

LEG. FINANCE - BILLS 1977 - 1978 / 33

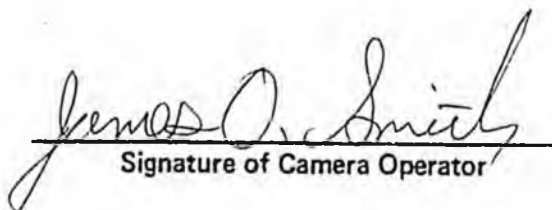
HB 512 thru HB 519 ~~512-519~~ 33

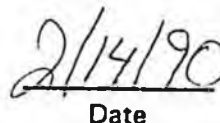


# RECORDS CERTIFICATION



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.

  
Signature of Camera Operator

  
Date

# COMMITTEE REPORT

## HOUSE

4/24/78

FURTHER: \_\_\_\_\_

Date: 4/24/78

Mr. Speaker:

The Committee on FINANCE has had HR 512

"An Act relating to competitive bidding under the Fiscal Procedures Act."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- ( ) recommends it do pass                      ( ) recommends it do not pass  
( ) recommends it do pass with attached amendment(s)  
(X) recommends it be replaced with CS for HR 512

and \_\_\_\_\_ ( ) new title                      ( ) same title

( ) AND attaches a Letter of Intent                      ( ) New Fiscal Note

( ) reports it back without recommendation

( ) and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]  
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[Signature]  
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Chairman

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 512  
 Title An act relating to competitive bidding.  
 Requested by State Affairs Date April 12, 1978

II. FISCAL DETAIL

Agency Affected Administration et al  
 Program Category Affected General Government et al  
 Budget Request Unit(s) Affected Purchasing

EXPENDITURES (Thousands of Dollars)

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
100 PERSONAL SERVICES		110.3	115.8	121.6	127.7	
200 TRAVEL		22.0	11.0	11.0	11.0	
300 CONTRACTUAL		55.0	22.0	22.0	22.0	
400 COMMODITIES		5.5	2.2	2.2	2.2	
500 EQUIPMENT		5.5	.6	.6	.6	
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		198.3	151.6	157.4	163.5	

FUNDING (Thousands of Dollars)

GENERAL FUND		198.3	131.6	157.4	163.5	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

Total expenditures for FY77 were as follows:

Materials & Supplies - \$45,597,700  
 Equipment - 15,273,500  
 Total \$60,871,200

These figures do not include expenditures made by the U. of A.

- (100) 2 P.A. II positions to investigate bidders and goods to determine if they are to receive preference on bids.
- (100) 1 P.A. I - As expeditor will confirm Alaskan produced goods are received by agency.
- (100) 1 Clerk Typist I - Give clerical support to above positions.
- (200) Travel to vendor locations and inspection trips to receiving points.
- (300) D.P. Support - Alaska vendors lists.

Heaviest impact will be administering program i.e. determining producer/goods are eligible for preference and that final product received is not a substitute. Agency budgets will have to reflect higher costs of goods (not projected here) normally this estimated as same % as preference.

IV. DATE 4/12/78 PREPARED BY Richard C. Bradley  
 AGENCY General Services & Supply  
 PHONE 465-2250

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named) Representative Meekins  
 Office of the Governor (Keith Specking)

CS HB 512

Original sponsors: Meekins, Anderson  
Beirne, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 512 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to competitive bidding under the Fis-  
7 cal Procedures Act."

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

9 \* Section 1. AS 37.05.230(1)(B) is repealed and re-enacted to read:

10 (B) bids shall be awarded to Alaska bidders in accor-  
11 dance with the following considerations:

12 (i) if his bid is not more than 15 per cent higher  
13 than the lowest nonresident bidder's and the Alaska bidder is  
14 an Alaska manufacturer or warehouser of the supplies,  
15 materials, or equipment to be purchased;

16 (ii) if his bid is not more than 10 per cent higher  
17 than the lowest nonresident bidder's; and

18 \* Sec. 2. AS 37.05.230(1) is amended by adding a new subparagraph to  
19 read:

20 (D) a bid shall be awarded to a nonresident bidder if  
21 his bid is

22 (i) lower than any Alaska bidder's, including pre-  
23 ferences under this paragraph, if any; or

24 (ii) not more than five per cent higher than the  
25 lowest nonresident's, he does a substantial portion of his  
26 business in the state, and a substantial portion of his total  
27 number of employees are residents of the state.

28 \* Sec. 3. AS 37.05.230(7) is amended to read:

29 (7) the provisions of this section relative to an "Alaska  
30

1 bidder", "Alaska manufacturer", and "Alaska warehouse" do not apply to  
2 contracts estimated to exceed \$5,000, of [EITHER] the Department of  
3 Transportation and Public Facilities [PUBLIC WORKS,] which are autho-  
4 rized under AS 35.15 or [, OR THE DEPARTMENT OF HIGHWAYS, WHICH ARE  
5 AUTHORIZED UNDER] AS 19.10.

6 \* Sec. 4. AS 37.05.320 is amended by adding new paragraphs to read:

7 (5) "Alaska manufacturer" means a person engaged in a  
8 business activity in the state by which he, through labor, art, or skill  
9 transforms raw or partially finished materials into some kind of article  
10 of trade

11 (A) whose majority interest is beneficially owned by  
12 residents of the state, and

13 (B) a majority of its owners are residents of the state;

14 (6) "Alaska warehouse" means a business entity providing  
15 storage for articles of trade that it owns and sells and

16 (A) whose majority interest is beneficially owned by  
17 residents of the state, and

18 (B) a majority of its owners are residents of the state.  
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Original sponsors: Meekins, Anderson  
Beirne, et al

Offered: 4/24/78  
Referred: Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2

CS FOR HOUSE BILL NO. 512

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to competitive bidding under the Fiscal Procedures Act."

7

8

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

9

\* Section 1. AS 37.05.230(1)(B) is repealed and re-enacted to read:

10

(B) bids shall be awarded to Alaska bidders in accordance

11

with the following considerations:

12

(i) if his bid is not more than 25 per cent higher

13

than the lowest nonresident bidder's and the Alaska bidder is an Alaska manufacturer or warehouse of the supplies,

14

materials, or equipment to be purchased;

15

16

(ii) if his bid is not more than 15 per cent higher

17

than the lowest nonresident bidder's; and

18

\* Sec. 2. AS 37.05.230(1) is amended by adding a new subparagraph to

19

read:

20

(D) a bid shall be awarded to a nonresident bidder if

21

his bid is

22

(i) lower than any Alaska bidder's, including preferences under this paragraph, if any; or

23

24

(ii) not more than five per cent higher than the

25

lowest nonresident's, he does a substantial portion of his

26

business in the state, and a substantial portion of his total

27

number of employees are residents of the state.

28

\* Sec. 3. AS 37.05.320 is amended by adding new paragraphs to read:

29

(5) "Alaska manufacturer" means a person engaged in a business

1 activity in the state by which he, through labor, art, or skill trans-  
2 forms raw or partially finished materials into some kind of article of  
3 trade

4 (A) whose majority interest is beneficially owned by  
5 residents of the state, and

6 (B) a majority of its owners are residents of the state;

7 (6) "Alaska warehouser" means a business entity providing  
8 storage for articles of trade that it owns and sells and

9 (A) whose majority interest is beneficially owned by  
10 residents of the state, and

11 (B) a majority of its owners are residents of the state.  
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Introduced: 4/28/77  
Referred: State Affairs and  
Finance

BY MEEKINS, ANDERSON, BEIRNE, BENNETT,  
BRADLEY, CHATTERTON, COTTEN, DANKWORTH,  
DUNCAN, ELIASON, FREEMAN, GARDINER,  
GRUENING, HAUGEN, HAYES, KELLY, LETHIN,  
MCKINNON, NAKAK, PARR, PHILLIPS, RHODE,  
RUDD, SMITH, SNIDER, SWANSON AND URION

1 IN THE HOUSE

2 HOUSE BILL NO. 512

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to competitive bidding under the  
7 Fiscal Procedures Act."

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

9 \* Section 1. AS 37.05.230(1)(B) is repealed and re-enacted to read:

10 (B) bids shall be awarded to Alaska bidders in accor-  
11 dance with the following considerations: (i) a bid shall be  
12 awarded to an Alaska bidder if his bid is not more than 20 per cent  
13 higher than the lowest nonresident bidder's and any supplies,  
14 materials or equipment to be furnished the state are manufactured  
15 or warehoused in Alaska; (ii) a bid shall be awarded to an Alaska  
16 bidder if his bid is not more than five per cent higher than the  
17 lowest nonresident bidder's and any supplies, materials or equip-  
18 ment to be furnished the state are not manufactured or warehoused  
19 in Alaska; and  
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#

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 512

Title An act relating to competitive bidding.

Requested by State Affairs

Date April 12, 1978

II. FISCAL DETAIL

Agency Affected Administration et al

Program Category Affected General Government et al

Budget Request Unit(s) Affected Purchasing

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600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
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FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 78	FY 79	FY 80	FY 81	FY 82	FY 83
FULL TIME						
PART TIME						
TEMPORARY						

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(300) D.P. Support - Alaska vendors lists.

Heaviest impact will be administering program i.e. determining producer/goods are eligible for preference and that final product received is not a substitute. Agency budgets will have to reflect higher costs of goods (not projected here) normally this estimated as same % as preference.

IV. DATE 4/12/78

PREPARED BY Richard C. Bradley

AGENCY General Services & Supply

PHONE 465-2250

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Representative Meekins

Office of the Governor (Keith Specking)

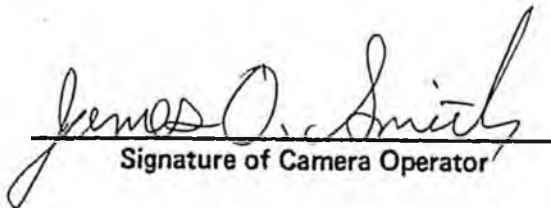
33-001 (Rev. 12/77)

CS HB 512



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Signature of Camera Operator

  
Date

# COMMITTEE REPORT

## HOUSE

2/14/78

FURTHER: \_\_\_\_\_

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on FINANCE has had SSHB 516

"An Act establishing the office of appropriate technology; effective date."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 \_\_\_\_\_  new title               same title
- AND attaches a Letter of Intent               New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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Chairman

Introduced: 2/9/78  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY GRUENING

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the office of appropriate techno-  
7 logy; and providing for an effective date."

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

9 \* Section 1. AS 44.19 is amended by adding new sections to read:

10 Sec. 44.19.895. FINDINGS. The legislature finds that there is a  
11 need for development of small-scale and low cost alternatives for  
12 Alaskans in the area of building design, food production, recycling,  
13 transportation, energy and waste disposal. Therefore, the legislature  
14 finds that wider use of low-cost and small-scale technologies appropriate  
15 to Alaska should be encouraged.

16 Sec. 44.19.896. OFFICE OF APPROPRIATE TECHNOLOGY. There is  
17 established in the division of policy development and planning an office  
18 of appropriate technology.

19 Sec. 44.19.897. PURPOSE. The purpose of the office of appropriate  
20 technology is to assist in the development and use of low-cost and sma l-  
21 scale technologies appropriate to Alaska through dissemination of infor-  
22 mation and financial and technical assistance to individuals and  
23 businesses in Alaska.

24 Sec. 44.19.898. DUTIES OF OFFICE OF APPROPRIATE TECHNOLOGY. (a)  
25 The office of appropriate technology shall

26 (1) assist and advise the governor, the legislature, and all  
27 state departments and agencies in developing and implementing appropriate  
28 technologies;

29 (2) disseminate information pertaining to appropriate

1 technology;

2 (3) as funds are appropriated, make grants of financial  
3 assistance to persons engaged in the development and use of appropriate  
4 technology subject to a maximum grant of \$5,000; and

5 (4) assist persons engaged in the development and use of  
6 appropriate technology to obtain financial assistance from all available  
7 sources.

8 (b) Applications for grants made under this section shall be  
9 submitted to the office of appropriate technology. The office shall  
10 review all grant applications and shall submit complete applications to  
11 a screening committee composed of the director of policy development  
12 and planning or his designee, the commissioner of commerce and economic  
13 development or his designee, and the commissioner of natural resources  
14 or his designee. Grant awards must be approved by a majority of the  
15 screening committee. Applications for grants under this section shall  
16 be processed by the office within 30 days of receipt. The office may  
17 make grants in coordination with the National Center for Appropriate  
18 Technology or other funding sources. An applicant for funds for a demon-  
19 stration project shall include with his or her application a statement  
20 that the completed project will be available for public inspection.

