

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8331

SENATE JUDICIARY

HB

93

SPONSOR STATEMENT

CSHB 93 (CRA)

An Act Relating to the Village Public Safety Officers Program
Representative Richard Foster

This bill would place the Village Public Safety Officer Program into the Alaska Statutes.

The sparsely inhabited communities in rural Alaska face challenges to public safety for individuals threatened with losses to life and property. Every community in the state requires public safety services. The VPSO program, created in 1980, addresses those critical public safety issues in rural Alaskan communities such as reducing loss of life due to fires, drownings, missing persons, and first provider of emergency medical assistance. The VPSO is the trained individual in the community to provide an immediate response to law enforcement issues. The VPSO, as an extension of the Alaska State Troopers, handles serious law enforcement matters until trooper assistance comes upon the scene. The first rung on a public safety career path for interested rural residents is through becoming a trained Village Public Safety Officer.

The VPSO's are the vital partners to the mission of the Department of Public Safety effort in rural Alaska. This bill will formally institute the VPSO program in Alaska statutes, and formalize the program in the Department of Public Safety. This action will enable the department, through regulations, to establish criteria for entry and participation of interested individuals, implement training standards, and provide uniform administrative parameters for the statewide program. Finally, passage of this bill will instill pride within the ranks of those VPSO's now in the frontline public safety efforts in rural Alaska.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 93

Revision _____ Dept. Affected: Public Safety
 Title: "An Act relating to the village
public safety officers program." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Foster
 Requestor: Representative Foster COMPONENT SERIAL NO. 799

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

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| REVENUE FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

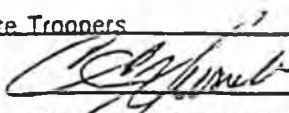
POSITIONS:

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

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/3/93
 Approved by Commissioner:  Date: 3/4/93
 Agency: Richard J. Burton, Dept. of Public Safety

PREPARER TO PROVIDE INFORMATION TO LEGISLATIVE OFFICE

For further

STATE TROOPERS
ZERO FISCAL NOTE

ce

RECEIVED MAR 05 1993

BILL NO: CSHB 93

DATE: March 3, 1993

TITLE: "An Act relating to the village public safety officers program"

CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

POSITION PAPER - Department of Public Safety

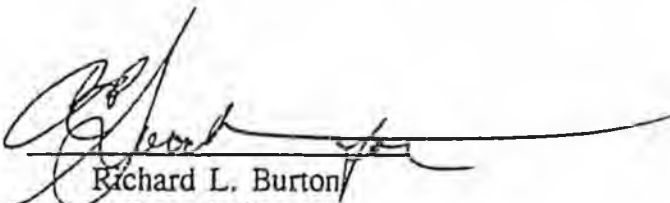
CSHB 93 amends AS 18.65 Police Protection by adding the Village Public Safety Officer Program to the Department of Public Safety's mandated programs, to aid in meeting the Department's responsibility to provide basic public safety services and law enforcement services to Alaska's rural communities. The bill provides the Commissioner with the authority to provide grants to nonprofit regional corporations for village public safety officers.

The Commissioner may adopt regulations related to VPSOs and training requirements for officers and criteria for community participation in this public safety program.

This bill will formalize the Village Public Safety Officer Program as an official responsibility of the Department of Public Safety. The program has informally been associated with the Alaska State Troopers for over twelve years. The passage of the bill is the first step to the orderly progression of this program from a pilot grant endeavor to a career. The results of this bill will be the advancement of qualified persons, skilled in meeting the first responder requirements of delivering public safety in rural villages, to the level of a profession. The ability to regulate the course of the program and its future, define how communities participate, and address the structure of the program will provide management tools to ensure sound efficient use of state resources.

The flexibility of being able to provide grants to nonprofit regional corporations for these services provides the Department the opportunity to continue to encourage village and regional participation in identifying public safety needs and priorities at their level, as well as allowing for the Department to assess the most cost effective approaches to delivering public safety and law enforcement services to rural communities.

The Department of Public Safety does not believe the passage of this bill will have a fiscal impact on the Department. Since this is the foundation step for formalizing and addressing future public safety and law enforcement needs in rural Alaska, this bill requires only that this program be considered as part of the overall mission of the Department.


Richard L. Burton
Commissioner

ALASKA FEDERATION OF NATIVES, INC.

1992 ANNUAL CONVENTION

RESOLUTION 92 - 57

TITLE: SUPPORTING VILLAGE PUBLIC SAFETY OFFICERS

WHEREAS: community based public safety programs are required to maintain public safety in rural Alaska; and

WHEREAS: in 1981, the State Department of Public Safety started the Village Public Safety Officer (VPSO) Program, a community based public safety program, to address law enforcement, fire protection and search and rescue needs in rural Alaska's remote village; and

WHEREAS: since its inception, the VPSO program has dramatically improved public safety in rural Alaskan villages;

NOW THEREFORE BE IT RESOLVED that delegates to the 1992 Annual Convention of the Alaska Federation of Natives, Inc., endorses continuation and strengthening of the Village Public Safety Office Program and calls upon the Legislature to establish the VPSO program in state statute.

SUBMITTED BY: Bristol Bay Native Association

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



SUPPORTING TESTIMONY

mark

TANANA CHIEFS CONFERENCE, INC.
Executive Board of Directors

Resolution 93-03

Village Public Safety Officers Program

Whereas, Senator Al Adams of the Alaska Eighteenth Legislature -First Session has introduced Senate Bill Number 15, and

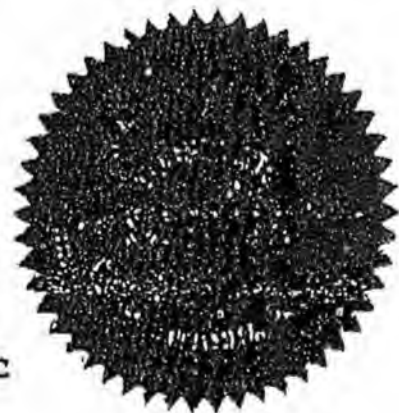
Whereas, Senate Bill Number 15 addresses essential aspects of the Village Public Safety Officers (VPSO) Program, including training and compensation, and

Whereas, Tanana Chiefs Conference, Inc. (TCC) employees VPSO's for the benefit of member villages,

Now Therefore be it Resolved that TCC supports Senate Bill Number 15 and urges the Alaska Legislature to pass this bill into law.

C E R T I F I C A T I O N

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc, Executive Board of Directors on January 14, 1993 at Fairbanks, Alaska and that a quorum was duly established.



Jonathan Solomon, Sr.
Jonathan Solomon, Sr.
Secretary/Treasurer

NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE
KOTZEBUE, ALASKA
FEBRUARY 18 & 19, 1993

RESOLUTION NO. 93-37

A RESOLUTION SUPPORTING THE VILLAGE PUBLIC SAFETY OFFICER (VPSO) PROGRAM TO BE INCLUDED IN THE ALASKA STATUTES. REFERENCE SENATE BILL NO. 15 & HOUSE BILL NO. 93.

WHEREAS: the Village Public Safety Officer (VPSO) Program has been of vital importance in rural Alaska for twelve (12) years and VPSO's provide a difficult and critical service to safeguard the lives and property of all residents in their communities; and

WHEREAS: in addition to law enforcement, VPSO's provide a broad range of public safety services, including emergency medical services, fire protection and prevention, water safety, and search and rescue; and

WHEREAS: VPSO's are expected to be on call 24 hours per day, 7 days per week, 365 days per year with no trained relief, and are often personally confronted with life threatening situations while being grossly underpaid; and

WHEREAS: the North and Northwest Alaska Mayors support the Village Public Safety Officer Program in rural Alaska, recognizing the VPSO Program as the first, immediate, and often only public safety service available in rural Alaska; and

WHEREAS: the North and Northwest Alaska Mayors recommend that the State of Alaska formalize the VPSO Program by Alaska Statutory recognition to assure the future of service. Presently, the VPSO Program exists as a budgetary line item in the Department of Public Safety's annual budget. Statutory authority would legitimize and put VPSO Program standards and procedures into the Alaska Administrative Code, thus providing a mechanism for annual legislative review; and

WHEREAS: the North and Northwest Alaska Mayors also support a significant FY94 budget increase for the VPSO Program. Especially in the areas of training, equipment, and salaries; and

NOW, THEREFORE BE IT RESOLVED BY THE CONFERENCE: that the Mayors of North and Northwest Alaska urge the Alaska State Legislature to pass Senate Bill No. 15 and House Bill No. 93; and

BE IT FURTHER RESOLVED BY THE NORTH AND NORTHWEST ALASKA MAYORS' CONFERENCE THAT: we urge Governor Walter J. Hickel and the Alaska State Legislature to educate themselves on the current plight of the VPSO Program and to work with the VPSO Nonprofit Corporation managers and the Department of Public Safety to obtain a needs based Legislative Supplement which will address

Ward

City Council
City of Atka
P. O. Box 47070
Atka, Alaska 99547-0070

Senator Al Adams
P. O. Box V
Juneau, Alaska 99811

February 3, 1993

Dear Senator:

We are writing to endorse support for Senate Bill 15.

We thank you for introducing this bill for several reasons. We consider transfer of the VPSO program to the state statutes a wise move. In addition to being under the review of the state legislature, we think that the VPSO program would maintain higher integrity and consistency.

Thank you.

Signed,

Michael Singaroff
Mayor

Atka City Council

Traditional Eagle Village Council
PO Box 19
Eagle Alaska 99738

Attn. Senator Georgiana Lincoln, Representative Eileen Nicholas
We the members of Eagle Village Council support the VPSO Program
100% and we also support Senate Bill #15 to put VPSO's into the
Alaska State Statutes.

Thank You for your time and we will be anxiously awaiting this
outcome of Senate Bill #15.

