

LEG. FINANCE - BILLS 1983 - 1984 2026

SB 120 - CSSB 122

2026

COMMITTEE REPORT  
SENATE

FURTHER:

4/14/83

Date: 5/17/83

Mr. President:

The Committee on FINANCE has had SB 120

*relating to soil and water conservation; etc.*

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 120 (Res)  same title  
 new title
- and recommends w/ amendment
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

*Paul ...*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*...*

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\_\_\_\_\_

\_\_\_\_\_

CHAIRMAN

SENATE AMENDMENT

By Finance Committee

To: CS for SENATE BILL No. 120 (Resources)

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 4 LINE: 14 through 17

Delete subsection (7).

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. CS for SB 120 (Res)  
 Title Act relating to soil and water conservation  
 Requested by Senate Finance Committee Date May 17, 1983

II. FISCAL DETAIL  
 Agency Affected Dept. of Natural Resources  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				

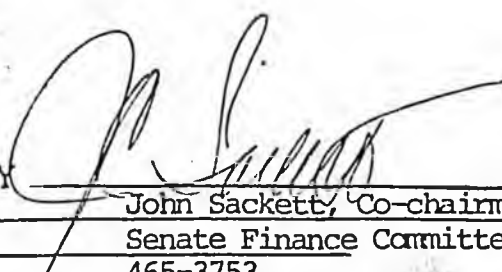
FUNDING (Thousands of Dollars)

GENERAL FUND	0	0				
FEDERAL FUNDS	0	0				
OTHER (Specify Fund Source)	0	0				

POSITIONS

FULL TIME	0	0				
PART TIME	0	0				
TEMPORARY	0	0				

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

IV. DATE May 17, 1983 PREPARED BY   
 AGENCY John Sackett, Co-chairman  
 PHONE Senate Finance Committee  
465-3753  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Offered: 4/14/83  
Referred: Finance

Original sponsor: Kerttula by request

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 120 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to soil and water conservation; and  
7 providing for an effective date."

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

9 \* Section 1. AS 41.10.030 is amended to read:

10 Sec. 41.10.030. PURPOSE OF CHAPTER [DISTRICT]. The purpose of  
11 this chapter [THE DISTRICT] is to provide for the orderly development  
12 of land [LANDS], for guiding settlement, and for conserving soil and  
13 water and soil resources and controlling and preventing soil erosion.

14 \* Sec. 2. AS 41.10.040 is amended to read:

15 Sec. 41.10.040. SOIL AND WATER CONSERVATION BOARD. The [DIS-  
16 TRICT IS GOVERNED BY THE] Alaska Soil and Water Conservation Board is  
17 composed of five [THREE] members. The commissioner of natural re-  
18 sources or, in the absence of the commissioner, the director of agri-  
19 culture, serves ex officio but without a vote on the board.

20 \* Sec. 3. AS 41.10 is amended by adding a new section to read:

21 Sec. 41.10.045. EXECUTIVE DIRECTOR. The commissioner of natural  
22 resources shall appoint an executive director and clerical staff to  
23 assist the board.

24 \* Sec. 4. AS 41.10.060 is amended to read:

25 Sec. 41.10.060. QUALIFICATIONS OF BOARD MEMBERS. Members of the  
26 board shall be resident bona fide users of land [FARMERS] selected  
27 from the five major land [FARMING] areas of the state.

28 \* Sec. 5. AS 41.10 is amended by adding a new section to read:

29 Sec. 41.10.065. MAJOR LAND AREAS OF THE STATE. The five major

1 land areas of the state are:

- 2 (1) the Arctic and northwest Alaska;
- 3 (2) the Yukon and Tanana Valleys;
- 4 (3) southwest Alaska and the Kenai Peninsula;
- 5 (4) southcentral Alaska; and
- 6 (5) southeast Alaska.

7 \* Sec. 6. AS 41.10.070 is amended to read:

8 Sec. 41.10.070. TERM OF OFFICE. The term of office of members  
9 is three years [, EXCEPT THAT INITIAL APPOINTMENTS SHALL BE FOR TERMS  
10 OF ONE, TWO, AND THREE YEARS, RESPECTIVELY].

11 \* Sec. 7. AS 41.10 is amended by adding a new section to read:

12 Sec. 41.10.075. BOARD MEETINGS. The board shall hold one regu-  
13 lar meeting annually at the state capital and one or more additional  
14 meetings at a time and place in the state selected by the board.

15 \* Sec. 8. AS 41.10.100 is amended to read:

16 Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF NATURAL  
17 RESOURCES. (a) At the request of the commissioner of natural re-  
18 sources, the board shall meet and advise the commissioner [HIM] in the  
19 exercise of the [HIS] powers, duties, and functions of the commis-  
20 sioner.

21 \* Sec. 9. AS 41.10.100 is amended by adding a new subsection to read:

22 (b) The board shall also

23 (1) receive and review reports concerning the use of soil  
24 resources of the state;

25 (2) hold public hearings and meetings to determine whether  
26 land in the state is being used in a manner consistent with sound soil  
27 and water conservation practices;

28 (3) make recommendations for specific action necessary to  
29 provide for the effective and orderly development of agricultural,

1 forest, and grazing land in the state;

2 (4) review an appeal by an applicant or lessee from a  
3 decision of the director of the division of land and water management  
4 concerning a sale or lease of state agricultural or grazing land and  
5 submit its recommendations to the commissioner or hearing officer;

6 (5) act in an advisory capacity to the soil and water  
7 conservation districts in the state;

8 (6) act in an advisory capacity to the commissioner of  
9 natural resources and director of the division of agriculture in the  
10 review of farm conservation plans for all state agricultural land  
11 sales in the Alaska District.

12 \* Sec. 10. AS 41.10.110 is amended to read:

13 Sec. 41.10.110. POWERS OF COMMISSIONER OF NATURAL RESOURCES  
14 RELATING TO SOIL AND WATER CONSERVATION. The commissioner of natural  
15 resources has the power to

16 (1) conduct land capability surveys and investigations of  
17 potential agricultural areas and of soil conservation and erosion  
18 control, including necessary preventative and control measures, in the  
19 state; to publish the results of these surveys and investigations and  
20 to disseminate information concerning the results of the surveys and  
21 investigations to prospective settlers and the general public;

22 (2) make technical guidance and other assistance available  
23 to settlers of new land to assure the development of the land in a  
24 manner that will permit it to be used in accordance with its capabili-  
25 ties and treated in accordance with its needs;

26 (3) carry out measures for soil conservation and erosion  
27 control within the state [DISTRICT], including engineering operations,  
28 methods of cultivation, the growing of vegetation, and changes in use  
29 of land, with the consent and cooperation of the land user [OCCUPIER]

1 or agency having jurisdiction of the land;

2 (4) cooperate with, furnish assistance to, and enter into  
3 agreements with, a user [AN OCCUPIER] of land or agency within the  
4 state [DISTRICT, SUBJECT TO THE CONDITIONS AS THE BOARD CONSIDERS  
5 NECESSARY TO ADVANCE THE PURPOSES OF THIS CHAPTER];

6 (5) construct, improve, and maintain soil erosion control  
7 and conservation structures as are necessary and practical for carry-  
8 ing out the purposes of this chapter;

9 (6) develop comprehensive plans for the conservation of  
10 soil and control of soil erosion within the state [DISTRICT], cropping  
11 programs, tillage practices and changes in land use, and publish plans  
12 and information and bring them to the attention of users [OCCUPIERS]  
13 of land [LANDS] within the state [DISTRICT];

14 ~~(7) accept contributions in money, services, materials, or~~  
15 ~~equipment from the United States or its agencies, from an agency of~~  
16 ~~the state, and from any other source, for use in carrying out the~~  
17 ~~purposes of this chapter.~~

18 \* Sec. 11. AS 41.10.120 is amended to read:

19 Sec. 41.10.120. LAND USER [OCCUPIER] SHALL APPROVE PLANS, ETC.  
20 A [NO] survey, investigation or plan for land may not [SHALL] be  
21 undertaken by the commissioner of natural resources and [DISTRICT, NOR  
22 SHALL] measures for soil conservation and erosion control may not be  
23 carried out [,] without the prior approval of the user [OCCUPIER] of  
24 the land.

25 \* Sec. 12. AS 41.10.130 is amended to read:

26 Sec. 41.10.130. CREATION AND BOUNDARIES OF SOIL AND WATER CON-  
27 SERVATION DISTRICTS [OF SUBDISTRICTS]. (a) The commissioner of  
28 natural resources may, on the recommendation of the board, create soil  
29 and water conservation districts in the state [SUBDISTRICTS OF THE

1 SOIL CONSERVATION DISTRICT OF ALASKA,] upon petition signed by 25 or  
2 more land users [OCCUPIERS] setting out the proposed boundaries of the  
3 proposed district [SUBDISTRICT]. The commissioner shall fix a time  
4 for and give notice of a public hearing based on the petition at a  
5 convenient location or locations within the boundaries of the proposed  
6 district [SUBDISTRICT]. The commissioner may fix the boundaries of  
7 the district [SUBDISTRICT] created, supervise the election of, pre-  
8 scribe the duties of, and install a governing body of five land users  
9 [OCCUPIERS] to be known as district supervisors for each district  
10 [SUBDISTRICT] created, and delegate to the district supervisors powers  
11 as the commissioner considers necessary to accomplish the purposes of  
12 this chapter within the district [SUBDISTRICT] boundaries.

13 (b) The area of the state that is not located within a district  
14 organized under (a) of this section shall be governed by the board.

15 \* Sec. 13. AS 41.10.140 is repealed and reenacted to read:

16 Sec. 41.10.140. DEFINITIONS. In this chapter

17 (1) "board" means the Alaska Soil and Water Conservation  
18 Board;

19 (2) "land user" or "user of land" means a person who

20 (A) is a producer of renewable resources, including  
21 farming and forestry; and

22 (B) has a current cooperative agreement with a soil  
23 and water conservation district.

24 \* Sec. 14. AS 41.10.020 and AS 41.10.150 are repealed.

25 \* Sec. 15. The terms of the members of the Alaska Soil Conservation  
26 Board terminate on the effective date of this Act. The initial members of  
27 the Soil and Water Conservation Board appointed under this Act shall be  
28 appointed for the following terms: two members shall serve for three-year  
29 terms; two members shall serve for two-year terms; and one member shall

1 serve for a one-year term. Until soil and water conservation districts  
2 have been created under AS 41.10.110 as enacted in sec. 12 of this bill, a  
3 "land user" includes a person who would have been qualified for appointment  
4 to the Alaska Soil Conservation Board.

5 \* Sec. 16. This Act takes effect July 1, 1983.

Introduced: 2/10/83  
Referred: Resources and  
Finance

BY KERTTULA  
BY REQUEST

1 IN THE SENATE

2

SENATE BILL NO. 120

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to soil and water conservation; and  
7 providing for an effective date."

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17 posed of six [THREE] members. The commissioner of natural resources  
18 or, in the absence of the commissioner, the director of agriculture,  
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24 to settlers of new land to assure the development of the land in a  
25 manner that will permit it to be used in accordance with its capabili-  
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29 methods of cultivation, the growing of vegetation, and changes in use

1 of land, with the consent and cooperation of the land occupier or  
2 agency having jurisdiction of the land;

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4 agreements with, an occupier of land or agency within the state [DIS-  
5 TRICT, SUBJECT TO THE CONDITIONS AS THE BOARD CONSIDERS NECESSARY TO  
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7 the district [SUBDISTRICT] created, supervise the election of, pre-  
8 scribe the duties of, and install a governing body of five land occu-  
9 piers to be known as district supervisors for each district [SUBDIS-  
10 TRICT] created, and delegate to the district supervisors powers as the  
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15 sioner of natural resources on the recommendations of the board.

