT.**

9 "(a) IN GENERAL.—Sums authorized to be appro-  
10 priated for a fiscal year pursuant to section 704 shall be  
11 allotted among the States for such fiscal year by the Ad-  
12 ministrator not later than the 10th day which begins after  
13 the date of the enactment of this title in the ratio which  
14 the population in economically distressed rural commu-  
15 nities of each State bears to the total population in eco-  
16 nomically distressed rural communities of all the States.

17 "(b) PERIOD OF AVAILABILITY; REALLOTMENT.—  
18 Sums allotted to the States for a fiscal year shall remain  
19 available for obligation for the fiscal year for which au-  
20 thorized and for the period of the next succeeding 12  
21 months. The amount of any allotment not obligated by the  
22 end of such 24-month period shall be immediately realloc-  
23 ted by the Administrator on the basis of the same ratio  
24 as applicable to sums allotted for the then current fiscal  
25 year, except that none of the funds reallocated by the Ad-

1 administrator for a fiscal year shall be allotted to any State  
2 which failed to obligate any of the funds being reallocated.  
3 Any sum made available to a State by reallocation under  
4 this subsection shall be in addition to any funds otherwise  
5 allotted to such State for grants under this title during  
6 any fiscal year.

7 "SEC. 704. AUTHORIZATION OF APPROPRIATIONS.

8 "There is authorized to be appropriated to carry out  
9 this title \$300,000,000 per fiscal year for fiscal years  
10 1994, 1995, 1996, 1997, 1998, and 1999. Such sums  
11 shall remain available until expended.

12 "SEC. 705. DEFINITIONS.

13 "In this title, the following definitions apply:

14 "(1) CONSTRUCTION.—The term 'construction'  
15 has the meaning such term has in section 212.

16 "(2) ECONOMICALLY DISTRESSED RURAL COM-  
17 MUNITY.—The term 'economically distressed rural  
18 community' means a rural community in which the  
19 median household income of the residents of such  
20 community is less than 75 percent of the national  
21 median household income, as determined by the lat-  
22 est decennial census of the United States.

23 "(3) RURAL COMMUNITY.—The term 'rural  
24 community' means a political subdivision of a State

1 with a population of less than 20,000, as determined  
2 by the latest decennial census of the United States.

3 “(4) TREATMENT WORKS.—The term ‘treat-  
4 ment works’ has the meaning such term has in sec-  
5 tion 212.”.

○

Post-It™ brand fax transmittal memo 7871		# of pages >
To <i>Roger</i>	From <i>KEITH KELTON</i>	
Co.	Co.	
Dept.	Phone # <i>465-5135</i>	
Fax # <i>465-2278</i>	Fax #	

ti  
 II

a survey to de-  
 enance of treat-  
 his Act, as com-

pared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

#### SEWAGE COLLECTION SYSTEMS

Sec. 211. (a) No grant shall be made for a sewage collection system under this title unless such grant (1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 201 of this Act.

(b) If the Administrator uses population density as a test for determining the eligibility of a collector sewer for assistance it shall be only for the purpose of evaluating alternatives and determining the needs for such system in relation to ground or surface water quality impact.

(c) No grant shall be made under this title from funds authorized for any fiscal year during the period beginning October 1, 1977, and ending September 30, [1985,] 1990, for treatment works for control of pollutant discharges from separate storm sewer systems.

#### DEFINITIONS

Sec. 212. As used in this title—

(1) The term "construction" means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 304(d)(9) of this Act, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the following items.

(2)(A) The term "treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial waste of a liquid nature to implement section 201 of this Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior

Definitions: Federal Water Pollution Control Act

to and application) or is used for ultimate disposal of residues resulting from such treatment.

(B) In addition to the definition contained in subparagraph (A) of this paragraph, "treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with section 301 or 302 of this Act, or the requirements of section 201 of this Act.

(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

(D) The term "replacement" as used in this title means these expenditures for obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed.

#### LOAN GUARANTEES FOR CONSTRUCTION OF TREATMENT WORKS

SEC. 213. (a) Subject to the conditions of this section and to such terms and conditions as the Administrator determines to be necessary to carry out the purposes of this title, the Administrator is authorized to guarantee, and to make commitments to guarantee, the principal and interest (including interest accruing between the date of default and the date of the payment in full of the guarantee) of any loan, obligation, or participation therein of any State, municipality, or intermunicipal or interstate agency issued directly and exclusively to the Federal Financing Bank to finance that part of the cost of any grant-eligible project for the construction of publicly owned treatment works not paid for with Federal financial assistance under this title (other than this section), which project the Administrator has determined to be eligible for such financial assistance under this title, including, but not limited to, projects eligible for reimbursement under section 206 of this title.

(b) No guarantee, or commitment to make a guarantee, may be made pursuant to this section—

(1) unless the Administrator certifies that the issuing body is unable to obtain on reasonable terms sufficient credit to finance its actual needs without such guarantee; and

(2) unless the Administrator determines that there is a reasonable assurance of repayment of the loan, obligation, or participation therein.

A determination of whether financing is available at reasonable rates shall be made by the Secretary of the Treasury with relation-

# VILLAGE SAFE WATER

## SERVICES & BENEFITS

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- **Project Planning.** Through preparation of feasibility studies, VSW assists communities in reviewing all the alternatives available for solving their sanitation problems; the capital costs of alternatives, and the operation and maintenance expenses the community will have to pay after the project is completed. Experience has shown that when communities have this basic information, they make good decisions on the type of service best suited to their needs and means.

- **Technical Assistance.** VSW provides technical assistance to villages during all phases of a project including planning, design, and construction. Because VSW staff has the aptitude and training in the area of sanitation engineering, local interests are protected. VSW ensures villages get what is paid for, consistent with local needs.

- **Varying Construction Techniques.** While a variety of construction methods can be used, force account construction practices are well understood and employed by the VSW program. In this way, the local workforce benefits directly from VSW assisted projects, VSW provides assistance in material expediting, construction supervision, and project inspection. If a community opts to perform part of a project through contract, VSW staff help in drafting the contract, selecting a contractor, and in overseeing the contract to assure the community is getting what it expects.

- **Agreement Negotiations.** VSW staff are available to assist communities to work out user fee agreements with large water users (such as schools) or agreements for waste heat with the Alaska Village Electric Cooperative.

- **Financial Accountability.** Financial management is provided by DEC through a contract with a CPA firm. This assures timely payment of bills, meeting payrolls, fulfillment of IRS requirements, and final project accountability of all expenses.

Village Safe Water

# VILLAGE SAFE WATER

## Grants for Water, Sewer, & Solid Waste Projects

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Village Safe Water provides up to 100 percent of project costs to villages for sanitation improvements. First class cities with populations <600, unincorporated villages with populations of 25-600 or second class cities are eligible for grants. VSW grants generally provide safe water sources at central locations, places to dispose of honeybucket wastes, and, in some cases, piped utilities, laundries, and shower facilities. VSW engineers assist communities by acting as the city's engineer.

The VSW program provides engineering assistance to remote communities in the planning, design, construction, and maintenance of sanitation facilities. Before a village accepts a grant, the staff provides residents with a careful assessment of future maintenance costs as they relate to the community's ability and willingness to support services with local revenues.

A unique service offered by the Village Safe Water program is "hands-on" technical assistance whenever or wherever it is needed. This involves working one-on-one with local officials to identify sanitation problems and propose cost effective solutions. Feasibility studies are often used to determine the most appropriate level of service. During the life of these projects, VSW offers engineering assistance.

VSW is a "dirty boots" outfit. Engineering staff, experienced in cold climate utility development, help out when the community does not have the management expertise needed for a major capital project.

- 
- Communication
  - Feasibility Studies
  - Technical Advice
  - Engineering
  - Construction
  - Management
  - Planning
- 

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**VSW is a "dirty boots" outfit.**

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# VILLAGE SAFE WATER

## FUNDING SOURCES

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Village Safe Water is flexible in its approach to financing sanitation needs. Although many projects are funded solely through State appropriations, the program has been successful in capturing federal dollars through a variety of sources including the Public Health Service, the Environmental Protection Agency, and the Housing and Urban Development Authority.

- **State Projects**

67 communities and \$32 million worth of capital projects for FY 94 have no other sources of funding other than a state general fund appropriation. A line item allocation is requested to complete each.

- **Federal/State Projects**

During FY 94, 28 communities have projects which need State funds to supplement money from the federal government. This category of projects represents approximately \$17.0 million in federal funds.

Joint ventures pool the necessary financial resources. Effective working agreements have been developed and implemented between Village Safe Water and various federal agencies to allow completion of basic sanitation services in the villages.

**Additional Information:** More detailed information on these projects is available by contacting Keith Kelton at 465-5135.