Sincerely; Eagle Village Council

Council Members,
Matthew Malcolm, Chief
Echai Beck 2nd Chief
Cliver Lyman, Council Member
Rebecca Malcolm, Council Member
Norman David, Council Member
Bartha Ulvi, Council Member

Matthew Malcolm
Echai Beck
Cliver Lyman
Rebecca Malcolm
Norman David
Bartha Ulvi

St. George Office:

P.O. Box 929
St. George, Alaska 99591-0929
Tel: (907) 859-2263
Fax: (907) 859-2212



Anchorage Office:

4000 Old Seward Hwy., Suite 301
Anchorage, Alaska 99503
Tel: 561-2124
Fax: (907) 561-4674

Senator Al Adams
P.O. Box V
Juneau, Alaska 99811

Dear Senator Adams,

The V.P.S.O. Program has been an essential part of the booming, but orderly growth, of the "outback" rural communities of Alaska. Time and time again the rural radio stations of Nome, Dillingham and St. Paul Island, broadcast on their news hour how VPSO's have intervened with otherwise lawless towns of our State's far flung communities. In some cases giving up their lives for their committment to law and order.

At St. George a Harbor was built to enhance a stable economy for our community, along with this harbor we get processors who house three hundred fifty respectfully, each. With two floating processor's who dwarf our community of one hundred eighty people and no law enforcement personnel except for one VPSO. We have begun to realize in this community how valuable this position can be. These processors are "dry" companys which means no alcohol consumption is allowed among their workers, however at times some individuals have obtained alcohol and tend to consume until they are in a state of mind which is a danger to themselves, other processors, property and the St. George Community members. Most of these workers are on 30, 60, and 90 day contracts with these seafood processors. When the contract is up these individuals first thoughts are of obtaining alcohol for the soul purpose of getting inebriated in the shortest time possible and when that happens to many individuals all at one time we have a problem. The crab season of 1992 here in the Bering Sea attested to the above problems that only a VPSO can handle safely and correctly. We don't expect the crab season of 1993 to be any different. One finally comment is that the VPSO's in Alaska are the Eyes and Ears of the State Troopers. Thank You for your time.

Sincerely ;

A handwritten signature in cursive script, appearing to read 'Gregory P. McGlashan'.

Gregory P. McGlashan
Harbormaster
City Councilman

Allakaket Village Council

P.O. BOX 30 ALLAKAKET, ALASKA 99720
(907) 968-2241

mail

February 4, 1993

Tanana Chiefs Conference
122 First Avenue
Fairbanks, Alaska 99701

TO WHOM IT MAY CONCERN:

We strongly support the Villages Public Safety Officer positions for the rural areas. Mainly because the villages are located in remote areas where the State Troopers cannot respond to calls fast enough to prevent violence or crimes from happening.

Since we have had a Village Public Safety Officer located in our village, we have seen a decrease in suicides, domestic violence, and public disturbances.

I strongly recommend that Tanana Chiefs Conference continue to secure funding for this much needed service to the rural villages.

Sincerely,

Sally M. Sam

Sally M. Sam
City Administrator



CITY OF MC GRATH

P. O. BOX 30 McGRATH, ALASKA 99627
PHONE (907) 824-3423
FAX (907) 824-3533
January 29, 1993

Ms. Daisy Stevens
VPSO Coordinator
Tanana Chiefs Conference
122 First Ave.
Fairbanks, Ak. 99701

Dear Ms. Stevens,

The City of McGrath would like to express their support of the VPSO program as an essential service to rural areas. We are in favor of Senate bill 15, which would make the program permanently funded. We hope the bill will pass and the program will be funded enough to raise the pay for these dedicated, underpaid people. If we can do anything to help in this matter, please do not hesitate to call on us.

Sincerely,

Glen A. Hanway
Glen A. Hanway
Mayor

cc: Senator Lincoln

THE
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DOCUMENTS
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POOR
ORIGINAL
COPIES

cc: Greg Hope
files

Beaver Tribal Council
Deputy Tribal Chief

Gene Pika

Ministry

- For these reasons we feel that the V.P.S.D. program should be a permanent position, and because of the cuts in the State Trooper positions, etc.
1. He assists the CHA with emergencies.
 2. He teaches fire prevention, snowmachines safety, gun safety, boat safety, to our children at the school.
 3. He checks our fire alarms, tire extinguishers and make sure all equipment is in working order.
 4. Enforces curfew, organized a search party for over 400 residents via snowmachines on boat.

The Village of Beaver would like to suffer tremendously if the V.P.S.D. program is cut, because of the following reasons:

Boat Safety;

Fire Department of V.P.S.D. program

Daley Stevens,
V.P.S.D. Coordinator
Tanana Chiefs Conference
122 First Avenue
Fairbanks, AK 99701

January 29, 1971

BEAVER TRIBAL COUNCIL
P.O. BOX 24029
BEAVER, AK 99704
(907) 528-6128
FAX 528-6812

F A X T R A N S M I T T A L M E M O

TO: Sen. Al Adams
DEPT: CRA Committee FAX #: 465-3242
FROM: C Wheeler PHONE: 443-5533
CO: _____ FAX #: _____
Post-It™ brand fax transmittal memo 7871

NO. OF
PAGES
1

January 17, 1998

The Honorable Al Adams
Senate
State Capitol
Juneau, Alaska 99801-1102

Senator Adams:

I support S.B. 815, statutory recognition of the V.P.S.U. program which is years long overdue.

Those who have served and presently make that commitment to public service risk their lives; relinquish (in relationships); seldom receive recognition for a job well-done (on a daily basis); and serve for 'token' compensation. Their duties and responsibilities are paramount with personal sacrifice on a 24-hour basis. Most generally, they are the first on-the-scene as local police officer; coordinator/leader for search and rescue operations; emergency medical technician; and as well as liason to the State Troopers, who respond and are on the scene hours if not days later.

Formalizing the V.P.S.U. program would bring a much greater professional atmosphere, provide greater retention of personnel, a continuous on-going training program, and should provide for a reasonable pay schedule.

Rural law enforcement and public safety services are as important in villages as in urban communities and the value of human life must not be diminished because some choose to live in rural Alaska. They deserve better.

Thank you for your sincere consideration

Sincerely,
C. Wheeler

L.C. Wheeler
POB 1209
Nome, Alaska 99762-1209

HB

97

SENATE COMMITTEE REPORT

DATE: 4/18/93

FURTHER:

DATE TURNED INTO OFFICE: 5/6/93

JUDICIARY Committee considered HOUSE BILL NO. 97

"An Act clarifying the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents; and providing for a: effective date."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|--------|------|--------|
| DHESS | 2-5-93 | ✓ | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Suzanne Little No Rec

George Tacko NO REC.

Adrian L. Taylor Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
993 LEGISLATIVE SESSION

BILL NO. HB 97

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An act clarifying responsibilities for children in custody of department" BRU: Purchased Services
 Sponsor: House HESS for DHSS Component: Foster Care
 Requestor: _____ COMPONENT SERIAL NO. 0252

| Expenditures/Revenues: | | (Thousands of Dollars) | | | | | |
|------------------------|------------|------------------------|------------|------------|------------|------------|--|
| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 | |
| PERSONAL SERVICES | | | | | | | |
| TRAVEL | | | | | | | |
| CONTRACTUAL | | | | | | | |
| SUPPLIES | | | | | | | |
| EQUIPMENT | | | | | | | |
| LAND & STRUCTURES | | | | | | | |
| GRANTS, CLAIMS | | | | | | | |
| MISCELLANEOUS | | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| CAPITAL | | | | | | | |
| REVENUE FUND SOURCE | | | | | | | |

| FUNDING: | | (Thousands of Dollars) | | | | | |
|--------------------------|------------|------------------------|------------|------------|------------|------------|--|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1006 GF/MHTIA | | | | | | | |
| Other | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |

| POSITIONS: | | (Thousands of Dollars) | | | | | |
|------------|--|------------------------|--|--|--|--|--|
| FULL-TIME | | | | | | | |
| PART-TIME | | | | | | | |
| TEMPORARY | | | | | | | |

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is critical to the Division of Family and Youth Services. There will be no increased costs incurred if this bill passes, but there is a serious potential for a sizeable increase in foster care costs if it does not pass.

Prepared by: Deborah R. Wing, Director
 Division: Department of Health & Social Services

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/02/93

Date: 2/5/93

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HOUSE BILL 97

For An Act Entitled: "An Act clarifying the responsibilities for the Department of Health and Social Services and parents for children who are committed to the custody of the Department and are placed by the Department with the parents; and providing for an effective date"

Analysis/Program Impact

The Department of Health and Social Services strongly supports HB 97, which clarifies the responsibilities of the Department for children committed to its legal custody who continue to reside with the parent or parents. The Bill amends AS 47.10.084 (a) to expressly require a parent or parents to provide for the day to day care of their children if the children are residing with them when the state has legal custody as a result of child protection services purposes.

This bill was made necessary as a result of the Alaska Supreme Court ruling in the case of In re E.A.D., 816 P.2d 1352 (Alaska 1991), in which the court ruled that the current AS 47.10.084 requires the Department to pay for medical costs associated with the care of children, even though they live with their parents. The Department has never interpreted the statute in this manner in the past. Therefore, absent an amendment, the Department will incur substantial additional financial expenses for these medical costs and may also be exposed to legal suits to resolve the responsibility for other costs of child rearing, including food, shelter, and education, while a child is placed at home by the Department. The Department has not budgeted for these types of costs, and these cost would significantly impact our budget, as well as the Medicaid budget. Although the court did acknowledge a possible right of reimbursement from the parents, the collection would not be practical nor cost effective.

The bill provides for a retroactive effective date to August 30, 1991, the date that the court issued its ruling. A retroactive effective date is necessary to avoid the additional unbudgeted expenses and to resolve a legal question as to the Department's responsibilities for other expenses, such as shelter, which the court did not directly address in its decision.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Position Paper
page 2
HB 97

Department's Position The Department of Health and Social Services urges the passage of this bill.

Recommended: Deborah R. Wing Date: 2/5/93
Deborah R. Wing, Director
Division of Family and Youth Services

Approved: Theodore A. Mala Date: 2/5/93
Theodore A. Mala MD, MPH
Commissioner
Department of Health and Social Services

MEMORANDUM

State of Alaska

Department of Law

TO: Elmer Lindstrom
Department of Health and
Social Services
Juneau, Alaska

DATE: January 5, 1993

FILE NO.:

TEL NO.: 269-5100

SUBJECT: Legislation

FROM:

Dianne Olsen
Dianne Olsen
Assistant Attorney General
Human Services Section

Last year, the department introduced legislation to modify AS 47.10.084, which outlines the responsibilities of the department to children in its legal custody. The statute states that when the department has legal custody of a child, it has

the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child and the duty of providing the child with food, shelter, education, and medical care.

