

Leg. Finance - Finance Comte Files (1971-72) 8879

SB 307 cont., 311, 317, 318

65

The project of the...
C... of ...

- 4. Gravel / Asphalt
Min 1.5% ...
including ...
- 5. Water
Lit ...
- 6. Equipment
7 1/2 yd. ...
1/3 ton pickup truck
3/4 ton pickup truck
D7 Caterpillar without engine

7. Cost Estimate for 2500 foot runway

A. 2500 foot runway (labor)	\$ 8,700
Equipment repair	1,500
Total	\$10,200
B. 4000 foot runway (labor)	\$11,700
Equipment repair	1,500
Total	\$13,200

8. Conclusion:

Mr. Holmes apparently desires a full 4000 foot so that fuel and supplies can be delivered by Hercules Aircraft. Twenty-five hundred feet of runway would provide for mail delivery by Wien Consolidated. We would not attempt to light the field for this infrequent use. Based on an analyses by the Division of Aviation regarding the small number of persons being served, it was their conclusion that funds could best be spent in areas of greater need. If, however, it is the desire of the Legislature to maintain this particular field, then an immediate appropriation would be required.

I will be pleased to discuss this with you in more detail should you desire.

Sincerely,

George H. Foster
for ...

January 24, 1972

Honorable Jay S. Hammond
President of Senate
Alaska State Senate
Pouch 147 State Capitol Building
Juneau, Alaska 99801

Dear Senator Hammond:

Thank you for your letter advising me of the situation at Lake Minchumina. I had previously been advised by the Division of Aviation of the discontinuation of maintenance by the FAA, and at that time was provided circumstantial information regarding the matter which was contrary to the information contained in a copy of a letter from Mr. Holmes. As a result of the obvious disparity in information, I have conducted an independent investigation through the Division of Aviation regarding the matter. Following is a summary of the facts as I have found them:

1. Residents at Lake Minchumina

Kenneth Gramoth
Val Blackburn
U. S. Holmes
Frances H. Holmes

2. Residents on the other side of the Lake

Tom Flood
Mary Flood
Hjalmer Carlson

3. Non-Residents

Leonard Henke - moved to Talkeetna
Hazel Henke - moved to Talkeetna
Richard Collins - summer resident only
Florence Collins - three sub-teen children, summer resident only
Mr. Green - spring and summer resident only
Alfred Starr - moved to Kenai
Paul Starr - moved to Kenai
Fabian Caray - Fairbanks resident - flies on and off lake on
skis periodically
Boyd Haynes - moved to Big Delta
Frank White - summer resident only

Honorable Jay S. Hammond
President of Senate

-2-

January 31, 1972

The residence of Mr. and Mrs. Robert Thompson could not be determined. He may be now in Seattle at Lake Washington.

4. Scheduled Airline Service

Wien Airlines discontinued scheduled service including mail in November.

5. Other Air Service

Light planes do operate on strips off of Lake Washington.

6. Equipment at the site

7 1/2 yd. dump truck with plow
1/2 ton pickup truck
3/4 ton pickup truck
D7 Caterpillar without engine

7. Cost Estimates for Maintaining Airfield for 5 months

A. 2500 feet length (labor)	\$ 8,700
Equipment repair	1,500
Total	\$10,200
B. 4000 foot runway (labor)	\$11,700
Equipment repair	1,500
Total	\$13,200

8. Conclusions

Mr. Holmes apparently desires a full 4000 feet so that fuel and supplies can be delivered by Hercules Aircraft. Twenty-five hundred feet of runway would provide for mail delivery by Wien Consolidated. We would not attempt to light the field for this infrequent use. Based on an analyses by the Division of Aviation regarding the small number of persons being served, it was their conclusion that funds could best be spent in areas of greater need. If, however, it is the desire of the Legislature to maintain this particular field, then a full scale operation would be required.

I will be pleased to discuss this with you in some detail should you desire.

Sincerely,

James W. Smith
Commissioner

Alaska State Legislature

SENATOR
JAY S. HAMMOND
BOX 126
NAKNEK, ALASKA 99633

WHLF IN JUNEAU
FOUCH V
JUNEAU, ALASKA 99801



PRESIDENT OF THE SENATE
LEGISLATIVE COUNCIL

Senate

March 24, 1972

Mr. Weldon Holmes
Semloh Supply
Lake Minchumina, Alaska 99623

Dear Weldon:

The other day I met with Senate Finance Committee in regard to our bill which would appropriate money to furnish maintenance to Minchumina. The Committee expressed sympathy with our intent; however, were concerned with the projected expenditures enumerated by the Department of Public Works which indicated the necessity of providing many thousands of dollars more to acquire necessary maintenance equipment in the future. It was my understanding that there was some equipment left at the airfield by FAA, and that you as well had equipment which could accomplish the maintenance necessary on a contractual basis for approximately \$10,000 per year. Please advise as to whether or not this is correct. If such maintenance can be provided for the approximate \$10,000 figure on an annual basis, the Finance Committee indicated that they would insert this item in the budget document; thus there would be no need of passage of the bill itself.

I then approached Representatives Huber and Hohman who submitted a Resolution in the House which urged the State to assume ownership of the Minchumina strip. Mr. Hohman is Chairman of House Finance Committee and has this bill within his jurisdiction, and indicated his concerns with the fiscal note provided by the Department of Public Works, which reflected the substantial increased appropriation for additional equipment in coming years. I believe if the respective finance committees could be assured that an appropriation somewhere in the neighborhood of \$10,000 annually would accomplish the necessary maintenance, that both the Resolution and the funding for such maintenance could be favorably acted upon. Please advise at your earliest convenience.

Best wishes,

Jay Hammond
President of the Senate

cc: Senator Don Young
Senator Butrovich, Senate Finance Committee Chairman
Representative Hohman, House Finance Committee Chairman

STATE OF ALASKA

WILLIAM A. EGAN, GOVERNOR

DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER / POUCH Z — JUNEAU 99801

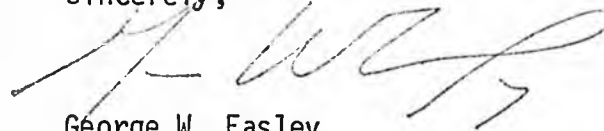
February 10, 1972

Legislative Finance
Room 407
Capitol Building
Juneau, Alaska 99801

Gentlemen:

In reply to your request of February 4, 1972, attached is the completed Fiscal Note pertaining to Senate Bill 307.

Sincerely,



George W. Easley
Commissioner

Attachment

cc: Division of Budget & Management
Pouch C
Juneau, Alaska

Senator Jay S. Hammond
Alaska State Senate
State Capitol Building

Senator Donald E. Young
Alaska State Senate
State Capitol Building

STATE OF ALASKA

STATE REPRESENTATIVE

BUDGET AND FISCAL COMMITTEE

ALASKA HOUSE OF REPRESENTATIVES
LEGISLATIVE BUILDING

LEGISLATIVE COUNSEL
STATE CAPITOL

JANUARY 1972

MEMORANDUM

TO: Tracy Kaldor, Admin. Dir.
Department of Public Works

DATE: February 4, 1972

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 307
AND RETURN IT TO OUR OFFICE BY 2/11/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. How would these funds be expended?
2. Agency comments or position?

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

Introduced: 1/31/72
Referred: Finance

1 IN THE SENATE

BY YOUNG AND HAMMOND

2 SENATE BILL NO. 307

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act appropriating to the Department of Public Works;
7 and providing for an effective date."

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

9 * Section 1. The sum of \$10,200 is appropriated from the general fund to
10 the Department of Public Works for maintenance of the Lake Minchumina Airport
11 for the fiscal year ending June 30, 1972.

12 * Sec. 2. This Act takes effect on the day after its passage and approval
13 or on the day it becomes law without approval.

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RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith
Signature of Camera Operator

4/4/89
Date

Introduced: 1/31/72
Referred: Resources;
Finance

1 IN THE SENATE

BY PALMER

2 SENATE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the issuance of commercial
7 fishing licenses; and providing for an effective date."

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

9 * Section 1. AS 16.05.450(a) is amended to read:

10 (a) The commissioner of revenue or his authorized deputy shall
11 issue a license to each qualified person who files a written applica-
12 tion [IN PERSON,] at places in the state designated by the commissioner,
13 containing the reasonable information required by the commissioner
14 together with the required fee. The application shall be simple in
15 form and shall be executed by the applicant under the penalty of
16 perjury.

17 * Sec. 2. This Act takes effect on the day after its passage and
18 approval or on the day it becomes law without approval.



AGENTS FOR McCALLAM AND LEGAZ

R. H. GORIE

SUPPLIES AND FISH BUYING



P.O. BOX 713

PORT ALEXANDER, ~~ALASKA 99804~~

Via: Petersburg, Alaska. 99833

February 24, 1972

Kathleen Corn.
Alaska Department of Revenue
240 South Franklin
Juneau, Alaska. 99801

Since this new ruling that a person must appear in person to obtain a Commercial Fish License it has become a extreme hardship on people living in remote areas such as Port Alexander.

Would it be feasible for someone like me to handle Commercial Fish Licenses and Hunting Licenses? If so please advise.

Thank You;

R. H. Gorie

Help!

SB 311 which would alleviate the "in person" requirement to purchase personal commercial went to Finance Committee on February 15 and a similar bill, HB 532 went to House Resources on January 19th. This letter and the one attached are samples of what I am getting every day and no one seems to be doing anything to ease this hardship on residents. In a year, we sell about five or six sports fish and game licenses in Port Alexander and possibly four commercial licenses. The number of sales just doesn't warrant the cost of administering the the two programs through a vendor there. Also attached is one letter forwarded to me by Bud Weberg for reply and if anyone can tell me what I can do in Funter except break the law by having him mail it to me in Juneau for issuance I'd like to know the answer. Travel costs for a state employee to go to these places would be prohibitive. Can you shake something loose particularly for these people who want to do early trolling?

Katie C

Tuntut, Alaska
February 17, 1972

C. A. Weberg
State Fish and Game
Support Bldg.,
Juneau, Alaska 99801

Dear Mr. Weberg:

I am writing you in regards to our having to appear in person for our Commercial fishing license.

Since we live in the small outlying community of Tuntut Bay, we have no licensing officer closer than Juneau. This ruling we understand is to force non-residence fishermen to comply with State laws. But this is going to work a hardship on us and many local residences in small communities such as ours. For example it would cost not less than a hundred dollars for transportation round trip to Juneau, plus hotel costs, meals, etc., and in case of bad weather we could be forced to stay in as much as two weeks with expenses adding up. Since our income as trollers is small at best, this cost would be beyond our present means.

Would it be possible to route the Outlet or some other fisheries boat into Tuntut Bay and other small communities on one of their trips so that we could obtain licenses from them. We would appreciate any help you could render in this matter and would appreciate hearing from you.

Sincerely,

H. E. Bergrave
Tuntut, Alaska 99850



Alaska State Legislature
Senate

JUNEAU ALASKA

February 29, 1972

Honorable Jay Hammond
President
Alaska State Senate

Dear Senator Hammond:

The Senate Finance Committee has had SB 311,
"An Act relating to the issuance of commercial
fishing licenses" under consideration.

The Department of Revenue and the Department of
Fish & Game have indicated that this legislation
will not affect state expenditures or revenues.

Therefore, action by the Senate Finance Committee
is not required, and it is recommended that
SB 311 be referred to the Rules Committee for
placement on the calendar.

Sincerely,

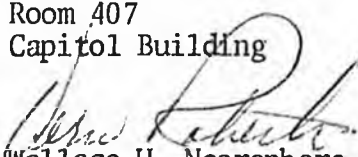
John Butrovich
Chairman
Senate Finance Committee

Is

MEMORANDUM**State of Alaska**TO: Legislative Finance
Room 407
Capitol Building

DATE : February 22, 1972

FROM:


Wallace H. Noerenberg
Commissioner
Department of Fish and Game

SUBJECT: Fiscal Note - SB 311

In accordance with your request of February 18, 1972 furnished herewith are this department's comments and position on SB 311.

