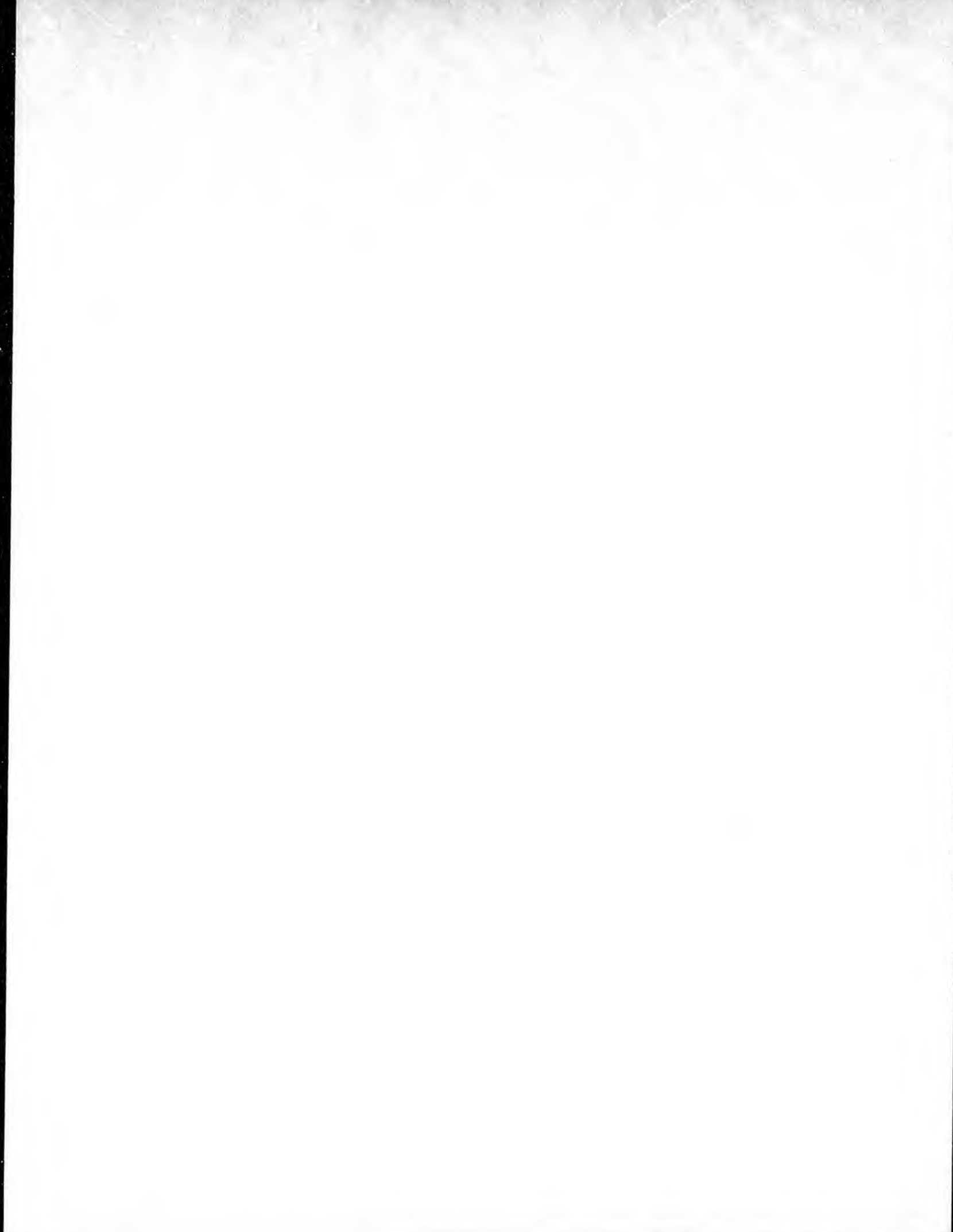


12170

HOUSE

JUDICIARY



CS FOR HOUSE BILL NO. 164()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting of vessel location by certain commercial passenger vessels
 2 operating in the marine waters of the state, to access to vessels by a wastewater
 3 treatment operator for purposes of monitoring compliance with state and federal
 4 requirements, to the obligations of that operator while aboard the vessels, and to the
 5 qualifications of the wastewater treatment operator; and providing for an effective
 6 date."

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

8 * Section 1. AS 46.03.465(b) is amended to read:

9 (b) While a commercial passenger vessel is present in the marine waters of the
 10 state, the owner or operator of the vessel shall provide to the United States Coast
 11 Guard an hourly report of the vessel's location based on Global Positioning System
 12 technology and collect routine samples of the vessel's treated sewage, graywater, and
 13 other wastewaters being discharged into marine waters of the state with a sampling

1 technique approved by the department.

2 * **Sec. 2.** AS 46.03.476 is repealed and reenacted to read:

3 **Sec. 46.03.476. Ocean Rangers.** (a) The commissioner may require the owner
4 or operator of a large commercial passenger vessel to allow a wastewater treatment
5 operator hired or retained by the department on board the vessel at random times
6 determined by the commissioner to perform the duties described in (b) of this section
7 while the vessel is in port in Alaska or operating in Alaska waters between two Alaska
8 ports.

9 (b) While on board a large commercial passenger vessel, the wastewater
10 treatment operator shall

11 (1) act as an independent observer for the purpose of monitoring
12 compliance with state and federal requirements pertaining to marine discharge and
13 pollution requirements;

14 (2) monitor, observe, and record data and information related to marine
15 discharge and pollution requirements in state and federal law, including registration,
16 reporting, and record-keeping requirements.

17 (c) While on board the vessel the wastewater treatment operator shall comply
18 with the vessel's approved United States Coast Guard security plan.

19 (d) Any information recorded or gathered by the wastewater treatment
20 operator shall be promptly conveyed to the department and the United States Coast
21 Guard on a form or in a manner approved by the commissioner. The commissioner
22 may share information gathered with other state and federal agencies.

23 (e) In this section, "wastewater treatment operator" means a Level III
24 wastewater treatment operator certified by the department under the authority of
25 AS 46.30.080.

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

28 **RETROACTIVITY.** Sections 1 and 2 of this Act are retroactive to December 17,
29 2006.

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

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
Chairman
(907) 465-3004
Fax: (907) 465-2070
Representative_Jay_Ramras@legis.state.ak.us



1292 Sadler Way, Suite 324
Fairbanks, AK 99701

Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Leg. Legal

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: April 23, 2007

Re: HJUD CS for CSHB164 (25-LS0585\N)

Might you please draft a HJUD CS for CSHB164 25-LS0585\N, to include the following change:

P.2, L.3 please change "may" to "shall"

CS FOR HOUSE BILL NO. 164()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

- less than 4 collected
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way bill reads

A BILL

FOR AN ACT ENTITLED

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2 operating in the marine waters of the state, to access to vessels by a wastewater
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13 other wastewaters being discharged into marine waters of the state with a sampling

1 technique approved by the department.

2 * Sec. 2. AS 46.03.476 is repealed and reenacted to read:

"shall"

3 **Sec. 46.03.476. Ocean Rangers.** (a) The commissioner may require the owner
4 or operator of a large commercial passenger vessel to allow a wastewater treatment
5 operator hired or retained by the department on board the vessel at random times
6 determined by the commissioner to perform the duties described in (b) of this section
7 while the vessel is in port in Alaska or operating in Alaska waters between two Alaska
8 ports.

9 (b) While on board a large commercial passenger vessel, the wastewater
10 treatment operator shall

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12 compliance with state and federal requirements pertaining to marine discharge and
13 pollution requirements;

14 (2) monitor, observe, and record data and information related to marine
15 discharge and pollution requirements in state and federal law, including registration,
16 reporting, and record-keeping requirements.

17 (c) While on board the vessel the wastewater treatment operator shall comply
18 with the vessel's approved United States Coast Guard security plan.

19 (d) Any information recorded or gathered by the wastewater treatment
20 operator shall be promptly conveyed to the department and the United States Coast
21 Guard on a form or in a manner approved by the commissioner. The commissioner
22 may share information gathered with other state and federal agencies.

23 (e) In this section, "wastewater treatment operator" means a Level III
24 wastewater treatment operator certified by the department under the authority of
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RAMRAS

25-LS0585V

Kane

4/20/07

CS FOR HOUSE BILL NO. 164()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting of vessel location by certain commercial passenger vessels
 2 operating in the marine waters of the state, to access to vessels by licensed marine
 3 engineers for purposes of monitoring compliance with state and federal requirements, to
 4 the obligations of those engineers while aboard the vessels, and to the qualifications of
 5 the marine engineer; and providing for an effective date."

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

7 * Section 1. AS 46.03.465(b) is amended to read:

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 9 state, the owner or operator of the vessel shall provide to the United States Coast
 10 Guard an hourly report of the vessel's location based on Global Positioning System
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 13 technique approved by the department.

*cert -
Dec Waste water
operator*
25-LS05851V

1 * Sec. 2. AS 46.03.476 is repealed and reenacted to read:

2 **Sec. 46.03.476. Ocean Rangers.** (a) The commissioner may require the owner
3 or operator of a large commercial passenger vessel to allow ~~a marine engineer licensed~~
4 ~~by the United States Coast Guard~~ and hired or retained by the department on board the
5 vessel at random times determined by the commissioner to perform the duties
6 described in (b) of this section while the vessel is in port in Alaska or operating in
7 Alaska waters between two Alaska ports.

8 (b) While on board a large commercial passenger vessel, the marine engineer
9 shall

10 (1) act as an independent observer for the purpose of monitoring
11 compliance with state and federal requirements pertaining to marine discharge and
12 pollution requirements;

13 (2) monitor, observe, and record data and information related to marine
14 discharge and pollution requirements in state and federal law, including registration,
15 reporting, and record-keeping requirements.

16 (c) While on board the vessel the marine engineer shall comply with the
17 vessel's approved United States Coast Guard security plan.

18 (d) Any information recorded or gathered by the marine engineer shall be
19 promptly conveyed to the department and the United States Coast Guard on a form or
20 in a manner approved by the commissioner. The commissioner may share information
21 gathered with other state and federal agencies.

22 (e) The commissioner shall adopt regulations prescribing the qualifications for
23 a marine engineer to be able to carry out the duties required under this section.

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

26 RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to December 17,
27 2006.

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

STATE OF ALASKA

PRIMARY ELECTION VOTER PAMPHLET



PRIMARY
ELECTION
AUGUST 22, 2006

VOTE!

It's your right.
It's your responsibility!

DIVISION OF ELECTIONS

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**HELP YOUR COMMUNITY!
BE AN ELECTION OFFICIAL**

ARE FAIR AND EFFICIENT ELECTIONS IMPORTANT TO YOU?

**YOU CAN HELP PROTECT VOTERS' RIGHTS, SERVE YOUR COMMUNITY,
AND GET PAID TO DO IT.**

The regional election supervisors in our four regional offices
appoint election officials for every election that the state conducts.

**If you are interested in serving as an election official,
contact the elections office nearest you.**

(Office locations on the back cover of this publication)

This publication was prepared by the Division of Elections, produced at a cost of \$.15 per copy to inform Alaskan voters about issues appearing on the 2006 Primary Election Ballot per AS 15.58.010 and printed in Anchorage, Alaska.

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Anchorage, Alaska 99501
907.269.7460 269.0263 FAX
Lt_Governor@gov.state.ak.us

Lieutenant Governor Loren Leman

August 2006

Dear Alaska Voter:

The Division of Elections and I are pleased to provide you with the *2006 Primary Voter Pamphlet*, your guide to the August Primary Election. I hope this is useful to you as you prepare to vote.

Perhaps the most important principle in our State constitution is in the Declaration of Rights, Article 1, Section 2:

All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

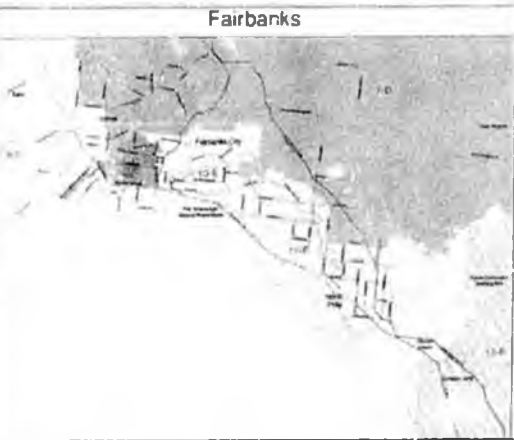
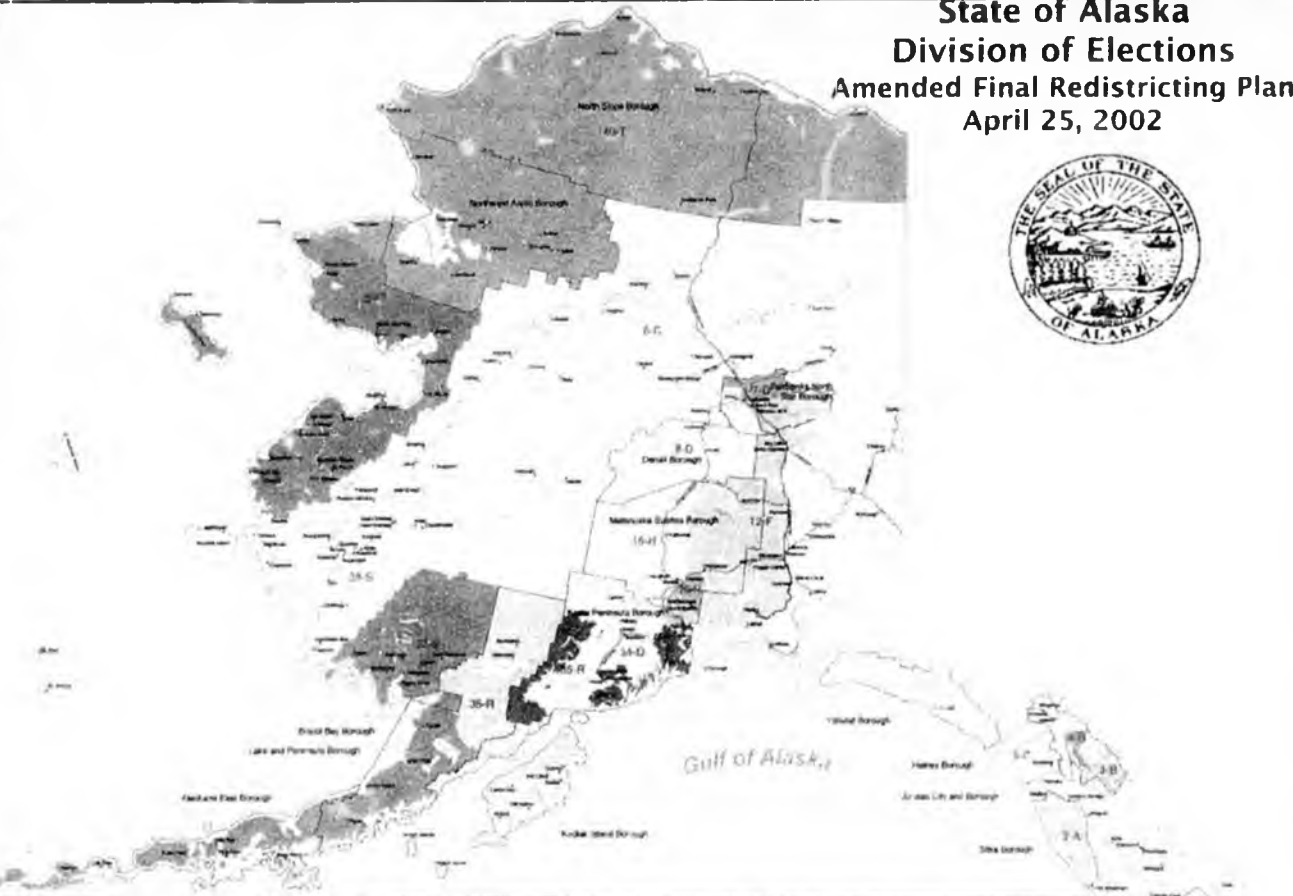
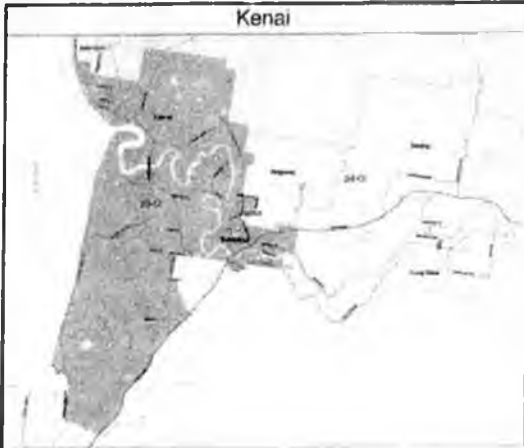
The first and last word always remains with the true owners—not bureaucracies, not the courts—but the people. The best way to ensure you have that word is to exercise your right to vote.