In the case of In the Matter of E.A.O., 816 P.2d 1352 (Alaska 1991), the department had argued that when children in state custody are placed by the department in the home of their parents, it is the parents who are responsible for such things as food, shelter, education, and medical care. The Alaska Supreme Court, on the basis of strict statutory construction, disagreed. Therefore, the legislation was introduced to modify the statute. Although the legislation did not pass last year, we urge the department to work toward getting it introduced and passed this year.

Since the E.A.O. decision, defense attorneys have been relying upon the decision to make requests for the Department of Health and Social Services to pay for various expenses of children and their families when those children are in the legal custody of the state. In Anchorage, defense attorneys have filed motions in at least two cases to require the department to pay for housing costs of children and their parents. The department has resolved those cases prior to a judicial ruling. In Kenai, a defense attorney used the decision to support a request that the department pay for unapproved counseling costs for a child. The department was willing to arrange for counseling at an agency with which it had a contract, but the parents arranged for the child to be in counseling with someone with whom it did not have a contract and for whom federal funds would have been unavailable.

Elmer Lindstrom

January 5, 1993
Page 2

Although there have not been a large number of cases where such requests have been made, it is clear that defense attorneys will continue to make the argument that the department is required to pay for food, shelter, housing, and medical care no matter where the child resides. For instance, if a child in the custody of the state lives at home and that child suffers an injury, the department is responsible for payment for the medical expenses. Because the child is not in foster care, the child is not likely to be eligible for medicaid funds. Therefore, the expenses will come from the department's limited budget.

Please let me know if there is any further information that would be helpful to you.

DO/jlb

predisposition report will be available to them not less than 10 days before the disposition hearing.

(d) For purposes of this section "parents" means the natural or adoptive parents, and any legal guardian, relative, or other adult person with whom the child has resided and who has acted as a parent in providing for the child for a continuous period of time before this action. (§ 26 ch 63 SLA 1977; am § 17 ch 57 SLA 1991)

Effect of amendments. — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "a victim im-

pact statement reporting the information set out in AS 12.55.022" and added the second sentence.

Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities.

NOTES TO DECISIONS

Department's responsibility for medical costs. — The department is responsible for the medical costs of children in its custody, whether the children are placed at home or in a foster home. L.O. v. State, 816 P.2d 1352 (Alaska Ct. App. 1991).

Sec. 47.10.097. Fingerprinting of minors. (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

Effect of amendments. — The 1991 amendment, effective September 9, 1991, rewrote the section.

Sec. 47.10.120. Support of minor. (a) When a child in need of aid or a delinquent minor is committed under this chapter, the court shall, after giving the parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the department in a manner that the court directs a sum that is based on the fee schedule adopted under AS 44.29.022 to cover in full or in part the maintenance and care of the child or minor.

(b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may be proceeded against as provided by law in cases of family desertion and nonsupport.

(c) The sum collected from a parent under this section shall be directly credited to the general fund of the state.

(d) *[Repealed, § 28 ch 90 SLA 1991.]* (§ 13 art I ch 145 SLA 1957; am § 1 ch 31 SLA 1959; am § 1 ch 141 SLA 1959; am § 23 ch 63 SLA 1977; am §§ 88, 89 ch 138 SLA 1986; am § 28 ch 90 SLA 1991)

Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities. (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1) to the department or released under AS 47.10.080(b)(2) or (3) or (c)(2) to the child's parents, guardian, or other suitable person, a relationship of legal custody exists. This relationship imposes on the department and its authorized agents or the parents, guardian, or other suitable person the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child, and the duty of providing the child with food, shelter, education, and medical care. These obligations are subject to any residual parental rights and responsibilities and rights and responsibilities of a guardian if one has been appointed. When parental rights have been terminated, or there are no living parents and no guardian has been appointed, the responsibilities of legal custody include those in (b) and (c) of this section. The department or person having legal custody of the child may delegate any of the responsibilities under this section, except authority to consent to marriage, adoption, and military enlistment may not be delegated. For purposes of this chapter a person in charge of a placement setting is an agent of the department.

(b) When a guardian is appointed for the child, the court shall specify in its order the rights and responsibilities of the guardian. The guardian may be removed only by court order. The rights and responsibilities may include, but are not limited to, having the right and responsibility of reasonable visitation, consenting to marriage, consenting to military enlistment, consenting to major medical treatment, obtaining representation for the child in legal actions, and making decisions of legal or financial significance concerning the child.

(c) When there has been transfer of legal custody or appointment of a guardian and parental rights have not been terminated by court decree, the parents shall have residual rights and responsibilities. These residual rights and responsibilities of the parent include, but are not limited to, the right and responsibility of reasonable visitation, consent to adoption, consent to marriage, consent to military enlistment, consent to major medical treatment except in cases of emergency or cases falling under AS 09.65.100, and the responsibility for support, except if by court order any residual right and responsibility has been delegated to a guardian under (b) of this section. (§ 26 ch 63 SLA 1977)

NOTES TO DECISIONS

The phrase "reasonable visitation" in subsection (c) does not imply an absolute right to visitation; this section should be read in conjunction with the

rest of the chapter to allow parental visits to be barred when the visits are not in the best interests of the child. *K.T.E. v. State*, 689 P.2d 472 (Alaska 1984).

HB

99

cept that confidential information or fees must be handled as provided in 6 AAC 50.080. The coordinating agency may require the applicant to provide additional copies of maps or other documents which may not be conveniently duplicated.

(d) For a project requiring only the permits of a single state agency, the applicant shall submit a packet including all necessary applications and the project questionnaire to the agency.

(e) Immediately upon receipt, the coordinating agency shall review the packet and shall inform the applicant if it appears to be incomplete. If the packet appears to be complete, and the project does not include a disposal of interest in state land, the coordinating agency shall immediately assign a project number, and note the date as Day 1 of the consistency review process. For a project which includes a disposal of interest in state land, the consistency review will begin at a date which DGC and DNR agree will most effectively allow for both the consistency review and DNR's own statutory responsibilities. Acceptance of the packet does not preclude an agency from requesting additional information or applications from the applicant as necessary for its consistency review or its own statutory responsibilities. On or before Day 2, the coordinating agency will distribute copies of the packet to all resource agencies, other state agencies on request, all affected coastal resource districts, and other interested parties. For a 30-day review, the distribution may be limited in the discretion of the coordinating agency but must, if requested in writing, include any affected coastal district with an approved program. Along with the packet, the coordinating agency will distribute a notice establishing a comment deadline at Day 34, or at Day 17 in a 30-day review period, or later if the review period is extended as provided in 6 AAC 50.100. The notice will also state the applicable time limit, if any, imposed by the federal law or regulation.

(f) If the coordinating agency determines that the public notice, if any, provided by the resource agencies as part of their review of a permit is not adequate to inform the public about the project and the consistency review process, the coordinating agency shall, as soon as possible, publish a public notice in a newspaper or on radio or television in the affected areas, describing the project and the consistency review process. In evaluating the need for public notice of a project, the coordinating agency shall consider the magnitude of likely impacts, including cumulative impacts on the affected area, but may not unreasonably require public notice for a project for which notice is not statutorily required. DGC will encourage the joint public notice of project reviews when a permit from more than one agency is required.

(g) The coordinating agency, on its own initiative or at the request of a resource agency or of an affected coastal district with an approved program, may request from the applicant by Day 25, or Day 15 of a 30-day review period, additional information relevant to the proposed project, which is necessary for its consistency review or its own statutory responsibilities.

(h) Comments must be received by the coordinating agency on or before the comment deadline established by the coordinating agency. Each commenter shall also send copies of its comments to the resource agencies. Verbal comments must be confirmed by written comments postmarked within five working days after the verbal comments. If the commenter recommends stipulations on the consistency determination, a brief written justification must be provided by the commenter for each stipulation. Upon request, the coordinating agency shall send copies of comments to other interested parties.

(i) The coordinating agency shall encourage and facilitate consideration of comments received and discussion among the resource agencies. The coordinating agency shall determine whether there is a consensus among the resource agencies regarding a proposed consistency determination. The coordinating agency shall notify the affected coastal resource district with an approved program and the applicant on or before Day 44, or Day 24 in a 30-day review period, of the proposed determination or the issues to be resolved.

(j) If a resource agency, an affected coastal resource district with an approved program, or the applicant does not concur with the proposed consistency determination, it may request elevation of the review by submitting a written statement which describes its concerns and includes a proposed alternative consistency determination which would meet its concerns. That party shall distribute this statement so that all resource agencies, affected coastal resource districts, the applicant, and DGC will receive a copy on or before Day 49, or Day 29 in a 30-day review period, or within five days after receiving notice of the proposed determination, whichever is later. This requirement may be satisfied by transmitting the substance of the statement to the coordinating agency by telephone or other telecommunication device and sending written confirmation to all parties by mail or courier on or before the deadline under this subsection.

(k) The coordinating agency shall issue a conclusive consistency determination on or before Day 50, or Day 30 in a 30-day review period, if it has not received a request to elevate the review. If the coordinating agency receives a request, the agency shall elevate the review as necessary to the division directors, and then commissioners of the resource agencies, and may extend the decision deadline in accordance with 6 AAC 50.110(b)(7). If the review is elevated, the coordinating agency, or DGC on request, shall arrange meetings

(i) response contractor information. If a plan holder proposes to use the services of a response action contractor to meet a requirement of AS 46.04.030 or of 18 AAC 75.400 — 18 AAC 75.495, the plan holder shall include a true, correct, and complete list of all contractors, with names, addresses, telephone numbers, and affiliation by company, and a copy of the contract or a summary which clearly demonstrates

(1) the contractor's obligation to respond if a discharge occurs and the contractor's liability to the plan holder for the contractor's failure to respond or for an inadequate response;

(2) the contractor's availability to respond to a department-conducted discharge exercise as well as an actual discharge; and

(3) that equipment and other spill response resources to be provided by the contractor are maintained in a state of readiness and are compatible with the type of facility or operation and the oil product handled by the plan holder.