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19 Board;

20 (2) "land occupier" or "occupier of land" means a person  
21 who

22 (A) holds title to, or is in possession of, three or  
23 more acres of land in the state, whether as owner, lessee,  
24 renter, tenant, or otherwise; and

25 (B) has a current cooperative agreement with a soil  
26 and water conservation district.

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28 \* Sec. 15. The terms of the members of the Alaska Soil Conservation  
29 Board terminate on the effective date of this Act. The initial members of

1 the Soil and Water Conservation Board appointed under this Act shall be  
2 appointed for the following terms: two members shall serve for three-year  
3 terms; two members shall serve for two-year terms; and two members shall  
4 serve for a one-year term.

5 \* Sec. 16. This Act takes effect July 1, 1983.

COMMITTEE REPORT

SENATE

2/10/83

FURTHER Finance

Date: 4-8-83

Mr. President:

The Committee on Resources has had SB 120

.An Act relating to soil and water conservation; and eff date.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 120 (Re)  same title  
 new title
- and recommends with msg do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*McGlasco*  
*Paul Frick*  
*Bob Mulcahy*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

*V. Fisher*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Betty Sabertung*  
 CHAIRMAN *Do Pass*

CSSB 120 - "AN ACT RELATING TO SOIL AND WATER CONSERVATION;  
AND PROVIDING FOR AN EFFECTIVE DATE."

W I T N E S S E S		
DATE	NAME	AFFILIATION
5/17	Bill Heim	DNR
5/17	Richard Ramsey	Kerttula's office

Withdrawn 5/17/83  
By Dept.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 120 Date on Bill: 2/10/83  
Title: Relating to the Alaska Soil and Water Conservation Act.  
Sponsor: Kerttula  
Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		75.0	79.5	92.0
Total		75.0	79.5	92.0

b. Revenues:

Revenue \_\_\_\_\_

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

Includes executive director to serve board and handle activities related to their proposed duties. Travel for six member board is \$10,000 annually. Contractual funds for office space and operating activities.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Sharon Barton Phone: 265-2400  
Division: Commissioner's Office Date: 3/17/83

Approved by Commissioner: \_\_\_\_\_ Date: 3/16/83  
Department: Natural Resources

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Natural Resources	Sponsor (Principal) Kerttula by request	Bill Number SB 120
---------------------------------	--	-----------------------

Department Position  
We support this legislation.

Division Director Bill Heim	Date 3-15-83	Commissioner's Signature <i>Walter D. Smith, Deputy</i>	Date 3-15-83
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GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) none this session	1. b) Other Agencies Affected by Bill
2. a) Organizations: Support for Bill Soil Conservation Sub-districts	2. b) Organizational Opposition to Bill We are aware of none.

3 Program Effects of Bill

Reorganizes the Soil Conservation Sub-districts, expands the scope of the Board, and increases the Board from three to six members.

4 Fiscal Impact:  None  Fiscal Note Attached

5 Amendments Proposed:

6 Comments:  
This legislation is aimed at improving the effectiveness of the Soil Conservation Board. The Administration supported a similar bill (HB 456) last session.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 120 Date on Bill: 2/10/83  
 Title: Relating to the Alaska Soil and Water Conservation Act.  
 Sponsor: Nerttula  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		75.0	79.5	92.0
TOTAL		75.0	79.5	92.0

b. Revenues:

Revenue \_\_\_\_\_

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

Includes executive director to serve board and handle activities related to their proposed duties. Travel for six member board is \$10,000 annually. Contractual funds for office space and operating activities.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Sharon Barton Phone: 265-2400  
 Division: Commissioner's Office Date: 3/17/83

Approved by Commissioner: \_\_\_\_\_ Date: 3/18/83  
 Department: Natural Resources

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
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- Copy to Requestor

2/15/83



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Natural Resources	Sponsor (Principal) Kerttula by request	Bill Number SB 120
---------------------------------	--	-----------------------

Department Position  
We support this legislation.

Division Director Bill Heim	Date 3-15-83	Commissioner's Signature <i>William D. Smyth, Deputy</i>	Date 3-15-83
--------------------------------	-----------------	---	-----------------

GOVERNOR'S OFFICE USE

Comments:

<input type="checkbox"/> Position Noted	By	Date
---	----	------

SUMMARY

1. a) Related Bills (Similar or Conflicting) none this session	1. b) Other Agencies Affected by Bill
---	---------------------------------------

2. a) Organizational Support for Bill Soil Conservation Sub-districts	2. b) Organizational Opposition to Bill We are aware of none.
--	--

3. Program Effects of Bill  
Reorganizes the Soil Conservation Sub-districts, expands the scope of the Board, and increases the Board from three to six members.

4. Fiscal Impact:  None  Fiscal Note Attached

5. Amendments Proposed:

6. Comments:  
This legislation is aimed at improving the effectiveness of the Soil Conservation Board. The Administration supported a similar bill (SB 456) last session.

SB 120  
5/17/83  
Don Muleahy

MEMORANDUM OF UNDERSTANDING  
between  
ALASKA SOIL CONSERVATION DISTRICT  
and the  
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This memorandum establishes a basis for cooperation between the Alaska Soil Conservation District and its associated Subdistricts, and the Alaska Department of Environmental Conservation. Under terms of this agreement, the Department of Environmental Conservation (hereinafter referred to as the "Department") is authorized to cooperate with and to furnish assistance to the Alaska Soil Conservation District, and its associated Subdistricts (hereinafter referred to as the "District" and "Subdistricts," respectively) for the implementation and evaluation of agricultural Best Management Practices as they relate to water quality protection in Alaska

Established under the authority of AS 41.10, the District and Subdistricts have the responsibility for encouraging the active interest of landowners, agriculturists, and the general public, and for informing them of the necessity and methods for achieving resource conservation objectives. AS 46.03 establishes the Department's responsibility to conserve, improve, and protect the State's natural environment, and to coordinate its programs with other organizations concerned with the development and management of water resources.

The Department and the District and Subdistricts therefore share the common objective of protecting the water resources of the State of Alaska, and enter into this Memorandum of Understanding as a means of establishing a foundation for an enduring cooperative working arrangement that seeks to achieve this end.

A. What the Department will do.

1. The Department will designate contact persons at its Regional and Central Offices to coordinate execution of this agreement.
2. To facilitate information exchange, Department representatives will attend selected Subdistrict meetings on a regular basis, will explain the Department's water quality concerns with respect to agricultural activities, will explain water quality standards related to agriculture, and will describe the Department's policy and procedures as they relate to agriculture.
3. A Department representative will attend at least one of the annual Subdistrict meetings.
4. A Department representative will attend farm conservation plan review sessions as appropriate and will explain the Department's water quality protection mandate to the review board.
5. The Department will provide the District with \$10,000.00 on a renewable grant basis, for District and/or Subdistrict activities that are directly related to water quality concerns associated with agricultural operations. By June 1 and December 1 of each year, the District will provide the Department with a report that describes the use of these funds. This grant is subject to annual review, and is contingent upon departmental funding levels.
6. The Department will provide, on a case-by-case basis, support in writing for cooperators seeking cost-sharing funds for water conservation projects.

7. The Department will, in consultation with the District Board and District Conservationists, publish a document describing Department Policy and Procedures related to agricultural development and air and water quality protection.
8. As required, the Department will make available to the Subdistricts the services of personnel qualified to recommend water quality conservation practices related to animal waste disposal and to the use of agricultural pesticides and other chemicals. The Department will provide the Subdistricts with water quality analysis services in the event that water quality problems related to agriculture come to the attention of the Subdistricts, and are deemed by the Department to be significant problems. Such services shall be limited to analyses that are currently within the analytical capability of the Department's laboratory facilities, and shall be undertaken at the discretion of the Department.

B. What the District and/or Subdistricts will do.

1. The District and Subdistricts will designate contact persons to coordinate execution of this agreement.
2. The Subdistricts will explain and demonstrate to Department representatives how water conservation practices are implemented through Subdistrict activities.
3. During the first six months that this agreement is in effect, the Subdistricts will invite a Department representative to participate in farm conservation plan reviews.

4. To facilitate efforts to include water quality protection measures in farm conservation plans for new agricultural disposals, Subdistricts will complete a "Checklist of Agricultural Best Management Practices" for each new farm within their jurisdiction. At the end of any three-month period during which new farm conservation plans have been approved, the Subdistricts will review the checklists for those plans, and send a summary report to the nearest DEC office.
5. The Subdistricts will provide the Department with a copy of their annual work plan. The plan, prepared as a guide for Subdistrict activities, will address existing or potential water quality problems within the Subdistrict, will recommend mitigation measures, and propose means for implementation of such measures.
6. The District Board will assume responsibility for designating recipients of Department grant funds. Funds will be allocated to Subdistricts in accordance with criteria established by the Board.
7. By means of regularly issued newsletters, the District and/or Subdistricts will disseminate to their membership information on Department water quality concerns.
8. Insofar as possible, the Subdistricts will advise and assist Department personnel or their designated assistants in carrying out water quality monitoring projects related to agricultural activities.

C. It is further understood that

1. With respect to farm conservation plan reviews, each party will retain its respective role and authority.
2. Grant funds will not be used for purposes of lobbying.
3. Use of the "Checklist of Agricultural Best Management Practices" will commence upon completion of the Policy and Procedures document described under 7., Part A.
4. This Memorandum of Understanding will become effective when signed by all parties, and will continue in effect for one year, except that it may be modified or terminated at any time by mutual consent of the parties hereto, or may be terminated by either party by giving sixty (60) days notice in writing to the party.

ALASKA SOIL CONSERVATION DISTRICT

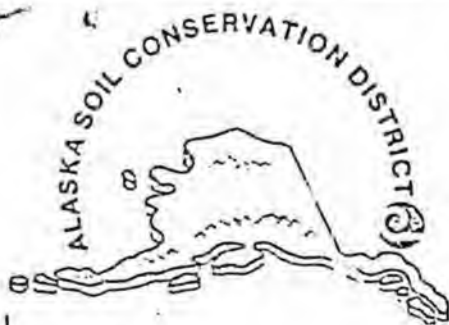
by Claud Oxford, Chairman

Claud T. Oxford Date April 1, 1983

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By Richard A. Neve', Commissioner

Richard A. Neve' Date 4/1/83



Alaska Soil Conservation District  
Pouch A • Wasilla, Alaska 99687 • (907) 376-FARM

August 30, 1982

#### EXECUTIVE SUMMARY

The Alaska Soil Conservation District and its nine Soil Conservation Subdistricts are an entity of the state government which is poorly understood and therefore, relatively unknown. Our purpose is to promote positive growth through wise land use and conservation planning. This is a goal which will touch the life of every Alaskan and we have remained dedicated to this cause for the past 35 years.

In 1982 our support of federal programs has been responsible for approximately \$195,000 worth of cost shared conservation practices on more than 15,000 acres of land in Alaska. Recent Soil Conservation Service records indicate 5,595,222 acres of land in Alaska which is adequately treated as a result of conservation planning. The Alaska Soil Conservation District has been active in the acquisition of approximately \$500,000 of state and federal funds to help support the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in the Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding with the Alaska Division of Forestry establishes a working relationship for conservation planning with regard to privately owned timber resources. The Department of Environmental Conservation also recognizes the ability of the District to address non-point source pollution on agricultural lands for the protection of Alaska's water quality.