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**For many communities, a State appropriation is the only funding source available to address sanitation needs.**

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**State appropriations can be used to capture federal dollars.**

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VSW FY 94 Capital Budget List  
December 18, 1992

000707

<u>Municipality</u>	<u>Project Title</u>	<u>Grant Amount</u>	<u>Cum. Grant</u>	<u>Score</u>
\$Cuzinkie	Maintenance Equipment	100,000	\$32,187,800	625
\$Pedro Bay	Pedro Bay Landfill Study and Design	75,000	\$32,262,800	625
Nuiqsut	Fresh Water Lake Fencing Project	250,000	\$32,512,800	600
Stabbins	Clear Lake Access Road	65,500	\$32,578,300	600
Scammion Bay	Dumpsite Relocation (continuation)	100,000	\$32,678,300	600
\$Upper Kalskag	Water System Improv.	525,000	\$33,203,300	600
*Lower Kalskag	Phase II Water and Sewer	801,000	\$34,004,300	600
Takotna Village Council	Takotna Water/Sewer Project	37,000	\$34,041,300	600
Wainwright	Washateria Design/Const.	1,280,000	\$35,321,300	575
Metlakatla Indian Comm.	Storm Drainage	713,410	\$36,034,710	575
\$Ruby	Water Filtering System	10,732	\$36,045,442	575
Ambler	Water and Sewer Hookup	163,800	\$36,209,242	575
Port Alexander	Filtration Feasibility Study	40,000	\$36,249,242	550
Chalkyitsik	Chalkyitsik Landfill	660,000	\$36,909,242	525
Grayling	Water, Sewer	1,500,000	\$38,409,242	525
Dot Lake	Replacement of Village Utility Building	400,000	\$38,809,242	525
72 Akiak	Akiak Water and Sewer Completion Project	800,000	\$39,609,242	525
Grayling	Solid Waste	50,000	\$39,659,242	525
Point Hope	Landfill Relocation	5,205,580	\$44,864,822	500
White Mountain	New Landfill	560,000	\$45,424,822	500
Wales	Alternate Water Source	350,000	\$45,774,822	500
Chuathbaluk	Chuathbaluk Master Plan	50,000	\$45,824,822	500
Beaver	New Community Well	170,000	\$45,994,822	475
Manokotak	Water Holding Tank	100,000	\$46,094,822	475
*Shungnak	Water/Sewer Phase II	275,000	\$46,369,822	450
Healy Lake	Healy Lake Landfill Improvements	76,800	\$46,446,622	450
Kiana	Kiana Expansion Planning	110,500	\$46,557,122	450
\$Aliakaket	Sanitation Improvement	66,064	\$46,623,186	450
Port Graham	Solid Waste/Sludge Disp.	50,000	\$46,673,186	425
Tatitak Village	Dump reloc. study/design	100,000	\$46,773,186	400
Atkasuk	Trash Truck	150,000	\$46,923,186	400
Anaktuvuk Pass	Trash Compactor Truck	120,000	\$47,043,186	400
Point Lay	Trash Compactor Truck	150,000	\$47,193,186	400
Birch Creek	Dumpsite relocation/construction	660,000	\$47,853,186	400
Ugashik Village	Water Wells/Solid Waste	375,000	\$48,228,186	375
Pelican	Landfill Access Control Project	26,000	\$48,254,186	375
Egegik	Sewer and Solid Waste Project	196,000	\$48,450,186	375
Fort Yukon	Landfill Renovation	50,000	\$48,500,186	375
Beaver	New Landfill Site	158,000	\$48,658,186	375
Evansville	Solid Waste Landfill	250,000	\$48,908,186	300
Nelson Lagoon	Health Clinic/Community Center Water and Sewer	20,700	\$48,928,886	300
Larsen Bay	Water Storage Tank and Landfill Upgrade	200,000	\$49,128,886	275
Newhalen	Newhalen Landfill	60,000	\$49,188,886	250
Medfra	Sanitation Landfill	41,200	\$49,230,086	250

\$ Indicates federal funds are available for this project.  
\*Indicates partial funding of multi-phased project.  
Shaded area indicates documented public health problem.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO: HJR 37

Revision Date: \_\_\_\_\_  
Title: Urging the Congress to enact H.R. 1033  
or similar legislation authorizing construction grants.....  
Sponsor: Representative Hoffman  
Requestor: House C&RA

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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
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 FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Karla Schofield, Deputy Director  
Division: Administrative Services

Phone: 465-3852  
Date: 11/2/94

Approved By: Pamela A. Stoops, Executive Director  
Agency: Legislative Affairs Agency

Date: 11/2/94

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).



HOUSE COMMUNITY AND REGIONAL AFFAIRS

DATE: 4/6/93

PLACE: Rm. 124

SUBJECT OF MEETING:  
 HB 173  
 HJR 37  
 HB 209


NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Roger McKowan	Rep Hoffman			L	4453	(Y) N	HJR 37
Rick Ulrich	City of Bethel					(Y) N	HB 173
Deborah Erickson	DHSS/ Public Health	DHSS Health Program specialist TL			x3090	(Y) N	HB 209
Ron Pagenkopf	Juniata Youth Activities 1970-90				586-2077	(Y) N	173
John Hansen	DCEO	Box D Juneau			5-2581	FF needed Y N	HB-173
Anna Munson	Alaska Native Health Board	229 4th St Juneau 99801			6-5880	(Y) N	HB 209
FEITH KELTON	ADCC					Y N	HJR 37
						Y N	
						Y N	
						Y N	
						Y N	

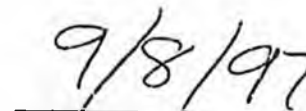


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Signature of Camera Operator

  
Date

S B

3 3

SHORT SYNOPSIS  
CS SB 33(FIN)

February 28, 1994

\*The State Emergency Response Commission and the Local Emergency Response Committees move under the authority of the Department of Military and Veterans Affairs, Division of Emergency Services. (Section 12 and Sec. 26.23.073)

\*They are granted the authority to plan for all-hazards, beyond the oil and hazardous substance planning done currently: includes earthquakes, floods, etc.. (Section 12: Sec. 26.23.071(e)(9))

\*Staff positions currently under DEC which support the SERC move to DMVA, so that the Fiscal note is neutral. (Section 23: AS 46.08.040(a)(3))

\*Allows DEC to annually review and REVISE AS NECESSARY the State Master Plan and the regional contingency plans. Retains the parameters the Commissioner uses to determine if plans should be revised. Does not do away with public input. (Sec19, Sec. 20)

\*It's hidden in the legalese, but this bill coordinates all planning and gives the State Emergency Response Commission the ability to look at any disaster plan in the state to ensure that rural and urban Alaska are as prepared as possible at the local level and know where to turn when those sources are exhausted. (Secs. 4, 6, 10, 11, Sec. 26.23.075, Sec. 19, and 25)

\*Ensures cooperation among the State Emergency Response Commission, the Local Emergency Planning Committees and local governments by establishing clear lines of communication and expectations. (Section 7, 9, Sec 26.23.071 (b)Sec. 26.23.073(d), (g)(4)(6)and(7), Sec. 19 AS 46.04.200 (c)(1).

\*To the extent that money is available allows Department of Military and Veterans Affairs to give grants (federal and state) to the Local Emergency Planning Committees. (Sec.3 (AS 26.23.040(3)(12)

\*Much housekeeping of statutes dealing with the Division of Emergency Services, for example, we added a five-page amendment in finance to just delete reference in statute to 'DISASTER AGENCIES" which were supposed to be created by ADES, but never were created. (Sections 1, 2, 3, 6, 7, 8, 9,13, 15)



HOUSE COMMUNITY AND REGIONAL AFFAIRS

DATE: 3/10/94

PLACE: Rm. 124

SUBJECT OF MEETING:

SB 33  
HB 467

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
ERV MARTIN	DES/DMVA	P.O. Box 5750, Ft. Richardson	99505		428-7000	Y ANSWER	N QUESTIONS	SB 33 - ANSWER QUESTIONS
A. KRETZEL	SENATOR LEMAN - SPONSOR				465-3711	Y	N	SB 33
MIKE CONWAY	DEC	JUNEAU			465-5250	Y	N	SB 33
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	



# Alaska Fire Chief's Association

P.O. Box 8508 • Nikiski, Alaska 99635 • (907) 283-4202 • FAX 283-8404

*Billy W. Harris*  
President

March 8, 1994

**TIMOTHY J. BIGGANE**  
1st Vice President  
(907) 488-3400  
North Pole

**MICHAEL G. MCGOWAN**  
2nd Vice President  
(907) 474-7916

**TERI CARTER**  
Secretary / Treasurer  
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Director  
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Cordova

**GREG BARCLAY**  
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Soldotna

**MIKE HOLZMUELLER**  
Director  
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Fairbanks

**MIKE DOLPH**  
Director  
(907) 486-8040  
Kodiak

**ROBERT PURCELL**  
Director  
(907) 235-3155  
Homer

**ANDREW POSTISHEK**  
Past President  
(907) 265-8794  
Wasilla

Dear Committee Members:

You will be looking at House Bill 33 which has some serious concerns to the fire chiefs throughout the State of Alaska. We feel like our representation on the State Emergency Response Committee will be eliminated if this bill passes as it is.

We encourage you to propose that a seat be specified for the Alaska State Fire Chiefs Association. We are sure that you receive many requests asking for these seats but if you look at reality, the first people to respond to any emergency is the fire departments. With this in mind, why shouldn't we be allowed to help make the decisions we have to carry out once an emergency happens. I'm sure that everyone of you have been involved in an emergency in your lifetime - who has been there when you needed them - fire departments. Look at the recent disasters throughout the United States - who do you see digging people out of collapsed buildings and working day and night to rescue them - fire departments. Even though we didn't have an official position on the last SERC board, who did the boards look towards to carry out their decisions? All we are asking is to give us the opportunity for a position on the SERC board to voice our opinions in order to be able to perform what the public expects us to do. Without a designated position, I'm afraid the voice of the fire service will not be heard.