21 Sec. 44.19.899. DEFINITIONS. In this chapter, "appropriate  
22 technology" means the Alaskan application of less costly, less wasteful  
23 and less energy-intensive techniques and methods of recycling, waste  
24 disposal, transportation, food production, energy and building design.

25 \* Sec. 2. This Act expires June 30, 1983.

Introduced: 2/9/78  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY GRUENING

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the office of appropriate techno-  
7 logy; and providing for an effective date."

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

9 \* Section 1. AS 44.19 is amended by adding new sections to read:

10 Sec. 44.19.895. FINDINGS. The legislature finds that there is a  
11 need for development of small-scale and low cost alternatives for  
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13 transportation, energy and waste disposal. Therefore, the legislature  
14 finds that wider use of low-cost and small-scale technologies appropriate  
15 to Alaska should be encouraged.

16 Sec. 44.19.896. OFFICE OF APPROPRIATE TECHNOLOGY. There is  
17 established in the division of policy development and planning an office  
18 of appropriate technology.

19 Sec. 44.19.897. PURPOSE. The purpose of the office of appropriate  
20 technology is to assist in the development and use of low-cost and small-  
21 scale technologies appropriate to Alaska through dissemination of infor-  
22 mation and financial and technical assistance to individuals and  
23 businesses in Alaska.

24 Sec. 44.19.898. DUTIES OF OFFICE OF APPROPRIATE TECHNOLOGY. (a)  
25 The office of appropriate technology shall

26 (1) assist and advise the governor, the legislature, and all  
27 state departments and agencies in developing and implementing appropriate  
28 technologies;

29 (2) disseminate information pertaining to appropriate

1 technology;

2 (3) as funds are appropriated, make grants of financial  
3 assistance to persons engaged in the development and use of appropriate  
4 technology subject to a maximum grant of \$5,000; and

5 (4) assist persons engaged in the development and use of  
6 appropriate technology to obtain financial assistance from all available  
7 sources.

8 (b) Applications for grants made under this section shall be  
9 submitted to the office of appropriate technology. The office shall  
10 review all grant applications and shall submit complete applications to  
11 a screening committee composed of the director of policy development  
12 and planning or his designee, the commissioner of commerce and economic  
13 development or his designee, and the commissioner of natural resources  
14 or his designee. Grant awards must be approved by a majority of the  
15 screening committee. Applications for grants under this section shall  
16 be processed by the office within 30 days of receipt. The office may  
17 make grants in coordination with the National Center for Appropriate  
18 Technology or other funding sources. An applicant for funds for a demon-  
19 stration project shall include with his or her application a statement  
20 that the completed project will be available for public inspection.

21 Sec. 44.19.899. DEFINITIONS. In this chapter, "appropriate  
22 technology" means the Alaskan application of less costly, less wasteful  
23 and less energy-intensive techniques and methods of recycling, waste  
24 disposal, transportation, food production, energy and building design.

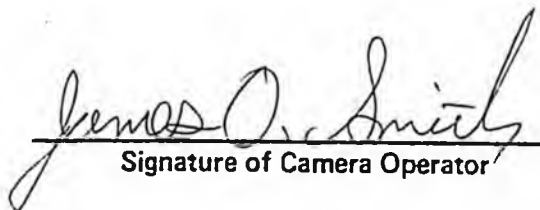
25 \* Sec. 2. This Act expires June 30, 1983.

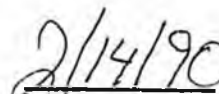


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

COMMITTEE REPORT  
SENATE

FURTHER: \_\_\_\_\_

Date: June 12, 1978

Mr. President:

The Committee on Finance has had HB 516  
An Act establishing the office of appropriate technology.

under consideration and (a majority of the committee) (the committee reports it back as follows)

- recommends it do pass                       recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for 5-40-31

and \_\_\_\_\_  new title       same title

- AND attaches a Letter of Intent                       New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
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Chairman

Original sponsor: Gruening

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the office of northern technology;  
7 and providing for an effective date."

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

9 \* Section 1. FINDINGS. The legislature finds that there is a need for  
10 development of small-scale and low cost alternatives for Alaskans in the area  
11 of building design, food production, recycling, transportation, energy  
12 generation, waste disposal, and small-scale residential and industrial enter-  
13 prise. Therefore, the legislature finds that the development and wider use  
14 of low-cost and small-scale technologies appropriate to Alaska should be  
15 encouraged.

16 \* Sec. 2. AS 44.19 is amended by adding new sections to read:

17 Sec. 44.19.882. OFFICE OF NORTHERN TECHNOLOGY. There is estab-  
18 lished in the division of policy development and planning an office of  
19 northern technology. The office shall be supervised by a coordinator  
20 who must be familiar with northern technology and possess a baccalaur-  
21 eate degree in a field of science or engineering.

22 Sec. 44.19.883. PURPOSE. The purpose of the office of northern  
23 technology is to assist in the development and use of low-cost and  
24 small-scale technologies appropriate to Alaska through dissemination of  
25 information and financial and technical assistance to individuals and  
businesses in Alaska.

27 Sec. 44.19.884. DUTIES OF OFFICE OF NORTHERN TECHNOLOGY. (a) The  
28 office of northern technology shall

(1) assist and advise the governor, the legislature, and all

1 state departments and agencies in developing and implementing northern  
2 technologies;

3 (2) gather and disseminate information pertaining to results  
4 of all research and development of northern technology;

5 (3) as funds are appropriated, make grants of financial  
6 assistance to persons engaged in the development of northern technology  
7 subject to a maximum grant of \$5,000; and

8 (4) assist persons engaged in the development of northern  
9 technology to obtain financial assistance from all available sources.

10 (b) Applications for grants made under this section shall be  
11 submitted to the office of northern technology. The office shall adopt  
12 regulations prescribing procedures for the review and approval of grant  
13 applications. Applications for grants under this section shall be  
14 processed by the office within 30 days of receipt. The office may make  
15 grants in coordination with the National Center for Appropriate Tech-  
16 nology or other funding sources. An applicant for funds for a demon-  
17 stration project shall include with his or her application a statement  
18 that the completed project will be available for public inspection.

19 \* Sec. 3. AS 44.19.881 is amended to read:

20 Sec. 44.19.881. DEFINITIONS. In secs. 870 - 884 [881] of this  
21 chapter,

22 (1) "division" means the division of policy development and  
23 planning;

24 (2) "director" means the director of the division of policy  
25 development and planning;

26 (3) "northern technology" means the Alaskan application of  
27 less costly, less wasteful and less energy-intensive techniques and  
28 methods of recycling, waste disposal, transportation, food production,  
29 energy and building design.

1 \* Sec. 4. This Act expires June 30, 1983.  
2 \* Sec. 5. This Act takes effect July 1, 1978.  
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1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE COMMITTEE SUBSTITUTE FOR  
3 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
5 TENTH LEGISLATURE - SECOND SESSION

6 A BILL

7 For an Act entitled: "An Act establishing the Office of Northern  
8 Technology, and providing for an effective date."

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

10 \* Section 1. AS 44.19 is amended by adding new sections to read:

11 Sec. 44.19.895. FINDINGS. The legislature finds that there is  
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13 Alaskans in the area of building design, food production, recycling,  
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15 dential and industrial enterprise. Therefore, the legislature finds that  
16 the development and wider use of low-cost and small-scale technologies  
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1 (3) as funds are appropriated, make grants of financial assistance  
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20 design, and small-scale residential and industrial enterprises appropriate  
21 to conditions in Alaska.

22 \*Sec 2. This Act takes effect July 1, 1978.

23 \*Sec. 3. This Act expires June 30, 1983.  
24  
25  
26  
27  
28  
29

HB 516

REPORT TO THE SENATE FINANCE COMMITTEE :  
ON CURRENT WIND ENERGY SYSTEMS, IN STATE APPLICATIONS AND  
RECOMMENDATIONS FOR WIND RESOURCE DEVELOPEMENT

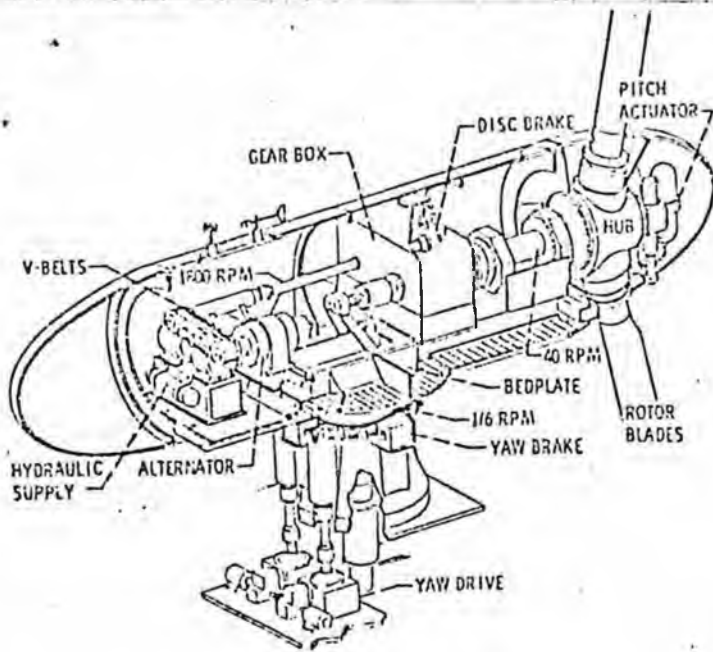
WITH PRESENT ATTENTION TO LEGISLATION  
FORMING AN OFFICE OF NORTHERN TECHNOLOGY

Edited and Drafted  
by  
M. J. BARROW

JUNE 8th 1978

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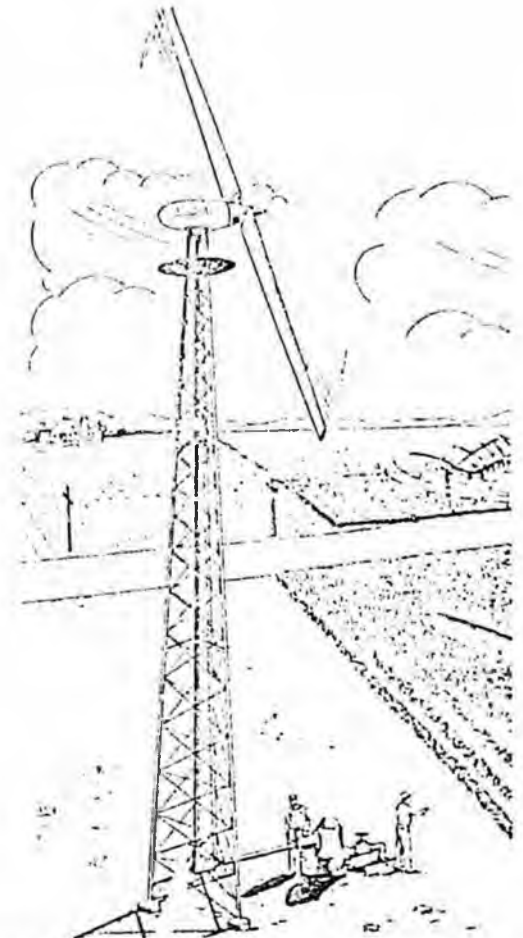
### ADVANTAGES OF HORIZONTAL AXIS WIND SYSTEMS

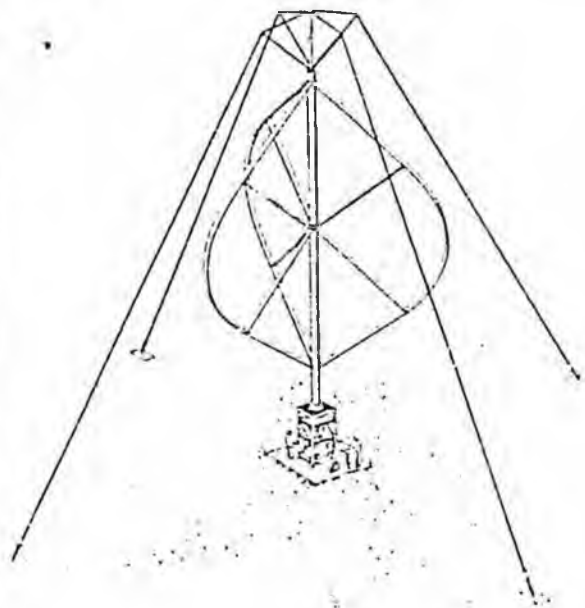
1. Blade Pitch Control
2. Constant Rotation Rate
3. Higher KW Out-Put, prototypes reaches up to 200 KW
4. Self Starting

The horizontal axis DOE-NASA machine is a conventional propeller-type design scaled for power levels from 100 kW to 1500 kW. The machine designed for the 100-200 kW range has a rotor diameter of 37.5 m. The rotor and generator are mounted on a 30 m tower, with the two-bladed rotor downwind of the tower. The experimental 200 kW prototype reaches full power output in a  $11 \text{ ms}^{-1}$  wind (at the rotor hub height) and is shown in Fig. 1. The pitch of the turbine blades is controlled under varying wind speeds to maintain a constant rotation rate of 40 rpm and synchronous generation of 60 Hz three-phase power by an alternator that operates at 1800 rpm. The blades must be feathered to prevent damage under extreme wind conditions. The direction of the turbine is adjusted to match the wind direction by a yaw control, which rotates the rotor and generating equipment about the tower axis. The wind turbine starts rotating at a wind speed of around 2.5 m/s and begins to deliver power at around 5 m/s.