Our counterparts throughout the lower 48 states and Hawaii are considered a vital unit within the state government. As a result, they are recognized in many cases as a division within the Department of Natural Resources and receive substantial political and financial backing from their respective legislatures. In 1981 the Idaho legislature appropriated \$400,000 to begin implementing a state conservation cost-share program. In June 1982 Maryland funded \$5,000,000 from the sale of state bonds under the 1974 Water Quality Loan Act for the purpose of establishing a cost-share program for certain projects to control non-point source, agriculturally related water pollution caused by sediment loss, animal waste and chemicals. In June of 1982 the Minnesota legislature authorized the State Conservation Board to allocate funds to share the cost of implementing any systems or practices for erosion or sedimentation control for water quality improvement. Last year, New Jersey funded \$50,000,000 for grants to be administered by the State Conser-

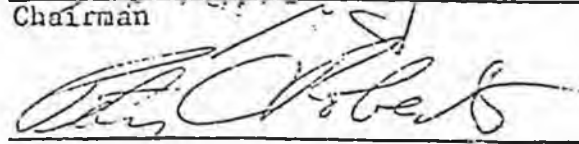
vation Board to land owners for soil and water conservation projects whether they involved farmland, forest, urban, or recreational areas. The list goes on for similar programs sponsored by the Soil Conservation Districts of North Carolina, South Carolina, Oklahoma, Nebraska, etc.

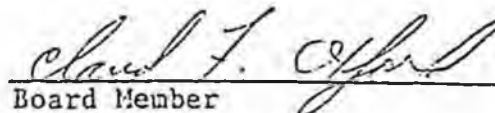
Alaska is unique in the fact that it requires farm conservation plans on any state land disposed for agriculture. However, development of privately owned land through conservation planning is basically voluntary. The Alaska Soil Conservation District is therefore non-regulatory, and implementation of soil and water conservation programs depends on the educational process and reasonable economic incentive.

The state board has requested legislative support in 1971 (SB-177), in 1980 (SB-223), and again in 1981 (HB-456) and was unsuccessful in all three attempts. With the increased rate of resource development experienced in Alaska at this time, it is increasingly difficult to function as a responsible arm of the state government without political and financial support from the legislature and state officials. Our past requests have been quite reasonable when compared to the cost effectiveness of our program. We serve as board members appointed by the governor because we are concerned that Alaska not suffer from the same mistakes made by her sister states as they developed. Other states must function under expensive remedial conservation programs while Alaska has an opportunity to continue a less expensive, preventative program. Without your help, Alaska's conservation program will lose the development race and then we, too, will find ourselves operating under the more expensive remedial programs.

We hope this attempt to gain your attention and inform you of our purpose will prove successful in the upcoming legislative session as we once again request support for our program. It is not a selfish goal but rather one that serves the interests of all Alaskans.

  
Chairman

  
Board Member

  
Board Member

# ALASKA SOIL CONSERVATION DISTRICT

## Long Range Plan

### FOREWORD

The Alaska Soil Conservation District's purpose is to help landowners solve problems involving soil and water conservation and develop additional land with conservation in mind. It is established by Alaska law, with the Commissioner of Natural Resources having power to create subdistricts and plan for the program.

The basic concept of the Alaska Soil Conservation District is that soil and water conservation programs do not deal directly with the land - they deal with people who work with the land. Because most public resource management programs deal with the land base, this fact is frequently misunderstood. However, this program hopes to show that, because this program depends on landowners, its effectiveness is measured by the ability of the District Board to get the landowners to apply conservation techniques.

This Long Range Plan will appraise the resources and establish a preventative program. Most states initiate remedial programs, correcting existing problems. Because we work in a developing state we have the opportunity to install needed conservation practices during the development stages. This plan will also be the foundation of the District's annual plan of operation.

### i. HISTORY OF DISTRICT AND SUBDISTRICTS

The Soil Conservation District of Alaska was created by an Act of the Legislature of the Territory of Alaska in 1947. The Governor appointed the Alaska Soil Conservation Board to govern the District, and the Conservation Advisory Committee as prescribed by the Act. The Board and Advisory Committee governed the District until the Alaska State Organization Act was approved by the Governor, April 3, 1959.

This legislation vested administration of the Soil Conservation District in the Department of Natural Resources. Administration of the District is delegated to the Director of the Division of Agriculture, who is assisted by an Advisory Committee appointed by the Governor.

Along with this legislation, the Commissioner of the Department of Natural Resources has been given the authority to create subdistricts of the Soil Conservation District of Alaska, upon petition signed by 25 or more land occupiers setting out the proposed boundaries of the Subdistrict. There are presently nine active Subdistricts in Alaska. They are Kodiak, Homer, Kenai-Kasilof, Palmer, Wasilla, Montana, Kenny Lake, Fairbanks, and Salcha-Big Delta.

## II. State Authorities

The "Soil Conservation District Law," Title 41 of the Alaska Statutes, gives the District Board of Directors authority and responsibility to design a Long Range Plan for Alaska. This Statute provides for the development, use, and conservation of farm, forest, and grazing lands. The purpose of the District is to "provide for the orderly development of lands for guiding settlement, and for conserving soil and soil resources and controlling and preventing soil erosion."

## III. State Policies

Alaska Statute 36.05.362 states that those lands classified as agricultural lands will remain as such and only the agricultural rights to those lands can be sold. The State retains all other rights. The Board supports this policy, and any other policy that supports preservation of agricultural lands.

## IV. Environmental Setting

### A. Location

Alaska, located in the Northern Hemisphere between longitudes 130° and 172° west, and between latitudes 51° and 72° north, is bordered on the south by the Pacific Ocean, on the west by the Bering Sea, on the north by the Arctic Ocean, and to the east lies the Canadian Provinces. It is the largest of the 50 states, equalling an area one-fifth the size of the United States.

To give a description of Alaska's natural resources, climates, land use trends, and its socio-economic trends would require many volumes.

Because of this, the Board recommends a six volume publication entitled the Alaska Regional Profiles. These profiles were developed through the efforts of the State/Federal Land Use Planning Commission, University of Alaska, and the Division of State Planning and Research.

Also recommended is the Alaska Agricultural Potential, prepared by the Alaska Rural Development Council, which has over a dozen State and Federal agencies as members. It discusses market potentials and the utilization of crops, range, forest, and livestock in developing resources.

The Exploratory Soil Survey of Alaska was used as a resource text in developing this Plan. Containing information useful in large-scale land planning, it also includes predictions of soil behavior for selected land uses, limitations of soil, and environmental impact. Available through the Soil Conservation Service or the Cooperative Extension Service, it broadly describes soils in Alaska.

#### B. Soils

The earliest soil surveys in Alaska, made in 1914, were done as a study of possible routes for the railroad. More detailed surveys were done in 1939 and 1940 by the Soil Conservation Service in the Matanuska Valley. A more comprehensive study was done in 1946, resulting in publication of a schematic map and general discussion of soils in 1951.

Today, detailed surveys have been made in many principal farming and ranching areas and parts of the National Forests, for a total of 1,220,000 acres. These detailed surveys are continuing at an accelerating rate in an effort to keep pace with the resource development plans of Alaska. They have become the most valued tool for determining resource values.

It is noted that Alaska has many types of soil. Some general observations show that:

Poorly drained soils with permafrost cover 1/3 of Alaska; organic soils, many perennially frozen, cover a greater area than all other states put together; and rough mountain land covers 80 million acres, with 16.5 million under permanent ice cover.

However, several development potentials are shown relative to Alaskan Agriculture. These are that there are approximately 20.5 million acres of soil with high agricultural potential, 18.6 million acres with high grazing potential for domestic livestock, and that there are approximately 200 million acres with high potential for reindeer grazing.

Of course, this exploratory survey does not provide all of the information given in detailed soil surveys and must be supplemented or verified by the detailed soil surveys before resource commitments are finalized. For this reason the District will place the continued development of detailed soil surveys as a high priority.

### C. Climate

Alaska has four major climatic zones. They are:

1. Maritime, having water as an influence. It includes Southeast Alaska, has heavy precipitation, cool summers, warm winters, and strong surface winds.
2. Continental Zone, in the Interior, characterized by extreme seasonal temperatures, light precipitation, and light surface

winds.

3. Transition Zone, between Maritime and Continental Zones, has variable weather, more extreme temperatures than Maritime but not so great as Continental. Precipitation and surface winds are quite variable.

4. Arctic Zone, from central Brooks Range north to the ocean. Moderate temperatures along the coast, strong to moderate winds, precipitation is light.

See figure 3 for Zones.

#### D. Water

Alaska's large size, location, and extreme range in climate and topography create very diverse hydrologic conditions. According to geological characteristics, geographic regions are broken down into areas with similar hydrologic characteristics. They are identified as (a) the southeastern portion, east of the 141st meridian, including the Coast mountains; (b) the Southcentral area south of Alaska Range, including Susitna River, Copper River Lowlands, Cook Inlet, and Kenai-Chugach Mountains; (c) Southwestern, principally the Aleutian Range province; (d) Interior with its low broad valleys and the Intermontane Plateaus; and (e) Northern Alaska, including Brooks Range, Arctic Foothills, and Arctic Coastal Plain.

Permafrost and glaciers are widespread in Alaska. Permafrost, or perennially frozen ground, is found in all parts of Alaska except for a strip 25-125 miles wide along the southern coast. Even there, a few small isolated patches persist. Depending on the climatic zone, you will find a transition from thin, scattered patches (discontinuous) to areas over 2000 feet

thick near Barrow (continuous). Because it is impermeable, it limits water absorption, increasing direct run-off and creating numerous lakes or wetlands. Glaciers cover about 17,000 square miles, and are (hydrologically) considered to be water storage facilities.

#### E. Land Use and Economic Trends

Alaskan economy, heavily influenced by use of natural resources, is dependent on resource development and wise use for economic stability. When looking at renewable and non-renewable resources and their selection for future use, several land uses should be considered. They are:

1. Agriculture - Because of its potential as a renewable resource industry, the State is trying to acquire 650,000 acres of quality farm land. With the potential of approximately 20.5 million acres, the 250,000 acres presently scheduled for development creates little impact. Using only a small part of these lands, Alaska is providing 15% of its dairy needs, but still must import over 90% of its food. Development and use of agricultural land could decrease Alaska's dependence on food imports, expand export markets as the world food demand increases, and provide a viable renewable industry within the State.

2. Forestry - With logging being a traditional industry in Alaska, it is important to focus on obtaining an adequate supply of forest lands, thus insuring the future of forest products. Because of limited land selections, and with an approximate 41 million acres of high potential, forest selections should take into account future timber industries (production of chipped and pressed wood products) using interior forest species. This could also help meet local needs for lumber and fuel in the interior.

3. Commercial fisheries - Due to the fact that commercial fishing

is the leading renewable resource industry in Alaska, land use and management decisions should not interfere with waterways. To protect particular watersheds, key parcels of land must be in State ownership. Selections should focus on existing potential hatchery, enhancement, weir, research facility, and access sites as well as certain key watershed areas.

4. Tourism - Rapidly growing into Alaska's second largest renewable resource industry, tourism brought in \$110 million in 1976. Alaska's prime attraction is in scenic wildlands and wildlife. This should be considered when selecting park and recreation lands.

5. Hard rock mineral industries - Approximately 189 million acres of Alaska's land have mineral potential, most of which have not been evaluated in detail at this time. As the demand for this industry develops, lease rentals and royalties may add significantly to revenue. Selection should center around adequate areas to guarantee this source of revenue.