(j) training. In addition to maintaining continuous compliance with other applicable state and federal training requirements, the plan holder shall demonstrate that designated oil spill response personnel are trained and kept current in the specifics of plan implementation, including deployment of containment boom, operation of skimmers and lightering equipment, and organization and mobilization of personnel and resources. The plan holder shall ensure that proof of training is maintained for three years and is made available to the department upon request. (Eff. 5/14/92, Register 122)

Authority: AS 46.03.020

AS 46.04.030

AS 46.04.070

18 AAC 75.455. DEPARTMENT REVIEW PROCEDURES. (a) Within seven days after receipt of an application and plan, the department will determine if the application and plan are sufficient for public review. If the application or plan is not sufficient for public review, the department will request the necessary additional information from the applicant.

(b) When the department determines that an application and plan are sufficient for public review, the department will

(1) send a notice setting a 30-day comment period to the Department of Natural Resources, the Department of Fish and Game, affected coastal districts and regional citizens advisory councils, and persons who have made a written request for information regarding submission subject to review under this section;

(2) direct the applicant to provide a copy of the application and the plan to the Department of Natural Resources, the Department of Fish and Game, affected coastal districts and regional citizens advisory councils, and other persons designated by the department;

(3) set a date, within the 18th to 25th day of the 30-day comment period, by which the department will convey to the applicant any request from the department or a person reviewing the application that the department finds necessary to make a determination that the application or plan is complete; and

(4) publish one 30-day notice of the application, in the manner described in 18 AAC 15.050(b), stating the deadline for comments established under (1) of this subsection and the date established under (3) of this subsection for conveying requests for additional information; the applicant is responsible for paying the cost of the notice under this paragraph.

(c) The notice published under (b) of this section will state that a copy of the application and plan are available for review at the district and regional offices of the department nearest to the affected area of the state. It is the applicant's responsibility to provide a copy of the application and plan if the department receives a request for a copy.

(d) If, by the date set under (b)(3) of this section, the department determines that additional information is necessary to evaluate the application or plan, the department will

(1) notify the applicant of the information needed; and

(2) extend the 30-day comment period established under (b)(1) of this section until the information is received, plus 10 days.

(e) If the department determines that additional information is necessary under (d) of this section and requests the information from the applicant, the applicant shall send a copy of any additional information requested to the department and to the Department of Natural Resources, the Department of Fish and Game, affected coastal districts and regional citizens advisory councils, and other persons designated by the department.

(f) Upon receipt by the department of the additional information requested under (d) of this section, the department will provide to the parties described in (e) of this section notice of (1) receipt of the information and (2) the final comment deadline, as extended.

(g) The department will make a determination as to whether an application and plan are complete within seven days after the receipt of any additional information under (e) of this section or, if no additional information was requested under (d) of this section, within two days after the end of the 30-day comment period established under (b)(1) of this section.

(h) Notwithstanding the review procedures set out in this section, at any time after receipt of an application and plan, and after consultation with the Department of Natural Resources, the Department of Fish and Game, and affected coastal districts and regional citizens advisory councils, the department determines that all infor-

mation necessary to evaluate the application and plan has been received, the department will, in its discretion, find the application and plan complete. However, no decision will be made under (i) of this section until after the comment deadline established under (b)(1) of this section.

(i) Following the comment deadline established under (b)(1) of this section, including any extension under (d)(2) of this section, and within 65 days after the department determines that an application and plan are complete, the department will approve, approve with conditions, or disapprove a plan.

(j) The department will, if it determines good cause exists, hold a public hearing on an application and plan in the manner provided under 18 AAC 15.060.

(k) To assist the department in its review of contingency plans under this chapter, the department will enter into an annual agreement with the Department of Natural Resources and the Department of Fish and Game to provide expertise regarding protection of fish and game, state land, areas of public concern, and environmentally sensitive areas. (Eff. 5/14/92, Register 122)

Authority: AS 46.03.020

AS 46.04.030

AS 46.04.070

18 AAC 75.457. EMERGENCY MODIFICATION OF REVIEW PROCESS. If, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited review, or if the commissioner or the commissioner's designee finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the commissioner or the commissioner's designee will, in that person's discretion, and consistent with the requirements of AS 46.04.030(j) that a copy of the applicant's plan be provided to the Department of Fish and Game and the Department of Natural Resources, modify the review process established in 18 AAC 75.455 as necessary to meet the emergency. Any modifications in the review process made under this section will be made in writing by the commissioner or the commissioner's designee based upon clear and convincing evidence of a need for the modification. (Eff. 5/14/92, Register 122)

Authority: AS 46.03.020

AS 46.04.030

AS 46.04.070

18 AAC 75.459. PREISSUANCE CONFERENCE. (a) At any time before the department's decision under 18 AAC 75.460, the applicant may request a preissuance conference from the appropriate regional office of the department. The request may be made orally, and will be granted if the applicant demonstrates that holding a conference will materially aid the department in reaching its decision.

Alaska State House of Representatives
Eighteenth Legislature

RCS# 131
Item 6

03-08-93
10:33:55

HB 99

Third Reading
Final Passage

Yeas: 39 Barnes, Brice, Brown, Bunde, Carney,
Davidson, Davies, B.Davis, G.Davis,
Finkelstein, Foster, Green, Grussendorf,
Hanley, Hoffman, Hudson, James, Kott,
Larson, Mackie, MacLean, Martin, Moses,
Mulder, Navarre, Nicholia, Nordlund,
Olberg, Parnell, Phillips, Porter, Sanders,
Sitton, Therriault, Toohey, Ulmer, Vezey,
Williams, Willis

Nays: 0

Excused: 1 Menard

Absent: 0

ORIGINAL

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 15, 1993

FURTHER REFERRALS:

Date of Committee Action: 3-1-93

The JUDICIARY Committee considered:

HB 99

HOUSE BILL NO. 99

REPEAL 65-DAY DEADLINE: OIL SPILL PLANS

"An Act repealing the 65-day time limit for approval or disapproval of a proposed oil discharge contingency plan by the Department of Environmental Conservation; and providing for an effective date."

- 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)
 [] fiscal impact _____
 [] zero fiscal note _____

- APPROVES PREVIOUS: (Dept/Date)
 [] fiscal note(s) _____
 zero fiscal note(s) DEC 2/5/93

| SIGNING <u>DO</u> PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|------------------------|-------------------------------------|-----------------------|-----|----|----|
| <i>Brian D. Porter</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Saint Phillips</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Jeanette Jones</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Robert...</i> | <input checked="" type="checkbox"/> | | | | |
| <i>Joseph...</i> | <input checked="" type="checkbox"/> | | | | |
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Brian D. Porter

 CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 5, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2/15/93

The RESOURCES Committee considered:

HB 99

HOUSE BILL NO. 99

REPEAL 65-DAY DEADLINE: OIL SPILL PLANS

"An Act repealing the 65-day time limit for approval or disapproval of a proposed oil discharge contingency plan by the Department of Environmental Conservation; and providing for an effective date."

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 _____

zero fiscal note(s) DEC / 2-5-93

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|--------------------|----|-----------------------|-----|----|----|
| <i>[Signature]</i> | ✓ | | | | |
| <i>[Signature]</i> | ✓ | | | | |
| <i>[Signature]</i> | ✓ | | | | |
| <i>[Signature]</i> | ✓ | | | | |
| <i>[Signature]</i> | ✓ | | | | |
| <i>[Signature]</i> | ✓ | | | | |
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[Signature]
 CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

2/5

(7)

Date Referred: January 29, 1993

FURTHER REFERRALS:

Resources
Judiciary

Date of Committee Action: 2/4/93

The HOUSE SPECIAL COMMITTEE ON OIL AND GAS Committee considered:

HB 99

HOUSE BILL NO. 99

REPEAL 65-DAY DEADLINE: OIL SPILL PLANS

"An Act repealing the 65-day time limit for approval or disapproval of a proposed oil discharge contingency plan by the Department of Environmental Conservation; and providing for an effective date."

- 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 DEC zero fiscal note(s) _____

| SIGNING DO PASS | DP | OTHER RECOMMENDATIONS | DNP | NR | AM |
|--------------------------|----|-----------------------|-----|----|----|
| <i>Pete Test</i> Koit | X | | | | |
| <i>Pauline Olberg</i> | ✓ | | | | |
| <i>(Mackie) Macie</i> | ✓ | | | | |
| <i>Joe Patton</i> Patton | ✓ | | | | |
| <i>G. Davis</i> | ✓ | | | | |
| <i>Sanders</i> | ✓ | | | | |
| <i>Green</i> | ✓ | | | | |
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Joseph Green
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 99

Revision Date: _____
Title: Repeal of 65 day limit to approve or disapprove contingency plans
Sponsor: House Oil & Gas
Requestor: Senate Oil & Gas

Department Affected: Environmental Conservation
BRU: Spill Prevention & Response
Component: Prevention & Planning Management

COMPONENT SERIAL NO. 1430

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TRAVEL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CONTRACTUAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| SUPPLIES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| EQUIPMENT | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| LAND&STRUCTURES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| GRANTS,CLAIMS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| MISCELLANEOUS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL | | | | | | |
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|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING:

| | | | | | | |
|-----------------------|------------|------------|------------|------------|------------|------------|
| 1002 FEDERAL RECEIPTS | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1003 GF MATCH | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/PROGRAM RECPT | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1006 GF/MHTIA | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| OTHER | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS: NONE

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY93) impact: \$ NONE

ANALYSIS: (Attach a separate page if necessary.)

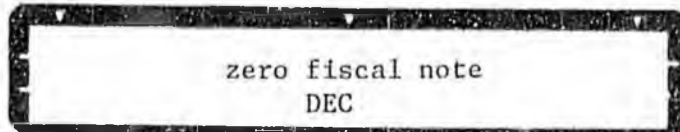
Prepared by: Janice Adair
Division: Commissioner's Office

Phone: 465-5010
Date: 2/3/93

Approved by Commissioner: *Janice Adair*
Agency: Department of Environmental Conservation

Date: 2/3/93

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



Alaska House of Representatives



Special Committee on Oil & Gas

Joe Green, Chairman

Sponsor Summary of HB99

House Bill 99 is an attempt to clarify the time-line requirements for approving oil discharge prevention and contingency plans.