In Alaska many races have been decided by just a handful of votes. One vote has and will continue to make a difference. That vote could be yours. I hope you will exercise your important right to shape the form of our governments and who our leaders are by voting on August 22.

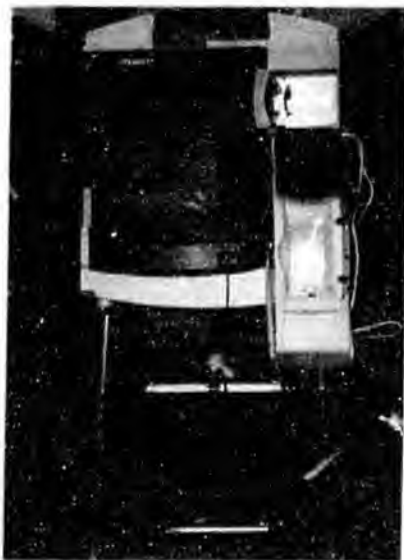
Sincerely,

Loren Leman
Lieutenant Governor

State of Alaska
Division of Elections
Amended Final Redistricting Plan
April 25, 2002



ALASKA'S NEW TOUCH SCREEN VOTING MACHINE



Through the funding of the federal Help America Vote Act (HAVA), Alaska has purchased a touch screen machine for each of the state's 439 polling places, which will be used in the 2006 Primary Election. The touch screen machines allow voters with disabilities the ability to cast a private and independent ballot. The touch screen machines will be available for any voter who wishes to vote on them; however, those with disabilities will have priority in using them. The touch screen machines accommodate visually impaired and blind voters, as well as those with mobility issues.

The voter casts an electronic ballot, and confirms his or her selection with a voter verifiable paper trail produced by the touch screen. This paper print-out is secured behind a screen and is treated as an official ballot in the event of a recount or audit.

A FEW TOUCH SCREEN VOTING MACHINE FAQs:

Q: How will visually impaired and disabled voters cast an independent ballot?

A: The touch screen machines can be used in many different ways to accommodate different disabilities, and offer large print, high-contrast and audio-only ballots. The ballot appearing on the touch screen can be voted using "pointer sticks" for those with limited or no use of their hands or arms.

Q: What is stored on the voter access card?

A: The voter access card holds ballot information that is read by the touch screen machine and presented to the voter. The voter access card holds only ballot information, not results, and is unusable after being used to vote until it is re-encoded by a poll worker. It does not hold information about the voter or how he or she voted.

Q: How is the voter access card encoded?

A: The voter access card is encoded by poll workers using a device called an encoder that looks much like a small calculator and contains ballot information from the Division of Elections.

Q: Can a voter access card be used to vote twice?

A: No, once a voter has finished voting, the voter access card must be re-encoded by a poll worker before being used by another voter.

Q: How will the paper ballots be transported after an election?

A: As voters cast their ballots, the paper record is collected in a security canister inside the touch screen machine's printer module. Once voting ends, ballots will be secured and treated as other paper ballots are.

For more information contact your local elections office
or visit the Division of Elections' website:
<http://www.elections.state.ak.us>

Primary Election – Ballot Choices

There are three ballot types:

Ballot Type	Political Parties
Combined with Ballot Measures	Alaska Democratic Party Alaska Libertarian Party Alaskan Independence Party Green Party of Alaska
Republican with Ballot Measures	Alaska Republican Party
Ballot Measures Only	No candidates <i>This ballot is for voters who do not want to vote for any candidate</i>

The ballot type you are eligible to vote is based upon your party affiliation listed on the precinct register.

YOU MAY VOTE ONLY ONE BALLOT TYPE

If your party affiliation listed on the register is:	Below is the ballot you are eligible to vote:
A - Alaskan Independence Party	Combined OR Measures Only
D - Alaska Democratic Party	Combined OR Measures Only
G - Green Party of Alaska	Combined OR Measures Only
L - Alaska Libertarian Party	Combined OR Measures Only
M - Republican Moderate Party	Combined OR Measures Only
R - Alaska Republican Party	Combined OR Republican OR Measures Only
N - Nonpartisan	Combined OR Republican OR Measures Only
O - Other	Combined OR Measures Only
U - Undeclared	Combined OR Republican OR Measures Only
V - Veterans Party of Alaska	Combined OR Measures Only

If you want a different ballot type than what the precinct register shows you are eligible for, you must vote a questioned ballot.

If you do not want to vote for any political party candidates, you may request the Ballot Measures Only ballot.

Sample Ballot



STATE OF ALASKA
PRIMARY ELECTION
AUGUST 22, 2006

OFFICIAL XXXX PARTY BALLOT

Completely fill in the oval opposite the name of each candidate or question for whom you wish to vote.

**UNITED STATES
REPRESENTATIVE**
(vote for one)

US REPRESENTATIVE CANDIDATE XXXX

**STATE REPRESENTATIVE
DISTRICT XX**
(vote for one)

STATE REPRESENTATIVE CANDIDATE XXXX

GOVERNOR
(vote for one)

GOVERNOR CANDIDATE XXXX

BALLOT MEASURE NO. 1
**Campaign Contribution Limits, Lobbying and
Disclosure**
03DISC

YES
NO

LIEUTENANT GOVERNOR
(vote for one)

LT GOVERNOR CANDIDATE XXXX

**STATE SENATOR
DISTRICT X**
(vote for one)

STATE SENATOR CANDIDATE XXXX

BALLOT MEASURE NO. 2
Cruise Ship Taxation, Regulation and Disclosure
03CTAX

YES
NO

VOTE BOTH SIDES

Ballot Measure 1

CAMPAIGN CONTRIBUTION LIMITS, LOBBYING, AND DISCLOSURE

BALLOT LANGUAGE

This initiative would decrease the maximum amount an individual may give a candidate or group from \$1,000 to \$500, and decrease the amount an individual may give a political party for any purpose from \$10,000 to \$5,000. It would decrease the amount a group may give a candidate, or group, from \$2,000 to \$1,000. It would decrease the amount a group may give to a political party from \$4,000 to \$1,000. It would require groups to disclose the name, address, occupation, employer, date and amount given by each contributor for contributions more than \$100 during a calendar year. It would reduce from 40 to 10 the hours a person who is not a professional lobbyist could lobby in any 30-day period before having to register as a lobbyist. It would require legislators, public members of the select committee on legislative ethics, and legislative directors to disclose outside income sources greater than \$1,000.

SHOULD THIS INITIATIVE BECOME LAW?

Yes

No

LEGISLATIVE AFFAIRS AGENCY SUMMARY

This bill lowers the limit on campaign contributions. Under this bill, a person could give \$500 a year to a candidate's campaign. That's half of what is allowed now. Personal gifts to political parties would be capped at \$5,000. A gift by a group would be limited to \$1,000 a year. Groups would have to report more about donors. For gifts over \$100 to a group, the group would have to report the true source of the gift. The group would also have to report the donor's job and the donor's employer. The bill changes the meaning of "lobbyist." This would make someone who lobbies 10 hours a month report. Now it's 40 hours. It reduces the amount of pay a legislator can receive for personal services without reporting the income. This also applies to certain legislative employees, and members of the legislative ethics committee.

STATEMENT OF COSTS AND REVENUES FOR BALLOT MEASURE 1 - INITIATIVE 03DISC - Prepared by the Alaska Public Offices Commission (APOC)

As required by AS 15.58.020(b), the Alaska Public Offices Commission has determined that there would not be significant costs to APOC for implementing the law proposed in Ballot Measure 1 - Initiative 03DISC.

FULL TEXT OF PROPOSED LAW

AN ACT RELATING TO CONTRIBUTION LIMITS, LOBBYISTS, AND DISCLOSURE

Be it enacted by the people of the State of Alaska:

Section 1. AS 15.13.070(b) is amended to read (b) an individual may contribute not more than

- (1) \$500 per year to a nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party.

- (2) \$5,000 per year to a political party.

Section 2. AS 15.13.070(c) is amended to read (c) A group that is not a political party may contribute not more than \$1,000 per year

- (1) to a candidate, or to an individual who conducts a write-in campaign as a candidate,
- (2) to another group, to a non-group entity, or to a political party.

Section 3. AS 15.13.040(b) is amended to read (b) Each group shall make a full report upon a form prescribed by the commission, listing

- (1) the name and address of each officer and director.

- (2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services

Ballot Measure 1

CAMPAIGN CONTRIBUTION LIMITS, LOBBYING, AND DISCLOSURE

being contributed; and

(3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.

Section 4. AS 24.45.171(8) is amended to read:

(8) "lobbyist" means a person who

(A) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or

(B) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation or profession.

Section 5. AS 24.60.200 is amended to read:

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser.

(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;

(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or legislative director, the amount of income received from the source shall be disclosed;

(3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the

terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists.

Section 6. Effective Date. This Act takes effect January 1, 2005.

Ballot Measure 1

CAMPAIGN CONTRIBUTION LIMITS, LOBBYING, AND DISCLOSURE

STATEMENT IN SUPPORT

THE "TAKE OUR STATE BACK" INITIATIVE

Corruption is not limited to one party or individual. Ethics should be not only bi-partisan but also universal. From the Abramoff and Jefferson scandals in Washington D.C. to side deals in Juneau, special interests are becoming bolder every day. They used to try to buy elections. Now they are trying to buy the legislators themselves.

Alaskans deserve to know who is paying our legislators and funding their campaigns. In 2004 the Legislature wrote its own rules to govern its conduct and it reduced or eliminated any real restrictions or disclosure requirements.

Measure 1 ensures that you know who is paying your legislator and who is lobbying them. It limits the amount of special interest influence in legislative campaigns and closes the soft money loophole.

Vote "Yes" on Measure 1.

Measure 1 takes our State back in four specific ways.

1. REQUIRES LEGISLATORS TO DISCLOSE WHO IS PAYING THEM.

Under the rules the Legislature wrote for themselves, a legislator can earn thousands of dollars on the side from special interests with no disclosure. We deserve to know who is paying our legislators and why. Measure 1 requires that a legislator disclose any income over \$1,000. Period.

2. REQUIRES LOBBYISTS TO REGISTER.

The Legislature rewrote the law so that only a few lobbyists are now required to register. This is a major loophole. Without this registration, there is no disclosure of who is paying lobbyists to influence our legislature. Measure 1 requires any lobbyist who works over ten hours per month to register and to disclose who is paying for the lobbying.

3. LIMITS CAMPAIGN CONTRIBUTIONS TO \$500.

Most Alaskans don't write huge checks to political campaigns. The more special interests can contribute, the more influence they have over our politicians. Measure 1 limits contributions to \$500 from an individual and to \$1,000 from a group.

4 CLOSSES THE SOFT MONEY LOOPHOLE.

The Legislature created another major loophole. It allows unlimited donations to political parties. No limit at all. Measure 1 places a \$5,000 limit on these donations. On the national level, Sen. John McCain and Sen. Russ Feingold have been champions of limiting soft money. We have the chance to take the first step here in Alaska to limit soft money by passing Measure 1.

Vote to TAKE YOUR STATE BACK.

Vote "YES" on Measure 1

Chancy Croft
President, Alaska State Senate
1975-1976

Rick Halford
President, Alaska State Senate
1993-1994, 2001-2002

Lowell Thomas, Jr.
Former Lieutenant Governor
Former State Senator

Ballot Measure 1

CAMPAIGN CONTRIBUTION LIMITS, LOBBYING, AND DISCLOSURE

STATEMENT IN OPPOSITION

This initiative diminishes citizen rights and participation while increasing incumbent power.

Our individual right of free speech is radically reduced in Section 1. Our maximum contribution to a candidate or party is cut in half. Challengers can raise less money, thwarting your ability to change elected public officials. This initiative empowers incumbents and the wealthy self-funded candidate.

Our right of free speech to influence elections is further eroded in Section 2. The maximum contribution a group may make to a candidate is reduced by half.

Contribution transparency in the Alaskan campaign disclosure law is destroyed in Section 3. The initiative is a step backward. The change eliminates the disclosure of some donor names and addresses. What do the sponsors, who are all legislators, plan to hide from citizen view?

Section 4 changes the lobbyist definition by chopping a citizen's time to communicate with public officials from 40 to 10 hours per month. More employees of small businesses must register as lobbyists. Eleven hours work in a single month demands filing 16 reports in a two year period. Instead of accepting this ridiculous new burden that discloses their client list to their competitors, most businesses will abandon citizen representation and hire a professional lobbyist. Furthermore, these 'new' lobbyists are prohibited from contributing to any candidate outside of their own legislative district. That is a terrible blow to all citizen's rights. The incumbents, including the initiative sponsors, are protected from well-funded challengers.

The change of income disclosure limits increases the reporting burden materially. While inflation over the decades has effectively reduced this limit, this change from \$5000 to \$1000 simply increases the paper process without meaningful information.

Gloria Shriver, Founder
Alaska Excellence in Public Service

Ballot Measure 2

CRUISE SHIP TAXATION, REGULATION AND DISCLOSURE

BALLOT LANGUAGE

This initiative would impose a \$46 per person per voyage tax on large cruise ships to pay for vessel services. It would provide for the proceeds from the tax to be deposited in the state general fund and, subject to appropriation by the legislature, distributed to municipalities. It would levy a tax on cruise ship gambling activities in state waters. It would change the way cruise ship corporate income tax is calculated. It would require cruise ship operators to gather and report more information, and get a new type of permit for sewage, graywater or other wastewater before discharging in state marine waters. It would assess a \$4 per passenger berth fee and require large cruise ships to have state-employed marine engineers (Ocean Rangers) licensed by the Coast Guard to observe health, safety and wastewater treatment and discharge operations. It would authorize citizen lawsuits against an owner or operator of a large cruise ship, or against the Department of Environmental Conservation, for an alleged violation of any permit condition, provision of environmental statutes or performance of duties. It would also enable a person who provides information leading to enforcement of the law to receive 25 to 50 percent of fines imposed. It would impose additional requirements on disclosures about on-ship promotions of shore-side businesses.

SHOULD THIS INITIATIVE BECOME LAW?