6. Coal lands - Because easily-developed coal lands are somewhat limited, selection should be made with an eye for the potential present and future development. As State oil and gas supplies decrease, coal will become more important, bringing with it a 10% royalty to the State coffers.

7. Oil and gas lands - Oil and gas revenues currently provide the major portion of Alaska's budget. Through direct control of these lands, the State can possibly avoid "boom" and "bust" cycles and extend the benefits of these non-renewable resources over longer periods of time.

## V. Alaska's Historic and Cultural Resources

Discovered by Vitus Bering and Aleksel Chirikov in 1741 and claimed by Russia at that time, Alaska was immediately beset by Russian traders trapping for otter. They followed the Aleutian Islands to the Peninsula, on to Kodiak Island, Cook Inlet, and Prince William Sound. Trading companies were established on Unalaska Island, Kenai Peninsula, and in Prince William Sound. Not firmly established in Alaska, the Russians were concerned over the voyages of the English into the North Pacific. In 1799, the Russian-American Company was organized and the first Russian post was established in Southeast Alaska. Russia had virtually full control.

For most of its 68 years, the Russian-American Company was concerned almost entirely with the sea otter trade. The decline of the sea otter population, along with a failure to develop other resources, the ever-growing numbers of English and American traders, and the defeat of Imperial Russia in the Crimean War influenced the decision to sell Alaska. On October 18, 1867, Secretary of State Seward closed the Alaska deal.

By the 1880s and 1890s, Americans were getting mining well established. Military expeditions put Alaskan rivers on the maps. The Klondike Gold Rush of 1897-98 brought tens of thousands of people into the state. The Army established posts and strung telegraph lines to connect Alaska with the lower United States.

In 1905, the Alaska Road Commission began work on what is now the Richardson Highway. Private enterprise constructed the White Pass and Yukon Railway from Skagway to Whitehorse, linking the navigable Yukon River to a deep-water port. The Copper River Valley, rich in copper, was opened to

development by the construction of the Copper River and Northwestern Railway. Between 1915 and 1923 the Alaska Railroad was built, serving Seward, Anchorage, Fairbanks, and points between, permitting the development of the Susitna and Tanana River Valleys.

Organized a Territory in 1912, Alaska witnessed the end of the gold rush era with World War I and found its economic development dominated by big business. The Alaska Road Commission continued making progress in road construction and the air age arrived. An agricultural community in the Matanuska River Valley was established by the government during the Depression of the Thirties.

World War II and the Cold War ushered in another era. Large military bases were set up near Anchorage and Fairbanks, more airfields were built, the Alaska Highway was put into action, and the Taylor, Seward, and Glenn Highways were opened. This all increased the population tremendously and a drive for Statehood began. On January 3, 1959, President Eisenhower signed the law making Alaska the 49th state in the Union.

Since then, rapid economic growth has occurred, especially in fisheries, timber, and petroleum industries, virtually assuring the State secure economic foundations. When the 104 million acres granted under the Statehood Act (1959) are conveyed, Alaska will be the largest land-holding state west of the Mississippi. The Alaska Native Claims Settlement Act gave \$925 million and 44 million acres of land to Native peoples. Even with these grants, most Alaska lands will remain in Federal ownership.

#### B. Cultural Resources in Alaska

To survive the harsh conditions, people had to become ingenious and resourceful. For example, to hunt and trap, the Eskimo had to know about game habits, and weather and ice conditions, developing special weapons as

he learned. Surviving winter entailed permanent housing heated by available fuel; clothing was made from furs and skins; dog sleds were used as transportation. They survived under incredible conditions, indicating their tremendous resourcefulness.

The past has endowed Alaska with rich legacies. Ancient civilizations built round or rectangular houses from sod, skin, bark, or earth using pole, bone, or log frames. They were either entirely above the ground or built into the ground at various levels. Today they are identifiable by ground depressions, by willow flooring, collapsed posts, or stone rings used to anchor skin tent sides.

Other indications of past civilizations are caribou fences, sometimes miles in length, used to channel caribou to a point for capture; cairns, which were lines of sod or rock piles that were made to look like men to the caribou to aid in capture, and caches where food was stored above or below the ground for future use. We see remains of their fireplaces; ceramic, stone, ivory, antler, bone and wood artifacts; and stone tools. Because of their ready deterioration, ivory, antler, bone and wood objects are not found as often as the others, making them extremely valuable to relic collectors.

Also historically significant are trappers' and miners' cabins, early farming implements, old railroad cars, sternwheelers, gold dredges, downed aircraft; we are familiar with historic trails, and places history happened. Many important historical structures need to be refurbished before they deteriorate past repair.

### C. Alaska State Selections, an Historical Overview

With Congress' enactment of the Alaska Statehood Act in 1959, Alaska

became entitled to more land than any other state in the history of the nation. By 1965, the State had selected about 25 million acres of Federal land under the statehood entitlement, based on potential for oil, gas, and mineral Industries. However, the Department of Interior "froze" selections on December 11, 1968, and suspended action until December 18, 1971, the date of the passage of the Alaska Native Claims Settlement Act. This clearly settled the question of Native land rights, but clouded the future of land ownership patterns until after all lands were selected.

Other provisions of the Act withdrew up to 260 million acres, to be allocated by the Secretary of the Interior. The State filed selections on some 77 million acres one month after the approval of the Act and before the Secretary could act on withdrawing land for the Native and Federal pools. When the Interior Department failed to act, the State filed suit in court, winning an affirmation of title on 41 million acres.

The next major selection of state general grant lands occurred in 1973-74 when the State selected an additional 2.5 million acres. In 1976, when Native rights expired on selection of 30 million acres, the State filed selections against its original statehood entitlements. In April 1977 the State filed selections on 3.6 million acres. The controversial (d) (2) lands then came under contention. In the fall of 1977, the Interior "froze" all selections again until this issue was settled. This legislation is still in a state of debate.

#### VI. Soil, Water, and Related Resource Concerns

A. During 1978, natural resource problems were inventoried by each of Alaska's nine soil and water conservation subdistricts to fulfill requirements of the federal Resource Conservation Act (RCA).

Public meetings were held throughout the State in order to accurately appraise the real problems and concerns of Alaskans, as well as gather ideas and projected solutions to those problems. The results of this inventory were posted in Parts I and II of the Long Range Plan according to the appropriate geographical areas. The field office representing the different subdistricts were as follows:

<u>Field Office</u>	<u>Subdistrict</u>
Fairbanks (Interior)	Fairbanks
Delta (Interior)	Salcha-Big Delta
Palmer (Southcentral)	Kenny Lake Montana Palmer Wasilla
Homer (Kenai Peninsula)	Homer Kenai-Kasilof Kodiak

When one considers the size of Alaska, this survey identified only those concerns from a rather small portion of the State.

B. This part of the Long Range Plan will be an overall perspective of the conservation problems and potential conservation problems of Alaska. As stated in the introduction of this Plan, Alaska's conservation problems are basically ones of prevention, rather than remedy. However, considering the potential agricultural developments, the potential problems become evident. Alaska has the unique opportunity of being in a position to develop its agricultural potential properly, to institute best management practices as a complimentary part of the overall development program, as well as a part of individual conservation plans.

In addition to agriculture, problems relating to mining, construction, urban waste disposal, recreation, etc., will be discussed, with an

attempt to identify solutions. Emphasis is placed on private and state land with federal lands receiving a lower priority. The District will continue to influence what happens on Federal lands in its ongoing effort to achieve "conservation on the land", with the full realization of the enormousness of this task.

It has been suggested that the State fund its own conservation program to take the place of the dying Federal programs that have been so much help in the past. A program of this type would be one way of making a positive effort in preventing and eliminating conservation problems in the State.

Commissioner Richard A. Neve, Department of Environmental Conservation, delivered the attached speech to the Alaska Association of Soil Conservation Districts during their Spring Meeting in Anchorage on 1 April, 1983.

The Commissioner's remarks, and the Memorandum of Understanding signed by the Department and the State Association are enclosed for your information.

*Richard*

LADIES AND GENTLEMEN:

I AM PLEASED TO WELCOME YOU TO ANCHORAGE, AND ESPECIALLY PLEASED TO WELCOME YOUR NATIONAL AND REGIONAL REPRESENTATIVES, MR. MECKELBERG AND MR. BAUM, TO ALASKA. YOUR PRESENCE HERE DEMONSTRATES NATIONAL RECOGNITION OF ALASKA'S GROWING AGRICULTURAL IMPORTANCE.

WHILE APRIL FIRST IS A DAY DURING WHICH WE TRADITIONALLY MAKE JOKES, IT IS AN IMPORTANT DAY TO FARMERS, FOR IT SIGNALS THAT SPRING IS WELL ON ITS WAY, AND THAT MEANS THAT THERE IS LOTS OF WORK TO BE DONE ON THE FARM. I KNOW THIS TO BE THE CASE BECAUSE SOME YEARS AGO I OWNED AND OPERATED A SMALL FARM OF MY OWN IN THE STATE OF WASHINGTON.

AMONG OTHER THINGS, MY DEPARTMENT IS IN THE BUSINESS OF PROTECTING AIR QUALITY AND WATER QUALITY. AS FARMERS, YOUR BUSINESS IS PRODUCING FOOD. OUR TWO ORGANIZATIONS SHARE, HOWEVER, A VERY IMPORTANT COMMON INTEREST -- THE CONSERVATION OF WATER RESOURCES.

I AM HERE TODAY TO ASSURE YOU THAT IT IS MY DESIRE TO PROTECT ALASKA'S WATER RESOURCES WITHOUT UNDULY INTERFERING WITH THE ACTIVITIES OF ALASKA'S FARMERS.

I AM ALSO HERE BECAUSE I BELIEVE THAT COOPERATION BETWEEN FARMERS AND RESOURCE AGENCIES CAN BE MUTUALLY BENEFICIAL. COOPERATIVE PROGRAMS BETWEEN FARMERS AND RESOURCE AGENCIES HAVE LONG BEEN ESTABLISHED IN MANY OF THE AGRICULTURAL STATES IN THE LOWER 48, AND THE MOST SUCCESSFUL OF THESE -- SUCCESSFUL BOTH FROM THE PERSPECTIVE OF THE FARMER OR RANCHER AND FROM THE PERSPECTIVE OF THE RESOURCE AGENCY -- HAVE BEEN IN THOSE STATES IN WHICH THE AGENCIES HAVE DEVELOPED CO-OPERATIVE ARRANGEMENTS WITH SOIL CONSERVATION DISTRICTS AND SUBDISTRICTS.

MEMBERS OF MY STAFF HAVE BEEN WORKING WITH YOUR BOARD FOR SEVERAL MONTHS TO WORK OUT THE TERMS OF SUCH A COOPERATIVE ARRANGEMENT, AND I AM PLEASED TO BE ABLE TO ANNOUNCE TO YOU TODAY THAT WE HAVE REACHED A SATISFACTORY AGREEMENT.

SHORTLY BEFORE LUNCH, I SIGNED A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE ALASKA SOIL CONSERVATION DISTRICT, A FIRST STEP IN WHAT I HOPE WILL BECOME AN ENDURING AND SUCCESSFUL COLLABORATION BETWEEN OUR TWO ORGANIZATIONS.