Currently, AS 46.04.030(p) requires the Department of Environmental Conservation to "...approve or disapprove a proposed contingency plan within 65 days after it receives a complete application...". However, the time-line necessitated by the 65-day statutory requirement conflicts with the time-line set out in the Alaska Coastal Management Plan (ACMP) regulations carried out by the Division of Governmental Coordination (DGC).

While DEC is limited to 65-days to make a decision on a plan, DGC follows a 55-day time-line. In order to meet their current statutory requirement, the DEC time-line does not begin until well into the DGC process. The conflicts between the two time-lines make the process cumbersome for both the applicant and members of the public wishing to participate in the review process.

Removal of the 65-day statutory requirement allows DEC and DGC to coordinate their time-lines for approving contingency plans.

SENATE COMMITTEE REPORT

DATE: 3/9/93

FURTHER:

DATE TURNED INTO OFFICE: 4/8/93

JUDICIARY Committee considered HOUSE BILL NO. 99

"An Act repealing the 65-day time limit for approval or disapproval of a proposed oil discharge contingency plan by the Department of Environmental Conservation; and providing for an effective date."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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Appropriation No Fiscal Note

DO PASS.

Rich Halford
George Yachup

OTHER RECOMMENDATIONS:

Suzanne Little No Rec

Adrian L. Taylor, Do Pass
 Chair: Signature and Recommendation

HB 99
REPEAL 65-DAY DEADLINE FOR OIL SPILL PLANS

LETTERS OF SUPPORT

ALASKA ENVIRONMENTAL LOBBY, INC.

ALASKA OIL AND GAS ASSOCIATION

ALEUTIANS EAST BOROUGH

ALEUTIANS WEST COASTAL RESOURCE SERVICE AREA (CRSA)

LAKE AND PENINSULA BOROUGH / BRISTOL BAY CRSA

CENALIULRIIT COASTAL MANAGEMENT DISTRICT

CIRI PRODUCTION COMPANY

CITY OF VALDEZ

DOYON, LIMITED

KENAI PENINSULA BOROUGH

KODIAK ISLAND BOROUGH

NORTHERN ALASKA ENVIRONMENTAL CENTER

RESOURCE DEVELOPMENT COUNCIL FOR ALASKA, INC.

SOUTHEAST ALASKA PETROLEUM RESOURCE ORGANIZATION, INC.

SOUTHWEST ALASKA MUNICIPAL CONFERENCE

NATIONAL WILDLIFE FEDERATION

COOK INLET REGIONAL CITIZENS' ADVISORY COUNCIL

PETRO MARINE SERVICES

LETTERS OF SUPPORT



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

January 25, 1993

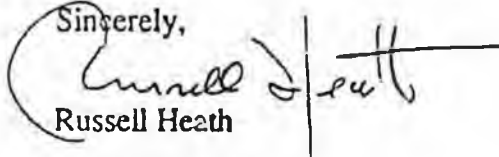
To the Members of the Alaska State Legislature:

The Alaska Environmental Lobby (AEL) represents the environmental concerns of 19 Alaskan environmental groups in the Alaska state legislature.

The Alaska Environmental Lobby supports the draft legislation repealing AS 46.04.030(p), which requires the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. Deletion of this requirement will allow necessary regulatory changes to be made to eliminate the conflicting review processes which presently exist in 18AAC75 and 6A.1C50. AEL requests that a representative of the environmental community be involved in the revisions to these regulations.

AEL will withdraw our support of this draft legislation if any substantive changes or amendments are made to it. We urge prompt passage of this legislation as worded.

Sincerely,


Russell Heath

Executive Director

Alaska Oil and Gas Association



121 West Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907) 272-1481 Fax: (907) 279-8114

January 22, 1993

To the Members of the Alaska State Legislature:

The Alaska Oil and Gas Association (AOGA) is a trade association whose member companies account for the majority of oil and gas exploration, production, transportation and marketing activities in Alaska.

AOGA supports the attached draft legislation repealing AS 46.04.030(p), which requires the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. Deletion of this requirement will allow necessary regulatory changes to be made to eliminate the conflicting review processes which presently exist in 18AAC75 and 6AAC50.

AOGA's support of this draft legislation is contingent upon no substantives changes or amendments being made. We urge prompt passage of this legislation as worded.

Sincerely,

WILLIAM W. HOPKINS
Executive Director

Attachment

ALEUTIANS EAST BOROUGH

SERVING THE COMMUNITIES OF

■ KING COVE ■ SAND POINT ■ AKUTAN ■ COLD BAY ■ FALSE PASS ■ NELSON LAGOON

January 21, 1993

Representative Carl Moses
P.O. Box V
Juneau, AK 99803

Dear Representative Moses:

The Aleutians East Borough supports the repeal of AS 46.04.030(p). The attached draft legislation would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days. Deleting this statutory provision would result in the improved efficiency of the review process identified in the implementing regulations in 18 AAC 75, which we support.

We urge introduction and prompt passage of this draft legislation. Because of the sensitive nature of the legislation, we request that no substantive changes or amendments be made. If changes are made we will withdraw our support.

Sincerely,



Robert S. Juettner
Borough Administrator

RSJ:amn

A LEUTIANS WEST T

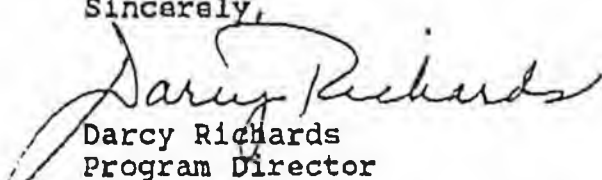
COASTAL RESOURCE SERVICE AREA

January 21, 1993

Dear Member of the 1993 Legislature:

The Aleutians West CRSA supports the attached draft legislation to repeal AS 46.04.030(p). This draft legislation would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. This time frame has proved to be problematic and its deletion will result in the improved efficiency of the review process identified in the implementing regulations in 18 AAC 75 which the AWCRSA supports. We strongly urge the introduction and prompt passage of this legislation. Because of the sensitive nature of the legislation, we request that no substantive changes or amendments be made. If changes are made we will withdraw our support for the legislation.

Sincerely,



Darcy Richards
Program Director

cc: AWCRSA Board of Directors

January 22, 1993

Dear Member of the Legislature:

The Lake and Peninsula Borough and the Bristol Bay Coastal Resource Service Area (CRSA) understand that draft legislation has been prepared which would repeal AS 46.04.030(p), and want you to know that we fully support this proposal.

The effect of the draft legislation would be to delete the requirement for the Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days. Repealing this statutory provision will enable DEC to revise the implementing regulations in 18 AAC 75 to address problems with the review process for contingency plans that have been identified by coastal districts, industry, and other organizations.

We hope the draft legislation is introduced and passed this session provided that no substantive changes or amendments are made. If changes are made we will withdraw our support.

Thank you for consideration of our letter.

Sincerely,

Glen Vernon (SF)

Glen Vernon, Borough Manager
Lake and Peninsula Borough

Alice J. Ruby

Alice J. Ruby, Chair
Bristol Bay CRSA Board



Cenaliulriit

Coastal
Management
District

For the Yukon-Kuskokwim Coastal Resource Service Area
P.O. Box 1169 • Bethel, Alaska 99559 • 907/543-2243

January 21, 1993

Alaska State Legislature
State Capitol
Juneau, Ak. 99801-1182

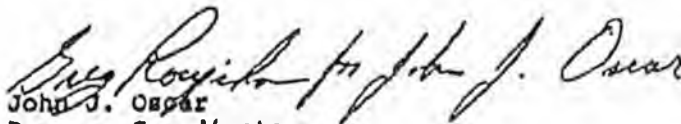
Dear Member of the Legislature:

The Cenaliulriit Coastal Management District supports amendment of HB 567 in the attached draft legislation which would repeal AS 46.04.030(p). This draft legislation would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days. Deleting this statutory provision would result in improved efficiency of the review process identified in the implementing regulations of 18 AAC 75, which we support.

We urge introduction and prompt passage of this draft legislation. Because of its sensitive nature, we request that no substantive changes or amendments be made to this legislation. If such changes are made we will withdraw our support.

Sincerely,

MOSES PAUKAN/CHAIRMAN, CENALIULRIIT COASTAL ZONE MANAGEMENT DISTRICT


John J. Oscar
Program Coordinator

CIRI PRODUCTION COMPANY

January 22, 1993

Mr. Steve Porter
Arco Alaska, Inc.
P.O. Box 100360
Anchorage, AK 99519-0360

Dear Mr. Porter:

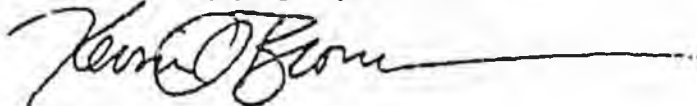
CIRI Production Company (CPC) is aware of the effort being made by of a number of organizations to repeal AS 46.04.030(p). Such legislation, if adopted, would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove proposed oil discharge prevention and contingency plans within sixty five days. CPC supports the repeal of the sixty five day requirement.

While CPC is not currently a holder of a contingency plan, CPC has held contingency plans in the past for certain exploratory drilling activities. Moreover, both CPC and Cook Inlet Region, Inc, are active participants in the oil and gas industry on the Kenai Peninsula and the North Slope.

Contingency plans are required to undergo review through the Alaska coastal management program. The sixty five day requirement in AS 46.04.030(p) does not mesh with this process and is unnecessarily burdensome. We understand this view is shared by regional citizens advisory councils, environmental interests, state agencies and industry. CPC, therefore, supports a simple, targeted repeal of AS 46.04.030(p).

Sincerely,

CIRI PRODUCTION COMPANY



Kevin A. Brown
Vice President

KAB:CD:lsg:3001
File: 061,001



Office of Community Development

January 20, 1993

Dear Member of the Legislature:

I support the attached draft legislation which would repeal as 46.04.030(p). This draft legislation would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days.