As President of the Alaska Fire Chief's Association, I request your consideration of this position to the SERC board from this association.

Sincerely,

Billy W. Harris  
President  
Alaska Fire Chief's Association

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB33 (STA)

Revision Date:	Dept. Affected: <u>Environmental Conservation</u>
Title:	BRU: <u>Spill Prevention and Response</u>
	Component: <u>Government Preparedness and Response</u>
Sponsor: <u>Senator Leman</u>	
Requestor: <u>Senator Leman</u>	COMPONENT SERIAL NO. <u>1923</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	(181.3)	0.0	0.0	0.0	0.0	0.0
TRAVEL	(24.4)	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	(435.2)	0.0	0.0	0.0	0.0	0.0
SUPPLIES	(4.0)	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	(1.8)	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(646.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 Oil/Haz "470" Fund	(646.7)	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>(646.7)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY94) cost: \$ not applicable

POSITIONS

FULL-TIME	(3.0)	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See attached pages for analysis

Prepared by:	Robert Poe, Director <span style="float: right;"><i>RGP</i></span>	Phone: 465-5010
Division:	Information and Administrative Services	Date: <u>1/13/94</u>
Approved by:	John Sandor, Commissioner <span style="float: right;"><i>RGP For</i></span>	Date: <u>1/13/94</u>
Agency:	Environmental Conservation	

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ATTACHMENT TO FISCAL NOTES TO CSSB 33 (STA)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Division of Spill Prevention and Response (SPAR)

By amending the Alaska Disaster Act, CSSB 33 (STA) will expand the responsibility of the State Emergency Response Commission (SERC), and Local Emergency Planning Committees (LEPC) to prepare plans for local and State government response to declared disasters or emergencies. Staff support for the SERC would be transferred from the Department of Environmental Conservation (DEC) to the Department of Military and Veterans Affairs (DMVA). CSSB 33 would additionally direct DMVA to provide financial assistance to LEPCs and require all State agencies to provide technical planning assistance to the LEPCs.

CSSB 33 would reduce DEC staff assistance to the SERC and administrative assistance to LEPC on behalf of the SERC. This workload reduction would also reduce the level of funding proposed for the State Emergency Response Commission project (PJ # 5503), and the Local Planning Project (PJ #5502) proposed in DEC's FY 95 budget under the Government Preparedness and Response Component. The following briefly describes the proposed FY 95 project tasks that DEC would no longer be required to perform under CSSB 33, the corresponding reduction in funding and staff positions budgeted for that work, and the associated work and resources retained by DEC.

**SERC Project**

DEC's FY 95 budget request includes \$105,800 and 1.1 FTE to provide staff support to the State Emergency Response Commission (SERC), public member travel costs, and SERC meeting expenses. Since CSSB 33 would eliminate DEC's staff responsibility for the SERC, DEC's FY 95 SERC project request would be eliminated.

**Local Planning Project**

DEC's FY 95 local planning project budget request includes \$1,107,900 and 4.9 FTE to provide technical and financial assistance to LEPCs established by the SERC for preparing plans in compliance with State and federal requirements.

Of this request, \$400,000 is for LEPCs to develop plans, and \$140,900 with 1.9 FTE is for DEC to administer the funds awarded to LEPCs by the SERC, and to assist communities wishing to form LEPCs. Since CSSB 33 would eliminate DEC's administrative assistance to LEPC's on behalf of the SERC, DEC's FY 95 request would be reduced by \$540,900 and 1.9 FTE.

The remaining budget request for the local planning project (\$567,000 and 3.0 FTE) is for DEC to provide technical assistance to LEPCs and local governments in identifying local, State and federal response resources necessary to implement a local response plan. DEC also assists local communities in designing spill response drills to test local response readiness and provides communities with information regarding local oil and hazardous risks, and ways to prevent or reduce identified risks. CSSB 33 would not affect DEC's current responsibilities or budget request for this element of the local planning project.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSS833 (STA)

Revision Date: <u>January 12, 1994</u>	Dept. Affected: <u>Military and Veterans Affairs</u>
Title: <u>An Act relating to emergency planning and response</u>	BRU: <u>Disaster Planning and Control</u>
	Component: <u>Disaster Planning and Control</u>
Sponsor: <u>Senator Leman</u>	
Requestor: <u>Senator Leman</u>	COMPONENT SERIAL NO. <u>1808</u>

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	240.0					(111.8)
TRAVEL	85.3					
CONTRACTUAL	423.2					
SUPPLIES	10.0					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>758.5</b>					<b>(111.8)</b>

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

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

**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF	111.8					(111.8)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 470 Fund	646.7					
<b>TOTAL</b>	<b>758.5</b>					<b>(111.8)</b>

Estimate of any current year (FY94) cost: \$ not applicable

**POSITIONS**

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	5.0					(2.0)
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)  
See attached pages for analysis

Prepared by: Jeff Morrison, Director  
Division: Administrative Support Services Division  
Approved by Commissioner: Morrison for Hugh L. Cox III  
Agency: Military and Veterans Affairs

Phone: 485-4730  
Date: January 14, 1994  
Date: January 14, 1994

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ATTACHMENT TO FISCAL NOTE TO CSSB 33 (STA)  
 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
 Division of Emergency Services  
 Disaster Planning and Control Component

Fiscal Summary: This fiscal note combines the following: 1) the transfer of three positions and funding (\$241.9) from DEC to provide support to the State Emergency Response Committee (SERC); 2) the transfer in of 400.0 from DEC to fund Local Emergency Planning Committee (LEPC) direct assistance; and 3) the establishment of two new general funded positions to accomplish the additional work assisting LEPCs required by this legislation. This totals a transfer of 641.9 from DEC, with an additional 111.8 in state general funds. The funding being transferred from DEC comes from the Oil and Hazardous Substance Release Response Fund ("470 Fund"). The net result on this component of the fiscal actions required by this legislation is as follows:

Expenditure Account	SERC Support	LEPC Assistance	LEPC Staff	Total
Pers Svcs	128.2		111.8	240.0
Travel	85.3			85.3
Contractual	23.2	400.0		423.2
Supplies	10.0			10.0
<b>Total</b>	<b>246.7</b>	<b>400.0</b>	<b>111.8</b>	<b>758.5</b>
<b>Positions</b>	<b>3</b>		<b>2</b>	<b>5</b>

Please refer to the DEC fiscal notes for an explanation of the fiscal impact on DEC. There is a net zero effect on the 470 fund compared to the FY95 operating budget request; and a net savings of 396.6 in 470 funds compared to FY94 due to a 396.6 decrease in the DES operating budget funding from 470 Fund from FY94 to FY95. The following paragraphs explain in more detail each of the areas summarized above:

**SERC Support:** Three staff positions within DEC which provide support to the SERC will be transferred into this component. These positions are located in the Spill Prevention and Response BRU, Government Preparedness component. The DEC fiscal note identifies the separate projects in which these positions are budgeted (DEC uses project budgeting). The total amount of funds to be transferred from DEC for this function is \$241,900. The line-item breakout within the DMVA/DES budget has been adjusted in this fiscal note to show how the funds are projected to be needed.

The three transferred positions would continue to support the SERC through coordinating regularly scheduled meetings, implementing SERC decisions and directions, and staff review and preparation of agenda items. They would also work with the current DES staff to ensure integration of local (LEPC) plans with the state emergency operations plan. The remainder of the funding for SERC support is used for public members' travel, advertising, room rentals, and other meeting costs. Some of the funds transferred in for SERC support will also be used to support the two LEPC staff positions also created by this fiscal note (e.g. travel, communications).

The three transferred positions would be reclassified as needed in order to provide the best overall support to the SERC. The needed support can best be provided by a restructuring of the support staff to have one professional planner II (range 17, \$54,468), one administrative assistant III (range 14, \$45,241), and one clerk typist III (range 8, \$33,773). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$128,200.

**LEPC Assistance:** DMVA will assume responsibility for providing planning assistance to the LEPCs. This will be met by a combination of contracts with LEPCs and staff support to work directly with the LEPCs.

Contracts with LEPCs have been a major element of previous budget submissions from DEC. \$400,000 for LEPC contracts is currently included in the FY95 DEC budget (SPAR BRU, Government preparedness component). This money will be transferred to DMVA and administered by the Division of Emergency Services.

These contracts will be used by local groups to train community responders to respond to releases of hazardous substances and oil spills, and to provide for administrative support of local planning efforts related to disaster emergencies. The additional staff to be added to DES in this fiscal note will reduce or eliminate the need for local entities to contract for planning services.

**LEPC Staff:** The direct staff support to LEPCs will be accomplished by the addition of two new general funded planner positions: one range 17 planner II (\$54,468 annual salary cost), and one range 19 planner III (\$61,953 annual salary cost). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$111,800. The planners will work with LEPCs to perform on-site surveys to analyze local hazards and assess capabilities, write disaster response and mitigation plans, assist in local review, and promulgate the finished plans. The hazards included in the plans will include oil spills, hazardous substances, and all other types of natural and man-caused disasters. Travel and other support costs for the LEPC planners will be reallocated from the SERC support funds as needed.

