


ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11103 SENATE COMMUNITY & REGIONAL AFFAIRS

TYPES OF LIBRARIES MENTIONED

- A - all public libraries
- B - a library or library system which, in whole or in part is supported by public funds
- C - public, free association, public school, college and university libraries and library systems
- D - libraries operated by the state, a municipality, or a public school, including the state university
- E - only the state public library
- F - any public library or library of an educational, historical, or eleemosynary institution
- G - public, academic, school, special libraries and state libraries
- H - any public municipal library, including state libraries
- I - a library which is established by the state; a county, city township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities; a community college district; a college or university; or any private library open to the public
- J - a public library or other library
- K - a library maintained by any state or local government agency, school, college, or industrial, commercial, or other special group, association or agency whether public or private
- L - public, private, school, college, technical college, university, and state institutional libraries and library systems
- M - any library
- N - any library receiving public funds, any library that is a state agency and any library established by the state, an instrumentality of the state, a local government, district or authority, whether or not that library is regularly open to the public
- O - any library established and maintained by a municipality or by a private association, corporation, or agency to provide library services free of charge to all residents of a municipality or a community and which receives its annual financial support in whole or in part from public funds
- P - Any library that is open to the public, including a library that is maintained and regulated by a municipality, a library that is created, maintained, and regulated by the state library board; a library that is created and maintained by a public or private school, college, university, or other educational institution; or a library that is created and maintained by a historical or charitable organization, institution, association, or society. "Library" includes the members of the governing body and the employees of a library.

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Professional Tools	Events & Conferences	Products & Publications	News	<input type="text"/>	<input type="button" value="Search"/>

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[IF Groups and Committees](#)
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[State Action](#)

Intellectual Freedom

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- › Intellectual Freedom Toolkits
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State Privacy Laws Regarding Library Records

The American Library Association encourages all librarians, particularly those in public libraries, to work with their local legal counsel so they understand state confidentiality laws so they may respond to any requests from law enforcement. Forty-eight of 50 state laws on the books, but the language varies from state to state. The ALA recommends that each library adopt a policy that specifically recognizes the confidentiality of information sought or received materials consulted borrowed or acquired by a library user. These materials may include database search records, circulation records, interlibrary loan records and other personally identifiable user materials, facilities, programs or services, such as reference interviews. Libraries are advised to rely on existing laws to control behavior that involves public safety or criminal behavior.

Libraries should have in place procedures for working with law enforcement officers when a subpoena or other legal order for records is made. Libraries will cooperate expeditiously with law enforcement within the framework of state law.

For information on confidentiality policies, see "**Developing a Confidentiality Policy**," pp. 347-355, **Intellectual Freedom Manual**, sixth edition, 2001. This chapter discusses confidentiality under the law, state law protection of library records, what librarians should be writing, adopting, and implementing a confidentiality policy.

See also ALA's existing **policies on privacy and confidentiality**, **Privacy: An Interpretation of the Library Rights**, and a **Q&A on privacy and confidentiality**.

Below are the links to the state privacy laws regarding library records.



Links to non-ALA sites have been provided because they may have information of interest. Neither the American Office for Intellectual Freedom necessarily endorses the expressed or the facts presented on these sites; and furthermore, ALA and OIF do not endorse any commercial products that may be advertised or available on these sites.

Related Files

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North Carolina (.rtf)

23-LS1457U
Mischel
2/18/04

CS FOR SENATE BILL NO. 269()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR GREEN

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to access to library records, including access to the library records of a
2 child by a parent or guardian."

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

4 * Section 1. AS 40.25.140 is amended to read:

5 Sec. 40.25.140. Confidentiality of library records. (a) Except as provided
6 in (b) of this section, the names, addresses, or other personal identifying information
7 of people who have used materials made available to the public by a library shall be
8 kept confidential, except upon court order, and are not subject to inspection under
9 AS 40.25.110 or 40.25.120. [THIS SECTION APPLIES TO LIBRARIES
10 OPERATED BY THE STATE, A MUNICIPALITY, OR A PUBLIC SCHOOL,
11 INCLUDING THE UNIVERSITY OF ALASKA.]

12 (b) Records of a [PUBLIC ELEMENTARY OR SECONDARY SCHOOL]
13 library identifying a [MINOR] child under 18 years of age shall be made available on
14 request to a parent or guardian of that child.

WORK DRAFT

WORK DRAFT

23-LS1457U

1
2
3
4

* Sec. 2. AS 40.25.140 is amended by adding a new subsection to read:

(c) This section applies to libraries operated by the state, a municipality, or a public school, including the University of Alaska, and by a public library nonprofit corporation.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/16/04

FURTHER: Health, Education and
 Social Services

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 2/18/04

Community and Regional Affairs Committee considered **SENATE BILL NO. 269**

SB 269 PARENT ACCESS TO CHILD'S LIBRARY RECORDS

"An Act relating to access to the library records of a child by a parent or guardian."

and recommends:

be replaced with _____ CS SB269 (CRA)

Senate Bill:	
<input type="checkbox"/>	Same Title
<input checked="" type="checkbox"/>	New Title

adopt previous _____ CS _____ (CS - forthcoming)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	2/6/04			✓	
EED	2/17/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>[Signature]</i>				✓
<i>Thomas W. Wagon</i>	✓			
<i>[Signature]</i>				X
<i>[Signature]</i>		✓		
CHAIR: <i>[Signature]</i>	✓			

23-LS1457AH
Mischel
2/9/04

CS FOR SENATE BILL NO. 269()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

Offered:
Referred:

Sponsor(s): SENATOR GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to access to library records, including access to the library records of a
2 child by a parent or guardian."

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

4 * Section 1. AS 40.25.140 is amended to read:

5 **Sec. 40.25.140. Confidentiality of library records.** (a) Except as provided
6 in (b) of this section, the names, addresses, or other personal identifying information
7 of people who have used materials made available to the public by a library shall be
8 kept confidential, except upon court order, and are not subject to inspection under
9 AS 40.25.110 or 40.25.120. [THIS SECTION APPLIES TO LIBRARIES
10 OPERATED BY THE STATE, A MUNICIPALITY, OR A PUBLIC SCHOOL,
11 INCLUDING THE UNIVERSITY OF ALASKA.]

12 (b) Records of a [PUBLIC ELEMENTARY OR SECONDARY SCHOOL]
13 library identifying a [MINOR] child under 17 years of age shall be made available on
14 request to a parent or guardian of that child.

1 * Sec. 2. AS 40.25.140 is amended by adding a new subsection to read:

2 (c) This section applies to libraries operated by the state, a municipality, or a
3 public school, including the University of Alaska, and by a public library nonprofit
4 corporation.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: SB269-LAW-L&SA-2-6-21
 Bill Version: SB269
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to access to the library records RDU CIVIL
of a child by a parent or guardian." Component Labor & State Affairs
 Sponsor Senator Green
 Requester Senate Community and Regional Affairs Ccponent 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 amends AS 40.25.140(b) by broadening the requirement that library records for a child under 18 years of age to be made available by the child's parent or guardian upon request. The change no longer limits the requirement to public elementary or secondary schools, but rather makes it applicable to any public library.

 Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division Administrative Services Date/Time 2/6/04 3:45 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/6/2004
 Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 269
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title "An Act relating to access to the RDU _____
library records of a child by a parent or guardian." Component _____
 Sponsor Senator Green Component No. _____
 Requester _____

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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: Eddy Jeans, School Finance Manager Phone 907-465-8679
 Division: ESS/School Finance Date/Time 2/17/04 8:55 AM
 Approved by: _____ Date 2/17/2004
 Agency: Education & Early Development

SB

328



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

*February 25, 2004
1:30 – 3:30 PM
Fahrenkamp 203*

AGENDA

I. Call To Order

II. New Business

SJR 25 Federal Flooding & Erosion Control Assistance

Sponsor Testimony:

Senator Donny Olson, Dist T (D-Nome)

Invited Testimony:

Tony Weyiouanna

Public Testimony:

SB 328 National Forest Income Program

Sponsor Testimony:

Dick Coose, Staff Senator Stedman

Invited Testimony:

*Bill Rolfzen, Div of Community Advocacy, Dept of
Community & Economic Development*

Public Testimony:

III. Adjourn



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

TO: Senate Secretary
FROM: Senator Bert Stedman *BS*
DATE: February 18, 2004
SUBJECT: C&RA Committee Schedule Week of February 23rd, 2004

The following is the schedule for the Senate Committee on Community & Regional Affairs for the week of February 23rd, 2004:

Feb 23rd Monday Fahrenkamp 203 1:30 PM

NO MEETING SCHEDULED

Feb 25th Wednesday Fahrenkamp 203 1:30 PM

+* SB 328 NATIONAL FORESTRY INCOME PROGRAM

+* SJR 25 FLOODING AND EROSION CONTROL ASSISTANCE

Feb 27th Friday Fahrenkamp 203 1:30 PM

NO MEETING SCHEDULED

+ Teleconferenced
* First Hearing
= Previously Heard

SB 328

Contact – Dick Coose – 465-3873

People to Testify

Bill Rolfzen – Dept. of Community and Economic Development

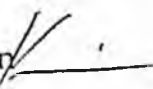


SENATOR KIM ELTON

MEMORANDUM

March 5, 2004

To: The Honorable Bert Stedman, Chair
Senate Community & Regional Affairs Committee

From: Kim Elton 

Re: Federal Forest Receipts

During the committee's hearing on SB 328, questions arose about the treatment of federal Forest Receipt funds under Alaska's foundation funding formula for education.

My office contacted the Department of Education & Early Development and learned that National Forest Receipt funds are not subject to the same 90% offset of state foundation aid as federal Impact Aid payments. I regret the error.

The department informs me that communities have some flexibility with these funds and may count them toward the four mill local contribution or may work with the department to book the funds as "other local revenue" and spend them on schools. In the latter case, the money can be accounted for in ways that make it arguably not subject to the 'cap' on local contribution beyond four mills.

The context of the discussion was whether National Forest Receipts should be counted as local contribution toward education. These funds are received from the federal government as a share of economic activity on lands that are not subject to local taxation. Local governments have the option of spending the money on roads instead of schools, and are required to spend a significant portion on 'special projects' as well. To the extent Alaska boroughs and municipalities put these revenues toward education, they clearly constitute a local contribution, and should be recognized as such.

cc: Senator Gary Stevens
Senator Tom Wagoner
Senator Georgianna Lincoln

ALASKA STATE LEGISLATURE

SESSION

State Capitol, Rm 30
Juneau, Alaska 99801-1182
(907) 465-3873 Phone
(907) 465-3922 Fax
(877) 463-3873 Toll Free
Senator_Bert_Stedman@legis.state.ak.us



INTERIM

50 Front Street
Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

SPONSOR STATEMENT

SB 328

"An Act relating to the National Forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing an effective date."

