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**Subject: DCED FN HB288 Name Change**

**Date: Mon, 05 May 2003 17:58:00 -0800**

**From: Sally Saddler <sally\_saddler@dced.state.ak.us>**

**To: Heather K Brakes <heather\_brakes@gov.state.ak.us>,  
Ellen S Huddleston <ellen\_huddleston@gov.state.ak.us>,  
Ginny Austerman <ginny\_austerman@legis.state.ak.us>,  
Ben Grenn <ben\_grenn@legis.state.ak.us>, Cindy G Roberts <cindy\_roberts@dced.state.ak.us>**

**CC: Robert E Riggs JR <robert\_riggs@dced.state.ak.us>,  
Tom Lawson <tom\_lawscn@dced.state.ak.us>**


Bill Sponsor: Kohring  
Requesting Committee: H STA  
Hearing: May 6 at 8 am

Ellen--Given the hearing is tomorrow at 8 am I have taken the liberty of transmitting the fn to both the sponsor's office and H STA. Just so everyone knows the Commissioner would like the name to be changed to "Commerce & Economic Development" instead of simply Commerce as the bill currently states. He will address this in his remarks in the morning. Let me know if you have any questions.

---

Sally Saddler  
Department of Community & Economic Development  
PO Box 110800  
Juneau, AK 99811.0800  
Phone: 907.465.2503  
Fax: 907.465.5442  
Email: sally\_saddler@dced.state.ak.us

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 <b>HB288 4 30 DCED.pdf</b>	<b>Name: HB288_4_30_DCED.pdf</b> <b>Type: Acrobat (application/pdf)</b> <b>Encoding: base64</b>
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**HB**

**295**



**Subject:** FW: forward to house state affairs

**Date:** Thu, 8 May 2003 17:07:11 -0800

**From:** "Michael Downing" <mike\_downing@dot.state.ak.us>

**To:** <ginny\_austerman@legis.state.ak.us>, <todd\_larkin@legis.state.ak.us>

**CC:** "POSHARD, DENNIS" <dennis\_poshard@dot.state.ak.us>

Ginny/Todd:

Please forward to the Committee members and staff as appropriate. Thank you.

MD

-----Original Message-----

**From:** Jim Cantor [mailto:Jim\_Cantor@law.state.ak.us]

**Sent:** Thursday, May 08, 2003 4:58 PM

**To:** mike\_downing@dot.state.ak.us

**Cc:** Jim Cantor

**Subject:** forward to house state affairs

During the House State Affairs hearing today, the Chair asked me to email the suggestions I made in response to committee questions and DOT concerns. My suggestions follow:

- (6) political, non-commercial signs on private property if
  - (A) individual and conjoined signs do not exceed 32 square feet total per side;
  - (B) signs are temporary and in place for less than 6 months [or one year...?]
  - (C) the signs are marked with the date of installation;
  - (D) the signs do not interfere with, obstruct, confuse, or mislead traffic or pose a traffic hazard;
  - (E) the signs are consistent with regulations adopted by the department regarding the time and manner for removal of signs that do not have current relevance; in this subparagraph,
    - (i) "current relevance" means the subject matter of a sign is a non-commercial matter of ongoing public consideration by the public and the date of decision on the subject matter of the sign has not passed;
    - (ii) "date of decision" means the date on which a decision on the subject matter of a sign is no longer subject to influence by public opinion, such as the date of an election for public office or on a ballot measure action by the governor on bill passed by the legislature, formal settlement or formal conclusion of an armed conflict, conclusion of contract negotiations, or similar matters for which a date of decision may be ascertained;
  - (F) no person receives compensation for displaying the signs; and
  - (G) this section does not authorize indirect advertising of commercial products
  - (H) in this section, "private property" does not include that portion of property subject to an easement for public transportation.

NOTE: Subparagraph (E), above, requires DOT to judge when a political issue still has relevance. This presents bureaucratic and potential constitutional problems. Adding the time limit suggested above in paragraph C) would enable the committee to further edit paragraph (E) as follows to remove DOT from this position:

(E) the signs are consistent with regulations adopted by the department regarding the time and manner for removal of signs.

[remainder of paragraph deleted: that do not have current relevance; in this subparagraph, (i) "current relevance" means the subject matter of a sign is a non-commercial matter of ongoing

: forward to house state affairs

public consideration by the public and the date of decision on the subject matter of the sign has not passed;

(ii) "date of decision" means the date on which a decision on the subject matter of a sign is no longer subject to influence by public opinion, such as the date of an election for public office or on a ballot measure action by the governor on bill passed by the legislature, formal settlement or formal conclusion of an armed conflict, conclusion of contract negotiations, or similar matters for which a date of decision may be ascertained; -end deletion]

Please let me know if I can help the committee in any other way. Jim Cantor

**CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION**

James. E. Cantor  
Assistant Attorney General  
Supervising Attorney  
Transportation Section  
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Fax: 907-279-5832  
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## HB 295 Notes

The big sections for oil and gas are sections 10, 11, 16, 19, 20, 23, and 24. Some health facilities regulations are exempted in section 27. And the general notice changes are in sections 23 and 24 (requiring abbreviated newspaper notice).

section 1 - exempting trusts regulations from newspaper notice requirement

section 7 - exempting insurance regulations from newspaper notice requirement

section 10 - exempting oil and gas conservation act regulations (AS 31.05) from newspaper notice requirement

section 11 - exempting oil and gas leasing regulations (AS 38.05.180) from newspaper notice requirement.

section 16 - exempting pipeline act regulations (AS 42.06) from newspaper notice requirement

section 19 - exempting oil and gas producers and pipelines regulations (AS 43.20.072) from newspaper notice requirement.

section 20 - exempting oil and gas exploration, production, pipeline transportation property tax regulations (AS 43.56) from newspaper notice requirement.

section 21 and 22 - requiring local governments to pay for the Administrative Code, Administrative Register, and supplements.

section 23 and 24 - requiring only abbreviated instead of full public notice in newspapers

section 26 - exempting insurance regulations from newspaper notice requirement.

section 27 - exempting health facilities regulations from newspaper notice requirement.

## Sectional Analysis of HB 295/SB 211 (Regulation Notices and Distribution)

*(Prepared by the Department of Law, May 8, 2003)*

HB 295/SB 211 would make notices of proposed regulations more readable, and would reduce the newspaper publishing costs for those notices, by requiring less detail in newspaper notices; by guiding the public to more detailed information, especially through the Internet; by making notice distribution requirements, such as publication in newspapers and on the Internet and by mail or electronic mail, more consistent across agencies; and by omitting newspaper notice for a few specialized subject areas, where interested businesses, firms, and other persons rely on the Internet or other means other than newspapers for notice.

### **I. Changes to requirements in the Administrative Procedure Act (AS 44.62) for publishing notice (Sections 23 - 24):**

**Sec. 23: *Abbreviated newspaper notice:*** Section 23 amends the distribution requirements in AS 44.62.190(a) for a notice of proposed regulations, to allow an abbreviated notice in a newspaper of general circulation or in a trade or industry publication, and makes technical changes to improve readability.

**Sec. 24: *Content requirements:*** Section 24 amends the content requirements of AS 44.62.200, specifying requirements for the abbreviated notice that include:

- a statement of what is being changed;
- a brief general description of the changes;
- information on how to obtain more detailed information, through the Alaska Online Public Notice System or from a contact person at the state agency;
- a statement of when hearings, if any, will take place.

### **II. Changes to make notice distribution consistent across agencies (Sections 3 - 6, 8 - 9, 14 - 15, 17 - 18, and 25):**

Under the Administrative Procedure Act (APA), newspaper notice of proposed regulations is required in only one newspaper. For some agencies not subject to the requirements of the APA, newspaper notice of proposed regulatory changes is required in three or more newspapers. The bill allows the publication of notice in only one newspaper, the same as the minimum APA requirement.

The bill also allows agencies not subject to the APA to furnish notice by a means other than mailing, such as electronic mailing. As in the APA, the agency would, in most cases, still have to mail a paper copy of the notice to a person who requests one. This

amendment brings these agencies in conformance with other agencies whose statutes were similarly revised in 2000.

**Secs. 3 - 4:** Alaska Teachers' Retirement Board

**Sec. 5:** Alaska Aerospace Development Corporation

**Sec. 6:** Alaska Housing Finance Corporation

**Secs. 8 - 9:** Judicial Retirement System (Department of Administration)

**Secs. 14 - 15:** Public Employees' Retirement Board

**Secs. 17 - 18:** Alaska Railroad Corporation

**Sec. 25:** Alaska Industrial Development and Export Authority

**III. Notice of proposed regulations for certain specialized subject areas (Sections 1 - 2, 7, 10 - 13, 16, 19 - 20, 26 - 27):**

The bill allows some agencies that are subject to the APA to omit newspaper publication of a notice of proposed regulations, for regulations in certain highly specialized subject areas listed in statute, where interested persons are most likely to rely on the Internet or other means to obtain such information.

**Sec. 1:** Department of Community and Economic Development, Division of Banking, Securities, and Corporations, with respect to all regulations implementing the Revised Trust Company Act (AS 06.26)

**Sec. 2:** Office of the Lieutenant Governor, with respect to electronic signatures (AS 09.25.510)

**Sec. 7:** Department of Community and Economic Development, Division of Insurance, with respect to regulations implementing the Insurance Code (AS 21)

**Sec. 10:** Alaska Oil and Gas Conservation Commission with respect to all regulations adopted by the Commission (AS 31.05)

**Sec. 11:** Department of Natural Resources, with respect to oil and gas leases, including: competitive bidding regulations; standards, criteria, and definitions of terms that apply to the filing of applications for, and the review and certification of, discovery oil and gas royalty certifications; bidding methods; the rental rate for a plugged or abandoned well; issuance of certain state shoreland leases covering land within the boundaries of existing federal or private leases; cooperative or unit plans among lessees; and the offering of land for lease that

was subject to a best interest finding within the previous ten years (AS 38.05.180)

**Secs. 12 - 13:** Department of Administration, with respect to the state personnel rules; while not specifically referencing the APA, this change would eliminate the requirement of publication of changes to personnel rules in one newspaper and add a requirement that notice of such changes be posted on the Alaska Online Public Notice System (AS 39.25.140)

An additional change allows furnishing of notice by a means other than mailing, and requires mailing of notice to a person who requests it

**Sec. 16:** Regulatory Commission of Alaska, with respect to the Pipeline Act and including such matters as issuance of certificates of public convenience and necessity, standards of service and facilities for oil and gas pipeline facilities, tariffs, records, reporting and enforcement (AS 42.06.140)

**Secs. 19 - 20:** Department of Revenue, with respect to corporate income taxes and oil and gas property taxes (AS 43.20; AS 43.56)

**Sec. 26:** Department of Community and Economic Development, Division of Banking, Securities, and Corporations, with respect to regulations implementing the Alaska Securities Act (AS 45.55)

**Sec. 27:** Department of Health and Social Services, with respect to Medicaid regulations related to the setting of rates for service providers (AS 47.07.070, 47.07.073, 47.07.075)

**IV. Changes to requirements in the Administrative Procedure Act (AS 44.62) for distribution of the Alaska Administrative Code (AAC) to local government units (Sections 21 - 22):**

**Sec. 21: *Distribution of the Alaska Administrative Code (AAC) to local government units:*** Existing AS 44.62.140 requires the lieutenant governor to supply a paper copy of the Alaska Administrative Code (AAC) to the clerk of a local government unit, at no cost and regardless of whether the local clerk requests or wants the copy. Section 21 amends the statute to require that the local clerk first request a copy, and that the local government unit pay for it. The local clerk could request either a paper or an electronic copy.

**Sec. 22: *Disclosure of costs:*** Section 22 requires the lieutenant governor to tell a requesting local clerk the costs of complying with a request for the AAC.

**HB**

**297**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: May 5, 2003

FURTHER REFERRALS: Resources

Date of Committee Action: 2/26/04

The STATE AFFAIRS Committee considered:

HB 297

HOUSE BILL NO. 297

WILDFIRES AND NATURAL DISASTERS

"An Act relating to wildfires and other natural disasters."

Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to Judiciary Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DNR				✓
COR				✓
DPS				✓
ADM			✓	
MVA				✓
LAW			✓	

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Paul Keaton</i>	SEATON				✓
<i>Mark Lumbard</i>	Greenberg Holm			✓	
<i>John Lynn</i>	LYNN	X			
<i>Chia Bert</i>					✓
Chair: <i>W. W. W.</i>	Washrauch				X
Chair:					

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182

(907) 465-2028  
FAX (907) 465-2273

## STATE AFFAIRS COMMITTEE

TO: Representative Bill Stoltze

FROM: House State Affairs Committee  
Ginny Austerman, Committee Aide

A handwritten signature in cursive script that reads "Ginny Austerman".