With the staffing to be added by this fiscal note, combined with the technical staff currently in DEC and the current staff of DES, we project that the initial plans for the Local Emergency Planning Districts (LEPDs) established by the SERC will be completed by the end of FY99. The LEPDs will cover the entire state of Alaska. Developing the required plans will involve working closely with the political subdivisions of all sizes located throughout Alaska. There will be an ongoing need to periodically review and revise the plans, and to train and drill to test the adequacy of the plans. Annual local reviews are a federal requirement (SARA Title III).

It is likely that after the initial plans for the LEPDs are completed (FY99), the amount needed for state-provided planning support to LEPCs will decrease. DES staff will be reduced proportionately as the formalization of emergency planning capabilities is achieved in the anticipated 25-30 LEPCs by FY99. This fiscal note reflects that reduction by the elimination of two positions and 111.8 in general funds starting in FY 2000.



# SENATOR LOREN LEMAN

Northwest Anchorage

311 "C" Street Anchorage, AK 99503 561-7614 During Session: State Capitol Juneau, AK 99801 465-2095

## SPONSOR STATEMENT

CSSB33(FIN): An Act relating to emergency planning and response; transferring the Hazardous Substance Spill Technology Review Council to the Department of Environmental Conservation; transferring the State Emergency Response Commission, including its duty to designate local emergency planning districts and appoint local emergency planning committees, to the Department of Military and Veterans' Affairs; and eliminating a requirement that the state and regional oil discharge prevention and contingency plans be revised annually."

## WHY SB 33?

SB 33 is introduced at the request of the departments of Environmental Conservation and Military and Veterans' Affairs. The intent of this legislation is to facilitate a better working relationship between the Local Emergency Planning Committees and local governments; to more efficiently accomplish the goals of emergency planning and planning for oil and hazardous substance discharges by reducing opportunities for duplication of effort at the state level; and to enhance the abilities of local communities to plan for disasters.

## HISTORY

The Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C.A. ss 11001-11050 (1991) (Title III of the Superfund Amendments and Reauthorization Act of 1986), commonly known as SARA Title III, was passed largely in response to the chemical accident in 1984 at Bhopal, India.

SARA Title III has two distinct parts: an emergency planning mechanism and community right-to-know provisions. The emergency planning provisions require each state's governor to establish an emergency planning commission. The commission sets up emergency planning districts and appoints an emergency planning committee for each district. The committees are required to prepare emergency plans.

In 1990, the Legislature created the State Emergency Response Commission. The SERC has appointed to date 18 local emergency planning committees.

## WHERE WE ARE NOW

In 1990, SB 503 and HB 566 provided ample opportunity for the Legislature to discuss where the response corps and depots ought to be located, how the SERC should operate and where the Hazardous Substance Technology Review Council fit in to the statewide picture.

Moving the SERC and the LEPCs into DMVA/DES should not be construed as legislative pingpong. In the aftermath of a disaster there is always a debriefing - a session where the participants review how well the response system works and what could be done to make it work more efficiently.

Soon it will be five years since the Exxon Valdez oil spill. It's time to review the process and make adjustments for a more streamlined, more efficient planning and response system. The departments have reviewed their responsibilities and have made recommendations to improve the process, the State Emergency Response Commission has reviewed the process, the local emergency planning committees have reviewed the process as have local governments. They all feel improvements can be made to the system and that is why Senate Bill 33 is before you now. I appreciate the efforts of the volunteers at the local level and the local governments to plan for their fellow citizens. I want to make their jobs less difficult as I'm sure you do, too.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
and  
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

JOINT POSITION PAPER FOR CSSB 33 (STA)

**BACKGROUND:**

In 1990, the Alaska Legislature established the State Emergency Response Commission (SERC). In the Department of Environmental Conservation (DEC) (SLA 1990, Ch 190), under AS 46.13, the SERC is responsible for designating the boundaries of Local Emergency Planning Districts (LEPDs), and appointing Local Emergency Planning Committees (LEPCs) to develop local emergency plans for responding to the accidental release of hazardous substances that may or may not be of disaster proportions. AS 46.13 complements federal contingency planning under Title III of the Superfund Amendments and Reauthorization Act (PL 99-499; also known as SARA Title III) which requires states to establish a SERC to ensure communities are aware of hazardous substance threats within their borders.

To date, the SERC has established 26 LEPDs and 18 LEPCs have been appointed. None of the LEPCs have approved local emergency plans.

Under the Alaska Disaster Act (AS 26.23) the Department of Military and Veterans Affairs, Division of Emergency Services (DMVA/DES) is responsible for disaster emergency planning for the State of Alaska and to service all of its political subdivisions through local or interjurisdictional disaster planning agencies or the liaison officials of local governments. To date, DMVA/DES has assisted several municipalities in developing disaster emergency operations plans which address multiple hazards. AS 26.23.060(e) requires each local or interjurisdictional disaster agency in the State to prepare and keep current a disaster emergency plan for its area.

Both DEC and DMVA recognize the existing overlap of responsibilities related to disaster emergency planning and response for oil and hazardous substance releases. The departments have worked jointly to establish Memorandums of Agreement (MOAs) to clarify duties in responding to disasters which involve an oil or hazardous substance release.

**PROBLEMS WITH CURRENT STATUTES:**

1. Duplication of planning efforts under AS 46.13 and AS 26.23.

The majority of emergencies or disasters which result from natural events such as earthquakes or flooding pose a greater public health threat than oil or hazardous substance releases. As proposed in CSSB 33, consolidating the local planning requirements for oil and hazardous substances releases with the local disaster planning requirements under AS 26.23 would simplify coordination and integration of local emergency planning efforts, and would improve overall preparedness of Alaskan communities to respond to all potential disasters.

## 2. Duplicative and inefficient disaster planning for oil and hazardous substance response.

Following the Exxon Valdez release in 1989, the legislature amended AS 48.04 to require the DEC to develop a statewide master plan and regional master plans for responding to all potential types and sizes of oil or hazardous substance releases. Under AS 26.23, the Department of Military and Veterans Affairs, Division of Emergency Services (DMVA/DES) is responsible for preparing a statewide plan for all potential disasters, including technological disasters such as a disaster-scale oil or hazardous substance release.

Between June 1977 and January 1994, 166 disaster emergencies were declared by the Governor. Only two declarations - approximately 2% of all declared disasters during that period - resulted solely from the release of oil or a hazardous substance (the EXXON Valdez oil spill and formaldehyde release at Crown Point).

Non-disaster oil and hazardous substance response is managed on a day-to-day, routine basis by DEC by overseeing the responsible party's cleanup of a spill, or employing contractors or local governments to cleanup a spill if the responsible party refuses or can't be found. Most, if not all, oil and hazardous substance spills in any one year are not declared disasters.

CSSB 33 would amend Alaska statutes to clarify DMVA's interagency planning responsibilities for all disasters including catastrophic oil and hazardous substance releases. CSSB 33 would also clarify all state agencies' responsibilities for planning and response to all disasters declared by the Governor.

### **EFFECTS OF CSSB 33:**

CSSB 33 would transfer the State Emergency Response Commission from DEC to DMVA. The SERC's planning responsibilities for non disaster emergency oil and hazardous substance releases would be repealed and replaced with the responsibility for disaster and emergency planning for all natural and man-made hazards. DMVA would also assume responsibility for administering State funding awarded to LEPCs, and all State agencies on SERC would be required to provide technical planning assistance to LEPCs as it pertains to their programs and responsibilities.

The proposed legislative changes will enable DMVA to systematically facilitate local disaster emergency plan development and maintenance. In Alaska, much of the unorganized boroughs and some less populated boroughs have no local municipal or interjurisdictional disaster agencies. In these cases, DMVA will service the communities directly with planning, training, and other preparedness activities in accordance with AS 26.23.060.

### **FISCAL IMPACT OF PROPOSED BILL:**

Fiscal notes for both DEC and DMVA are attached.


**BENEFITS OF PROPOSED BILL:**

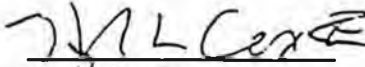
This bill substantially contributes to improved preparedness for all Alaskans when faced with a disaster emergency, regardless of the type.

By making the SERC an all-hazards disaster preparedness Commission, the bill integrates the federal SARA Title III requirements for oil and hazardous substance release planning with the other local disaster planning requirements of AS 26.23.060. This will reduce the duplicative demand now faced by communities and consolidate all State disaster planning functions within the DMVA/DES to improve overall preparedness.

**CONCLUSION:**

The Commissioners of DEC and DMVA support this bill and conclude that the safety and welfare of the people of Alaska and Alaska's environment will be greatly enhanced by its passage.

  
John A. Sandor  
Commissioner  
Department of Environmental  
Conservation

  
Hugh L. Cox III  
Commissioner  
Department of Military  
and Veterans Affairs

SPONSOR SECTIONAL ANALYSIS  
Senate Bill 33

FOR CS SB 33(FIN): 3/1/94 BY: Annette Kreitzer, Aide  
DISTRIBUTION: House Community & Regional Affairs Committee

Title:

Transfers SERC and its responsibilities from DEC to DMVA; transfers the Hazardous Substance Spill Technology Review Council to DEC; and it eliminates the annual revision requirement for the state and regional oil discharge prevention plans (annual REVIEW still necessary).