This legislation makes the statutory changes required for the Department of Community and Economic Development to disburse the funds commonly referred to as the "Timber Receipts".

The "Secure Rural Schools and Community Self-Determination Act of 2000" (P.L. 106-393) made substantive changes to the federal program commonly known as National Forest Receipts. The Federal Act is subject to reauthorization in 2006.

In order to address the federal changes, the Department of Community and Economic Development amended its program regulations so the payments to communities located within the Tongass and Chugach National Forests would conform to the new federal requirements.

Subsequent to the adoption of the program regulation changes, the Department of Law advised the Department of Community and Economic Development that it lack the statutory authority to implement the federal changes through its regulations. This legislation provides the Department with the authority to adopt regulations necessary to implement the revised federal program in a manner consistent with federal law.

This legislation also provides general regulation adoption authority for the Department to carry out its statutory functions. The change corrects a statutory problem created by the merger of the former Department of Commerce and Economic Development and the former Department of Community and Regional Affairs.

Sponsor Statement

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/23/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/25/04

Community and Regional Affairs Committee considered SPONSOR SUBSTITUTE FOR SENATE BILL NO. 328

SB 328 NATIONAL FOREST INCOME PROGRAM/DCED REGS

"An Act relating to the national forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; making conforming amendments; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DCED	2/19/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

ALASKA STATE LEGISLATURE

SESSION

State Capitol, Rm 30
Juneau, Alaska 99801-1182
(907) 465-3873 Phone
(907) 465-3922 Fax
(877) 463-3873 Toll Free
Senator_Bert_Stedman@legis.state.ak.us



INTERIM

50 Front Street
Ketchikan, AK 99 101-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT K. STEDMAN

SECTIONAL ANALYSIS

SB 328

"An Act relating to the National Forest income program in the Department of Community and Economic Development and to the authority of the department to adopt regulations; and providing an effective date."

- Sec. 1 Allows the department to adopt regulations necessary to implement the section with regulations consistent with the federal law.
- Sec. 2 This is a new section, allowing the department to adopt regulations to carry out its statutory functions.
- Sec. 3,4,5,6 Makes conforming amendments to the related statutes.
- Sec. 7 Establishes an immediate effective date under AS 01.10.070(c).

Sectional Analysis

DISTRICT A

*Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis*

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB328-DCED-CA-02-19-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title National Forest Income RDU State Revenue Sharing (217)
Program/DCED Regulations Component National Program Receipts
 Sponsor Senator Stedman
 Requester Senate Community & Regional Affairs Component No. 2480

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 legislation provides the Department with the authority to adopt regulations necessary to implement the revised federal forest receipts program. The federal program was revised with the passage of the "Secure Rural Schools and Self-Determination Act of 2000" (P.L. 106-393).

It also corrects a statutory problem created by the merger of the former Department of Commerce and Economic Development and former Department of Community and Regional Affairs by providing the Department with general regulation adoption authority to carry out its statutory functions.

Prepared by: Gene Kane, Director Phone (907) 269-4578
 Division Community Advocacy Date/Time 2/19/04 8:13 AM
 Approved by: Edgar Blatchford, Commissioner Date 2/19/2004
 Agency Department of Community and Economic Development

SB

335



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

TO: Senate Secretary
FROM: Senator Bert K. Stedman *BCS*
DATE: May 2, 2004
SUBJECT: C&RA Committee Schedule Week of May 3rd, 2004

The following is the schedule for the Senate Community & Regional Affairs Committee for the week of May 3rd, 2004:

May 3rd Monday Fahrenkamp 203 1:30 PM

+* SB 396 INTERIOR RIVERS PORT AUTHORITY
+* HCR 28 STUDIES OF SALMON HARVESTING COOPS

Bills Previously Heard
= SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

May 5th Wednesday Fahrenkamp 203 1:30 PM

Bills Previously Heard

May 7th Friday Fahrenkamp 203 1:30 PM

Bills Previously Heard

- + Teleconferenced
- * First Hearing
- = Previously Heard

Amendment #1

Amendment to SB 335, Senate Community and Regional Affairs, by Senator Lincoln:

AS 42.05 is amended by adding a new section to read:

Sec. 42.05.295. Routing 911 calls. Notwithstanding AS 42.05.711, to ensure statewide access by all residents to 911 wireline services, traditional or enhanced, for areas where there is no local or regional public safety answering point, the state shall provide a toll-free, statewide default public safety answering point to which each local exchange telephone company must route all 911 calls originating from within its customer service base.

54



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

May 3, 2004
1:30 – 3:30 PM
Fahrenkamp 203

AGENDA

I. Call To Order

II. Calendar

SB 396 Interior Rivers Port Authority

Sponsor Testimony:

Rep Carl Morgan (R – Aniak), District 6
Lorie Nottingham, Staff Rep Morgan

Invited Testimony:

Paul Fuhs
Bob Charles, Calista Corp

SB 335 Emergency Services Dispatch/911 Surcharge

Sponsor Testimony:

Senator Ralph Seekins (R – Fairbanks) District D
Joe Michel, Staff Senator Seekins

Invited Testimony:

Kevin Ritchie or Tim Rogers, Ex Dir Alaska Municipal League
Lieutenant Kevin Story, Alaska State Troopers (Via Phone)
Mark K. Johnson, Chair RCA (Via Phone)
Gail Voightlander, Chief Asst Attorney General (Via Phone)
Mayor Steve Thompson, Fairbanks (Via Phone)

HCR 28 Studies of Salmon Harvesting Cooperatives

Sponsor Testimony:

Rep Paul Seaton (R – Homer), District 35
Cameron Yourkowski, Staff Rep Seaton

Invited Testimony:

Gunnar Knapp, Economist, UAA

III. Adjourn

Amendment #1

Amendment to SB 335, Senate Community and Regional Affairs, by Senator Lincoln:

AS 42.05 is amended by adding a new section to read:

Sec. 42.05.295. Routing 911 calls. Notwithstanding AS 42.05.711, to ensure statewide access by all residents to 911 wireline services, traditional or enhanced, for areas where there is no local or regional public safety answering point, the state shall provide a toll-free, statewide default public safety answering point to which each local exchange telephone company must route all 911 calls originating from within its customer service base.

Subject: CR&A Meeting & SB 335 > E911
Date: Mon, 22 Mar 2004 10:26:18 -0900
From: Joe Michel <Joe_Michel@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Miles C Baker <miles_baker@legis.state.ak.us>

Miles

Thank you for your attention to Senator Seekins legislation regarding surcharges to fund enhanced 911 services. Your office had notified us, here at Senator Seekins's office, that SB 335 would be heard under bill previously heard on Wednesday March 24th. We formally request that Senator Steadman, not hear this bill on Wednesday. Thank you for you time and effort with regards to this.

Joe Michel
Legislative Aide to
Senator Ralph Seekins

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FAXED BY
SEWARD LIO

2 12 pm



Fire Dept.

Memo

To: Legislative Office, Seward
From: David Squires, Fire Chief
Date: March 10, 2004
Re: SB 335 WRITTEN TESTIMONY

Senate Community and Regional Affairs Committee

SB 335 Emergency Services Dispatch/ 911 Surcharge

Please revise Section 3, Line 22 regarding apportionment to reflect apportionment based on actual cost of providing the emergency dispatch service instead of a per call basis as currently proposed.

Seward, Homer, Kenai and Soldotna may all have different call volumes, but the daily operating expenses of the 24hour 7days a week dispatch services does not change.

Quantity of calls can fluctuate considerably during any given month, but the operational costs of lines, equipment and staff remain constant. Centers that have lower call volumes would now receive a lower percentage of funding than the higher volume centers. We feel the apportionment will be more fairly calculated and distributed if based on actual costs of operations.

Respectfully submitted
David Squires, Fire Chief
Seward Fire Department

12/13

11

MAR-10-04 WED 03:12 PM

SEWARD LIO

FAX NO. 9072245067

P. 01



State Of Alaska
Legislative Affairs Agency
Kenai LIO
145 Main St Lp, Ste 217
Kenai, AK 99611
907-283-2030

Date: 3-10-04

Please accept the enclosed original(s) of written testimony for the SCRA teleconference hearing that was scheduled on 3-10-04.

A copy of this testimony was transmitted to your committee via fax on 3-10-04.

Thank You,

M. B. Byrne



Alaska State Legislature

Please enter into the record my testimony to the Senate Community & Regional Affairs
committee name

Committee on SB 335, dated 3-10-04
bill # / subject public hearing date

Sir's,

Many call taking centers around alaska do not have the necessary equipment to accurately pinpoint the number of 911 call's received for their area's of responsibility. Their currently is no standard that requires 911 centers to have such equipment that will provide this information, and there is no infrastructure in which to provide this information to the offices in charge of providing dissemination of surcharge monies. Additionally, until phase II wireless is implemented by the telephone companies, there is no way to accurately track calls for service made by cell phone. It is interesting to note that 12% of our emergency calls (within the City of Kenai's jurisdictional boundaries) are received over administrative lines, and would be overlooked by the current surcharge distribution model.

Service calls (911 calls) on the Kenai Peninsula are automatically routed through a central switch that is located at the E-Det Soldotna AST post, and then manually transferred from AST dispatch to the outlying municipal dispatch center's (Homer, Seward and Kenai). Should any call taking center (within the Kenai Peninsula Borough, or anywhere else using a similar type of system) want to justify its apportionment of funds, that center (municipal, borough or otherwise) would not be able to provide the accurate call-for-service data to justify its portion of the surcharge (due to prohibitive nature of the 911 switching currently in use). Until the phone companies become phase II compliant, the 'per call' surcharge allocation is not a good model.

Therefore, I strongly recommend the solution provided by Kenai Fire Chief for allocation of surcharge monies.

Thank you for your time and consideration

Signed: Lee Gattenby, City of Kenai 911 Center Supervisor

Testifier

Kenai Police Department

Representing (optional)

105 S Willow Kenai, AK 99611

Address

(907) 283-7879

Phone number



Alaska State Legislature

Please enter into the record my testimony to the Senate Community & Regional Affairs
committee name

Committee on SB 335, dated 3-10-04
bill # / subject public hearing date

Please revise Section 3, Line 22 regarding apportionment to reflect apportionment based on actual cost of providing the emergency service dispatch rather than per call as written.

Kenai, Homer, Seward and Soldotna AST dispatch centers may all have different volumes of calls, but each center has fixed local costs to provide the service regardless of quantity of calls. The service exists 24/7 whether any calls come in or not in a given period.

Quantity of calls can fluctuate drastically on an annual basis, but operational costs will generally fluctuate minimally in any given year.