- Yes
 No

LEGISLATIVE AFFAIRS AGENCY SUMMARY

Part of this bill is about cruise ship taxes. It imposes a \$46 a person tax on cruise ship passengers. That money goes into a special account in the state's general fund. The legislature may appropriate part of that money to the vessel's ports of call. But, towns that receive that money cannot impose local cruise ship head taxes. The bill also taxes gambling on cruise ships. The tax is 33 percent of the cruise ship's adjusted gross income from the gambling. The bill changes the state's corporate

income tax law so it could be applied to cruise ships.

The bill also changes environmental laws that apply to cruise ships. It requires wastewater discharge permits for cruise ships. It sets minimum standards and conditions for use of those permits. It prohibits wastewater discharges without a permit. It changes the monitoring and record keeping requirements for wastewater discharges. It establishes a new ocean ranger program. A ranger is a marine engineer. It requires each cruise ship to have a ranger on board. The ranger is an independent observer. The ranger monitors compliance with pollution laws. The bill imposes a four-dollar fee per berth for operating the ranger program. It gives private citizens the right to sue for discharge violations. It also establishes financial penalties for violations of environmental laws.

Finally, the bill regulates sales on cruise ships. Persons paid to mention or promote a business in a state port must say they are paid. Written materials must also say that the person is paid. Persons selling tours and other shore-side activities on board a cruise ship must disclose how much they are paid for each sale. A seller must give the address and phone number of the shore-side business if asked. It makes violation of these laws an unfair trade practice.

STATEMENT OF COSTS AND REVENUES FOR BALLOT MEASURE 2 - INITIATIVE 03CTAX - Prepared by the Alaska Department of Revenue

As required by AS 15.58.020(b), the Alaska Department of Revenue has prepared the following statement of costs to the Department of implementing the law proposed in Ballot Measure 2 - Initiative 03CTAX.

COSTS

In order to administer the tax collection process required by this initiative, the Department of Revenue would require six new positions, at an estimated cost of \$626,000 per year for staff and associated costs.

Ballot Measure 2

CRUISE SHIP TAXATION, REGULATION AND DISCLOSURE

REVENUES

This initiative would impose an excise tax of \$46 per passenger per voyage on travel on commercial passenger vessels with 250 or more berths, and a "Ranger fee" of \$4 per passenger berth.

We assume that 2007 cruise ship activity will be similar to the scheduled 2006 cruise ship activity. We cannot predict whether the excise tax might impact the number of passengers.

Assuming the ships sail at 100 percent capacity, we estimate the \$46 per passenger excise tax would be applied to approximately 900,000 passengers in the 2007 season, resulting in revenue of approximately \$41 million. About \$14 million of that revenue would be shared with municipalities at which the cruise ships stopped. Twenty-five percent of the total, or approximately \$10 million, would be placed in a "Regional Cruise Ship Impact Fund," to be distributed to other affected municipalities. The \$4 per berth Ranger fee would bring in approximately \$3.6 million.

Net revenues to the state, after deducting costs for the Departments of Revenue and Environmental Conservation, and deducting the \$24 million in shared revenues cited above, would be approximately \$14.4 million.

This initiative would impose a tax of 33 percent of the adjusted gross income from operation of gaming or gambling activities on ships operating in Alaskan waters.

The Department has no data on the extent or profitability of cruise ship gaming in Alaskan waters, and therefore cannot calculate revenues from the proposed gaming tax.

This initiative would also change the way the corporate income tax is calculated for the cruise ship industry. The Department does not have adequate data to estimate the effects of this change on corporate income tax revenue.

STATEMENT OF COSTS FOR BALLOT MEASURE 2 - INITIATIVE 03CTAX- Prepared by the Alaska Department of Environmental Conservation

As required by AS 15.58.020(b), the Alaska Department of Environmental Conservation ("DEC") has prepared the following statement of costs to the Department of implementing the law proposed in Ballot Measure 2 Initiative - 03CTAX.

The initiative would require DEC to develop and maintain a new permit program for Large Commercial Passenger Vessels ("cruise ships") to replace the current program for regulating these vessels. It would also require DEC to place marine engineers ("Ocean Rangers") licensed by the Coast Guard on the cruise ships to monitor compliance with State and Federal environmental laws. Two marine engineers working alternating twelve-hour shifts would be placed on each cruise ship operating in Alaska waters.

The cost to the state during the first full year of the implementation of this initiative is estimated to be approximately \$5.6 million.

FULL TEXT OF THE PROPOSED LAW

FOR AN ACT PROVIDING FOR TAXATION OF CERTAIN COMMERCIAL SHIP VESSELS, PERTAINING TO CERTAIN VESSEL ACTIVITIES and RELATED TO SHIP VESSEL OPERATIONS TAKING PLACE IN THE MARINE WATERS OF THE STATE OF ALASKA

Be it enacted by the People of the State of Alaska:

* Section 1. AS 43 is amended by adding a new chapter to read:

Chapter 52. Excise Tax on Travel Aboard Commercial Passenger Vessels.

Sec. 43.52.010. Levy of excise tax on overnight accommodations on commercial passenger vessels. There is imposed an excise tax on travel on commercial passenger vessels providing overnight

Ballot Measure 2

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accommodations in the state's marine water.

Sec. 43.52.020. Rate of tax. The tax imposed by AS 43.52.010 - 43.52.095 is levied at a rate of \$46 a passenger per voyage.

Sec. 43.52.030. Liability for payment of tax. A passenger traveling on a commercial passenger vessel providing overnight accommodations in state marine water is liable for the tax imposed by AS 43.52.010 -- 43.52.095. The tax shall be collected and is due and payable to the department

(1) by the person who provides travel aboard a commercial vessel for which the tax is payable; and

(2) in the manner and at the times required by the department by regulation.

Sec. 43.52.040. Disposition of receipts.

(a) The proceeds from the tax on travel on commercial passenger vessels providing overnight accommodations in the state's marine water shall be deposited in a special "Commercial Vessel Passenger Tax Account" in the general fund. The legislature may appropriate money from this account for the purposes described in (b) and (c) of this section, for state-owned port and harbor facilities, other services to properly provide for vessel or watercraft visits, to enhance the safety and efficiency of interstate and foreign commerce and such other lawful purposes as determined by the legislature.

(b) For each voyage of a commercial passenger vessel providing overnight accommodations, the commissioner shall identify the first five ports of call in the state and the number of passengers on board the vessel at each port of call. Subject to appropriation by the legislature, the commissioner shall distribute to each port of call \$5 per passenger of the tax revenue collected from the tax levied under this chapter. If the port of call is a city located within a borough not otherwise unified with the borough, the commissioner shall, subject to appropriation by the legislature, distribute \$2.50 per passenger to the city and \$2.50 to the borough. Each port of call receiving funds under this section shall use the funds in a manner calculated to improve port and harbor facilities and other services to properly provide for vessel or water craft visits

and to enhance the safety and efficiency of interstate and foreign commerce.

(c) A "Regional Cruise Ship Impact Fund" consisting of 25% of the proceeds from the tax on travel aboard commercial passenger vessels providing overnight accommodations in the state's marine water shall be established as sub-account of the funds established in (a), above, and deposited in the general fund. Subject to appropriation by the legislature and regulations adopted by the Department of Revenue, the commissioner shall distribute funds to municipalities or other governmental entities within the Prince William Sound Region, Southeast Alaska or any other distinctive region impacted by cruise ship related tourism activities but not entitled to receive funds based on port of call visitation as allowed by (b), above, provided that any funds used from this account shall be used to provide services and infrastructure directly related to passenger vessel or water craft visits or to enhance the safety and efficiency of interstate and foreign commerce related to vessel or water craft activities.

Sec. 43.52.050. Administration.

(a) The department shall

(1) administer this chapter, and

(2) collect, supervise, and enforce the collection of taxes due under this chapter and penalties as provided in AS 43.05.

(b) The department may adopt regulations necessary for the administration of this chapter.

Sec. 43.52.060. Local levies. Any municipality, whether home rule or general law, that receives passenger ship fee funds under this chapter may not impose an additional form of tax on travel on commercial passenger vessels engaged in activities involving overnight accommodations for passengers in state marine waters. Any form of tax on travel on commercial passenger vessels engaged in activities involving overnight accommodations for passengers in state marine waters enacted by a municipality, whether home rule or general law, prior to the effective date of this legislation shall expire one year after enactment of this law if that municipality elects to receive funds under this chapter.

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CRUISE SHIP TAXATION, REGULATION AND DISCLOSURE

Sec. 43.52.095. Definitions. In this chapter, (1) "commercial passenger vessel" means a boat or vessel that is used in the common carriage of passengers in commerce; "commercial passenger vessel" does not include

(A) vessels with fewer than 250 berths or other overnight accommodations for passengers;

(B) noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government;

(2) "marine water of the state" and "state marine water" have the meaning given to "waters" in AS 46.03.900, except that they include only marine waters

(3) "passenger" means a person whom a common carrier has contracted to carry from one place to another.

(4) "voyage" means any trip or itinerary lasting more than 72 hours.

* **Sec. 2.** AS 05, is amended by adding a new chapter to read:

Chapter 16. Games of Chance and Contests of Skill on Ships Operating on Waters Within the Jurisdiction of Alaska.

Sec. AS 05.16.010. Gambling activities aboard commercial vessels purportedly authorized by federal law. This chapter applies to the use of playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or instruments used, designed, or intended for gaming or gambling used in the waters under the jurisdiction of the State of Alaska on a voyage described in 15 U.S.C. Section 1175(c)(2), and to any other gambling activities taking place aboard large passenger vessels in the state.

Sec. AS 05.16.020. Tax on gambling activities authorized by AS 05.16.010. There is imposed on the operator of a gaming or gambling activities aboard large passenger vessels in the state a tax of 33% of the adjusted gross income from those activities. "Adjusted gross income" means gross income less prizes awarded and federal and municipal taxes paid or owed on the

income. The tax shall be collected and is due and payable to the department of revenue in the manner and at the times required by the department of revenue.

Sec. 05.16.030. Disposition of receipts. (a) The proceeds from the tax on gambling operations aboard commercial passenger vessels in the state's marine water shall be deposited in a special "Commercial Vessel Passenger Tax Account" in the general fund.

* **Sec. 3.** AS 43.20.021 is repealed and reenacted as follows:

Sec. 43.20.021(a). Internal Revenue Code adopted by reference. (a) Sections 26 U.S.C. - 1399 and 6001 - 7872 (Internal Revenue Code), as amended, are adopted by reference as a part of this chapter. These portions of the Internal Revenue Code have full force and effect under this chapter unless excepted to or modified by other provisions of this chapter.

(b) Nothing in this chapter or in AS 43.19 (Multistate Tax Compact) may be construed as an exception to or modification of 26 U.S.C. 883.

(c) The provision in (b), above, does not apply to commercial passenger vessels as defined in AS 43.52.095.

* **Sec 4.** AS 46.03.462 is repealed and re-enacted as follows:

Sec. 46.03.462. Terms and conditions of discharge permits. (a) An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or operator obtains a permit under AS 46.03.100, which shall comply with the terms and conditions of vessel discharge requirements specified in (b) of this section.

(b) The minimum standard terms and conditions for all discharge permits authorized under this provision require that the owner or operator:

(1) may not discharge untreated sewage, treated sewage, graywater, or other waste-

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waters in a manner that violates any applicable effluent limits or standards under state or federal law, including Alaska Water Quality Standards governing pollution at the point of discharge;

(2) shall maintain records and provide the reports required under AS 46.03.465(a);

(3) shall collect and test samples as required under AS 46.03.465(b) and (d) and provide the reports with respect those samples required by AS 46.03.475(c);

(4) shall report discharges in accordance with AS 46.03.475(a);

(5) shall allow the department access to the vessel at the time samples are taken under AS 46.03.465 for purposes of taking the samples or for purposes of verifying the integrity of the sampling process; and

(6) shall submit records, notices, and reports to the department in accordance with AS 46.03.475(b), (d), and (e).

* Sec. 5. AS 46.03.463 is amended to read as follows:

Sec. 46.03.463(d) is repealed.

Sec. 46.03.463(e) is repealed and reenacted to read: An owner or operator may not discharge any treated sewage, graywater, or other wastewater from a large commercial passenger vessel into the marine waters of the state unless the owner or operator obtains a permit under AS 46.03.100 and AS 46.03.462, and provided that the vessel is not in an area where the discharge of treated sewage, graywater or other wastewaters is otherwise prohibited.

Sec. 46.03.463(g) is repealed.

* Sec 6. AS 46.03.465 repealed and reenacted to read as follows:

Sec. 46.03.465. **Information-gathering requirements.** (a) The owner or operator of a commercial passenger vessel shall maintain

daily records related to the period of operation while in the State, detailing the dates, times, and locations, and the volumes and flow rates of any discharges of sewage, graywater, or other waster into the marine waters of the State, provide electronic copies of such records on a monthly basis to the department no later than 5 days after each calendar month of operation in State waters.

(b) while a commercial passenger vessel is present in the marine waters of the State, the owner or operator of the vessel shall provide an hourly report of the vessel's location based on Global Positioning System technology and collect routine samples of the vessel's treated sewage, graywater, and other wastewaters being discharged into marine waters of the State with a sampling technique approved by the department.

(c) while a commercial passenger vessel is present in the marine waters of the State, the Department, or an independent contractor retained by the Department, may collect additional samples of the vessel's treated sewage, graywater, and other wastewaters being discharged into the marine waters of the State.

(d) the owner or operator of a vessel required to collect samples under (b) of this section shall ensure that all sampling techniques and frequency of sampling events are approved by the department in a manner sufficient to ensure demonstration of compliance with all discharge requirements under AS 46.03.462.

(e) the owner or operator of a commercial passenger vessel shall pay for all reporting, sampling and testing of samples under this section.

(f) if the owner or operator of a commercial passenger vessel has, when complying with another state or federal law that requires substantially equivalent information required under (a), (b), or (d) of this section, the owner or operator shall be considered to be in compliance with that subsection so long as the information is also provided to the department.

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* **Sec. 7.** AS 46.03 is amended to include new provisions as follows:

Sec. 46.03.476. Ocean Rangers. (a) An owner or operator of a large commercial passenger vessel entering the marine waters of the state is required to have a marine engineer licensed by the United States Coast Guard hired or retained by the department on board the vessel to act as an independent observer for the purpose of monitoring state and federal requirements pertaining to marine discharge and pollution requirements and to insure that passengers, crew and residents at ports are protected from improper sanitation, health and safety practices.

(b) The licensed marine engineer shall monitor, observe and record data and information related to the engineering, sanitation and health related operations of the vessel, including but not limited to registration, reporting, record keeping and discharge functions required by state and federal law.

(c) Any information recorded or gathered by the licensed marine engineer shall be promptly conveyed to the Alaska Department of Environmental Conservation and the United State Coast Guard on a form or in a manner approved by the Commissioner of Environmental Conservation. The Commissioner may share information gathered with other state and federal agencies.

46.03.481. Citizens suits. (a) Any citizen of the State of Alaska may commence a civil action

(1) against an owner or operator of a large passenger vessel alleged to have violated any provision of this chapter, or

(2) against the department where there is an alleged failure to perform any act or duty under this chapter which is not discretionary. No civil action may be commenced under this section, however, prior to 45 days after the plaintiff has provided written notice of the intent to sue to the Attorney General of Alaska.

(b) Subject to appropriation, as necessary, up to 50% and not less than 25% of any fines, penalties or

other funds recovered as a result of enforcement of this chapter shall be paid to the person or entity, other than the defendant, providing information sufficient to commence an investigation and enforcement of this chapter under this provision.

* **Sec. 8.** AS 46.03.480 is amended as follows:

Sec. 46.03.480 is amended by adding a new section to read:

(d) An additional fee in the amount of \$4.00 per berth, is imposed on all large commercial passenger vessels, other than vessels operated by the state, for the purpose of operating the Ocean Ranger program established in AS 46.03.476; said program shall be subject to legislative appropriation.