Deleting this statutory provision would result in the improved efficiency of the review process identified in implementing regulations in 18 AAC 75 which I support.

I urge introduction and prompt passage of this draft legislation. Because of the sensitive nature of the legislation, I request that no substantive changes or amendments be made. If changes are made we will withdraw my support.

Thank you for your consideration of this matter.

Sincerely,

David Dengel
Director of Community Development



Doyon, Limited

Doyon Building
201 First Avenue
Fairbanks, Alaska 99701
Tel: (907) 452-4755 Fax: (907) 456-8785
Toll Free in Alaska: 1-800-478-4755

January 28, 1993

To Members of the Alaska State Legislature:


Doyon, Limited, the Regional Native Corporation for Alaska's Interior, is pleased to join with a wide range of organizations, including the Alaska Oil and Gas Association and the Alaska Environmental Lobby, Inc., in asking your support to expeditiously adopt the enclosed draft legislation which repeals Alaska Statutes 46.04.030(p).

The proposed legislation repeals a provision of Alaska Statutes which require the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. Deletion of this requirement will allow necessary regulatory changes to be made to eliminate the conflicting review processes mandated by 19 Alaska Admin. Code 75 and 6 Alaska Admin. Code 50.

Doyon urges that the proposed legislation be adopted in its present form without further amendment.

We appreciate your consideration of Doyon's position.

Sincerely,


Morris Thompson,
President & CEO



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 282-4441

DON GILMAN
MAYOR

January 19, 1993

Mr. Steven B. Porter
ARCO Alaska, Inc.
PO Box 100360
Anchorage, AK. 99518-0360

Subject: Repeal of AS 46.04-030(p)

Dear Mr. Porter:

The Kenai Peninsula Borough Coastal Management Program supports the attached legislation which repeals AS 46.04.030(p). This legislation, if passed, would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within sixty-five days. This deletion will result in the improved efficiency of the review process identified in the Implementing regulations in 18 AAC 75 which we support.

The oil and gas industry encompass a large portion of resource development activities which are located within the Kenai Peninsula Borough. We encourage passage of this legislation.

Sincerely,

Richard P. Trceger
Planning Director

RPT/nj

c: Don Gilman, Mayor
Mary Pearsall, KPB Planner



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
PHONE (907) 486-5736

January 26, 1993

VIA FAX 265-1502

Steven B. Porter
ARCO Alaska Inc.
P.O. Box 100360
Anchorage, Alaska 99510-0360

Dear Mr. Porter:

The Kodiak Island Borough is aware of your efforts to obtain repeal of AS46.04.030(p).

We support legislation that would repeal the statute section referenced above, which mandates that the Alaska Department of Environmental Conservation approve or disapprove a submitted, complete oil discharge prevention and contingency plan within sixty-five (65) days.

The Kodiak Island Borough believes that repeal of AS46.04.030(p) will result in improved efficiency of the review process contained in 18AAC75. The Kodiak Island Borough supports this review process.

We further support speedy passage of legislation to effect the repeal of AS46.04.030(p). Please call me if I can provide additional information.

Sincerely,

Linda L. Freed, Director
Community Development Department

c.c. Senator Fred Zharoff
Representative Cliff Davidson
Prince William Sound Regional Citizen's Advisory Council
Cook Inlet Citizen's Advisory Council



Northern Alaska Environmental Center

213 CRIVEWAY
FAIRBANKS, ALASKA 99701
(907) 452 5021

January 29, 1993

Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Member of the Legislature:

The Northern Alaska Environmental Center supports the proposed amendment to HB 567 which would repeal AS 46.04.030(p). This draft legislation would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days. Deleting this statutory provision would result in improved efficiency of the review process identified in the implementing regulations of 18 AAC 75, and would extend the public comment if needed.

Because of the sensitive nature of this legislation, our support is conditional: if substantive changes or amendments are made to this legislation, we will withdraw our support.

Sincerely,

A handwritten signature in black ink, appearing to read "David van den Berg".

David van den Berg
Arctic Issues Director





Resource Development Council

for Alaska, Inc.

121 West Firwood Lane, Suite 250, Anchorage, Alaska 99503-2035
 Phone 907/276-0700 Fax 276-3887

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Becky L. Gay

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James L. Cloud, Vice Pres.

Scott L. Thomson, Secretary

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William R. Wood

EX-OFFICIO MEMBERS

Senator Ted Stevens

Senator Frank Murkowski

Congressman Don Young

January 22, 1993

Dear Members of the Alaska Legislature:

The Resource Development Council for Alaska, Inc. (RDC) supports the attached draft legislation that would repeal AS 46.04.030(p). This legislation relates to the time period for approval or disapproval of oil discharge prevention and contingency plans. Specifically, it would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days.

The deletion would allow necessary regulatory changes to be made to resolve the conflicting review requirements which now exist in 18 AAC 75 and 6 AAC 50. This action would result in the improved efficiency of the review process.

RDC urges prompt passage of this legislation as worded. Because of the sensitive nature of the legislation, RDC requests that no substantive changes or amendments be made.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
 for Alaska, Inc.

Becky Gay
 Executive Director



Southeast Alaska Petroleum Resource Organization, Inc.

548 Water Street Suite 202 - Kodiak, Alaska 99601
(907) 225-7802 • fax (907) 247-1117

January 20, 1993

Steven B. Porter
ARCO Alaska, Inc.
P.O. Box 100380
Anchorage, AK 99516-0380

Dear Mr. Porter,

Pursuant to our conversation, and the proposed legislation which you faxed this afternoon, I have polled my Board of Directors and established that SEAPRO supports this legislative proposal as offered.

Many of our member companies have serious concerns regarding ACMP review, especially the extraordinary costs associated with document submission to the numerous coastal jurisdictions where our transient operations may take us. However, the inefficiency of the current plan review process, or lack of process, being utilized by ADEC has been clearly demonstrated to many of our members since August 1992. Clearly, adoption of a more efficient and reasonable review process is necessary.

As offered, the proposed legislation would repeal AS 48.04.030(p). This legislation, if passed, would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove oil spill prevention and response contingency plans within 85 days. This deletion will result in the improved efficiency of the implementing regulations in 18AAC75. We urge prompt passage of this legislation. Because of the sensitive nature of the legislation, we request that no substantive changes or amendments be made. If changes are made we will withdraw our support for the legislation.

Please contact me if I can provide any further assistance.

Respectfully,


R. M. Mullen
Manager



Southwest Alaska Municipal Conference

Putting Resources to Work For People

3300 Arctic Blvd., Suite 203 • Anchorage, Alaska 99503 • (907) 562-7380 • FAX (907) 562-0438

RESOLUTION 93 - 01

A RESOLUTION OF THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE IN SUPPORT OF DELETING THE TIME PERIOD FOR APPROVAL OR DISAPPROVAL OF OIL DISCHARGE PREVENTION AND CONTINGENCY PLANS FROM THE OIL AND HAZARDOUS POLLUTION CONTROL STATUTE

WHEREAS, in 1990 the Alaska State Legislature enacted House Bill 567 relating to Oil and Hazardous Pollution Control; and

WHEREAS, one of the provisions of HB 567, AS 46.04.030(p), requires that the Department of Environmental Conservation approve or disapprove a proposed oil discharge prevention and contingency plan within 65 days after it receives a complete application for approval; and


WHEREAS, the Department of Environmental Conservation (DEC) promulgated regulatory revisions pursuant to HB 567; and

WHEREAS, proposed oil discharge prevention and contingency plans must also be reviewed under the Alaska Coastal Management Program (ACMP) regulations; and

WHEREAS, the review provisions of the ACMP regulations and the review provisions of the DEC regulations are in conflict and cannot be reconciled without deleting the 65-day statutory review provision.

NOW, THEREFORE, BE IT RESOLVED, that the Southwest Alaska Municipal Conference supports repealing the 65-day review provision found at AS 46.04.030(p) in order to allow the DEC the opportunity to resolve its regulatory conflicts with the ACMP.

PASSED AND APPROVED BY THE SOUTHWEST ALASKA MUNICIPAL CONFERENCE THIS 24th DAY OF JANUARY, 1993.


Richard G. Wilson, President


Marideth Sandler, Executive Director



Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION

750 W. Second Ave., Suite 200, Anchorage, AK 99501 (907) 258-4800

January 26, 1993

Members of the Alaska State Legislature:

The National Wildlife Federation and the Wildlife Federation of Alaska urge prompt passage of House Bill 99. This bill repeals AS 46.04.030(p) which requires the Alaska Department of Environmental Conservation to approve or disapprove a proposed oil spill contingency plan within 65 days of receipt. Repeal of this statutory requirement would eliminate the conflict that presently exists between this requirement and the review process mandated under the Alaska Coastal Management Program (18 AAC 75 and 6 AAC 50.)

Please be aware that we support passage of this bill only so long as no substantive changes or amendments are made.

Respectfully,

Ann L. Rothe
Alaska Regional Representative
National Wildlife Federation

Bill Mans, Jr.
President
Wildlife Federation of Alaska



"The mission of the Council is to ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized."

February 8, 1993

The Honorable Ramona Barnes
Speaker of the House
Alaska House of Representatives
P.O. Box V
Juneau, Alaska 99811

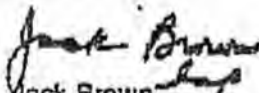
Dear Representative Barnes:

Cook Inlet Regional Citizens' Advisory Council (Cook Inlet RCAO) recommends the legislature seriously consider enactment of HB99, Repealing 65 Day Time Limit Approval/Disapproval of Contingency Plans, which would repeal AS 48.04.030(p). This legislation, if passed, would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. This deletion will result in the improved efficiency of the review process identified in the implementing regulations (18 AAC 75).

Cook Inlet RCAO would recommend prompt passage of this legislation. If the Alaska State Legislature feels there is a need for substantive modifications to the proposed legislation then Cook Inlet RCAO would withdraw the recommendation for adoption of this legislation.

Should you have any questions please feel free to contact me or Lisa Parker, Executive Director, at 907-283-7222.