Sections 1, 2, 3(in part):

Amendment adopted in Senate Finance Committee: Amends DMVA statutes to delete reference to disaster agencies. This housekeeping measure appears throughout the bill in Sections 1, 2, 3, 6, 7, 8, 9, 13, and 15.

Section 3(in part):

\*Amends DES duties to include granting authority (to the extent that money is available) for:

1. Forming LEPCs,
2. Awarding federal Hazardous Materials Transportation Uniform Safety Act (HMTUSA) funds to LEPCs for developing and maintaining emergency plans,
3. Making funds available to comply with Community Right-to-Know criteria (including Tier II information); and
4. Awarding grants for training LEPCs, training and equipping emergency response organizations and for executing the plans developed by the LEPCs.

Sections 4, 10, and 11:

These sections result from repealing AS 26.23.215 which says that all related plans must mesh. New language is inserted in AS 26.23.040 to ensure cohesion in all plans prepared within the duties of ADES and in those plan's relationship to DEC's state and regional master plans. New language is inserted under AS 26.23.060 and AS 26.23.070 for the same purpose.

Section 5:

Adds response corps and depots into the explicit responsibilities of DMVA.

Section 6:

Finance Committee Amendment. Housekeeping amendment to make reference to the unified term: political subdivision, rather than a variety of other terms and removes reference to disaster

agencies.

Section 7:

Clarifies that each political subdivision has the responsibility for disaster preparedness and coordination of local response, and removes reference to disaster agencies.

Section 8:

Political subdivisions unable to plan for local disaster preparedness must designate a liaison to work with the state Division of Emergency Services in planning disaster response.

Section 9:

Clarifies that each political subdivision must have a plan prepared and maintained and that the plan is provided to all appropriate officials (including LEPC's, and all entities named in the plan).

Section 10, 11 and 4:

These sections result from repealing AS 26.23.215 which says that all related plans must mesh. New language is inserted in AS 26.23.040 to ensure cohesion in all plans prepared within the duties of ADES and in those plan's relationship to DEC's state and regional master plans. New language is inserted under AS 26.23.060 and AS 26.23.070 for the same purpose.

Section 12:

(a) \*Establishes the SERC under the Department of Military and Veterans' Affairs;

(b) \*Defines SERC membership, specifies 4 LEPC members to be on SERC, two from rural LEPC and two from urban LEPC; specifies two seats for political subdivisions (**Finance Committee Amendment on behalf of Municipalities of Anchorage and Fairbanks added in mayor, or person nominated by mayor or governing body**); leaves one unspecified public seat.

(c) \*Removes the requirement for the oil and hazardous substance response office (AS 46.08.100) to serve as staff for the commission. DMVA shall provide staff support. The proposed fiscal note shows three positions from DEC would transfer to DMVA/ADES, with DMVA/ADES asking for two additional planners.

(d) Keeps requirement that SERC is co-chaired by DMVA and DEC. Keeps the current staggered terms, per diem and travel.

(e) Commission duties -

(1) Meets SARA Title III requirement;

(2) \*References the ALL HAZARDS clause (8), maintains the SERC's responsibility for hazardous substance discharge and

prevention contingency state and regional master plans (46.04.200-210) and ALL plans prepared under AS 26.23.;

(3) SERC should consider incident command system, and integration of LEPC plan with related plans; removes SERC approval authority for these plans, retains review and recommendation authority. Local governments found the approval authority of the SERC to be a stumbling block. Emphasis is on planning at the local level, local governments have an approval process with public input. SERC approval/disapproval complicates that local planning and approval process.

(4) Designate LEPC boundaries; the SERC retains the ability to mandate boundaries IF political subdivisions CANNOT come to agreement on boundaries; removes previous requirement that the boundaries be based on DEC's oil and hazardous substance regions (of which there are 10).

(5) Same as current law - SERC must create an LEPC for each LEPC (SARA Title II);

(6) Same as current law (wording comes from SARA Title III 11001(a));

(7) Same as current law.

(8) \*SERC presently does not review reports about responses, if it is to make appropriate recommendations, it should review how the plan worked in a disaster.

(9) \*Makes the SERC an ALL HAZARDS COMMISSION;

(10) Integration of federal planning with state plan.

(11) Same as current law; and

(12) Adopt regulations to carry out these duties.

**\*Sec. 26.27.073: EMERGENCY PLANNING DISTRICTS AND COMMITTEES**

(a) \*Commission sets boundaries of LEPCs; (current law). Intent is to make boroughs the LEPCs, but if the Commission wants to set boundaries other than borough lines, it must consult the local emergency response organizations and any governing body of political subdivisions in the proposed district.

(b) \*Creates one single LEPC out of what is left.

(c) \*If political subdivisions are combined into one LEPC, the Commission shall recommend the governor designate the area an interjurisdictional disaster planning and service area, also. This facilitates the all hazards planning concept. The LEPCs are only responsible for oil and hazardous substance planning, so although the LEPC could elect to also plan for other disasters/emergencies, it doesn't have to take on that burden. The coextensive interjurisdictional disaster planning and service area allows ADES to assist in disaster/emergency planning for the same area served by the LEPC. This should result in a ordered planning approach.

(d) \*SERC APPOINTS members of LEPCs. SERC SHALL follow recommendations of the political subdivision for the LEPC (Finance Committee Amendment removed "governing body"). In the case of an LEPC made up of several political subdivisions, the

SERC will consider the recommendations of each political subdivision to the extent that the political subdivisions are in agreement and the recommendations would constitute a legal committee. Also, the political subdivisions must devise a process of working together to coordinate their recommendations. IF the LEPD is not affiliated with a political subdivision, the SERC will consider recommendations of emergency response organizations in the district. For the single, rest-of-state LEPD, the SERC will strive for equitable geographic representation on the LEPC.

\*COMMITTEE MEMBERSHIP: 7 categories (Meets Sara Title III requirements) No state elected officials in Alaska may constitutionally hold a seat on an LEPC; added categories six and seven; *Finance Committee Amendment of 2/3/94 removes disaster agency.*

(e) Media position has been the most difficult to fill, this allows the LEPCs to continue operating.

(f) Allows for individual petitions to the SERC over membership (SARA Title III).

(g) LEPCs shall -

(1). Same as current law.

(2). \*ADDS "public advertising of positions available on the committee".

(3). \*ADDS ... "in a manner that includes coordination with the political subdivisions covered by the plan", to ensure cooperation between the LEPCs and the local governments.

(4). \*REWRITTEN to reflect that evaluating the need for resources necessary to the plan doesn't necessarily mean ADDING resources - it could mean scaling down response if there aren't sufficient responders - but this is and should be a LOCAL decision to be made with all parties knowing the cost of the decision.

(5). Same as current law (delete [and])

(6). \*Allows LEPCs to not have to become all hazards, they can participate in community planning to the extent they are capable. *Finance Committee Amendment of 2/3/94 removes disaster agencies.*

(7). \*NEW LANGUAGE: puts in statute the cooperation between the LEPC and the political subdivision. Makes the LEPC an "advisory committee" to the benefit of the political subdivisions and the LEPCs.

(h) \*All agencies represented on the SERC shall provide technical assistance to LEPCs if requested by the LEPC. There is no additional funding for this section, but it is anticipated that the primary agencies requested to provide assistance would be DEC/DMVA-DES.

#### Section 26.23.075: EMERGENCY PLANS

Same as current law (46.13.090), except the cite for 42 U.S.C. 11002(a) is corrected from 42 U.S.C. 302(a); and in (3) the designation of emergency coordinator as required under 26.23.060(d), is added. 26.23.075(b) references the coordination of hazardous substance planning with disaster planning.

Section 26.23.077 PLAN REVIEW; INCIDENT COMMAND SYSTEMS.

(a) \*Reflects the change from a commission charged only with hazardous substance release planning to an ALL HAZARDS SERC. Current law (46.13.045) stipulates the commission reviews and exercises approval authority over plans for "hazardous substance discharge response". \*Changes SERC's authority to review and recommend instead of "approve".

(c) Changes ADES to DMVA, assures DMVA/DES role in a[n imminent or actual hazardous substance discharge] disaster or other emergency.

Section 13:

Removes reference to disaster agency.

Section 14:

AS 26.23.150 is amended to substitute environmental for [air].

Sections 15 and 16:

Removes reference to disaster agency.

AS 26.23.900 is amended to define the SERC, and hazardous substance in DMVA statutes.

Section 17:

AS 46.03.865(a) The incident command system no longer exists under 46.13.

Section 18:

AS 46.03.865(c) The incident command system no longer exists under 46.13.

Section 19:

AS 46.04.200 - (a) State Master Plan -Deletes the requirement to annually revise the master plan. Intent is to annually review and revise if necessary. In 46.04.200(F), ICS identifies other state agencies' responsibilities only if the release involves a declared disaster; removes requirement for DEC to designate in the state master plan where oil and hazardous substance emergency response depots and corps should be located.

(a)(5)(c)(1) \*ADDS LOCAL EMERGENCY PLANNING COMMITTEE officials to those the Commissioner will consult if plan is revised.

Section 20:

Criteria for deciding plan revision.