SUBJECT: HB 297 – Wildfires and Natural Disasters

Representative Weyhrauch asked me to advise you that the House State Affairs Committee is still interested in HB 297 being referred to the Judiciary Committee. To that end, I have furnished Representative McGuire and her staff a copy of the verbatim transcript of the tape of the House State Affairs Committee meeting of February 5, 2004 where the bulk of the discussion regarding HB 297 took place. Also included is that portion of the February 27, 2004 State Affairs meeting where there was additional discussion regarding HB 297.

I gave Representative Weyhrauch the information you passed to me regarding your conversation with Speaker Kott and his reluctance to add another referral to the bill. Nonetheless, it was the wish of the Committee that there be a Judiciary hearing. I have also furnished the verbatim transcript of both of the meetings to Ben, in your office. If you or your staff have need of additional information, please contact me.

# ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

March 11, 2004

Representative Lesli McGuire  
Room 118 State Capitol  
Juneau, AK 99801

Dear Representative McGuire:

House State Affairs heard and considered HB 297 (Rep. Stoltze), a bill relating to wildfires and other natural disasters.

On February 26, the State Affairs Committee voted to move the bill from committee with individual recommendations and fiscal notes.

From the outset, the State Affairs Committee believed that the intent of the bill had laudable public purpose. However, the committee was concerned that the bill receives a Judiciary Committee referral because of the important legal issues presented by the bill. In addition, committee members expressed a number of concerns whether amendments that it believed should be made to the bill, should be made in the context of a judiciary committee mark up.

To assist your committee in spotting the issues of concern, I have attached the verbatim transcript from the discussions held on this bill on February 5 and February 26, 2004. The discussion highlights areas of the bill that could be addressed by the Judiciary Committee

Sincerely,

A handwritten signature in black ink that reads "Bruce".

Bruce Weyhrauch

February 5, 2004

HB 297 – House State Affairs hearing

Rep. Holm – questioned indeterminate fiscal note from OPA – Office of Public Advocacy.

Rep. Stoltze – responded that it seems that is the general type of fiscal note usually received from that dept. and does not understand the vagaries of their reasoning.

Rep. Weyhrauch – stated he felt that there is concern since the bill does create a crime that it should have a Judiciary referral. OPA is often brought in to defend the accused in these types of crimes.

Rep. Gruenberg: Asked Gail Voightlander of the Civil Division of the Dept. of Law to address the issue that was mentioned in the fiscal note from the Dept. of Law (second paragraph – sentence 2) “The bill also does not speak to any risk transferring to the resident in the event of property damage rather than injury or death to other persons or responders endangered by a resident’s entry or reentry into an area threatened by wildfire or natural disaster.”

Ms. Voightlander: Said the dept (civil division dept. of law) has some concerns about Section 2 of the bill. (Verbatim from tape: -“Section 2 concern is primarily the liability issue. The bill sets out a test for the emergency provider to apply in terms of determining whether the person who, either seeks to remain within an area being evacuated or seeks to reenter an area that is being evacuated, is capable of making a reasonable and informed decision. It also requires that person be advised of certain risks, basically that they are taking by either reentering or remaining within an evacuated situation. The problem that this arises from a liability standpoint, is that if there is a later question about whether someone was, in fact, capable of making a reasonably informed decision or whether or not that they were advised of the things that the statute requires them to be advised of, obviously the only way to have a record to meet such challenges is to have paperwork, so that the emergency provider who is making that call and making those advisements to the person who wants to remain or reenter, needs to have basically written a report or filled out a form that it is a paper trail for a potential lawsuit. The statute of limitations for such a lawsuit

would probably the two-year statute of limitations under tort and in an emergency situation, obviously, if two years down the road or three years down the road, Trooper X were asked whether he went through all of these advisements and what his observations of the person was that led him to the conclusion that the person was capable of making a reasonable and informed decision. Really, that trooper or that emergency provider – because it could be a National Guardsman, it could be a local firefighter, it could be any of a number of people at that post – is going to need something to refresh their recollection, to have any recollection, I would pose to the committee, of what that interaction was, let alone what led that trooper to believe that the person was capable of making a reasonable and informed decision. In some ways, the test that's applied here is not unlike the challenge that law enforcement has when there is a challenge to Miranda rights issues with a criminal defendant. Was the criminal defendant capable of making a reasoned decision at the time about waiving his or her Miranda rights; and were they advised of everything under their Miranda rights and the way the police usually address that is through a written form; but also always have to address the issue of whether or not what led them to believe what the situation was; what led them to believe that this person was capable of reasoned and informed decisions. In terms of the breadth of the immunity that's provided under subsection b of section 2; our comments would be that it needs to be broader. Rep. Gruenberg's comment about property damage, it does not include property damage, it only includes personal injury, such as, bodily injury or death of the person who enters or remains in the area. Our concerns are claims from a couple of other fronts; one would be neighbor property owners who might claim at a later date that because you let me neighbor in during an evacuation and so there was no law enforcement available, my neighbor stole my generator, my neighbor did something that caused my house to burn down and it would not have burned down if that person hadn't done whatever that person did. So the breadth, our recommendation is, needs to be expanded and in fact in order to meet the issue about having to have this paper trail about informed and reasoned consent and whether or not someone has been advised of everything that they are supposed to be advised; we would suggest that the immunity provision be expanded to say simply that no civil actions for damages may be filed against – and then the laundry list of people that are covered by this bill for injury, death or property damage arising out of the provisions of this section. That would go a long way to deal with the liability issues it also would make this language read compatibly with language that is in AS 41.150.045 and 41.170.081 as well as AS 26.20.140 which have to do with

fire fighting immunities and civil defense immunities, both of which could be covered here in this situation. Thank you....

Rep. Seaton: asked for written comments from Ms. Voightlander

Rep. Gruenberg: pointed out that this bill raises a lot of implications – the general issue that this bill encompasses is what to do concerning residents in these areas of natural disasters it could be in a village, it could be in Anchorage, it could be like the San Francisco earthquake or like the earthquake we had in Anchorage a few years ago, it could be all kinds of things. I think definitely that the Judiciary Committee does have a lot of interest in this, also Military and Veterans Affairs because the Office of Emergency Preparedness and the civil the defenses issues are coordinated through that dept. and that committee has some interest in that, too. Several of us are on that committee, three of us are on that committee, but I can see just one issue here that a person may, for example, be a relative and believe there's some children trapped in rubble or something like that and they don't have enough time to explain and they just say I'm a resident I want to get in and rescue those kids. I'd hate to see someone criminalized for something like that, which is not with a malicious intent, which is to save somebody's life. Who knows what people are going to say if they think their sister-in-law is trapped in the rubble or burning in a house or something like that? Just all kinds of issues. This is a really important subject.

Rep. Weyhrauch: Does this connect with the Big Lake fire and that whole thing that happened, events that happened here on the ground.

Rep. Stoltze: Thank you Mr. Chairman. There's probably implications; my involvement in the legislature, as an elected official has been since I campaigned again in 2002 probably the more probably the prominent issue to me is what occurred in Lazy Mountain, right in the heart of the Glen Hwy part of my district. There's certainly connectivity to the Big Lake issue. As a matter of fact, the reason this bill was deferred until the end of the last session was I'm very sensitive to the litigation that was occurring on the Big Lake/Miller's Reach fire and I didn't want to cloud any issues. I'm trying to approach this responsibly and make sure issues were decided - litigated before I brought this to fore (indec.) for the satisfactory, not necessarily those who were litigating, but the state's position prevailed primarily in that Big Lake fire. My legislative approach was waiting until that issue was

cleared up before I even introduced this. So I certainly tended to concerns that our legal department raised, just by the manner this was introduced.

Rep. Weyhrauch: Ms. Voightlander, Section 2 little b on the bottom, is that, that essentially gives immunity to these individuals if - lets say the policeman is negligent sitting there, allows somebody in - lets a teenager who is just driving down the road 'Oh, yeah, you can go in' and then the teenager is harmed. Does that give statutory immunity to that official who let the teen in or does discretionary function immunity (indec.) can still apply here where the judge could decide whether the person could get immunity or not?

Ms. Voightlander: Mr. Chairman - your question actually raises another issue that I meant to cover in my comments, which is that the bill does not address if we are just talking about adults or if children are allowed (those under 18) are allowed to remain or to have their parents allow them to remain, because that implicates child safety issues if - it may be one issue if a parent, an adult, decides to stay and defend the home but what if there is a grave risk of harm - are they allowed to have a child remain within a dangerous area. That's not addressed in this bill. More germanely to your question, Mr. Chairman, if you have a statute such as this that basically gives you a cookbook of what the officers duties and obligations are, then that part of the bill might set what the duty is and it may no longer be a discretionary issue. It may be, 'Well, we're going to look at the terms of the statute and that's going to outline what your obligation was. It's always difficult to anticipate whether an individual officer may have discretionary function immunity in a situation. Generally the test is whether they're acting without malice if there is not a set protocol they are supposed to file and they have to exercise personal judgment deliberation and discretion, but that immunity follows the person and it is a different test as to the state because that is the broader test of discretionary function immunity. Which is whether it's a policy decision versus operational. So there are two different tests that apply, so while the latter test might mean a defense for an individual who's sued, it wouldn't apply to the state in large. This language does address both of the governmental entities. The local government and the state as well as the individuals who would be on the line, but as I discussed earlier it is limited to injury or death to the person. Arguably, it would not preclude and I wouldn't be surprised if people were to make the argument, that derivative suits, or what I would call derivative suits, may be

independent suits that a spouse might be able to make a claim if something happened to a family member who was allowed to return.

Rep. Weyhrauch: In Section 1, the number 2 that's added says it adds 'makes a false statement when a person is a resident', number 1 says that it's a false written or recorded statement. That, I assume, means you either tape record a statement or you write something down. 'A false statement' is that also writing something down or recording it, or is that just talking to a guy?

Ms. Voightlander: Mr. Chairman, Unfortunately, I'm in the civil division, I can't address section 1 of the bill. My vague recollection from having been in the criminal division now, I guess the last I was in was 1984 so quite some time ago; is that the first provision addresses, more often the case, when someone is signing some document, and the second is when it is an oral representation, but I would defer to the criminal division on that particular nuance, because I'm not current on criminal....

Rep. Weyhrauch: It seems to me that in viewing this bill through the progress of the that Resources really isn't the appropriate committee, but that Judiciary is more appropriate than Resources. I would just (indec.) Resources and go to Judiciary, so that you don't become encumbered with another committee to take the place of one.

Rep. Gruenberg: Once in awhile we get a bill that really has some incorrect referrals, I would say.

Rep. Weyhrauch: We can talk with the sponsor....

Rep. Gruenberg: and also military and veterans affairs, because it has a lot of civil.....

Rep. Stoltze: I cherish the chance to have Rep. Gruenberg look at in several committees if that is what he wants.

(Banter)

Rep. Gruenberg: I can see that this is something that could become a very important piece of legislation in a variety of areas.

Rep. Stoltze: Mr. Chairman, I recognize that our own legal department has different opinions on some of the concerns presented by Law, whether they are addressed in law, it's certainly appropriate that this gets more perusal.

Rep. Weyhrauch: I can see the state policy in terms of having this. I'm trying to play this out in real life, how it affects people. What you're concerned about is if there is a big fire, you don't want people to go into the area and you also want to get people out. Right? If you are getting people out, I know there is people, well, the guy on Mt. St. Helen's; there was Mr. Truman, they tried to do everything they could to put dynamite under the guy and eventually he was never found after it blew up. You make every possible plea to a guy, 'I lived here, I'll die here. I'm gonna stay here.' Well if you don't give the guy a card that says you could burn up, you could die you be incinerated, you could be crushed. Are you subjecting yourself to some sort of negligence claim by the heirs that says you didn't do everything possible; there are inordinate possibilities, I don't want to subject public officials trying to do good to some risk of (indec.) liability, litigation if they don't 'dot every i and cross every t'; by an aggrieved sibling far removed.

Rep. Stoltze: It's a pretty imprecise and awkward process trying to protect people from themselves and it's my policy to try to avoid that as much as possible and limit my amount of, some of my constituents call it too much dogooderism and help in telling me what I ought to do, but ....

Rep. Gruenberg: The title lends itself to all kinds of things related to natural disasters; it's quite a title. On the other hand, if your real interest is to determine the liability of the state when somebody won't evacuate in a dangerous situation. That takes the whole legislation in a different turn, and I think that maybe where you want to go - and if so, you want to think about things that aren't just natural disasters - that may occur in my district in high crime areas. Say there is a shootout and a policeman wants people to evacuate the building. That's got many of the same issues here, and I would recommend that you thing which turn you want this legislations to take because sometimes people won't get out of the way.

