

HB

532

HFIN

FILE

REPRESENTATIVE
BILL WILLIAMS
Co-Chair
(907) 465-3424
Fax: (907) 465-3793

INTERIM ADDRESS
50 Front Street, Suite 203
Ketchikan Alaska 99901
(907) 217-4627
Fax (907) 225-7157

Alaska State Legislature
House Finance Committee



State Capitol, Juneau, Alaska 99801-1182

REPRESENTATIVE
ELDON MULDER
Co-Chair
(907) 465-2647
Fax: (907) 465-3518

INTERIM ADDRESS
716 W. 4th Avenue
Anchorage, Alaska 99501
(907) 269-0265
Fax: (907) 269-0264

Sponsor Statement

HB 532—An act relating to the powers of the Alaska Department of Environmental Conservation

HB 532 was introduced to pare back some of the responsibilities of the Department of Environmental Conservation.

Under the legislation ADEC would not have the responsibility to inspect restaurants, food markets, temporary food service (fairs), cosmetology businesses, pool/spas, washeterias, public toilets, and overnight accommodations.

The intent of this legislation is to remove the state responsibility for oversight of these items, and leave it up to local governments whether they want to do these functions.

Currently the state does no food inspections in Anchorage, the Municipality has it's own program. If other local governments believe it is important to continue restaurant inspections, they can choose to do so locally and/or work together to come up with a program that fits their needs.

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION
DIVISION OF SENIOR SERVICES

Adult Protective Services
Information & Referral
Assisted Living Licensing
CHOICE for the Elderly Home Care

Alaska Commission on Aging

Tony Knowles, Governor

Alaska Commission on Aging
PO Box 110209
Juneau, AK 99811-0209
Phone (907) 465-3250
FAX (907) 465-4716

April 5, 2002

To: All Interested Parties

From: Lyn Freeman, Executive Director *Lyn Freeman*

Subject: Proposed State Funding Reductions and Impacts to Senior Nutrition Program

The Alaska State Legislature has proposed a budget cut to the Alaska Department of Environmental Conservation, Division of Environmental Health, Food Safety and Sanitation program's FY2003 operating budget to save \$218,000 in General Funds. DEC is the agency responsible for statewide inspections of commercial kitchens and ensuring safe food handling and storage. Per Alaska Statute, DEC is the government entity authorized to perform this service to ensure the health and safety of the public, although the Municipality of Anchorage has been delegated authority to run its own program. If this budget reduction occurs, there will be no food safety oversight anywhere in Alaska outside of the Municipality of Anchorage. The federal government does not have nor will it establish a food safety and sanitation inspection program for state's without their own program.

X DEC's budget cut will jeopardize, or cause the loss of approximately \$4,722,497 in federal dollars spent in Alaska to fund Senior Nutrition programs. This means approximately 10,717¹ seniors receiving meals at congregate meal sites (senior centers) and 4,192² seniors who are home-bound receiving delivered meals and who reside outside of the Municipality of Anchorage, will no longer receive hot nutritious meals under this federal senior nutrition program.

3
X
17 → The Alaska Department of Administration, Division of Senior Services, Alaska Commission on Aging (ACoA) is authorized to receive approximately \$ 2,434,987 each year in federal funds from the U. S. Administration on Aging (AOA), and the U.S. Department of Agriculture under Title III of The Older Americans Act. However, these federal dollars cannot be expended for statewide senior meal programs unless the food is prepared in a commercial kitchen that has been approved by the state or a local agency responsible for food safety. This requirement also applies to the AOA Title VI program where approximately \$2,287,510 is awarded to federally recognized tribal governments in Alaska to provide congregate and home delivered meals to native elders throughout Alaska who do not receive meals under the AOA Title III program. X

The Older Americans Act states, in part under Subpart 3 – General Provisions, Section 339 Nutrition, (2)(A)(iii),

Ensure that the project -- comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older individual.

Again, the potential loss of federal funds for the Senior Meal Programs in Alaska (excluding Anchorage) is \$4,722,497, and will affect approximately 9,000 to 11,000² seniors across Alaska.