Apportioning based on actual costs will still allow those centers with higher volume to be apportioned a greater amount based on their higher operational costs than a center with lower operational costs due to lower volume, but the apportionment will be more fairly calculated and distributed.

Respectfully submitted,

Signed: Scott A. Walden, Chief

Testifier

City of Kenai Fire Department

Representing (optional)

105 S Willow Kenai, AK 99611

Address

283-7666

Phone number



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

Letter of Intent

CSSB 335 (CRA)

The Senate Community and Regional Affairs Committee finds that recent improvements in the software, hardware, equipment and other technology employed in the operation of enhanced 911 and other emergency dispatch services has changed the economics of providing these important public services. The committee also finds that advances in telecommunications continue to place new requirements and demands on these services and the local governments that provide them. However, coordination and consolidation of these services within and among communities throughout the state, can significantly improve the quality and cost of providing enhanced 911 and emergency dispatch services. Therefore, it is the intent of this committee to encourage the State of Alaska to do everything within its authority to facilitate, endorse and promote the coordination of these services statewide.



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

March 10, 2004
1:30 – 3:30 PM
Fahrenkamp 203

AGENDA

I. Call To Order

II. New Business

SB 335 Emergency Services Dispatch/911 Surcharge

Sponsor Testimony:

Joe Michel, Staff Senator Seekins

Invited Testimony:

Paul Harris, Dir, Fairbanks Police Department

Available for Questions

Debby Hassel, Dir, Fairbanks Office of Homeland Sec

Lieutenant Story, Alaska State Troopers (Via Phone)

Patrick Cole, Fairbanks City Attorney (Via Phone)

Public Testimony

SB 355 Land & Water Protection From Waste Disposal

Sponsor Testimony:

Ernesta Ballard, Commissioner, Dept of Environ Cons (DEC)

Invited Testimony:

Dan Easton, Director, Division of Water, DEC

Steve Borell, Exec Director, AK Mining Assoc (Via Phone)

Rich Heig, President, Council of Alaska Producers (Via Phone)

Public Testimony:

III. Adjourn

Subject: SB335 CR&A March 10 Testimonials
Date: Mon, 08 Mar 2004 16:16:31 -0900
From: Joe Michel <Joe_Michel@Legis.state.ak.us>
Organization: Alaska State Legislature
To: Miles C Baker <miles_baker@legis.state.ak.us>

The attached document is a little more formal. Call if you need anything

Joe

To Testify in Person

Paul G. Harris
Director of the Fairbanks Police Department
911 Cushman Street
Fairbanks AK. 99701
(907)-450-6515

Debby Hassel
Director of the Office of Homeland Security Fairbanks Office
800 Cushman St.
Fairbanks AK 99707
(907) 450-6625

Fairbanks LIO Location

Patrick Cole
Fairbanks City Attorney
457-6760

Lt Stang, AK State Troopers 269-4532

Lee Ann Lucas - ~~4262~~
2649

CONSTITUENT COMMENT

CITY OF FAIRBANKS

Office of Homeland Security

Debby Hassel, Director 800 Cushman St.
(907) 450-6652 (o) Fairbanks, AK
(907) 590-3716 (c) 99701
(907) 459-6712 (f)

dmhassel@ci.fairbanks.ak.us

DATE 3/9/04

PHONE

7:55 AM

SB 335

Supports the bill -

FAIRBANKS POLICE
DEPARTMENT

Paul G. Harris, Director
911 Cushman Street
Fairbanks, Alaska 99701
907-450-6515
pgharris@ci.fairbanks.ak.us



Comments -

= How to deal w/ prepaid
cell phones

= exemptions for Houses etc
w/ several phones - esp
detected for computer lines

~~IN~~ IN OFFICE - WANTED

ASPT w/BERT

R

ACTION TAKEN

STAFF

DATE

~~Alaska Telephone Association~~

201 E. 56th, Suite 114
Anchorage, AK 99518
(907) 563-4000
FAX (907) 562-3776
www.alaskatel.org

Greg Berberich
President

James Rowe
Executive Director
jrowe@arctic.net

March 25, 2004

Hon. Bert Stedman
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

RE: E911 Proposed Legislation

Senator Stedman	
Rec on:	3/25
Read	Copy
SENATOR	
MILES	us
IAN	
DICK	
Note:	

Dear Senator Stedman:

The Alaska Telephone Association represents fourteen rural, essentially wireline, local exchange telephone companies, each of which is absolutely dedicated to providing high quality service to all of its customers. We support emergency services, but are very concerned with legislation introduced this session; HB499 and HB461 and its companion, SB335.

Of foremost concern to local telephone companies is the customer perception that local telephone rates are increasing by up to \$2.25 (HB461) or \$1.25 (HB499); this at a time when the Regulatory Commission of Alaska is considering changes that will add to each end-user's bill and interstate assessment increases are also likely to impact the end user. These combined increases have a real impact on the customer least able to afford a higher monthly phone bill.

Although uncomfortable with any increase in charges to the local telephone customer, we cannot tell if the proposed amounts are excessive or even sufficient to accomplish their stated tasks. We are curious why the most urban community needs a 400 percent increase in assessment while communities with lesser populations need "only" a 167 percent increase (HB499). Such disparity is not the case in the alternative bill, HB461, where the Anchorage surcharge cap would be \$1.85 and other municipal caps would be \$3.00. Additionally, HB499 seeks an E911 (PSAP) increase of \$1.50 in

Anchorage while HB461 leaves the E911 (PSAP) charge in Anchorage at 50 cents while seeking an increase from 75 to 85 cents in the rest of the state.

ATA would be interested to know the potential revenues to be collected for each municipality and see a breakdown of the amounts anticipated to be collected by each of the companies. We believe that our customers who will see this on their bills each month also deserve some assurance that a new assessment is necessary.

Is the contribution scheme equitable when a single residential customer contributes more per telephone number to emergency services than a business or state agency with more than 100 lines (HB461)? That seems like regressive taxation. How much less would the individual surcharge be if every line contributed equally?

Perhaps not immediately recognized is that the "nominal" per month increase of \$1.50 (Anchorage, HB499) or \$1.25 (municipalities with a population less than 100,000, HB499) or \$2.25 (municipalities with a population with less than 100,000, HB461) escalates rapidly in homes with a wireline phone, fax and two or three cell phones in the family.

In their titles, HB461 and SB335 include "certain villages" as entities to which the legislation would apply, yet no villages are identified in the proposed legislation. More varied input at an earlier stage of this effort would surely have brought greater clarity to the proposed legislation and perhaps more support for additional financing of emergency services.

We would like to address the concerns of rural communities where there is no local PSAP and where there is not even a distant PSAP designated to accept an emergency call. Section 7 of HB499 attempts to address this by providing that "each local exchange company that provides wire service to an area outside a municipality must route all 911 calls originating from within its customer service base to a public safety answering point." A local wireline telephone company can only provide local service. If the PSAP is not local - which is the case in most rural communities - the call can only be delivered to a long distance carrier. Technically and legally, we cannot deliver a 911 call to a non-local PSAP.

Following is an excerpt from the Federal Communications Commission (FCC 01-351, paragraph 27, released 12/11/01):

While we fully expect States and localities to designate appropriate local emergency authorities to receive 911 calls in virtually all areas in accordance with one of the above procedures, we cannot preclude the possibility of areas where there is no PSAP, no statewide default answering point, and the State or local authorities have not selected an appropriate local emergency authority. As a last resort, in order to avoid the blocking of 911 calls in those areas, we require carriers to make a reasonable judgment as where to deliver 911 calls, and complete all translation and routing necessary to deliver 911 calls to such authority no later than nine months from the release date of this Order. We find that this requirement is consistent with section 3(a) of the 911 Act, which requires us to provide an appropriate period for transition to the use of 911 in those areas where it is not in use as an emergency number on the date of enactment of the 911 Act, and with the concerns expressed by Congress concerning the ability of emergency services personnel to respond quickly and effectively, particularly in rural areas. To assist carriers in this determination, we require them to initiate contact with the entity to be designated by the State's Governor pursuant to section 3(b) of the 911 Act. We also encourage carriers to notify the Governor's designated entity as soon as practicable once they are aware that no appropriate local emergency authority has been selected and to allow at least 15 days for a response before proceeding to select an answering point. Discussions with public safety organizations such as NENA and APCO also may be appropriate. Finally, Commission staff will assist carriers in resolving unanticipated difficulties, to the extent proper and necessary. Thus, due to the overriding public interest for all emergency calls to be completed and not dropped for any reason, this requirement will ensure that there is a destination to which emergency calls can be delivered.

Rural phone companies and rural Alaskans need a manned default PSAP to which 911 calls can be routed when there is no local or regional PSAP. A 911 call – a notification of an emergency situation – should not go unreported. None of these three bills addresses that or its costs.

Proposal

These 911, enhanced 911, public safety answering point and dispatch issues are important and complex. These issues should be addressed comprehensively, but likely differently in various parts of the state. We propose a 10 cent increase in the surcharge on each wireline and wireless local access line to be used to fund a statewide 911 coordinator. Additionally, a task force including emergency services personnel and industry representatives should be established to determine the resources, needs and funding opportunities available to best serve both urban and rural Alaskans. The task force report should be presented to the Twenty Fourth Alaska State Legislature no later than January 31, 2005.

The members of the Alaska Telephone Association look forward to working with the legislature, emergency services personnel and all Alaskans to determine these needs and facilitate the solutions.

Sincerely,



Jim Rowe

ALASKA STATE SENATE



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 335 Sponsor Statement CSSB 335 (CRA)

“An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities.”

Senate Bill 335, and its companion House Bill 461, provide local municipalities more flexibility with respect to recovering direct costs associated with operating a 911 dispatch center.

Several years ago the Fairbanks North Star Borough transitioned into a new generation of emergency response capabilities by adopting the ubiquitous “911” telephone technology. Since then the system has been upgraded to the newer “Enhanced 911” technology. Now emergency dispatchers are able to identify callers and pinpoint the calling location thereby saving valuable response time.

Over the years this vital service has been provided to the residents of the FNSB at a relatively cheap flat monthly rate of 65 cents per phone line. That amounts to \$7.80 annually — less than the cost of *two* lattes. That’s a bargain any way you look at it. There is literally no telling how much money — and how many lives — this system has saved borough residents over the years.

But it is important to understand that the components making up an effective 911 emergency response system consist of much more than simply specialized software working in concert with somewhat ordinary computer hardware. In fact, no 911 system can work in the absence of a well trained dispatch staff. So it really is a package deal. One does not work with out the other.

Current state law recognizes the important public interest served through the use of 911 technology by allowing municipalities to directly charge phone customers for its use. However, the law does not currently allow the recovery of costs associated with the concomitant dispatch function. Senate Bill 335 solves this.