Rep. Lynn: On that point, same thing whether it's a terrorist attack. Somebody tells them to get out of the World Trade Center and they say 'no, I'm not gonna do it.'

Rep. Weyhrauch: Right. It wouldn't be a natural disaster, though.

Rep. Lynn: That's the point, it wasn't a natural disaster and this wouldn't cover a World Trade Center type situation, that's the point.

Rep. Stoltze: Just anecdotally, the reference to children was made and I would have, back in 1970 I think I was 8 maybe 9 years old, I certainly appreciated when the raging river was coming close to our house, I appreciated that I was able to sit there, you know, I wasn't be filling the sand bags and I couldn't carry them very well at that age, but it sure gave me a sense of pride being able to help my parents save my house. I'm looking at my staff, I don't mean to call attention to her, I think her son at 12 is bigger than her right now and often many of my constituents are single parents. It's not as cut and dried as an issue of child endangerment. So I guess I'm acknowledging a lot of the issues that are being brought up and I'll be asking more questions and giving answers.

Rep. Gruenberg: That's often the way good legislation goes. We had, of course, the attack on some kids in Mountain View School a couple of years ago and those kinds of issues of getting people out of there and stuff. I think that I would urge maybe some thought on that as a focus in this kind of... and not just immunizing people but what is the state's role in that whole thing and local government. It's really important.

Rep. Weyhrauch: You mean the man who had the razor blades. (answer was yes) Why don't we set this aside and come back and get your testimony before (indec.) and anything that (indec.) and then we'll talk to you about the process afterwards.

Rep. Stoltze: Thank you for the amount of time you have given both of my bills today.

END

Transcript from HSTA Feb. 26, 2004 –areas HSTA asked be considered by  
Judiciary on HB 297 Wildfires and Natural Disasters

Transcribed 2/27/04 by Ginny Austerman, House State Affairs Committee Aide

Rep. Weyhrauch and Rep. Berkowitz - Title needs to be tightened to include the new crime and also the rights related to persons affected by the crime.

From this point, the transcript is verbatim:

Rep. Berkowitz: Sec. 1 (I'm probably the last person in Alaska who believes in keeping the criminal code as simple as possible and) it seems to me that instead of putting a specific crime under (indeciph) 210, I believe it should be under the false information component of 11.56.800 which already has a section making a false report to DNR under reports of danger to a dam any misdemeanors, I think it would fit better under that section and it also preserve the generic language which I think it also makes the criminal code stronger . I think, we can also tighten up some of the language in 18.75.100 so it just isn't quite as long. I have a question about section C, which gives DNR the regulation making authority whereas in most of Title 18 regulation authority belongs with the Dept. of Public Safety. That seems to pose some issues that should be resolved. The final question, and those are points about just the legislation itself, but the question I have about this is, and pose a hypothetical is; you have an elderly or disable individual who is unable to return to their home and they want to designate somebody to go back and say pick up family mementos or things of that nature, it doesn't seem to me that the way that it's currently written we can accommodate anyone other than the resident himself/herself to stay or to return.

Rep. Stoltze: Mr. Chairman, I appreciate that it's certainly a (indeciph.) process. I want to address all of these concerns, they're all good points.

Rep. Weyhrauch: Any further questions or comments. This is a judiciary committee bill, clearly, far more related to the criminal code and the liability of individuals. I think as a policy matter for this committee, it is my understanding from earlier testimony I believe it's a good state policy that should be moved forward; it needs to be adapted to the code a little better. That's why I sent it through the committee.

Rep: Stoltze: Thank you chairman Weyhrauch, those are sentiments with which I can concur. This is our best effort, my clumsy way to try to address this (indeciph.). As much as I might find the process miserable, at times it's certainly yields a lot of valuable results.

Rep: Coghill: Based on previous meetings on this and some of the notes that we have taken, would it be your intent Mr. Chairman to pass along that information to the next committee.

Rep. Weyhrauch: Absolutely.

Rep. Coghill: I wouldn't want to hold up the bill, but if there are suggestions, I would sure hate to see them get left here and not taken on with the bill, so is it your intention to make a report to go with it, or do we need to amend the bill accordingly?

Rep. Weyhrauch: We'd have to adopt a Committee Substitute on this bill to incorporate all of the things we have to do, but those committee, even those amendments that we make to this are so in the nature of a Judiciary amendment that what there is going to be is a report accompanying the bill from State Affairs along the lines that we talked about last year and what Rep. Berkowitz has raised today. That was my intention:

Rep. Stoltze: Mr. Chair: in addition to you have my person commitment to work to incorporate these, I think that everything that has been said makes sense.

Rep. Berkowitz: This is a small (indecih.) that gets sucked up. On page 2 line 7 there is a specific reference to AS 26, I believe that this should be specific to AS 26.23 because there's other kinds of emergency orders and proclamations that can be issued, but this is specifically related to fire and other disasters that occur under 26.23

Rep. Weyhrauch: I also think that section 2 which amends 18.75.100 adds a new section that should be rights of a resident or area threatened by a wildfire or other natural disasters. We were talking about lots of other disasters and the title needs to be amended to rights affected (indeciph.) crimes. On section b the new section on page 2 that those people would not be liable for the injury, it also has to be the property damage added in there as well as the death.

The other legal issue was in section a of that on line 5 and 6 what a clear immediate threat is defined to mean.

Rep. Seaton: Your previous points on modifying the bill, were you talking a small b or large B?

Rep. Weyhrauch: I'm sorry small b line 31.

Rep. Seaton: And that would include property damage as well as injury.

Rep. Weyhrauch: Rep. Stoltze, with that, what I was going to do is ask the committee to move the bill with individual recommendations and with a report from State Affairs to accompany it to Judiciary; and ask for a commitment by you to remove Resources and add Judiciary and Finance as referrals. I don't care about the Finance so much as Judiciary.

Rep. Stoltze: Mr. Chairman, wouldn't the report be the presiding officer to request the committee changes. Answer was: Yes, it is marked on the Committee Report.

Bill moved with individual recommendations and attached fiscal note and the analysis by the State Affairs Committee. Rep. Weyhrauch said he would offer a recommendation to amend the bill in Judiciary..

# ALASKA STATE LEGISLATURE

*Chair:*  
House Finance Subcommittees for,  
Department of Public Safety  
Department of Law

*Member:*  
House Finance Committee  
Legislative Council



*Session:*  
Alaska State Capitol  
Juneau, AK 99801-1182  
Phone: (907) 465-4958  
Fax: (907) 465-4928

*Interim:*  
PO Box 464  
Chugiak, AK 99567

## REPRESENTATIVE BILL STOLTZE

Representative\_Bill\_Stoltze@legis.state.ak.us

### House Bill 297

#### Wildfires and Other Natural Disasters

*"An act relating to wildfires and other natural disasters."*

In 1996, a huge wildfire swept through the Miller's Reach, Big Lake area in south central Alaska. Many residents desired to stay or return to their property to protect it from the wildfire. They were denied entry to their property while others were forced to evacuate. A similar situation occurred a few years later during the Lazy Mountain wildfire. To address issues raised by homeowners wishing to have access to their property, House Bill 297 was introduced. HB 297 will enable residents of a restricted area access to their property during a wildfire or other natural disaster, while protecting the State of Alaska from certain liabilities.

The main provisions in this legislation provides for private property owners and emergency personnel:

- The stipulations and liabilities residents of the area have who refuse to exit or decide to return to their property in the restricted area.
- Protecting emergency personnel and the state from liability for any injury to the resident or any injury committed to another resident's or emergency personnel's person.

I ask for your consideration and support of HB 297 to enable people to protect their own homes and property.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP  
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB297-DNR-FOR-01-30-04  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title: Wildfires & Natural Disasters RDU: Statewide Fire Suppression  
Component: Fire Suppression Activity  
Sponsor: Rep. Stoltze  
Requester: (H) STA Component No.: 2706

### Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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### FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

### POSITIONS

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

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

This bill will clarify responsibility for evacuation of residents and property owners in wildland fire situations. No additional costs will be incurred as a result of this change.

Prepared by: Dean Brown Phone 907-269-8476  
Division: Forestry Date/Time 1/30/04  
Approved by: Thomas Irwin, Commissioner Date 1/30/04  
Agency: Natural Resources

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 297  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
Title "Wildfires and other natural Disasters" RDU Administration & Operations  
Component: \_\_\_\_\_  
Sponsor Representative Stoltze  
Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type-Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

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

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

This bill has no fiscal impact to the Department of Corrections.

Prepared by: Jerry D. Burnett, Director  
Division: Administrative Services  
Approved by: Portia C.K. Parker, Deputy Commissioner  
Agency: Department of Corrections

Phone (907) 465-3339  
Date/Time 2/2/04 8:35 AM  
Date 2/2/2004

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB297-DPS-AST-1-12-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title Wildfires and Natural Disasters BRU Alaska State Troopers  
 Component Alaska State Trooper Detachments  
 Sponsor Representative Stoltze  
 Requester House State Affairs Component No. 2325

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 297 allows a resident of an area threatened by wildfire or natural disaster, under certain circumstances, to refuse to evacuate the area or be permitted to reenter the area.

No fiscal impact is anticipated by Department of Public Safety.

Prepared by: Lt. Al Storey Phone 269-4532  
 Division Division of Alaska State Troopers Date/Time 1/12/04 9:43 AM  
 Approved by: Commissioner William Tandeske Date 1/12/2004  
 Agency Department of Public Safety

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 297  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title An Act relating to wildfires and BRU Legal and Advocacy Service  
other natural disasters Component Office of Public Advocacy  
Sponsor Rep. Stoltze  
Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	*	*	*	*	*	*
Travel						
Contractual	*	*	*	*	*	*
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would allow a resident of an area threatened by wildfire or natural disaster to refuse to evacuate the area and to enter or reenter the area under certain conditions. The bill would make it a crime (unsworn falsification) for a person to falsely claim that he or she is a resident of the area in order to enter or reenter the area.

This bill would have an indeterminate fiscal impact on the Office of Public Advocacy.

Prepared by: Barbara L. Malchick, Assistant Public Advocate  
Division: Office of Public Advocacy  
Approved by: Mike Miller, Commissioner  
Agency: Department of Administration

Phone (907)269-3507  
Date/Time 1/16/04 2:37 PM  
Date 1/16/2004

# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB297  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military and Veterans Affairs  
Title An Act relating to wildfires and other n: BRU Homeland Security & Emergency Services  
Component Homeland Security & Emergency Services  
Sponsor Representative Stoltze  
Requester Representative Stoltze Component No. 2657

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

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

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

No fiscal impact to the Department of Military and Veterans Affairs.

Prepared by: John W. Cramer Phone 465-4602  
Division Administrative Services Date/Time 1/12/04 8:35 AM  
Approved by: Commissioner Craig Campbell Date 1/12/2004  
Agency Department of Military and Veterans Affairs

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: HB297-LAW-T&WC  
 Bill Version: HB297  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to wildfires and RDU Civil  
other natural disasters." Component Torts & Workers' Compensation  
 Sponsor Stolze  
 Requester House State Affairs Committee Component No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill makes it a crime to make a false statement regarding residency in an area threatened or affected by wildfire or natural disaster in order to enter or reenter the area. The bill also amends AS 18.70 by establishing certain rights for a resident of an area threatened by wildfire or natural disaster.

Passage of this legislation is expected to have a fiscal impact on the Department of Law that will arise in the event that an emergency worker's on-the-spot decision is challenged regarding whether a resident is capable of making a reasonable and informed decision under Sec. 2 (a). The bill also does not speak to any risk transferring to the resident in the event of property damage rather than injury or death to other persons or responders endangered by a resident's entry or reentry into an area threatened by wildfire or natural disaster. The fiscal impact cannot easily be determined.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
 Division: Administrative Services Date/Time 1/11/04 11:57 AM  
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 1/11/2004  
 Agency: Department of Law

Fw: Testimony on House Bill No. 297

**Subject: Fw: Testimony on House Bill No. 297****Date: Thu, 15 Jan 2004 08:49:24 -0900****From: "HILBAR" <hilbar@mtaonline.net>****To: <matsu\_li@legis.state.ak.us>**

----- Original Message -----

From: HILBARTo: housesaleaffairscom@legis.state.ak.us → Did not go!?

Sent: Wednesday, January 14, 2004 10:45 PM

Subject: Testimony on House Bill No. 297

**HOUSE BILL NO. 297****"An Act relating to Wildfires and other Natural Disasters"**

I'd like to offer testimony to get this Bill passed in this Session, both in the House and the Senate. The Senate's Bill No. is 212. Bill No. 297 is by Representative Stoltze.