Section 21:

AS 46.04.210(a) is amended -Same changes to the Regional master plan - revise as necessary instead of revise annually.

Section 22:

AS 46.04.210(c)

\*ADDS NEW SECTION - giving the department latitude to group communities which likely would work together in responding to a discharge.

Section 23:

AS 46.08.040 - Amendment

2) \*Adds the costs incurred under current statutes for depots and corps set up by DEC in cooperation with DMVA.

3) \*Pay the expenses incurred by ADES for "SERC activities, including staff support, (Finance Committee amendment added: when the activities and staff support relate to oil and hazardous substances) and for the costs of being prepared for and responding to a request by the DEC for support in response and restoration activities; EXCEPT the costs of the response corps and emergency response depots".

Section 24:

AS 46.08.150

Deletes DEC's authority to enter into contractual agreements to establish depots and corps, notwithstanding AS 46.04.090 and 46.09.040.

Section 25:

AS 46.09.040

This parallels the language in AS 46.04.090 which calls for coordination with DMVA to avoid duplication of effort.

Sections 26 and 27:

AS 46.13.100-110

Refers to the Hazardous Substance Spill Technology Review Council and establishing it within DEC.

Section 28:

Repeal: 26.23.060(f) - Refers to disaster agencies.

Repeal: 26.23.190(b) - Emergency powers dealing with actual or imminent discharge of oil or hazardous substance is redundant to AS 26.23.040(d).

Repeal: 26.23.195(a) - Is redundant to language in AS 26.23.070(d), as added by SB 33. Is redundant to multiple portions of AS 26.23.040. (Finance Committee Amendment 2/3/94 repealed all of 26.23.195.)

Repeal: 26.23.215 - Relationship to other planning statutes, relationship has been further defined in 26.23.040,

26.23.060 and 26.23.070.

Repeal: 46.08.110, 46.08.120, 46.08.190(1), (2) and (3):  
Deletes reference of response corps and depots and takes DES out  
of definitions section of DEC statutes.

Repeal: 46.13.010 - 46.13.090 - Repeals establishment of SERC  
and LEPCs under DEC.

Repeal: 46.13.120(6) -Repeals responsibility for the  
Hazardous Substance Technology Review Council to accept  
assignments from SERC.

Repeal: 46.13.900(1) - Removes SERC from definitions section  
of DEC statute.

Section 29:

TRANSITION:

Litigation, hearings, investigations and other proceedings  
pending under law may continue.

Outstanding contracts, liabilities, and obligations remain in  
effect.

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB33 (FIN)

Revision Date: March 3, 1994 Dept. Affected: Military and Veterans Affairs  
 Title: An Act relating to emergency planning and response BRU: Disaster Planning and Control  
 Component: Disaster Planning and Control  
 Sponsor: Senator Leman  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 1808

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	111.8					(111.8)
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other: 1052 470 Fund	646.7					
<b>TOTAL</b>	<b>758.5</b>					<b>(111.8)</b>

Estimate of any current year (FY94) cost: \$ not applicable

POSITIONS						
FULL-TIME	5.0					(2.0)
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)  
 See attached pages for analysis

Prepared by: Jeff Morrison, Director Phone: 465-4730  
 Division: Administrative Support Services Division Date: March 3, 1994  
 Approved by Commissioner: *J. Morrison for* Hugh L. Cox III Date: March 3, 1994  
 Agency: Military and Veterans Affairs

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ATTACHMENT TO FISCAL NOTE TO CSSB 33 (FIN)  
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
Division of Emergency Services  
Disaster Planning and Control Component

**Fiscal Summary:** This fiscal note combines the following: 1) the transfer of three positions and funding (\$246.7) from DEC to provide support to the State Emergency Response Committee (SERC); 2) the transfer in of 400.0 from DEC to fund Local Emergency Planning Committee (LEPC) direct assistance; and 3) the establishment of two new general funded positions to accomplish the additional work assisting LEPCs required by this legislation. This totals a transfer of 646.7 from DEC, with an additional 111.8 in state general funds. The funding being transferred from DEC comes from the Oil and Hazardous Substance Release Response Fund ("470 Fund"). The net result on this component of the fiscal actions required by this legislation is as follows:

Expenditure Account	SERC Support	LEPC Assistance	LEPC Staff	Total
Pers Svcs	128.2		111.8	240.0
Travel	85.3			85.3
Contractual	23.2	400.0		423.2
Supplies	10.0			10.0
<b>Total</b>	<b>246.7</b>	<b>400.0</b>	<b>111.8</b>	<b>758.5</b>
<b>Positions</b>	<b>3</b>		<b>2</b>	<b>5</b>

Please refer to the DEC fiscal notes for an explanation of the fiscal impact on DEC. There is a net zero effect on the 470 fund compared to the FY95 operating budget request; and a net savings of 396.6 in 470 funds compared to FY94 due to a 396.6 decrease in the DES operating budget funding from 470 Fund from FY94 to FY95. The following paragraphs explain in more detail each of the areas summarized above:

**SERC Support:** Three staff positions within DEC which provide support to the SERC will be transferred into this component. These positions are located in the Spill Prevention and Response BRU, Government Preparedness component. The DEC fiscal note identifies the separate projects in which these positions are budgeted (DEC uses project budgeting). The total amount of funds to be transferred from DEC for this function is \$246,700. The line-item breakout within the DMVA/DES budget has been adjusted in this fiscal note to show how the funds are projected to be needed.

The three transferred positions would continue to support the SERC through coordinating regularly scheduled meetings, implementing SERC decisions and directions, and staff review and preparation of agenda items. They would also work with the current DES staff to ensure integration of local (LEPC) plans with the state emergency operations plan. The remainder of the funding for SERC support is used for public members' travel, advertising, room rentals, and other meeting costs. Some of the funds transferred in for SERC support will also be used to support the two LEPC staff positions also created by this fiscal note (e.g. travel, communications).

The three transferred positions would be reclassified as needed in order to provide the best overall support to the SERC. The needed support can best be provided by a restructuring of the support staff to have one professional planner II (range 17, \$54,468), one administrative assistant III (range 14, \$45,241), and one clerk typist III (range 8, \$33,773). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$128,200.

**LEPC Assistance:** DMVA will assume responsibility for providing planning assistance to the LEPCs. This will be met by a combination of contracts with LEPCs and staff support to work directly with the LEPCs.

Contracts with LEPCs have been a major element of previous budget submissions from DEC. \$400,000 for LEPC contracts is currently included in the FY95 DEC budget (SPAR BRU, Government preparedness component). This money will be transferred to DMVA and administered by the Division of Emergency Services.

These contracts will be used by local groups to train community responders to respond to releases of hazardous substances and oil spills, and to provide for administrative support of local planning efforts related to disaster emergencies. The additional staff to be added to DES in this fiscal note will reduce or eliminate the need for local entities to contract for planning services.

**LEPC Staff:** The direct staff support to LEPCs will be accomplished by the addition of two new general funded planner positions: one range 17 planner II (\$54,468 annual salary cost), and one range 19 planner III (\$61,953 annual salary cost). A 4% vacancy rate is built into the budgeted personal services costs of these positions for purposes of the fiscal note, for a total personal services budget of \$111,800. The planners will work with LEPCs to perform on-site surveys to analyze local hazards and assess capabilities, write disaster response and mitigation plans, assist in local review, and promulgate the finished plans. The hazards included in the plans will include oil spills, hazardous substances, and all other types of natural and man-caused disasters. Travel and other support costs for the LEPC planners will be reallocated from the SERC support funds as needed.

With the staffing to be added by this fiscal note, combined with the technical staff currently in DEC and the current staff of DES, we project that the initial plans for the Local Emergency Planning Districts (LEPDs) established by the SERC will be completed by the end of FY99. The LEPDs will cover the entire state of Alaska. Developing the required plans will involve working closely with the political subdivisions of all sizes located throughout Alaska. There will be an ongoing need to periodically review and revise the plans, and to train and drill to test the adequacy of the plans. Annual local reviews are a federal requirement (SARA Title III).

It is likely that after the initial plans for the LEPDs are completed (FY99), the amount needed for state-provided planning support to LEPCs will decrease. DES staff will be reduced proportionately as the formalization of emergency planning capabilities is achieved in the anticipated 25-30 LEPCs by FY99. This fiscal note reflects that reduction by the elimination of two positions and 111.8 in general funds starting in FY 2000.

Dr. Eric M. Kolbe  
Chair  
22866600 Telephone

PO Box 6688  
Ketchikan, Alaska 99901  
247-8499 Fax

Alaska

Local

Representative Harley Olberg  
Delta Junction, Alaska

Fax 465-6790

March 10, 1994

Dear Representative Olberg;

The Local Emergency Planning Committee (LEPC) Association, has unanimously endorsed SB 33 at the last State Emergency Response Committee (SERC) meeting. The SERC also endorsed the bill with both the Dept. of Veterans and Military Affairs and the Dept. of Environmental Conservation in agreement that this bill would stream line emergency response operations for the state.

The association of LEPC's strongly recommend that you pass SB 33 in its entirety without additional or substantial changes through amendments. Thank you for your support on this important legislation.