On February 9, 1972 a memorandum was sent to the staff of the Senate Resources Committee setting forth this department's comments on this piece of legislation. A copy of that memorandum is attached for your reference.

It is the consensus of the Department of Revenue and this department that no additional costs to the state would be occasioned by passage of this legislation.

cc: Budget and Management
Vern Roberts
Ed Huiizer

TO: [

Neil D. ...
Administrative Analyst
Senate Resources Committee

DATE : February 9, 1972

FROM:

Ed Ruizer *ER*
Deputy Director
Department of Fish and Game

SUBJECT: Senate Bill 311

During the Senate Resources Committee hearing on SB 311 on February 7, the possibility of including section AS 16.05.450(a) for clarification purposes was discussed. The need for clarification exists if AS 16.05.450(a) is repealed as recommended by the Departments of Fish and Game and Revenue at the February 7 hearing. The problem is that wording in AS 16.05.450(a) indicates that "a license" shall be issued, etc. Does this mean a license in the narrow sense of one license, or in the broad sense of any commercial licenses (i.e., personal, gear and vessel) to which the applicant may be entitled?

The following suggested wording of subsection (a) will clarify the fact that "license" should be used in the broad rather than the narrow sense:

AS 16.05.450(a). The commissioner of revenue or his authorized deputy shall issue commercial fishing, vessel and gear licenses to qualified applicants as provided in this title. The applicant shall file a written application containing the reasonable information required by the commissioner together with the required fee. The application shall be simple in form and shall be executed by the applicant or his agent under the penalty of perjury.

There has always been a fair amount of confusion of terminology with regard to the so-called "personal commercial fishing license", since the entire range of personal gear and vessel licenses are known collectively as commercial fishing licenses. The personal commercial fishing license is designated in the statute only as "commercial fishing license" (reference AS 16.05.450, etc.). Both the Departments of Revenue and Fish and Game have agreed that the personal commercial fishing license should clearly be designated by some other name to avoid confusion. It is suggested that you consider a change of this nature in separate legislation to avoid further expounding the present problem.

cc: Office of the Governor

Forrester

Miller

Wiley

Assistant Secretary of State

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: SB 311
 Title: Issuance of Commercial Fishing Licenses
 Requested by: Legis. Finance Date: 2/18/72
 Return Date Requested: 2/25/72
 Agency: Dept. of Fish and Game Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-					

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER	-0-					

C. POSITIONS: 0

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum.

IV. ATTACHMENTS

V. DATE: February 22, 1972 PREPARED BY: _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: Senate Bill No. 311
 Title: Issuance of Commercial Fishing License
 Requested by: Legislative Finance Date: 2-18-72
 Return Date Requested: 2-25-72
 Agency: Department of Revenue Program: Fiscal Services

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	-0- /	/	/	/	/	/
MAN MONTHS (P./T.)	-0- /	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached memorandum from Ralph Kimlinger, Manager, Juneau Field Office, who is in charge of the State-wide issuance of commercial fishing licensing as well as copy of court case involving issuance of commercial fishing licenses.

IV. ATTACHMENTS

V. DATE: February 24, 1972

PREPARED BY: R. D. Stevenson

R. D. Stevenson
Deputy Commissioner
Department of Revenue

Original: Legislative Finance
 cc: Budget and Management
Prime Sponsor (First Legislator Named)

STATE
of ALASKA

MEMORANDUM

TO: R. D. Stevenson
Deputy Commissioner
Department of Revenue

DATE: February 23, 1972

FROM: Ralph Kimlinger, Manager
Juneau Field Office
Department of Revenue

SUBJECT: SB 311
Commercial Fishing Licenses

Passage of Senate Bill 311 will not have any effect on either revenues accruing to the state or cost of operation of the Department of Revenue.

The removal of the "in person" licensing requirement is being requested by both the Department of Revenue and the Department of Fish and Game, however we would request some further changes:

Full implementation of AS 16.05.450 (c) is impossible and we would therefore request its repeal along with amendment of AS 16.05.450 (a). Attached is proposed substitute wording for SB 311 which will remove the in person requirement and reword the section to better define the licenses a person may purchase when filing an application.

Attached also is a copy of Civil Action #71-346 concerning AS 16.05.450 (a) and (c) which defines how the Department of Revenue is to interpret the above sections.

Repeal of Section (c) and amendment of Section (a) of 16.05.450 will allow better administration of the Commercial Fishing License Statutes.

RK/cr
Attachments 2

For an Act entitled: "An Act concerning the licensing of commercial fishermen and providing for an effective date."

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

* Section 1. AS 16.05.450 (a) is amended to read

(a) The commissioner of revenue or his authorized deputy shall issue [A LICENSE] commercial fishing, vessel and gear licenses to [EACH] qualified [PERSON WHO FILES A WRITTEN APPLICATION IN PERSON, AT PLACES IN THE STATE DESIGNATED BY THE COMMISSIONER,] applicants as provided in this title. The applicant shall file a written application containing the reasonable information required by the commissioner together with the required fee. The application shall be simple in form and shall be executed by the applicant or his agent under penalty of perjury.

* Section 2. AS 16.05.450 (c) is repealed.

* Section 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

*Rolph Kimlinger
Dept of Revenue*

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SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

WILLIAM DIRKS, GIACOMA FLORES,)
JOSEPH FLORES, ANTHONY LUCIDO,)
EMIL MARCELLI, DOMINIC PAPETTI,)
LEO RUSSO, DON SMITH, JOSEPH)
BRUNO, WARREN JOHNSON, JACK)
MARINCOVICH and JIM ANGLE,)

Plaintiffs,)

vs.)

ERIC WOHLFORTH, Commissioner of)
the Department of Revenue of)
the State of Alaska,)

Defendant.)

No. 71-346 Civil

ORDER OF DISMISSAL

This matter having come on before the Court for hearing,
the Court having reviewed the stipulation of the parties setting
out the basis for the dismissal of the action and having reviewed
the pleadings and deeming itself advised in the premises, hereby

ORDERS, ADJUDGES AND DECREES:

1. This is a class action within the meaning of Rule 23(a)(3), Alaska Rules of Civil Procedure.
2. The settlement entered into by the respective parties set out in the stipulation appended to the motion for dismissal is hereby approved by the Court as one which adequately protects all members of the class of which plaintiffs are representative. The terms of the stipulation are incorporated by reference in this decree.
3. The Court finds that the interpretation of the statute previously adhered to by the defendant is of dubious constitutional validity and that the construction expressed in the

FAULKNER, BANFIELD, BOOCHEVER & DOGGAN
ROOM 201, 311 FRANKLIN ST. PHONE 586-2210
JUNEAU, ALASKA

1 aforesaid stipulation is a reasonable alternative interpretation
2 which avoids the constitutional difficulties created by the
3 previous construction of the Act.

4 4. The action is dismissed on the basis of the stipulation
5 without prejudice.

6 5. Notice to all members of the class of which plaintiffs
7 are representative is not required by Rule 23(c) for this parti-
8 cular action, and the Court, in the exercise of its discretion,
9 hereby decrees that no notice need be given under the circumstances
10 of the case.

11 DATED this 10th day of December, 1971.

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14 Thomas B. Stewart
15 Judge

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SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

WILLIAM DIRKS, GIACOMA FLORES,)
JOSEPH FLORES, ANTHONY LUCIDO,)
EMIL MARCELLI, DOMINIC PAPETTI,)
LEO RUSSO, DON SMITH, JOSEPH)
BRUNO, WARREN JOHNSON, JACK)
MARINCOVICH and JIM ANGLE,)

Plaintiffs,)

vs.)

ERIC WOHLFORTH, Commissioner of)
the Department of Revenue of the)
State of Alaska,)

Defendant.)

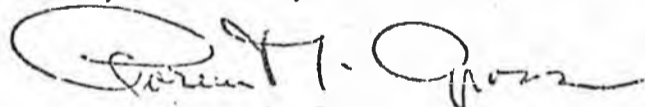
No. 71-346. Civil

MOTION FOR DISMISSAL

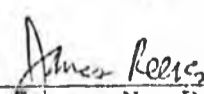
Now come the plaintiffs and the defendant and, pursuant to Rule 23(c), Rules of Civil Procedure, move the Court to dismiss the above captioned cause without prejudice.

DATED at Juneau, Alaska, this 10th day of December, 1971.

FAULKNER, BANFIELD, BOOCHEVER & LOOGAN

By 
Avrum M. Gross
of attorneys for plaintiffs

JOHN E. HAVELOCK
ATTORNEY GENERAL

By 
James N. Reeves
Assistant Attorney General
representing defendant

FAULKNER, BANFIELD, BOOCHEVER & DOOGAN
ROOM 201, 211 FRANKLIN ST. PHONE 586-2210
JUNEAU, ALASKA

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SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

WILLIAM DIRKS, GIACOMA FLORES,)
JOSEPH FLORES, ANTHONY LUCIDO,)
EMIL MARCELLI, DOMINIC PAPETTI,)
LEO RUSSO, DON SMITH, JOSEPH)
BRUNO, WARREN JOHNSON, JACK)
MARINCOVICH and JIM ANGLE,)
Plaintiffs,)

vs.

ERIC WOHLFORTH, Commissioner of)
the Department of Revenue of the)
State of Alaska,)
Defendant.)

No. 71-346 Civil

STIPULATION

Now come the parties to the above entitled action and stipulate to the following facts:

1. This is a suit for declaratory judgment pursuant to AS 22.10.020.

2. The plaintiffs in the action have sued on their own behalf and on behalf of the class of persons similarly situated and too numerous to include in the complaint of which they are representative, all of whom are interested in common questions arising in the matter. The suit is a class action within the meaning of Rule 23(a)(3), Alaska Rules of Civil Procedure.

3. The defendant is the Commissioner of Revenue of the State of Alaska, charged with the obligation under Alaska Law to issue all commercial fishing licenses, including personal licenses, gear licenses and vessel licenses.

4. Prior to the commencement of this action, the defendant, through his authorized deputies, publicly stated that the terms of Chapter 92 SIA 1971 would require that all

PAULKNER, BANFIELD, BOOCHEVER & DOOGAN
ROOM 201, 311 FRANKLIN ST. PHONE 588-2510
JUNEAU, ALASKA

1 commercial fishing licenses, including personal licenses, gear
2 licenses and vessel licenses, be obtained by applicants through
3 filing written applications in person with licensing agents
4 designated by the Commissioner, and that gear license applica-
5 tions could only be filed in the registration area in which an
6 applicant sought to fish in a particular year.

7 5. Under the existing regulatory scheme for the issuance
8 of gear and vessel licenses, it is necessary that applications
9 be made for said licenses prior to April 15 in any given year.
10 The April 15 deadline is generally in advance of the opening
11 date of the fishing seasons throughout the State, with the
12 result that persons who live outside of particular fishing
13 registration areas would, under the Commissioner's previous
14 interpretation, be required to make special trips to said areas
15 prior to April 15 for the sole purpose of obtaining gear licenses.
16 Personal fishing licenses may be obtained at any time prior to
17 the actual opening date of the fishing season.

18 6. Plaintiffs have alleged that the Act, as interpreted
19 by the Commissioner of Revenue, is unconstitutional in that

20 (a) the Act creates an arbitrary and invidious dis-
21 crimination between residents of particular registration
22 areas and other residents of the State and other States.

23 (b) the Act creates a restriction on the right to
24 obtain a license which is wholly unrelated to an
25 applicant's ability to engage in the commercial
26 fishery, or to any other valid regulatory purpose.

27 (c) the Act creates an exclusive right of fishery
28 for residents within particular fishing registration
29 areas.