For the past 4 years, a Bill on this subject has been introduced to the Legislature, and each time, it was held up by one Committee or another. The last reasoning by the Natural Resources Committee was that they were going to shelve it until the Courts came to a decision regarding the Millers' Reach Fire at Big Lake, and the lawsuit the citizens of that community had filed against the State.

Many of the citizens of this community, and other communities, were extremely upset that our elected representatives refused to re-introduce this Bill on Wildfires, which basically gives us access to our homes and properties during these type disasters. Senator Scott Ogan told me at an open meeting that it would be a waste of time to try to get it passed.

If all of you have read the papers, as we have, with reference to the various fires taking place in the Lower 48, especially those in California, it is very clearly stated in the news media that people are forewarned, but given the choice of whether or not they wish to stay with their homes and property during a wildfire or other natural disaster. They are also not denied access to their homes, families, and property, as was done here on Lazy Mountain during the fire of '99. A MAN'S HOME IS HIS CASTLE! There are too many Alaskans who do not carry Fire Insurance on their homes; therefore, they will knock themselves out to save their home from a wildfire. It is our constitutional right to have access to our own homes and families.

We are not asking the State of Alaska's Legislature to give us something additional....we are asking that you give us back our individual rights under the Constitution of the United States that somewhere along the line, you had taken away from us. This Bill must be passed before another wildfire or natural disaster takes place, and another out-of-control police force misuses their power, and then not giving accountability for their actions. To avoid having honest citizens join together in a riot mob against the police and/or other authorities, I urge you to pass this Bill with flying colors so that no innocent lives are lost when the next wildfire takes place. The people will simply not stand back and do nothing while their homes or families are at stake.

Mrs. Barbara J. Leiss  
Mr. Hilary H. Leiss

#6275 N. Wolverine Rd., Mile 1.8  
P. O. Box 1329  
Palmer, AK 99645  
TEL: (907) 746-4936



# Alaska State Legislature

Please enter into the record my testimony to the HSTA  
 committee name  
 committee on HB 297, dated February 3, 2004  
 bill/subject

I'd like to offer testimony to get this Bill passed in this Session, both in the House and the Senate. The Senate's Bill No. is 212. Bill No. 297 is by Representative Stoltze.

For the past 4 years, a Bill on this subject has been introduced to the Legislature, and each time, it was held up by one Committee or another. The last reasoning by the Natural Resources Committee was that they were going to shelve it until the Courts came to a decision regarding the Millers' Reach Fire at Big Lake, and the lawsuit the citizens of that community had filed against the State.

Many of the citizens of this community, and other communities, were extremely upset that our elected representatives refused to re-introduce this Bill on Wildfires, which basically gives us access to our homes and properties during these type disasters. Senator Scott Ogan told me at an open meeting that it would be a waste of time to try to get it passed.

If all of you have read the papers, as we have, with reference to the various fires taking place in the Lower 48, especially those in California, it is very clearly stated in the news media that people are forewarned, but given the choice of whether or not they wish to stay with their homes and property during a wildfire or other natural disaster. They are also not denied access to their homes, families, and property, as was done here on Lazy Mountain during the fire of '99. A MAN'S HOME IS HIS CASTLE! There are too many Alaskans who do not carry Fire Insurance on their homes; therefore, they will knock themselves out to save their home from a wildfire. It is our constitutional right to have access to our own homes and families.

We are not asking the State of Alaska's Legislature to give us something additional.....we are asking that you give us back our individual rights under the Constitution of the United States that somewhere along the line, you had taken away from us. This Bill must be passed before another wildfire or natural disaster takes place, and another out-of-control police force misuses their power, and then not giving accountability for their actions. To avoid having honest citizens join together in a riot mob against the police and/or other authorities, I urge you to pass this Bill with flying colors so that no innocent lives are lost when the next wildfire takes place. The people will simply not stand back and do nothing while their homes or families are at stake.

Signed: Mrs. Barbara J. Leiss  
 Mr. Hilary H. Leiss \_\_\_\_\_

\_\_\_\_\_  
 #6275 N. Wolverine Rd., Mile 1.8  
 P. O. Box 1329  
 Palmer, AK 99645

Address  
 (907) 746-4936

# ALASKA STATE LEGISLATURE

*Chair:*  
House Finance Subcommittees for;  
Department of Public Safety  
Department of Law

*Member:*  
House Finance Committee  
Legislative Council



*Session:*  
Alaska State Capitol  
Juneau, AK 99801-1182  
Phone: (907) 465-4958  
Fax: (907) 465-4928

*Interim:*  
PO Box 464  
Chugiak, AK 99567

## REPRESENTATIVE BILL STOLTZE

Representative\_Bill\_Stoltze@legis.state.ak.us

### Memorandum

To: House State Affairs Committee  
From: Representative Bill Stoltze *BS*  
Date: 2/17/2004  
Re: Department of Law's Concerns on House Bill 297

The Department of Law brought up their concerns regarding House Bill 297 during the House State Affairs Committee meeting on the 5<sup>th</sup> of February. While these concerns are reasonable, every issue has two sides. I would like to comment on these concerns.

**Law Enforcement Personnel Liability:** In section 2, line 7-9 the Department of Law proposes to remove liability from emergency personnel to determine that an individual "appears to be capable of making a reasonable and informed decision." State Troopers and other law enforcement personnel are trained to and act daily to make these decisions, even during emergency situations. I have confidence in our troopers and believe removing this statement from the bill will say there is no confidence in the training and performance of law enforcement personnel in Alaska.

**Written Liability Waivers:** Requiring residents to sign a written liability waiver is not feasible. The time consumed in the process and who would keep such records would create a major dilemma. People are not driving in and out of the area without being stopped. Law enforcement personnel will stop people, and if they want in to the evacuated area they will have to show proof of residency. This will give emergency personnel ample opportunity to inform a resident of the stipulations for gaining access into the area.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP  
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

**State Liability:** The Department of Law feels the state is not fully removed from liability. The legislature's legal department informed me the bill was drafted using the terms under Title 9 (09.65 & 09.68), and the state is properly removed from liability, even civil liability that the Dept. of Law wants specifically worded into the bill. However, all liability cannot be removed from the state. By removing liability to the state for property damage done by a resident let back into the evacuation area would violate other resident's rights. If any crime is committed an appropriate response should be followed. The duty falls to law enforcement to examine the crime if someone vandalizes or steals from a neighbor.

**Child Safety:** The Department of Law is concerned with minors allowed into the evacuated area. Allowing a child into the evacuated area would, under certain circumstances, clearly be endangering the life or safety of a child. I fully agree that in certain circumstances this would be true; however, the State of Alaska already has laws (AS 11.51.100-11.51.110 and AS 47.10 & AS 47.17) regarding children's safety. These statutes are used to determine whether a parent is putting a child into danger by taking them back into an evacuated area and if state officials should intercede on the child's behalf. I believe the Department of Law's concerns are valid, and are covered in current statute.

In closing, the intent of this legislation is to provide access to resident's properties within an evacuated area. This will give residents the ability to protect their property. I fully understand the Department of Law's concerns, and am willing to address them to the extent that it does not circumvent the intent of this legislation.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP  
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

**HB**

**304**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: May 13, 2003

FURTHER REFERRALS:

Date of Committee Action: Jan 13, 2004

The STATE AFFAIRS Committee considered:

HB 304

HOUSE BILL NO. 304

JACK COGHILL BRIDGE TO THE INTERIOR

"An Act naming the Jack Coghill Bridge to the Interior."

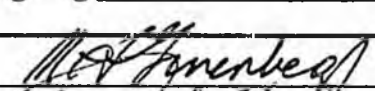
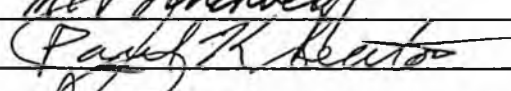
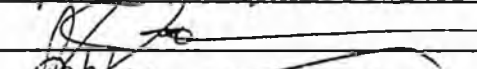
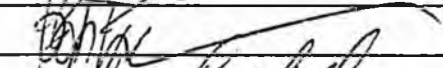
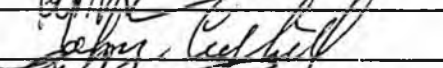
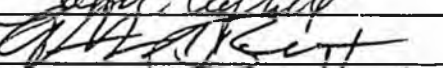

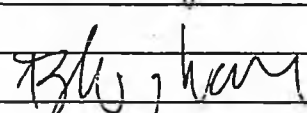
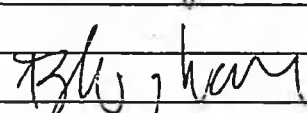
Recommends it be replaced with  HCS or  CS for \_\_\_\_\_ (\_\_\_\_\_)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DOT				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Greenberg	✓			
	Seaton	✓			
	Holm	✓			
	Lynn	✓			
	Coghill	✓			
	Berkowitz	✓			
					
Chair: 	Weyhrauch	✓			
Chair: 					

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB304-STA-DOT-CO-1-1  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT  
 Title An Act naming the Jack Coghill Bridge BRU Highways & Aviation  
 Component \_\_\_\_\_  
 Sponsor Foster, Gruenberg, Holm  
 Requester \_\_\_\_\_ Component No. \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: John MacKinnon Phone 465-6973  
 Division: \_\_\_\_\_ Date/Time 1/12/04 9:14 AM  
 Approved by: John MacKinnon Date 1/12/2004  
 Agency: DOT

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:

3340 Badger Road, Suite 290  
North Pole, AK 99705  
(907)-488-5725  
Fax# (907)-488-4721



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 204

## REPRESENTATIVE JOHN COGHILL

### HB 304 SPONSOR STATEMENT

#### The Jack Coghill Bridge to the Interior

In 1961, State House Representative Jack Coghill was working on state funding to build a bridge over the Nenana River just south of Nenana at Rex. Part of the difficulty in getting funding for this bridge was that no roads were going to or coming from the area at the time. However, Jack knew that if a bridge was built, roads would soon connect the Interior to Southcentral Alaska.

The idea of a bridge with no connecting roads was so humorous, that some of the legislators called it "Jack Coghill's Bridge to Nowhere." Despite the criticism, Mr. Coghill held that the road would soon become a thoroughfare between Fairbanks and Anchorage. Mr. Coghill was successful in getting the funding, and once the appropriations for the bridge were made, it was built in record time. Soon after construction was completed, just as planned, roads to and from the bridge were built. Because of Mr. Coghill's efforts, the travel time between Anchorage and Fairbanks was cut from twelve hours to six, and the citizens of Alaska continue to benefit from the increased access that the bridge has provided.

Bridge #216, which currently has no name, crosses the Nenana River at the area called "Rex Crossing." At the frequent suggestion of my son Joshua, and other close friends of my father, I would like to name the bridge the "Jack Coghill Bridge to the Interior" to commemorate the contributions of one of Alaska's great citizens. Jack Coghill has served the state in various positions throughout the twentieth century:

- Territorial legislature member
- Alaska Constitutional Convention member
- State House Representative
- State Senator
- Lieutenant Governor under Walter Hickel

His visionary ideas, years of service to Alaska, and longtime citizenship of the Nenana community are worthy of honor.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB304  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 05/07/03 Dept. Affected: DOT&PF  
 Title Jack Coghill Bridge to the Interior BRU Highways and Aviation  
 Component Northern Region Highways & Aviation  
 Sponsor Coghill Component No. 2068  
 Requester HTRA

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

FUND SOURCE	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

Prepared by: Dennis R. Poshard Phone 465-3900  
 Division Special Assistant to Commissioner Date/Time 5/12/03 10:53 AM  
 Approved by: Commissioner Mike Barton Date 5/12/2003  
 Agency Alaska Department of Transportation and Public Facilities

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# DENALI BOROUGH

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P. O. Box 480 • Healy, Alaska 99743  
Phone (907) 683-1330 • Fax (907) 683-1340  
dbgovt@mlaonline.net  
www.denaliborough.govoffice.com