Sincerely;

James Studley  
Vice Chair

Emergency

Planning

Committee

association

Aleutians East  
Aleutians/Pribilof Is.  
Anchorage  
Copper Center

Denali  
Fairbanks  
Juneau  
Kenai

Ketchikan  
Kodiak  
Lake & Peninsula Bor.  
Mal-Su

Northern SE  
NW Arctic  
Petersburg/  
Wrangell

Prudhoe Bay  
Sitka  
Southern SE  
Yakutat

THE DIVISION OF EMERGENCY SERVICES (DES)  
REQUIRES FIVE (5) POSITIONS TO EXECUTE SB 33

DES will be accepting the responsibility for the State Emergency Response Commission (SERC); its 5 Committee's; planning and training for twenty-six (26) LEPC's and their supported communities; their quarterly meetings and workshops; and supervision/management of monies "passed through" to LEPC's and their supported communities. There are over twenty-four (24) annual activities and events associated with the execution of CSSB 33, not taking into account field travel to assist local government/LEPCs produce local disaster response plans.

Section 16 of SB 215, which would go into effect if both 33 and 215 pass, constrains use of 470 funds on only that portion of the above activities related to oil and hazardous substances.

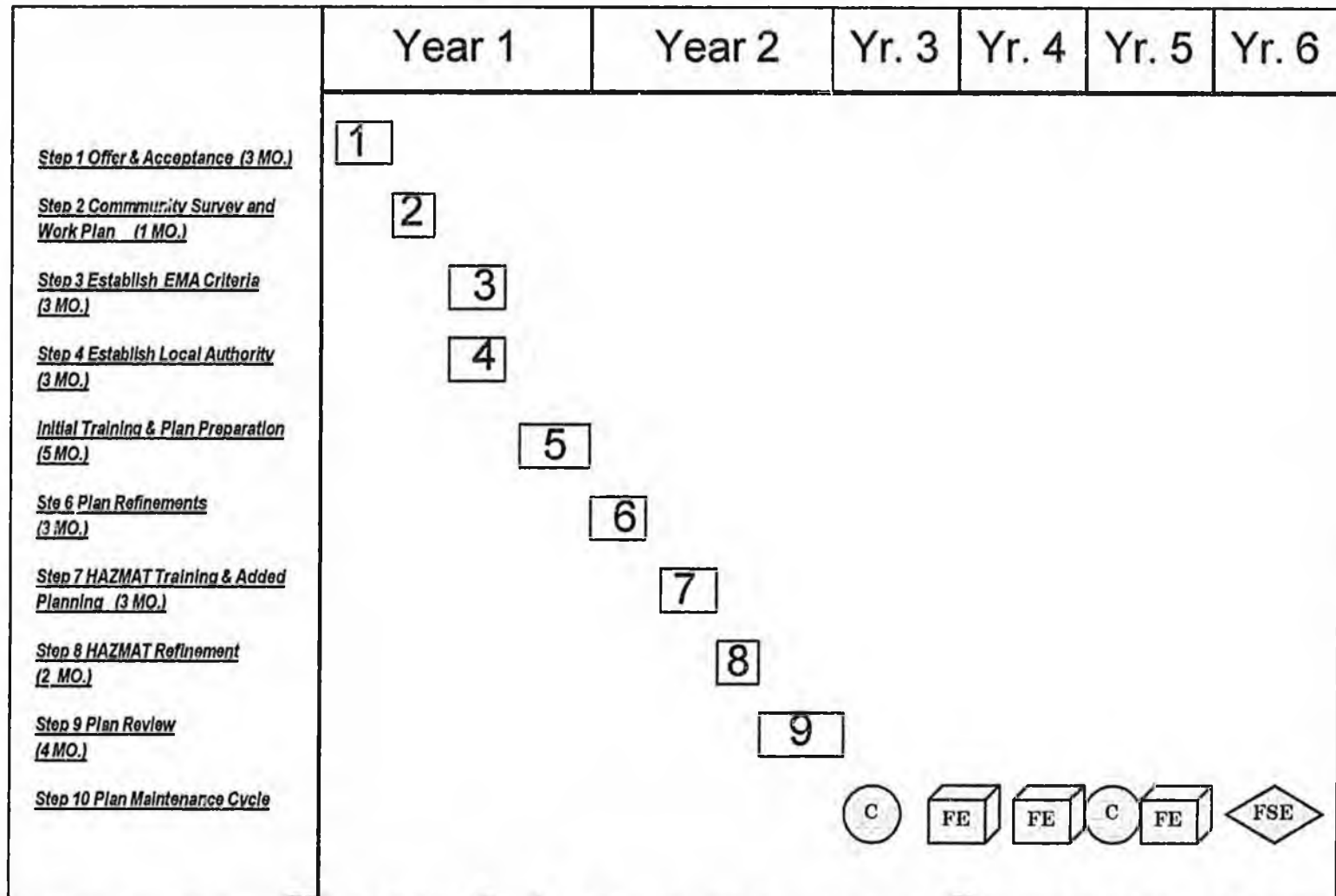
The SERC as an "all hazard" Commission must be adequately supported if it is to accomplish legislative mandates. DES correspondingly must be resourced to support the SERC and all activities delineated above.

The three (3) positions transferred from DEC to DMVA (DES) represent only 50% of the positions DEC devoted to SERC/LEPC issues. DES recognizes DEC retains responsibilities for technical advice/assistance to LEPC's and all communities in Alaska, as well as the Community Right-to-know provisions of the Superfund Amendment and Reauthorization Act, 1986.

Whether the two (2) additional positions requested by DES are funded by General Funds or other funding is irrelevant to the necessity for support of them to accomplish the mandates of SB 33 in a qualitative and timely manner. All five (5) positions are critically essential to the service performance level expected and anticipated by State and local entities associated with the statutorially mandated functions.

Without all five (5) required positions DMVA will fail to perform at expected levels.

# Comprehensive Multi-Hazard EOP Development and Maintenance Cycle



Numbers = Step    C = CHIP    FE = Functional Exercise    FSE = Full Scale Exercise

Department of Military and Veterans Affairs - Division of Emergency Services  
Five-Year Plan

**Plan Development and Maintenance:**

Of the 30 previously identified planning entities, no two are at the identical stage of their plan's development. They range from communities which have not yet established an emergency management agency or planning organization to those who are very close to finalizing their plans and submitting them for SERC review. For the purpose of this plan and as a guide to future local planning initiatives, the following systematic approach applies to development and upkeep of comprehensive, multi-hazard plans.

STEP 1: An initial offer of plan development/upgrade assistance from DMVA/DES to appropriate local chief executives in which DES explains the plan development and maintenance process. The reply from community leaders should state their desire to participate or not participate.

STEP 2: An on-site workshop conducted by the appropriate DES planning staff members to acquaint community leaders in greater detail as to the assistance being offered and the cooperative response and involvement needed on behalf of the community or communities involved. Part of this workshop will include a community survey of its hazards and resources to develop the planning factors necessary for full plan development. Additional time will be spent on a mutually agreeable work plan to cover the plan development period.

STEP 3: If not already available, the community will be expected to develop or make a serious start on local disaster legislation. Such legislation should:

- establish a local or interjurisdictional planning organization.
- give it authority for planning and coordinating resources.
- provide disaster proclamation authority, if other than chief executive, with a line of succession.
- provide for leadership of emergency organization with a line of succession and emergency powers.

STEP 4: Community takes needed steps to establish eligibility for EMA funding (see criteria, above).

STEP 5: DES planning staff visits community to train local planning staff. Training consists of a composite of the Introduction to Emergency Management Course and the Emergency Planning Course. Practical exercises conducted as part of the training will yield a draft Basic Plan and as many functional annexes (less the hazardous substance portions) as can be developed in one, six-day block or two, three-day increments with a mutually agreed upon time separation. Note: The incremental approach may not be economically feasible.

STEP 6: Community, with DES planning assistance, refines planning products before next training segment is delivered.

STEP 7: DES planning staff revisits community to deliver the Hazardous Materials Contingency Planning Course. Again, practical exercises, utilized to reinforce learning will be used to craft parts of the actual plan. The training will require four to five days.

STEP 8: Community, with DES planning assistance, refines all planning products and prepares the complete plan for review and signature.

STEP 9: The plan review process occurs at three levels of government. The local planning organization coordinates the plan with tasked agencies, obtains local approval/signature, and forwards the plan for SERC review. State level review is completed according to SERC policy (procedure). DMVA/DES will forward the plan to FEMA, Region 10 for federal review - a necessary element for complying with federal programs and obtaining federal funding.

STEP 10: The next step in a plan's "life cycle" is plan upkeep or maintenance. This step is unending; it continues until the plan is rescinded or replaced by another plan. There is, however, an established pattern that repeats at four-year intervals. The pattern contains two separate parts: a programmed approach to periodically exercise (practice) the plan and a prescribed method to reassess the hazards/ conditions that will cause plan implementation and the resources (people, equipment, facilities, systems) needed to carry out the plan. This reassessment process is contained in the Capability and Hazard Identification Program (CHIP). For State and local planning purposes, CHIP is accomplished every two years. The State and Local Exercise (SLE) program has five basic elements and is structured on a four-year cycle. Its elements consist of:

- Orientation seminars are used to indoctrinate new personnel and reinforce/refresh the knowledge of older personnel with respect to the plan's general contents and their assigned roles and responsibilities.
- Drills are used as brief, live tests of new or seldom used equipment, supplies, facilities, or procedures. (ie: telephone notification of key personnel, specialty team mobilization, set-up of emergency operations center)
- Table-top exercises are used to "debug" a procedure or solve new or recurring problems. Solutions are the by-products of table-tops; the participation of decision makers is essential.