THIS MEMORANDUM OF UNDERSTANDING PROCEEDS FROM THE ASSUMPTION THAT OUR TWO ORGANIZATIONS INDEED SHARE COMMON OBJECTIVES. A PAIR OF QUOTATIONS FROM YOUR OWN LONG RANGE PLAN SERVE WELL TO ILLUSTRATE SOME OF THESE:

"THE ALASKA SOIL CONSERVATION DISTRICT'S PURPOSE IS TO HELP LANDOWNERS TO SOLVE PROBLEMS INVOLVING SOIL AND WATER CONSERVATION."

"ALASKA'S CONSERVATION PROBLEMS ARE BASICALLY PROBLEMS OF PREVENTION, RATHER THAN REMEDY."

SUCH EXPRESSIONS ARE PERFECTLY CONSISTENT WITH MY OWN VIEWS WITH RESPECT TO CONSERVATION OF WATER RESOURCES.

WE VIEW THIS MEMORANDUM OF UNDERSTANDING AS A MEANS FOR FACILITATING INFORMATION EXCHANGE AS WELL AS COOPERATION. ACCORDINGLY, WE HAVE PROPOSED THAT DEPARTMENT REPRESENTATIVES ATTEND SUBDISTRICT MEETINGS IN ORDER TO EXPLAIN DEC'S WATER

QUALITY CONCERNS. IN RETURN, WE WOULD EXPECT SUBDISTRICTS TO EXPLAIN AND IF POSSIBLE DEMONSTRATE HOW WATER CONSERVATION PRACTICES ARE EFFECTED THROUGH SUBDISTRICT ACTIVITIES AND THROUGH FARM CONSERVATION PLAN REVIEWS.

WE WILL, TO THE BEST OF OUR ABILITY, MAKE AVAILABLE TO THE SUBDISTRICTS THE SERVICES OF PERSONNEL QUALIFIED TO RECOMMEND WATER QUALITY CONSERVATION PRACTICES RELATED TO ANIMAL WASTE DISPOSAL AND THE USE OF AGRICULTURAL PESTICIDES AND OTHER CHEMICALS. IN RETURN, WE WOULD EXPECT SUBDISTRICTS TO ADDRESS WATER QUALITY CONCERNS IN THEIR ANNUAL WORK PLANS AND FARM CONSERVATION PLANS, AND WHEN NECESSARY, TO PROPOSE MEANS FOR MITIGATING WATER QUALITY PROBLEMS.

WE HAVE ALSO ASKED THAT IN THEIR REVIEW OF FARM CONSERVATION PLANS, THAT SUBDISTRICTS WILL MAKE USE OF A "CHECKLIST OF AGRICULTURAL BEST MANAGEMENT PRACTICES" FOR EACH NEW FARM WITHIN THEIR JURISDICTION. IT IS HOPED THAT A QUARTERLY SUMMARY REPORT FROM THE SUBDISTRICTS BASED ON THESE CHECKLISTS WILL PROVIDE MY DEPARTMENT WITH SUFFICIENT INFORMATION ON POTENTIAL WATER QUALITY PROBLEMS TO ENABLE MY STAFF TO ASSIST SUBDISTRICTS IN RESOLVING SUCH PROBLEMS BEFORE THEY BECOME SERIOUS.

I WISH TO EMPHASIZE THAT THE AGRICULTURAL PRACTICES OUTLINED IN THIS CHECKLIST ARE GUIDELINES, NOT REGULATIONS, AND THAT THEY ARE BASED UPON THE BEST INFORMATION AVAILABLE ON AGRICULTURAL AND CLIMATIC CONDITIONS HERE IN ALASKA.

WE ARE ALSO WILLING TO OFFER MORE TANGIBLE SUPPORT TO THE SUBDISTRICTS IN THE INTERESTS OF PROTECTING WATER QUALITY. FOR INSTANCE, ON A CASE-BY-CASE BASIS, WE WILL OFFER SUPPORT IN WRITING TO COOPERATORS SEEKING COST-SHARING FUNDS FROM OTHER AGENCIES FOR WATER CONSERVATION PROJECTS. IN ADDITION, IN ACKNOWLEDGEMENT OF THE INCREASED RESPONSIBILITIES WE ARE ASKING THE SUBDISTRICTS TO SHOULDER, WE HAVE AGREED TO PROVIDE \$10,000 TO THE DISTRICT FOR THE FIRST YEAR THAT THIS MEMORANDUM OF UNDERSTANDING IS IN EFFECT, FOR THE PURPOSE OF SUPPORTING ACTIVITIES DIRECTLY RELATED TO WATER QUALITY CONCERNS.

MOST OF MY REMARKS HAVE BEEN RELATED TO WATER QUALITY. WE ARE ALSO IN THE AIR QUALITY BUSINESS, AND WE ARE AWARE THAT THE NEED TO MAINTAIN HIGH STANDARDS OF AIR QUALITY IS CAUSING PROBLEMS FOR SOME FARMERS. I WANT TO ASSURE YOU THAT WE ARE CONCERNED WITH THESE PROBLEMS, AND TO ASSURE YOU THAT MY DEPARTMENT IS WORKING WITH THE DIVISION OF FORESTRY AND OTHER AGENCIES TO RESOLVE THEM. THE PROBLEMS ARE COMPLEX, AND WILL TAKE TIME TO RESOLVE, BUT WE ARE MAKING PROGRESS. WE ARE TAKING YOUR ECONOMIC CONCERNS INTO CONSIDERATION IN THIS PROCESS.

DEC IS NOT AN AGRICULTURAL AGENCY, AND THIS IS THE FIRST FORMAL RELATIONSHIP WE HAVE ESTABLISHED WITH ALASKA'S FARMING COMMUNITY. WE HAVE A GREAT DEAL TO LEARN FROM YOU. I ASSURE YOU THAT WE ARE LEARNING FAST.

THE MOST IMPORTANT THING THAT THIS MEMORANDUM OF UNDERSTANDING SEEKS TO ESTABLISH IS A CLIMATE OF MUTUAL TRUST AND RESPECT. WITHIN SUCH A CLIMATE, I AM CONFIDENT THAT ANY DIFFICULTIES THAT SHOULD ARISE CAN BE SUCCESSFULLY RESOLVED.

I HAVE FOLLOWED WITH INTEREST THE PROGRESS OF SENATE BILL 120, WHICH PROPOSES, AMONG OTHER THINGS, THAT YOUR NAME BE CHANGED FROM THE ALASKA SOIL CONSERVATION DISTRICT TO THE ALASKA SOIL AND WATER CONSERVATION DISTRICT. I WISH TO COMMEND YOU FOR YOUR ACCEPTANCE OF THIS BROADER RESPONSIBILITY, AND ASSURE YOU THAT I WILL DO WHAT I CAN TO SUPPORT YOUR EFFORTS IN THIS RESPECT.

HOPEFULLY, WE HAVE MADE A BEGINNING TODAY.

ULTIMATELY, WHAT WE AT DEC HOPE TO SEE RESULT FROM THIS NEW RELATIONSHIP IS WHAT YOU, TOO, HOPE TO SEE RESULT -- CLEAN WATERS FLOWING THROUGH PRODUCTIVE FARMLANDS.

I THANK YOU.

The following problem identification and plan of action is drawn from the RCA process, input from local supervisors, SCD supervisors, and agency people who work with Alaska's natural resources. It is not intended to be all-inclusive, but to identify the needs which are presently known. The key to this part of the Alaska Soil Conservation District is the continual review and update as new items develop. An effort has been made in this section to reflect areas within the State which have a very high level of concern for various involvements, based primarily on the RCA process.

## VII. CONSERVATION PROBLEM CONCERN

### A. Agriculture

#### 1. Preservation of Important Farmland (Present and Potential)

a. This is a prime concern of the Alaska citizen. Both present and potential farmlands are being committed to irreversible uses. Approximately 20.5 million acres of potential croplands were identified by the Exploratory Soil Survey of Alaska.

b. Viability of family farms

#### 2. Food and Fiber Production

a. Alaska citizens have for many years expressed a concern for Alaska's need for more local food production, due to the State's isolation. More local food and fiber production could lower costs, improve quality, lower energy consumption, and retain more land in agricultural production.

b. Energy inputs to agriculture production is key to fully developing Alaska's potential.

c. Overall production costs in Alaska pose serious problems compared to most other states

## VII. PLAN OF ACTION

### A. Agriculture

#### 1. Preservation of Important Farmland

a. Development of a strong State agricultural policy

b. Extensive agricultural classification of agricultural soils

c. Resolution of conflicting interests

d. Rapid development of presently known project areas

e. Maintain policy of agricultural rights only

f. Verify areas thought to have high percentage of potential agricultural land

g. Sound resource inventory, planning, and application on project bases

h. Active follow-up of conservation plans on former State lands

#### 2. Food and Fiber Production

a. Same as items a, c, d, & g, above

b. Maximize the transportation and use locally manufactured fertilizer (urea)

c. Expand crop potentials through extensive research programs

d. Develop adequate market/transportation system that will complement and expand to the fullest Alaska agricultural production, both present and potential

## B. Forestry

The RCA process notes a concern on the Kenai Peninsula relative to land use commissions and reforestation. Concern has been expressed due to lack of a forestry (State & Private) industry, competition with potential agricultural lands, availability of wood products, forest utilization and classification, and the loss of quality forestry resources in proposed development projects.

## C. Habitat

1. Fish habitat - levels of pollutants in the water, streamflow levels, and habitat manipulation have a significant bearing on fish habitat

2. Game habitat - concerns have developed as a potential conflict with other land uses, such as agricultural, and the loss of critical game habitats

## D. Lands

1. Important farmlands - Alaska has 20.5 million acres of what is considered unique and important Class II and III agricultural lands, giving Alaska a large agricultural potential.

2. RCA process defined a critical concern for the loss of lands to uses other than desired or real resource potentials. Expressions have been made in loss of production acreages, potential agricultural lands, conversion to irreversible uses, ownership patterns, urban sprawl, and competing uses.

## B. Forestry

1. Develop a strong state forestry policy with consideration for other land uses, such as agriculture, recreation, and wildlife. Must resolve conflict with agricultural interests.

2. Establish a forestry demonstration project comparable to an existing agricultural project with full consideration given to economics, transportation, marketing, and ultimate utilization of the forest products.

3. Strengthen the utilization of the forestry potentials when identified in project development.

## C. Habitat

### 1. Fish habitat

a. maintain full consideration in land use planning and project development

b. maintain critical or necessary wetlands

### 2. Game habitat

a. same as item C-1, a and b above

b. use of wildfire as a management aid

c. development of improved woody plants for habitat uses

3. Develop policy statement (plan) for the identification, preservation, and use of Alaska's fish and game habitat in keeping with other identified land uses, to the maximum benefit of all Alaskans.

## D. Lands

1. Continue the disposal of agricultural classified lands as agricultural rights only; encourage municipalities to do the same when disposing of their lands.

2. Encourage the strengthening of agricultural classifications, agricultural rights, and other efforts that will promote the maintenance and use of agricultural lands.

## H. Rural Development

The importation of food, especially fresh vegetables, at a reasonable cost is a serious problem in "bush" communities and native villages.

### I. Soil Erosion

1. Water erosion of fire trails and cat trails on forestland has been a concern in recent years as development continues. Foot traffic streambanks such as the Russian River is also becoming a concern.
2. Water erosion of certain transportation corridors such as the Haul Road is constantly a problem in Alaska.
5. Streambank erosion is caused mainly by high waters during spring runoff or high rains in upper drainages.
4. Shoreline erosion resulting from big tides, winter storms, and large ice floes is a problem near certain boat harbors and developed shorelines.
5. Water erosion on Alaska's rangeland and tundra results from overgrazing and destructive use by off-road vehicles.
6. Urbanization and poor construction of subdivisions is an increasing problem, especially in the major population areas in Anchorage.
7. Wind erosion in the Delta Junction and Palmer areas is always a concern especially with the increased activity in agriculture. High winds on exposed fields can be devastating. The Knik River has always been a serious problem and the potential in Nenana is there if that agricultural project is approved.