### DISADVANTAGES OF HORIZONTAL AXIS WIND SYSTEMS

1. Higher Degree Of Mechanization, many moving parts with higher possibility of break-down
2. Non-direct Transfer Of Energy
3. Elevated Tower For Blades To Clear Ground, high additional cost for tower
4. Higher Maintenance Cost, due to high mechanization





## ADVANTAGES OF VERTICAL AXIS WIND SYSTEMS, DARRIEUS

1. Non-directional, will receive wind from any direction
2. Power Is Transmitted Directly, therefore heavier generators can be used
3. Few Moving Parts, 2 bearing surfaces
4. Integral Structurally, can be made of relatively light material
5. Little Maintenance And Servicing, due to few moving parts

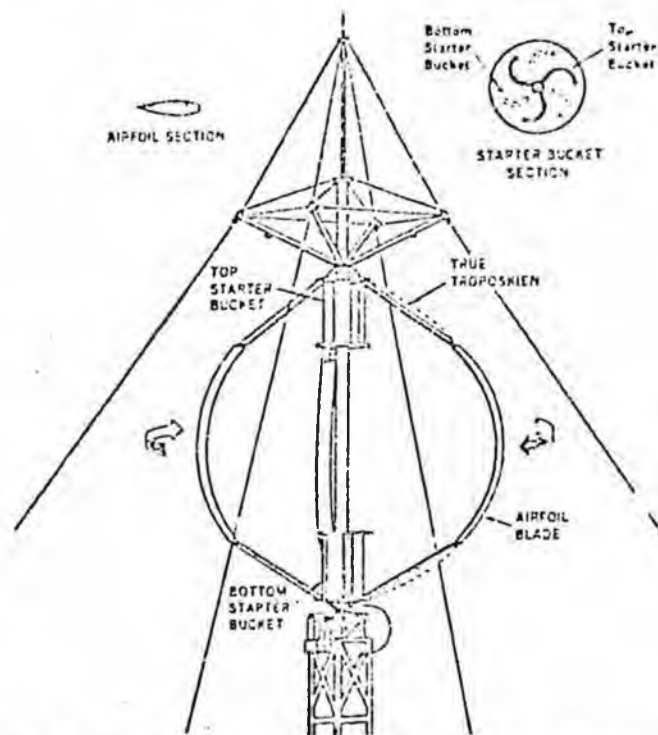
A number of organizations, 14 in all, have fabricated working models of the vertical-axis Darrieus turbine. Most of these, however, have been 5 m or less in diameter. The larger machines include the 17 m (60 kW) turbine by the U.S. Sandia Corp. [6] and the 24 m (200 kW) turbine produced by Dominion Aluminum Fabricating, Ltd. for the National Research Council of Canada [7]. Machines of this type, with rotor diameters of 5 m and 17 m, are presently being tested by Sandia at Albuquerque, N. Mex. The design uses two or three blades about the rotor axis. Each blade approximates a troposkien shape--the shape that an ideal cable would assume if spun about a vertical axis.

In overall design, the Darrieus turbine is quite different from propeller-type wind turbines. One important feature is that it is non-directional in regard to the horizontal wind. The turbine accepts the wind from any direction and does not need to be oriented into the wind as the prevailing wind direction shifts. Power is produced along the vertical axis and can be transmitted directly to the base of the machine. Heavy electrical generating equipment can therefore be mounted on the ground rather than on the tower. Also, the tower and turbine are in a sense integral and can be made of relatively light materials supported by guy-wires.

## DISADVANTAGES OF VERTICAL AXIS WIND SYSTEMS, DARRIEUS

1. Not Self-Starting, some designs are equipped with starting buckets
2. Does Not Provide Constant Rotation Rate

The Darrieus wind turbine under development for DOE by Sandia Laboratories. Machines of this type with diameters of 5 m and 17 m are now being tested at Albuquerque, New Mexico.



## WIND ENERGY APPLICATION IN ALASKA

### Wind Versus Fossil Fuel-Generated Power

The use of WECS (Wind Energy Conversion Systems) in Alaska seems to have its most promising application interfaced with small diesel powered electrical generator systems in rural locations with adequate wind sources. Considering the low efficiency of small diesel generators;

#### Efficiency:

500 KW and larger power plants with good operation and maintenance procedures can approach efficiencies of 13 KWh/gallon, or 10,800 btu/KWh, which is competitive with larger steam plants. Remotely located 75 to 250 KW diesel may have efficiencies as low as 7 KWh/gallon, or 20,000 btu/KWh. The average AVEC Plant rate for example was 7.5 KWh/gallon in 1972. (Electric Power In Alaska 1976-1995, by Inst. of Social and Economic Research, Univ. of Alaska, page 4-1)

The benefits of WECS is not in installed power cost, cost of Wind Generating System vs. cost of diesel generating systems, but Fuel Cost vs Available Wind.

Economic viability of WECS is based on the energy cost in \$/KWh, not the installed power cost in \$/KW. If we apply the AVEC system-wide factor of 7.4 KWh/gallons of fuel..... and consider the present cost of fuel delivered to Ugashik (\$.70/gal), the fuel production cost of electricity would be 9.5 cents/KWh. The actual sales price by AVEC (elsewhere) is currently \$.22 to \$.12/KWh. (Geothermal Energy and Wind Power, Alaska Energy Dept. and The Geophysical Institute, Univ. of Alaska, page 103)

Presently the need for development and installation of a 45 to 60 KW Wind Energy Power System tailored to the rural Alaskan Community is evident.

### Refrigeration

Refrigeration needs for the small communities is a growing necessity both in the commercial processing and marketing of fish and fish products and in the caching of locally harvested and consumed resources. WPS could provide and assist in these refrigeration needs.

The preservation of meats and other foods is a major problem in many communities where harvesting occurs during warm weather. The Alaskan summers are long and warm and sometime hot even above the Arctic Circle. Adequately-insulated wind-powered refrigerators would not require much, if any, electrical energy storage if frozen brine cold storage techniques were used. (Geothermal Energy and Wind Power, Alaska Energy Dept. and The Geophysical Institute, Univ. of Alaska, page 109)

### Agriculture

Agriculture application of WEPS in Alaska is not dissimilar to Wind Machine uses on the farms in the lower 48 in the 1930's and 40's i.e... water pumping, electrical generation, providing compressed air and grinding of grains, but with a higher degree of cost efficiency with the recent

advances in Wind Energy Technology. It is also suggested that Wind Energy combined with Thermal Hot Springs sources has promise for green-house production in certain parts of the State.

We do not think wind-derived electricity is best used for soil warming on a large scale. However, there seems to be real merit in combining thermal spring water with wind-generated electricity for greenhouse operations. For example, greenhouses above the Arctic Circle near Nome could supply year-round green vegetables to the Seward Peninsula consumers, and export products to other Alaskan communities.

(Geothermal Energy and Wind Power, Alaska Energy Dept. and the Geophysical Institute, Univ. of Alaska, page 108)

#### EXISTING WIND ENERGY RELATED PROJECTS IN STATE

Title: Nelson Lagoon Wind Energy Systems Research      Program No.: 23301

Description: Installation of 20 KW Grumman "Windstream 25" horizontal axis wind turbine, interfaced with community of Nelson Lagoon's electrical grid system which included a 60 KW diesel generator.

Current Status: Completed, presently on maintenance and monitor status

Funding Source: State of Alaska and Grumman

Comments: This project has been important in the pioneering and development of WEPS for Alaska, though the machine used for this project is somewhat dated in light of the recent technological advances provided by federal agencies such as ERDA, NASA-ERDA and private research, development, and marketing efforts.

Title: Kotzebue Wind Energy Systems Research      Program NO.: 23302

Description: Feasibility study of small Wind Systems, Dunlite 2 KW System with study program through Kotzebue Community College.

Current Status: Completed/Monitored

Funding Source: Unknown

Comments: The Kotzebue area appears to have a high potential for Wind Resources and WECS application. Projects should be encouraged in this area but with higher KW capacity systems.

Title: Alaska Wind Power Study

Program NO. 23303

Description: Study by the Univ. of Alaska of Wind Resource conditions through-out Alaska, towards applications of Wind Energy Conversion Systems, data collection and analyzation.

Funding Source: No State funds involved. U.S. Dept. of Energy, Div. of Solar Energy

Current Status: Expiration or renewal 1 September 1978

Comments: Meteorological cataloguing such as this is a definite prerequisite to Wind Power Systems application in Alaska. The States encouragement for project of this nature will be necessary to be prepared for Wind Resource Development.

RECOMMENDATIONS TO THE LEGISLATURE TOWARDS  
WIND RESOURCE DEVELOPEMENT

In as Alaska's Wind Resources are reconized as having one of the highest potentials of the 50 states, that utilization of this resource will likely add to the economic growth and stability of the State with a strong attention to the rural and coastal communities and considering the use of WECS will to a degree lessen the States dependence of a still costly and non-renewable energy source, that this States Wind Technology is in a state of infancy and a planned and prudent but vigorous direction is necessary for proper development and effective utilization of this resource, the following recommendations are put forth for consideration.

OFFICE OF NORTHERN TECHNOLOGY AND LOANS AND GRANTS OF SUPPORT

Supporting this direction of forming an Office of Northern Technology and making funds available for grants and loan would assist Wind Energy Resource Development and encourage Federal partisipation through Office of Appropriate Technololy.

## BIBLIOGRAPHY

R.H. Braasch, "Vertical Axis Wind Turbine Program," published in the Proceedings of the Third Biennial Conference on Wind Energy Conversion Systems, Washington, D.C., Sept. 19-21, 1977.

Donald M. Hardy and John J. Walton, of Solar Energy Research Inst. Golden, Colo., and Lawrence Livermore Laboratory, Livermore, California, "Wind Energy Assessment", Work performed under the auspices of the U.S. Dept. of Energy, 1977.

Robert B. Forbes, ed., "Geothermal And Wind Power.....Alternate Energy Sources For Alaska," prepared by Geophysical Inst., Univ. of Alaska and The Alaska Energy Office, Office of The Governor, State of Alaska, 1976.

"Electric Power In Alaska 1976-1995," A report for the House Finance Committee, State of Alaska, by Inst. of Social and Economic Rearch, Univ. of Alaska. August, 1976.

State of Alaska, Division of Economic Enterprise, "Alaska Power and Economic Development Program, Preliminary," appendix A, Exhibits from The Alaska Economy Year End performance Report, 1977

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE COMMITTEE SUBSTITUTE FOR  
3 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
5 TENTH LEGISLATURE - SECOND SESSION

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 21 to conditions in Alaska.

22 \*Sec 2. This Act takes effect July 1, 1978.

23 \*Sec. 3. This Act expires June 30, 1983.

Introduced: 2/9/78  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY GRUENING

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 516 (Title Change)

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THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 516 or sponsor substitute for HB 516

Title Establishing an Office of Appropriate Technology

Requested by C. Gruening

Date 2/1/78

II. FISCAL DETAIL

Agency Affected Division of Policy Development and Planning, Office of the Governor

Program Category Affected \_\_\_\_\_

Budget Request Unit(s) Affected Division of Policy Development and Planning

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			44.6	47.3	50.1	
200 TRAVEL			2.9	3.1	3.3	
300 CONTRACTUAL			2.0	2.1	2.2	
400 COMMODITIES			0.3	0.3	0.3	
500 EQUIPMENT			-	-	-	
600 LAND & STRUCTURES			-	-	-	
700 GRANTS, CLAIMS, ETC.			-	100.0*	100.0*	
TOTAL			49.8	152.8	155.9	

FUNDING (Thousands of Dollars)

GENERAL FUND			49.8	152.8	155.9	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			1	1	1	
PART TIME			1	1	1	
TEMPORARY						

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

See attachment for FY 79 Budget Analysis

\*FY 80 and FY 81 Grant program to support demonstration projects. Federal matching contributions are possible.