**Note:** There are no suggested recurring times for orientation seminars, drills, and table tops. Each is a separate tool of the overall exercise program to be used as needed.

- Functional exercises are used at least once in each of the three years following a plan's development to practice and evaluate a group of

related emergency management functions, ie: (warning, notification, communications, coordination and control, and emergency public information) or (coordination and control, emergency services, emergency public information, communications, evacuation, sheltering, and human services). They are simulated, "on-paper" exercises, conducted at the command post or emergency operations center level. They involve no actual mobilizations or deployments of resources; hence, their cost in terms of manhours, currency, and consumed resources is comparatively small.

- Full-scale exercises, on the other hand, can be very expensive. They require more time to plan and conduct, their "live" activities must be sufficiently funded, and consumed resources must be replaced to avoid any degradation in response capability. Full scale exercises are the culmination of all the other exercise elements (drills, table tops, etc.) All exercise elements present an opportunity to evaluate some aspect of the plan, but the full scale exercise offers the best test, short of an actual event. One full scale exercise should be conducted every four years to practice and evaluate all emergency management functions.

Once a plan is completed, one of the initial activities of the plan maintenance step will be a DES staff visit to deliver the Exercise Design Course and assist local emergency managers develop a community exercise program. The exercise program and several scenarios to initiate the exercise program will be produced during practical exercises which commonly reinforce instruction.

The following chart illustrates this ten-step approach to plan development and maintenance. Subsequent charts indicate how this sequence will be applied to the local planning organizations expected to evolve in the state's Southeastern, Southwestern and Northern regions.

# Northern Planning Organizations

	95	96	97	98	99
<i>NW Arctic Borough</i>			1 thru 9		(C) FE
<i>North Slope Borough</i>	(C) FE 2,3 6 7 FE 8 9		FSE	(C) FE	FE
<i>Prudhoe Bay District</i>			1 thru 9		(C) FE
<i>Nome</i>	(C) FE 2,3 6 7 FE 8 9		FSE	(C) FE	FE
<i>McGrath</i>				1 thru 9	
<i>Delta Junction</i>				1 thru 9	
<i>Denali Borough</i>			1 thru 9		(C) FE
<i>Copper River</i>				1 thru 9	
<i>Mat-Su Borough</i>	2,3 6 (C) FE 7 8 9 FE		(C) FSE	FE (C) FE	
<i>Fairbanks North Star Borough</i>	2,3 6 (C) FE 7 8 9 FE		(C) FSE	FE (C) FE	

Numbers = Step (C) =CHIP FE =Functional Exercise FSE = Full Scale Exercise

# Southwestern Planning Organizations

	95	96	97	98	99
<i>Anchorage</i>	9 (C) FE	FE (C)	FSE	FE (C)	FE
<i>Kenai Peninsula Borough</i>	(C) FE	6 7 8 9 (C)	FSE	FE (C)	FE
<i>Kodiak Island Borough</i>	FE	7 8 9 (C) FE	FSE (C)	FE	FE
<i>Bristol Bay Borough</i>	(C) FE	FSE	2, 3 6 (C) FE 7 8 9 FE (C)		FE
<i>Dillingham</i>	(C) FE	FSE	2, 3 6 (C) FE 7 8 9 FE (C)		FE
<i>Lake and Peninsula Borough</i>				1 thru 9	
<i>Bethel</i>	(C) FE	FSE	2, 3 6 (C) FE 7 8 9 FE (C)		FE
<i>Aleutians E. Borough</i>				1 thru 9	
<i>Aleutian Islands-Pribilof</i>			1 thru 9	(C)	FE

Numbers = Step (C) =CHIP FE =Functional Exercise FSE = Full Scale Exercise

# Southeastern Planning Organizations

	95	96	97	98	99		
<i>Whittier</i>				1 thru 9			
<i>Valdez</i>		1 thru 9			C	FE	
<i>Cordova</i>		1 thru 9			C	FE	
<i>Yakutat</i>				1 thru 9			
<i>Northern SE Dist.</i>	2 thru 9		C	FE	FE C	FE	
<i>Juneau</i>	C FE	5 thru 9		FE C	FE	FSE C	FE
<i>Sitka</i>	2-4	6 thru 9		C FE	FE C	FE	FSE
<i>Petersburg</i>	9	C FE	FE C	FE	FSE C	FE	
<i>Wrangell</i>		1 thru 9			C	FE	FE
<i>So. SE Dist</i>		1 thru 9			C	FE	FE
<i>Greater Ketchikan Dist.</i>	9	3-4	C FE	FE C	FE	FSE C	FE

Numbers = Step    C =CHIP    FE =Functional Exercise    FSE = Full Scale Exercise

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER  
410 Willoughby Avenue, Suite 105  
Juneau, AK 99801-1795

Telephone No. (907)465-5050  
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### MARCH 10, 1994 HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE HEARING ON CSSB 33(FIN) -- DEPARTMENT OF ENVIRONMENTAL CONSERVATION STATEMENT

Mr. Chairman, thank you for the opportunity to testify on this proposed legislation. The Department appreciates the Legislature's efforts to improve disaster preparedness in Alaska and ensure the safety of Alaskans and their environment.

The State Emergency Response Commission, also referred to as the SERC, was established in state law in 1990, a year after the Exxon Valdez oil spill. The SERC's current responsibilities are limited to ensuring state and local preparedness for oil and hazardous substance releases in the State. Oil and hazardous substances used in the state do pose a threat to the safety of Alaskans and the environment; however, the dangers of natural events pose an even greater risk to all Alaskans.

Alaska is not a heavily industrialized state and that fact is reflected in the preliminary results from our studies to evaluate the hazards due to chemicals used in the state. Our analysis of chemical hazards shows that chlorine (typically used for water treatment facilities and swimming pools) and ammonia (typically used by seafood processors) are of greatest concern. Our findings further suggest that working with facility owners to prevent releases is the most cost-effective strategy for addressing oil and hazardous substance threats.

In contrast, television coverage of the Northridge (California) earthquake two months ago gave us a graphic reminder of the potential threat Alaskans face from natural events such as earthquakes. March 27 will be the 30th anniversary of the 1964 earthquake that devastated the Anchorage area and caused tsunamis that destroyed several coastal communities including Valdez, Seward, and Kodiak. We cannot prevent an earthquake or a flood. But, through planning we can work to ensure that Alaskans understand the potential dangers of such events, and that we are prepared when disaster strikes.

The Administration supports CSSB 33. This bill will help ensure Alaskans are prepared for all potential disaster emergencies through a State-Local government partnership. Specifically, the proposed legislation will:

- 1) **Establish a disaster planning program that reflects the particular needs of Alaska communities; strengthen overall**

**disaster emergency preparedness; and, foster measures which help reduce risks associated with all potential hazards in the State.**

In Alaska, threats from natural events often outweigh those posed by hazardous substances, particularly in the state's many small, isolated communities. In contrast, more than two thirds of the state's population live within urban areas where hazardous substances pose a relatively larger threat.

Broadening the SERC's responsibilities to include all natural and technological (man-caused) hazards will improve overall disaster preparedness in all areas of the state, and will make efficient use of state and local planning and response resources.

Risk reduction (prevention) is an important part of the SERC's strategy for addressing threats posed by hazardous substances in Alaska. The all hazards approach will give high priority to identifying ways to reduce risks associated with all types of potential disasters (e.g., recommended building codes for construction on flood plains or areas known to be prone to failure during an earthquake).

- 2) Strengthen the relationship between local governments and LEPCs in order to enhance local emergency preparedness and risk reduction.**

Local governments are necessarily involved in local preparedness and risk reduction efforts for natural hazards and potential oil and hazardous substance releases. CSSB 33 will clarify local governments' responsibility for ensuring emergency preparedness for potential disasters.

CSSB 33 will amend state law to give greater deference to local governments, empowering them to to implement local programs which best fit their communities. We believe this change will foster a healthy partnership between the State, local government and LEPCs.

- 3) Establish and maintain clear roles for DMVA and other state agencies to ensure State government disaster preparedness and providing assistance to local governments and LEPCs.**

The SERC is currently established in and staffed by the DEC. Expanding the scope of the SERC's work to include emergency planning for all hazards will require greater involvement by other agencies and greater inter-agency coordination. Several organizational changes are proposed to facilitate this.

Under the proposed legislation DMVA will assume responsibility for the SERC, SERC Committees and LEPCs. As described in the Department's fiscal note, FY 95 funding appropriated by the Legislature for these purposes would be deleted from our budget and included in DMVA's FY 95 budget. DEC will retain funding

and staff positions necessary to provide technical assistance to the SERC, LEPCs and local governments on oil and hazardous substance release preparedness. DEC and other agencies will continue to provide their expertise as members on the SERC and will also provide technical assistance to LEPCs and local governments.

Mr. Chairman, the Administration is prepared to work in partnership with the Legislature to ensure Alaskans are prepared for all potential disaster emergencies, not only oil and hazardous substance releases.

Thank you for the opportunity to participate in this hearing.

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