30 7. Without conceding the validity of plaintiffs' con-
31 tentions, defendant acknowledges that substantial constitutional
32 questions are raised by the interpretation of the Act previously.

1 made by the defendant under the Equal protection and Due Process
2 clauses of the United States and Alaska Constitutions, and under
3 the Exclusive Right of Fishery clause of the Alaska Constitution.
4 Mullaney v. Anderson, 342 U.S. 415 (1952), Toomer v. Witsell,
5 334 U.S. 385 (1948), Brown v. Anderson, 202 F. Supp. 96 (1962),
6 Bozanich v. Norenberg, (Super. Ct. Juneau #70-389 (1971)).

7 8. The parties plaintiff and the defendant agree that
8 §1, ch. 92, SLA 1971 may reasonably be interpreted to apply only
9 to personal commercial fishing licenses. Under this construction
10 of that section, vessel and gear licenses, subject by regulation
11 to an April 15th application requirement, need not be obtained
12 in person.

13 9. It is an accepted principle of statutory construction
14 that acts subject to reasonable alternative interpretations be
15 interpreted in a manner so as to avoid the creation of a consti-
16 tutional issue. Ashwander v. T.V.A., 297 U.S. 288 (1936) (opinion
17 of Brandeis, J.). Since the defendant's original interpretation
18 of §1, ch. 92, SLA 1971, as set forth at Paragraph 4 hereinabove
19 and more particularly in the exhibits attached to the complaint
20 herein, raises substantial constitutional questions, the fore-
21 going principle of statutory interpretation requires that §1,
22 ch. 92, SLA 1971 be read to apply to personal commercial fishing
23 licenses exclusively.

24 10. The parties further agree that §2, ch. 92, SLA 1971,
25 which requires that gear licenses only be issued within the
26 specific area for which the license is requested, does not
27 impliedly require that the applicant for the gear license either
28 personally file an application in that area or personally appear
29 in the area to receive the license. Finally, the parties
30 recognize that an Act which requires that personal fishing
31 licenses be applied for "in person" imposes an obligation on
32 the licensing authority to provide a means by which applications.

PAULKNER, BANFIELD, BOOCHEVER & DOOGAN
ROOM 201, 311 FRANKLIN ST. PHONE 588-2310
JUNEAU, ALASKA

1 can be filed with a minimum of inconvenience.

2 11. The Commissioner of Revenue agrees that he will
3 forthwith instruct his agents and deputies to issue licenses
4 in accordance with the interpretation of the Act set forth in
5 this stipulation and will take immediate steps to provide notice
6 to resident and non-resident fishing applicants that the Act
7 will be interpreted in this manner, and specifically, that gear
8 and vessel licenses may be applied for by mail. The Commissioner
9 of Revenue further agrees that he will take action to insure
10 that persons who apply for personal fishing licenses will have
11 licensing agents made available to them near the fishing grounds.
12 The Commissioner agrees to deputize cannery personnel or other
13 persons necessary to provide prompt and adequate services to
14 applicants on the fishing grounds who seek to obtain personal
15 fishing licenses through "in person" applications.

16 12. The parties state that in their opinion and to the
17 best of their knowledge, the settlement of the litigation set
18 forth in this stipulation is a reasonable settlement and
19 adequately protects the members of the class represented by
20 plaintiffs.

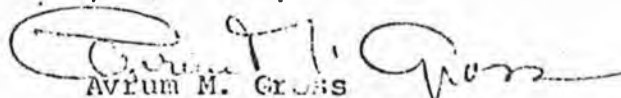
21 13. The parties agree that this stipulation shall be
22 submitted to the Court appended to a motion seeking a dismissal
23 of the action upon approval of the terms of this settlement by
24 the Court.

25 14. The parties further stipulate that the action, if
26 dismissed, shall be without costs to either party.

27 DATED this 10th day of December, 1971

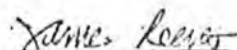
28 FAULKNER, BANFIELD, BOOCHEVER & DOOGAN

29 By


ARTHUR M. GROSS
of Attorneys for Plaintiffs

31 JOHN HAVELOCK, ATTORNEY GENERAL

32 By


James N. Reeves, Assistant Attorney
General, representing Defendant

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AMBLY COMMITTEE

ADDY DIVISION
FOUCH W - 1

STATE BUILDING

FINANCE DIVISION
FOUCH W - STATE

JUNEAU 99301

MEMORANDUM

TO: Vern Roberts, Director
Division of Admin.
Department of Fish and Game

DATE: 2/18/72

FROM: LEGISLATIVE FINANCE
ROOM 407
CAPITOL BUILDING

SUBJ: FISCAL NOTE REQUEST

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 311,
AND RETURN IT TO OUR OFFICE BY 2/25/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

Furnish agency comments and position.

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

4/4/89
Date

The Legislature of the State of Alaska
FISCAL NOTE
Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: SB 317
 Title: State Aid for Federal Urban Rehabilitation Projects
 Requested by: Legis. Finance Date: 2/15/72
 Return Date Requested: 2/22/72
 Agency: Governor's Office Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES		-0-				
200 TRAVEL		-0-				
300 CONTRACTUAL		-0-				
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES		-0-				
700 GRANTS, CLAIMS, ETC.		18,628.0				
TOTAL		18,628.0				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		18,628.0				
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 It is assumed that the responsibility for the administration of this program would be undertaken by the agency staff member now responsible for the Municipal Services Revenue Sharing program authorized by AS 43.18.010-.030. Additional expenses of administration would be minimal and would be absorbed by the Agency.

It is further assumed that all projects listed in Attachment A would be considered underway as of July 1, 1972 and thereby eligible for grants in aid in FY 1973.

IV. ATTACHMENTS ----Attachment A---a schedule of: (1) Urban renewal or rehabilitation projects under construction or authorized, and (2) Pending urban renewal or rehabilitation project applications.

The schedule includes the project location, name, net project cost, and amount of state grant as provided by SB 317.

V. DATE: February 28, 1972 PREPARED BY: Donald Argetsinger

FOR: Warren W. Wiley
 Warren Wiley, Administrative Assistant to the Governor

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

WB

Attachment No. A to Fiscal Note for SB 317¹

1. List of urban renewal projects under construction or authorized:

(a) Proj. No.	(b) Location	(c) Name	(d) Approved Net Project Cost	(e) Amt. of State Grant as Pro- vided by SB 317
R-8	Anchorage	Westchester	\$ 870,538	\$ 217,635
R-14	Sitka	Swan Creek	1,093,115	273,279
R-15	Fairbanks	Barnette Area	3,270,777	817,694
R-16	Anchorage	Eastchester	4,127,249	1,031,812
R-18	Juneau	Harborview	4,792,335	1,198,084
R-19	Kodiak	Downtown Area	8,834,725	2,208,681
R-20	Anchorage	Downtown Anchorage	12,332,421	3,083,105
R-21	Seward	Seward Area	1 59,399	339,850
R-22	Valdez	Valdez Area	3,292,404	823,101
R-25	Valdez	Mineral Creek	1,951,987	487,997
R-26	Seldovia	Seldovia Area	4,857,986	1,214,497
R-28	Cordova	Waterfront	<u>2,163,560</u>	<u>540,590</u>
TOTALS			\$48,946,496	\$12,236,625

2. List of urban renewal or rehabilitation projects pending, including amendatories proposed to existing projects:

Alas A-1 (NDP)	Fairbanks	Eastside Area	\$ 893,332	\$ 223,333
R-8	Anchorage	Westchester	1,321,053	330,263
R-15	Fairbanks	Barnette Area	3,401,020	850,255
R-19	Kodiak	Downtown Area	9,804,083	2,451,021
R-25	Valdez	Valdez Area	2,096,751	524,188
R-26	Seldovia	Seldovia Area	5,775,230	1,443,807
R-28	Cordova	Waterfront	<u>2,274,348</u>	<u>568,587</u>
TOTALS			\$25,565,817	\$ 6,391,454

Note 1. The above information was obtained from the Deputy Executive Director of the Alaska State Housing Authority in his letter of February 23, 1972 transmitted to the Local Affairs Agency through the Honorable Kenneth W. Kadow, Commissioner, Department of Commerce.

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

JUNEAU 99801

MEMORANDUM

TO: Warren Wiley, Admin. Asst. DATE: 2/15/72
Office of the Governor

FROM: LEGISLATIVE FINANCE SUBJ: FISCAL NOTE REQUEST
ROOM 407
CAPITOL BUILDING

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR SB 317,
AND RETURN IT TO OUR OFFICE BY 2/22/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Listing of urban renewal or rehabilitation projects under construction or authorized to include
 - a. Location
 - b. Project
 - c. Total net project cost
 - d. Amount of state grant as provided by SB 317

(Cont'd)

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

RECEIVED
FEB 15 1972

GOVERNOR'S OFFICE

Fiscal Note Request Instructions (Cont'd)

2. Listing of pending applications to include
 - a. Location
 - b. Project
 - c. Total net project cost
 - d. Amount of state grant as provided by SB 317

Introduced: 2/3/72
Referred: Local Government;
Finance

1 IN THE SENATE

BY MERDES

2 SENATE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state aid for federal urban
7 rehabilitation projects; and providing for an effective
8 date."

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

10 * Section 1. AS 43.18 is amended by adding a new section to read:

11 ARTICLE 4. URBAN RENEWAL AND REHABILITATION

12 PROJECT GRANTS.

13 Sec. 43.18.400. FEDERAL URBAN REHABILITATION PROJECTS. (a)

14 Within the limits of legislative appropriations for the purpose, the
15 state shall make grants to cities or boroughs or their local housing
16 authorities to match federal funds advanced under federal urban re-
17 habilitation programs. A grant for an urban rehabilitation program
18 under this section shall be 25 per cent of the total net project cost
19 of a rehabilitation project.

20 (b) The Local Affairs Agency shall administer the funds appropri-
21 ated to carry out the purpose of this section. The agency shall
22 reimburse cities or boroughs or their housing authorities, whose
23 capital improvement projects undertaken under this section are recog-
24 nized as noncash grants-in-aid, regardless of the jurisdiction of the
25 rehabilitation program.

26 (c) Urban rehabilitation or renewal projects underway on the
27 effective date of this Act are eligible for the grant authorized under
28 this section.

29 * Sec. 2. This Act takes effect on the day after its passage and

1 approval or on the day it becomes law without approval.

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MEMORANDUM

State of Alaska
OFFICE OF THE GOVERNOR

TO: Rich Guthrie
Legislative Finance

Thru: Byron I. Mallott *BIM*
Director

FROM: Donald Argetsinger *DA*
Local Government Specialist

DATE : February 18, 1972

SUBJECT: Fiscal Note Request--SB 317

Pursuant to our telephone conversation this afternoon, the Fiscal Note for SB 317 will be returned to your office by March 1, 1972.

DA/pc

cc: Warren W. Wiley
Administrative Assistant
Office of the Governor



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James D. Smith
Signature of Camera Operator

4/4/89
Date

referred to Finance from ...
not pending with all ...
3/20/72

Committee Report

S E N A T E

_____ Date

Mr. President:

The Committee on _____ has had _____
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- (other) _____

MEMBERS SIGNING THE MAJORITY REPORT:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____	recommends:	
_____	recommends:	
_____	recommends:	
_____	recommends:	
_____	recommends:	

CHAIRMAN

Original sponsors: Josephson, Thomas
and Young

Introduced: 4/3/72
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 2d CS FOR SENATE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Uniform Alcoholism and Intoxica-
7 tion Treatment Act."

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

9 * Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 37. UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

11 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
12 state that alcoholics and intoxicated persons should not be criminally
13 prosecuted for their consumption of alcoholic beverages and that they
14 should be afforded a continuum of treatment so they may lead normal lives
15 as productive members of society. In addition, it is desirable that all
16 or part of the costs attendant to this Act should be borne by the excise
17 tax on alcoholic beverages without necessarily limiting the costs of the
18 treatment programs to the amounts generated by those tax revenues.