Sec. 46.03.480(d) shall be repealed and reenacted as 46.03.480(e).

* **Sec. 9.** AS 46.03.760 is amended as follows:

Sec. AS 46.03.700 is amended by adding a new section to read:

(f) An owner, agent, employee or operator of a commercial passenger vessels as defined in AS 43.52.095 who falsifies a registration or report required by AS 46.03.460 or 46.03.475 or who violates or causes or permits to be violated a provision of AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, AS 46.14, or a regulation, a lawful order of the department, or a permit, approval, or acceptance, or term or condition of a permit, approval, or acceptance issued under AS 46.03.250 - 46.03.314, 46.03.460 - 46.03.490, or AS 46.14 is liable, in a civil action, to the state for a sum to be assessed by the court of not less than \$5000 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable,

(1) reasonable compensation in the nature of liquidated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability and dispersal characteristics

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of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality; for a violation relating to AS 46.14, the court, in making its determination under this paragraph, shall also consider the degree to which the discharge causes harm to persons or property; this paragraph may not be construed to limit the right of parties other than the state to recover for personal injuries or damage to their property;

(2) reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

(3) the economic savings realized by the person in not complying with the requirement for which a violation is charged; and

(4) the need for an enhanced civil penalty to deter future noncompliance.

Sec. 46.03.760(f) shall be repealed and reenacted as 46.03.760(g).

* Sec. 10. AS 45.50.474 is repealed and reenacted to read as follows:

Sec. 45.50.474. Required disclosures in promotions and shore side sales on board cruise ships. (a) A person may not conduct a promotion on board a cruise ship that mentions or features a business in a state port that has paid something of value for the purpose of having the business mentioned, featured or otherwise promoted, unless the person conducting the promotion clearly and fully discloses orally and in all written materials used in the promotion that the featured businesses have paid to be included in the promotion. All such written notice of disclosure shall be in a type not less than 14-point typeface and in a contrasting color calculated to draw attention to the disclosure.

(b) A person or other entity aboard a cruise ship conducting or making a sale of tours, flightseeing operations or other shore-side activities to be delivered by a vendor or other entity at a future port of call shall disclose, both orally and in writing,

the amount of commission or percentage of the total sale retained or returned to the person making the sale. The person or entity aboard a cruise ship making or attempting to make a sale of services or goods provided by a shore-side vendor shall disclose the address and telephone number of the shore side vendor if asked by a consumer. All such written notice of disclosure shall be in a type not less than 14-point typeface and in a contrasting color calculated to draw attention to the disclosure.

(c) Each violation of this section constitutes an unfair trade practice under AS 45.50.471, and shall result in a penalty of not more than \$100 for each violation. In this section, "cruise ship" means a ship that operates at least 48 hours in length for ticketed passengers, provides overnight accommodations and meals for at least 250 passengers, is operated by an authorized cruise ship operator, and is certified under the International Convention for the Safety of Life at Sea or otherwise certified by the United States Coast Guard.

* **Sec. 11. Severability.** It is the intention of the people of Alaska that any portion of this legislation that is declared unlawful shall be stricken in a manner that preserves the remaining portion of the remaining legislation to the maximum extent possible.

* **Sec. 12. Effective Date.** This Act takes effect 90 days after enactment.

Ballot Measure 2

CRUISE SHIP TAXATION, REGULATION AND DISCLOSURE

STATEMENT IN SUPPORT

The cruise lines should follow Alaska's taxation and pollution rules like everyone else. This initiative protects our fisheries and helps pay for cruise ship impacts on Alaskan communities by establishing/requiring:

1. **\$50 passenger tax** - Alaskans pay tourism taxes when traveling Outside and independent tourists pay taxes on rental cars and lodging in Alaska. Cruise passengers willingly pay similar fees throughout the world. A typical cruise, including tickets, airfare, shopping, tours, gambling, and alcohol, costs over \$3000. A \$50 fee won't make people choose a cruise to New Jersey - therefore there will be no negative impact on Alaska's tourism economy. Federal law requires the funds be spent "servicing the industry," for example, maintaining ports and harbor infrastructure. This tax will help SUPPORT the Alaska tourism economy. Communities preferring their own tax program can opt out of the statewide program.

2. **Meet Alaska Water Quality Standards** - Alaskans need clean water and healthy fish. Cruise ships are the only major polluters not required to have a discharge permit and meet ALL Alaska water quality standards. Everyone else has a permit, no new permitting program is necessary. Nearly every major cruise line has felony convictions for dumping, tampering with pollution control equipment, or falsifying documents to the Coast Guard. This initiative places an independent marine engineer observer on every ship (paid through the passenger tax) to monitor discharges, inspect equipment, and verify logbook entries. The cruise lines have proven they cannot be trusted to help keep Alaska's waters clean and productive.

3. **End tax evasion** - All legal gambling operations in Alaska, except those on cruise ships, pay 1/3 of their profits to charity or in tax. Lucrative cruise line casino operations in Alaska pay nothing. Alaska corporations pay Corporate Income Tax. The cruise industry lobbied for and was granted a specialized income tax exemption for revenue from foreign

registered ships. Under the initiative, the cruise lines will pay the same taxes that local businesses and U.S. registered vessels pay on their income and gambling profits.

4. **Support local businesses** - Since 1994, Alaska law has required oral and written disclosure to passengers by cruise lines when they receive commissions for promoting shore-based tours/businesses. Cruise line promotions are presented as "advice" when they are really "advertisements." This is unfair to local businesses that can't afford the steep, advertising commission. This initiative will require cruise lines to disclose the size of their commissions which will help local businesses compete for tourism dollars. No local businesses will have to report anything.

The cruise lines are "selling" Alaska - while impacting our docks, roads, public facilities, wildlife, and the quality of our lives. This initiative will do nothing to turn visitors away; it will help keep our tourism industry sustainable while protecting the needs of all Alaskans. The Miami/Vancouver-based cruise lines make billions in profits by registering their ships in third world countries to avoid paying U.S. income taxes and wages. The cruise lines can easily afford to play by Alaska's rules like everyone else.

Please vote YES on Ballot Measure 2!

RESPONSIBLE CRUISING IN ALASKA

Gershon Cohen
Haines, Alaska

Joe Geldhof
Juneau, Alaska

Ballot Measure 2

CRUISE SHIP TAXATION, REGULATION AND DISCLOSURE

STATEMENT IN OPPOSITION

**Vote "No" on Ballot Measure 2
It just doesn't make sense!**

Dear fellow Alaskans,

Ballot Measure 2 is a direct attack on Alaska's economy. It will hurt our tourism industry -- a growing industry and the 4th largest employer of Alaskans. Additional taxes, lost jobs and more lawsuits in Alaska are not the answer. **Ballot Measure 2 deserves a "No" vote on August 22nd.**

The Alaska State Chamber of Commerce, Anchorage Chamber of Commerce, City of Fairbanks, Associated General Contractors of Alaska, Southeast Conference, Alaska Travel Industry Association, Resource Development Council, Juneau Chamber of Commerce, City of Skagway and the Ketchikan Chamber of Commerce and several hundred others all **oppose Ballot Measure 2 because it's bad for Alaska.**

Measure 2 will:

Mandate four additional new taxes including a state wide head tax of \$50 per person, \$100 per couple, and \$200 for an average family of four. Rising oil prices are driving up the cost of living, which has reduced all travelers' budgets. Imposing more taxes and fees on top of the other additional travel costs will keep tourists away and hurt our economy instead of helping it.

Force the disclosure of confidential business information about Alaska's local small businesses to competitors including those in the lower 48. No other business in Alaska is required to disclose this type of information. Forced disclosure would reduce the pre-purchase of tours and excursions, hurting Alaska businesses.

Raise costs and discourage tourism to Alaska. Tourists already pay millions of dollars in taxes and fees on their plane tickets, hotels, restaurants, tours and shopping. Additionally, there are more than 26,000 local jobs provided

by the tourism industry contributing tens of millions of dollars to our strong economy. Measure 2 would increase costs, discourage tourism and reduce spending at our local businesses.

Open the door and create new motives for lawyers to file predatory lawsuits. Lawyers will be allowed to file suit and collect up to 50% of any fines collected. Out-of-state attorneys will line up and flood Alaska's court systems with frivolous lawsuits. The Measure would even allow individuals to sue the state of Alaska.

Increase the amount of bureaucratic red tape, bureaucracy and size of state government in Alaska. Measure 2 creates a new layer of state bureaucracy, red tape, paperwork and unnecessary government regulations that don't provide any additional benefits to Alaskans or the environment. Increasing the number of state bureaucrats, cost of state government and the amount of red tape doesn't solve anything.

Tourism is over a \$2 billion dollar industry in Alaska. Attacking the tourism industry through Measure 2 and attempting to pass more taxes, unnecessary and redundant government regulations, and tourism disincentives is the wrong move.

Threatening Alaska's economy, over 26,000 local jobs and thousands of small businesses across the state isn't the answer.

Also endorsing this letter: Mayor Bob Weinstein, City of Ketchikan, Chris Anderson, ORSO and Glacier BrewHouse - Anchorage

Vote "No" on Ballot Measure 2.

Carol Fraser
Aspen Hotels of Alaska

Steve Frank
Rivers Edge Resort in Fairbanks

Marc Langland
President Fiscal Policy Council of Alaska

Absentee Voting

In Person/By Mail/By Fax/Special Needs Voting

GENERAL INFORMATION ABOUT ABSENTEE VOTING

In accordance with Alaska law, any voter may vote before Election Day for any reason. You may vote absentee in person, by mail, by fax or vote a special needs ballot through a personal representative.

ABSENTEE IN PERSON

Beginning on **August 7, 2006**, you may vote absentee in person at any of the regional elections offices or other voting sites established by the Division of Elections. Ballots for all 40 districts are available at all regional elections offices. Absentee voting officials will only have ballots for their house district. On Election Day, these stations will offer absentee in person voting.

ABSENTEE BY MAIL

Absentee ballot applications are available and can be submitted after January 1st of each calendar year, up to 10 days prior to each election for any state elections during that year. You can request a ballot for a specific election or for all elections in the year. To receive an absentee ballot by mail, you must first send an application so that your voter registration can be verified. **Apply early to ensure timely delivery of your ballot.** All absentee by mail ballot applications must be received **AT LEAST 10 DAYS** prior to the election. Voted absentee by mail ballots must be postmarked on or before Election Day.

ABSENTEE BY FAX

Absentee by fax should be your last alternative for casting your ballot. You may apply for an absentee by fax ballot beginning on August 7, 2006 by completing a by fax application. Your completed application must be received by 5:00 pm AST on or before August 21, 2006. If you choose to return your voted ballot by fax, you voluntarily waive a portion of your right to a secret ballot. Voted fax ballots may be returned by fax before 8:00 pm AST on Election Day and may also be returned by mail, postmarked on or before Election Day.

SPECIAL NEEDS VOTING

A qualified voter who is unable to go to the polls due to age, serious illness or a disability may apply for a special needs ballot through a personal representative. A personal representative can be anyone over 18, except a candidate for office in the election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. The personal representative may obtain a ballot for the voter beginning on August 7, 2006 through August 22, 2006 at any regional elections office or any absentee voting site. In addition, special needs ballots may be obtained at the precincts on Election Day.

Contact any Division of Elections office to obtain a by mail or by fax application. For additional information on by mail and by fax voting, contact the Absentee Voting Section. For information on in person and special needs voting, contact the regional elections office nearest you. Absentee voting information is also available online:

<http://www.elections.state.ak.us>

MAIL OR FAX YOUR COMPLETED ABSENTEE BY MAIL BALLOT APPLICATION TO:

**DIVISION OF ELECTIONS
ABSENTEE VOTING SECTION
619 E. SHIP CREEK AVE. #329
ANCHORAGE, ALASKA 99501-1677
PHONE: (907) 375-6400 - FAX: (907) 375-6480**

Voter Rights/Assistance While Voting

Primary Election Day is August 22, 2006

The polls will be open from 7:00 a.m. to 8:00 p.m. on Election Day. TO LOCATE YOUR POLLING PLACE PLEASE CALL 1-888-383-8683. IN ANCHORAGE, PLEASE CALL 269-8683. The following information explains basic voting rights and will help voters with special needs.

Election information is also available on the Division of Elections' website:
<http://www.elections.state.ak.us>

ASSISTANCE WHILE VOTING

If you have difficulty voting because of a disability, difficulty reading or writing English, or for any other reason, you may bring someone to help you at the polls. The person you bring may go into the voting booth with you and help you vote. This person may be an election official, family member, friend, bystander, campaign worker, or anyone else who is not a candidate for office in the election, the voter's employer, an agent of the voter's employer, or an officer or agent of the voter's union. This is your right under federal law.

NON ENGLISH SPEAKING VOTERS

Alaska Native and Tagalog language assistance is available at many polling places throughout the state. Let the Division of Elections know ahead of time if you will need this service when you vote.

HEARING IMPAIRED VOTERS

The Division of Elections has a TTY telecommunications device, which allows hearing impaired voters to obtain general information about elections by calling (907) 465-3020.

VISUALLY IMPAIRED VOTERS

Magnifying ballot viewers for the visually impaired will be available at all polling places and absentee voting sites, in addition to touch screen machines, which will offer magnified, high-contrast and audio ballots.

Audio tape recordings of the **2006 Primary Election Voter Pamphlet** are available from the Alaska State Library, Talking Book Center, located in Anchorage. Telephone the library at (907) 269-6575 for information.

PHYSICALLY DISABLED VOTERS:

If you have difficulty gaining access to your polling place, or if you have accessibility questions about your polling place, please let the Division of Elections know. We make every effort to ensure that polling places are accessible to all Alaskans.

EMERGENCY ABSENCES:

If you are unable to vote at your polling place for the Primary Election and did not have time to apply for an absentee by mail ballot or to vote absentee in person, you may be able to vote by fax. The application period for voting by fax begins on **August 7, 2006** and applications must be received by **5:00 p.m. AST on August 21, 2006.**

IF YOU HAVE QUESTIONS OR WOULD LIKE MORE INFORMATION ABOUT OUR SPECIAL SERVICES, PLEASE CONTACT ANY REGIONAL ELECTIONS OFFICE.

Region I JUNEAU: (907) 465-3021
Region II ANCHORAGE: (907) 522-8683
Region III FAIRBANKS: (907) 451-2835
Region IV NOME: (907) 443-5285

KENAI: (907) 283-3805
MAT-SU: (907) 373-8952

Understanding Ballot Rotation for 2006

For the 2006 Primary Election, the following races will be up for election: U.S. Representative, Governor, Lt. Governor, 10 State Senate Districts and 40 State House Districts. All ballot rotation will take place by State House District.

Candidates for the U.S. Representative, Governor and Lt. Governor races will be placed on the first ballot (House District 1) in alphabetical order. Then, beginning with the House District 2 ballot, candidates will rotate by the top candidate moving to the bottom of the race and all other candidates moving up one position. This rotation will continue through all 40 State House District ballots.

Each State Senate District is comprised of two State House Districts. For the 10 State Senate races, there will be a random draw of the letters of the alphabet to determine the order of how the candidates will be placed on the first State House District ballot. For the second State House District, in which the State Senate District appears, the candidates will rotate by the top candidate moving to the bottom of the race and all other candidates moving up one position.

For the 40 State House District races, there will be a random draw of the letter of the alphabet to determine the order of how the candidates will be placed on the State House District ballot.