### J. Water

#### 1. Water quality

- a. roadside erosion has been a major concern with respect to water quality. The DOT is doing an excellent job of stabilizing disturbed areas along State roads and highways.

## H. Rural Development

Encourage and support village gardening projects. Work with Extension Service and other agencies in promoting similar projects.

### I. Soil Erosion

1. The District will work with the US Forest Service and other State agencies in regulations and policies addressing the construction of cat trails and fire trails in forested areas.
2. The District will continue supporting the activities of the Soil Conservation Subdistricts in seeding roadsides and ditches. The District has and will continue to support the Department of Transportation (DOT) in their conservation practices on State highways.
3. Encourage and support any solutions offered which will retard streambank erosion.
4. Continue to support NACD and the Army Corps of Engineers in their efforts in preventing shoreline erosion at Ninilchik and Kotzebue.
5. Support the Kodiak SCSD in promoting their off-road vehicle policy. Work with the Reindeer Herders Association and other livestock producers in promoting better rangeland management and animal distribution.
6. Work for better zoning laws and land use planning in urban expansion projects.
7. Encourage the use of windbreaks and shelter belts in areas susceptible to wind erosion. Also encourage the use of no-till or minimum tillage practices on cropland. Support the Palmer SCSD in their efforts in stabilizing the soils on the Knik River.

### J. Water

#### 1. Water quality

- a. subdistricts will be encouraged to support DOT revegetation activities.

1. Water quality cont.

b. moderate sedimentation occurs with the employment of placer mining.

c. water quality is affected during high waters caused by spring runoff and heavy rains. Minimum damage along streams results from the effects of the river boats.

d. agricultural nutrients and chemical pollution pose a potential problem with the increase in agricultural activities in the State. The Agricultural Phase of the State of Alaska Water Quality Management Plan addresses the potential problem in Alaska of water quality degradation associated with agricultural pollutants.

e. animal-waste pollution is a concern and will be of high priority when the Point McKenzie dairy project materializes.

f. ground water pollution is a problem in some heavily populated subdivisions in Alaska. Inadequate sewage facilities, improper land use planning, and other related considerations are some reasons leading to these problems.

2. Management

a. present effects of irrigation on soil and water resources has been minimal to non-existent, but is a concern with intensified development.

b. drainage poses strong concerns in the development of the State's agricultural resources

c. there is a continually increasing demand on water supplies, especially where rapid growth is occurring because of urban sprawl.

3. Flooding

a. flooding has caused property damage in several areas in the State. Areas such as the Chena River around Fairbanks, Knik River near the Cook Inlet, and the Susitna Valley are noted for periods of serious flooding, being more heavily populated.

1. Water quality cont.

b. the district will work with miners and offer assistance in developing adequate conservation measures, with emphasis toward placer and strip mining.

c. work with Fish & Game and DEC to determine ways of retarding sedimentation of streams and stream-bank erosion.

d. as agricultural development continues, best management practices (BMPs) will be applied to prevent the degradation of water quality. The District will cooperate with other State and Federal agencies in implementing these BMPs and the Federal Non-Point Source Pollution Act.

e. support cost-share programs for animal-waste disposal systems and storage facilities, as well as support practices which involve spreading the waste.

f. Assist boroughs and municipalities in zoning and planning and offer technical help in problems related to soils and soil characteristics.

2. Management

a. continue to appraise ground waters in the State and provide assistance in the development of irrigation projects. Encourage those involved to be energy conscious and make continuous appraisals of future energy resources relative to needs.

b. the Board will support and encourage agricultural development which is cognizant of soil and water conservation.

3. Flooding

a. encourage the updating of flood plain maps in developed areas. The need for more detailed maps is important in areas such as the Matanuska and Knik Rivers. The Board shall encourage the Federal government

3. Flooding, cont.

to outline those potential hazard areas affected by flooding in presently developed areas, and in areas with development potential.

4. Supply

a. water supply has never been a major problem in Alaska. The State holds 40% of the Nation's fresh water supply. The biggest concern in this area is the lack of information about groundwater and its availability.

4. Supply

a. work with SCS and other agencies in identifying water tables and other ground water sources and make that information available to the public

K. Wetlands

K. Wetlands

L. Socio-Political

1. Effective local leadership
2. Adequate legislative authorities
3. Effective use of existing authorities
4. Adequate local capital
5. Capability of local units of government to meet resource need
6. Need for cooperative arrangements with other units of government

L. Socio-Political

to and providing for the systematic collection, recording, and distribution of data on the water of the state. (§ 3 ch 41 SLA 1977)

Sec. 41.08.040. Cooperation with other agencies. The state geologist, with the consent of the commissioner, may enter into cooperative agreements with federal, state, and local governmental agencies to perform geological and geophysical surveys, studies, investigations, and services. (§ 1 ch 93 SLA 1972)

Chapter 10. Soil Conservation District Law.

Section	Section
10. Declaration of policy	100. Duty of board to advise commissioner of natural resources
20. Creation and boundaries of soil conservation district	110. Powers of commissioner of natural resources relating to soil conservation
30. Purpose of district	120. Land occupier shall approve plans, etc.
40. Soil conservation board	130. Creation of subdistricts
50. Appointment	140. "Land occupier" defined
60. Qualifications of board members	150. Short title
70. Term of office	
80. Vacancies	
90. Compensation and per diem	

Sec. 41.10.010. Declaration of policy. The farm, forest and grazing lands of the state are basic assets of the state. It is the policy of this chapter, in the interest of the health, safety, and general welfare of the people of the state, to provide for the development, use and conservation of these lands in accordance with their capabilities. (§ 47-4-2 ACLA 1949)

Am. Jur. and C.J.S. references. — 2 Am. Jur., Constitutional Law, §§ 424, 701; 37 Am. Jur., Agriculture, §§ 12, 19, 50, 217; 11 Am. Jur., Municipal Corporations, § 6. Jur., Constitutional Law, § 276; 12 Am. 3 C.J.S. Agriculture §§ 7 to 10.

*Repealed*

Sec. 41.10.020. Creation and boundaries of soil conservation district. The Soil Conservation District of Alaska is created. The district is composed of the area of the state. (§ 47-4-3 ACLA 1949)

Sec. 41.10.030. Purpose of district. The purpose of the district is to provide for the orderly development of lands, for guiding settlement, and for conserving soil and soil resources and controlling and preventing soil erosion. (§ 47-4-3 ACLA 1949)

Sec. 41.10.040. Soil conservation board. The district is governed by the Alaska Soil Conservation Board composed of three members. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.050. Appointment. The governor shall appoint members of the board subject to confirmation by a majority of the members of the legislature in joint session. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.060. Qualifications of board members. Members of the

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board shall be resident bona fide farmers selected from the major farming areas of the state. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.070. Term of office. The term of office of members is three years, except that initial appointments shall be for terms of one, two, and three years, respectively. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.080. Vacancies. The governor shall fill vacancies by appointment for the unexpired term. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.090. Compensation and per diem. Members receive no salary but receive the same per diem and travel expenses authorized for members of state boards. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.100. Duty of board to advise commissioner of natural resources. At the request of the commissioner of natural resources, the board shall meet and advise him in the exercise of his powers, duties, and functions. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

Sec. 41.10.110. Powers of commissioner of natural resources relating to soil conservation. The commissioner of natural resources has the power to

(1) conduct land capability surveys and investigations of potential agricultural areas and of soil conservation and erosion control, including necessary preventative and control measures, in the state; to publish the results of these surveys and investigations and to disseminate information concerning the results of the surveys and investigations to prospective settlers and the general public;

(2) make technical guidance and other assistance available to settlers of new land to assure the development of the land in a manner that will permit it to be used in accordance with its capabilities and treated in accordance with its needs;

(3) carry out measures for soil conservation and erosion control within the district, including engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, with the consent and cooperation of the land occupier or agency having jurisdiction of the land;

(4) cooperate with, furnish assistance to, and enter into agreements with an occupier of land or agency within the district, subject to the conditions as the board considers necessary to advance the purposes of this chapter;

(5) construct, improve, and maintain soil erosion control and conservation structures as are necessary and practical for carrying out the purposes of this chapter;

(6) develop comprehensive plans for the conservation of soil and control of soil erosion within the district, cropping programs, tillage

practices and changes in land use, and publish plans and information and bring them to the attention of occupiers of lands within the district:

(7) accept contributions in money, services, materials, or equipment from the United States or its agencies, from an agency of the state, and from any other source, for use in carrying out the purposes of this chapter. (§ 47-4-5 (1 — 7) ACLA 1949; am §§ 2, 3 ch 82 SLA 1960)

Sec. 41.10.120. Land occupier shall approve plans, etc. No survey, investigation or plan for land shall be undertaken by the district, nor shall measures for soil conservation and erosion control be carried out, without the prior approval of the occupier of the land. (§ 47-4-5(8) ACLA 1949)

Sec. 41.10.130. Creation of subdistricts. The commissioner of natural resources may create subdistricts of the Soil Conservation District of Alaska, upon petition signed by 25 or more land occupiers setting out the proposed boundaries of the subdistrict. The commissioner shall fix a time for and give notice of a public hearing based on the petition at a convenient location or locations within the boundaries of the proposed subdistrict. The commissioner may fix the boundaries of the subdistrict created, supervise the election of, prescribe the duties of, and install a governing body of five land occupiers to be known as district supervisors for each subdistrict created, and delegate to the district supervisors powers as the commissioner considers necessary to accomplish the purposes of this chapter within the subdistrict boundaries. (§ 47-4-5(9) ACLA 1949; am § 3 ch 82 SLA 1960)

*Repealed*

Sec. 41.10.140. "Land occupier" defined. In this chapter "land occupier" or "occupier of land" means a person who holds title to, or is in possession of, three or more acres of land in the state, whether as owner, lessee, renter, tenant, or otherwise. (§ 47-4-5(9) ACLA 1949; am § 3 ch 82 SLA 1960)

Sec. 41.10.150. Short title. This chapter may be cited as the Soil Conservation District Law. (§ 47-4-1 ACLA 1949)

Chapter 12. Western Interstate Nuclear Compact.

Section	Section
10. Entry into compact	40. Filing copies of bylaws
20. Appointment of board member	50. Workmen's compensation coverage
30. Appointment of deputy or assistant board member	

Sec. 41.12.010. Entry into compact. The Western Interstate Nuclear Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other states legally joining therein, in the form substantially as follows:

ARTICLE I. POLICY AND PURPOSE.