Furthermore, Senate Bill 335 allows municipalities needed flexibility in terms of recovering a greater amount of the direct costs associated with operating a 911 dispatch center. Current monthly cost recovery is limited to 85 cents per phone line. In this manner, municipalities would be able to assign costs in a more direct relationship to the beneficial user of the system. This, in fact, is the norm nationwide.

We have all heard the old business axiom, “Time is money.” But in the emergency response business, time is not only money but it could also be a life. The 911 dispatch service is recognized as being of vital importance to many communities throughout the state. And for less than 10 cents a day, it’s a bargain too.

ALASKA STATE SENATE



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State Capitol
Juneau, Alaska 99801-1182
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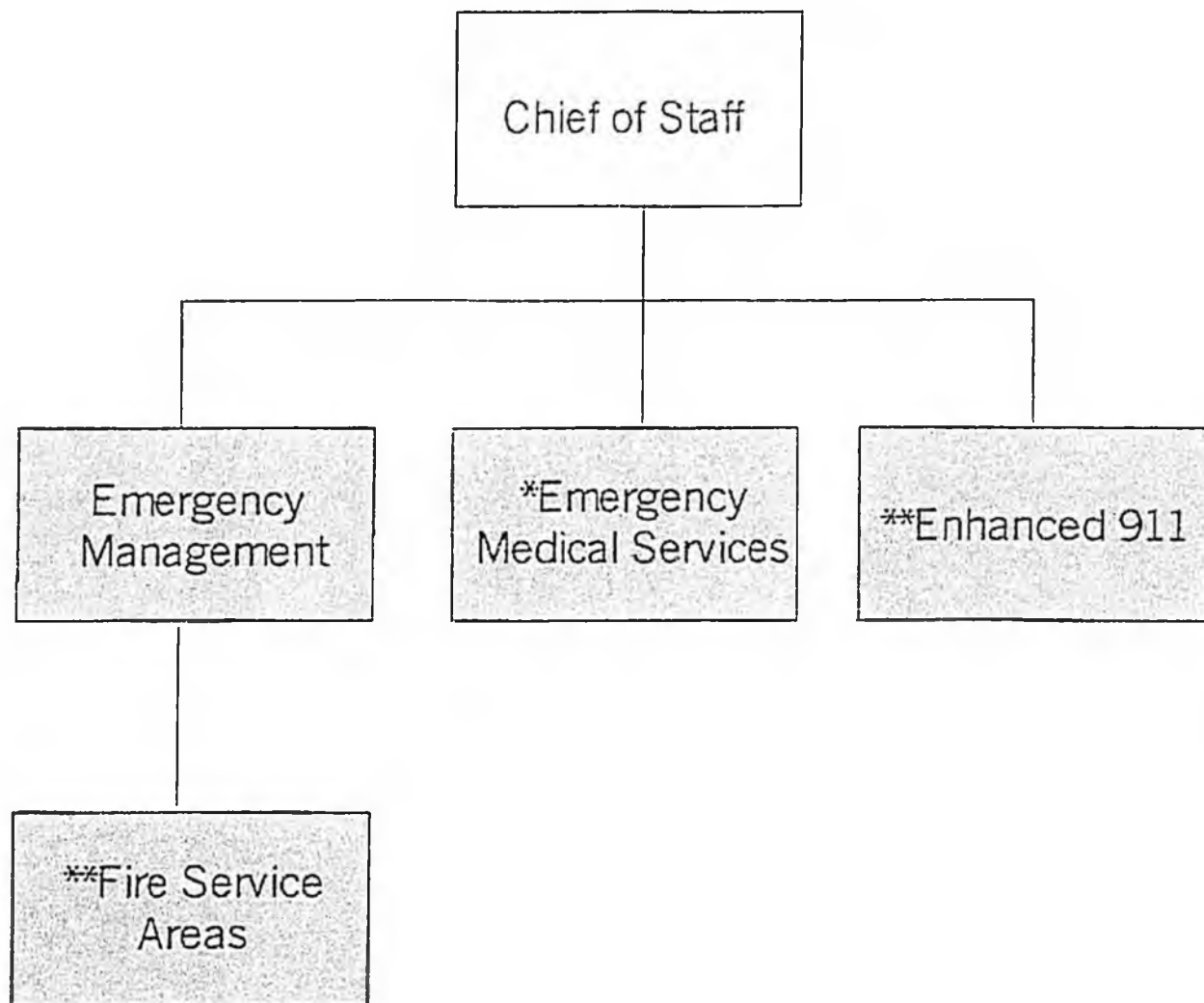
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Furthermore, Senate Bill 335 allows municipalities needed flexibility in terms of recovering a greater amount of the direct costs associated with operating a 911 dispatch center. Current monthly cost recovery is limited to 85 cents per phone line. This would be increased to a maximum of \$3.00 with revenues dedicated to 911 services only. In this manner, municipalities would be able to assign costs in a more direct relationship to the beneficial user of the system. This, in fact, is the norm nationwide.

We have all heard the old business axiom, “Time is money.” But in the emergency response business, time is not only money but it could also be a life. The 911 dispatch service is recognized as being of vital importance to many communities throughout the state. And for less than 10 cents a day, it’s a bargain too.

Proposed Telephone Surcharge Amenment			
January 29, 2004		Current	Proposed
		Fairbanks E-911 Surcharge:	Current E-911 Surcharge plus Dispatch Surcharge
Surcharge Income			
E-911 monthly surcharge per line		\$ 0.65	\$ 0.75
Proposed new Dispatch surcharge			\$ 1.45
Total		0.65	\$ 2.20
ACS Lines	47,000		
GCI Lines	9,500		
ST&T Lines			
Other Lines			
Cell Phones	28,500		
Total Lines	85,000		
Monthly Income		\$ 55,250.00	\$ 187,000.00
less rebate to providers		\$ 552.50	\$ 1,870.00
Net per month		\$ 54,697.50	\$ 185,130.00
Net per year		\$ 656,370.00	\$ 2,221,560.00
Total Income		\$ 656,370.00	\$ 2,221,560.00
Expenses			
<i>E-911 System Expenses</i>			
Annual E-911 tech & system costs		\$ (350,000)	\$ (350,000)
Annual set aside for equipment replacement		\$ (250,000)	\$ (250,000)
<i>Dispatch Centers Expense</i>			
Fairbanks Center		\$ (1,200,000)	\$ (1,200,000)
AST (est)		\$ (1,100,000)	\$ (1,100,000)
UAF		\$ (600,000)	\$ (600,000)
North Pole**		\$ (175,000)	\$ (175,000)
Fairbanks Int'l Airport		\$ (175,000)	\$ (175,000)
Local Annual set-aside for equipment#		\$ (830,000)	\$ (830,000)
Total Expense***		\$ (4,680,000)	\$ (4,680,000)
Net Local Share of Costs**		\$ (4,023,630)	\$ (2,458,440)
*North Pole and Fairbanks considering contractual arrangement			
**Local share includes state funds used at Fairbanks AST and Fairbanks Int'l Airport			
***Interior Agencies are looking at possible Regional Dispatch Center to reduce expenses.			
#Grants have in the past covered this cost; no guarantee of future funding.			

Department of Emergency Operations



*Non-Areawide

**Special Revenue Fund

ALASKA FIRE CHIEFS ASSOCIATION

04-01

**RESOLUTION IN SUPPORT OF AMENDMENT OF THE ALASKA STATUTES TO
AUTHORIZE MUNICIPALITIES TO INCREASE THE PHONE SURCHARGE TO PAY
THE COSTS OF EMERGENCY SERVICES DISPATCH**

WHEREAS, dispatch centers are an essential part of providing emergency police, fire, and emergency medical services; and

WHEREAS, Alaska Statutes section 29.35.131 authorizes smaller Alaskan municipalities to enact a surcharge of up to \$0.75 per month upon telephone lines to pay for the expense of enhanced 911 services; and

WHEREAS, as currently written, AS 29.35.131 does not authorize a surcharge for the operating costs of emergency dispatch centers; and

WHEREAS, authorization for municipalities to increase the phone surcharge to pay the cost of dispatch centers in an appropriate amount will provide desperately needed revenue to operate dispatch centers.

NOW, THEREFORE, BE IT RESOLVED THAT THE ALASKA FIRE CHIEFS ASSOCIATION SUPPORTS AMENDMENT OF STATE LAW TO AUTHORIZE A COMMUNITY OPTION FOR LOCAL INCREASE OF THE TELEPHONE SURCHARGE TO PAY THE COST OF OPERATION OF DISPATCH CENTERS UP TO THE AMOUNT ALLOWED BY STATE LAW.

BE IT FURTHER RESOLVED, THAT THE ALASKA FIRE CHIEFS SUPPORTS HOUSE BILL 461 AS PROPOSED BY REPRESENTATIVE JIM HOLM, WHICH WOULD AUTHORIZE AN INCREASED SURCHARGE.

ADOPTED, THIS 10TH DAY OF FEBRUARY, 2004

Dave Tyler, President
Alaska Fire Chiefs Association

Warren B. Cummings,
Attest, First Vice-President

Introduced by: Mayor Thompson
Council Member Johnson
Date: February 23, 2004

RESOLUTION NO. 4112

**A RESOLUTION IN SUPPORT OF HOUSE BILL 461 AND
SENATE BILL 335, WHICH WOULD ALLOW MUNICIPALITIES
TO LEVY A MONTHLY SURCHARGE ON TELEPHONE
SERVICES TO PAY FOR GENERAL EMERGENCY SERVICES
DISPATCHING AND FOR ENHANCED 911 SERVICE**

WHEREAS, public safety is one of the mandates in the state; and

WHEREAS, an enhanced 911 automatically provides dispatchers with the
identity and location of callers; and

WHEREAS, local dispatch centers are now paid mostly through local
taxes; and

WHEREAS, it is common around the Country for 911 dispatch centers to
be funded by telephone surcharges.

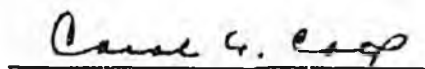
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Fairbanks that the City Council supports passage of House Bill 461 and Senate
Bill 335.