There will be one random draw of the letters of the alphabet for both the State Senate and State House District races.

State of Alaska - Division of Elections Official Ballot

House District 1

US Representative	Governor or Lt. Governor
<ul style="list-style-type: none"> › Apple, Joe › Banana, Mary › Cantaloupe, Susie 	<ul style="list-style-type: none"> › Arctic, Jones › Barrow, Margaret › Caribou, Jamie

State Senate District A	State House District 1
<ul style="list-style-type: none"> › Jackson, Henry › Darby, Meghan › Wakefield, Sandie 	<ul style="list-style-type: none"> › Jack, Shelly › Queen, Whitney › King, Joseph

State of Alaska - Division of Elections Official Ballot

House District 2

US Representative	Governor or Lt. Governor
<ul style="list-style-type: none"> › Banana, Mary › Cantaloupe, Susie › Apple, Joe 	<ul style="list-style-type: none"> › Barrow, Margaret › Caribou, Jamie › Arctic, Jones

State Senate District A	State House District 2
<ul style="list-style-type: none"> › Darby, Meghan › Wakefield, Sandie › Jackson, Henry 	<ul style="list-style-type: none"> › Glenn, Marty › Arrow, Don › Seward, Doreen

State of Alaska - Division of Elections Official Ballot

House District 3

US Representative	Governor or Lt. Governor
<ul style="list-style-type: none"> › Cantaloupe, Susie › Apple, Joe › Banana, Mary 	<ul style="list-style-type: none"> › Caribou, Jamie › Arctic, Jones › Barrow, Margaret

State House District 3
<ul style="list-style-type: none"> › O'Malley, Grace › Minnesota, Rachel › Abbott, Mable



STATE OF ALASKA
Division of Elections
P.O. Box 110017
Juneau, Alaska 99811-0017

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R E G I O N A L E L E C T I O N S O F F I C E S

Region I Elections Office
(House Districts 1-5, 33-36)
9109 Mendenhall Mall Road, Suite 3
P.O. Box 110018
Juneau, Alaska 99811-0018
Phone: (907) 465-3021

Kenai Elections Office
11312 Kenai Spur Highway,
Suite 45
Kenai, Alaska 99611
Phone: (907) 283-3805

Region III Elections Office
(House Districts 6-12)
675 7th Avenue, Suite H-3
Fairbanks, Alaska 99701-4594
Phone: (907) 451-2835

Region II Elections Office
(House Districts 13-32)
2525 Gambell Street, Suite 100
Anchorage, Alaska 99503-2838
Phone: (907) 522-8683

Matanuska-Susitna Elections Office
North Fork Professional Building
1700 E. Bogard Road, Suite B102
Wasilla, Alaska 99654
Phone: (907) 373-8952

Region IV Elections Office
(House Districts 37-40)
Alaska State Office Building
103 Front Street
P.O. Box 577
Nome, Alaska 99762-0577
Phone: (907) 443-5285

Election information is also available on the Division of Elections' website at:

<http://www.elections.state.ak.us>

AMENDMENT #1 W/D

OFFERED IN THE HOUSE
TO: HB 164

BY REPRESENTATIVE RAMRAS

1 Page 1, line 4, following "vessels;":

2 Insert "creating the Alaska ocean protection and enhancement fund and the
3 Alaska ocean protection and enhancement program;"

4

5 Page 2, following line 21:

6 Insert a new bill section to read:

7 "Sec. 4. AS 46.03 is amended by adding new sections to read:

8 Sec. 46.03.483. Alaska ocean protection and enhancement fund. (a) The
9 Alaska ocean protection and enhancement fund is established as a sub-account in the
10 commercial passenger vessel environmental compliance fund established in
11 AS 46.03.482.

12 (b) The sub-account established in (a) of this section consists of the following,
13 all of which shall be deposited in the sub-account on receipt:

14 (1) money received by the department in payment for fees under
15 AS 46.03.480(d);

16 (2) money appropriated to the sub-account by the legislature;

17 (3) money received by the department from private sources to be
18 expended on the Alaska ocean protection and enhancement program established in
19 AS 46.03.484; and

20 (4) earnings on the sub-account.

21 (c) The legislature may make appropriations from the sub-account to

22 (1) pay for the Ocean Ranger program established in AS 46.03.476;

23 (2) fund grants under the Alaska ocean protection and enhancement

1 program established in AS 46.03.484; and

2 (3) fund the activities of the Alaska Ocean Protection and
3 Enhancement Advisory Board established in AS 46.03.484(b).

4 (d) Nothing in this section creates a dedicated fund.

5 **Sec. 46.03.484. Alaska ocean protection and enhancement program. (a)**

6 There is established in the department the Alaska ocean protection and enhancement
7 program. The commissioner may, in consultation with the Alaska Ocean Protection
8 and Enhancement Advisory Board established in (b) of this section, award grants to
9 eligible applicants for

10 (1) studies to assess the effects from vessel traffic on air quality, water
11 quality, and marine life in and near Alaska marine water and to recommend mitigation
12 and prevention of adverse effects;

13 (2) activities to remediate or clean up pollution or debris from vessel
14 traffic in or near Alaska marine water;

15 (3) educational programs designed to inform the public about the
16 importance of maintaining air and water quality standards for Alaska's marine water;
17 and

18 (4) other activities that the commissioner determines will foster the
19 protection and enhancement of Alaska marine water.

20 (b) There is established the Alaska Ocean Protection and Enhancement
21 Advisory Board consisting of not more than seven and not fewer than five members,
22 as determined by the commissioner. The governor shall appoint the board members.
23 The governor shall appoint at least two members of the board from nominations
24 provided by the owners or operators of large commercial passenger vessels and at least
25 two members from nominations provided by nonprofit corporations eligible to receive
26 grants under this section. Members of the advisory board serve without compensation
27 but are entitled to per diem and travel expenses as authorized under AS 39.20.180.

28 (c) The department shall adopt regulations for the administration of the Alaska
29 ocean protection and enhancement program, including

30 (1) additional criteria for eligible applicants and eligible projects;

31 (2) application forms and deadlines for receiving applications;

- 1 (3) grant evaluation criteria; and
- 2 (4) audit and other procedures to ensure proper expenditure of grant
- 3 funds.

4 (d) In this section, "eligible applicant" means

5 (1) a nonprofit corporation organized under the laws of this state if the

6 corporation has been in existence for at least two years at the time of the grant

7 application and has as one of its purposes the promotion of air or water quality in

8 Alaska marine water or the protection of marine life in Alaska marine water;

9 (2) a municipality that demonstrates potential effects from vessel

10 traffic in the marine water within the boundaries of the municipality;

11 (3) an entity under federal law that demonstrates potential effects from

12 vessel traffic within the areas of subsistence use; or

13 (4) other entities that the commissioner determines are affected by

14 effects of vessel traffic in Alaska marine water."

15

16 Renumber the following bill sections accordingly.

Gulf of Alaska Keeper

5933 E 12th Avenue
Anchorage, Alaska 99504

March 28, 2007

By: Email

Representative Jay Ramras
Chairman, House Judiciary Committee

Re: Ocean Ranger Legislation

Dear Representative Ramras:

I am Co-director of Gulf of Alaska Keeper (GoAK). GoAK is a 501c3 non-profit that conducts large marine-debris remediation projects in Prince William Sound and along the Gulf of Alaska northern coast. Over the past six years we cleaned hundreds of miles of PWS beaches. Last season alone, using volunteers and a professional crew, we cleaned 350 miles of coastline around all the islands in the Knight Island archipelago, removing 35 tons of plastic debris that filled 46 large dumpsters. We also conducted marine-debris surveys on an additional 300 miles of coast.

Plastic marine debris is a very serious environmental threat that has largely gone unrecognized or is simply ignored. While generally viewed as an aesthetic problem, or at most a problem that causes animal deaths via entanglement or by ingestion of plastic items, there is a much more threatening aspect to plastic marine debris. Plastic is loaded with all sorts of inherent toxic chemicals, such as phthalates. In addition to plastic's inherent chemicals, plastic marine debris floating in the North Pacific Gyre adsorb huge quantities of nasty industrial pollutants emanating from factories in Russia and Asia. These airborne industrial pollutants, including very toxic Persistent Organic Pollutants (POPs) such as dioxin and PCPs, condensate out over the North Pacific and settle into the ocean.

Plastic trash from western Pacific Rim countries covers huge patches of the northern Pacific. Studies indicate that there is 10 times as much plastic by weight in the North Pacific Gyre than there is phyto and zoo-plankton. Researchers in Japan and from the University of Washington have discovered that plastic marine debris very efficiently adsorbs nasty chemical toxins, accumulating loads of POPs on the surface of the plastic that are as much as one million times higher than the amount of POPs in the surrounding water column. Plastic caught in the North Pacific Gyre drifts around for years soaking up POPs and other pollutants. The frightening aspect of this is that eventually prevailing currents and winds drive this plastic debris onto northern Gulf of Alaska and Prince William Sound shorelines. Once on the shoreline, storms and surf over time grind the plastic into tiny toxic particles that are ingested by small inter-tidal organisms at the base of the food chain. Scientists around the world are beginning to show that these toxins then bio-accumulate up the food chain, threatening higher trophic levels including fish, wildlife and humans. GoAK recently began a project with the UAA chemistry department to analyze and track this toxicity problem throughout the inter-tidal ecosystem.

As the attached photos illustrate, northern Gulf of Alaska and Prince William Sound shorelines are flooded with nearly incomprehensible amounts of toxic plastic marine debris, almost all of which originated from foreign countries or offshore fleets. These photos are of a massive plastic debris field on Gore Point, a small finger of land projecting from the southeast Kenai Peninsula

Representative Jay Ramras

March 28, 2007

Page 2

into the Gulf of Alaska. This particular debris field covers 120 000 square yards and is several feet deep in places. Another nearby debris field is at least twice as big. Sadly, this area is on the shores of Kachemak Bay State Park Wilderness. Storms have driven the toxic plastic debris deep into the surrounding forest and critical inter-tidal spawning and rearing habitat.

Gore Point is not an anomaly. Similar debris fields inundate northern Gulf of Alaska and Prince William Sound shorelines. The beaches on the Gulf of Alaska side of Montague, Hinchinbrook, Hawkins, Kayak and other islands are covered with thousands of tons of toxic plastic debris. GoAK's primary goal is to remove it all. We also began a marine-debris monitoring program, establishing monitoring sites throughout the region that will be visited each year so that we can eventually ascertain the debris accumulation rate and to hopefully identify debris sources.

Each year, hundreds of volunteers donate thousands of hours to GoAK's marine debris project. The Whittier charter fleet donates vessels and time. The City of Whittier donates facilities and disposal of the collected debris. GoAK also has a professional marine-debris remediation crew that cleans beaches throughout the summer. Even with all of our volunteers and in-kind donations, this is a very expensive project. We spend the entire year raising money so that we can afford to keep crews and volunteers in the field during the short summer season. We receive limited funding from federal, private and foundation grants. However, we must still raise nearly \$300,000 to meet this season's project goals. Although nearly all of the shoreline that we clean is State tideland, GoAK has never received State funding or agency support. NOAA federal grants require one-to-one matching funds. Some private foundation grants require the same match. State funding could be used to satisfy the matching grant requirements, thereby leveraging State funds. GoAK's projected marine-debris remediation budget this season just for cleaning a few central PWS islands and Gore Point is \$500,000. It will cost tens, if not hundreds, of millions of dollars to clean the northern Gulf of Alaska and Prince William Sound shoreline. While GoAK will make a valiant effort, the task will be almost impossible to complete without strong, sustained State financial support. Too much of our time is spent raising money...time that could be better spent actually removing plastic debris from critical habitat.

GoAK has no position on the Ocean Ranger program itself. However, we strongly believe that if the money intended for the Ocean Ranger program was instead put into an Environmental Trust to fund programs such as GoAK's marine-debris remediation project, it would provide immediate and far-reaching benefits to Alaska's critical coastal habitat and dependent communities. Fish and wildlife, commercial fishermen, sportsmen, hunters, subsistence users, the tourism industry and many others would directly benefit from this simple reallocation of funds because the money could be spent to directly protect the resources they all depend upon. For these reasons, GoAK strongly supports your legislation to reallocate the Ocean Ranger funding.

Sincerely,

Chris Pallister

Chris Pallister
Co-director
Gulf of Alaska Keeper

Gulf of Alaska Keeper (GoAK)

...From sea to shining sea...

GoAK - Dedicated to cleaning shorelines in Prince William Sound and the Gulf of Alaska

May 2006 PWS Cleanup



Over 100 volunteers collected over 600 bags of trash and cleaned 30 miles of shoreline.

Ongoing PWS Cleanup



During June through August 2006, GoAK collected more than 35 tons of marine debris.

Montague Island Survey



Twice during 2006, GoAK surveyed the outer coast – LOTS of trash observed!

Gore Point Survey Oct 2006



In 2007, GoAK plans to tackle Gore Point – a gargantuan catcher's mitt of debris.

Naked Island Survey



Oct. 2006, GoAK surveyed Naked Island as a prelude to 2007 volunteer cleanup.

GoAK Needs Your Help

Since the dawn of plastics, immeasurable amounts of plastics have been dumped into our oceans worldwide. After drifting for years in ocean currents, storms drive the debris onto our shorelines. Plastic marine debris (MD) is not only unsightly, but also poses risks to our intertidal ecosystems.

In the late 1990's, a small, dedicated group of citizens became alarmed at the increasing amount of plastics, derelict fishing gear, styrofoam, and other marine debris that is collecting in "pristine" Prince William Sound.

GoAK is Born

Beginning in 2001, small-scale local cleanups in Prince William Sound were initiated successfully out of Whittier, Alaska. During the following 5 seasons, volunteers worked eastward from Whittier, cleaning approximately 70 miles of sensitive coastal habitat.

Discovering more and more debris-choked beaches and faced with the daunting task of cleaning more than 3500 miles of shoreline in Prince William Sound alone, the non-profit Gulf of Alaska Keeper (GoAK) formed in 2005 to expand and fund the program.

2006 and Beyond

In 2006, GoAK launched a highly successful cleanup of over 350 miles of extremely rug-



A pile of derelict fishing gear awaits removal during the 2006 cleanup on Knight Island in Prince William Sound.

ged and remote shorelines of the Knight Island archipelago; an equivalent of 46 large dumpsters (35 tons) of marine debris were removed from the islands and hauled to Whittier.

Over 300 miles of beach surveys were conducted in 2006 along Knight Island, the outer coast of Montague Island, western PWS, Gore Point, and Naked Island. 2007 field plans include marine debris removal and further surveying, but the challenge grows as GoAK focuses effort further away from immediate land-based resources. We can no

longer rely primarily on volunteer efforts. An estimated 100,000 marine mammals and 2 million seabirds die each year after ingesting or being caught in plastic debris. (Garrison, Oceanography, 2005)

Given that the majority of marine debris swirls in from the Pacific Ocean, we often wonder how much more is out there. We may not be able to eliminate the source, but through volunteer and funded efforts, we can do our part to tackle this problem – starting in our own Alaskan backyard.

PRINCE WILLIAM SOUND SHORELINE CLEANUP

MAY 18-20, 2007



Wanted:

Any volunteers (18 years or older) who are willing to work to help make the Sound more pristine.

Location of cleanup:

Naked and Peak Islands

Logistics:

Three days, two nights, overnight camping on the beach, or sleeping on a boat; limited number of kayakers who want to work will be accommodated

Departure point:

Whittier at 9 a.m. at the Alaska Seakayakers in the Triangle area

Transportation:

Sea kayak transporters and other volunteer vessels (non-refundable deposit of \$40 for beach campers, or \$50 for overnight on boat required to reserve passenger space)

What to bring:

Gloves, layered clothing, rain gear, camping gear, food and water, serrated knives, garden shears, pry bars, etc.