19 Sec. 47.37.020. OFFICE OF ALCOHOLISM. An office of alcoholism
20 is established in the department. The office shall be headed by a
21 coordinator appointed by the commissioner. The coordinator shall be a
22 qualified professional who has training and experience in the organiza-
23 tion and administration of treatment services for persons with medical-
24 social problems.

25 Sec. 47.37.030. POWERS OF OFFICE. The office may

26 (1) plan, establish, and maintain treatment programs as
27 appropriate;

28 (2) make contracts necessary or incidental to the performance
29 of its duties and the execution of its powers, including contracts with

1 of alcoholics and intoxicated persons in cooperation with public and
2 private agencies, organizations, and individuals, and provide technical
3 assistance and consultation services for these purposes;

4 (2) coordinate the efforts and enlist the assistance of all
5 public and private agencies, organizations, and individuals interested
6 in prevention of alcoholism and treatment of alcoholics and intoxicated
7 persons;

8 (3) cooperate with the division of corrections in establish-
9 ing and conducting programs to provide treatment for alcoholics and
10 intoxicated persons in or on parole from penal institutions;

11 (4) cooperate with the Department of Education, school
12 boards, schools, police departments, courts, and other public and pri-
13 vate agencies, organizations and individuals in establishing programs
14 for the prevention of alcoholism and treatment of alcoholics and intoxi-
15 cated persons, and preparing curriculum materials for use at all levels
16 of school education;

17 (5) prepare, publish, evaluate, and disseminate educational
18 material dealing with the nature and effects of alcohol;

19 (6) develop and implement, as an integral part of treatment
20 programs, an educational program for use in the treatment of alcoholics
21 and intoxicated persons which includes the dissemination of information
22 concerning the nature and effects of alcohol;

23 (7) organize and foster training programs for all persons
24 engaged in treatment of alcoholics and intoxicated persons;

25 (8) sponsor and encourage research into the causes and
26 nature of alcoholism and treatment of alcoholics and intoxicated persons
27 and serve as a clearinghouse for information relating to alcoholism;

28 (9) specify uniform methods for keeping statistical infor-
29 mation by public and private agencies, organizations, and individuals,

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

Original sponsors: Josephson, Thomas
and Young

Introduced: 4/3/72
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 2d CS FOR SENATE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Uniform Alcoholism and Intoxica-
7 tion Treatment Act."

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

9 * Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 37. UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

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12 state that alcoholics and intoxicated persons should not be criminally
13 prosecuted for their consumption of alcoholic beverages and that they
14 should be afforded a continuum of treatment so they may lead normal lives
15 as productive members of society. In addition, it is desirable that all
16 or part of the costs attendant to this Act should be borne by the excise
17 tax on alcoholic beverages without necessarily limiting the costs of the
18 treatment programs to the amounts generated by those tax revenues.

19 Sec. 47.37.020. OFFICE OF ALCOHOLISM. An office of alcoholism
20 is established in the department. The office shall be headed by a
21 coordinator appointed by the commissioner. The coordinator shall be a
22 qualified professional who has training and experience in the organiza-
23 tion and administration of treatment services for persons with medical-
24 social problems.

25 Sec. 47.37.030. POWERS OF OFFICE. The office may

26 (1) plan, establish, and maintain treatment programs as
27 appropriate;

28 (2) make contracts necessary or incidental to the performance
29 of its duties and the execution of its powers, including contracts with

1 public and private agencies, organizations, and individuals, to pay them
2 for services rendered or furnished to alcoholics or intoxicated persons;

3 (3) solicit and accept for use a gift of money or property
4 or a grant of money, services, or property from the federal government,
5 the state, or a political subdivision of it or a private source, and do
6 all things necessary to cooperate with the federal government or any
7 of its agencies in making an application for a grant;

8 (4) administer or supervise the administration of the pro-
9 visions relating to alcoholics and intoxicated persons of any state
10 plan submitted for federal funding under federal health, welfare, or
11 treatment legislation;

12 (5) coordinate its activities and cooperate with alcoholism
13 programs in this and other states, and make contracts and other joint
14 or cooperative arrangements with state, local, or private agencies for
15 the treatment of alcoholics and intoxicated persons and for the common
16 advancement of alcoholism programs in this and other states;

17 (6) keep records and engage in research and the gathering
18 of relevant statistics;

19 (7) do other acts necessary to implement the authority
20 expressly granted to it;

21 (8) acquire, hold, or dispose of real property or any
22 interest in it, and construct, lease, or otherwise provide treatment
23 facilities for alcoholics and intoxicated persons; however, the office
24 shall encourage local initiative, involvement and financial participa-
25 tion under grants-in-aid whenever possible in preference to the con-
26 struction or operation of facilities directly by the office.

27 Sec. 47.37.040. DUTIES OF OFFICE. The office shall

28 (1) develop, encourage, and foster statewide, regional, and
29 local plans and programs for the prevention of alcoholism and treatment

1 of alcoholics and intoxicated persons in cooperation with public and
2 private agencies, organizations, and individuals, and provide technical
3 assistance and consultation services for these purposes;

4 (2) coordinate the efforts and enlist the assistance of all
5 public and private agencies, organizations, and individuals interested
6 in prevention of alcoholism and treatment of alcoholics and intoxicated
7 persons;

8 (3) cooperate with the division of corrections in establish-
9 ing and conducting programs to provide treatment for alcoholics and
10 intoxicated persons in or on parole from penal institutions;

11 (4) cooperate with the Department of Education, school
12 boards, schools, police departments, courts, and other public and pri-
13 vate agencies, organizations and individuals in establishing programs
14 for the prevention of alcoholism and treatment of alcoholics and intoxi-
15 cated persons, and preparing curriculum materials for use at all levels
16 of school education;

17 (5) prepare, publish, evaluate, and disseminate educational
18 material dealing with the nature and effects of alcohol;

19 (6) develop and implement, as an integral part of treatment
20 programs, an educational program for use in the treatment of alcoholics
21 and intoxicated persons which includes the dissemination of information
22 concerning the nature and effects of alcohol;

23 (7) organize and foster training programs for all persons
24 engaged in treatment of alcoholics and intoxicated persons;

25 (8) sponsor and encourage research into the causes and
26 nature of alcoholism and treatment of alcoholics and intoxicated persons
27 and serve as a clearinghouse for information relating to alcoholism;

28 (9) specify uniform methods for keeping statistical infor-
29 mation by public and private agencies, organizations, and individuals,

1 and collect and make available relevant statistical information, includ-
2 ing number of persons treated, frequency of admission and readmission,
3 and frequency and duration of treatment;

4 (10) advise the governor in the preparation of a comprehen-
5 sive plan for treatment of alcoholics and intoxicated persons;

6 (11) review all state health, welfare, and treatment plans
7 to be submitted for federal funding, and advise the commissioner on pro-
8 visions to be included relating to alcoholism and intoxicated persons;

9 (12) assist in the development of, and cooperate with,
10 alcohol education and treatment programs for employees of state and
11 local governments and businesses and industries in the state;

12 (13) utilize the support and assistance of interested persons
13 in the community, particularly recovered alcoholics, to encourage
14 alcoholics to voluntarily undergo treatment;

15 (14) cooperate with the Department of Public Safety and the
16 Department of Highways in establishing and conducting programs designed
17 to deal with the problem of persons operating motor vehicles while
18 intoxicated;

19 (15) encourage hospitals and other appropriate health
20 facilities to admit without discrimination alcoholics and intoxicated
21 persons and to provide them with adequate and appropriate treatment;

22 (16) encourage all health and disability insurance programs
23 to include alcoholism as a covered illness;

24 (17) submit to the legislature an annual report covering the
25 activities of the office.

26 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)
27 An interdepartmental coordinating committee is created, composed of the
28 coordinator and the commissioners of health and social services, educa-
29 tion, highways, labor and public safety. The committee shall meet at
2d CSSB 318 am H

1 least twice annually at the call of the commissioner of health and
2 social services who is its chairman. The committee shall provide for the
3 coordination and exchange of information on all programs relating to
4 alcoholism, and act as a permanent liaison among state departments
5 engaged in activities affecting alcoholics and intoxicated persons. The
6 committee shall assist the commissioner of health and social services
7 and the coordinator in formulating a comprehensive plan for prevention of
8 alcoholism and for treatment of alcoholics and intoxicated persons.

9 (b) In exercising its coordinating functions, the committee shall
10 assure that the appropriate state agencies

11 (1) provide all necessary medical, social, treatment, and
12 educational services for alcoholics and intoxicated persons and for the
13 prevention of alcoholism, without unnecessary duplication of services;

14 (2) cooperate in the use of facilities and in the treatment
15 of alcoholics and intoxicated persons;

16 (3) adopt approaches for the prevention of alcoholism and
17 the treatment of alcoholics and intoxicated persons consistent with the
18 policy of this chapter.

19 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM. There is estab-
20 lished in the Department of Health and Social Services an advisory
21 board on alcoholism.

22 Sec. 47.37.062. COMPOSITION. The advisory board on alcoholism
23 consists of nine members appointed by the governor.

24 Sec. 47.37.064. QUALIFICATIONS OF BOARD MEMBERS. (a) Two members
25 shall be persons who are licensed to practice medicine in the state, one
26 of whom shall be certified in psychiatry by the American Board of Psychi-
27 atry and Neurology or is eligible for that certification, except that if
28 a psychiatrist is not available, a clinical psychologist may be appointed.

29 (b) One member shall be a practicing attorney who has been

1 admitted to the practice of law by the Supreme Court of the State of
2 Alaska.

3 (c) One member shall be a person who has evidenced an interest
4 in the problems of alcoholism and who has knowledge of the social
5 problems encountered in the rehabilitation of alcoholics.

6 (d) One member shall be a public health nurse.

7 (e) One member shall be a representative of the liquor industry.

8 (f) One member shall be a member of Alcoholics Anonymous.

9 (g) One member shall be from the public at large.

10 (h) One member shall be a social worker.

11 Sec. 47.37.066. TERM OF OFFICE. (a) The members of the board
12 initially appointed under sec. 64(a) of this chapter serve a term of
13 four years.

14 (b) The member initially appointed under sec. 64(b) of this
15 chapter serves a term of three years.

16 (c) The member initially appointed under sec. 64(c) of this
17 chapter serves a term of two years.

18 (d) The members initially appointed under sec. 64(d) - (h) of
19 this chapter serve a term of four years. Subsequent terms for all
20 board members are for four years.

21 (e) A vacancy occurring in the membership of the board shall be
22 filled by appointment of the governor for the unexpired portion of the
23 vacated term.

24 (f) Board members serve at the pleasure of the governor.

25 Sec. 47.37.067. COMPENSATION, PER DIEM, OR EXPENSES. Members of
26 the advisory board on alcoholism are not entitled to a salary, but are
27 entitled to per diem, reimbursement for travel and other expenses
28 authorized by law for other boards.

29 Sec. 47.37.068. DUTIES. The board shall act in an advisory

1 capacity to the commissioner in the following matters:

2 (1) special problems affecting mental health which alcoholism
3 may present;

4 (2) educational and research activities conducted by the
5 office in respect to the problems presented by alcoholism;

6 (3) social problems which affect rehabilitation of alcoholics;

7 (4) legal processes which affect the treatment and rehabili-
8 tation of alcoholics;

9 (5) a program of public relations concerning the problem of
10 alcoholism conducted by a department of the state government or by an
11 organized group whose purpose is the rehabilitation of alcoholics.

12 Sec. 47.37.069. ALCOHOLISM PROGRAM COORDINATOR. The alcoholism
13 program coordinator shall carry out the development and implementation
14 of a comprehensive program dealing with the treatment, research, and
15 education of alcoholic problems as they affect the state.