IV. DATE February 3, 1978

PREPARED BY Bill Luria

AGENCY Division of Policy Development and Planning

PHONE 465-3547

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

# CORRECTION

THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY

Introduced: 2/9/78  
Referred: State Affairs and  
Finance

1 IN THE HOUSE

BY GRUENING

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8 (b) Applications for grants made under this section shall be  
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10 review all grant applications and shall submit complete applications to  
11 a screening committee composed of the director of policy development  
12 and planning or his designee, the commissioner of commerce and economic  
13 development or his designee, and the commissioner of natural resources  
14 or his designee. Grant awards must be approved by a majority of the  
15 screening committee. Applications for grants under this section shall  
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18 Technology or other funding sources. An applicant for funds for a demon-  
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24 disposal, transportation, food production, energy and building design.

25 \* Sec. 2. This Act expires June 30, 1983.

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HB 516 or sponsor substitute for HB 516  
 Title Establishing an Office of Appropriate Technology  
 Requested by C. Gruening Date 2/1/78

II. FISCAL DETAIL  
 Agency Affected Division of Policy Development and Planning, Office of the Governor  
 Program Category Affected \_\_\_\_\_  
 Budget Request Unit(s) Affected Division of Policy Development and Planning

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			44.6	47.3	50.1	
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400 COMMODITIES			0.3	0.3	0.3	
500 EQUIPMENT			-	-	-	
600 LAND & STRUCTURES			-	-	-	
700 GRANTS, CLAIMS, ETC.			-	100.0*	100.0*	
TOTAL			49.8	152.8	155.9	

FUNDING (Thousands of Dollars)

GENERAL FUND			49.8	152.8	155.9	
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME			1	1	1	
PART TIME			1	1	1	
TEMPORARY						

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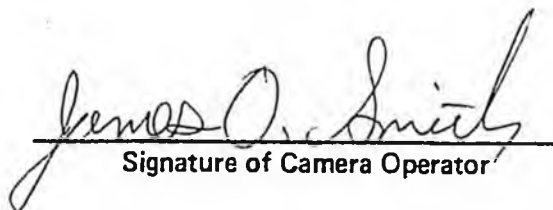
IV. DATE February 3, 1978 PREPARED BY Bill Luria  
 AGENCY Division of Policy Development and Planning  
 Original: Legislative Finance PHONE 465-3547  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

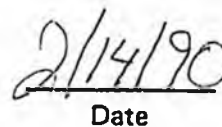


# RECORDS CERTIFICATION



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Signature of Camera Operator

  
Date

THE LEGISLATURE OF THE STATE OF ALASKA  
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 519  
 Title An Act relating to persons with developmental handicaps  
 Requested by Governor's Office Date 4/28/77

II. FISCAL DETAIL Departments of Education, Community and Regional Affairs,  
 Agency Affected Health and Social Services, and Law.  
 Program Category Affected Many in different departments  
 Budget Request Unit(s) Affected Unspecified at this time.

EXPENDITURES (Thousands of Dollars)

SEE ANALYSIS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
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

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The legislation provides the framework and sets a direction (a community orientation) for the development of services. Even though the legislation does not call directly for the additional funds and, technically, the fiscal impact is zero, we cannot say that the indirect effects will be zero. That is, there is a good deal of continuing pressure from various communities and from existing service providers for increased funds to expand or to increase programs. This will continue to be so whether or not the legislation passes. In our judgement, the main effect of the legislation will be to direct the distribution of the current and future resources. The attached letter from the Governor to the legislature properly analyzes the content of the bill. What remains is for each division of each department mentioned in II above to analyze the legislation from their point of view. It was previously understood that this would be done concurrent with the movement of the bill in the legislature. It was further understood that (because of the late date of introduction of the bill) it would be analyzed in detail by the various agencies (both public and private as well as by the legislature) between the legislative sessions. The attached draft from the Governor attests to this understanding.

IV. DATE 4/28/77 PREPARED BY Robert P. Gregovich, Ph. D.  
 AGENCY Division of Mental Health & D. D.  
 Original: Legislative Finance PHONE 465-3372  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

HB 519

May 2, 1977

The Honorable Hugh Malone  
Speaker of the House  
Alaska State Legislature  
Juneau, Alaska 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18 of the Alaska Constitution, and in accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill to provide a comprehensive legislative framework for meeting the needs of persons with developmental handicaps. The bill is based on draft legislation prepared during the past several months by my Planning Council on Developmental Disabilities -- a broadly based group of members of the public and governmental and private sector officials concerned with services for persons with developmental handicaps. The council has exercised a very direct and specific role in writing this bill. The proposed legislation was recently submitted to me, after public hearings and preparation of a final draft through the Department of Law, with the request that I present it for introduction in the legislature. I am pleased to transmit this bill and urge your serious consideration of it during the legislative interim for action next session.

The bill is intended to provide an integrated statutory means of marshalling federal, state, local, and private resources to meet the needs of persons with developmental handicaps in the most efficient and best coordinated manner and also of assuring the rights and dignity of persons having the mental or physical disabilities specified in the proposed law.

The basic objective of the bill is not to authorize new programs and funding or new administrative structures but rather to provide a focus on and organization of present efforts, so as to improve and make more readily accessible to persons with developmental handicaps services which are already provided for the general population and encourage special adaptations of these

general services. Funds will undoubtedly be needed eventually to fill gaps in existing services for persons with developmental handicaps, and such proposals will undoubtedly be considered in the future, whether or not the proposed legislation is enacted. However, by enabling existing funds to be channelled in a better coordinated way and establishing a potential for efficiencies in the use of present as well as future funds, the proposed legislation suggests a desirable first step to organizing public and private resources effectively and developing a sound public and private partnership to meet the special needs of the thousands of children and adults of the state with developmental handicaps.

The bill has three main components. The first, set out in Article 1, the rights article, gives legislative reaffirmation of basic rights of persons with developmental handicaps. Proposed AS 47.80.010(a) first sets out a general affirmation of rights, patterned after a basic rights statement of recently enacted California law (Health and Safety Code of the State of California, Sec. 38002). In part, this provision incorporates and extends to all programs and activities receiving public funds the concept of existing federal law prohibiting discrimination in programs or activities receiving federal financial assistance (Sec. 504 of the Rehabilitation Act of 1973, P.L. 93-112).

Proposed AS 47.80.010(a) then enumerates more specific rights determined for inclusion by my Planning Council on Developmental Disabilities and based on a model rights statement prepared under auspices of the World Health Organization. The emphasis of the rights article of the bill is on assuring that persons with developmental handicaps may live as complete and normal lives as possible within the limits of their handicaps and may develop individual potential and ability to the fullest extent possible.

The second section of the rights article, proposed AS 47.80.020, provides for a state system to protect and advocate rights of persons with developmental handicaps. This provision is included in the bill primarily

to comply with conditions of the state's receiving federal funds under the current Disabilities Services and Facilities Construction Act (P.L. 91-517, as amended by P.L. 94-103). Approximately \$150,000 annually has been and is expected to continue to be apportioned to the state under that law. As amended, the federal law requires that the state system for protecting and advocating individual rights be in effect by October 1 of this year. Planning of the system is now underway by my Planning Council on Developmental Disabilities. It should be noted that, while the system must be in effect as of October 1, 1977 as a condition to continued receipt of federal funds, the system can presently be implemented as a matter of state law under the general authority of existing AS 18.05.031, authorizing actions necessary to comply with the federal law; the enabling provisions of the proposed AS 47.80.020 are thus not mandatory for enactment this year but rather comprise part of the legislative framework to meet the needs of persons with developmental handicaps which the bill in its entirety represents.

The rights protection and advocacy system specifically authorized in the bill, like most provisions of the bill, is broader in scope of coverage than the coverage of the federal law cited above requiring the system. The federal provision is limited to persons with "developmental disabilities", as defined in the federal Act, while the attached bill includes those persons in its coverage of persons with "developmental handicaps" -- a broader category of mental or physical handicaps, defined in proposed AS 47.80.900(6) of the bill. Accordingly, to the extent that the bill includes within its scope the larger population of persons with developmental handicaps and authorizes a protection and advocacy system for their rights, it calls for service to persons which is not already authorized under existing law. In that limited sense the provision represents an extension of the basic purpose of the bill to provide a framework for marshaling resources under existing law to serve handicapped persons and is a commitment to a new service.

Following the rights article, the second main component of the bill establishes the Alaska Planning Council for Persons with Developmental Handicaps. This provision formalizes in law the existing Governor's Planning Council on Developmental Disabilities and broadens its scope of concern to persons with developmental handicaps. The existing council was established several years ago, without specific legislation, but by administrative action under the authority of AS 18.05.031, in order to qualify the state for the federal aid available under the federal Developmental Disabilities Services and Facilities Construction Act.

The proposed legislation reconstitutes the council and enlarges its membership to reflect its broadened scope of representation of the handicapped. The membership is constituted so as to satisfy requirements for federal assistance of the Developmental Disabilities Services and Facilities Construction Act and the federal Education for all Handicapped Children Act of 1975 (P.L. 94-142); this is the federal law, as recently amended, under which assistance is made available for the special educational needs of exceptional children within the state. While the specific responsibilities of the state planning body required under the latter federal Act are not assigned to the council under the proposed legislation but rather remain in the special education advisory committee currently provided for under AS 14.30.231, amalgamation of the two planning groups is anticipated as a gradual process.

Generally in terms of its responsibilities, the council, at AS 47.80.090 of the proposed law, is afforded a strong role in planning and advocating for, and advising on and monitoring, efforts to meet the needs of persons with developmental handicaps. The intent is to assure a comprehensive array of services and assure nonduplication of services as well as efficient and coordinated use of federal, state, local, and private resources. The existing council, in its draft legislation on which the bill being transmitted is based, makes the following findings bearing on its proposed role:

(1) A formal state planning and advisory council is required for federal aid to state programs serving persons with developmental handicaps who qualify under the Developmental Disabilities Services and Facilities Construction Act (P.L. 91-517, as amended).

(2) Present responsibilities for state services to persons with developmental handicaps cross departmental lines, and a formal mechanism established by law is needed to coordinate state services and planning activities and prevent gaps in the spectrum of needed services, prevent duplication of services, provide clear responsibility for services, and eliminate other impediments to effective services.

(3) A mechanism is also required to provide integrated planning and close coordination of state services with the numerous services available to persons with developmental handicaps through private organizations and local governmental agencies, such planning and coordination being indispensable to serving persons with developmental handicaps effectively.

The council, consistent with the Developmental Disabilities Services and Facilities Construction Act, is responsible for developing the annual state plan required under that law to meet the needs of persons with developmental disabilities.

As its third article and final main component, the bill establishes a statutory "umbrella" for interdepartmental activities so as to provide a comprehensive system of services and facilities for persons with developmental handicaps. Depending on a person's handicap, different types of services are required for differing needs, and the provisions of the article are intended to assure that a comprehensive array of services properly provided is available to meet individual needs.

The article specifies types of services to be offered and establishes principles and guidelines for the programs offered. Among the basic principles stated are treatment, services and habilitation designed to maximize individual developmental potential and to be provided in the least restrictive setting, enabling a person to live as normally as possible within the limitations of the handicap; establishment of alternatives to institutionalization; elimination of inappropriate placement in residential facilities of persons served; and improvement of the quality of care and the condition of surroundings of persons who are appropriately placed in residential facilities. Services and facilities are authorized to be provided directly by the state or by contract with public or private agencies. Proposed AS 47.80.120 provides for individual habilitation plans, concurred in by the person served or a parent or guardian when appropriate, to be prepared for each person served by a program under the bill. Such plans, requiring in their development the participation of the persons served, are currently required as a condition of the state's receiving financial assistance to serve persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Act, and similar plans are required under the Education for All Handicapped Children Act of 1975.

Under AS 47.80.130(b) of the bill, authority is conferred on the Department of Health and Social Services to require licensing of residential facilities (defined in the bill, at AS 47.80.900(7), as "publicly or privately operated facilities which provide 24-hour care for four or more persons with developmental handicaps, excluding family, foster family, or adoptive homes") in cases in which state licensing is not already required of such facilities under existing law; in addition, certificates of need, applied for and furnished in accordance with the recently-enacted provisions of state law governing health care facilities, are required of residential facilities which are established after the effective date of the proposed law and which are not within the coverage of the recently-enacted law (AS 18.07.031 - 18.07.111).

Section 3 of the proposed bill amends the existing mental health laws to make clear that services and facilities for persons who are developmentally handicapped by mental retardation are controlled by the proposed law and are not to be subsumed under programs for the mentally ill governed by the mental health laws. (A proposed revision of the mental health laws currently before the legislature, HB 472, if enacted, would obviate the need for section 3 of this bill.)