*David M. Talerico, Mayor*

May 12, 2003

Representative John Coghill Jr.  
Via: fax # 465-3258

Dear Representative Coghill,

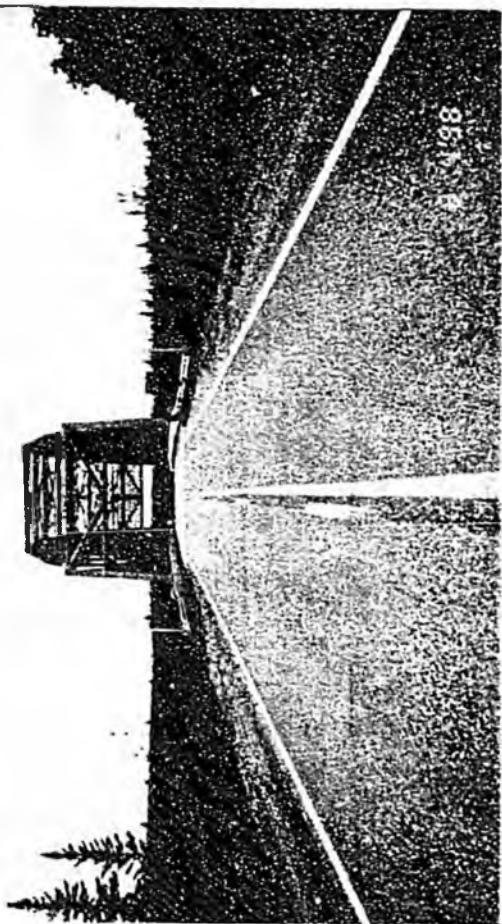
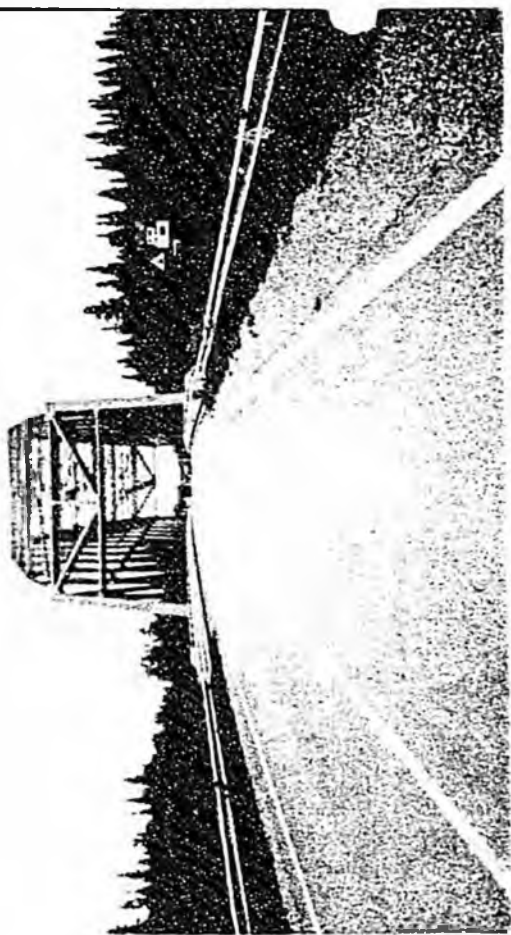
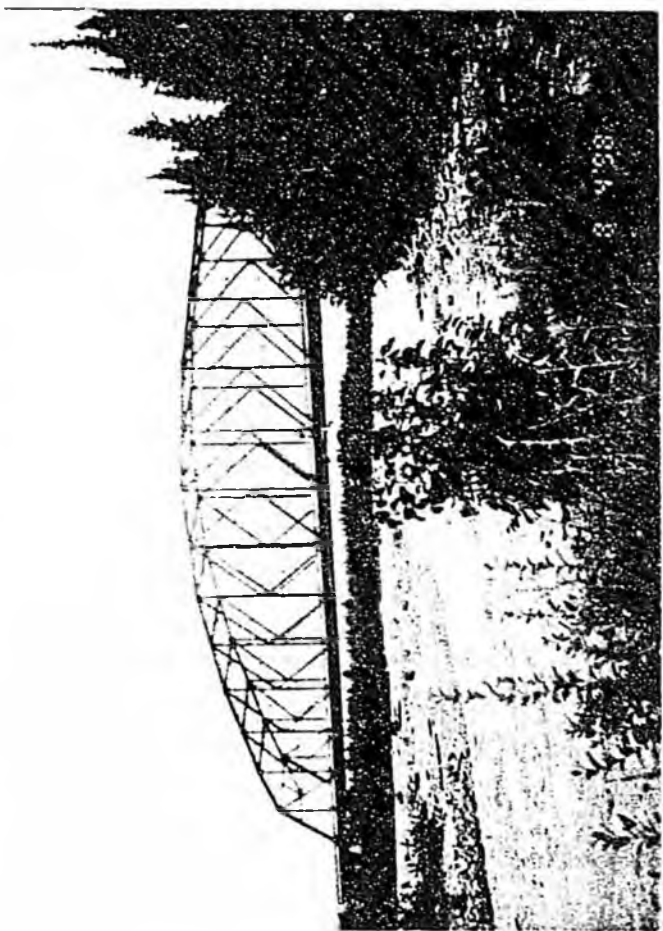
Kindly allow this letter to serve as a letter of support for renaming the bridge on the Parks Highway, at the Rex Crossing the "Jack Coghill Bridge to the Interior". The Borough Administration is fully in support of this concept, as we know Mr. Jack Coghill was instrumental in obtaining the funds for this principal bridge within the Denali Borough.

Again, please accept this letter as full support from the Denali Borough Administration.

Sincerely,

A handwritten signature in black ink that reads "David M. Talerico".

Mayor David M. Talerico



**HB**

**312**



23-GH1134H  
Bannister  
5/13/03

**CS FOR HOUSE BILL NO. 312(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to a lease-purchase agreement for, the construction and equipping of,**  
2 **and the financing of a seafood and food safety laboratory facility in Juneau to be**  
3 **operated by the Department of Environmental Conservation, including the issuance of**  
4 **certificates of participation, and the use of certain investment income for certain**  
5 **construction and equipping costs; and providing for an effective date."**

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

7 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 **INTENT.** It is the intent of the legislature that the amount of money to be used for the  
10 construction and equipping of a new seafood and food safety laboratory facility in Juneau is  
11 \$14,285,000. Of that amount, it is the intent of the legislature that

12 (1) \$14,145,000 shall come from the proceeds of the certificates of  
13 participation to be issued by the state bond committee under sec. 2 of this Act; and

1 (2) \$140,000 shall come from the investment income earned on the proceeds  
2 of the sale of the certificates of participation described in sec. 2 of this Act.

3 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 NOTICE AND APPROVAL OF ENTRY INTO AND FINANCING OF A LEASE-  
6 PURCHASE AGREEMENT. (a) Subject to annual appropriation, the Department of  
7 Administration is authorized to enter into a lease-purchase agreement for a seafood and food  
8 safety laboratory facility to be constructed in Juneau under the lease-purchase agreement and  
9 to be operated by the Department of Environmental Conservation.

10 (b) The state bond committee is authorized to provide for the issuance of certificates  
11 of participation in one or more series in the aggregate principal amount of \$14,145,000 for the  
12 construction of a seafood and food safety laboratory facility under the lease-purchase  
13 agreement authorized in (a) of this section. The remaining balance of the construction and  
14 equipping costs shall be paid from investment income of \$140,000 earned on the proceeds of  
15 the sale of the certificates of participation. The estimated total cost of construction,  
16 acquisition, and other costs of the project is \$14,285,000. The estimated annual amount of  
17 rental obligations under the lease-purchase agreement is \$1,391,000. The estimated total  
18 lease payments for the full term of the lease-purchase agreement is \$20,862,400. In this  
19 subsection, "cost of construction" includes credit enhancement and underwriting expenses,  
20 rating agency fees, bond counsel fees, financial advisor fees, printing fees, advertising fees,  
21 capitalized interest, and interest earnings used for lease payments.

22 (c) The state bond committee may contract for credit enhancement, underwriting,  
23 credit ratings, bond counsel, financial advisor, printing, advertising, and trustee services that  
24 the committee considers necessary in financing the project described in this section.

25 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 APPROVAL OF AGREEMENT. Section 2 of this Act constitutes the approval  
28 required by AS 36.30.085.

29 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB312  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): 13-May-03 Dept. Affected: Revenue  
 Title Seafood and Food Safety Lab BRU Revenue Operations  
 Component Treasury Division  
 Sponsor Rules Committee  
 Requester House State Affairs Component No. 121

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel	10.0					
Contractual	6.0	5.0	5.0	5.0	5.0	5.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Debt Service		1,362.8	1,362.8	1,362.8	1,362.8	1,362.8
<b>TOTAL OPERATING</b>	<b>16.0</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>

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

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		1,367.8	1,367.8	1,367.8	1,367.8	1,367.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
COP proceeds	16.0					
<b>TOTAL</b>	<b>16.0</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>	<b>1,367.8</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 SB215 authorizes the sale of \$14.145 million in certificates of participation (COPs) for a lease-financing to finance construction of a new seafood and food safety lab for the Department of Environmental Conservation. The COPs would be issued by the State Bond Committee. Construction costs and issuance costs are expected to total \$14.285 million, which is the amount of the COP sale proceeds plus \$140,000 in estimated construction fund earnings.

Financing assumptions are 15-year level debt service beginning in FY05 and a 5% interest rate/true interest cost. The actual interest rate is very likely to be lower.

Prepared by: Tom Boutin, Deputy Commissioner Phone 465-3669  
 Division Department of Revenue Date/Time 5/13/03 1:50 PM  
 Approved by: Landa Baily, Special Assistant to the Commissioner Date 5/13/2003  
 Agency Department of Revenue

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 312  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
Title Seafood/Food Safety Lab Facility Construction BRU Environmental Health  
Sponsor Rules Component Laboratory Services  
Requester House State Affairs Committee Component No. 2065

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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	98.6	197.2	197.2	197.2	197.2
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>98.6</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>

<b>CAPITAL EXPENDITURES</b>	<b>14,285.0</b>					
-----------------------------	-----------------	--	--	--	--	--

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

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	98.6	197.2	197.2	197.2	197.2
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1163 Certificates of Participation	14,145.0	0.0	0.0	0.0	0.0	0.0
1173 Miscellaneous Earnings	140.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>14,285.0</b>	<b>98.6</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

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

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

The bill would authorize financing and construction of a new Seafood and Food Safety Laboratory to be operated by the Department of Environmental Conservation (DEC).

The Department of Administration (DOA) pays the current lease costs for the lab. DEC reimburses DOA for a portion of these costs through an RSA. DEC will directly pay for all of the utilities and maintenance costs for the new building. These new costs are shown in the contractual line. Annual lease savings partially offset these new utility and maintenance costs as shown on the attached chart.

Prepared by: Kristin Ryan, Director  
Division: Environmental Health  
Approved by: Kurt Fredriksson, Deputy Commissioner  
Agency: Department of Environmental Conservation

Phone (907) 269-7645  
Date/Time 5/13/03 7:48 AM  
Date 5/13/2003

FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

BILL NO. \_\_\_\_\_

ANALYSIS CONTINUATION

Line Item Description	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
<b>Contractual Line 300</b>					
<b>* (Operating Expenses)</b>					
<b>Utilities (estimated)</b> DEC will incur costs for utilities at the new facility starting mid - 2005. Utility costs at the existing leased facility are included in the lease paid by DOA and DEC. These costs are offset by the lease savings shown below and shown on DOA's fiscal note.		\$52,965	\$105,930	\$105,930	\$105,930
<b>Building Maintenance (estimated)</b> DEC will incur costs for building maintenance at the new facility starting mid - 2005. Maintenance costs at the existing leased facility are also included in the lease paid by DOA and DEC. These costs are offset by the lease savings shown below and shown on DOA's fiscal note.		\$54,800	\$109,600	\$109,600	\$109,600
<b>* (Lease Savings - Palmer Lab)</b> DEC portion of current lease paid to DOA/GS through a RSA, will no longer be required after completion of the new facility.		(\$9,177)	(\$18,353)	(\$18,353)	(\$18,353)
<b>Total Contractual:</b>	\$0	\$98,588	\$197,177	\$197,177	\$197,177

23-GH1134D  
Bannister  
5/12/03

**CS FOR HOUSE BILL NO. 312(STA)**

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

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to a lease-purchase agreement for, the construction and equipping of,  
2 and the financing of a seafood and food safety laboratory facility to be operated by the  
3 Department of Environmental Conservation, including the issuance of certificates of  
4 participation, and the use of certain investment income for certain construction and  
5 equipping costs; and providing for an effective date."

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

7 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 **INTENT.** It is the intent of the legislature that the amount of money to be used for the  
10 construction and equipping of a new seafood and food safety laboratory facility is  
11 \$14,285,000. Of that amount, it is the intent of the legislature that

12 (1) \$14,145,000 shall come from the proceeds of the certificates of  
13 participation to be issued by the state bond committee under sec. 2 of this Act; and

1 (2) \$140,000 shall come from the investment income earned on the proceeds  
2 of the sale of the certificates of participation described in sec. 2 of this Act.