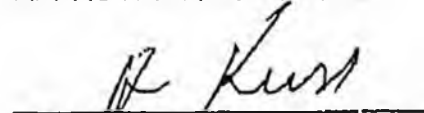
Passed, Approved and Effective this 23rd day of February, 2004


Steve M. Thompson, City Mayor

ATTEST:

APPROVED AS TO FORM


Carol L. Colp, City Clerk


Herbert P. Kuss, City Attorney

By: Rhonda Boyles, Mayor
Introduced: 07/11/02
Advanced: 07/11/02
Adopted: 07/25/02

ORDINANCE NO. 2002-20-1A

AN ORDINANCE AMENDING THE FY 2002-03 BUDGET BY APPROPRIATING \$997,800 TO THE SPECIAL REVENUE FUND FOR THE DEVELOPMENT OF A REGIONAL EMERGENCY DISPATCH CENTER

WHEREAS, the United States (U.S.) fiscal year 2001 budget includes an appropriation through the U.S. Department of Justice (DOJ) to provide funding to U.S. cities for Public Safety and Community Policing Grants pursuant to Title I of the Violent Crime Control and Law Enforcement Act of 1994; and

WHEREAS, DOJ has made \$997,800 available to the Fairbanks North Star Borough (Borough) for Community Oriented Policing Services (COPS) Technology; and

WHEREAS, the Borough, affiliated dispatch centers, and emergency providers have identified a need for a regional dispatch center to enhance emergency service delivery throughout the Borough; and

WHEREAS, Sec. 1.02.060 (A-8) of the Borough Code of Ordinances allows the establishment of an emergency services communication center under AS 29.35.130; and

WHEREAS, the Borough will use the DOJ grant funds to develop a regional emergency dispatch center business plan of operation and to purchase fully modernized dispatch communications equipment.

NOW, THEREFORE, BE IT ORDAINED, by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. Special Revenue Fund Appropriation. The FY 2002-03 budget is hereby amended by appropriating \$997,800 to the budgetary guideline entitled "Regional Emergency Dispatch Center Development" and by increasing estimated revenue from federal grants by a like amount.

Section 3. Indirect Fee. The indirect fee on the DOJ grant is waived in accordance with the terms of the grant agreement.

Section 4. Contingency. This federal grant appropriation is contingent upon receipt of a signed grant agreement with DOJ.

Section 5. Effective Date. This ordinance is effective at 5:00 p.m. on the first Borough business day following its adoption.

PASSED AND APPROVED THIS 25th DAY OF JULY 2002.

Hank Bartos
Presiding Officer

ATTEST:

Mona Lisa Drexler, CMC
Municipal Borough Clerk

Ayes: Holm, Hutchison, Solie, Henry, Beck, Webb, Foote, Sattley, Bartos
Noes: None

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/16/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 5/4/04

Community and Regional Affairs Committee considered SENATE BILL NO. 335

SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

"An Act relating to enhanced 911 surcharges and to emergency services dispatch systems of municipalities, certain villages, and public corporations established by municipalities."

and recommends:

- be replaced with _____ CS SB 335 (CRA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by CRA Committee
- further referral to _____ Committee

Senate Bill:
 Same Title
 New Title

House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

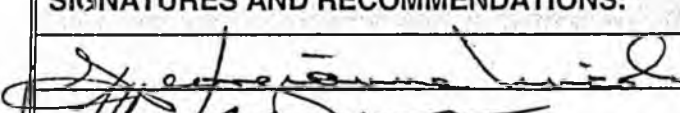
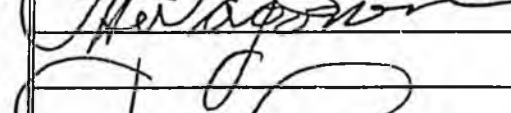
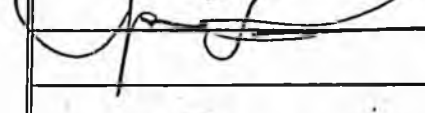
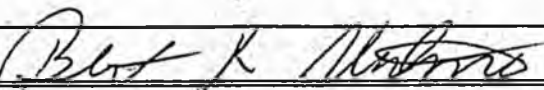
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
Pub Safety	5/3/04			✓	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	✓		✓	
				
	X			
CHAIR: 			✓	

23-LS1767D
Cook
5/2/04

CS FOR SENATE BILL NO. 335(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to enhanced 911 surcharges and to 911 and emergency services
2 dispatch systems."

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

4 * Section 1. AS 09.50.250 is amended to read:

5 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
6 having a contract, quasi-contract, or tort claim against the state may bring an action
7 against the state. A person who may present the claim under AS 44.77 may not bring
8 an action under this section except as set out in AS 44.77.040(c). A person who may
9 bring an action under AS 36.30.560 - 36.30.695 may not bring an action under this
10 section except as set out in AS 36.30.685. However, an action may not be brought if
11 the claim

12 (1) is an action for tort, and is based upon an act or omission of an
13 employee of the state, exercising due care, in the execution of a statute or regulation,
14 whether or not the statute or regulation is valid; or is an action for tort, and based upon

1 the exercise or performance or the failure to exercise or perform a discretionary
2 function or duty on the part of a state agency or an employee of the state, whether or
3 not the discretion involved is abused;

4 (2) is for damages caused by the imposition or establishment of a
5 quarantine by the state;

6 (3) arises out of assault, battery, false imprisonment, false arrest,
7 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
8 interference with contract rights;

9 (4) arises out of the use of an ignition interlock device certified under
10 AS 33.05.020(c); [OR]

11 (5) arises out of injury, illness, or death of a seaman that occurs or
12 manifests itself during or in the course of, or arises out of, employment with the state;
13 AS 23.30 provides the exclusive remedy for such a claim, and no action may be
14 brought against the state, its vessels, or its employees under the Jones Act (46 U.S.C.
15 688), in admiralty, or under the general maritime law; or

16 (6) is based on the exercise or performance of a duty in connection
17 with an emergency services dispatch system or an enhanced 911 system,
18 including providing, maintaining, or operating any toll-free, statewide default
19 public safety answering point, and is not based on an intentional act or omission
20 amounting to misconduct or on an act or omission amounting to gross negligence.

21 * Sec. 2. AS 09.65.070(d) is amended to read:

22 (d) An action for damages may not be brought against a municipality or any of
23 its agents, officers, or employees if the claim is based on

24 (1) [IS BASED ON] a failure of the municipality, or its agents,
25 officers, or employees, when the municipality is neither owner nor lessee of the
26 property involved, to

27 (A) [TO] inspect property for a violation of any statute,
28 regulation, or ordinance, or a hazard to health or safety;

29 (B) [TO] discover a violation of any statute, regulation, or
30 ordinance, or a hazard to health or safety if an inspection of property is made;

31 or

1 (C) [TO] abate a violation of any statute, regulation, or
2 ordinance, or a hazard to health or safety discovered on property inspected;

3 (2) [IS BASED UPON] the exercise or performance or the failure to
4 exercise or perform a discretionary function or duty by a municipality or its agents,
5 officers, or employees, whether or not the discretion involved is abused;

6 (3) [IS BASED UPON] the grant, issuance, refusal, suspension, delay,
7 or denial of a license, permit, appeal, approval, exception, variance, or other
8 entitlement, or a rezoning;

9 (4) [IS BASED ON] the exercise or performance during the course of
10 gratuitous extension of municipal services on an extraterritorial basis;

11 (5) [IS BASED UPON] the exercise or performance of a duty or
12 function upon the request of, or by the terms of an agreement or contract with, the
13 state to meet emergency public safety requirements; or

14 (6) [IS BASED ON] the exercise or performance of a duty in
15 connection with an emergency services dispatch system or enhanced 911 emergency
16 system and is not based on an intentional act of misconduct or on an act of gross
17 negligence.

18 * Sec. 3. AS 29.10.200(37) is amended to read:

19 (37) AS 29.35.131 (emergency services dispatch system and
20 enhanced 911 system);

21 * Sec. 4. AS 29.35.131(a) is amended to read:

22 (a) A municipality may [,] by [RESOLUTION OR] ordinance [,] elect to
23 provide an emergency services dispatch system or an enhanced 911 system at public
24 safety answering points, may purchase or lease the enhanced 911 equipment or service
25 required to establish or maintain an enhanced 911 system at public safety answering
26 points from a local exchange telephone company, competitive local exchange
27 telephone company, or other qualified vendor, and may impose an enhanced 911
28 surcharge, in an amount to be determined by the municipality, on all local exchange
29 access lines that provide telephone service to wireline telephones in the area to be
30 served by the enhanced 911 system. A municipality that provides services under an
31 enhanced 911 system may also by [RESOLUTION OR] ordinance impose an

1 enhanced 911 surcharge on each wireless telephone number that is billed to an address
2 within the enhanced 911 service area. The [FOR A MUNICIPALITY WITH A
3 POPULATION OF 100,000 OR MORE, AN] enhanced 911 surcharge may be
4 imposed each [MAY NOT EXCEED 50 CENTS PER] month for each wireless
5 telephone number or each [50 CENTS PER] month for each local exchange billing
6 statement [ACCESS LINE] for wireline telephones. [FOR A MUNICIPALITY
7 WITH FEWER THAN 100,000 PEOPLE, AN ENHANCED 911 SURCHARGE
8 MAY NOT EXCEED 75 CENTS PER MONTH FOR EACH WIRELESS
9 TELEPHONE NUMBER OR 75 CENTS PER MONTH FOR EACH LOCAL
10 EXCHANGE ACCESS LINE FOR WIRELINE TELEPHONES.] An enhanced
11 service area may be all of a city, all of a unified municipality, or all or part of the area
12 within a borough and may include the extraterritorial jurisdiction of a municipality in
13 accordance with AS 29.35.020. The governing body of a municipality shall review an
14 enhanced 911 surcharge annually to determine whether the current level of the
15 surcharge is adequate, excessive, or insufficient to meet anticipated enhanced 911
16 system needs. The municipality may [ONLY] use the enhanced 911 surcharge for the
17 enhanced 911 system and for the actual labor and equipment used to provide
18 emergency services dispatch, but not for costs of providing the medical, police,
19 fire, rescue, or other emergency service, or for any other purpose.

20 * Sec. 5. AS 29.35.131(b) is amended to read:

21 (b) A local exchange telephone company, or competitive local exchange
22 telephone company, providing service in a municipality that has imposed an
23 enhanced 911 surcharge shall bill each month and collect the surcharge from
24 customers in the enhanced 911 service area. A wireless telephone company or
25 wireless reseller that provides telephone service to wireless telephone customers with
26 billing addresses within the enhanced 911 service area shall impose the [AN
27 ENHANCED 911] surcharge each month and collect the surcharge from customers in
28 the enhanced 911 service area. A residential local exchange telephone customer may
29 not be subject to more than one enhanced 911 surcharge on a local exchange billing
30 statement [ACCESS LINE] for a wireline telephone. A wireless telephone customer
31 may not be subject to more than one enhanced 911 surcharge for each wireless

1 telephone number. [A CUSTOMER THAT HAS MORE THAN 100 LOCAL
2 EXCHANGE ACCESS LINES FROM A LOCAL EXCHANGE TELEPHONE
3 COMPANY IN THE MUNICIPALITY IS LIABLE FOR THE ENHANCED 911
4 SURCHARGE ONLY ON 100 LOCAL EXCHANGE ACCESS LINES.]