Among its other merits, the proposed legislation being transmitted today places a public policy focus on a field of need which, it would seem, has been confined to the background and developed legislatively in a relatively unintegrated and piecemeal fashion. In providing a framework for comprehensive public action to meet the needs of persons with developmental handicaps, the proposed legislation affords clear and well-merited recognition of the state's concern in assisting its handicapped citizens to lead just as normal and fulfilled lives as humanly possible irrespective of their handicaps. To achieve that important human goal, your earnest consideration of this bill is respectfully urged.

Sincerely,

Jay S. Hammond  
Governor

Introduced: 5/2/77  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 519

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to persons with developmental  
7 handicaps."

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

9 \* Section 1. INTENT. This Act is intended to assure the provision of  
10 quality services to those children and adults, numbering in the thousands  
11 in the state, who have developmental handicaps by reason of mental or  
12 physical disabilities, including persons qualifying for special education  
13 services under AS 14.30.180 - 14.30.350, other persons with the same or  
14 similar handicaps, and persons handicapped by mental retardation, cerebral  
15 palsy, epilepsy, autism or by other developmental disabilities defined in  
16 this Act. The primary objective of the Act is to bring together and make  
17 optimal use of all available resources -- federal, state, local, and pri-  
18 vate -- so that persons with developmental handicaps may be served in the  
19 most effective and efficient way. A second, but not secondary, goal of the  
20 Act is to assure the dignity of persons with developmental handicaps, by  
21 reaffirming, and providing for the protection and advocacy of, their  
22 rights, which are the same rights as other people of the state of the same  
23 age and include the right to live as complete and normal lives as possible  
24 and develop their ability and potential to the fullest extent possible.

25 \* Sec. 2. AS 47 is amended by adding a new chapter to read:

26 CHAPTER 80. DEVELOPMENTAL HANDICAPS.

27 ARTICLE 1. RIGHTS.

28 Sec. 47.80.010. RIGHTS OF PERSONS WITH DEVELOPMENTAL HANDICAPS.

29 (a) Persons with developmental handicaps have the same legal rights

1 and responsibilities guaranteed all other persons by the Constitution  
2 of the United States and federal laws and by the constitution and laws  
3 of the state. No otherwise qualified person by reason of having a  
4 developmental handicap may be excluded from participation in, be  
5 denied the benefits of, or be subjected to discrimination under, any  
6 program or activity which receives public funds. It is the intent of  
7 of the legislature that persons with developmental handicaps have  
8 rights including but not limited to:

9 (1) a right to education, training, habilitation, and guid-  
10 ance which will enable development of individual ability and potential  
11 to the fullest possible extent, no matter how severe the handicap, and  
12 a right to receive services in the setting that is least restrictive  
13 of personal liberty;

14 (2) a right to appropriate health care, including promotive  
15 and preventive care, medical and surgical treatment, and rehabilita-  
16 tive services in the setting that is least restrictive of personal  
17 liberty;

18 (3) a right to economic security and to a decent standard  
19 of living, including a right to productive work or other meaningful  
20 occupation;

21 (4) a right not to be placed in a residential facility if  
22 such a placement is not necessary, with the primary consideration  
23 being given to living with their families, foster families, or indepen-  
24 dently, and to participate in all aspects of community life, including  
25 appropriate leisure time activities; if care in a residential facility  
26 becomes necessary, a right to be in surroundings and under circumstances  
27 as close to normal living as possible;

28 (5) a right to qualified guardians when this is required to  
29 protect personal well-being and interest; a right to a guardian who is

1 not rendering direct services to the person with a developmental  
2 handicap;

3 (6) a right to protection from exploitation, abuse, and  
4 degrading treatment; if a person with a developmental handicap is  
5 accused, a right to fair trial with full recognition being given to  
6 his degree of competence.

7 (b) Some persons with developmental handicaps may be unable, due  
8 to the severity of their handicap, to exercise for themselves all of  
9 their rights in a meaningful way; for others modification of some or  
10 all of their rights under (a) is appropriate. The procedure used for  
11 modification or denial of rights must contain proper legal safeguards  
12 against every form of abuse, must be based on an evaluation of the  
13 social capability of the person by qualified experts, and must be  
14 subject to periodic reviews and to the right of appeal to higher  
15 authorities.

16 Sec. 47.80.020. PROTECTION AND ADVOCACY OF RIGHTS. The department  
17 is responsible for having in effect a system to protect and advocate  
18 rights of persons with developmental handicaps. The system

19 (1) has the authority to pursue legal, administrative, and  
20 other appropriate remedies to assure the protection of the rights of  
21 persons with developmental handicaps, and

22 (2) must be independent of any state agency which provides  
23 treatment, services or habilitation of persons with developmental  
24 handicaps.

25 ARTICLE 2. PLANNING COUNCIL.

26 Sec. 47.80.030. ALASKA PLANNING COUNCIL FOR PERSONS WITH DEVELOP-  
27 MENTAL HANDICAPS. There is established the Alaska Planning Council  
28 for Persons with Developmental Handicaps. For budgetary purposes, the  
29 council is located within the Department of Health and Social Services

1 but is the interdepartmental planning and coordinating agency of the  
2 Department of Health and Social Services, the Department of Education,  
3 and the Department of Community and Regional Affairs for programs  
4 affecting persons with developmental handicaps. In addition, the  
5 council is the state planning council required by the Developmental  
6 Disabilities Services and Facilities Construction Act (P.L. 91-517, as  
7 amended).

8 Sec. 47.80.040. COMPOSITION. (a) The council consists of 23  
9 members appointed by the governor.

10 (b) Seven members must be appointed to represent the principal  
11 state agencies concerned with the following federal and state programs:  
12 education of the handicapped, vocational rehabilitation, public assist-  
13 ance, social services, maternal and child health and crippled children's  
14 services, health planning, mental health and developmental disabilities.

15 (c) Eight members must be appointed who are persons with develop-  
16 mental disabilities, or parents or guardians of such persons, and who  
17 are not officers or directors of an entity, or employees of a state  
18 agency, which receives funds for, or provides services to, develop-  
19 mentally disabled persons.

20 (d) Eight members must be appointed from the public at large and  
21 from groups concerned with or dealing with developmental handicaps.

22 (e) Membership of the council must at all times comply with the  
23 requirements of P.L. 91-517, as amended.

24 (f) In the appointment of all members other than state agency  
25 members, due regard must be given to geographically balanced representa-  
26 tion of areas of the state, particularly representation of urban and  
27 rural areas, and to representation of minorities.

28 Sec. 47.80.050. TERM OF OFFICE. (a) Council members' terms are  
29 three years. Of the 23 initial appointees, seven must be appointed

1 for one-year terms, eight for two-year terms, and eight for three-year  
2 terms.

3 (b) A vacancy occurring in the membership of the council must be  
4 filled by appointment of the governor for the unexpired portion of the  
5 vacated term.

6 (c) Council members serve at the pleasure of the governor, not-  
7 withstanding their terms of office.

8 (d) It is the legislative intent that the governor replace any  
9 member who, by poor attendance or lack of contribution to the council's  
10 work, demonstrates ineffectiveness as a council member.

11 Sec. 47.80.060. COMPENSATION, PER DIEM, AND EXPENSES. Members  
12 of the council receive no salary but are entitled to per diem and  
13 reimbursement for travel and other expenses as authorized by law for  
14 boards.

15 Sec. 47.80.070. OFFICERS AND STAFF. (a) The council, by a  
16 majority of its membership, shall elect a chairman and vice chairman  
17 and other officers it considers necessary from among its membership,  
18 to serve on a yearly basis.

19 (b) The department shall provide for assignment to the council  
20 of personnel adequate to ensure that the council has the capacity to  
21 fulfill its responsibilities. The personnel is directly responsible  
22 to the council for performance of its duties.

23 Sec. 47.80.080. BYLAWS. The council, on approval of a majority  
24 of its membership, shall adopt and amend bylaws governing its composi-  
25 tion, proceedings and other activities consistent with secs. 30 - 90  
26 of this chapter and including, but not limited to, provisions concerning  
27 a quorum to transact council business and other aspects of procedure,  
28 frequency and location of meetings, and establishment, functions and  
29 membership of council committees.

1           Sec. 47.80.090. RESPONSIBILITIES. The council shall

2           (1) serve as a forum by which issues and benefits regarding  
3 current and potential services to persons with developmental handicaps  
4 may be discussed by consumer, public, private, professional, and lay  
5 interests;

6           (2) advocate the needs of persons with developmental  
7 handicaps before the executive and legislative branches of the state  
8 government and before the public;

9           (3) advise the executive and legislative branches of the  
10 state government and the private sector on programs and policies  
11 pertaining to current and potential services to persons with develop-  
12 mental handicaps and their families, including but not limited to the  
13 type, range and availability of services administered by state and  
14 local governmental agencies and private organizations;

15           (4) submit periodic reports to the commissioner of health  
16 and social services on the effects of current federal and state programs  
17 regarding services to persons with developmental handicaps;

18           (5) in consultation with the departments specified in sec.  
19 100 of this chapter, develop, prepare, adopt, and periodically review  
20 and revise as necessary an annual state plan prescribing a program  
21 which meets the needs of persons with developmental disabilities as  
22 required under P.L. 91-517, as amended, and submit the plan and all  
23 revisions of the plan to the federal government; the state plan shall

24           (A) establish goals and priorities of the state in  
25 meeting the needs of developmentally disabled persons, including  
26 the establishment of priorities for the distribution of public  
27 funds for comprehensive services to persons with developmental  
28 disabilities and other matters considered necessary to achieve  
29 normalization of their lives;

1 (B) provide for coordinated delivery and establishment  
2 of comprehensive services, facilities, and programs for persons  
3 with developmental disabilities;

4 (C) include long-range and short-range projections  
5 relating to service needs;

6 (D) otherwise satisfy specific content requirements  
7 for the plan as required under P.L. 91-517, as amended;

8 (6) review and comment to commissioners of state departments  
9 on all state plans and proposed regulations relating to programs for  
10 persons with developmental handicaps before their being adopted; for  
11 this purpose, the appropriate departments shall submit the plans and  
12 proposed regulations to the council;

13 (7) state the priorities and specifications for the use of  
14 funds received by the state under P.L. 91-517, as amended;

15 (8) submit annually to the commissioner of health and  
16 social services, the commissioner of education, and the commissioner  
17 of community and regional affairs a proposed interdepartmental program  
18 budget for services to persons with developmental handicaps which  
19 includes, insofar as possible, projected expenditures for programs  
20 implemented by state agencies, local governmental agencies, and private  
21 organizations; the interdepartmental program budget is an informational  
22 supplement to the regular annual budgetary submissions of the departments  
23 to the office of the governor;

24 (9) prepare and submit program performance reports to the  
25 commissioner, the governor, and the federal government, as required by  
26 P.L. 91-517, as amended, regarding the uses of funds received under  
27 P.L. 91-517, and submit other reports as the Secretary of Health,  
28 Education and Welfare may reasonably request; and

29 (10) monitor and evaluate budgets or other implementation

1 plans and programs for persons with developmental handicaps to assure  
2 non-duplication of services and encourage efficient and coordinated  
3 use of federal, state and private resources in the provision of  
4 services.

5 ARTICLE 3. PROGRAMS AND PLANS.

6 Sec. 4 .80.100. PROGRAMS FOR PERSONS WITH DEVELOPMENTAL HANDICAPS.

7 (a) The Department of Health and Social Services, the Department of  
8 Education, and other departments of the state as appropriate, shall,  
9 in coordination, plan, develop, and implement a comprehensive system  
10 of services and facilities for persons with developmental handicaps,  
11 which is consistent with the state plan adopted under sec. 90(5) of  
12 this chapter and is dispersed geographically within the state. The  
13 program must include but need not be limited to:

- 14 (1) diagnosis;
- 15 (2) evaluation;
- 16 (3) treatment;
- 17 (4) personal care;
- 18 (5) day care;
- 19 (6) residential care;
- 20 (7) respite care;
- 21 (8) specialized foster care;
- 22 (9) in-home support services;
- 23 (10) domiciliary care;
- 24 (11) special living arrangements;
- 25 (12) training;
- 26 (13) education;
- 27 (14) sheltered employment;
- 28 (15) recreation;
- 29 (16) counseling of persons with developmental handicaps and

1 their families;

2 (17) protective and other social and socio-legal services;

3 (18) information and referral services;

4 (19) follow-along services;

5 (20) transportation services necessary to assure delivery  
6 of service;

7 (21) services offered by the division of corrections.

8 (b) The services designated in (a) of this section are specialized  
9 services or special adaptations of services available to the general  
10 population and must be directed toward the social, personal, physical,  
11 or economic habilitation or rehabilitation of persons with developmental  
12 handicaps.