16 Sec. 47.37.070. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL
17 FACILITIES. (a) The office shall establish a comprehensive and
18 coordinated program for the treatment of alcoholics and intoxicated
19 persons. Subject to the approval of the commissioner, the coordinator
20 may divide the state into appropriate regions to conduct the program
21 and establish standards for the development of the program on the
22 regional level. In establishing the regions, consideration shall be
23 given to the city and borough lines and population concentrations and
24 when feasible, programs shall be established with maximum local com-
25 munity involvement.

26 (b) The program of the office shall include

27 (1) emergency treatment provided by a facility affiliated
28 with or part of the medical service of a general hospital;

29 (2) inpatient treatment;

1 (3) intermediate treatment; and

2 (4) outpatient and followup treatment.

3 (c) The office shall provide adequate and appropriate treatment
4 for alcoholics and intoxicated persons admitted under secs. 100 - 130
5 of this chapter within the limits of available state and federal
6 funds.

7 (d) The office shall maintain, supervise, and control all
8 facilities operated by its subject to the regulations of the depart-
9 ment. The administrator of each facility shall make an annual report
10 of its activities to the coordinator in the form and manner the
11 coordinator specifies.

12 (e) If possible, the office shall coordinate the activities
13 of the program with all appropriate public and private resources.

14 (f) The coordinator shall prepare, publish, and distribute
15 annually a list of all approved public and private treatment
16 facilities.

17 (g) The office may contract for the use of any facility as an
18 approved public treatment facility if the coordinator, subject to the
19 regulations of the department, considers this an effective and eco-
20 nomical course to follow.

21 Sec. 47.37.080. PUBLIC AND PRIVATE TREATMENT FACILITIES.

22 (a) The office shall establish standards for facilities before their
23 approval as a public or private treatment facility, and fix the fees
24 to be charged for the required inspections of those facilities. The
25 standards shall concern only the health conditions to be met and
26 standards of treatment to be afforded patients.

27 (b) The office shall inspect, on a regular basis, approved
28 public and private treatment facilities at reasonable times and in
29 a reasonable manner.

1 (c) The office shall maintain a list of approved public and
2 private treatment facilities.

3 (d) Each approved public and private treatment facility shall
4 file with the office on request, data, statistics, schedules, and
5 information which the office reasonably requires. An approved public
6 or private treatment facility that without good cause fails to furnish
7 any data, statistics, schedules, or information as requested, or files
8 fraudulent returns of them, shall be removed from the list of approved
9 treatment facilities.

10 (e) The coordinator, after holding a hearing under the provisions
11 of the Administrative Procedure Act (AS 44.62), may suspend, revoke,
12 limit, restrict, or refuse to grant an approval for a treatment facili-
13 ty, for failure to meet its standards.

14 (f) Upon petition of the office and after a hearing held upon
15 reasonable notice to the facility, the district court may issue a war-
16 rant to an officer or employee of the office authorizing him to enter
17 and inspect at reasonable times, and examine the books and accounts of
18 an approved public or private treatment facility refusing to consent to
19 inspection or examination by the office or which the office has reason-
20 able cause to believe is operating in violation of this chapter.

21 Sec. 47.37.090. ACCEPTANCE FOR TREATMENT. The coordinator shall
22 promulgate regulations for the admission of persons into the treatment
23 program, considering available treatment resources and facilities, for
24 the purpose of early and effective treatment of alcoholics and intoxi-
25 cated persons. In establishing the regulations the coordinator shall be
26 guided by the following standards:

27 (1) if possible a patient shall be treated on a voluntary
28 rather than an involuntary basis;

29 (2) a patient shall be initially assigned or transferred to

1 outpatient or intermediate treatment, unless he is found to require
2 inpatient treatment;

3 (3) a person shall not be denied treatment solely because he
4 has withdrawn from treatment against medical advice on a prior occasion
5 or because he has relapsed after earlier treatment;

6 (4) an individualized treatment plan shall be prepared and
7 maintained on a current basis for each patient;

8 (5) provision shall be made for a continuum of coordinated
9 treatment services, so that a person who leaves a facility or a form of
10 treatment will utilize other appropriate treatment and facilities.

11 Sec. 47.37.100. VOLUNTARY TREATMENT OF ALCOHOLICS. (a) An
12 alcoholic may voluntarily apply for treatment directly to an approved
13 public treatment facility.

14 (b) Subject to regulations promulgated by the coordinator, the
15 administrator in charge of an approved public treatment facility may
16 determine who shall be admitted for treatment. If a person is refused
17 admission to an approved public treatment facility, the administrator
18 shall, if possible, refer the person to another approved public treat-
19 ment facility.

20 (c) When a patient receiving inpatient care leaves an approved
21 public treatment facility, he shall be encouraged to consent to appro-
22 priate outpatient or intermediate treatment. If it appears to the
23 administrator in charge of the treatment facility that the patient is
24 an alcoholic who requires help, the office shall arrange for assistance
25 in obtaining supportive services and residential facilities.

26 Sec. 47.37.110. TREATMENT AND SERVICES FOR INTOXICATED PERSONS
27 AND PERSONS INCAPACITATED BY ALCOHOL. (a) An intoxicated person may
28 come voluntarily to an approved public treatment facility for emergency
29 treatment. A person who appears to be intoxicated in a public place

1 and to be in need of help, if he consents, may be assisted by a peace
2 officer or the emergency service patrol to his home, an approved public
3 treatment facility, an approved private treatment facility, or another
4 appropriate health facility.

5 (b) A person who appears to be incapacitated by alcohol shall be
6 taken into protective custody by a peace officer or a member of the
7 emergency service patrol and immediately brought to an approved public
8 treatment facility for emergency treatment. If no approved public
9 treatment facility is readily available he shall be taken to an
10 emergency medical service customarily used for incapacitated persons.
11 The peace officer or a member of the emergency service patrol, in
12 detaining the person and in taking him to an approved public treatment
13 facility, is taking him into protective custody and he shall make every
14 reasonable effort to protect his health and safety. In taking the
15 person into protective custody, the detaining officer may take reason-
16 able steps to protect himself. Protective custody does not constitute
17 an arrest under this section and no entry or other record shall be made
18 to indicate that the person has been arrested or charged with a crime.

19 (c) A person who voluntarily appears or is brought to an approved
20 public treatment facility shall be examined by a licensed physician as
21 soon as possible. After the examination, he may be admitted as a
22 patient or referred to another health facility. The approved public
23 treatment facility who refers him shall arrange for his transportation.

24 (d) No person who, after medical examination, is found to be
25 incapacitated by alcohol at the time of his admission or to have
26 become incapacitated at any time after his admission, may be detained
27 at a facility after he is no longer incapacitated by alcohol. No person
28 may be detained at a facility if he remains incapacitated by alcohol
29 for more than 48 hours after admission as a patient, unless he is

1 committed under sec. 120 of this chapter. A person may consent to
2 remain in the facility as long as the physician in charge considers
3 it appropriate.

4 (e) A person who is not admitted to an approved public treatment
5 facility, is not referred to another health facility, and has no funds,
6 may be taken to his home, if any. If he has no home, the approved
7 public treatment facility shall assist him in obtaining shelter.

8 (f) If a patient is admitted to an approved public treatment
9 facility, his family or next of kin shall be promptly notified. If an
10 adult patient who is not incapacitated requests that there be no noti-
11 fication of next of kin, his request shall be granted.

12 (g) Peace officers or members of the emergency service patrol who
13 comply with this section are acting in the course of their official
14 duty and are not criminally or civilly liable for it.

15 (h) If the physician in charge of the approved public treatment
16 facility determines it is for the patient's benefit, an attempt shall
17 be made to encourage the patient to submit to further diagnosis and
18 appropriate voluntary treatment.

19 Sec. 47.37.120. EMERGENCY COMMITMENT. (a) An intoxicated person
20 who (1) has threatened, attempted to inflict, or inflicted physical
21 harm on another or is likely to inflict physical harm on another unless
22 committed, or (2) is incapacitated by alcohol, may be committed to an
23 approved public treatment facility for emergency treatment. A refusal
24 to undergo treatment does not constitute evidence of lack of judgment
25 as to the need for treatment.

26 (b) The certifying physician, spouse, guardian, or relative of the
27 person to be committed, or any other responsible person, may make a
28 written application for commitment under this section, directed to the
29 administrator of the approved public treatment facility. The

1 application shall state facts to support the need for emergency treat-
2 ment and be accompanied by a physician's certificate supporting the
3 need for emergency treatment and stating that the physician has examined
4 the person sought to be committed within two days before the certifi-
5 cate's date.

6 (c) Upon approval of the application by the administrator in
7 charge of the facility, the person may be brought to the facility by a
8 peace officer, a health officer, a member of the emergency service
9 patrol, the applicant for commitment, the patient's spouse, the
10 patient's guardian, or any other interested person. The person shall
11 be retained at the facility to which he was admitted, or transferred
12 to another appropriate public or private treatment facility, until
13 discharged under (e) of this section. However, no person may be detained
14 under this section for more than 48 hours unless a district or superior
15 court judge has reviewed and approved the commitment application.

16 (d) The administrator in charge of an approved public treatment
17 facility may refuse an application if in his opinion the application
18 and certificate fail to sustain the grounds for commitment.

19 (e) When on the advice of his medical staff the administrator
20 determines that the grounds for commitment no longer exist, he shall
21 discharge a person committed under this section. No person committed
22 under this section may be detained in a treatment facility for more
23 than five days. If a petition for involuntary commitment under sec.
24 130 of this chapter has been filed within the five days and the adminis-
25 trator in charge of an approved public treatment facility finds that
26 grounds for emergency commitment still exist, he may detain the person
27 until the petition has been heard and determined, but no longer than
28 10 days after filing the petition.

29 (f) A copy of the written application for commitment and of the

1 physician's certificate, and a written explanation of the person's
2 right to legal counsel, shall be given to the person within 24 hours
3 after commitment by the administrator, who shall provide a reasonable
4 opportunity for the person to consult with legal counsel.

5 Sec. 47.37.130. INVOLUNTARY COMMITMENT OF ALCOHOLICS. (a) After
6 a hearing initiated by petition of his spouse or guardian, a relative,
7 the certifying physician, or the administrator in charge of an approved
8 public treatment facility, a person may be committed to the custody of
9 the office by the superior court. The petition shall allege that the
10 person is an alcoholic who habitually lacks self-control in using
11 alcoholic beverages and that he (1) has threatened, attempted to
12 inflict, or inflicted physical harm on another and that unless com-
13 mitted is likely to inflict physical harm on another; or (2) is incapa-
14 citated by alcohol. A refusal to undergo treatment does not constitute
15 evidence of lack of judgment as to the need for treatment. The petition
16 shall be accompanied by a certificate of a licensed physician who has
17 examined the person within two days before submission of the petition,
18 unless the person whose commitment is sought has refused to submit to
19 a medical examination, in which case the fact of refusal shall be
20 alleged in the petition. The certificate shall set out the physician's
21 findings in support of the allegations of the petition.

22 (b) After the petition is filed, the court shall fix a date for
23 a hearing no later than 10 days after the date the petition was filed.
24 A copy of the petition and of the notice of the hearing, including
25 the date fixed by the court, shall be served on (1) the petitioner;
26 (2) the person whose commitment is sought; (3) the next of kin of the
27 person whose commitment is sought; (4) the administrator in charge of
28 the approved public treatment facility in which the committed person
29 has been committed for emergency care, and any other person the court

1 considers appropriate. A copy of the petition and certificate shall
2 be delivered to each person notified.

3 (c) If, not less than two days before the date fixed for the
4 hearing, the person sought to be committed or his counsel or advisor
5 files a written request with the superior court, the court shall
6 summon and impanel a jury of six adult residents of the judicial dis-
7 trict in which the court officiates, preferably from the court's jury
8 list or the last voters list, if available, to hear and consider
9 evidence concerning the condition of the person sought to be committed.