For more information or to sign up to help,
contact Chris Pallister at chris@goak.org

*Sponsored by the Gulf of Alaska Keeper (GoAK) and the Marine Conservation Alliance Foundation
with support from a host of other user-groups of PWS*



Gore Point, Alaska

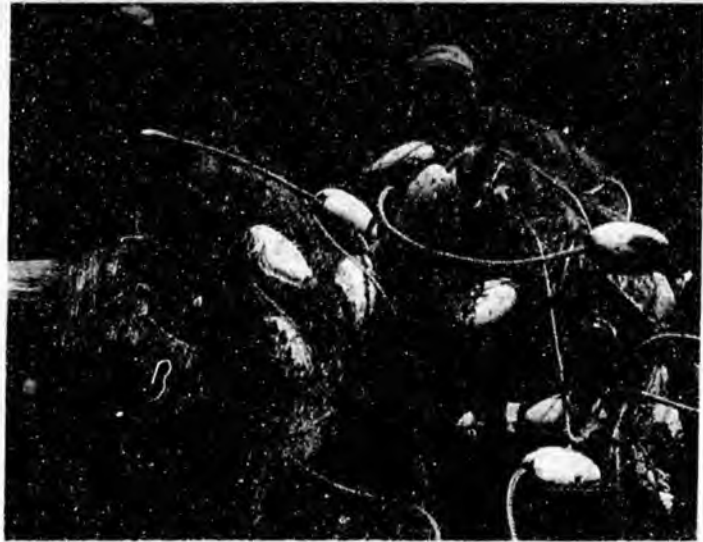
In this case, these words of national pride have turned into national shame. The world's oceans have been used far too long as a dumping ground. Instead of magically disappearing, durable goods such as this plastic marine debris (MD) fouling a coastal forest floor have come back to haunt us. While many people shake their heads at sights like this and maybe dig around in them a bit for "Treasures"; the debris is rarely picked up and hauled away to a proper waste facility. This particular site in Kachemak Bay State Wilderness Park has accumulated plastic debris since the beginning of the age of plastics sometime in the 1950's. There is much more here than meets the eye, as this debris field is many feet deep. Sadly, it is only one of thousands of marine-debris sites along Alaska's vast, rugged, and intricate shoreline.

It is easy to disregard these debris piles as just an aesthetic problem, but it is becoming increasingly apparent that there is much more to this issue than meets the eye. Plastic products inherently contain toxic chemicals. Furthermore, plastic drifting for years in the North Pacific Ocean absorbs industrial pollutants. These toxin loaded plastic items eventually drift ashore where many animals, such as bears and otters, chew them into small pieces. It is suspected that this may be a pathway by which toxic chemicals are accumulating in wildlife. In addition, derelict plastic fishing nets and other products such as six-pack rings and masses of ropes, are notorious for ensnaring and drowning many marine mammals. In addition, countless numbers of seabirds and turtles die gruesome deaths after ingesting small plastic debris.

We all contribute to the plastic MD problem even if unwittingly. Because we all share the blame, we all have an obligation to clean up the mess. It is a huge problem that no organization can do by itself. But, Gulf of Alaska Keeper (GoAK) is doing everything it can do to combat the problem in the Gulf of Alaska and associated watersheds. GoAK is a 501C3 non-profit group dedicated to MD removal and other water-quality issues. One of our primary objectives is to remove MD from our critical shoreline habitat.

As these pictures attest, plastic MD comes in countless forms. Unfortunately, much of it is very labor intensive and time consuming to remove. Nets and ropes become entangled with logs and other debris. They must be laboriously cut away piece by piece. Additionally, beach sand saturates the weave of the nets and ropes which quickly dulls or ruins cutting implements.

Styrofoam is our particular bane, and it is everywhere. It is easily broken into thousands of small bits by wave action and also by animals that delight in chewing on it. Styrofoam bits are very difficult to clean up but because of its propensity for absorbing toxic chemicals, GoAK believes that as much as possible needs to be removed. GoAK is experimenting with techniques to efficiently remove Styrofoam.



Lost Fishing Net



Bear-Chewed Styrofoam Mess



Entangled Plastic Tubing

...From Sea to Shining Sea

What Can We Do?

Even if mankind suddenly stopped throwing plastic debris overboard, there will always be storms, floods, and other sorts of accidents that flush MD into the oceans. So it is unlikely that there will soon be an alternative to manually removing MD from the intertidal zone.



Good Riddance!

It takes a great deal of dedication, planning, logistical support, and funding to make a significant impact removing MD from Alaska's vast coastline. Only through strong financial, volunteer, and partner support, can we continue to make good progress.

Headed for the Dumpsters

As an example of mutual cooperation between cleanup partners, the City of Whittier Alaska generously donates dumpsters and landfill fees to the GoAK MD Remediation Project. Only with the help of partners such as Whittier will we be able to continue our quest to remove this overwhelming mess from Alaska's shorelines.



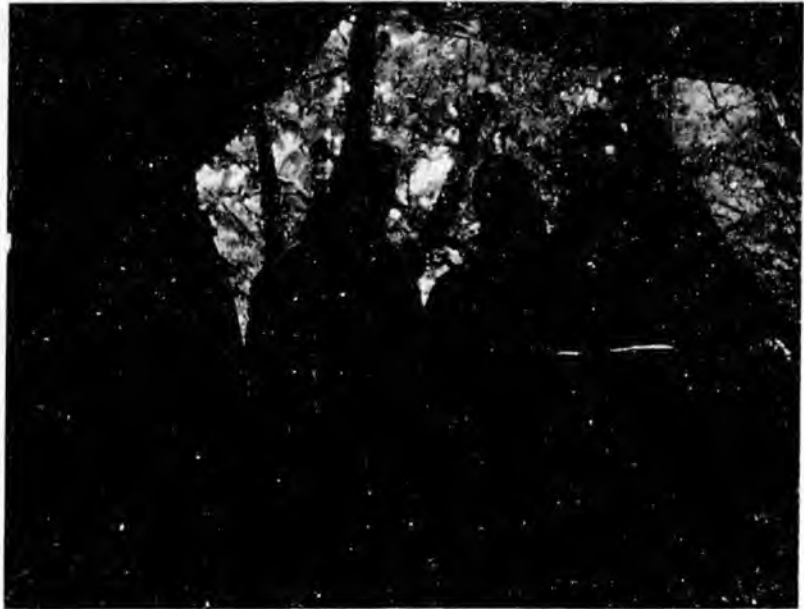
Yet Another Load

...From Sea to Shining Sea

Over the past five years, GoAK members zealously cleaned beaches in Alaska's Prince William Sound. Over the first four seasons, using only volunteer labor and support, over 70 miles of coastline were cleaned and tons of debris hauled back to Whittier for proper disposal. In 2006, recognizing the need for greater progress, we combined the popular volunteer effort with a professional MD remediation effort. Concurrent with the beach cleanup, GoAK collects dead marine mammals and seabirds for federal agencies. We also find and report land-use violations to the landowners. In addition, GoAK conducts MD surveys each season and has established 16 MD monitoring sites which will be cleaned and quantified every year. Mostly though we pick up, yank, tear, pull, cut, and use any other means available to remove MD from the water and shoreline. We also have to occasionally chase off a bear or two and tolerate some lousy weather.

During the 2006 season, 100 volunteers cleaned 30 miles of shoreline from Bay of Isles on Knight Island to the northern tip of Eleanor Island in Prince William Sound. Our field crew removed all of the MD collected by the volunteers then continued cleaning the rest of the Knight Island Archipelago. After covering nearly 350 more miles of shoreline the GoAK field crew removed 2,200 bags of debris that filled 46 large dumpsters. With additional financial support, we are excited to think of what can be accomplished in the future.

Who Are We?



Nick Ted Ryan Doug
The 2006 Field Crew



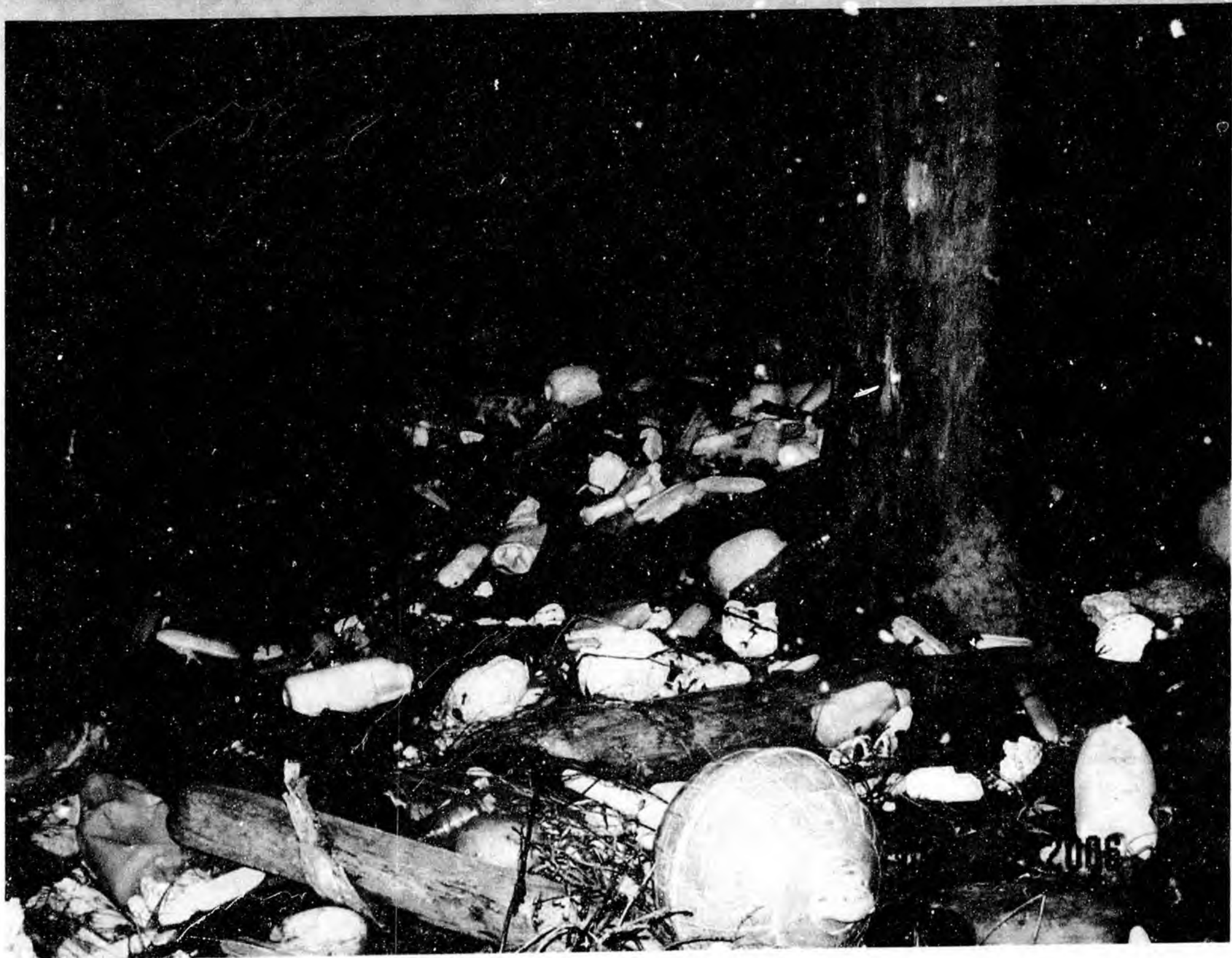
Bryn Loves the Derelict Nets

The Final Plea for Donations

During the course of our cleanups, it quickly became apparent that an incredibly wide range of sources have contributed to the MD problem. Some legal, some illegal. Some accidental, some intentional. These contributors range from the general public to industries such as shipping, oil, and fishing. The plastic products found on our beaches range from shotgun shells and fireworks parts to fishing nets, rope, and everything in between. So, we are sending a plea for funding help to all sources, both private and industry, to please help us clean Alaska's shorelines and help protect our valuable and critical intertidal resources. This can be a win-win situation for all involved. The world's commerce can continue as normal and GoAK will make everybody look good by using our combined resources to keep our shorelines shining from sea to shining sea.

*Ingot Island Volunteers**Now What Do We Do?**Nothing But Net!*

Contact: Chris Pallister
Co-director GoAK
907-345-0166
chris@goak.org



Gulf of Alaska Keeper

5933 E 12th Avenue
Anchorage, Alaska 99504

March 28, 2007

By: Email

Representative Jay Ramras
Chairman, House Judiciary Committee

Re: Ocean Ranger Legislation

Dear Representative Ramras:

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Representative Jay Ramras

March 28, 2007

Page 2

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Sincerely,

Chris Pallister

Chris Pallister
Co-director
Gulf of Alaska Keeper



Alaska SeaLife Center®
w i n d o w s t o t h e s e a

March 27, 2007

Honorable Chairman Jay Ramras
House Judiciary Committee
Alaska State Legislature
House of Representatives
Juneau, AK

Dear Representative Ramras:

I am the Director of the Alaska SeaLife Center. The Center is a private, not-for-profit organization with the mission of understanding and maintaining the integrity of the marine ecosystem of Alaska. We have structured the organization to accomplish this mission through four primary mission lines: research, rehabilitation, conservation, and education. Though some have mislabeled us the Seward SeaLife Center, our mission is to support all of Alaska on marine issues.

Taking on the challenge of dealing with marine ecosystems in Alaska is an enormous task. The geographic range of our mission is enormous. Understanding marine ecosystems is a complex challenge. The working conditions for our field work can be quite challenging. And, as with a number of other institutions we partner with, there are not enough fiscal resources to allow us to do all that could and should be done.

We have long advocated a broader view of funding research, rehabilitation, conservation, and education programs in Alaska. We work hard to leverage the dollars we receive and can generate, but finding long-term, reliable funding streams to support long-term programs is difficult. We would support the development of an Ocean Fund that would ensure that Alaskan organizations are able to compete for funds that support our mission programs that provide a critical role in helping the State to oversee and manage the use of our marine ecosystems. I can provide a number of examples as to the types of activities that we engage in that could benefit from such a program, but I'll only provide a few examples below.

We have defined needs for active research programs on the direct impacts of marine uses on the ocean itself—from the perspective of the animals that live within it, the communities that surround and depend on it, and the businesses and industry that use it. We have the State's only Marine Mammal Stranding Center, and are first responders along with other agencies in any individual animal rehabilitation case, mass stranding, or unusual mortality event. We have a significant investment in the expertise and facilities to conduct these activities, and we need long-term funding opportunities to ensure that we can keep this unique capacity in Alaska. We have

both formal and informal education platforms within the Center, via distance delivery, and through outreach programs. New curriculum and programs should be developed to link the next generation of marine stewards to the real issues that the State faces. We have the skill and the connections, but lack the resources to develop specific programs on air and water quality issues and how they relate to the health of the ocean and the marine animals that we study. We have almost 150,000 visitors a year that we can educate about marine issues. We have the ability to tell the message of how well Alaska manages these resources to the rest of the nation, but lack the funding to develop and market such a program. We are actively engaged in marine conservation and clean up activities. We are building a long-term monitoring program that focuses on the North Gulf of Alaska region. And the list goes on.