13 (c) Within the limits of appropriations and other available  
14 funds, the appropriate department may itself provide the services and  
15 establish, operate, and maintain the facilities required under (a) and  
16 (b) of this section, or it may provide the services or facilities  
17 entirely or in part through contractual arrangements with public or  
18 private agencies.

19 Sec. 47.80.110. PROGRAM PRINCIPLES. The system of services and  
20 facilities required under sec. 100 of this chapter must accord with  
21 the following principles:

22 (1) treatment, services, and habilitation must be designed  
23 to maximize individual developmental potential, in accordance with the  
24 premises that persons with developmental handicaps are capable of  
25 growth and that normal risk is necessary for growth, and must be  
26 provided in the least restrictive setting, enabling a person to live  
27 as normally as possible within the limitations of the handicap; the  
28 establishment of alternatives to institutionalization, the elimination  
29 of inappropriate placement in residential facilities, and the improve-

1 ment of the quality of care and the state of surroundings of persons  
2 who are appropriately placed in residential facilities are fundamental;

3 (2) programs must meet standards which are designed to  
4 assure the most favorable possible outcome for the persons served, and  
5 which

6 (A) in the case of residential programs assure that  
7 care is appropriate to the needs of the persons being served by  
8 the programs, assure that the persons admitted to residential  
9 facilities are persons whose needs can be met through services  
10 provided by the facilities, and assure that the facilities provide  
11 for the humane care of the residents, meet state sanitation and  
12 life-safety codes, and protect the individual rights of the  
13 persons receiving services; and

14 (B) in the case of non-residential programs assure  
15 that care meets the needs of the persons served by the programs;

16 (3) the intent of all programs is to develop a self-reliant  
17 individual maintaining himself or herself within the society;

18 (4) the appropriate department is responsible for securing  
19 program funding through all available sources;

20 (5) the system of services and facilities required under  
21 sec. 100(a) and (b) of this chapter shall be provided for persons of  
22 all ages;

23 (6) the first effort of the departments in implementing the  
24 system shall be to provide access to the full use of all facilities  
25 and services available to the general population;

26 (7) a normal range of options must be available among an  
27 array of services and must include the right to enter and leave the  
28 system;

29 (8) services must be delivered in a timely fashion when

1 need is established;

2 (9) the rights of persons with developmental handicaps set  
3 out in sec. 10 of this chapter must continuously be observed;

4 (10) program evaluation must be integral to all service  
5 systems and must reflect the involvement of consumers, advocates, pro-  
6 fessionals, and the general public;

7 (11) prevention must be an integral part of the service  
8 system;

9 (12) an effective means of educating the public and generat-  
10 ing public awareness and support must be implemented.

11 Sec. 47.80.120. HABILITATION PLANS. A state agency or contractor  
12 who is directly responsible for providing services to persons with  
13 developmental handicaps shall develop an individual habilitation plan  
14 for each person whose program of services utilizes state funds. The  
15 plan must be completed in writing and furnished to the department  
16 within 30 days of admission of a client to the program of services.  
17 The plan, its renewals, and any changes of it, must have the written  
18 concurrence of the client, or his parent or guardian when appropriate,  
19 and the agency or contractor responsible for providing services. The  
20 development and content of a plan must conform to requirements estab-  
21 lished by the department by regulation. Insofar as practicable, the  
22 requirements must conform to those established for individual habilita-  
23 tion plans under P.L. 91-517, as amended. Each plan must be time-  
24 limited, evaluated, and renewed at least annually.

25 Sec. 47.80.130. OTHER DEPARTMENTAL POWERS AND DUTIES. (a) The  
26 department shall

27 (1) develop budgets and receive and distribute appropriations  
28 and funds under this section;

29 (2) adopt within 180 days after the effective date of this

1 Act regulations regarding standards of services and facilities for  
2 persons with developmental handicaps and the quality of services and  
3 the process by which services are to be delivered;

4 (3) adopt any other regulations necessary to implement this  
5 chapter;

6 (4) provide technical assistance to public and private  
7 agencies in planning, developing, and implementing programs to serve  
8 persons with developmental handicaps.

9 (b) For purposes of P.L. 91-517, as amended, the department is  
10 designated the sole administering agency; it shall make applications  
11 for, receive, and expend grants under P.L. 91-517 and otherwise  
12 exercise the powers and perform the duties and functions necessary to  
13 comply with P.L. 91-517.

14 (c) The Department of Education may make applications for,  
15 receive, and expend grants under P.L. 91-230 (The Education for the  
16 Handicapped Act), as amended, and otherwise exercise the powers and  
17 perform the functions necessary to comply with that Act.

18 Sec. 47.80.140. LICENSING AND CERTIFICATES OF NEED. (a) No  
19 person may establish or operate a residential facility without first  
20 obtaining a license to do so. The department by regulation shall  
21 provide for licensing of residential facilities which are not within  
22 the licensing provisions of AS 18.20.010 - 18.20.130, AS 47.35.010 -  
23 47.35.080 or other law requiring state licensing of such facilities.  
24 Regulations of the department must include but need not be limited to  
25 (1) standards of operation promoting and protecting public health,  
26 safety, and welfare, and (2) procedures governing applications for and  
27 issuance of licenses and duration, renewal, and revocation of licenses  
28 for cause. The department may at reasonable times inspect and examine  
29 residential facilities, licensed under this subsection, for conformity

1 with licensing requirements.

2 (b) A certificate of need is required as a prerequisite for  
3 licensing a residential facility established after the effective date  
4 of this Act and not otherwise provided for in AS 18.07.031 - 18.07.111.  
5 A certificate shall be issued and regulated in the same manner as  
6 provided in AS 18.07.031 - 18.07.111 for certificates of need for  
7 health care facilities.

8 ARTICLE 4. GENERAL PROVISIONS.

9 Sec. 47.80.900. DEFINITIONS. In this chapter

10 (1) "council" means the Alaska Planning Council for Persons  
11 with Developmental Handicaps, created by sec. 30 of this chapter;

12 (2) "department" means the Department of Health and Social  
13 Services;

14 (3) "facilities for persons with developmental handicaps"  
15 means publicly or privately operated facilities, or specified portions  
16 of facilities, designed primarily for the delivery of services to  
17 those persons; the term includes but is not limited to residential  
18 facilities;

19 (4) "least restrictive setting" means a residential or  
20 other setting for meeting the needs of a handicapped person which  
21 requires the least amount of restriction of personal liberty by  
22 enabling the person to function in as normal an environment as possible,  
23 and to live a normally as possible, within the limitations of the  
24 handicap;

25 (5) "person with a developmental disability" means a person  
26 having a disability which

27 (A) is attributable to:

28 (i) mental retardation, cerebral palsy, epilepsy,  
29 or autism;

1 (ii) any other condition found to be closely  
2 related to mental retardation because the condition results  
3 in impairment of general intellectual functioning or adaptive  
4 behavior similar to impairment resulting from mental retarda-  
5 tion; or

6 (iii) dyslexia resulting from a disability  
7 described in (i) or (ii) of this subparagraph; and

8 (B) constitutes a substantial handicap to the person's  
9 ability to function normally in society;

10 (6) "person with a developmental handicap" means a person  
11 with a developmental disability or a person who is hard of hearing,  
12 deaf, speech impaired, visually handicapped, seriously emotionally  
13 disturbed, orthopedically or otherwise health impaired, or who has a  
14 specific learning disability; the term includes but is not limited to  
15 "exceptional children" as defined in AS 14.30.350(1) and AS 47.20.-  
16 050(1);

17 (7) "residential facility" means a publicly or privately  
18 operated facility which provides 24-hour care for four or more persons  
19 with developmental handicaps, excluding family, foster family, or  
20 adoptive homes;

21 (8) "substantial handicap" means a disability which prevents,  
22 or substantially impedes the person's participating in and benefiting  
23 from the social, economic, educational, recreational, or other opportu-  
24 nities generally available to peers in the community who are not  
25 similarly handicapped.

26 \* Sec. 3. AS 47.30.340(10) is amended to read:

27 (10) "mentally ill individual" means an individual having  
28 a psychosis or senile changes which substantially impair his mental  
29 health to the degree that he is a danger to himself or others; [OR A

1 MENTALLY DEFICIENT AND SEVERELY MENTALLY RETARDED PERSON WHOM THE  
2 COMMISSIONER OF HEALTH AND SOCIAL SERVICES OR HIS DESIGNEE ADMITS FOR  
3 TREATMENT SUBJECT, HOWEVER, TO ALL THE OTHER ADMISSION AND DISCHARGE  
4 PROCEDURES PROVIDED FOR IN SECS. 10 - 340 OF THIS CHAPTER;] the defini-  
5 tion does not include an individual suffering from acute alcoholism or  
6 drug addiction;

7 \* Sec. 4. AS 18.05.031 is repealed.

8 \* Sec. 5. TRANSITION. The Alaska Planning Council for Persons With  
9 Developmental Handicaps established under this Act succeeds to all contracts,  
10 rights, liabilities and obligations of the Alaska Developmental Disabilities  
11 Planning Council appointed under law repealed by this Act which are in  
12 effect on the effective date of this Act. Records, equipment and other  
13 property of the former council shall be transferred upon this Act's taking  
14 effect. The amount of any appropriation to the former council which is  
15 encumbered but not expended on the effective date of this Act shall not  
16 lapse but shall be transferred to the Alaska Planning Council for Persons  
17 with Developmental Handicaps concurrently with the effective date of this  
18 Act.

Original sponsor: Rules Committee  
by request of the Governor

Offered: 4/26/78  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 519

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to handicapped persons; and providing  
7 for an effective date."

8

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

9

\* Section 1. INTENT. This Act is intended to assure the provision of  
10 quality services to those children and adults who have handicaps by reason of  
11 mental or physical disabilities, including persons qualifying for special  
12 education services under AS 14.30.180 - 14.30.350, other persons with the  
13 same or similar handicaps, and persons handicapped by mental retardation,  
14 cerebral palsy, epilepsy, autism or by other developmental disabilities  
15 defined in this Act. The primary objective of the Act is to bring together  
16 and make optimal use of all available resources -- federal, state, local, and  
17 private -- so that persons with handicaps may be served in the most effective  
18 and efficient way. A second goal of the Act is to assure the dignity of  
19 persons with handicaps, by reaffirming, and providing for the protection and  
20 advocacy of, their rights, which are the same rights as other people of the  
21 state of the same age and include the right to live as complete and normal  
22 lives as possible and develop their ability and potential to the fullest  
23 extent possible.

24

\* Sec. 2. AS 47 is amended by adding a new chapter to read:

25

CHAPTER 80. PERSONS WITH HANDICAPS.

26

ARTICLE 1. RIGHTS.

27

28

29

Sec. 47.80.010. RIGHTS OF PERSONS WITH HANDICAPS. Persons with  
handicaps have the same legal rights and responsibilities guaranteed all  
other persons by the Constitution of the United States and federal laws

1 and by the constitution and laws of the state. No otherwise qualified  
2 person by reason of having a handicap may be excluded from participation  
3 in, be denied the benefits of, or be subjected to discrimination under,  
4 any program or activity which receives public funds. Some persons with  
5 handicaps may be unable, due to the severity of their handicap, to  
6 exercise for themselves all of their rights in a meaningful way; for  
7 others modification of some or all of their rights is appropriate. The  
8 procedure used for modification of rights shall contain proper legal  
9 safeguards against every form of abuse, shall be based on an evaluation  
10 of the social capability of the person by qualified experts, and shall  
11 be subject to periodic reviews and to the right of appeal to higher  
12 authorities.

13 Sec. 47.80.020. PROTECTION AND ADVOCACY OF RIGHTS. The department  
14 shall establish a system to protect and advocate rights of persons with  
15 handicaps. The system

16 (1) has the authority to pursue legal, administrative, and  
17 other appropriate remedies to assure the protection of the rights of  
18 persons with handicaps; and

19 (2) shall be independent of any state agency which provides  
20 treatment, services or habilitation of persons with handicaps.

21 ARTICLE 2. GOVERNOR'S COUNCIL FOR THE  
22 HANDICAPPED AND GIFTED.

23 Sec. 47.80.030. GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED.  
24 There is established the Governor's Council for the Handicapped and  
25 Gifted. For budgetary purposes, the council is located within the  
26 Department of Health and Social Services but is the interdepartmental  
27 planning and coordinating agency of the Department of Health and Social  
28 Services, the Department of Education, and other departments which  
29 deliver services to persons who are handicapped or gifted. In addition,

1 the council is the state planning council for purposes of federal laws  
2 relating to the handicapped or gifted.