10 Sec. 47.37.140. HEARING ON PETITION FOR INVOLUNTARY COMMITMENT
11 OF ALCOHOLICS. (a) At the hearing required under sec. 130(b) of this
12 chapter, the court or the jury, if requested under sec. 130(c) of this
13 chapter, shall hear all relevant testimony, including, if possible,
14 the testimony of at least one licensed physician who has examined the
15 person whose commitment is sought. The person whose commitment is
16 sought shall be present unless the court believes that his presence
17 is likely to be injurious to him, in which case the court shall appoint
18 a guardian ad litem to represent him throughout the proceeding. The
19 court may examine the person in open court, or if advisable, examine
20 him out of court. If the person has refused to be examined by a
21 licensed physician, he shall be given an opportunity to request examina-
22 tion by a court-appointed licensed physician. If he fails to request
23 a medical examination and there is sufficient evidence to believe that
24 the allegations of the petition are true, or if the court believes that
25 more medical evidence is necessary, the court may issue a temporary
26 order committing him to the office for a period of not more than five
27 days for purposes of a diagnostic examination.

28 (b) If after hearing all relevant evidence, including the results
29 of any diagnostic examination by the office, the court or the jury

1 finds that grounds for involuntary commitment have been clearly estab-
2 lished, the court shall issue an order of commitment to the office.
3 No court may order the commitment of a person unless it determines that
4 the office is able to provide adequate and appropriate treatment for
5 him.

6 (c) A person committed under secs. 130 - 140 of this chapter
7 shall remain in the custody of the office for treatment for a period
8 of up to 30 days. At the end of the 30-day period, he shall be dis-
9 charged automatically unless the office, before the expiration of the
10 period, obtains a court order for his recommitment upon the grounds
11 set out in sec. 130(a) of this chapter for a further period of up to
12 90 days. If a person has been committed because he is an alcoholic
13 likely to inflict physical harm on another, the office shall apply for
14 recommitment if after examination it is determined that the likelihood
15 still exists.

16 (d) A person recommitted under (c) of this section who has not
17 been discharged by the office before the end of the 90-day period
18 shall be discharged at the expiration of that period unless the office,
19 before expiration of the period, obtains a court order on the grounds
20 set out in sec. 130(a) of this chapter for recommitment for a further
21 period not to exceed 90 days. If a person has been committed because
22 he is an alcoholic likely to inflict physical harm on another, the
23 office shall apply for recommitment if after examination it is deter-
24 mined that the likelihood still exists. No more than two recommitment
25 orders may be permitted under (c) and (d) of this section.

26 (e) Upon the filing of a petition for recommitment under (c) or
27 (d) of this section, the court shall fix a date for hearing no later
28 than 10 days after the date the petition was filed. A copy of the
29 petition and of the notice of hearing, including the date fixed by the

1 court, shall be served on (1) the petitioner; (2) the person whose com-
2 mitment is sought; (3) the next of kin of the person whose commitment
3 is sought; (4) the original petitioner under sec. 130(a) of this
4 chapter, if different from the petitioner for recommitment; (5) any
5 other person the court considers appropriate. Sec. 120(c) of this
6 chapter applies to hearings for recommitment under this section. At
7 the hearing the court or the jury shall proceed as provided in (a)
8 of this section.

9 (f) The office shall provide adequate and appropriate treatment
10 for a person in its custody. The office may transfer a person in its
11 custody from one approved public treatment facility to another if the
12 transfer is medically advisable.

13 (g) A person committed to the custody of the office for treatment
14 shall be discharged at any time before the end of the period for which
15 he has been committed if either of the following conditions are met:

16 (1) when an alcoholic committed on the grounds of likelihood
17 of infliction of physical harm on another is no longer considered an
18 alcoholic or the likelihood of his infliction of physical harm no longer
19 exists; or

20 (2) when, in the case of an alcoholic committed on the
21 grounds of the likelihood of infliction of physical harm on another,
22 either

23 (A) further treatment will not be likely to bring about
24 significant improvement in the person's condition, or

25 (B) treatment is no longer adequate or appropriate.

26 (h) The court shall inform the person whose commitment or recom-
27 mitment is sought of his right to contest the application, be repre-
28 sented by counsel at every stage of the proceedings relating to his
29 commitment and recommitment, to have counsel appointed by the court

1 or provided by the court, if he is unable to obtain counsel, and to a
2 jury trial, if requested, as specified in sec. 130(c) of this chapter.
3 If the court believes that the person needs the assistance of counsel,
4 the court shall require, by appointment if necessary, counsel for him
5 regardless of his objection. The person whose commitment or recom-
6 mitment is sought shall be informed of his right to be examined by a
7 licensed physician of his choice. If the person is unable to obtain
8 a licensed physician and requests examination by a physician, the court
9 shall employ a licensed physician for the examination.

10 (i) If a private treatment facility agrees with the request of
11 a competent patient or his parent, sibling, adult child, or guardian to
12 accept the patient for treatment, the administrator of the public
13 treatment facility shall transfer him to the private treatment facility.

14 (j) A person committed under this chapter may at any time seek
15 discharge from commitment by writ of habeas corpus under AS 12.75.

16 Sec. 47.37.150. RECORDS OF ALCOHOLICS AND INTOXICATED PERSONS.

17 (a) The registration and other records of treatment facilities shall
18 remain confidential and are privileged to the patient.

19 (b) Notwithstanding (a) of this section, the coordinator may make
20 available information from patients' records for purposes of research
21 into the causes and treatment of alcoholism. No information may dis-
22 close a patient's name.

23 Sec. 47.37.160. VISITATION AND COMMUNICATION OF PATIENTS. (a)
24 Patients in any approved treatment facility under this chapter shall be
25 granted reasonable opportunities for adequate consultation with counsel,
26 and for continuing contact with family and friends including the use
27 of telephone facilities, consistent with an effective treatment program.

28 (b) No mail or other communication to or from a patient in any
29 approved treatment facility may be intercepted, read, or censored.

1 court, shall be served on (1) the petitioner; (2) the person whose com-
2 mitment is sought; (3) the next of kin of the person whose commitment
3 is sought; (4) the original petitioner under sec. 130(a) of this
4 chapter, if different from the petitioner for recommitment; (5) any
5 other person the court considers appropriate. Sec. 120(c) of this
6 chapter applies to hearings for recommitment under this section. At
7 the hearing the court or the jury shall proceed as provided in (a)
8 of this section.

9 (f) The office shall provide adequate and appropriate treatment
10 for a person in its custody. The office may transfer a person in its
11 custody from one approved public treatment facility to another if the
12 transfer is medically advisable.

13 (g) A person committed to the custody of the office for treatment
14 shall be discharged at any time before the end of the period for which
15 he has been committed if either of the following conditions are met:

16 (1) when an alcoholic committed on the grounds of likelihood
17 of infliction of physical harm on another is no longer considered an
18 alcoholic or the likelihood of his infliction of physical harm no longer
19 exists; or

20 (2) when, in the case of an alcoholic committed on the
21 grounds of the likelihood of infliction of physical harm on another,
22 either

23 (A) further treatment will not be likely to bring about
24 significant improvement in the person's condition, or

25 (B) treatment is no longer adequate or appropriate.

26 (h) The court shall inform the person whose commitment or recom-
27 mitment is sought of his right to contest the application, be repre-
28 sented by counsel at every stage of the proceedings relating to his
29 commitment and recommitment, to have counsel appointed by the court

1 Sec. 47.37.170. ESTABLISHMENT OF EMERGENCY SERVICE PATROL. (a)

2 The office and cities and boroughs may establish emergency service
3 patrols. An emergency service patrol consists of persons trained to
4 give assistance in public places to persons who are intoxicated. Mem-
5 bers of an emergency service patrol shall be capable of providing first
6 aid in emergency situations and shall be capable of transporting intoxi-
7 cated persons to their homes and to and from public treatment facilities.

8 (b) The coordinator shall promulgate regulations for the establish-
9 ment, training, and conduct of emergency service patrols.

10 Sec. 47.37.180. PAYMENT FOR TREATMENT. (a) A patient in an
11 approved treatment facility, or the person obligated to provide for the
12 cost of treatment of a person committed under this chapter, is liable
13 to the office for cost of maintenance and treatment of the patient
14 in accordance with rates established by the coordinator.

15 (b) The coordinator shall promulgate regulations governing finan-
16 cial ability that take into consideration the income, savings and other
17 personal and real property of the person liable for the cost and
18 maintenance of the patient.

19 Sec. 47.37.190. NONAPPLICABILITY. (a) Nothing in this chapter
20 affects a statute, ordinance, or regulation relating to (1) drunken
21 driving, driving under the influence of alcohol, or other similar
22 offenses involving alcohol and the operation of a vehicle, aircraft,
23 boat, machinery, or other equipment, or (2) the sale, purchase, dis-
24 pensation, possession, or use of alcoholic beverages at specified times
25 and places or by a particular class of persons.

26 (b) Nothing in this chapter affects AS 11.70.030, relating to the
27 defense of voluntary intoxication.

28 Sec. 47.37.200. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.
29 Except as otherwise provided in this chapter, the Administrative

1 Procedure Act (AS 44.62) applies to and governs all administrative
2 action taken by the coordinator under this chapter.

3 Sec. 47.37.210. DEFINITIONS. In this chapter

4 (1) "alcoholic" means a person who habitually lacks self-
5 control in using alcoholic beverages, or uses alcoholic beverages to
6 the extent that his health is substantially impaired or endangered, or
7 his social or economic function is substantially disrupted;

8 (2) "approved private treatment facility" means a private
9 agency meeting the standards prescribed in sec. 80(a) of this chapter
10 and approved under sec. 80(c) of this chapter;

11 (3) "approved public treatment facility" means a treatment
12 agency operating under the direction and control of the office or pro-
13 viding treatment under this chapter through a contract with the office
14 under sec. 70(g) of this chapter and meeting the standards prescribed
15 in sec. 80(a) of this chapter and approved under sec. 80(c) of this
16 chapter;

17 (4) "commissioner" means the commissioner of health and
18 social services;

19 (5) "coordinator" means the coordinator of the office of
20 alcoholism;

21 (6) "department" means the Department of Health and Social
22 Services;

23 (7) "emergency service patrol" means a patrol established
24 under sec. 170 of this chapter;

25 (8) "incapacitated by alcohol" means a person who is
26 unconscious or has his judgment otherwise so impaired that he is
27 incapable of realizing and making a rational decision with respect to
28 his need for treatment, as evidenced objectively by extreme physical
29 debilitation, physical harm or threats of harm to others or chronic

1 inability to hold regular employment;

2 (9) "incompetent person" means a person who has been
3 adjudged incompetent by the appropriate court;

4 (10) "intoxicated person" means a person whose mental or
5 physical functioning is substantially impaired as a result of the use
6 of alcohol;

7 (11) "office" means the office of alcoholism within the
8 Department of Health and Social Services:

9 (12) "treatment" means the broad range of emergency, out-
10 patient, intermediate, and inpatient services and care which may be
11 extended to alcoholics and intoxicated persons, including diagnostic
12 evaluation, medical, psychiatric, psychological, and social service
13 care, vocational rehabilitation and career counseling.

14 * Sec. 2. AS 43.60.010(a)(3) is amended to read:

15 (3) other liquors having a content of more than 21 per cent
16 alcohol by volume at the rate of \$4.50 [~~\$4~~] a gallon.

17 * Sec. 3. The additional excise tax levied on liquors in sec. 2 of this
18 Act is to partly defray the cost of administering the Uniform
19 Alcoholism and Intoxication Treatment Act.

20 * Sec. 4. AS 11.45.032, AS 44.29.030 - 44.29.090, and AS 47.30.500(3)
21 are repealed.