3 \* Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 NOTICE AND APPROVAL OF ENTRY INTO AND FINANCING OF A LEASE-  
6 PURCHASE AGREEMENT. (a) Subject to annual appropriation, the Department of  
7 Administration is authorized to enter into a lease-purchase agreement for a seafood and food  
8 safety laboratory facility to be constructed under the lease-purchase agreement and to be  
9 operated by the Department of Environmental Conservation.

10 (b) The state bond committee is authorized to provide for the issuance of certificates  
11 of participation in one or more series in the aggregate principal amount of \$14,145,000 for the  
12 construction of a seafood and food safety laboratory facility under the lease-purchase  
13 agreement authorized in (a) of this section. The remaining balance of the construction and  
14 equipping costs shall be paid from investment income of \$140 000 earned on the proceeds of  
15 the sale of the certificates of participation. The estimated total cost of construction,  
16 acquisition, and other costs of the project is \$14,285,000. The estimated annual amount of  
17 rental obligations under the lease-purchase agreement is \$1,391,000. The estimated total  
18 lease payments for the full term of the lease-purchase agreement is \$20,862,400. In this  
19 subsection, "cost of construction" includes credit enhancement and underwriting expenses,  
20 rating agency fees, bond counsel fees, financial advisor fees, printing fees, advertising fees,  
21 capitalized interest, and interest earnings used for lease payments.

22 (c) The state bond committee may contract for credit enhancement, underwriting,  
23 credit ratings, bond counsel, financial advisor, printing, advertising, and trustee services that  
24 the committee considers necessary in financing the project described in this section.

25 \* Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 APPROVAL OF AGREEMENT. Section 2 of this Act constitutes the approval  
28 required by AS 55.30.085.

29 \* Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
COMMISSIONER BALLARD HB 312 TESTIMONY

Imagine it is 5:00pm on Friday, you are a dairy processor and your pasteurization equipment breaks down. The scenario is not uncommon. To fulfill your school and military contracts, FDA requires that a State lab certify your equipment is operating correctly again and test the product to make sure. Milk can't wait until Monday morning. The Seafood and Food Safety Laboratory staff are there to make sure your product is safe for consumption and makes it to market while its fresh. Ours is the only lab certified in Alaska to test dairy products to ensure successful pasteurization so they can be sold to the military and schools.

HB 312 provides the funding mechanism to build a new Seafood and Food Safety Lab. The expense is already in our proposed capital budget. The facility we have leased for 34 years will not be available after 2006. It is overcrowded and not fully compliant with safety codes and laboratory design standards. It was developed in Palmer when the principal lab business was agriculture and dairy. In recent years entrepreneurs in coastal Alaska have developed a wide variety of value added seafood products adding a significant and time sensitive testing responsibility for our lab. Our proposed new lab will be in Anchorage where valuable hours can be saved between sample collection and test results for raw and live seafood industries.

A core function of government is protection of human health and the environment. Government must be prepared to respond to unanticipated outbreaks of disease or the presence of contamination in food, water and animals. The Alaska seafood and food safety laboratory fulfills these functions. We analyze raw, finished, and value-added food products for bacteria, chemicals, and toxic contaminants.

**The laboratory protects Alaskans** by monitoring animals for zoonotic diseases--transferred from animals to humans—such as Brucellosis. Lab technicians test food products for Botulism, Salmonella, Listeria and fecal coliforms and also test public drinking water for Giardia, a common contaminant found in surface water, and Cryptosporidium.

**The laboratory supports the seafood, dairy and shellfish industries.**

To successfully market Alaska's high quality shellfish and seafood, the public must be assured they are safe. Federal requirements for shellfish are very strict because the health risks are great. Through monitoring and testing the lab assures the safety of Alaska's growing shellfish industry, including geoducks, mussels and oysters. Through new PSP sampling and testing procedures, live geoduck sales have begun to enable the industry to ship approximately 50-60 percent of its geoduck quota live, increasing its value from three fold. When the industry reaches its goal of 85 percent live shipment, the industry's value will be worth approximately \$2.5 million.

A perfect example of how this lab has and will continue to help Alaska's economy grow is the farmed oyster industry. As I'm sure you all know, Alaskan oysters are top quality and easily merit their good wholesale price. In the recent past, this industry did not exist. DEC lab staff are some of the experts who helped oyster farmers get started. With our assistance, farmers set up operations that met National Shellfish Sanitation standards which must be met to sell raw product. Those standards require that DEC sample the growing water to ensure it is free from contamination. As the industry grew, it became more difficult for our staff to travel to remote

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
COMMISSIONER BALLARD HB 312 TESTIMONY

locations for the collection of water samples. We developed a method for harvesters to collect their own water samples thereby increasing the opportunity for growing areas to be approved.

The laboratory is also providing proof that Alaska's commercial fish species are of the highest quality and free of contaminants by monitoring commercially caught species for pollutants. Over 600 samples were collected last year and the results will be available next month.

**The laboratory supports Alaska's private labs by certifying them to conduct drinking water analysis. We train 190 private lab staff a year on how to test drinking water according to EPA standards, and assist private laboratories in obtaining certification and approval to perform federally regulated tests.**

We cannot depend on private laboratories to maintain testing and analytical capabilities for situations when there is no profit margin. When private markets develop, our laboratories get out of the business. For example, the Seafood and Food Safety Laboratory does not test drinking water for fecal coliform because private labs are capable of conducting those tests. The DEC laboratory only conducts tests that are federally required to be done by a State lab or are not provided elsewhere in the state.

The health of Alaskans and the success of Alaska's seafood, shellfish, and dairy industries are contingent upon the smooth and continued operation of the seafood and food safety laboratory. Through our testing, monitoring, and technical support, the laboratory assures the health of Alaskans and our environment, and supports the development of our abundant resources.

FRANK H. MURKOWSKI  
GOVERNOR  
GOVERNOR@GOV.STATE.AK.US



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

HB 312  
P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

May 8, 2003

The Honorable Pete Kott  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to issuing certificates of participation to fund a new seafood and food safety laboratory.

The state's food safety laboratory plays a vital role in protecting the health of Alaskans. The seafood and food safety laboratory tests crabs, geoducks, and other shellfish for toxins, a service not offered in the private sector. Local dairy products must be tested by a state laboratory before they can be sold to schools and the military. Federal law also requires a state laboratory to certify private laboratories to perform drinking water compliance testing for public water systems. Additionally, the new laboratory will have an area designated as bio safety level III for testing of anthrax or other bio-terrorism agents. The new laboratory would not duplicate existing laboratories in the state.

The current lease will soon expire, requiring the facility to be relocated. Building a state-owned facility is cheaper than leasing a privately-owned facility, and the state owns a parcel of land ready for development. The Alaska State Legislature has recognized the need for replacement through previous planning and design appropriations. The bill I transmit today is the next and final step in providing Alaskans with a worthwhile facility by setting up a bonding structure for its construction. The proposed method is the issuance of certificates of participation for a lease-purchase agreement.

In the interests of public health for Alaskans and consumers of Alaskan food, fish and dairy products, as well as the economic health of these industries, I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank H. Murkowski".

Frank H. Murkowski  
Governor

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: HB 312  
 (H) Publish Date: 5/8/03

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Environmental Conservation  
 Title Seafood/Food Safety Lab Facility Construction BRU Environmental Health  
 Component Laboratory Services  
 Sponsor Rules Component No. 2065  
 Requester \_\_\_\_\_

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
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	98.6	197.2	197.2	197.2	197.2
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>98.6</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>

<b>CAPITAL EXPENDITURES</b>	<b>14,285.0</b>					
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

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	98.6	197.2	197.2	197.2	197.2
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1163 Certificates of Participation	14,145.0	0.0	0.0	0.0	0.0	0.0
1173 Miscellaneous Earnings	140.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>14,285.0</b>	<b>98.6</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>	<b>197.2</b>

Estimate of any current year (FY2003) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

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

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

The bill would authorize financing and construction of a new Seafood and Food Safety Laboratory to be operated by the Department of Environmental Conservation (DEC).

The Department of Administration (DOA) pays the current lease costs for the lab. DEC reimburses DOA for a portion of these costs through an RSA. DEC will directly pay for all of the utilities and maintenance costs for the new building. These new costs are shown in the contractual line. Annual lease savings partially offset these new utility and maintenance costs as shown on the attached chart.

Prepared by: Kristin Ryan, Director Phone (907) 269-7645  
 Division Environmental Health Date/Time 5/8/03 3:12 PM  
 Approved by: Kurt Fredriksson, Deputy Commissioner Date 5/8/2003  
 Agency Department of Environmental Conservation

FISCAL NOTE #1

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

BILL NO. HB 312

**ANALYSIS CONTINUATION**

Line Item Description	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
<b>Contractual Line 300</b>					
<b>* (Operating Expenses)</b>					
<b>Utilities (estimated)</b> DEC will incur costs for utilities at the new facility starting mid - 2005. Utility costs at the existing leased facility are included in the lease paid by DOA and DEC. These costs are offset by the lease savings shown below and shown on DOA's fiscal note.		\$52,965	\$105,930	\$105,930	\$105,930
<b>Building Maintenance (estimated)</b> DEC will incur costs for building maintenance at the new facility starting mid - 2005. Maintenance costs at the existing leased facility are also included in the lease paid by DOA and DEC. These costs are offset by the lease savings shown below and shown on DOA's fiscal note.		\$54,800	\$109,600	\$109,600	\$109,600
<b>* (Lease Savings - Palmer Lab)</b> DEC portion of current lease paid to DOA/GS through 2005, will no longer be required after completion of the new facility.		(\$9,177)	(\$18,353)	(\$18,353)	(\$18,353)
<b>Total Contractual:</b>	\$0	\$98,588	\$197,177	\$197,177	\$197,177

# STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION  
OFFICE OF THE COMMISSIONER

410 Willoughby Ave., Ste 303  
Juneau, AK 99801-1795  
PHONE: (907) 465-5065  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

May 9, 2003

The Honorable Bruce Weyhrauch  
Chairman, House State Affairs Committee  
Alaska House of Representative  
State Capitol, Room 102  
Juneau, Alaska 99801

Dear Representatives Weyhrauch,

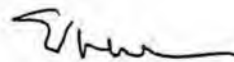
The Department of Environmental Conservation requests a hearing on HB 312 an "Act giving notice of and approving the entry into and the issuance of certificates of participation for a lease-purchase agreement for a seafood and food safety laboratory facility." The State Seafood and Food Safety Laboratory plays a vital role in protecting the health of Alaskans and supporting the growth and development of a vibrant seafood industry.

The state's bivalve and growing geoduck industry cannot exist without the ability to guarantee the safety of these products. The lab is the only facility certified to test for paralytic shellfish poisoning a deadly toxin. The state must be prepared with laboratory services capable of providing essential tests that will allow these industries to prepare to respond to an unanticipated outbreak of disease or the presence of contamination in food, water and animals.

The Department has been planning for construction of a Seafood and Food Safety Laboratory for over six years. The funding mechanism is certificates of participation. I look forward to coming before the Senate State Affairs Committee to further explain the importance of this laboratory to Alaska

Kristen Ryan, Director of the Division of Environmental Health, and Mike Maher, the Director of Administrative Services can provide you with any additional information you might require regarding this bill. You can contact Ms. Ryan at 269-7645, Mike Maher at 465-5256, or Melanie Lesh, the department's legislative liaison, at 465-5290. Thank you for your consideration.

Sincerely,



Ernesta Ballard  
Commissioner

cc: Mike Tibbles, Legislative Director, Office of the Governor  
Kristen Ryan, Environmental Health, DEC  
Mary Siroky, Legislative Liaison, DEC

# MEMORANDUM

STATE OF ALASKA  
Department of Revenue

**TO:** Mike Maher  
Administrative Services Director  
Department of Environmental Conservation

**DATE:** March 28, 2003

**FROM:** Deven Mitchell  
Debt Manager

**TELEPHONE:** 465-3750

**SUBJECT:** Food and Safety Laboratory Financing

The Department of Revenue has been asked to explain what impacts there might be from issuing Certificates of Participation to fund construction of a new Food and Safety Laboratory in the Alaska Seafood International (ASI) building. This is not a new matter for the Department as the Department of Environmental Conservation has been attempting to replace the lab over the past several years using different financing options. The type of financing that has been proposed in each of the last three legislative sessions is called Certificates of Participation. How this type of financing works is a lease is created and investors are asked to participate (Certificates of Participation (COPs)) in the lease. This means that the state can offer an investment that pays interest semi-annually until it matures at some point during the lease life, and use the investors' money to build the proposed facility. The lease payments are subject to annual appropriation by the legislature and as a result the COPs have achieved credit ratings one level below the state's general obligation ratings.