3 Sec. 47.80.040. COMPOSITION. (a) The council consists of no  
4 fewer than 18 nor more than 23 members appointed by the governor in  
5 accordance with P.L. 91-517, P.L. 94-103, P.L. 94-142, as amended, and  
6 AS 14.30.231.

7 (b) No fewer than one-third of the members shall be representa-  
8 tives of the principal state agencies concerned with services for handi-  
9 capped or gifted persons.

10 (c) No fewer than one-third of the members shall be developmen-  
11 tally disabled persons or parents or guardians of such persons, who are  
12 not officers or directors of an entity, or employees of a state agency,  
13 which receives funds or provides services under P.L. 91-517 or P.L.  
14 94-103, as amended.

15 (d) The remaining members shall be appointed to represent the  
16 public at large, local agencies, non-governmental agencies, and groups  
17 concerned with services to handicapped or gifted persons.

18 (e) Membership of the council shall at all times comply with the  
19 requirements of P.L. 91-517, as amended.

20 (f) In the appointment of all members other than state agency  
21 members, due regard shall be given to geographically balanced represen-  
22 tation of areas of the state and to representation of persons with a  
23 variety of different mental and physical handicaps.

24 Sec. 47.80.050. TERM OF OFFICE. (a) Council members' terms are  
25 three years. Of the initial appointees, one-third shall be appointed  
26 for one-year terms, one-third for two-year terms, and one-third for  
27 three-year terms.

28 (b) A vacancy occurring in the membership of the council shall be  
29 filled by appointment of the governor for the unexpired portion of the

1 vacated term.

2 (c) Council members serve at the pleasure of the governor, not-  
3 withstanding their terms of office.

4 (d) It is the legislative intent that the governor replace any  
5 member who, by poor attendance or lack of contribution to the council's  
6 work, demonstrates ineffectiveness as a council member.

7 Sec. 47.80.060. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
8 the council receive no salary but are entitled to per diem and reim-  
9 bursement for travel and other expenses as authorized by law for boards.

10 Sec. 47.80.070. OFFICERS AND STAFF. (a) The council, by a ma-  
11 jority of its membership, shall elect a chairman and other officers it  
12 considers necessary from among its membership, to serve on a yearly  
13 basis.

14 (b) The department shall provide for the assignment of personnel  
15 to the council to ensure that the council has the capacity to fulfill  
16 its responsibilities. The personnel shall be directly responsible to  
17 the council for performance of their duties.

18 Sec. 47.80.080. BYLAWS. The council, on approval of a majority of  
19 its membership, shall adopt and amend bylaws governing its composition,  
20 proceedings and other activities consistent with secs. 30 - 90 of this  
21 chapter and including, but not limited to, provisions concerning a  
22 quorum to transact council business and other aspects of procedure,  
23 frequency and location of meetings, and establishment, functions and  
24 membership of council committees.

25 Sec. 47.80.090. RESPONSIBILITIES. The council shall

26 (1) serve as a forum by which issues and benefits regarding  
27 current and potential services to handicapped and gifted persons may be  
28 discussed by consumer, public, private, professional, and lay interests;

29 (2) advocate the needs of handicapped and gifted persons

1 before the executive and legislative branches of the state government  
2 and before the public;

3 (3) advise the executive and legislative branches of the  
4 state government and the private sector on programs and policies per-  
5 taining to current and potential services to handicapped or gifted  
6 persons and their families;

7 (4) submit periodic reports to the commissioners of health  
8 and social services, of education and to other appropriate departments  
9 on the effects of current federal and state programs regarding services  
10 to handicapped or gifted persons; these reports shall include program  
11 performance reports to the governor, the federal government, and to  
12 state agencies as required by P.L. 91-517, P.L. 94-103, or P.L. 94-142,  
13 as amended;

14 (5) in conjunction with the Departments of Health and Social  
15 Services and Education, develop, prepare, adopt, periodically review,  
16 and revise as necessary an annual state plan prescribing programs which  
17 meet the needs of persons with developmental disabilities as required  
18 under P.L. 91-517 or P.L. 94-103, as amended;

19 (6) review and comment to commissioners of state departments  
20 on all state plans and proposed regulations relating to programs for  
21 persons with handicaps before the adoption of a plan or regulation; for  
22 this purpose, the appropriate departments shall submit the plans and  
23 proposed regulations to the council;

24 (7) recommend the priorities and specifications for the use  
25 of funds received by the state under P.L. 91-517, P.L. 94-103 and P.L.  
26 94-142, as amended;

27 (8) submit annually to the commissioner of health and social  
28 services, the commissioner of education, and the commissioner of com-  
29 munity and regional affairs a proposed interdepartmental program budget

1 for services to handicapped or gifted persons which includes, insofar as  
2 possible, projected revenues and expenditures for programs implemented  
3 by state agencies, local governmental agencies, and private organiza-  
4 tions; the interdepartmental program budget is an informational supple-  
5 ment to the regular annual budgetary submissions of the departments to  
6 the office of the governor;

7 (9) provide information and guidance for the development of  
8 appropriate special educational programs and services for exceptional  
9 children as defined in AS 14.30.350;

10 (10) monitor and evaluate budgets or other implementation  
11 plans and programs for handicapped and gifted persons to assure nondup-  
12 lication of services and encourage efficient and coordinated use of  
13 federal, state and private resources in the provision of services;  
14 members of the council with the approval of the council, have access to  
15 information in the possession of state agencies subject to disclosure  
16 restrictions imposed by state or federal confidentiality or privacy  
17 laws; and

18 (11) perform other duties required under P.L. 91-517, P.L.  
19 94-103, P.L. 94-142, as amended, or AS 14.30.231, and as the governor  
20 may assign.

21 ARTICLE 3. PROGRAMS AND PLANS.

22 Sec. 47.80.100. PROGRAMS FOR PERSONS WITH HANDICAPS. (a) The  
23 Department of Health and Social Services, the Department of Education,  
24 and other departments of the state as appropriate, shall, in coordina-  
25 tion, plan, develop, and implement a comprehensive system of services  
26 and facilities for persons with handicaps, which is consistent with the  
27 state plan adopted under sec. 90(5) of this chapter and is dispersed  
28 geographically within the state.

29 (b) The services required in (a) of this section are specialized

1 services or special adaptations of services available to the general  
2 population and shall be directed toward the social, personal, physical,  
3 or economic habilitation or rehabilitation of persons with handicaps.

4 (c) Within the limits of appropriations and other available funds,  
5 the appropriate department may itself provide the services and estab-  
6 lish, operate, and maintain the facilities required under (a) and (b) of  
7 this section, or it may provide the services or facilities entirely or  
8 in part through contractual arrangements with public or private agen-  
9 cies.

10 Sec. 47.80.110. PROGRAM PRINCIPLES. The system of services and  
11 facilities required under sec. 100 of this chapter shall accord with the  
12 principle that treatment, services, and habilitation shall be designed  
13 to maximize individual potential, minimize institutionalization, and  
14 shall be provided in the least restrictive setting, enabling a person to  
15 live as normally as possible within the limitations of the handicap.

16 Sec. 47.80.120. HABILITATION PLANS. A state agency, contractor,  
17 or grantee who is directly responsible for providing services to persons  
18 with handicaps shall develop an individual habilitation plan for each  
19 person whose program of services utilizes state funds. The plan shall  
20 be completed in writing and furnished to the department within 30 days  
21 of admission of a client to the program of services. The plan, its re-  
22 newals, and any changes of it, shall have the written concurrence of the  
23 client, or his parent or guardian when appropriate, and the agency or  
24 contractor responsible for providing services. The development and  
25 content of a plan shall conform to requirements established by the  
26 department by regulation. Insofar as practicable, the requirements  
27 shall conform to those established for individual habilitation plans  
28 under P.L. 91-517 or P.L. 94-103, as amended. Each plan shall be  
29 time-limited, evaluated, and renewed at least annually.

1           Sec. 47.80.130. POWERS AND DUTIES OF THE DEPARTMENT. (a) The  
2 department shall

3           (1) develop budgets and receive and distribute appropriations  
4 and funds under this section;

5           (2) adopt regulations regarding standards of services and  
6 facilities for persons with handicaps and the quality of services and  
7 the process by which services are to be delivered;

8           (3) adopt any other regulations necessary to implement this  
9 chapter;

10          (4) provide technical assistance to public and private agen-  
11 cies in planning, developing, and implementing programs to serve handi-  
12 capped persons;

13          (5) operate programs and facilities, and enter into agree-  
14 ments, contracts, or grants necessary to provide services required under  
15 ch. 80 of this title;

16          (6) take the actions and undertake the obligations which are  
17 necessary to participate in federal grant-in-aid programs and accept  
18 federal or other financial aid for the study, examination, care and  
19 treatment of the handicapped.

20          (b) For purposes of P.L. 91-517 and P.L. 94-103, as amended, the  
21 department is designated the sole administering agency; it shall make  
22 applications for, receive, and expend grants under P.L. 91-517 or P.L.  
23 94-103, as amended, and otherwise exercise the powers and perform the  
24 duties and functions necessary to comply with P.L. 91-517 and P.L.  
25 94-103, as amended.

26          (c) The Department of Education may make applications for, re-  
27 ceive, and expend grants under P.L. 91-230 (The Education for the Handi-  
28 capped Act), as amended, and otherwise exercise the powers and perform  
29 the functions necessary to comply with that Act.

1           Sec. 47.80.140. LICENSING AND CERTIFICATES OF NEED. (a) No  
2 person may establish or operate a residential facility without first  
3 obtaining a license to do so. The department by regulation shall pro-  
4 vide for licensing of residential facilities which are not within the  
5 licensing provisions of AS 18.20.010 - 18.20.130, AS 47.35.010 - 47.35.-  
6 080 or other law requiring state licensing of such facilities. Regula-  
7 tions of the department shall include but need not be limited to (1)  
8 standards of operation promoting and protecting public health, safety,  
9 and welfare, and (2) procedures governing applications for and issuance  
10 of licenses and duration, renewal, and revocation of licenses for cause.  
11 The department may at reasonable times inspect and examine residential  
12 facilities, licensed under this subsection, for conformity with licens-  
13 ing requirements.

14           (b) A certificate of need is required as a prerequisite for li-  
15 censing a residential facility established after the effective date of  
16 this Act and not otherwise provided for in AS 18.07.031 - 18.07.111. A  
17 certificate shall be issued and regulated in the same manner as provided  
18 in AS 18.07.031 - 18.07.111 for certificates of need for health care  
19 facilities.

20           Sec. 47.80.150. LIABILITY FOR EXPENSE OF SERVICES. (a) A person  
21 with a handicap or his legal representative acting in a representative  
22 capacity, or his spouse or parents, shall pay or contribute to the  
23 payment of the charges for the care or treatment in the manner and  
24 proportion which the department finds is not detrimental to rehabili-  
25 tation and which is within the responsible person's ability to pay. The  
26 charges may not exceed the actual cost of the care or treatment as  
27 determined by the department. The order of the department relating to  
28 the payment of charges shall be prospective in effect and shall relate  
29 only to charges to be incurred, except that if a person intentionally

1 conceals his ability to pay, he shall be ordered to pay to the extent of  
2 his ability the charges accruing during the period of the concealment.  
3 The order of the department relating to the payment of charges by the  
4 person with a handicap or his legal representative, or his spouse or  
5 parents, shall be issued within six months of the date on which the  
6 charge was incurred. The department may make necessary investigations  
7 to determine the ability to pay. The order shall remain in full force  
8 and effect unless modified by subsequent court or department orders.

9 (b) As used in (a) of this section, the term "actual cost of the  
10 care and treatment" means either the rate provided for by a contract  
11 entered into under this chapter, or, in the absence of a contract, a  
12 daily rate fixed by the department, and includes expenses of transpor-  
13 tation incidental to treatment and carrying out the intent of this  
14 chapter.

15 (c) A person with a handicap who receives benefits under this  
16 chapter who is developmentally disabled as defined in sec. 900(7) of  
17 this chapter or the person responsible for payment of charges for such a  
18 person, may not be required to pay more than \$50 a month toward the  
19 charges for the care, treatment, and transportation in connection with  
20 treatment of the person with a handicap.

21 (d) The department may charge, or accept from a person money or  
22 property, for the care or treatment of an in-patient or out-patient or  
23 for other purposes, even if the payment is not required by an order of  
24 the department, so long as the total payments received do not exceed the  
25 actual cost of care or treatment.

26 (e) All money paid by the person with a handicap or on his behalf,  
27 under this section, shall be deposited in the state treasury.