5 * Sec. 6. AS 29.35.131(c) is amended to read:

6 (c) A local exchange telephone company, a competitive local exchange
7 telephone company, a wireless reseller, or a wireless telephone company shall
8 include the appropriate enhanced 911 surcharge, stated separately and included in the
9 total amount owed, in the bills delivered to its customers. The Regulatory
10 Commission of Alaska may not consider the enhanced 911 surcharge as revenue of the
11 telephone company [AND HAS NO JURISDICTION OVER AN ENHANCED 911
12 SYSTEM]. A customer is liable for payment of the enhanced 911 surcharge in the
13 amounts billed by the telephone company until the amounts have been paid to the
14 telephone company.

15 * Sec. 7. AS 29.35.131 is amended by adding new subsections to read:

16 (i) A municipality may by ordinance elect to impose a point-of-purchase 911
17 surcharge from prepaid wireless telephone accounts not to exceed one percent of the
18 purchase value. The surcharge must apply to initial purchases and to subsequent
19 purchases of air time. The retailer of the wireless account is responsible for remitting
20 the surcharge to the municipality.

21 (j) To enable each municipality to qualify for grant funding, the governor is
22 responsible for certifying the collection and use of all 911 surcharges.

23 * Sec. 8. AS 29.35.133(a) is amended to read:

24 (a) The establishment, funding, use, operation, or maintenance of enhanced
25 911 or emergency services dispatch systems and all activities associated with those
26 actions are specifically found to be within the ambit of AS 09.50.250(6)
27 [AS 09.50.250(1)] and AS 09.65.070(d)(6). Except for intentional acts of misconduct
28 or gross negligence, a service supplier, local exchange telephone company,
29 competitive local exchange telephone company, wireless reseller, or wireless
30 telephone company and their employees and agents are also immune from tort liability
31 that might otherwise be incurred in the course of installing, training, maintaining, or

1 providing enhanced 911 systems or transmitting or receiving calls on the system.

2 * Sec. 9. AS 29.35.137 is amended by adding a new paragraph to read:

3 (12) "emergency services dispatch" means a service that provides
4 continuous day and night dispatch of emergency medical, police, fire, or rescue
5 services using enhanced 911 facilities.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 27, 2004

SUBJECT: Sectional summary (SB 335)

TO: Senator Ralph Seekins
Attn: Joe Michel

FROM: Tamara Brandt Cook
Director *TBC*

Section 1. Adds to list of actions for damages that may not be brought against a municipality a claim based on an emergency services dispatch system.

Section 2. Adds to list of home rule limitations a reference to emergency services dispatch systems.

Section 3. Permits a municipality to provide an emergency services dispatch system and provides for a surcharge for that system.

Sections 4 - 9. Adds references to emergency services dispatch surcharges and service areas so that provisions that now apply to enhanced 911 systems will apply also to emergency services dispatch systems. Addresses the cost of administration for collecting the emergency services dispatch surcharge.

Section 10. Defines "emergency services dispatch."

TBC:lmb
04-054.lmb

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 335
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Emergency Services Dispatch/911 RDU Regulatory Commission of Alaska (399)
Surcharge Component Regulatory Commission of Alaska
 Sponsor Senator Seekins
 Requester Senate Community & Regional Affairs Component No. 2417

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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 legislation would allow municipalities, certain villages and public corporations established by municipalities to expand an enhanced 911 system to also provide and charge for an emergency dispatch system.

This legislation has no impact on the operations of the Regulatory Commission of Alaska.

Prepared by: Mark K. Johnson, Commissioner, Chair Phone (907) 276-6222
 Division: Regulatory Commission of Alaska Date/Time 3/1/04 3:15 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/1/2004
 Agency: Department of Community & Economic Development

S B

3 5 5

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SENATE BILL 355

"RELATING TO THE PROTECTION OF LAND AND WATER FROM WASTE DISPOSAL"

Senate Bill 355 clarifies the statutory foundation for a rational water protection program. It is an integral piece of the Department of Environmental Conservation's (DEC) "Raindrops to Oceans" initiative to move the State of Alaska to a comprehensive and rational program for protecting Alaska's water as it flows through the hydrologic cycle, from raindrops to oceans.

What the bill does:

SB 355 replaces specific statutory references to "permits" with the broader term "authorization" and **allows DEC to select from a range of tools to authorize waste disposal activities depending on risk.** Tools include:

- **Individual permits.** This is the conventional permit issued to a specific facility for a particular disposal activity. Individual permits are used to authorize larger, more complex, larger volume, and higher risk activities.
- **General permits.** General permits are used to authorize a number of similar activities in a geographic area. Persons that wish to be covered by the general permit notify DEC of their intent to operate in compliance with the permit. General permits are used to authorize lower risk activities.
- **Permits by rule.** The "permit by rule" tool is used to authorize low-risk activities by promulgating requirements in regulation. Permits by rule are used for low-risk activities.
- **Plan approvals.** Sewerage systems and treatment works that do not discharge can be authorized by approving plans.
- **Provides for integrated waste management permits** for complex facilities requiring more than one DEC permit.

Allows administrative extension of DEC permits. SB 355 allows DEC to develop regulations under which the agency may extend expiring individual and general permits beyond their expiration date.

Expands requirements for proof of financial responsibility for harmful mining waste. Proof of financial responsibility authority is used to make sure that owners of large solid waste disposal facilities have set aside enough money to properly close the facilities. For mining activities, rather than requiring separate financial assurance, SB 355 allows DEC to accept financial assurance provided to a state or federal land management agency.

Modifies the definition of "solid waste" to make the term more specific and **adds a definition for "municipal solid waste"** to help distinguish municipal solid waste from industrial and other forms of solid waste. SB 355 also allows DEC to exempt small landfills that accept household hazardous waste from providing proof of financial responsibility.



March 10, 2004

The Honorable Bert Stedman, Chair
Senate Community and Regional Affairs Committee
State Capitol, Room 30
Juneau, Alaska 99801

Coeur Alaska, Inc.
3031 Clinton Dr., Suite 202
Juneau, Alaska 99801
Telephone 907.789.1591
Facsimile 907.789.1503

Dear Senator Stedman:

This letter is written in support of SB 355 by Coeur Alaska, Inc. Coeur Alaska is a wholly-owned subsidiary of Coeur d'Alene Mines Corporation. Coeur owns and operates two major mines in the U.S. in Idaho and Nevada. Coeur is the largest primary silver producer in the U.S. We are currently working on permitting and feasibility studies to develop the Kensington Gold Mine north of Juneau. We hope to commence construction in summer 2004, and create over 300 construction and 200 operations jobs in Southeast Alaska.

We have appreciated the willingness by ADEC to entertain our input on this very important legislation. We view it as the first step in the development of additional future legislation that will ultimately result in ADEC receiving NPDES primacy.

One important aspect of the bill is definitely the "permit by rule" provision, which would allow ADEC to authorize simple activities using this approach. By writing requirements into regulation in this manner, environmental objectives will be met and the process will be streamlined. This is good for the environment, allows for "site specific" treatments, and is good for responsible industries.

Also, we support the proof of financial assurance provision. The opportunity to coordinate this aspect for waste disposal facilities will help to mitigate costly and inefficient duplication of programs.

Finally, a program which will allow ADEC to administratively extend permits is again important to industry. Permitting is often an onerous program. It is time critical. This provision allows for thorough review by the agency, and permit coverage during renewal for the permittee.

Thank you for the opportunity to comment.

Best regards,

Robert T. "Rick" Richins
Project Director



Briefing Paper

SB 355

Thank you for the opportunity to speak to this bill.

My name is Rich Heig. I am president of the Council of Alaska Producers, and also General Manager of Greens Creek Mining Company.

The Council of Alaska Producers is an organization that educates and promotes responsible development of natural resources in the State of Alaska. We are made up of the larger mining operations and potential operations of Alaska, all of which are also members of the Alaska Mining Association.

The Producers Council supports SB 355.

This bill will make several important changes to the requirements for management and disposal of mining wastes. These changes have been discussed within DEC and the mining industry for quite some time. This bill will streamline and supplement existing statutory authority in the treatment and disposal of wastes.

One of the changes of this bill is to allow DEC the authority to administratively extend permits. It is occasionally not possible for DEC to process a permit renewal before the current permit expires. However, the company involved must have the permit to legally operate. This change will give DEC the authority to extend a permit.

SB-355 will also allow DEC to use permit-by-rule for various simple authorizations. Under this approach, DEC will write into regulation a certain set of requirements and if these are followed, the public is authorized to do the activity. This makes sense for both industry and DEC. This procedure will allow industry to efficiently move forward, while still complying with DEC and environmental requirements. For DEC, they do not have to keep track of and process the paper for minor permits and yet DEC maintains authority to enforce the requirements.

The bill also allows for proof of financial assurance for waste disposal facilities. This function can be completed in conjunction with other state or federal agencies to prevent duplication of financial assurance.

The mining industry has been involved in the drafting of this legislation with the Department of Environmental Conservation.

The Producers Council supports passage of SB 355 and ask that it be passed out of Committee.

Rich Heig

RECEIVED
3/9/04



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

March 9, 2004

Senator Bert Stedman
Chair, Senate Community & Regional Affairs Committee
Alaska State Legislature
State Capitol, Room 30
Juneau, Alaska 99801-1182

Re: SB 355 — Waste Management/Disposal

Dear Senator Stedman:

On behalf of the Resource Development Council for Alaska, Inc. (RDC), I am writing in support of SB 355 — Waste Management/Disposal.

RDC is a private, membership-funded, non-profit trade association. The organization represents individuals and companies from Alaska's mining, timber, oil and gas, tourism and fishing industries. Also within our ranks are local communities, Native regional and village corporations, organized labor and industry support firms. Our mission is to help grow Alaska's economy through the responsible development of the state's natural resources.

SB 355 accomplishes several objectives of importance to both the Department of Environmental Conservation (DEC) and the regulated community. The bill greatly enhances DEC's management flexibility by defining several tools the department may use to authorize waste disposal. These tools include individual and general permits, authorizations-by-regulation, approval of plans of operation and integrated waste management and disposal authorizations.

This broad array of management options will allow the department to more efficiently and effectively regulate waste disposal throughout the state. In turn, the regulated community will benefit from an oversight system that can be tailored to fit a variety of different operating and disposal scenarios. SB 355 allows DEC to replace a "one-size-fits-all" program with a more dynamic and practical plan.