22 * Sec. 5. Because the provisions in this Act relating to the Advisory
23 Board on Alcoholism (AS 47.37.060 - 47.37.069) are identical to the provi-
24 sions in AS 44.29.030 - 44.29.090 which are repealed in sec. 4 of this Act,
25 nothing in this Act requires the appointment of a new board.
26
27
28
29

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W — ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF — STATE CAPITOL

JUNEAU 99201

MEMORANDUM

TO: James McClain, Admin. Off. DATE: 3/20/72
Department of Health &
Social Services

FROM: LEGISLATIVE FINANCE SUBJ: FISCAL NOTE REQUEST
ROOM 407
CAPITOL BUILDING

PLEASE COMPLETE THE ATTACHED FISCAL NOTE FOR CSSB 318 & SB 318
AND RETURN IT TO OUR OFFICE BY 3/22/72.

IN ADDITION TO THE GENERAL INSTRUCTIONS REGARDING FISCAL
NOTE PREPARATION (REFERENCE OUR MEMO OF 12/15/71),
PLEASE OBSERVE THE FOLLOWING:

1. Furnish a FY 73 operating budget for each of these bills. Detail existing and new positions by PCN, other line item costs, funding, etc. Indicate clearly all operating expenditures and funding that would be transferred from or assigned to existing functions.
2. Other comments or recommendations.
3. Long range implications - program, fiscal, capital, etc.

TIMELY RETURN OF THIS INFORMATION IS REQUESTED. HOWEVER,
IF ADDITIONAL PREPARATION TIME IS REQUIRED, NOTIFY OUR OFFICE
AS SOON AS POSSIBLE IN ORDER THAT DISCUSSION OF THE PROPOSED LEG-
ISLATION MAY BE RESCHEDULED TO A LATER DATE.

ATTACHMENTS: (1) FISCAL NOTE
(2) COPY OF BILL VERSION

CC: BUDGET & MANAGEMENT

LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
 Second Session - Seventh State Legislature

REQUEST

Bill Identification: SSB 318 & SB 318
 Title: Uniform Alcoholism & Intoxication Treatment Act
 Requested by: Legislative Finance Date: 3/20/72
 Return Date Requested: 3/22/72
 Agency: Health & Social Services Program: Alcoholism

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alcoholism

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES	8.7	9.2	9.7	10.2	10.8	11.4
200 TRAVEL *	3.8	3.8	3.8	3.8	3.8	3.8
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	12.5	13.0	13.5	14.0	14.6	15.2

*This is with omission of the provision [Sec 47.37.100 (d)] allowing transportation to home from B. FUNDING: (Thousands of dollars) facility.

GENERAL FUND	4.7	4.9	5.1	5.3	5.6	5.8
FEDERAL FUNDS	7.8	8.1	8.4	8.7	9.0	9.4
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	0/0	0/0	0/0	0/0	0/0
MAN MONTHS (P./T.)	0/0	0/0	0/0	0/0	0/0	0/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

SB 318 reflects a philosophical change and practically no money change. The personnel expansion scheduled for the Office of Alcoholism will be requested with or without the passage of this bill. The additional costs are reflected in the formation of a new Division. The boost would be the increase from a Coordinator to a Director (R22 to 24) and from an Associate Coordinator to an Administrator or Deputy Director (R18 to 21). The only other cost of any magnitude would be the addition of 6 members to the Advisory Board. The provision in Sec 47.37.100(d) is recommended for omission. The cost of transporting alcoholics from facilities to their homes is indeterminable and may be prohibitive. Costs for local police will probably lower; i.e. less time will be spent per alcoholic handled. Costs could rise if an all out effort were made to find every alcoholic.

IV. ATTACHMENTS

Dale E. Wynn
 Dale E. Wynn, M.P.H.
 Associate Coordinator
 Office of Alcoholism

V. DATE: 3-22-72 PREPARED BY: _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

The Legislature of the State of Alaska
 FISCAL NOTE
 Second Session - Seventh State Legislature

I. REQUEST

Bill Identification: CSSB 318 & ~~xxRxx3k8~~
 Title: Uniform Alcoholism & Intoxication Treatment Act
 Requested by: Legislative Finance Date: 3/20/72
 Return Date Requested: 3/22/72
 Agency: Health & Social Services Program: Alcoholism

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alcoholism

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 72	FY 73	FY 74	FY 75	FY 76	FY 77
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL*	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

*This is with omission of the provision [Sec 47.37.100(d)] allowing transportation to home from facility.

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	0/0	0/0	0/0	0/0	0/0	0/0
MAN MONTHS (P./T.)	0/0	0/0	0/0	0/0	0/0	0/0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

CSSB 318 reflects a philosophical change and no appreciable money change. The personnel expansion scheduled for the Office of Alcoholism will be requested with or without the passage of this bill. The provision in Sec 47.37.100(d) is recommended for omission. The cost of transporting alcoholics from facilities to their homes is indeterminable and may be prohibitive. Costs for local police will probably lower; i.e. less time will be spent per alcoholic handled. Costs could rise if an all-out effort were made to find every alcoholic.

IV. ATTACHMENTS

V. DATE: 3-22-72

PREPARED BY:

Dale E. Wynn
 Dale E. Wynn, M.P.H.

Associate Coordinator
 Office of Alcoholism

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

SENATE FINANCE COMMITTEE

March 20, 1972

11:30 a.m.

Present: Senators Butrovich and Ray; Mr. David Eldred, Director of the Alcoholic Rehabilitation Center and Acting Coordinator of the Juneau Borough Alcoholic Program.

SB 318 Senator Butrovich called the meeting to order and brought out SENATE BILL NO. 318 (An Act adopting the Uniform Alcoholism and Intoxication Treatment Act) and asked that Mr. Eldred state his views on the bill and be ready to answer any questions either he or Senator Ray might have.

Mr. Eldred began by saying that he objected to the bill and that his first objection was in the title; he said that it implied what he strongly felt to be a misconception of the philosophy on treatment of alcoholics. He said that the alcoholic and the merely intoxicated must be considered separately. He continued by saying that being intoxicated is much different than being an alcoholic, which is a disease, a physiological and mental addiction. He said that the intoxication entity is basically a police problem and the alcoholism entity requires those professional in the field. He pointed out that in the bill these two entities were mistakenly lumped together and that this would also mean the appropriation of even more money.

Mr. Eldred then directed attention to Sec. 47.37.040. DUTIES OF DIVISION of the bill and stated that these seventeen sections or duties could not be done by anything less than 15 or 20 people, who must, because of the situation, be in the upwards of the \$15,000 a year bracket. He said that an entire department would have to be set up. He stressed that the alcoholic must not be put in the hands of non-professional people, but that this is what SB 318 is advocating.

Senator Butrovich asked Mr. Eldred if he thought that this act was drawn up this way in order to get federal money and Mr. Eldred answered that he could not see where any of the money was coming from. He went on to say that there is a present office of alcoholism which has a Coordinator, an Assistant Coordinator, two secretaries and an Anthropologist and he stated some discontent as he has been trying to get his program going for some four or five months. He said that the present time lag is costing them local money and is driving out the use of federal matching fund money. He added that if the present people want to accept this bill they will have to add at least a dozen people to their staff and if they want to extend their operation to other towns in Alaska, it will cost a lot more.

Mr. Eldred stated that the bill is not set up right, it is poorly written and that there is not enough staff at present if it is passed. He then went on to the subject of the director, who in the bill, must make evaluations and final decisions concerning his patients. He said that there should be a director who does psychological and sociological evaluations on his patients, who knows his patient better than anyone else, but he pointed out that in the bill it is nowhere stated that the director must be a professional figure. He said that as a man with degrees in psychology and sociology and as a 23 year member of AA, he could not concede to a layman filling the position of director. He wondered why a man who had been drinking month after month should be put into jail at the discretion of a policeman. He added here that a talk with Senator Miller brought out the question of this bill excluding legal rights.

Senator Ray asked how a man could be taken off the street and contained for 90 or 180 days and Mr. Eldred answered that this decision falls into the hands of the director.

Senator Ray stated that Senator Josephson's argument is going to be that it is a model bill and Senator Butrovich added that Senator Josephson would say that this bill is patterned for federal conformity, to which Mr. Eldred replied that national levels get too "all-embracing."

The idea of de-toxification centers was discussed and Mr. Eldred pointed out that it had saved lives many times. Discussion followed on problems particular to Alaska relating to the alcoholic. Mr. Eldred pointed out that as a professional he could not say that the fisherman, the lumberjack, the fire fighter, etc., coming into town after many months of work and going on a two week "bender" could be honestly diagnosed as an alcoholic.

The particular problem of the Alaska native drinker was discussed, along with the theory of their searching for a religious transcendental experience as they do with peyote buttons, etc. Their possible physiological difference and tolerance to liquor was discussed.

Mr. Eldred returned to the bill at hand and said that passed, it would set up a bureaucratic empire. He said that if he were in the position to write a commitment bill, he would confine his efforts to the specific person and would not just be concerned with the clearing of streets to make them look a little prettier for the purpose of tourism, etc. He said that the bill was obviously a political one, and Senators Ray and Butrovich agreed. SB 318 was returned to the file.

Adjourned: The meeting adjourned at 11:50 a.m.

Original sponsors: Josephson, Thomas and Young

Offered: 3/14/72
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, WELFARE AND
EDUCATION COMMITTEE

2 CS FOR SENATE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act adopting the Uniform Alcoholism and Intoxica-
7 tion Treatment Act."

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

9 * Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 37. UNIFORM ALCOHOLISM AND INTOXICATION TREATMENT ACT.

11 Sec. 47.37.010. DECLARATION OF POLICY. It is the policy of the
12 state that alcoholics and intoxicated persons should not be criminally
13 prosecuted for their consumption of alcoholic beverages and that they
14 should be afforded a continuum of treatment so they may lead normal
15 lives as productive members of society.

16 Sec. 47.37.020. OFFICE OF ALCOHOLISM. An office of alcoholism
17 is established in the department. The office shall be headed by a
18 director appointed by the commissioner. The director shall be a quali-
19 fied professional who has training and experience in the organization
20 and administration of treatment services for persons with medical-
21 social problems.

22 Sec. 47.37.030. POWERS OF OFFICE. The office may

23 (1) plan, establish, and maintain treatment programs as
24 appropriate;

25 (2) make contracts necessary or incidental to the performance
26 of its duties and the execution of its powers, including contracts with
27 public and private agencies, organizations, and individuals, to pay them
28 for services rendered or furnished to alcoholics or intoxicated persons;

29 (3) solicit and accept for use a gift of money or property

1 or a grant of money, services, or property from the federal government,
2 the state, or a political subdivision of it or a private source, and do
3 all things necessary to cooperate with the federal government or any
4 of its agencies in making an application for a grant;

5 (4) administer or supervise the administration of the pro-
6 visions relating to alcoholics and intoxicated persons of any state
7 plan submitted for federal funding under federal health, welfare, or
8 treatment legislation;

9 (5) coordinate its activities and cooperate with alcoholism
10 programs in this and other states, and make contracts and other joint
11 or cooperative arrangements with state, local, or private agencies for
12 the treatment of alcoholics and intoxicated persons and for the common
13 advancement of alcoholism programs in this and other states;

14 (6) keep records and engage in research and the gathering
15 of relevant statistics;

16 (7) do other acts necessary to implement the authority
17 expressly granted to it;

18 (8) acquire, hold, or dispose of real property or any
19 interest in it, and construct, lease, or otherwise provide treatment
20 facilities for alcoholics and intoxicated persons.