Sincerely yours,


Jack Brown
President

cc: Representative Joe Green, Chair, House Special Committee on Oil & Gas
Cook Inlet RCAO Board of Directors
Charter Funding Companies
Mr. Larry Smith

Cook Inlet Regional Citizens Advisory Council

11355 Frontage Rd. • Suite 228 • Ketchikan, Alaska 99901 • (907) 283-7222 • FAX (907) 283-8102



A HARBOR ENTERPRISES COMPANY

1800 A Street, Suite 307 • Anchorage, Alaska 99503 • (907) 278-7586

Sevard
724-3150

January 26, 1993

The Honorable Rick Halford
President, Alaska State Senate
Alaska State Capitol
Juneau, AK 99811-1182

Milski
778-8859

Dear Senator Halford:

Petro Marine Services supports the attached draft legislation which repeals AS 46.04.030(p). This legislation, if passed would delete the requirement for the Alaska Department of Environmental Conservation to approve or disapprove a proposed contingency plan within 65 days. This deletion will result in the improved efficiency of the review process identified in the implementing regulations in 18AAC75 which we support. We urge prompt passage of this legislation. Because of the sensitive nature of the legislation, we request that no substantive changes or amendments be made. If changes are made we will withdraw our support for the legislation.

Kotlak
488-3121

Sincerely,

W.B. Schoephoester
Manager Projects and Planning

WBS:Ng

Dutch Harbor
591-4150

A Pioneer Alaskan Company Specializing in Petroleum Marketing to the Marine Industry.

HB

101

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO : SCSHB 101 (JUD)

Revision Date: _____

Department Affected: Labor

Title: National Electrical Code

BRU: Labor Standards & Safety

Component: Mechanical Inspection

Sponsor: House Labor & Commerce

Requestor: Senate Judiciary

COMPONENT SERIAL NO. 346

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 | FY 00 |
|------------------------|------------|------------|------------|------------|------------|------------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|-----------------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|-------------------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipt | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald G. Study, CSP, Director *Donald G. Study* Phone: 465-6003

Division: Labor Standards & Safety Date: 1/20/94

Approved by Commissioner: Charles W. Mahlen *Charles W. Mahlen*

Agency: Department of Labor Date: 1/20/94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information call the Governor's Legislative Office

BILL NO: SCS HB 101(L&C)

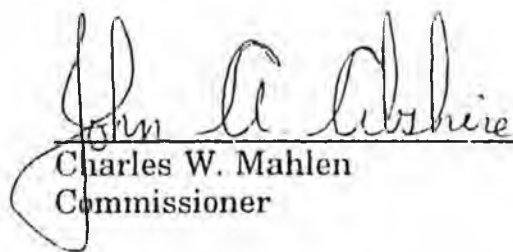
DATE: January 14, 1994

TITLE: National Electrical Code

CONTACT: Arbe Williams
465-2700

Senate Committee Substitute for House Bill No. 101 (Labor & Commerce) , proposes to allow the department to adopt by regulation the most recent national electrical code or national electrical safety code. The bill also adopts the 1993 published edition of the National Electrical Code and the 1993 published edition of the National Electrical Safety Code in the interim.

The Department of Labor supports Senate Committee Substitute for House Bill No. 101 (Labor & Commerce).



Charles W. Mahlen
Commissioner

Date: 1/14/94

POSITION PAPER/Department of Labor

SENATE COMMITTEE REPORT

DATE: 4/14/93

FURTHER:

DATE TURNED INTO OFFICE: _____

JUDICIARY Committee considered HOUSE BILL NO. 101

"An Act relating to the adoption of the National Electrical Code and the National Electrical Safety Code."

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
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PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
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| | | | |

Appropriation No Fiscal Note

DO PASS:

Abigail Taylor
Rich Halford
Suzanne R. Little 1.29.94

OTHER RECOMMENDATIONS:

Chair: Signature and Recommendation

SENATE COMMITTEE REPORT

DATE: 3/5/93

FURTHER: JUDICIARY

DATE TURNED INTO OFFICE: 4/14/93

L&C Committee considered HOUSE BILL NO. 101

"An Act relating to the adoption of the National Electrical Code and the National Electrical Safety Code."

and recommends it
be replaced with

and recommends:

replace with SENATE CS HB 101 (L&C)
or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical
title change
(HB only)

and report it
back as floor

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|----------|------------------|
| DOL | 2/3 | <i>e</i> | previous applies |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

DO PASS: Tim Kelly

OTHER RECOMMENDATIONS:

Best May - Sha

② More than more

② J. E. Salo (No Rec)

② [unclear]

Tim Kelly - Do Pass

Chair: Signature and Recommendation

STATE OF ALASKA

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

April 23, 1993

WALTER J. HICKEL, GOVERNOR

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE: (907) 465-2700

FAX: (907) 465-2784

The Honorable Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

I understand that Committee Substitute for House Bill 101 (Labor and Commerce) which allows the department to adopt the current National Electrical Code and the National Electrical Safety Code has been referred to the Senate Judiciary Committee. I would urge you to consider the bill so that there is an opportunity for passage this legislative session.

The codes are nationally recognized standards for electrical safety. They are used by electrical engineers, contractors, inspectors, electrical administrators and electricians for the information they need for the proper and safe installation of electrical service. The codes are updated every three years to maintain currency with new technology and to remove errors uncovered in previous editions.

The importance of these codes are emphasized by the fact that most states adopt the National Electrical Code and the National Electrical Safety Code as the minimum requirements for the safe installation of electrical service and in those states that have not adopted it as a state standard, local counties and municipalities have adopted the code for their minimum standards.

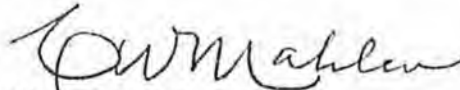
The use of these national standards ensures the safety of the public where electrical power is used. Adoption of the codes also eliminates confusion among designers and installers as they provide a common basis for design and estimating costs. The latest codes have been adopted in the state of Alaska consistently since 1969.

The Honorable Robin Taylor
Page 2

April 23, 1993

Thank you for consideration of my request to consider the passage of Committee Substitute for House Bill No. 101 (Labor and Commerce). If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Sincerely,

A handwritten signature in cursive script, appearing to read "C W Mahlen".

Charles W. Mahlen
Commissioner

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LABOR

OFFICE OF THE COMMISSIONER

P.O. BOX 21149
JUNEAU, ALASKA 99802-1149
PHONE: (907) 465-2700

FAX: (907) 465-2784

January 14, 1994

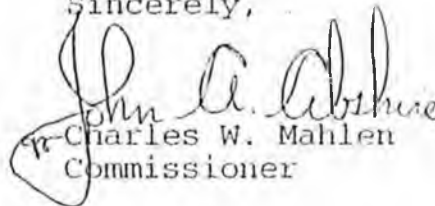
The Honorable Robin Taylor, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 30
Juneau, AK 99801-1182

Dear Senator Taylor:

Thank you for scheduling Senate Committee Substitute for House Bill 101 (Labor and Commerce) for a hearing. SCS HB 101(L&C) allows the department to adopt the current National Electrical Code and the National Electrical Safety Code. As the bill was not acted on last session, we would like to request a committee substitute to provide for an immediate effective date.

Thank you for consideration of my request. A position paper and fiscal note prepared by the Department of Labor are enclosed for your information. If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Sincerely,


Charles W. Mahlen
Commissioner

Enclosures

HB

109

Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
OIL & GAS



HOME:
9843 CHICHAGOF LOOP
EAGLE RIVER, AK 99577
PHONE (907) 694-7943

DURING SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 109 – Blood Tests for Sex Crime Perpetrators

The purpose of HB 109 is to provide an avenue of relief for victims of sexual assault. The threat of HIV infection and of infection from other sexually transmitted diseases is a serious complicating side-effect of being victimized by sexual assault. The state has a compelling interest in assuring innocent victims of crime timely relief from the anxiety that may result from sexual assault.

HB 109 allows the victim of a sexual assault to petition the court to require a blood test on the defendant. The bill also provides that the state must make available to both the victim and the alleged perpetrator, upon their request, counseling relating to HIV and AIDS which is medically appropriate for those persons, and referrals for medical and support services.

Finally, HB 109 is designed to minimize the cost to the state of implementing this program. If the defendant is convicted, he or she must reimburse the state for the cost of the test. The court may order the Department of Corrections to provide for the reimbursement through garnishment.

The Federal Crime Control Act of 1990 specified that states must have a law such as that proposed by HB 109 or lose part of their law enforcement assistance grants. The deadline established by Congress is October, 1993. If we fail to pass this bill during the current session, Alaska's Department of Public Safety will lose approximately \$185,000 in FY94.

This bill can satisfy the Federal requirement and simultaneously form an integral part of an effort by the state of Alaska to ensure that victims of crime in our state are afforded every opportunity to receive appropriate relief.



SPONSOR STATEMENT

**CSHB 109(JUD)
SECTIONAL ANALYSIS**

**"An Act relating to blood tests for
persons charged with sex offenses;
and providing for an effective date."**

Section 1.

Adds new sections to AS 18.15 as follows:

AS 18.15.300

(a) makes a defendant (including a minor) charged with a sexual offense under AS 11.41.410 - 11.41.440 that includes sexual penetration as an element of the crime subject to an order of the court requiring testing for HIV and other sexually transmitted diseases.

(b) allows an alleged victim, the parent or guardian of a victim who is a minor or incompetent, or the prosecuting attorney on behalf of an alleged victim, to petition the court for an order requiring the defendant to be tested.

(c) requires the court to make a probable cause determination 1) that a crime has taken place under the specified statutes, and 2) that sexual penetration took place. Allows the court to rely exclusively on evidence presented at a grand jury proceeding or preliminary hearing to make the determinations required under this subsection.

(d) requires the court to order the test if the court finds probable cause that a crime was committed and that sexual penetration took place.

(e) designates the authorized recipients of test results obtained under an order authorized by subsection (d) of this section. Authorized recipients are the defendant, the victim (or the victim's parents or guardian) and the officer in charge and the chief medical officer of the facility in which the defendant is incarcerated.

(f) places time constraints on when the order authorized under (d) of this section may be filed. The test may not be ordered sooner than seven days after the arrest nor more than 90 days after the defendant has been convicted and sentenced. Additionally, a test may not be ordered after a finding favorable to the defendant.