SB 355 also clarifies the financial responsibility requirements for disposal operators. The bill defines a range of options DEC may consider when evaluating an operator's proof of financial responsibility. Individual operators will benefit from the opportunity to meet the standard by choosing the assurance mechanism most appropriate to their unique set of circumstances.

Lastly, the bill provides for DEC to prescribe in regulations the circumstances under which an expiring permit may be administratively continued. Having the option to administratively extend a permit will be another valuable tool for the department and potential benefit to the regulated community. Due to DEC's limited resources, operations under an expired permit can occur through no fault of the operator. Such occurrences increase the risk of third-party litigation and threaten to drive up the costs of doing business for DEC and the

regulated community. Defining an appropriate process for issuing administrative extensions addresses this important concern.

RDC appreciates the opportunity to comment on SB 355. Our membership strongly supports the legislation and we encourage you to hear the bill and move it forward. Thank you for your consideration and please feel free to contact me with any questions.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

A handwritten signature in cursive script that reads "Tadd Owens".

Tadd Owens
Executive Director

cc: Commissioner Ernesta Ballard, DEC
Dan Easton, Director, Division of Water, DEC

SB 355

**SENATE BILL NO. 355 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:**

"An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date."

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, and in the interest of reducing duplication in and otherwise improving regulatory processes, I am transmitting a bill relating to regulation of waste management and disposal that would:

1. reorganize and supplement existing statutory authority to provide flexibility in the regulatory tools used to control the treatment and disposal of waste;
2. streamline certain aspects of the permitting process; and
3. provide explicit statutory authority for proof of financial responsibility for certain types of municipal solid waste and mining waste treatment and disposal facilities.

Under existing state law, the Department of Environmental Conservation (DEC) regulates a broad universe of waste and wastewater disposal activities. In addition to regulating discharges to surface waters, the DEC regulates discharges to groundwater and the disposal of solid and liquid wastes on land. The existing statutory authority for these regulatory programs is drawn from several sections of AS 46.03, some providing broad, general powers and others prescribing detailed requirements. These statutory authorities do not provide adequate regulatory tools for efficient regulation of waste treatment and disposal.

This bill would change the existing statutory authority for a waste disposal permit program (AS 46.03.100) by reorganizing and supplementing it. That reorganized section would preserve the essential requirement to obtain authorization before conducting an operation that results in waste disposal. The bill would allow for the needed authorization to take one of several forms, providing flexibility to use regulatory tools other than the individual and general permits contemplated by the current law, in addition to those permits. The bill would provide for stakeholder participation in that even the simplest of the regulatory tools would include notice and comment regulation adoption.

The changes proposed to existing AS 46.03.100 would address requirements for proof of financial responsibility for certain types of waste treatment or disposal facilities. Current law explicitly requires such proof only for permits to dispose of hazardous waste. This bill would refocus the requirement on solid waste disposal facilities that accept hazardous waste and on mine waste treatment and disposal facilities that use chemical processing or have acid generation potential. For mines that do not use chemical processing or produce

waste with acid generation potential, proof of financial responsibility would not be required as a condition for the waste treatment or disposal authorization, but this would not affect the separate reclamation-related financial responsibility requirements administered by the Department of Natural Resources. The bill would provide for DEC to accept proof of financial responsibility provided to the Department of Natural Resources or a federal land manager agency for mine reclamation instead of requiring duplicative bonding.

The bill would clarify that the proof of financial responsibility must cover managing and closing the facility to control or minimize the risk of release of unauthorized levels of pollutants to waters. The bill also would allow for the possibility that this financial responsibility requirement may need to be extended to some municipal solid waste disposal facilities.

The changes proposed to AS 46.03.100 would modify the requirement for a solid waste permit applicant to demonstrate consideration of all solid waste management options and consistency with the waste reduction practices and priorities of AS 46.06.021. As modified, those requirements would apply only to non-municipal solid waste disposal applicants.

The bill also would reorder the components of the waste disposal authorization provisions so that they flow from the prohibition against unauthorized waste disposal, to the basic regulatory tools available for authorizing the disposal, to provisions for plan reviews and integrated waste management permits, to the exemptions, and finally to specific requirements that must be met by certain categories of disposers.

This bill would amend some existing permit processing requirements related to application submittals, public notice and comment opportunities, the maximum term of permits, and the causes for termination or modification of an authorization.

This bill would add a definition for "municipal solid waste" and would amend the definition of "solid waste." It also would repeal the plan submittal, review, and approval provisions of AS 46.03.090 and 46.03.720(a) as superfluous in light of the changes proposed to AS 46.03.100 (which makes written plan approvals one of the tools available for authorizing activities covered by the repealed sections). It also would make conforming amendments in AS 16.05.782(e), AS 44.46.025(a), and 46.03.833(a), to reflect citation or terminology changes caused by other amendments and repealers in the bill.

I urge your prompt and favorable action on this measure.

Sincerely yours,

/s/

Frank H. Murkowski

Governor

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
HOUSE BILL 524
"RELATING TO THE PROTECTION OF LAND AND WATER FROM WASTE DISPOSAL"
MARCH 3, 2004

House Bill 524 clarifies the statutory foundation for a rational water protection program. It is an integral piece of the Department of Environmental Conservation's (DEC) "Raindrops to Oceans" initiative to move the State of Alaska to a comprehensive and rational program for protecting Alaska's water as it flows through the hydrologic cycle, from raindrops to oceans.

What the bill does:

HB 524 replaces specific statutory references to "permits" with the broader term "authorization" and **allows DEC to select from a range of tools to authorize waste disposal activities depending on risk.** Tools include:

- **Individual permits.** This is the conventional permit issued to a specific facility for a particular disposal activity. Individual permits are used to authorize larger, more complex, larger volume, and higher risk activities.
- **General permits.** General permits are used to authorize a number of similar activities in a geographic area. Persons that wish to be covered by the general permit notify DEC of their intent to operate in compliance with the permit. General permits are used to authorize lower risk activities.
- **Permits by rule.** The "permit by rule" tool is used to authorize low-risk activities by promulgating requirements in regulation. Permits by rule are used for low-risk activities.
- **Plan approvals.** Sewerage systems and treatment works that do not discharge can be authorized by approving plans.
- **Provides for integrated waste management permits** for complex facilities requiring more than one DEC permit.

Allows administrative extension of DEC permits. HB 524 allows DEC to develop regulations under which the agency may extend expiring individual and general permits beyond their expiration date.

Expands requirements for proof of financial responsibility for harmful mining waste. Proof of financial responsibility authority is used to make sure that owners of large solid waste disposal facilities have set aside enough money to properly close the facilities. For mining activities, rather than requiring separate financial assurance, HB 524 allows DEC to accept financial assurance provided to a state or federal land management agency.

Modifies the definition of "solid waste" to make the term more specific and **adds a definition for "municipal solid waste"** to help distinguish municipal solid waste from industrial and other forms of solid waste. HB 524 also allows DEC to exempt small landfills that accept household hazardous waste from providing proof of financial responsibility.



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

TO: Senate Secretary
FROM: Senator Bert K. Stedman
DATE: March 3, 2004
SUBJECT: C&RA Committee Schedule Week of March 8th, 2004

The following is the schedule for the Senate Committee on Community & Regional Affairs for the week of March 8th, 2004:

Mar 8th Monday Fahrenkamp 203 1:30 PM

NO MEETING SCHEDULED

Mar 10th Wednesday Fahrenkamp 203 1:30 PM

+* SB 335 EMERGENCY SERVICES DISPATCH/911 SURCHARGE

+* SB 355 LAND & WATER PROTECTION FROM WASTE DISPOSAL

BILLS PREVIOUSLY HEARD

Mar 12th Friday Fahrenkamp 203 1:30 PM

NO MEETING SCHEDULED

+ Teleconferenced
* First Hearing
= Previously Heard

ALASKA STATE SENATE



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax

Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

MEMORANDUM

Date: February 16, 2004

To: Office of Senator Steadman
From: Senator Ralph Seekins

Re: Request for Hearing of SB 335

Attached please find Senate Bill 335 along with a concomitant sponsor statement and other related information.

This Bill changes the rates municipalities charge for "Emergency 911" technology and emergency dispatch services.

I respectfully request a hearing before your committee on this Bill at your earliest convenience.
Thank you.

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

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

March 16, 2004

The Honorable Kim Elton
State Senate
Alaska State Capitol, Room 115
Juneau, Alaska 99801

RECEIVED
3/17/04

Dear Senator Elton:

Please find below my answer to your question raised at the Senate Community & Regional Affairs Committee hearing held on March 10, 2004.

Changing the AS 46.03.110 waste management permit notice requirement from two publications in one newspaper to at least one publication in one newspaper is consistent with the level of newspaper notice required under the Administrative Procedure Act (APA) for regulations.

- The APA does not prescribe public notice requirements for permit actions, but it does for regulations. AS 44.62.100(a) requires publication of a notice of the proposed adoption, amendment or repeal of a regulation in a newspaper of general circulation or trade or industry publication. The public notice requirement can be satisfied in a number of ways, including through a combination of publication and broadcasting. Under the APA, the notice of the action on regulations also must be posted on the Alaska Online Public Notice System.
- The driving force behind the change in the minimum number of publications in Section 5 of SB 355 (page 6, lines 6-7) was a desire for regulatory flexibility. The ability to reduce costs by minimizing the number of required publications when appropriate was a consideration but not the main reason for the change.
- Instead of being stuck in the mold of ordering two newspaper publications for each and every waste management permit application, DEC wants to be able on a program-specific or authorization-specific basis to put together the combination of notices that is best calculated to reach the affected public, with the minimum being a single publication in the newspaper, coupled with other forms such as the on-line public notices and mailing/email distribution lists.

If you have any further questions, please let me know.

Sincerely,



Ernesta Ballard
Commissioner

cc: The Honorable Bert Stedman, Alaska State Senate
The Honorable Thomas Wagoner, Alaska State Senate
The Honorable Ben Stevens, Alaska State Senate
The Honorable Georgianna Lincoln, Alaska State Senate

MELANIE LESH

Legislative Affairs Coordinator

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER

410 WILLOUGHBY AVENUE, SUITE 303, JUNEAU, AK 99801

TEL: 907-465-5293 FAX: 907-465-5070

E-MAIL: melanie_lesh@dec.state.ak.us

3-3-04

Miles -

Thanks for
agreeing to placing
SB 355 on your
3/10 calendar. The
House companion
bill has a hearing
today!

Melanie

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
OFFICE OF THE COMMISSIONER

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

March 1, 2004

The Honorable Bert Stedman, Chairman
Senate Community and Regional Affairs Committee
State Capitol
Juneau, Alaska 99801

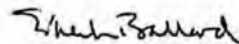
Dear Senator Stedman:

The Department of Environmental Conservation respectfully requests your consideration in scheduling a hearing for SB 355, an "Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date," before the Senate Community and Regional Affairs Committee at your earliest convenience.