21 Sec. 47.37.040. DUTIES OF OFFICE. The office shall

22 (1) develop, encourage, and foster statewide, regional, and
23 local plans and programs for the prevention of alcoholism and treatment
24 of alcoholics and intoxicated persons in cooperation with public and
25 private agencies, organizations, and individuals, and provide technical
26 assistance and consultation services for these purposes;

27 (2) coordinate the efforts and enlist the assistance of all
28 public and private agencies, organizations, and individuals interested
29 in prevention of alcoholism and treatment of alcoholics and intoxicated

1 persons;

2 (3) cooperate with the state board of parole in establishing
3 and conducting programs to provide treatment for alcoholics and intoxi-
4 cated persons in or on parole from penal institutions;

5 (4) cooperate with the Department of Education, school
6 boards, schools, police departments, courts, and other public and pri-
7 vate agencies, organizations and individuals in establishing programs
8 for the prevention of alcoholism and treatment of alcoholics and intoxi-
9 cated persons, and preparing curriculum materials for use at all levels
10 of school education;

11 (5) prepare, publish, evaluate, and disseminate educational
12 material dealing with the nature and effects of alcohol;

13 (6) develop and implement, as an integral part of treatment
14 programs, an educational program for use in the treatment of alcoholics
15 and intoxicated persons which includes the dissemination of information
16 concerning the nature and effects of alcohol;

17 (7) organize and foster training programs for all persons
18 engaged in treatment of alcoholics and intoxicated persons;

19 (8) sponsor and encourage research into the causes and nature
20 of alcoholism and treatment of alcoholics and intoxicated persons, and
21 serve as a clearing house for information relating to alcoholism;

22 (9) specify uniform methods for keeping statistical informa-
23 tion by public and private agencies, organizations, and individuals,
24 and collect and make available relevant statistical information, includ-
25 ing number of persons treated, frequency of admission and readmission,
26 and frequency and duration of treatment;

27 (10) advise the governor in the preparation of a comprehen-
28 sive plan for treatment of alcoholics and intoxicated persons;

29 (11) review all state health, welfare, and treatment plans

1 to be submitted for federal funding, and advise the commissioner on pro-
2 visions to be included relating to alcoholism and intoxicated persons;

3 (12) assist in the development of, and cooperate with,
4 alcohol education and treatment programs for employees of state and
5 local governments and businesses and industries in the state;

6 (13) utilize the support and assistance of interested persons
7 in the community, particularly recovered alcoholics, to encourage
8 alcoholics to voluntarily undergo treatment;

9 (14) cooperate with the Department of Public Safety and the
10 Department of Highways in establishing and conducting programs designed
11 to deal with the problem of persons operating motor vehicles while
12 intoxicated;

13 (15) encourage hospitals and other appropriate health
14 facilities to admit without discrimination alcoholics and intoxicated
15 persons and to provide them with adequate and appropriate treatment;

16 (16) encourage all health and disability insurance programs
17 to include alcoholism as a covered illness;

18 (17) submit to the governor an annual report covering the
19 activities of the office.

20 Sec. 47.37.050. INTERDEPARTMENTAL COORDINATING COMMITTEE. (a)
21 An interdepartmental coordinating committee is created, composed of the
22 director and the commissioners of health and social services, education,
23 highways, and public safety. The committee shall meet at least twice
24 annually at the call of the commissioner of health and social services
25 who is its chairman. The committee shall provide for the coordination
26 and exchange of information on all programs relating to alcoholism, and
27 act as a permanent liaison among state departments engaged in activities
28 affecting alcoholics and intoxicated persons. The committee shall
29 assist the commissioner of health and social services and the director

1 in formulating a comprehensive plan for prevention of alcoholism and for
2 treatment of alcoholics and intoxicated persons.

3 (b) In exercising its coordinating functions, the committee shall
4 assure that the appropriate state agencies

5 (1) provide all necessary medical, social, treatment, and
6 educational services for alcoholics and intoxicated persons and for the
7 prevention of alcoholism, without unnecessary duplication of services;

8 (2) cooperate in the use of facilities and in the treatment
9 of alcoholics and intoxicated persons;

10 (3) adopt approaches for the prevention of alcoholism and
11 the treatment of alcoholics and intoxicated persons consistent with the
12 policy of this chapter.

13 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM. There is established
14 in the Department of Health and Social Services an advisory board on
15 alcoholism.

16 Sec. 47.37.062. COMPOSITION. The advisory board on alcoholism
17 consists of nine members appointed by the governor.

18 Sec. 47.37.064. QUALIFICATIONS OF BOARD MEMBERS. (a) Two members
19 shall be persons who are licensed to practice medicine in the state,
20 one of whom shall be certified in psychiatry by the American Board of
21 Psychiatry and Neurology or is eligible for that certification, except
22 that if a psychiatrist is not available, a clinical psychologist may be
23 appointed.

24 (b) One member shall be a practicing attorney who has been ad-
25 mitted to the practice of law by the Supreme Court of the State of
26 Alaska.

27 (c) One member shall be a person who has evidenced an interest
28 in the problems of alcoholism and who has knowledge of the social
29 problems encountered in the rehabilitation of alcoholics.

1 (d) One member shall be a public health nurse.

2 (e) One member shall be a representative of the liquor industry.

3 (f) One member shall be a member of Alcoholics Anonymous.

4 (g) One member shall be from the public at large.

5 (h) One member shall be a social worker.

6 Sec. 47.37.066. TERM OF OFFICE. (a) The members of the board
7 initially appointed under sec. 64(a) of this chapter serve a term of
8 four years.

9 (b) The members initially appointed under sec. 64(a) of this
10 chapter serve a term of three years.

11 (c) The members initially appointed under sec. 64(a) of this
12 chapter serve a term of one and two years respectively.

13 (d) The members initially appointed under sec. 64(c) - (h) of
14 this chapter serve a term of four years. Subsequent terms for all
15 board members are for four years.

16 (e) A vacancy occurring in the membership of the board shall be
17 filled by appointment of the governor for the unexpired portion of the
18 vacated term.

19 (f) Board members serve at the pleasure of the governor.

20 Sec. 47.37.067. COMPENSATION, PER DIEM, OR EXPENSES. Members of
21 the advisory board on alcoholism are not entitled to a salary, but are
22 entitled to per diem, reimbursement for travel and other expenses
23 authorized by law for other boards.

24 Sec. 47.37.068. DUTIES. The board shall act in an advisory
25 capacity to the director in the following matters:

26 (1) special problems affecting mental health which alcoholism
27 may present;

28 (2) educational and research activities conducted by the
29 office in respect to the problems presented by alcoholism;

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(3) social problems which affect rehabilitation of alcoholics;

(4) legal processes which affect the treatment and rehabilitation of alcoholics;

(5) a program of public relations concerning the problem of alcoholism conducted by a department of the state government or by an organized group whose purpose is the rehabilitation of alcoholics.

Sec. 47.37.069. ALCOHOLISM PROGRAM COORDINATOR. The alcoholism program coordinator shall carry out the development and implementation of a comprehensive program dealing with the treatment, research, and education of alcoholic problems as they affect the state. The coordinator is appointed by the governor with the approval of the board.

Sec. 47.37.070. COMPREHENSIVE PROGRAM FOR TREATMENT; REGIONAL FACILITIES. (a) The office shall establish a comprehensive and coordinated program for the treatment of alcoholics and intoxicated persons. Subject to the approval of the commissioner, the director may divide the state into appropriate regions to conduct the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to the city and borough lines and population concentrations and when feasible, programs shall be established with maximum local community involvement.

(b) The program of the office shall include

(1) emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital;

(2) inpatient treatment;

(3) intermediate treatment; and

(4) outpatient and followup treatment.

(c) The office shall provide adequate and appropriate treatment for alcoholics and intoxicated persons admitted under secs. 100 - 130

1 of this chapter. No treatment may be provided at a correctional
2 institution other than for inmates.

3 (d) The office shall maintain, supervise, and control all facili-
4 ties operated by it subject to the regulations of the department. The
5 administrator of each facility shall make an annual report of its
6 activities to the director in the form and manner the director specifies.

7 (e) If possible, the office shall coordinate the activities of
8 the program with all appropriate public and private resources.

9 (f) The director shall prepare, publish, and distribute annually
10 a list of all approved public and private treatment facilities.

11 (g) The office may contract for the use of any facility as an
12 approved public treatment facility if the director, subject to the
13 regulations of the department, considers this an effective and economi-
14 cal course to follow.

15 Sec. 47.37.080. PUBLIC AND PRIVATE TREATMENT FACILITIES. (a)
16 The office shall establish standards for facilities before their
17 approval as a public or private treatment facility, and fix the fees
18 to be charged for the required inspections of those facilities. The
19 standards shall concern only the health conditions to be met and
20 standards of treatment to be afforded patients.

21 (b) The office shall inspect, on a regular basis, approved
22 public and private treatment facilities at reasonable times and in a
23 reasonable manner.

24 (c) The office shall maintain a list of approved public and
25 private treatment facilities.

26 (d) Each approved public and private treatment facility shall
27 file with the office on request, data, statistics, schedules, and
28 information which the office reasonably requires. An approved public
29 or private treatment facility that without good cause fails to furnish

1 any data, statistics, schedules, or information as requested, or files
2 fraudulent returns of them, shall be removed from the list of approved
3 treatment facilities.

4 (e) The director, after holding a hearing under the provisions of
5 the Administrative Procedure Act (AS 44.62), may suspend, revoke,
6 limit, restrict, or refuse to grant an approval for a treatment facility,
7 for failure to meet its standards.

8 (f) Upon petition of the office and after a hearing held upon
9 reasonable notice to the facility, the district court may issue a
10 warrant to an officer or employee of the office authorizing him to
11 enter and inspect at reasonable times, and examine the books and
12 accounts of an approved public or private treatment facility refusing
13 to consent to inspection or examination by the office or which the
14 office has reasonable cause to believe is operating in violation of
15 this chapter.

16 Sec. 47.37.090. ACCEPTANCE FOR TREATMENT. The director shall
17 promulgate regulations for the admission of persons into the treatment
18 program, considering available treatment resources and facilities, for
19 the purpose of early and effective treatment of alcoholics and intoxi-
20 cated persons.. In establishing the regulations the director shall be
21 guided by the following standards:

22 (1) if possible a patient shall be treated on a voluntary
23 rather than an involuntary basis;

24 (2) a patient shall be initially assigned or transferred to
25 outpatient or intermediate treatment, unless he is found to require
26 inpatient treatment;

27 (3) a person shall not be denied treatment solely because he
28 has withdrawn from treatment against medical advice on a prior occasion
29 or because he has relapsed after earlier treatment;

1 (4) an individualized treatment plan shall be prepared and
2 maintained on a current basis for each patient;

3 (5) provision shall be made for a continuum of coordinated
4 treatment services, so that a person who leaves a facility or a form of
5 treatment will utilize other appropriate treatment and facilities.

6 Sec. 47.37.100. VOLUNTARY TREATMENT OF ALCOHOLICS. (a) An
7 alcoholic may voluntarily apply for treatment directly to an approved
8 public treatment facility.

9 (b) Subject to regulations promulgated by the director, the
10 administrator in charge of an approved public treatment facility may
11 determine who shall be admitted for treatment. If a person is refused
12 admission to an approved public treatment facility, the administrator
13 shall, if possible, refer the person to another approved public treat-
14 ment facility.

15 (c) When a patient receiving inpatient care leaves an approved
16 public treatment facility, he shall be encouraged to consent to appro-
17 priate outpatient or intermediate treatment. If it appears to the
18 administrator in charge of the treatment facility that the patient is
19 an alcoholic who requires help, the office shall arrange for assistance
20 in obtaining supportive services and residential facilities.

21 (d) When a patient leaves an approved public treatment facility,
22 with or against the advice of the administrator in charge of the
23 facility, the office shall make reasonable provisions for his transpor-
24 tation to another facility or to his home. If he has no home he shall
25 be assisted in obtaining shelter. If he is an incompetent person the
26 request for discharge from an inpatient facility shall be made by his
27 legal guardian, or other legal representative.

28 Sec. 47.37.110. TREATMENT AND SERVICES FOR INTOXICATED PERSONS
29 AND PERSONS INCAPACITATED BY ALCOHOL. (a) An intoxicated person may