The lease in the COP structure is created by giving a trustee bank (that is obligated to act on behalf of COP purchasers) a title position on the facility being financed and the state entering a lease for the facility (in the amount of the annual interest and principal payments to investors). A failure to pay would result in the trustee bank claiming the facility on behalf of COP holders and either obtaining an alternate use or liquidating the facility to pay COP holders.

Folks have proposed using roughly 5 percent of the ASI facility to house the proposed Food and Safety Laboratory. If the cost of building the lab are funded with COPs it will require the Alaska Industrial Development and Export Authority (AIDEA) give a title interest to a trustee on the ASI building and the ground upon which it resides. From a credit perspective this is a significant credit enhancement as a failure to appropriate on the lab not only causes a loss of use of the proposed laboratory for the state, but also a loss of use of the entire ASI building. From AIDEA's perspective this financing would impact the ability to sell the ASI building (due to the title interest), and possibly also impact the rental value of the remaining 95% of the building due to the inability of AIDEA to provide a guarantee on space availability (in the event of a payment default by the state).

## **The Seafood and Food Safety Lab funding mechanism is Certificates of Participation (COP) Lease/Purchase Bonds**

The department plans to construct a laboratory facility to replace the badly outmoded facility using Certificates of Participation as the funding mechanism.

### **Certificates of Participation:**

- Do not require general fund appropriation.
- Is a funding mechanism that gives a trustee bank a title interest in the entire structure, similar in concept to a home mortgage
- Allow a lease/purchase contract.
- Take advantage of currently low bond interest rates.
- Do not require a vote as would GO bonds.
- Allow the state to conserve its GO debt capacity for future situations where other revenues are not available.

Using COP's means the project can be started and finished faster.

Authority to expend the COP's is in the Department's approved Capitol budget



# UNITED FISHERMEN OF ALASKA

May 12, 2003

**MAY 12 2003**

211 Fourth Street, Suite 110  
Juneau, Alaska 99801-1172  
(907) 586-2820  
(907) 463-2545 Fax  
E-Mail: [ufa@ufa-fish.org](mailto:ufa@ufa-fish.org)  
[www.ufa-fish.org](http://www.ufa-fish.org)

Representative Bruce Weyhrauch  
Chairman, House State Affairs Committee  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

RE: HB 312 – State Seafood Safety Lab

Dear Representative Weyhrauch,

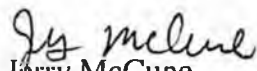
UFA supports HB 312, regarding the construction of a new Seafood Safety Lab in Anchorage. This is very important to commercial dive fishermen and other shellfish harvesters, and for testing done on other fisheries in the seafood industry.

Anchorage is a great central location that will provide service to statewide users of the lab. While it is unfortunate for Palmer to lose the current facility, the increased access to transportation provided in Anchorage will benefit the users of the lab, and the seafood industry in general. In seafood testing, sometimes minutes or hours can be of great importance.

The mariculture and shellfish industry is growing in the state, and is ready to benefit from the selling of live geoducks and the increased prices this will bring to the state and coastal communities. Testing is critically time-sensitive in providing for live sales. We feel that the seafood testing lab established through HB 312 will provide a return on the investment that the state is making.

We urge your support for HB 312.

Sincerely,

  
Jerry McCune

Copy: Governor Frank Murkowski

#### MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • At-sea Processors Association • Bristol Bay Reserve  
Chignik Regional Aquaculture Association • Chignik Seiners Association • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United  
Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Groundfish Forum • Kona Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association  
Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association  
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative  
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association  
United Cook Inlet Drift Association • United Salmon Association • United Southeast Alaska Gillnetters • Western Gulf of Alaska Fishermen

<b>S</b>	Southeast
<b>A</b>	Alaska
<b>R</b>	Regional
<b>D</b>	Dive
<b>F</b>	Fisheries
<b>A</b>	Association



*Mission Statement: To develop, expand, and enhance new and existing dive fisheries in Southeast Alaska.*

Julie Decker, Executive Director  
 Box 2138, Wrangell, AK 99929  
 Ph: 907-874-3110; Fax: 907-874-4270  
 info@sardfa.org  
 www.sardfa.org

Governor Frank Murkowski  
 P.O. Box 110001  
 Juneau, Alaska 99801  
 Ph: 907-465-3500; FAX: 907-465-3489  
 Email: [Governor@gov.state.ak.us](mailto:Governor@gov.state.ak.us)

May 9, 2003

**RE: Support for New Seafood & Food Safety Lab**

Dear Governor Murkowski,

On behalf of the Southeast Alaska Regional Dive Fisheries Association, SARDFA, I would like to express support of your bills, SB 215 and HB 312, regarding the construction of a new Seafood & Food Safety Lab in Anchorage.

For two years, SARDFA has been supportive of building a new lab in Anchorage for two reasons. First, the lab is a necessary infrastructure component in order to conduct the commercial geoduck fishery (as well as for other shellfish fisheries and all aquatic farming activities). The lab runs tests for water quality and paralytic shellfish poison (PSP), along with many other tests for the seafood industry.

Second, the new location in Anchorage will be an overall better site for the statewide users of the facility. Relocating the lab in Anchorage may, unfortunately, be a hit to Palmer residents, however, it will be better for the statewide users of the lab who will no longer need to have samples make the extra journey from Anchorage to Palmer. This can be a critical factor in getting samples to the lab in time. For example, the water samples, which are taken in remote areas of Southeast Alaska, must make it to the lab within 30 hours in order to perform testing. If the samples are even one hour late, they must be taken again by sending planes out to the remote areas again, which is very costly.

The cost of building a new lab is significant, however, this facility will be able to serve the seafood industry, and its projected growth, for decades into the future.

Thank you for your time and consideration.

Sincerely,

Julie Decker, Executive Director

Members of:  
Southeast Conference,  
United Fishermen of Alaska, &  
Alaska Fisheries Development Foundation

Cc: Commissioner Ballard, DEC  
Senator Lyda Green, Co-Chair, Senate Finance  
Senator Gary Wilken, Co-Chair, Senate Finance  
Senator Gary Stevens, Chair, Senate State Affairs  
Representative Bill Williams, Co-chair, House Finance  
Representative John Harris, Co-Chair, House Finance  
Representative Bruce Weyrauch, Chair, House State Affairs  
Bobbie Thorstenson, President, UFA  
Tom Gemmel, Executive Director, UFA  
Steve LaCroix, President, SARDFA  
Kristin Ryan, DEC

## Hicks, Molly

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**From:** Ballard, Ernesta  
**Sent:** Friday, May 09, 2003 11:05 AM  
**To:** Fredriksson, Kurt; Ryan, Kristin J.; Lesh, Melanie; Siroky, Mary; Hicks, Molly  
**Subject:** FW: New Seafood and Food Safety Lab Bill.

fyi

-----Original Message-----

**From:** John Scoblic [mailto:jscoblic@norquest.com]  
**Sent:** Friday, May 09, 2003 9:01 AM  
**To:** Governor@gov.state.ak.us  
**Cc:** Ernesta\_Ballard@dec.state.ak.us  
**Subject:** New Seafood and Food Safety Lab Bill.

Dear Governor Murkowski,

Yesterday late in the afternoon it was brought to my attention that you may be looking for testimony for a new Seafood and Food Safety lab. I whole heartedly support any new development of a Seafood and Food Safety lab. In particular the people of Southeast in the Seafood Industry and Foodservice Industry would benefit greatly with the addition of a lab somewhere in Southeast.

In the current situation it is very cumbersome process to get seafood products needing testing to the Palmer D.E.C lab from Southeast. In the best of situations it takes the better part of a day in transportation time to get products to the Palmer lab for testing. Once the specimens are to the lab it take half a day to do the test. In the blossoming Geoduck fishery I have many first hand experiences with the pitfalls one must endure to get a geoduck sample to the Palmer lab for Paralytic Shellfish Testing in a timely manner. Having a new Seafood and Food Safety lab here, in Southeast, a region were we harvest products needing testing would save time and money for all of those involved. Having a lab in the region would speed up the testing process. If the transportation time to the lab took less time to transpire, we could offer an even fresher product to our customers. Once again using Geoduck as an example, live product is the product of choice in the market. If the Geoducks test clean of PSP we can ship them live as soon as we get lab results. So you can see if we have to wait a day to a day and a half for test results, the freshness and liveliness of the products diminishes greatly. Time is money, and in this case a lot a revenue has slipped away due to the time an logistics involved in getting Geoducks tested for PSP in Palmer.

Mr. Governor, thank you for your time. I appreciate the opportunity to have given you this brief report. Please take into serious consideration what I have stated here in this e-mail. I support development of a Seafood and Food Safety Lab. I also think that a lab would be best positioned in Ketchikan.

John M. Scoblic  
Fleet Manager

NorQuest Seafoods Inc. (Ketchikan Division)  
1705 Tongass Ave. KTN, AK 99901  
Office (907) 225-6664  
Cellular (907) 723-1234

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Fax 907-260-3044

*Representative Ken Lancaster*  
*District 8*

April 12, 2001

MEMORANDUM

To: Representative Eldon Mulder, Co-chairman  
Representative Bill Williams, Co-chairman  
House Finance Committee

From: Representative Ken Lancaster

Subject: Department of Environmental Conservation, Division of Environmental Health,  
Seafood and Food Safety Laboratory, Cost and Location,

Per your request, I have conducted a fact finding mission to help determine the reasonable cost for the proposed DEC Seafood and Food Safety Laboratory.

The cost per square foot for a laboratory is high, when compared to an office building, or warehouse. This is due in part to the fact that laboratories require a more powerful heating, ventilating, air conditioning, (HVAC) system. This system must not only move more air (minimum 10 to 12 air exchanges per hour) but also pressurizes parts of the building. This pressurization is very important as it keeps that area of the building not used for testing completely separated environmentally from pathogens used in the test area. In addition, higher requirement for lights, power distribution system and special construction to facilitate cleaning is required in this type of complex.

I have made informal inquiries with several architectural engineer's firms and based on that have concluded that \$400.00 per square foot, less equipment, is a fair and reasonable cost.

The location also makes good, logical sense. With the building built in Anchorage, at the Tudor Road location, it would help develop a State campus setting. This concept could make for cost saving in the future, by allowing for the combining of services, building maintenance, snow removal, etc.

The proximity to a major airport, and the availability of ground transportation, should better serve the people of the State of Alaska in conducting business with the lab.

I have enclosed three reports prepared by Livingston Slone, Inc for your information; Laboratory Cost Factors, Laboratory Plan Efficiency, and a Timeline for Seafood and Food Safety Laboratory Replacement. This information helps explain the process that the Department went through, in addition to cost factors.

Should you require more information or have any question, please feel free to contact me.

# Seafood and Food Safety Laboratory

Division of Environmental Health, Department of Environmental Conservation

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The lab will close without an appropriation to build a new one. *Here's how we got to this point:*

## 1997

- Department of Administration determines it can no longer allow long-term leases at the facility because statutory rent reduction requirements.

## 1998

- Department of Transportation and Public Facilities hires Livingston Slone to produce feasibility study that considers leasing versus owning, best location, and consolidation of the two labs the Department of Environmental Conservation operates.
- Legislature appropriated \$145.7 to evaluate replacement options.

## 1999

- Private contractor assessment concludes Seafood and Food Safety Lab cannot be co-located with Public Health Lab primarily because construction of the Public Health Lab is already under way and its lab activities are very different, requiring detached, separate labs.

## 2000

- Department of Environmental Conservation explores the possibility of housing its lab at Alaska Seafood International. However, according to Alaska Seafood International, its microbiological laboratory cannot fully meet the department's requirements. Alaska Seafood International lab space is 540 square feet and was never intended to be a broad-spectrum test facility. (The new Seafood and Food Safety lab is designed to be 19,312 square feet.)
- Department of Environmental Conservation selects site near Boniface and Tudor with Dept. of Transportation & Public Facilities oversight based on lab functions (proximity to major airport), cost of utilities, and access to Public Health lab. The Anchorage Planning and Zoning Commission approves the site selection report.
- Livingston Slone, hired by Dept. of Transportation & Public Facilities, determines that any existing market rental space would require a major renovation; and that building a new facility on state owned land is more cost effective than renovating an existing space or contracting for the construction of a leased facility.
- Legislature appropriates \$240.0 updating Livingston Slone's 1998 Feasibility Study to reflect the facility's being located on state land.