You may recall that we spoke last month about a bill that would direct the State to assume primacy for the federal wastewater discharge permitting (NPDES) program. We are not yet ready to proceed with NPDES assumption and SB 355 does not direct this agency to pursue primacy. The bill, however, retains many of the other important provisions we discussed. Its effect is to rationalize the statutory authority for the waste disposal permit program under AS 46.03.100, by reorganizing and supplementing the permitting tools available to the agency to protect Alaska's surface water and groundwater from pollution. SB 355 has a zero fiscal note.

Dan Easton, DEC's Water Division Director will provide you with any additional information you might require regarding this bill. Your staff can contact Mr. Easton at 465-5135, or Melanie Lesh, the department's legislative liaison, at 465-5290. As always, please contact me if I can be of assistance.

Sincerely,



Ernesta Ballard
Commissioner

cc: Dan Easton, Director, Division of Water, DEC



ALASKA STATE LEGISLATURE

SENATE COMMITTEE ON COMMUNITY & REGIONAL AFFAIRS

Senator Bert K. Stedman, Chair

Official Business

Senator Tom Wagoner, Vice-Chair
Senator Kim Elton
Senator Georgianna Lincoln
Senator Gary Stevens

State Capitol, Room 30
Juneau, AK 99801-1182
Phone: (907) 465-4989
Fax: (907) 465-3922

March 10, 2004
1:30 – 3:30 PM
Fahrenkamp 203

AGENDA

I. Call To Order

II. New Business

SB 335 Emergency Services Dispatch/911 Surcharge

Sponsor Testimony:

Joe Michel, Staff Senator Seekins

Invited Testimony:

Paul Harris, Dir, Fairbanks Police Department

Available for Questions

Debby Hassel, Dir, Fairbanks Office of Homeland Sec

Lieutenant Story, Alaska State Troopers (Via Phone)

Patrick Cole, Fairbanks City Attorney (Via Phone)

Public Testimony

SB 355 Land & Water Protection From Waste Disposal

Sponsor Testimony:

Ernesta Ballard, Commissioner, Dept of Environ Cons (DEC)

Invited Testimony:

Dan Easton, Director, Division of Water, DEC

Steve Borell, Exec Director, AK Mining Assoc (Via Phone)

Rich Heig, President, Council of Alaska Producers (Via Phone)

Public Testimony:

III. Adjourn

TEARNEY THEABAN

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SENATE BILL 355/HOUSE BILL 524
"RELATING TO THE PROTECTION OF LAND AND WATER FROM WASTE DISPOSAL"
MARCH 10, 2004

Senate Bill 355 and House Bill 524 replace specific statutory references to "permits" with the broader term "authorization" and allows DEC to select from a range of tools to authorize waste disposal activities depending on risk. Tools include:

Individual permits. This is the conventional permit issued to a specific facility for a particular disposal activity. Individual permits are used to authorize larger, more complex, larger volume, and higher risk activities.

Examples of facilities and operations likely authorized using **individual permits**:

- Major seafood processors
- Major municipal wastewater discharges
- Refinery discharges
- Ballast water treatment discharges
- Large (Class I and 2) landfills
- Oil and gas drilling waste disposal not covered by integrated waste management permits
- Asbestos monofills

General permits. General permits are used to authorize a number of similar activities in a geographic area. Persons that wish to be covered by the general permit notify DEC of their intent to operate in compliance with the permit. General permits are used to authorize lower risk activities.

Examples of facilities and operations likely authorized using **general permits**:

- Placer mines
- Log transfer facilities
- Stormwater discharges
- Remote camp sewage/solid waste disposal
- Oil and gas exploration and development
- Small seafood processors

ADVERTISING

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
SENATE BILL 355/HOUSE BILL 524
"RELATING TO THE PROTECTION OF LAND AND WATER FROM WASTE DISPOSAL"
MARCH 10, 2004

Permits by rule. The "permit by rule" tool is used to authorize low-risk activities by promulgating requirements in regulation. Permits by rule are used for low-risk activities.

Examples of facilities and operations likely authorized using **permits by rule**:

- Rural landfills
- Residential domestic wastewater systems that discharge to marine waters
- Coal bed methane exploration
- Non-jurisdictional wetland fill
- Construction dewatering
- Oil/water separators
- Small animal confinement operations
- Construction debris landfills
- Wood waste monofills

Plan approvals. Sewerage systems and treatment works **that do not discharge** can be authorized by plan approval.

Examples of facilities and operations likely authorized by **plan approval**:

- Zero-discharge sewage treatment lagoons
- Zero-discharge temporary storage of oil and gas drilling waste
- Zero-discharge temporary storage for some coal bed methane projects

Integrated waste management permits. Complex facilities and operations requiring more than one DEC waste disposal authorization can be authorized using integrated waste management permits.

Examples of facilities and operations likely authorized by **integrated waste management permits**:

- Complex mining operations
- Major oil/gas development/production projects

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 2/27/04

FURTHER: Resources

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3/10/04

Community and Regional Affairs Committee considered SENATE BILL NO. 355

SB 355 WASTE MANAGEMENT/DISPOSAL

"An Act relating to the protection of land and water from waste disposal; providing for the regulation of waste management; making conforming amendments; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DEC	2/18/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
CHAIR: <i>[Signature]</i>	✓			

SB 355 - Sectional Analysis
Relating to Protection of Land and Water from Waste Disposal

Section 1. Makes conforming changes to reflect AS 46.03.100's switch from "permit" as the only form of agency approval to the more flexible "prior authorization."

Section 2. Makes conforming changes to reflect retitling of AS 46.03.100 to "waste management and disposal authorizations" and repeal of AS 46.03.720(a).

Section 3. Modifies current "waste disposal permit" requirements to fit a "waste management and disposal authorization" regulatory approach.

1. **Subsection (a)** prohibits waste disposal and related sewer or treatment system construction activities without DEC authorization.

2. **Subsection (b)** describes five waste management and disposal authorization tools to be used and revises general permit standards.

3. **Subsection (c)** centralizes sewer or treatment system plan review and approval authority and provides for plan approval to serve in lieu of a permit under some circumstances.

4. **Subsection (d)** provides for use of integrated waste management and disposal authorizations.

5. **Subsection (e)** pulls together in one subsection the existing waste disposal permit exemptions.

6. **Subsection (f)** clarifies and amends proof of financial responsibility requirements for facilities that handle hazardous waste, mining waste from operations that use chemical processing or have the potential to generate acid, and some municipal solid waste disposal facilities.

7. **Subsection (g)** modifies the waste reduction practices and priorities demonstration so that it applies only to non-municipal solid waste disposal applicants.

Section 4. Amends permit application requirements and makes conforming changes.

Section 5. Changes newspaper publication requirements for waste management and disposal permits.

Section 6. Clarifies permit duration limit, provides for regulations on administrative continuance of expiring permits, and makes conforming language changes.

Section 7. Amends statutory provisions on termination and modification of waste disposal permits and makes conforming changes.

Section 8. Adds a savings clause to allow for termination and modification of permits or plan approvals for reasons other than those in Section 7.

SB 355 - Sectional Analysis
Relating to Protection of Land and Water from Waste Disposal

Section 9. Makes conforming changes to reflect the reorganization of subsections in AS 46.03.100 and the terminology used for financial responsibility requirements.

Section 10. Redefines the term "solid waste."

Section 11. Adds definition for "municipal solid waste."

Section 12. Repeals AS 46.03.090 sewage and industrial waste or treatment plan submittal provision and AS 46.03.720(a) sewerage system or treatment works plan review and approval provisions.

Section 13. Instructs the Revisor of Statutes to make conforming changes to one section heading to reflect repeal of a subsection.

Section 14. Provides for an immediate effective date to allow work on regulations to implement the requirements of Sections 1-12 above to begin without delay.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 355
(S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: "An Act relating to the protection of land and RDU _____ Air & Water Quality
water from waste disposal . . . " Component: Water Quality
Sponsor: Rules Committee by Request
Requester: Governor Component No. 2062

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
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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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
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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)

Bill has no fiscal impact on the Department.

Prepared by: Lynn J. Tomich Kent
Division: Air & Water Quality
Approved by: Kurt Fredriksson, Deputy Commissioner
Agency: Department of Environmental Conservation

Phone 465-5312
Date/Time 2/18/04 2:41 PM
Date 2/18/2004

SB

361

Alaska State Legislature

Senate Resources Committee

Senator Scott Ogan, Chair

Senator Fred Dyson
Senator Kim Elton
Senator Georgianna Lincoln
Senator Ralph Seekins
Senator Ben Stevens
Senator Tom Wagoner



State Capitol, Room 103
Juneau, AK. 99801-1182
Phone: (907) 465-4907
Fax: (907) 465-3265

SB 361: Sponsor Statement

Small Cruise Ship Discharge

In 2001, the Alaska Legislature enacted the Commercial Vessel Environmental Compliance Program via HB 260. This was a collaborative effort by the cruise ship industry, the Legislature, and the Department of Environmental Conservation that established stringent guidelines for black and grey wastewater disposal in Alaskan waters. Since passage of HB 260, most large cruise ships discharging into Alaskan waters have installed advanced wastewater treatment systems resulting in dramatically improved water quality samplings, according to a recent report authored by DEC.

In addition to the large cruise vessels, HB 260 also required small cruise vessels to comply with the same standards. Even though the smaller vessels contribute approximately 3% of the wastewater discharged in Alaskan waters in 2001, the assumption was made that environmental technologies developed by the large vessels would "filter down" and be applied to the smaller vessels. HB 260 gave the industry, including the small commercial vessels until July 2004 to comply.

As it turned out, the technological advances route wasn't a simple fit for the smaller vessels and consequently, these vessels cannot feasibly comply with the Commercial Vessel Environmental Compliance Program. According to the Assessment Report, the small vessels' trouble spots are readings that exceed the Alaska Water Quality Standards (AWQS) while stationary. The discharge meets the AWQS while underway due to the large dilution factor. As a consequence, and in order for these vessels to continue plying Alaskan waters, an alternative regulatory scheme that focuses on minimizing discharge is required.

Recently, such an alternative plan has been devised. The Small Commercial Vessel Association and the DEC have reached an accord that both protects Alaskan waters and enables the small cruise ship industry to continue operations in the state. The plan set out in SB 361 deals in terms of "Best Management Practices" or BMPs for small vessels that currently operate in Alaskan waters. SB 361 also stipulates that new vessels constructed after January 1, 2004 be engineered to comply with the Compliance Program if they are to be used in Alaskan waters. This is an agreeable solution that will work for Alaska's environmental and business communities