28 (f) If an order of payment is entered by the department under this  
29 section and delinquency in the payment of any amount due the state under

1 the order continues for a period of more than 30 days after the noti-  
2 fication by the department to the legal representative, parent, or  
3 spouse of the person with a handicap, the state may proceed to collect  
4 the amounts due by appropriate proceedings. Actions to enforce the  
5 collection of payments may only be brought within three years after the  
6 date of notification of a delinquent payment.

7 Sec. 47.80.160. TRANSPORTATION. When an individual is to be  
8 treated under this chapter, the department shall arrange, upon the  
9 request of a person having a proper interest in the individual's  
10 treatment, and may pay for the individual's transportation to the desig-  
11 nated facility, with appropriate medical or nursing attendants and by  
12 the available means which are appropriate and suitable. The department  
13 may pay return transportation of an individual and appropriate medical  
14 and nursing attendants. When practicable, one or more relatives or  
15 friends of the individual to be treated shall be permitted to accompany  
16 him. The department may pay necessary travel, housing and meal expenses  
17 incurred by one relative or friend in accompanying the individual to the  
18 facility if the department determines

19 (1) that the best interests of the individual's health re-  
20 quire that he be accompanied by the relative or friend;

21 (2) the relative or friend accompanying the individual is  
22 indigent.

23 Sec. 47.80.170. PROVISION FOR PERSONAL NEEDS UPON DISCHARGE. The  
24 department shall make arrangements which are necessary to ensure that

25 (1) no patient is discharged or placed on convalescent status  
26 from a designated facility without suitable clothing; and

27 (2) an indigent patient discharged or placed on convalescent  
28 status is furnished suitable transportation to his permanent residence  
29 in this state or other suitable place at the discretion of the depart-

1 ment, and a reasonable amount of money to meet his immediate needs.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 47.80.900. DEFINITIONS. In this chapter

4 (1) "council" means the Governor's Council for the Handi-  
5 capped and Gifted created by sec. 30 of this chapter;

6 (2) "department" means the Department of Health and Social  
7 Services;

8 (3) "facilities for persons with handicaps" means publicly or  
9 privately operated facilities, or specified portions of facilities,  
10 designed primarily for the delivery of services to those persons; the  
11 term includes but is not limited to residential facilities;

12 (4) "habilitation" means education or training for the handi-  
13 capped to enable them to function better in society;

14 (5) "least restrictive setting" means a residential or other  
15 setting for meeting the needs of a handicapped person which requires the  
16 least amount of restriction of personal liberty by enabling the person  
17 to function in as normal an environment as possible, and to live as  
18 normally as possible, within the limitations of the handicap;

19 (6) "person with a handicap" means a person with a develop-  
20 mental disability as defined in (7) of this section or a person who is  
21 hard of hearing, deaf, speech impaired, visually handicapped, seriously  
22 emotionally disturbed, orthopedically or otherwise health impaired, or  
23 who has a specific learning disability; the term includes but is not  
24 limited to "exceptional children" as defined in AS 14.30.350(1) and AS  
25 47.20.050(1);

26 (7) "person with a developmental disability" means a person  
27 having a disability which

28 (A) is attributable to

29 (i) mental retardation, cerebral palsy, epilepsy,

1 or autism;

2 (ii) any other condition found to be closely re-  
3 lated to mental retardation because the condition results in  
4 impairment of general intellectual functioning or adaptive  
5 behavior similar to impairment resulting from mental retarda-  
6 tion; or

7 (iii) dyslexia resulting from a disability des-  
8 cribed in (i) or (ii) of this subparagraph; and

9 (B) constitutes a substantial handicap to the person's  
10 ability to function normally in society;

11 (8) "residential facility" means a publicly or privately  
12 operated facility which provides 24-hour care for four or more persons  
13 with handicaps, excluding family, foster family, or adoptive homes;

14 (9) "substantial handicap" means a disability which prevents,  
15 or substantially impedes the person's participating in and benefiting  
16 from the social, economic, educational, recreational, or other opportu-  
17 nities generally available to peers in the community who are not simi-  
18 larly handicapped.

19 \* Sec. 3. AS 18.05.031 and AS 47.30.010 - 47.30.340 are repealed.

20 \* Sec. 4. TRANSITION. The Governor's Council for the Handicapped and  
21 Gifted established under this Act succeeds to all contracts, rights, liabili-  
22 ties and obligations of the Alaska Developmental Disabilities Planning  
23 Council appointed under law repealed by this Act which are in effect on the  
24 effective date of this Act. The council also succeeds to all contract  
25 rights, liabilities, and obligations of the Special Education Advisory  
26 Council established under the authority of AS 14.30.231 and made part of the  
27 Governor's Council for the Handicapped and Gifted by Administrative Order No.  
28 42A dated November 25, 1977. Records, equipment and other property of the  
29 former councils shall be transferred upon this Act's taking effect. The

1 amount of any appropriation to the former councils which is encumbered but  
2 not expended on the effective date of this Act shall not lapse but shall be  
3 transferred to the Governor's Council for the Handicapped and Gifted con-  
4 currently with the effective date of this Act.

5 \* Sec. 5. This Act takes effect on the effective date of a version of  
6 House Bill No. 472.

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# COMMITTEE REPORT

## HOUSE

4/26/78

FURTHER: \_\_\_\_\_

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on FINANCE has had HR 519  
"An Act relating to persons with developmental handicaps."

under consideration and (a majority of the committee) (the committee reports it back as follows)

- 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 \_\_\_\_\_  new title                       same title
- AND attaches a Letter of Intent                       New Fiscal Note
- reports it back without recommendation
- and recommends it be referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS:

OTHER RECOMMENDATIONS:

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5-2-77

COMMITTEE REPORT

FINANCE

HOUSE

4-26-78 Date

Mr. Speaker:

The Committee on HESS has had HB 519

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)

*(new title)*

recommends it be replaced with CS for HB 519 and that  
CS for HB 519 do pass

(and) recommends it be referred to the \_\_\_\_\_  
committee

reports it back without recommendation

AND attaches a report of its intent

(other) \_\_\_\_\_

MEMBERS SIGNING THE MAJORITY REPORT:

Charles H. ... Allice ...  
Sam Kenneth ... Sam ...  
Robert ...  
... Buckholt Mike ...

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

\_\_\_\_\_ recommends: \_\_\_\_\_  
\_\_\_\_\_ recommends: \_\_\_\_\_  
\_\_\_\_\_ recommends: \_\_\_\_\_

Charles H. ...  
Chairman

Brodley

Original sponsor: Rules Committee  
by request of the Governor

Offered: 4/26/78  
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 519

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to handicapped persons; and providing  
7 for an effective date."

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

9 \* Section 1. INTENT. This Act is intended to assure the provision of  
10 quality services to those children and adults who have handicaps by reason of  
11 mental or physical disabilities, including persons qualifying for special  
12 education services under AS 14.30.180 - 14.30.350, other persons with the  
13 same or similar handicaps, and persons handicapped by mental retardation,  
14 cerebral palsy, epilepsy, autism or by other developmental disabilities  
15 defined in this Act. The primary objective of the Act is to bring together  
16 and make optimal use of all available resources -- federal, state, local, and  
17 private -- so that persons with handicaps may be served in the most effective  
18 and efficient way. A second goal of the Act is to assure the dignity of  
19 persons with handicaps, by reaffirming, and providing for the protection and  
20 advocacy of, their rights, which are the same rights as other people of the  
21 state of the same age and include the right to live as complete and normal  
22 lives as possible and develop their ability and potential to the fullest  
23 extent possible.

24 \* Sec. 2. AS 47 is amended by adding a new chapter to read:

25 CHAPTER 80. PERSONS WITH HANDICAPS.

26 ARTICLE 1. RIGHTS.

27 Sec. 47.80.010. RIGHTS OF PERSONS WITH HANDICAPS. Persons with  
28 handicaps have the same legal rights and responsibilities guaranteed all  
29 other persons by the Constitution of the United States and federal laws

COMMITTEE COPY

1 and by the constitution and laws of the state. No otherwise qualified  
2 person by reason of having a handicap may be excluded from participation  
3 in, be denied the benefits of, or be subjected to discrimination under,  
4 any program or activity which receives public funds. Some persons with  
5 handicaps may be unable, due to the severity of their handicap, to  
6 exercise for themselves all of their rights in a meaningful way; for  
7 others modification of some or all of their rights is appropriate. The  
8 procedure used for modification of rights shall contain proper legal  
9 safeguards against every form of abuse, shall be based on an evaluation  
10 of the social capability of the person by qualified experts, and shall  
11 be subject to periodic reviews and to the right of appeal to higher  
12 authorities.

13 Sec. 47.80.020. PROTECTION AND ADVOCACY OF RIGHTS. The department  
14 shall establish a system to protect and advocate rights of persons with  
15 handicaps. The system

16 (1) has the authority to pursue legal, administrative, and  
17 other appropriate remedies to assure the protection of the rights of  
18 persons with handicaps; and

19 (2) shall be independent of any state agency which provides  
20 treatment, services or habilitation of persons with handicaps.

21 ARTICLE 2. GOVERNOR'S COUNCIL FOR THE  
22 HANDICAPPED AND GIFTED.

23 Sec. 47.80.030. GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED.  
24 There is established the Governor's Council for the Handicapped and  
25 Gifted. For budgetary purposes, the council is located within the  
26 Department of Health and Social Services but is the interdepartmental  
27 planning and coordinating agency of the Department of Health and Social  
28 Services, the Department of Education, and other departments which  
29 deliver services to persons who are handicapped or gifted. In addition,

1 the council is the state planning council for purposes of federal laws  
2 relating to the handicapped or gifted.

3 Sec. 47.80.040. COMPOSITION. (a) The council consists of no  
4 fewer than 18 nor more than 23 members appointed by the governor in  
5 accordance with P.L. 91-517, P.L. 94-103, P.L. 94-142, as amended, and  
6 AS 14.30.231.

7 (b) No fewer than one-third of the members shall be represent-  
8 tives of the principal state agencies concerned with services for handi-  
9 capped or gifted persons.

10 (c) No fewer than one-third of the members shall be developmen-  
11 tally disabled persons or parents or guardians of such persons, who are  
12 not officers or directors of an entity, or employees of a state agency,  
13 which receives funds or provides services under P.L. 91-517 or P.L.  
14 94-103, as amended.

15 (d) The remaining members shall be appointed to represent the  
16 public at large, local agencies, non-governmental agencies, and groups  
17 concerned with services to handicapped or gifted persons.

18 (e) Membership of the council shall at all times comply with the  
19 requirements of P.L. 91-517, as amended.

20 (f) In the appointment of all members other than state agency  
21 members, due regard shall be given to geographically balanced represen-  
22 tation of areas of the state and to representation of persons with a  
23 variety of different mental and physical handicaps.

24 Sec. 47.80.050. TERM OF OFFICE. (a) Council members' terms are  
25 three years. Of the initial appointees, one-third shall be appointed  
26 for one-year terms, one-third for two-year terms, and one-third for  
27 three-year terms.

28 (b) A vacancy occurring in the membership of the council shall be  
29 filled by appointment of the governor for the unexpired portion of the

1 vacated term.

2 (c) Council members serve at the pleasure of the governor, not-  
3 withstanding their terms of office.

4 (d) It is the legislative intent that the governor replace any  
5 member who, by poor attendance or lack of contribution to the council's  
6 work, demonstrates ineffectiveness as a council member.

7 Sec. 47.80.060. COMPENSATION, PER DIEM, AND EXPENSES. Members of  
8 the council receive no salary but are entitled to per diem and reim-  
9 bursement for travel and other expenses as authorized by law for boards.

10 Sec. 47.80.070. OFFICERS AND STAFF. (a) The council, by a ma-  
11 jority of its membership, shall elect a chairman and other officers it  
12 considers necessary from among its membership, to serve on a yearly  
13 basis.

14 (b) The department shall provide for the assignment of personnel  
15 to the council to ensure that the council has the capacity to fulfill  
16 its responsibilities. The personnel shall be directly responsible to  
17 the council for performance of their duties.

18 Sec. 47.80.080. BYLAWS. The council, on approval of a majority of  
19 its membership, shall adopt and amend bylaws governing its composition,  
20 proceedings and other activities consistent with secs. 30 - 90 of this  
21 chapter and including, but not limited to, provisions concerning a  
22 quorum to transact council business and other aspects of procedure,  
23 frequency and location of meetings, and establishment, functions and  
24 membership of council committees.

25 Sec. 47.80.090. RESPONSIBILITIES. The council shall

26 (1) serve as a forum by which issues and benefits regarding  
27 current and potential services to handicapped and gifted persons may be  
28 discussed by consumer, public, private, professional, and lay interests;

29 (2) advocate the needs of handicapped and gifted persons