There is much discussion right now about the outcome of a new tax revenue stream that will be coming into the State through the cruise industry. I would advocate the vision of establishing an Ocean Fund that could provide a long-term benefit to the understanding and maintaining of the marine ecosystems of Alaska. This would be a unique approach that would bring the contribution of this industry player and the State together for the long-term good of Alaska. If structured right, such a fund would be a tremendous leverage point for existing Alaskan organizations that are working to ensure that our marine resources are well managed. Alaska has already established the benchmark for the nation as it relates to management of marine ecosystems. This is an opportunity to take that commitment to the next level. This would allow us broader ability to ensure we do things right, to prove it when we do so, and to communicate it to those that need to and should know.

Sincerely,



Tylan Schrock
Executive Director
Alaska SeaLife Center

CC Senator Gary Stevens
Representative Paul Seaton

HB

172



ALASKA STATE LEGISLATURE

HOUSE LABOR & COMMERCE COMMITTEE

REP. KURT OLSON

Chairman
State Capitol, Room 17
Juneau, AK 99801-1182
(907) 465-2693 FAX 465-3835

Rep. Mark Neuman, V-Chair Rep. Carl Gatto
Rep. Jay Ramras Rep. Berta Gardner
Rep. Gabrielle LeDoux Rep. Bob Buch

SPONSOR STATEMENT

HB 172

HB 172 will exempt commercial refuse service, the collection and disposal of refuse materials using dumpsters and wheel containers with a capacity of one cubic yard or more, from rate regulation by the Regulatory Commission of Alaska (RCA).

Removing rate regulation from commercial refuse service will allow flexibility in setting rates which will promote innovation as to rates and services and will reduce costs for commercial customers. Flexibility in setting rates should also assist commercial refuse utilities and commercial customers in developing integrated waste stream recycling, diversion and disposal systems.

Removing rate regulation should reduce the cost and administrative burden associated with the generation, review and maintenance of tariffs. This in turn should encourage more entrants into the commercial refuse market, benefiting commercial customers overall.

Removal of commercial refuse rate regulation will promote the public good by allowing the RCA to utilize the resources now devoted to commercial rate regulation to more pressing consumer issues. Rate deregulation will not prevent the RCA from continuing to police the commercial refuse market. The RCA will retain the right to modify, suspend or revoke a commercial refuse utility Certificate of Public Convenience and Necessity for good cause shown. The Commission will also retain jurisdiction to address and resolve customer disputes and claims that a particular company is acting improperly.

Alaska has a vibrant, knowledgeable commercial community capable of evaluating the services and rates offered by commercial refuse utilities. Rate deregulation will allow market forces to set rates and drive service innovation.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB172-COM-RCA-04-30-07
 Bill Version: HB 172
 (S) Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Commerce

Title Public Utility Exemption: Refuse

RDU Regulatory Commission of Alaska (399)

Component Regulatory Commission of Alaska

Sponsor House Labor & Commerce

Requester House Labor & Commerce

Component No. 2417

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)

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

CHANGE IN REVENUES (1141)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)
------------------------------------	----------------	----------------	----------------	----------------	----------------	----------------

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1141 RCA Receipts	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)
TOTAL	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)	(205.6)

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	-2	-2	-2	-2	-2	-2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would exempt commercial refuse service providers from economic regulation by the RCA. This exemption could be eliminated if the subscribers representing 25 percent of a utility's gross commercial refuse service revenues petition the RCA for regulation. This legislation would only impact refuse providers with annual gross revenues over \$300,000; refuse utilities with \$300,000 or less in annual gross revenues are currently exempt from economic regulation under AS 42.05.711(i) unless the subscribers representing 25 percent of a utility's gross revenues petition the RCA for regulation.

Alaskan refuse providers grossing over \$300,000 annually reported 29.4 million dollars in annual revenues from commercial refuse service in 2006, resulting in RCC payments of approximately \$205.6 during FY 2006.

The RCA's budget is funded through (RCC) and direct charge mechanisms, with a current statutory RCC cap of 0.7%. The RCC is recalculated each year and allows the agency to recover its operating costs through an assessment on revenues of regulated utilities and pipeline carriers. Utilities exempt from economic regulation by the RCA do not pay RCCs, but may be required to pay the actual costs of services provided by the RCA.

Prepared by: Kate Giard, Chair
 Division: Regulatory Commission of Alaska
 Approved by: Emil Notti, Commissioner
 Agency: Commerce, Community, and Economic Development

Phone: 907.276.6222
 Date/Time: 4/30/07 6:03 PM
 Date: 4/30/2007

R-06-10

R.C.A. RECEIVED
07 FEB -7 PM 1:05



Regulatory Commission of Alaska
701 W. 8th Avenue, Ste 300
Anchorage, Alaska 99501
Chairman-Kate Giard
FAX 276-0160

Dear Ms. Giard:

The Anchorage Home Builders Association is writing you in support of deregulation with regards to the refuse industry.

History has demonstrated that there is no benefit to regulation; industry is able to operate effectively without regulation. Deregulation allows for more competitors to operate on an even playing field and the competitive bidding process is not slowed waiting for the commission to approve special contracts. This change it would free up the RCA to focus on higher priority issues.

We appreciate your consideration of our viewpoint and if we can be of any further assistance in this matter, please contact us.

Sincerely,

Eric Schack
President
Anchorage Home Builders Association

"Building Better Places to Live, Work and Play"

ANCHORAGE HOME BUILDERS ASSOCIATION, INC.

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605 • Fax (907) 522-3757





Municipality of Anchorage

P.O. Box 1968750 • Anchorage, Alaska 99519-6875 • Telephone: (907) 343-4461 • Fax: (907) 343-4475 <http://www.muni.org>

Mayor Mark Begich

Office of the Mayor

February 8, 2007

Commissioners
Regulatory Commission of Alaska

RE: Docket R-06-10

On January 10, 2007, Alaska Pacific Environmental Services Anchorage, LLC d/b/a Alaska Waste ("Alaska Waste") filed comments with the Regulatory Commission of Alaska ("Commission") requesting support for their proposal to amend Alaska law to exempt commercial refuse service from economic regulation. In Order No. 4 dated January 19, 2007 the Commission invited comment on Alaska Waste's proposal.

The Municipality of Anchorage (MOA) does not object to this proposal, based on its understanding set out below.

AS 29.35.050 authorizes the Municipality to provide by ordinance for residential and commercial refuse services within its boundaries. The Anchorage Municipal Code, Section 26.70.030, requires use of the municipal collection and disposal system within the former City of Anchorage boundaries (subject to exceptions authorized by the MOA. The Commission has recognized this municipality in its certificate of public convenience and necessity and other proceedings. I note that the portions of AS 42.05 regarding certificates would not be affected by the proposed amendment.

If a bill is introduced in the Alaska Legislature containing this amendment, the Municipality will track the language through the committee process to ensure that its refuse utility operations remain unaffected.

I appreciate the opportunity to comment.

Sincerely,

Mark Begich
Mayor

cc: Jon Rubini, Alaska Waste

Community, Security, Prosperity

R.C.A.
RECEIVED

Sagaya Corporation
2525 Blueberry Road, Suite #106
Anchorage, AK 99503

07 FEB -8 PM 3:36

February 8, 2007

Via Facsimile and Hand Delivery
Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, AK 99501

Re: R-06-10, Order NO. 4

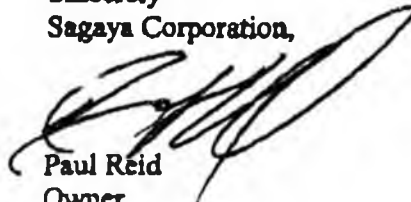
Dear Commissioners:

The purpose of this letter is to represent the support of Sagaya Corporation for the proposal to exempt commercial refuse haulers from regulation by the RCA.

The commercial refuse hauling industry is a competitive business in Anchorage. We feel that Sagaya Corporation, as well as many other businesses, would be enhanced and benefit from an unregulated, competitive commercial refuse hauler marketplace. As a result of exemption of this service, our business will be able to choose a service across all available companies which we feel is to our benefit. As a commercial customer and successful business operator we are capable of selecting a provider and managing this type of service and value the ability to do so. Due to the relatively minimal infrastructure involved and low cost of entry, protection from refuse hauling monopolies by government is not required nor necessary.

As a consumer, having a choice allows us to control price and quality as we deem necessary. I strongly encourage the Commission to focus its energy on the other more pressing issues and deregulate the commercial refuse service.

Sincerely
Sagaya Corporation,



Paul Reid
Owner

R.C.A.
RECEIVED

07 FEB -8 PM 3:10

Entech Alaska, LLC
440 E. 100th Avenue
Anchorage, Alaska 99516

February 7, 2007

Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, AK 99501

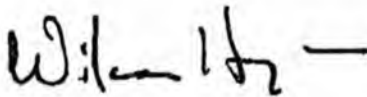
RE: R-06-10, Order NO. 4

Dear Commissioners:

The purpose of this letter is to forward the support of Entech Alaska LLC for the proposal to exempt commercial refuse haulers from regulation by the RCA.

The commercial refuse hauling industry can be a very competitive business in Anchorage. Our business, Entech Alaska LLC, in addition to many others, can enjoy the benefits of an unregulated, competitive commercial refuse hauler marketplace. We will be able to shop price and service across all available companies, not just the few that choose not to serve many. Most commercial customers are successful business operators who are very capable of selecting a provider and managing this type of service. Because there is relatively minimal infrastructure involved and a low cost of entry, the protection from refuse hauling monopolies by government is not required. From the perspective of a consumer, having a choice allows us to control price and quality. I encourage the Commission to focus its energy on its other more pressing issues and deregulate the commercial refuse service.

Sincerely,



Wilson Hughes
Member



Freedom Refuse

(907)244-3041

R.C.A.
RECEIVED
07 FEB - 7 PM 1:26

February 5, 2007

Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

RE: R-06-10, Order NO. 4

Dear Commissioners:

When I first started Freedom Refuse, Waste Management would use predatory pricing practices. As I would approach potential customers with my rates, Waste Management (WM) would offer these customers substantial price reductions. Among other methods, they would do this by dropping the rent on the container completely or reclassifying their refuse type to a lower class. Even though WM was able to substantially slow down my growth rate, the tariff kept them from being able to put me out of business.

The consumer deserves to be able to expect to pay the same rate as his competitor for the same refuse service. Allowing the big businesses to charge drastically different rates depending on who their competition has approached is unfair to the consumers that are competing with each other. The tariff helps reduce this.

The cost of administering this program could be reduced by allowing each refuse company to change their tariff just by giving a 30 day notice and eliminating the justification process. (This is how it used to be and it worked well) This keeps it fair for the consumer and competitors and reduces the administration costs.

Freedom Refuse is opposed to total deregulation in the interest of fair competition and fair consumer practices.

Thanks for your consideration in this matter,

Don N. Hanks, Owner
P. O. Box 772058
Eagle River, Alaska 99577



**Alaskans for Litter
Prevention and Recycling
Keeping Alaska Beautiful**

R.C.A.
RECEIVED

07 FEB -8 PM 3: 12

February 7, 2007

Regulatory Commission of Alaska
701 W. 8th Ave.
Anchorage, AK 99501

RE: R-06-10, Order No. 4

Dear Commissioners,

The purpose of this letter is to offer ALPAR's support for the proposal to exempt commercial refuse providers from regulation by your commission.

The deregulation of commercial rates will allow providers to create differential pricing on disposal to encourage and promote recycling, which benefits the recycling industry, the environment and extends the life of landfills. As Anchorage moves forward with efforts to provide enhanced recycling services and options, the necessity of variable rates that provide incentives to recycling will be key building a more integrated and sustainable system.

Deregulation would free up time and resources that businesses could devote to higher priorities such as customer service and marketing. It would seem that the issue of public interest is sufficiently served through the proposed clause that would allow 25 percent of the provider's customers to petition the RCA to reinstate regulation.

For the above reasons, I believe the best interests of customers, refuse haulers, and the commission would be served by deregulation.

Sincerely,

Mary Fisher
Executive Director

EXECUTIVE DIRECTOR

Mary Fisher

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General Manager
Anchorage Multi Group

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Anchorage Daily News

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Sector Manager, Marketing
Alaska Waste

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K & L Distributors, Inc.

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Vice President / General Manager
Alaska Distributors

Tom Johnston
State of Alaska DOT & PF

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Alaska Director
Tanner Ocean Trailer Express

* Bill Odum
Executive Vice President
Odum Corp.

Brian Poivie
Sales Manager
Lyden Transport, Inc.

Sam Stelling
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GCI

Tom Turner
David Wigglesworth
Municipality of Anchorage

* Past President

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Audrey Lee
* Charla Myers



ASSOCIATED GENERAL CONTRACTORS of ALASKA

February 5, 2007

Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

Re: R-06-10, Order No. 4

R.C.A.
RECEIVED
07 FEB - 7 PM 1:04

To whom it may concern:

The Associated General Contractors of Alaska recognizes that regulation of public utilities provides a useful function and a necessary public protection in many instances. In the opinion of AGC, however, regulation does not seem to be necessary for the commercial refuse hauling industry because it is not a conventional public utility service. As significant infrastructure is not required, this business provides an opportunity for competition with relatively modest capital investments. Many AGC members have ample hauling options for their offices and jobsites including hauling their own refuse.

In reality, the current regulatory requirements may be a barrier to entry for the smaller companies and become a limiting factor to growth. If firms are able to get burdensome and expensive regulatory approval process, they are faced with the on-going the reporting requirements. This would seem to be an additional operating expense that seems unnecessary, provides little consumer protection, and drives up the cost of service.

AGC believes it is in the best interests of commercial customers, refuse haulers, and your commission to cease deregulation of commercial refuse service.

Sincerely,

Richard Cattanach
Executive Director

ANCHORAGE
8005 SCHOON STREET • ANCHORAGE, AK 99518
TELEPHONE (907) 561-5354 • FAX (907) 562-6118
<http://alaska.agc.org>
Email: info@agcak.org

FAIRBANKS
P.O. BOX 60005 • FAIRBANKS, AL 99706
TELEPHONE (907) 452-1809 • FAX (907) 452-8599
Email: fairbanksagc@csalaska.net

ALASKA CENTER FOR THE ENVIRONMENT
807 G Street Suite 100
Anchorage Alaska 99501

February 8, 2007

Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

Re: RCA request for Public Comments on R-06-10

Commissioners:

I am writing to support the request for economic deregulation submitted by Alaska Waste for commercial refuse activities.

Alaska Center for the Environment (ACE) is Alaska's largest state-based conservation group, with over 7,000 members. ACE has been very active in promoting recycling in Anchorage for most of its 35 year existence. We founded Anchorage's first recycling center, and have worked with city and private entities over the years to improve services to the community.

While consumer protection is a primary concern and a valuable role that the RCA plays in many important sectors, a couple of unique factors related to Alaska Waste's proposal have convinced me that it is in the community's best interest and merits support.

Regarding the potential for price manipulation and other negative outcomes of deregulation, I find the clause in Alaska Waste's proposal which provides for re-regulation to be satisfactory:

Notwithstanding AS 42.05.712 (b) and (g), if subscribers representing 25 percent of the gross revenue of the utility petition the commission for regulation, the utility is subject to the provisions of this chapter...

I would also note that Alaska Waste's predecessor, Waste Management, was not subject to regulation; and this lack of regulation did not produce the types of problems that would be of concern in this case.

More importantly, however, I understand that this proposal is an important step to provide flexibility to Alaska Waste in helping Anchorage move toward integrated waste management. Most communities of our size have sophisticated commercial and residential recycling, reduction and reuse programs. They are often able to offer these services by using their equipment, staff and rate setting in a coordinated fashion to move customers to reduce and recycle. An integrated waste and recycling program will require that major haulers like Alaska Waste to have flexibility, creativity, and the ability to structure incentives to make a community-wide recycling effort successful.