(g) provides definitions for "disposition favorable to defendant," and "sexual penetration."

AS 18.15.310

(a) requires that blood drawn for a test under this act be drawn by licensed medical personnel according to AS 08.64.

(b) requires that testing for HIV and other sexually transmitted diseases on blood drawn under provisions of this act be conducted by a licensed medical laboratory and according to accepted medical standards.

(c) requires that positive test results be transmitted to the Department of Health & Social Services.

(d) requires test results to be sent to the designated recipients and requires a disclaimer to be attached to test results.

(e) allows the court to order persons who receive the test results to maintain the confidentiality of personal identifying data related to the tests. Provides certain exceptions to this confidentiality: (1) the defendant, and (2) the victim for such disclosures as are necessary to provide for the victim's own health and the health of the victim's spouse, immediate family and household, or a person in a dating, courtship, or engagement relationship with the victim.

(f) prohibits the test results from being used as evidence in a criminal or juvenile proceeding.

(g) provides civil immunity for persons performing the duties authorized by this act.

(h) if the test results are positive, requires the Department of Health & Social Services to provide free counseling and testing to the victim and counseling

to the defendant upon request. Also requires the department to provide referral for the victim to appropriate health care facilities and support services.

(i) defines "AIDS," "counseling," and "HIV." Counseling is defined as providing medically appropriate information including information on the diseases, their treatment and the medical and social implications of the diagnosis and the tests.

AS 18.15.320

(a) requires the Department of Health & Social Services to pay for tests ordered under this act.

(b) requires a defendant who is convicted of an offense for which a test was ordered under this act to reimburse the department for the cost of the test. Allows the court to order the Department of Corrections to garnish wages earned in correctional industries to pay for the test.

Section 2.

Provides that the act takes effect immediately according to AS 01.10.070(c).

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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MEMORANDUM

February 17, 1993

SUBJECT: Blood Testing of Sex Offenders - CSHB 109(HES) (Work Order No. 8-LS0462K)

TO: Representative Cynthia Toohey
Attn: Lynne Smith

FROM: Jerry Luckhaupt *JL*
Legislative Counsel

FEB 17 1993

Enclosed is the final committee substitute you requested for the above-referenced bill. I have a few comments about the changes that were made.

1. On page 2, line 1, of the committee substitute, the committee added that "the parent or guardian" may file a petition for a blood test of a defendant. The language the committee adopted would seemingly permit a parent to seek a petition for a test even if the victim of the offense, their child, has reached the age of majority. It would probably be better to use language similar to that used on page 2, lines 16 - 17, such as "or if the alleged victim is a minor or incompetent, the alleged victim's parents or guardian."

2. On page 2, lines 3 - 9, the court is required to make a determination that probable cause exists to believe that a crime for which a test may be ordered was committed and that sexual penetration took place. The committee added language that in making this determination the court may rely on evidence presented before the grand jury or at any preliminary hearing. My concern is that the present language could be interpreted so as to not give a court the authority to hold a hearing if it chose to do so. While the language in the CS uses the permissive term "may" in allowing the court to rely on the evidence adduced at earlier proceedings, and this could be regarded as implicitly giving the court the authority to hold a hearing, it would be better to explicitly state that the court may hold a hearing or may rely on previously presented evidence, or that the court may rely on previously presented evidence or if that evidence is insufficient the court may hold a hearing.

3. On page 5, lines 8 - 12, of the bill draft, the committee removed the criminal penalty for unauthorized disclosure of the results of a test conducted under the bill,

and substituted in that any unauthorized disclosure may be punished as contempt of court. Contempt of court is provided for in AS 09.50.010 - 09.50.060.^{1/} Presumably, this contempt would be criminal contempt, as opposed to civil contempt, as one who has disclosed test results is being punished for past conduct and to vindicate the order and authority of the court, and any contempt order would not be conditioned on any future or remedial action of the person facing the contempt charge - that is a civil contempt order usually tries to coerce compliance with a court order and a person found in civil contempt is given the opportunity to purge the contempt charge by doing something the court was commanding the person to do.^{2/} See Stadler v. State, 813 P.2d 270 (Alaska 1991); Johansen v. State, 491 P.2d 759 (Alaska 1971).

Further, though the committee was advised that contempt only carries a possible punishment of a fine of \$300 or less, actually the potential punishment could be substantially greater than \$300. An unauthorized disclosure of test results would be a violation of a court order which is provided for in AS 09.50.010(5). The penalty for most forms of contempt, including AS 09.50.010(5), is only \$100. AS 09.50.020. But if by the contempt the "right or remedy of a party to an action or proceeding was defeated or prejudiced by the contempt" the penalty is "by fine of not more than \$300 or by imprisonment for not more than six months." AS 09.50.020. It would appear that the unauthorized disclosure of the test results of the person whose blood was tested would result in the person's right or privilege in not having those results disclosed being defeated or prejudiced. Consequently, I believe a person that discloses test results in an unauthorized manner would be subject to a \$300 fine or six months in jail.^{3/} Since the committee's rationale for adopting this change appeared to be based upon the concerns of the Department of Law that an alleged victim could be subjected to a jail sentence this change does not accomplish that goal.

^{1/} Criminal contempt is punishable as provided for in civil contempt proceedings. AS 12.80.010.

^{2/} In a sense the contempt could be considered to be civil, in that any unauthorized disclosure could be considered to have occurred to the detriment of the person whose blood was tested and the person who made the disclosure could be ordered to compensate the person whose blood was tested for any damage sustained by the unauthorized disclosure. See AS 09.50.040 and Stadler, infra, at 272 - 273. But since there is no way the person making the disclosure can purge the contempt - the person cannot take back the unauthorized disclosure - it seems reasonable to assume that any contempt proceeding in this situation would be criminal contempt.

^{3/} In Siggelkow v. State, 731 P.2d 57 (Alaska 1987), the Alaska Supreme Court found that a woman's right to be "left alone" by her ex-husband who constantly harassed her in violation of a no-contact order issued as part of the parties' divorce decree was such a right that authorized the increased penalty provisions of AS 09.50.020. I do not believe that it is a great reach from that decision to say that a person's right, under the bill, not to have their test results disclosed is such a right or privilege that the defeat or prejudice of that right by unauthorized disclosure would authorize the increased penalty provision of AS 09.50.020.

Representative Cynthia Toohey

February 17, 1993

Page 3

I am also concerned about the removal of the criminal penalty for unauthorized disclosures and how it may affect a court's review of the constitutionality of the entire blood testing scheme. It must be remembered that the Alaska Constitution contains an explicit right of privacy provision that does not exist under the United States Constitution or most other state constitutions. Providing for a certain level of confidentiality of the identifiable test data as is done in the bill and a provision that unauthorized disclosure is a crime provides a court at least some support in finding that this testing scheme is constitutional. While punishment of unauthorized disclosures as criminal contempt does not harm the bill vis-a-vis a constitutional challenge, the removal of any criminal sanction would weaken the bill if its constitutionality were under attack.

Finally, I am concerned about how someone not a party to the petition for testing could be prosecuted for contempt. How would the person have received notice that the test results could not be disclosed if they were not served with the original court order? If a person were aware that testing might be ordered and they might want to disclose the results for whatever personal reason they might have, if they were able to obtain the results by hook or crook, how could the person intervene in the criminal proceeding if they were not the victim or the state? I don't have answers to these questions, but if a criminal penalty is provided for unauthorized disclosure I don't believe that these questions would be implicated.

If you have any questions, please contact me at your convenience.

GPL:mi
93-026.mai

Enclosure

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: CSHB 109 (JUD)

Revision Date: 3/31/93 Dept. Affected: Public Safety
 Title: "An act relating to blood tests for persons charged with sex offenses." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kott
 Requestor: House Finance COMPONENT SERIAL NO. 799

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

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE FUND SOURCE: | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| 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 (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/31/93
 Approved by Commissioner: *Richard T. Burton* Date: 3/31/93
 Agency: Richard T. Burton, Dept. of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 109 (JUD)

Revision Date: March 24, 1993
Title: "...relating to blood tests for persons charged with sex offenses."
Sponsor: Representative Kott
Requestor: Representative Kott

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All
Legal Services - Operations
COMPONENT SERIAL NO. 0085 through 0090, 0093

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

FUNDING:

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

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

Estimate of current year (FY93) impact -0-

ANALYSIS: (Attach a separate page if necessary.)

The Judiciary Committee substitute for HB 109 makes just a few minor changes to the HES version that we commented about on February 23, 1993. These minor clarifications will not have a fiscal impact for the Department of Law.

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672
Date: March 24, 1993

Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Date: March 24, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 5
Bill Version: CSHB 109 (JUD)
(H) Publish Date: 3/19/93

Envision Date: February 23, 1993
...relating to blood tests for persons charged with sex offenses.
 Sponsor: Representative Kort
 Requestor: Representative Kort

Department Affected: Department of Law
 BRU: Prosecution, Legal Services
 Component: Prosecution - All
Legal Services - Operations
 COMPONENT SERIAL NO. 0085 through 0090, 0093

EXPENDITURES/REVENUES:

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|----------------------|--|--|--|--|--|--|

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| ENDING: | | | | | | |
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Charles E. Cole, Attorney General
 Dept: Department of Law

Phone: 465-3672
 Date: February 23, 1993
 Date: February 23, 1993

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FISCAL NOTE

CS HB 109 (sub)

NO. 5

pg. 2 of 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

ANALYSIS (Continued):

The committee substitute for HB 109, CS HB 109 (HES), changes the standard for hearing petitions of victims to request an order requiring that blood samples be taken from a defendant, to require (1) that a court find that probable cause exists to believe that a crime for which a test may be ordered has been committed, and (2) that a court find that probable cause exists to believe that sexual penetration took place between the defendant or a minor and the alleged victim. The bill further provides that in making these determinations, the court may rely on the evidence presented at a grand jury proceeding or preliminary hearing. We believe that these changes will eliminate virtually all "mini-hearings" and associated discovery efforts that we predicted in our fiscal note comments dated February 3, 1993. Consequently, there should not be a fiscal impact for the Department of Law.