## 2001

- Dept. of Natural Resources initiates land exchange with Municipality of Anchorage to acquire parcel.
- Dept. of Transportation & Public Facilities develops a construction timeline and budget.
- Dept. of Transportation & Public Facilities selects Livingston Slone for the design and engineering work with an expected completion date of June 2003.
- Legislature appropriates \$1,300.0 to design the facility.

## 2002

- The design contractor, Livingston Slone, updates the construction cost estimate after completing the schematic design: \$14,085,200.
- Dept. of Administration easing approves extending the lease until December 2006 under the provision DEC actively pursue another option.
- A bond bill (HB51), designating lab construction funds, is introduced in the first session, but dies before final adjournment.

February 6, 2003

- Anchorage Assembly approves the land exchange and Dept. of Natural Resources completes an Interagency Land Management Agreement giving DEC the authority to manage the selected site adjacent to the Public Health Lab.

### **What the Seafood and Food Safety Lab does**

- Conducts product and water sampling required by the National Shellfish Sanitation Program so that bivalve shellfish can be commercially marketed.
- Routinely tests commercial bivalve shellfish for marine toxins responsible for paralytic shellfish poisoning and domoic acid poisoning.
- Is analyzing over 600 samples of salmon (all five species), halibut, pacific cod, sablefish, black rockfish, lingcod and pollock for heavy metals (methyl mercury, lead, and cadmium).
- Conducts on-site evaluations of, and certifies drinking water laboratories and water system operators for bacteriological monitoring as required by Safe Drinking Water Act.
- Works with commercial industries to develop safe, ready-to-eat food products to make sure the water activity, water phase salt, and salt moisture of their products are within acceptable levels.
- Evaluates raw and finished dairy products for bacterial contamination, antibiotics, butter fat content, and effectiveness of pasteurization.
- Performs animal testing to maintain USDA brucellosis- and TB-free certification, which is required for interstate and international shipment of cattle.
- Tests for equine infectious anemia in horses intended for interstate shipment or that will be entered in state fairs or other special events.

- 
- **No other lab in Alaska tests for PSP (paralytic shellfish poisoning).**
  - **A lab does not currently exist within the State of Alaska with the authority to test food or water that's been potentially poisoned with highly dangerous contaminants.**
  - **To be sold in international markets, Alaska's food products must be tested for compliance with federal food standards.**
  - **The shellfish industry depends on the Food Safety Lab to quickly test for marine toxins so they can sell their products in interstate commerce.**
  - **The Food lab is the only lab in the state that is permitted by the Food and Drug Administration to evaluate dairy products.**

For more information, please contact Kristin Ryan at 907-269-7644

February 6, 2003

## **Samples processed at the Seafood and Food Safety Laboratory**

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Department of Environmental Conservation, Division of Environmental Health

### **Samples received:**

	<b>FY00</b>	<b>FY01</b>	<b>FY02</b>
<b>Samples received</b>	9,148	7,282	6,256
<b>Tests ran on those samples</b>	21,337	25,346	26,926

The amount of samples received varies greatly each year. We are expecting a big jump in 2003. The number of tests ran has not increased over the past years but our tracking has. In FY00, we did not track every test ran such as quality control tests when we make sure the result gotten is correct. In FY01 and FY02, we implemented a tracking system so that we could capture every analysis done.

### **Samples broken down by category**

	<b>FY00</b>	<b>FY01</b>	<b>FY02</b>	<b>Areas</b>
<b>Animal Health &amp; Dairy</b>	5993	4067	3519	South Central
<b>Drinking Water</b>	541	569	545	State wide
<b>Food</b>	0	26	54	Anchorage
<b>Seafood</b>	2351	2393	1908	South Central (30%) Southeast (70%)
<b>Miscellaneous</b>	89	114	39	State wide
<b>Training sessions</b>	174	113	191	At laboratory

### **Vibration sensitive equipment:**

**Microscopes:** When looking at a liquid at a magnification of 100+, significant vibration such as a machine shop would make it impossible to identify the organism.

**Torsion Balance:** Used to weigh chemicals as light as 1 millionth of a gram. Since the scale is on a fulcrum, it is extremely sensitive to movement. When in use, no one is allowed to enter the room because of vibration.

Concern also exists with the Liquid Chromatograph and Atomic Absorption processes. Both send a beam of light through a minute amount of substance and measure the refraction.

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Kristin Ryan, Director, 269-7644

**HB**

**319**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: May 14, 2003

FURTHER REFERRALS: Resources  
Finance

Date of Committee Action: 2/19/04

The STATE AFFAIRS Committee considered:

HB 319

HOUSE BILL NO. 319

REMOTE REC.CABIN SITE SALES/LOTTERY SALE

"An Act relating to the disposal of state land by lottery; and relating to the disposal, including sale or lease, of remote recreational cabin sites."

Recommends it be replaced with  HCS or  CS for HB 319 (STA)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 HSS  
 LEG  
 LAW  
 LWF  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
<u>DNR</u>		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Gruenberg	✓			
	SEATON			✓	
	Holm			✓	
	LYNN Coghill	x			
	Weighrauch				✓
Chair:	Weighrauch			x	
Chair:					

AMENDMENT

H | to CS HB 319  
Version I

OFFERED IN THE HOUSE  
TO: CS FOR HB 319 (STA)  
23-LSO477\I 2/14/04

BY REPRESENTATIVE FATE

adopted  
2/19/04  
no objection  
" as amended "

10-14

Page 3, lines ~~9-12~~

Delete all material and insert:

"(1) prepare a schedule of land offerings under this section and identify the parcels for disposal each year; the land offerings may not include mineral land selected by the state or lands identified by the department as having a high mineral potential; the department's identification of land having a high mineral potential shall be based on standards adopted by the department in regulations and shall include consideration of a geophysical survey<sup>or</sup> geological evaluation, if any, that was conducted within 15 calendar years before the year for which the schedule is prepared; and"

\* line 5  
change the word  
"surveyor" to  
"survey", add  
the word "or"  
after the word  
"survey".  
\*

23-LS0477\I  
Bullock  
2/14/04

**CS FOR HOUSE BILL NO. 319(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES FATE, Wolf

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the disposal of state land by lottery; and relating to the disposal,  
2 including sale or lease, of remote recreational cabin sites."

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

4 \* Section 1. AS 38.05.057(a) is amended to read:

5 (a) The commissioner may dispose of land, including land limited to use for  
6 agricultural purposes, by lottery. The purchase price of land sold by lottery shall be  
7 the fair market value of the land as determined by the commissioner. The  
8 commissioner may sell land by lottery for less than the fair market value of the land on  
9 a determination that scarcity of land for private use in the area of the land to be sold  
10 has resulted in unrealistic land values. The lottery shall be conducted in public by the  
11 commissioner. A purchaser selected by lot shall deposit an amount equal to 10 [FIVE]  
12 percent of the purchase price within 30 days after receiving notification of the  
13 selection.

14 \* Sec. 2. AS 38.05.125(a) is amended to read:

1 (a) Each contract for the sale, lease, or grant of state land, and each deed to  
2 state land, properties, or interest in state land, made under AS 38.05.045 - 38.05.120,  
3 38.05.321, 38.05.600, 38.05.810 - 38.05.825, AS 38.08, or AS 38.50, except as  
4 provided in AS 38.50.050, is subject to the following reservations: "The party of the  
5 first part, Alaska, hereby expressly saves, excepts, and reserves out of the grant hereby  
6 made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores,  
7 minerals, fissionable materials, geothermal resources, and fossils of every name, kind,  
8 or description, and which may be in or upon said land above described, or any part  
9 thereof, and the right to explore the same for such oils, gases, coal, ores, minerals,  
10 fissionable materials, geothermal resources, and fossils, and it also hereby expressly  
11 saves and reserves out of the grant hereby made, unto itself, its lessees, successors,  
12 and assigns forever, the right to enter by itself, its or their agents, attorneys, and  
13 servants upon said land, or any part or parts thereof, at any and all times for the  
14 purpose of opening, developing, drilling, and working mines or wells on these or other  
15 land and taking out and removing therefrom all such oils, gases, coal, ores, minerals,  
16 fissionable materials, geothermal resources, and fossils, and to that end it further  
17 expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and  
18 assigns forever, the right by its or their agents, servants, and attorneys at any and all  
19 times to erect, construct, maintain, and use all such buildings, machinery, roads,  
20 pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such  
21 soil, and to remain on said land or any part thereof for the foregoing purposes and to  
22 occupy as much of said land as may be necessary or convenient for such purposes  
23 hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid,  
24 generally all rights and power in, to, and over said land, whether herein expressed or  
25 not, reasonably necessary or convenient to render beneficial and efficient the complete  
26 enjoyment of the property and rights hereby expressly reserved."

27 \* Sec. 3. AS 38.05.600(a) is amended to read:

28 (a) The commissioner may provide for the sale or lease of state land for  
29 remote recreational cabin sites. Sales under this section shall be at fair market value  
30 determined as of the time of entry by the department or by an appraiser from the  
31 list of appraisers approved by the department. Land to be sold under this section

1 shall be surveyed before sale by the department or by a surveyor registered  
2 under AS 08.48. The appraisal and survey shall be completed within 24 months  
3 of entry. The [, AND THE] purchaser shall pay for the appraisal and survey or  
4 reimburse the state for the appraisal, survey, and platting costs for the recreational  
5 cabin site. Sales under this section may be at public or private sale under (g) of  
6 this section.

7 \* Sec. 4. AS 38.05.600 is amended by adding new subsections to read:

8 (d) Each year, subject to appropriation from the state land disposal income  
9 fund under AS 38.04.022, to implement this section, the commissioner shall

10 (1) prepare a schedule of land offerings under this section from lands  
11 that were not selected by the state for mineral values, except for lands having a proven  
12 high mineral potential based on a geophysical survey or geological evaluation  
13 completed not more than 15 years before the offering, and identify the parcels for  
14 disposal each year; and

15 (2) provide public notice of the proposed land offerings.

16 (e) The space between remote recreational cabin sites offered under this  
17 section may not be less than 660 feet in any direction.

18 (f) The commissioner may solicit nominations each year from the public for  
19 areas to be offered for disposal under this program. The commissioner may add areas  
20 nominated by the public to the schedule prepared under (d) of this section if the land is  
21 classified for disposal or the disposal is consistent with other requirements of  
22 AS 38.04 and this chapter.

23 (g) A person may nominate a parcel for disposal under this section and request  
24 a right of first refusal. If the commissioner accepts the nomination of a parcel for  
25 disposal, the commissioner may also provide for disposal of additional parcels in the  
26 surrounding area, subject to (d)(1) and (f) of this section.

27 (h) A parcel sold under this section may not exceed five acres. A parcel sold  
28 under this section may include lake, river, or other navigable water frontage, subject to  
29 the following limitations:

30 (1) the lake, river, or other navigable water frontage must be at least  
31 300 feet and may not exceed 400 feet;

1  
2  
3  
4  
5  
6  
7

(2) only one parcel with frontage on a lake may be sold under this section for each five acres of water of that lake unless, in the public interest, the commissioner adopts a regulation indicating a different ratio of water to each parcel with frontage; and

(3) a parcel sold under this section with frontage on a river must be located at least one-quarter of a meander mile from any other parcel with river frontage sold under this section.

# ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA  
STATE CAPITOL  
JUNEAU, ALASKA  
99801-1182

(907) 465-3744  
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

## Fax

To: Legislative Lega l – Don Bullock From: Ginny Austerman

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Fax: 2029

Date: February 11, 2004

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Phone: 2450

Pages: one

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Re: CS HB 319

CC:

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Urgent  For Review  Please Comment  Please Reply

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•Comments:

**On Feb. 3, 2004 the House State Affairs Committee adopted Amendment #1 offered by Rep. Fate (23-LS0477\H.1)**

**Page 1 lines 1 –7 of the Amendment and page 1 lines 16-21 as written; page 1, lines 8 –14 (conceptually – a clarification of this section was requested by the committee.)**

**Amendment # 2 – Page 3, line 31 (of the H version of the bill)**

**Change “2 ½ acres” to “5 acres”**

**Please issue a “work draft” reflecting the above Amendment.**

**Due to a misunderstanding of the Committee’s actions on Feb. 3, a new Amendment requested by Rep. Fate’s office was issued (23 – LS0477\H.2). This amendment included new language for Page 3, lines 9 – 12 of version H of the bill; it also included new language for page 3, lines 21 – 30 of version H of the bill. This portion of the new amendment was not requested by the committee, therefore, when the bill is before them again, it is the plan of the committee to rescind any action taken on Feb. 5 and speak only to the part of Amendment 23LS0477\H.1 that offers clarification they were seeking, that information being on lines 8 - 17 of Amendment labeled 23-LS0477\H.2**

*faxed to Leg Dept 2/11/04*