Other statewide nutrition/meal programs under the Alaska Department of Education will also be affected because they receive USDA funds for Senior Adult Day Care and school lunch programs for children. The public's safety will also be affected as it is probable that commercial restaurants will no longer be inspected, especially in those communities without a chartered local government.

If you are interested in discussing these issues with the Senate Finance Committee, please contact Senator Loren Leman at 465-2095 and Senator John Torgerson at 465-2828 before the DEC budget is scheduled for discussion sometime next week.

¹ Federal Fiscal Year 2000 (FFY00) Administration on Aging statistics, Title III and VI combined

² FFY00 ACOA Estimated Unduplicated Clients

ARTICLE VII. HEALTH, EDUCATION AND WELFARE.

SECTION 1. PUBLIC EDUCATION. The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

SECTION 2. STATE UNIVERSITY. The University of Alaska is hereby established as the state university and constituted a body corporate. It shall have title to all real and personal property now or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

SECTION 3. BOARD OF REGENTS OF UNIVERSITY. The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

SECTION 4. PUBLIC HEALTH. The legislature shall provide for the promotion and protection of public health.

SECTION 5. PUBLIC WELFARE. The legislature shall provide for public welfare.

ARTICLE VIII. NATURAL RESOURCES.

SECTION 1. STATEMENT OF POLICY. It is the policy of the State to encourage the settlement of its land and the development of its re-

sources by making them available for maximum use consistent with the public interest.

SECTION 2. GENERAL AUTHORITY. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

SECTION 3. COMMON USE. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

SECTION 4. SUSTAINED YIELD. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

SECTION 5. FACILITIES AND IMPROVEMENTS. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

SECTION 6. STATE PUBLIC DOMAIN. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

SECTION 7. SPECIAL PURPOSE SITES. The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

SECTION 8. LEASES. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

SECTION 9. SALES AND GRANTS. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

SECTION 10. PUBLIC NOTICE. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

SECTION 11. MINERAL RIGHTS. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right,

subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

SECTION 12. MINERAL LEASES AND PERMITS. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

SECTION 13. WATER RIGHTS. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

SECTION 14. ACCESS TO NAVIGABLE WATERS. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

SECTION 15. NO EXCLUSIVE RIGHT OF FISHERY. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry

Sponsor Statement

HB 532—An act relating to the powers of the Alaska Department of Environmental Conservation

HB 532 was introduced to pare back some of the responsibilities of the Department of Environmental Conservation.

Under the legislation ADEC would not have the responsibility to inspect restaurants, food markets, temporary food service (fairs), cosmetology businesses, pool/spas, washeterias, public toilets, and overnight accommodations.

The intent of this legislation is to remove the state responsibility for oversight of these items, and leave it up to local governments whether they want to do these functions.

Currently the state does no food inspections in Anchorage, the Municipality has it's own program. If other local governments believe it is important to continue restaurant inspections, they can choose to do so locally or work together to come up with a program that fits their needs.

DOT LAKE LOASE

20 Person REST

Gro STORE Ice cream

Triple Tie

Insured less and said they wouldn't.

FOOD SAFETY AND SANITATION REDUCTIONS

The House Finance Subcommittee's budget reduced the Governor's amended general fund request by \$1,479,100 (\$1,267,900 GFPR; \$ 218,200 GF).

The entire state retail food and sanitation program was eliminated including state oversight of all restaurants, grocery stores, food booths, school kitchens, day care centers, tattoo parlors, and public accommodations was eliminated affecting 4,641 food facilities and 4,293 public facilities.

This reduction left: \$1,109,400 GF
 \$ 315,200 GFPR

Remaining general funds and general fund program receipts supported the Seafood Processing Program only.

General Fund Cost of Schools and Senior Citizen Food Safety Program (AS 44.46.025 (d) prohibits DEC from charging fees for these services).

Schools	\$ 310,000
Senior facilities	<u>\$ 100,000</u>
Total	\$ 410,000

Restore the general funds from the House Reduction \$ 218,200

Remaining General Fund needs \$ 191,800

The only way to meet the remaining general fund need is to use that amount of general funds in the seafood processing program which would necessitate an equivalent increase in seafood processing fees to maintain the current level of service.

From DEC