In summary, I urge the Commission to support economic deregulation of Alaska Waste. Thank you for your consideration.

Sincerely,

Randy Virgin
Executive Director



Reasons for Commercial Refuse Deregulation by the RCA
April 12, 2007

- (1) Alaska is one of only three states in the nation with commercial refuse regulation.
- (2) Because there is no significant infrastructure involved, the business provides an opportunity for competition without investing in a lot of capital.
- (3) Commercial consumers have options, including the ability to haul their own refuse. Most commercial customers are successful operators and are very capable of managing this type of service.
- (4) Continued regulation of residential refuse service is in the public interest, but the Commission does not need to spend its resources to protect commercial consumers like Fred Meyer, Walmart, and Burger King.
- (5) Over the last 10 years there have been periods of regulation and deregulation. During the period of deregulation the industry has proven its ability to provide a fair price and competitive opportunities for small businesses without any abuses.
- (6) Deregulation provides for an even playing field for competitors and creates alternatives for commercial customers.
- (7) Deregulation enhances the potential for recycling and reuse alternatives because it allows competitors to offer differential services and rates based on diversion and reduction goals.
- (8) The current regulations are actually a barrier to small companies and become an impediment to growth beyond a certain level. If they are able to get through the regulatory approval process, then the reporting requirements are burdensome and they are forced into a cost model which encourages inefficiency.
- (9) Monitoring and enforcing the rate requirements becomes extremely difficult especially when other more pressing issues need the RCA's attention and limited resources. This commercial deregulation would free up staff time and ultimately the Commission's time to devote to higher priorities.
- (10) The RCA retains the authority to impose regulation should the outcome of deregulation prove unfavorable. In addition, the existing statute retains the right for re-regulation of the industry through the customer petition.

Alaska Pacific Environmental Services Anchorage, LLC dba Alaska Waste
6301 Rosewood St. Anchorage, AK 99518
907-563-3717 Fax 907-273-2797

FAIRBANKS **Daily News - Minor**

State now overseeing garbage collection

By Eric Lidji
Published February 18, 2007

Garbage pickup service for commercial customers in Fairbanks will now be regulated by the state.

The Regulatory Commission of Alaska decided on Thursday that University Refuse, LLC, which provides trash pickup around Fairbanks, has "insufficient competition" in the commercial pickup market around Fairbanks.

"We're not a monopoly. We're just the most active," University Refuse Manager Larry Keily said.

The commercial monopoly dates to last December, when Alaska Waste, a garbage company based in Anchorage, decided to acquire the assets of University Refuse, rather than enter the local market as a competitor.

The RCA also decided to continue regulating University Refuse's residential service.

University Refuse began offering service in 2003.

The company bought out the local customer base of Waste Management, a national company doing business as Star Sanitation, last September, making it by far the largest provider of residential garbage pickup in the Fairbanks North Star Borough.

Although three companies hold a certificate to offer residential garbage pickup in the borough, one of those companies, Interior Services, does not do enough business to be considered competitive in the market, and another, Trash Talk, stopped providing service in 2005, leaving University Refuse with a "practical" monopoly in Fairbanks, according to the RCA ruling.

Kelly said the regulation will not lower rates.

Contact staff writer Eric Lidji at 459-7504 or elidji@newsminer.com.

This article may be accessed online at <http://newsminer.com/2007/02/18/6319/>.
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**Alaskans for Litter
Prevention and Recycling
Keeping Alaska Beautiful**

APR 10 2007

April 3, 2007

Rep. Kurt Olson, Chair
Rep. Mark Neuman, Vice Chair
House Labor and Commerce Committee
Alaska Legislature
State Capital
Juneau, AK 99801-1182

RE: HB 172

Dear Rep. Olson and Rep. Neuman,

The purpose of this letter is to comment on HB 172 as it pertains to ALPAR's initial letter of support of the Regulatory Commission's docket R-06-10, Order No. 4 regarding deregulation of commercial refuse services.

ALPAR has reconsidered its position and, in light of a new effort by the Municipality of Anchorage to evaluate the current system for recycling in Anchorage and make recommendations for upgrades in services, we have adopted a neutral position with regards to the issue of deregulation of commercial refuse services at this time.

Sincerely,

Mary Fisher
Executive Director

EXECUTIVE DIRECTOR

Mary Fisher

EXECUTIVE COMMITTEE

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General Manager
Anchorage Media Group

Roger Briley, *1st Vice President*

General Manager
Pepsi Cola Bottling Company

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Division VP & General Manager
Horizon Lines of Alaska

Joe Gutley, *Secretary*

District Manager
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Jeff Lowentels, *Treasurer*

Partner
Lewis & Lowentels

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Vice President
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Anchorage Daily News

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Alaska Waste

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* Walter John

Vice President / General Manager
Alaska Distributors

Tom Johnston

State of Alaska DOT & PF

George Lowery

Alaska Director
Totem Ocean Trailer Express

* Bill Odom

Executive Vice President
Odom Corp

Brian Potvin

Sales Manager
Lynden Transport, Inc.

Sean Skilling

Executive Director
Green Star

* Keith Sopp

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David Wigglesworth
Municipality of Anchorage

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HB

175



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(907) 465-4990

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Rep. Max Gruenberg
Room 110
(907) 465-4940

Rep. Lindsey Holmes
Room 405
(907) 465-4919

MEMORANDUM

Date: March 27, 2007

To: Representative Kevin Meyer
Co-Chairman House Finance Committee

From: Representative Jay Ramras
Chairman House Judiciary Committee

Re: CSHB175(JUD) 25-LS0619\E

Accompanying this memo, please find the referral-file for CSHB175(JUD).

Attached are the following documents:

- CSHB175(JUD) 25-LS0619\E
- Sponsor Statement
- DOT 0 Fiscal Note
- HJUD Committee report
- Fax to leg. legal re: changes
- HB175 25-LS0619\A
- Support
- Relevant Statutes

25-LS0619E
Bullock
3/16/07

CS FOR HOUSE BILL NO. 175(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE JOHNSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the prohibition of the exercise of the power of eminent domain**
2 **against a recreational structure for the purposes of developing a recreational facility or**
3 **project."**

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

5 *** Section 1. AS 09.55.240(e) is amended to read:**

6 (e) The power of eminent domain may not be exercised for the purpose of
7 developing a recreational facility or project if the property to be acquired includes an
8 individual landowner's personal residence or recreational structure or that portion of
9 an individual's property attached to and within 250 linear feet of an individual
10 landowner's personal residence or recreational structure unless the landowner
11 consents either before or after a condemnation proceeding has been filed.

12 *** Sec. 2. AS 09.55.240(h)(3) is amended to read:**

13 (3) "personal residence" means a structure that is the dwelling place of
14 an individual that

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(A) must be used by the owner or beneficiary of a trust holding legal title to the structure as a dwelling unit, as opposed to a rental, storage, or other commercial space;

(B) must be inhabited by the owner, prior owner, or beneficiary of a trust holding legal title to the structure for at least 90 days during the 12-month period immediately before the date an action for the exercise of the power of eminent domain is filed;

(C) must constitute an ordinary home for general living purposes [, AS OPPOSED TO A DWELLING USED ONLY FOR SEASONAL RECREATIONAL OR TEMPORARY PURPOSES]; and

(D) may not have been constructed, placed, or occupied for the purpose of avoiding eminent domain proceedings;

* Sec. 3. AS 09.55.240(h) is amended by adding a new paragraph to read:

(6) "recreational structure" means a permanent structure that is used by the owner of or beneficiary of a trust holding legal title to the structure as a dwelling for seasonal recreational purposes.

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(A) must be used by the owner or beneficiary of a trust holding legal title to the structure as a dwelling unit, as opposed to a rental, storage, or other commercial space;

(B) must be inhabited by the owner, prior owner, or beneficiary of a trust holding legal title to the structure for at least 90 days during the 12-month period immediately before the date an action for the exercise of the power of eminent domain is filed;

(C) must constitute an ordinary home for general living purposes [, AS OPPOSED TO A DWELLING USED ONLY FOR SEASONAL RECREATIONAL OR TEMPORARY PURPOSES]; and

(D) may not have been constructed, placed, or occupied for the purpose of avoiding eminent domain proceedings;

* Sec. 3. AS 09.55.240(h) is amended by adding a new paragraph to read:

(6) "recreational structure" means a permanent structure that is used by the owner of or beneficiary of a trust holding legal title to the structure as a dwelling for seasonal recreational purposes.

L

ALASKA STATE LEGISLATURE

Interim

716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Hep_Craig_Johnson@legis.state.ak.us

Session

State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

Sponsor Statement

House Bill 175

"An Act further limiting the exercise of eminent domain."

HB 175 strengthens the individual's property rights by protecting privately owned recreational structures from the exercise of eminent domain for recreational purposes.

Eminent domain is an important right of the government. However, it should only be used for the most judicious of purposes, and every effort should be made to minimize its impact to the right of the individual to own private property.

AS 09.55.240 limits the government's authority to exercise eminent domain and seize personal residences by clearly outlining its legitimate use (namely the construction and/or expansion of roads, schools, and public buildings) and by prohibiting its exercise for the purpose of economic development or to generate increased government revenues.

HB 175 affords privately owned recreational structures the same protection from government seizure already granted to personal residences in AS 09.55.240.

The right to own private property is one of the most important rights of Alaskans. By prohibiting government seizure of privately owned recreational structures for recreational purposes, HB 175 strengthens that right and ensures the continued use of land in the greatest of ways – that of private ownership.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB175-DOT-ADM-03-09-07
 Bill Version: HB 175
 () Publish Date: _____

Revision Date/Time (Note if correction): _____
 Title Eminent Domain; Recreational Structures
 Sponsor Rep. Johnson
 Requester House JUD

Dept. Affected: DOT&PF
RDU Administration and Support
 Component Commissioner's Office
 Component No. 530

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact on the Department of Transportation and Public Facilities.

Prepared by: Mary Siroky
 Division: Commissioner's Office
 Approved by: Nancy Slagle, Director Division of Administrative Support
 Agency: Department of Transportation and Public Facilities

Phone 465-4772
 Date/Time 3/09/07 3:00pm
 Date 3/9/2007

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE



Representative Jay Ramras
Chairman
(907) 465-3004
Fax: (907) 465-2070
Representative_Jay_Ramras@legis.state.ak.us

1292 Sadler Way, Suite 324
Fairbanks, AK 99701

Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801-1182

Fax

To: Don Buulock

Fax #: 2029

Number of pages including cover: 1

From: Jane Pierson

Date: March 15, 2007

Re: JUD CSHB175

Don,

Please raft a JUD CS for HB175 for tomorrow's meeting. I will need the following changes:

P. 2, L. 14. After "Means a" insert "permanent"

P.2. 1.15 after purposes [.] insert "must be used by the owner or beneficiary of a trust holding legal title to the structure."

**ANCHORAGE BOARD
OF REALTORS® INC.***The Voice for Real Estate™ in Anchorage*

1600 W. 33rd Avenue
Suite #220
Anchorage, Alaska 99503
(907) 581-2338
(907) 583-8476 Fax

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Anchorage Board of REALTORS® with over 900 members supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Anchorage Board encourages the passage of House Bill 175.

Sincerely,

Art Clark
ABR President



March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,


Janice Strong

Alaska Association of Realtors
Secretary for the Board of Directors

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

As a member of Alaska Association of REALTORS® with over 1,600 members statewide, I support House Bill 175, which relates eminent domain and recreational structures.

The government should not be able to confiscate private property!

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,



Remax of Juneau

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

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I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,


Associate Broker
Re/Max of Juneau

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

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I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,



Debbie White
REMAX of Juneau
8800 Glacier Hwy #219
Juneau, AK 99801



ALASKA ASSOCIATION OF REALTORS, INC.
4205 Minnesota Drive Anchorage, Alaska 99503
Telephone (907) 563-7133 Fax (907) 561-1779
www.alaskarealtors.com

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

Judy Cloud
AAR President



Stacy Risner
PO Box 75188
Fairbanks, AK 99701

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

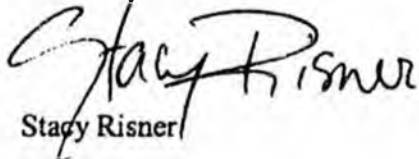
Dear Representative Johnson,

I am writing to you in support of House Bill 175, which relates eminent domain and recreational structures.

I wholeheartedly supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development. HB 175 will protect our citizens by including recreational structures and second homes in this protection. One of the great aspects of this state is the ability to get out and enjoy the beauty of our land and the wildlife that live there. Many people own recreational property to do just that, and it is simply unfair for anyone to be able to take this away for the gain of another.

Thank you for your time and consideration on this subject. I sincerely appreciate your support of House Bill 175.

Sincerely,


Stacy Risner

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

As a member of Alaska Association of REALTORS® with over 1,600 members statewide, I support House Bill 175, which relates eminent domain and recreational structures.

The government should not be able to confiscate private property!

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,

Holly Aron
RE/MAX of Juneau

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

As a member of Alaska Association of REALTORS® with over 1,600 members statewide, I support House Bill 175, which relates eminent domain and recreational structures.

The government should not be able to confiscate private property!

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

Please support the passage of House Bill 175.

Sincerely,

Kickie Martley
Remax of Juneau



**First American
Title Insurance Company**

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

First American Title currently has offices in 10 communities' through-out the State of Alaska. Our offices assist in the facilitation of, in excess of 10,000, real estate transactions, involving Alaskan property owners, each year. Many of those transactions include, what could be considered, recreational properties.

Last session, I supported HB 318, which addressed the issue of 'taking' a property owner's private property for economic development and whether it is appropriate to take all or part of one's primary residence to enhance the recreational opportunities of another.

I favor this consumer protection, legislation because it correctly identifies primary residences to include recreational structures and second homes.

I support the passage of House Bill 175.

Sincerely,


Terry E. Bryan
Alaska Division - President

3035 C Street, Anchorage, AK 99503
OFFICE 907.561.1844 • FAX 907.561.1948
www.firstam.com

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

Dawn Burton ☺
Realtor

The logo for Associated Island Brokers is a dark, rounded rectangular banner with a double-line border. Inside the banner, the words "ASSOCIATED ISLAND BROKERS" are written in a white, serif, all-caps font. To the left of the banner, there are three horizontal lines of varying lengths, suggesting a stylized flag or a graphic element.

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, AK 99801

RE: House Bill 175, Relating to the exercise of Eminent Domain and recreational structures

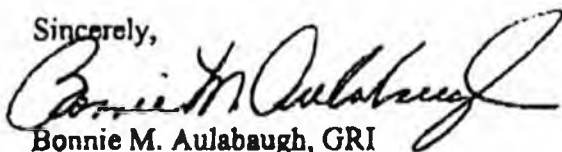
Dear Rep. Johnson:

I would like to express my support for House Bill 175. Since HB 318 passed during the last legislative session and defined whether or not it is appropriate to take a person's private property for economic development and also whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another, it seems that HB 175 is simply a "house-keeping" step to include recreational structures and second homes in the definition of primary residence.

I favor HB 175 since I believe it is something that is needed for consumer protection and would simply change the definition of primary residences in Alaska to include recreational structures and second homes, which as you know, are very common throughout our State.

I encourage the passage of House Bill 175. Thank you for your kind consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie M. Aulabaugh".

Bonnie M. Aulabaugh, GRI
Associate Broker



202 Center Avenue, Suite 101

Office: (907) 486-2000

E-Mail: aibi@ptialaska.net

Kodiak, Alaska 99615

Fax: (907) 486-4016