The party states recognize that the proper employment of scientific

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**REQUEST**

Bill/Resolution No.: SB 120  
 Title: re: soil & Water conservation  
 Sponsor: Keritua  
 Requestor:                                     

**II. FISCAL DETAIL**

Agency Affected: Div. of Agriculture  
 Program Category Affected:                                       
 SRU, Program of Subprogram(s) Affected: Ag. Development

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**IV. ANALYSIS: Attach a separate page for any Analysis**

Prepared By: Department of Natural Resources Phone: 376-3276  
 Division: Division of Agriculture Date:                       
 Approved for Commissioner: M. H. Halloran Date: 4/8/83  
 Department: NATURAL RESOURCES

**Distribution:**

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

Date: 6/17/83

6/10/83

Mr. Speaker:

The Committee on FINANCE has had CSSB 122 (Jud) am

"An Act relating to protection of the elderly."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>H</sup>CS for CSSB 122 (HESS)  same title
- new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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[Signature]  
CHAIRMAN

COMMITTEE REPORT  
HOUSE

FURTHER:

(11)

Date: 1/11/83

6/10/83

Mr. Speaker:

The Committee on FINANCE has had CSSB 122 (Judicial)

"An Act relating to protection of the elderly."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>H</sup>CS for CSSB 122 (House)  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

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OTHER RECOMMENDATIONS:

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CHAIRMAN

Offered: 6/10/83  
Referred: Finance

Original sponsors: Josephson and  
V.Fischer

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 122 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to protection of the elderly."

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

8 \* Section 1. PURPOSE. In order to protect elderly persons from eco-  
9 nomic and physical harm and to assist elderly persons who are unable to  
10 protect or care for themselves, the legislature requires the reporting to  
11 the state by health professionals and others of cases involving elderly  
12 persons who have been or are being harmed. It is the intent of the  
13 legislature that required reports be made regardless of any evidentiary  
14 privileges established by state law or by the Alaska Rules of Court. It is  
15 the intent of the legislature that these reports of harm be investigated  
16 and that appropriate protective services be offered in an effort to prevent  
17 or alleviate harm to the elderly persons of the state. It is further the  
18 intent of the legislature to provide immunity from civil or criminal  
19 liability to persons making good faith reports of economic, physical or  
20 other harm to an elderly person.

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

22 CHAPTER 24. PROTECTION OF THE ELDERLY.

23 Sec. 47.24.010. REPORTS OF HARM. (a) The following persons  
24 who, in the performance of their professional duties, have reasonable  
25 cause to believe that an elderly person has suffered harm shall, not  
26 later than 24 hours after first having cause for the belief, report  
27 the harm to the Department of Health and Social Services:

28 (1) a physician or other licensed health care provider;

29 (2) a mental health professional as defined in

1 AS 47.30.915(11);

2 (3) a pharmacist;

3 (4) an administrator of a nursing home, residential care or  
4 health care facility;

5 (5) a guardian or conservator;

6 (6) a police officer;

7 (7) a village public safety officer;

8 (8) a village health aide;

9 (9) a social worker;

10 (10) a member of the clergy;

11 (11) a staff employee of a project funded by the Older  
12 Alaskans Commission;

13 (12) an employee of a homemaker program or home health aide  
14 program;

15 (13) an emergency medical technician or a paramedic in the  
16 mobile intensive care program.

17 (b) A report of harm made under this section may include the  
18 name and address of the person reporting the harm and shall include

19 (1) the name and address of the elderly person;

20 (2) information relating to the nature and extent of the  
21 harm;

22 (3) other information that the person reporting the harm  
23 believes might be helpful in an investigation of the case or in pro-  
24 viding protection for the elderly person.

25 (c) A person who fails to comply with this section is guilty of  
26 a violation as defined in AS 11.81.900(55).

27 (d) This section does not prohibit a person listed in (a) of  
28 this section from reporting cases of economic or physical harm to an  
29 elderly person that have come to the person's attention in a

1 nonprofessional capacity. This section does not prohibit any other  
2 person from reporting economic harm to an elderly person that the  
3 person has reasonable cause to believe is a result of theft, fraud, or  
4 coercion by a caretaker of the elderly person, or physical harm to an  
5 elderly person that the person has reasonable cause to believe is a  
6 result of abuse, neglect, or abandonment.

7 (e) If immediate action is necessary to protect the elderly  
8 person from imminent harm, the person shall make the report of harm to  
9 a police officer or a village public safety officer. The police  
10 officer or village public safety officer shall take immediate action  
11 to protect the elderly person and shall, at the earliest opportunity,  
12 notify the department.

13 (f) A person who, in good faith, makes a report of economic or  
14 physical harm to an elderly person under this chapter, or who partici-  
15 pates in judicial proceedings related to the submission of reports  
16 under this chapter, is immune from any civil or criminal liability  
17 that might otherwise be incurred or imposed.

18 (g) Failure to make a report under subsections (a) and (d) of  
19 this section is not the basis of civil liability unless otherwise  
20 provided by law.

21 Sec. 47.24.020. ACTION ON REPORTS. (a) Upon receiving a report  
22 of harm, the department shall promptly initiate an investigation to  
23 determine the economic or physical condition of the elderly person  
24 named in the report and whether action or services are needed for the  
25 protection of the elderly person. The department shall personally  
26 interview the elderly person during the investigation, unless the  
27 elderly person is unconscious or otherwise physically or mentally  
28 impaired to such an extent as to be unable to respond to questions.

29 (b) The department shall prepare a written report of the

1 investigation, including findings, recommendations, and a  
2 determination of whether and what kind of protective services are to  
3 be offered to the elderly person. Upon request, the person who  
4 reported harm to the elderly person shall be notified of the status of  
5 the investigation. The department shall provide to the Department of  
6 Law a copy of each report of an investigation of harm to an elderly  
7 person if the report of harm is confirmed to be true.

8 (c) The department shall immediately terminate an investigation  
9 under this section upon the request of an elderly person who is the  
10 subject of a report of harm. However, if the department has reason-  
11 able cause to believe that the elderly person is incapacitated, the  
12 department may petition the superior court under AS 13.26 for appoint-  
13 ment of a guardian or temporary guardian for the elderly person for  
14 the purpose of obtaining consent to continue the investigation.

15 Sec. 47.24.030. PROTECTIVE SERVICES. (a) The department shall  
16 provide available protective services to a harmed elderly person if  
17 and to the extent to which the elderly person consents. If the de-  
18 partment has reasonable cause to believe that the elderly person lacks  
19 the capacity to consent to receiving protective services, it may  
20 petition the superior court under AS 13.26 for appointment of a guard-  
21 ian or temporary guardian for the elderly person for the purpose of  
22 obtaining consent.

23 (b) If an elderly person who has consented to receiving protec-  
24 tive services is prevented by a caretaker from receiving the services,  
25 the department may assist the elderly person to petition the superior  
26 court for an injunction restraining the caretaker from interfering  
27 with the provision of protective services to the elderly person.

28 Sec. 47.24.040. REVIEW AND REFERRAL. The department shall, not  
29 later than 90 days after initiating the provision of protective

1 services to an elderly person, initiate a review of the case to deter-  
2 mine whether continuation or modification of protective services that  
3 are being provided is warranted. The department shall reevaluate the  
4 case every 90 days thereafter until the case is closed.

5 Sec. 47.24.050. CONFIDENTIALITY OF REPORTS. (a) Investigation  
6 reports and reports of harm filed under this chapter are confidential  
7 and are not subject to public inspection and copying under  
8 AS 09.25.-110 - 09.25.125. However, in accordance with this chapter  
9 and regulations adopted under this chapter, investigation reports may  
10 be used by appropriate governmental agencies inside and outside the  
11 state, in connection with investigations or judicial proceedings  
12 involving harm to an elderly person.

13 (b) The department shall disclose a report of harm if the elder-  
14 ly person who is the subject of the report consents in writing. The  
15 department shall, upon request, disclose the number of verified re-  
16 ports of harm that occurred at an institution for care of the elderly.

17 Sec. 47.24.060. AUTHORITY OF THE DEPARTMENT. In performing its  
18 duties under this chapter, the department may, subject to the elderly  
19 person's consent, initiate actions necessary to assure the health,  
20 afety and welfare of an elderly person, including the transfer of the  
21 elderly person from a nursing home, residential care or health care  
22 facility.

23 Sec. 47.24.070. REGULATIONS. Regulations to implement this  
24 chapter shall be approved by the Older Alaskans Commission (AS 44.21.-  
25 200) before adoption by the department.

26 Sec. 47.24.075. QUARTERLY REPORT. The department shall submit  
27 to the Older Alaskans Commission each quarter a statistical report of  
28 the department's activities related to the protection of elderly  
29 persons in the state. The report may not disclose the identity of

1 victims or perpetrators of the harm.

2 Sec. 47.24.100. DEFINITIONS. In this chapter

3 (1) "abandonment" means desertion of an elderly person by a  
4 caretaker;

5 (2) "abuse" means the infliction of physical pain or in-  
6 jury, the infliction of mental anguish that requires medical  
7 attention, or the deprivation by a caretaker of services that are  
8 necessary to maintain the physical and mental health of an elderly  
9 person;

10 (3) "caretaker" means a person who is responsible for the  
11 care of an elderly person as a result of a family relationship, or who  
12 has assumed responsibility for the care of an elderly person volun-  
13 tarily, by contract, or by court order;

14 (4) "department" means the Department of Health and Social  
15 Services;

16 (5) "economic harm" means intentional economic exploitation  
17 of an elderly person resulting from theft, fraud, or coercion by a  
18 caretaker of the elderly person;

19 (6) "elderly person" means a resident of Alaska who is 65  
20 years of age or older;

21 (7) "harm" means physical harm or economic harm;

22 (8) "incapacitated" means a person's ability to receive and  
23 evaluate information or to communicate decisions is impaired for  
24 reasons other than minority to the extent that the person lacks the  
25 ability to obtain the essential requirements for physical health or  
26 safety without court-ordered assistance;

27 (9) "neglect" means the failure by the caretaker of an  
28 elderly person to provide services necessary to maintain the physical  
29 and mental health of the elderly person;

1           (10) "physical harm" means injury to the person of an  
2 elderly person resulting from abuse, neglect or abandonment:

3           (11) "police officer" has the meaning given in AS 18.65.-  
4 290(2);

5           (12) "protective services" means services intended to  
6 prevent or alleviate harm resulting from abuse, neglect, exploitation,  
7 or abandonment.

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HCS SB 122  
 Title Relating to protection of the elderly  
 Requested by House Finance Committee Date 6/15/83

II. FISCAL DETAIL  
 Agency Affected DHSS  
 Program Category Affected Social Services  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		7.5				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		10.0				
TOTAL		\$ 17.5				

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		17.5				
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

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

No new positions are necessary to implement this legislation at this time. If the need for new positions becomes evident in the next fiscal year, they should be requested through the FY 85 budget process.

The amount provided in contractual is for public education through the media.

The amount provided in the grants line item is for services for the abused who are not eligible for General Relief or another program.

IV. DATE \_\_\_\_\_ PREPARED BY \_\_\_\_\_

IV. DATE 6/15/83 PREPARED BY Al Adams, Chair *APA*  
 AGENCY House Finance Committee  
 Original: Legislative Finance PHONE 465-3706  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/82)

The following individuals may testify on SB 122:

Senator Josephson, prime sponsor

A representative of the Department of Health & Social Services

A representative of the Older Alaskans' Commission

## POSITION PAPER

CS FOR SENATE BILL NO. 122 (HESS)

PAGE 1

"An Act relating to protection of the elderly."

OVERVIEW

This Bill includes provisions for mandatory reporting of cases of physical harm to elderly persons, investigation of reports of harm by the Department of Health and Social Services, and the offering of appropriate protective services to elderly persons in an effort to prevent or alleviate physical harm.

STATEMENT OF THE PROBLEM

In the past few years there has been increasing awareness across the nation, including Alaska, of the problems of elder abuse and neglect, as well as those elderly persons who are unable to protect or care for themselves. In 1981 an Elder Abuse Task Force was created in Anchorage and a pilot project grant was awarded to the Anchorage Community Mental Health Clinic Geriatric Unit to address the issue of elder abuse. In 1982, Elder Abuse Task Forces were created in Fairbanks and Juneau.

Elderly Alaskans in need of protective services are served by the Division of Family and Youth Services under its Adult Protective Service program which serves adults age 18 and over. Adult Protective Services are provided on a voluntary basis by a mandate under Title XX of the Social Security Act. Division social workers respond to voluntary reports of harm, investigate the circumstances of abuse, neglect, and exploitation, and offer appropriate protective services. If an adult client does not consent to services and is not incapacitated as defined under AS 13.26.005, the guardianship statute, the Division has no legal authority to intervene. If, however, an investigation indicates that an adult is incapacitated, the Division may petition the court for a guardian.

Division of Family and Youth Services' staff have actively participated in the Elder Abuse Task Forces. As a part of the Division's Fiscal Year 1983 Adult Protective Services Training Program, the issues of elder abuse, guardianship and conservatorship have been addressed. Community agencies, including programs serving older Alaskans, were invited and participated in these sessions which were conducted in Anchorage, Bethel, Fairbanks, Juneau, Ketchikan, and Nome.

Since reporting of abuse or physical harm to elderly persons is not mandatory, not all known cases are reported to a single agency. As a result, the actual extent of the problem is not known. Should the

number of cases reported under the mandatory requirement significantly impact caseloads, the Division will include necessary documentation to support the need for additional staff and service dollars in the FY 85 budget. If Additional staff and service dollars become necessary but not available, the Division may not be able to meet the intent of the legislation.

RECOMMENDATION

The Department strongly endorses efforts to promote the independence and well-being of those elderly persons in need of protection. The procedures outlined in the Bill for action on reports, provision of protective services, review and referral, and confidentiality are in accordance with procedures established by the Department of Health and Social Services.

RECOMMENDED: Michael L. Price  
Michael L. Price, Director  
Division of Family and  
Youth Services

DATE: March 25, 1983

APPROVED BY: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner

DATE: 3/30/83

I. REQUEST  
 Bill/Resolution No.: CSSB 122  
 Title: Protection of the Elderly  
 Sponsor: Josephson  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected: H&SS  
 Program Category Affected: Social Servi  
 BRU, Program of Subprogram(s) Affected  
 Program Services BRU, Adult Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		7.5	8.0	8.4	8.9	9.5
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		10.0	10.6	11.2	11.9	12.6
TOTAL OPERATING		17.5	18.6	19.6	20.8	22.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		17.5	18.6	19.6	20.8	22.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funds was not identified by the sponsors.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price, Director *Michael L. Price* Phone: 465-3170  
 Division: Family and Youth Services Date: 3/23/83  
 Approved by Commissioner: Robert Gordon Smith Date: 3/30/83  
 Department: R & S.S.

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

CS FOR SENATE BILL NO. 122  
FISCAL NOTE

REVISED 3/23/83  
PAGE 2

IV. ANALYSIS

A. Assumptions

Passage of this Bill would necessitate educating the public through the news media and handouts. Regulations would need to be promulgated. These functions would be performed by existing staff. Without historical data for reporting abuse, neglect, or abandonment, the assumption is made that one-half again as many situations reported would result in placement, and counseling with both the individual and the family.

B. Program Summary

1. No new positions would be required.
2. Contractual Services includes costs for printing regulations and for news media public educational announcements. Benefits to individuals includes special needs items for adult clients such as fuel supply and transportation to and from necessary services.

C. Computations

Estimates for Contractual are based upon similar previous costs. The estimates for Benefits to Individuals does not reflect a formula as there is no previous history upon which to base costs.

D. Economic Impact

Enactment will help prevent or alleviate physical harm to the elderly, and will promote their ability to remain independent.

E. Impact on Local Governments

There will be no fiscal impact on local governments.

STATE OF ALASKA  
FISCAL NOTE

Revision Date 5/17, 1983

I. REQUEST

Bill/Resolution No.: CSSB 122  
 Title: "...protection of the elderly."  
 Sponsor: Josephson and V. Fischer  
 Requestor: Judiciary

II. FISCAL DETAIL

Agency Affected: Health & Social Services  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		210.0	222.6	236.0	250.2	265.2
200 TRAVEL		8.4	8.9	9.4	10.0	10.6
300 CONTRACTUAL		10.4	11.0	11.7	12.4	13.1
400 COMMODITIES		1.8	1.9	2.0	2.1	2.3
500 EQUIPMENT		6.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		10.0	10.6	11.2	11.9	12.6
<b>TOTAL OPERATING</b>		<b>246.6</b>	<b>255.0</b>	<b>270.3</b>	<b>286.6</b>	<b>303.8</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		246.6	255.0	270.3	286.6	303.8
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME		5	5	5	5	5
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price  
 Division: Family & Youth Services

Phone: 465-3170  
 Date: 5/17/83

Approved by Commissioner: Robert London Smith, Ph.D.  
 Department: H & SS

Date: 5/24/83

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CS FOR SENATE BILL NO. 122  
FISCAL NOTE

REVISED 5/17/83  
PAGE 2

IV. ANALYSIS

A. Assumptions

The establishment of mandatory reporting of cases of physical and economic harm to elderly persons would necessitate educating the public through the news media and handouts. Regulations would need to be promulgated. Without historical data for reporting abuse, neglect, or abandonment, the assumption is made that one-half again as many situations reported would result in placement and counseling with both the individual and family, which would require the establishment of permanent full-time positions in Anchorage and Fairbanks and permanent part-time positions in Juneau, Ketchikan, Nome, Bethel and Palmer.

B. Program Summary

1. Positions: The increase in caseloads would require establishing the following positions:

Social Worker III	PFT	Anchorage
Social Worker III	PFT	Fairbanks
Social Worker III	PPT	Juneau
Social Worker III	PPT	Ketchikan
Social Worker III	PPT	Nome
Social Worker III	PPT	Bethel
Social Worker III	PPT	Palmer

2. Other Expenditures:

It will be necessary to secure additional office space, copier, telephones, postage, commodities and minimal equipment for each new position. Detail of these costs are reflected on the attached Forms 13. Funds will also be necessary to provide special needs for adult clients.

C. Computations

Computations are those used in the FY 84 budget with a 6% inflation factor for future years.

D. Economic Impact

Enactment will help prevent or alleviate physical harm to the elderly, and will promote their ability to remain independent.

E. Impact on Local Governments

There will be no fiscal impact on local governments.

TITLE OF INCREMENT	4. CODE	EXPENDITURE BY OBJECT	AGENCY REQ.	GOV'S REQ.	
Protection of the elderly	100	Personal Services	210.0		
	200	Travel	8.4		
	300	Contractual Services	10.4		
	400	Commodities	1.8		
	500	Equipment	6.0		
	600	Lands, Buildings, Etc.			
	700	Grants, Claims, Etc.	10.0		
	800	Miscellaneous			
	TOTAL			246.6	
	I-A Transfer (NON-ADD)				
EXPLAIN WHICH BRU OBJECTIVE IS AFFECTED, AND HOW.	Federal Receipts - Code:				
	General Fund			246.6	
	Other				
	5. POSITION INFORMATION				
	PFT		2		
	Staff Months		54		
	FTE		5		
	6. INCREMENT PRIORITY				
	BRU Level: _____ of _____		BRU Agency		
	Agency Level: _____ of _____		Agency		
7. CHECK ONE OR BOTH					
<input type="checkbox"/> Currently Existing Service					
<input checked="" type="checkbox"/> New Service					
8. IMPACT FROM CAPITAL PROJECT (NAME)					
_____					
Chapter _____ SLA _____ Page/Line _____					
BRIEFLY DESCRIBE WHAT THIS INCREMENT PURCHASES.		Costs for printing of regulations and for news media public educational announcements, costs for special needs for adult clients, and positions necessary to provide protective services to adults.			

6 INCREMENT REQUEST
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AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

FY 84
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Page 1 of 1
Revised Date

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	ORG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		30,876							
6.	Benefits		1,896							
7.	Supplemental Benefits		5,280							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		40,932					
10.	Travel		02		2,000					
11.	Contractual		03		1,482					
12.	Commodities		04		400					
13.	Equipment		05		860					
14.	Other									
15.	TOTAL COST				45,674					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

Page 1 of 7  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary	35,580										
6.	Benefits	2,184										
7.	Supplemental Benefits	6,084										
8.	Fixed Benefits	2,880										
9.	TOTAL PERSONAL SERVICES	01		46,728								
10.	Travel	02		2,000								
11.	Contractual	03		1,482								
12.	Commodities	04		400								
13.	Equipment	05		860								
14.	Other											
15.	TOTAL COST			51,470								
	RECEIPT CODE	FUNDING SOURCE										
16.		Federal Receipts 1002										
17.		G.F. Match 1003										
18.		General Funds 1004		51,470								
19.		I-A Receipts 1005										
20.		Program Receipts 1028										
21.		Other										
FOR D&M USE ONLY												
4A KEY NUMBER _____												

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

Page 2 of 7  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Palmer	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary		16,020									
6.	Benefits		984									
7.	Supplemental Benefits		2,736									
8.	Fixed Benefits		2,880									
9.	TOTAL PERSONAL SERVICES		01								22,620	
10.	Travel		02								800	
11.	Contractual		03								1,482	
12.	Commodities		04								200	
13.	Equipment		05								860	
14.	Other											
15.	TOTAL COST										25,962	
	RECEIPT CODE	FUNDING SOURCE										
15.		Federal Receipts 1002										
17.		G.F. Match 1003										
18.		General Funds 1004		25,962								
19.		I-A Receipts 1005										
20.		Program Receipts 1028										
21.		Other										
FOR B&M USE ONLY												
4A KEY NUMBER												

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population

BRU Program Services

COMPONENT Adult Services

**FY 84**

Page 3 of 7

Revised Date

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juncat	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		15,444							
6.	Benefits		948							
7.	Supplemental Benefits		2,640							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		21,912					
10.	Travel		02		800					
11.	Contractual		03		1,482					
12.	Commodities		04		200					
13.	Equipment		05		860					
14.	Other									
15.	TOTAL COST				25,254					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004					
19.					I-A Receipts 1005					
20.					Program Receipts 1028					
21.					Other					
FOR BGM USE ONLY										
4A KEY NUMBER										

This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

**13** REQUEST FOR  
NEW POSITION

Page 4 of 7  
Revised Date \_\_\_\_\_

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Ketchikan	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL		ADDITION		JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT	<p>This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.</p>					
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	15,444								
6.	Benefits	948								
7.	Supplemental Benefits	2,640								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01	21,912							
10.	Travel	02	800							
11.	Contractual	03	1,482							
12.	Commodities	04	200							
13.	Equipment	05	860							
14.	Other									
15.	TOTAL COST		25,254							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	25,254						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR IAH USE ONLY										
9A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

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Revised Date \_\_\_\_\_

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT C.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PMT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION None	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL	ADDITION			JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT		<p>This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.</p>				
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	20,364								
6.	Benefits	1,248								
7.	Supplemental Benefits	3,440								
8.	Fixed Benefits	2,880								
9.	TOTAL PERSONAL SERVICES	01		27,972						
10.	Travel	02		1,000						
11.	Contractual	03		1,482						
12.	Commodities	04		200						
13.	Equipment	05		860						
14.	Other									
15.	TOTAL COST			31,514						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	31,514						
19.		I-A Receipts	1005							
20.		Program Receipts	1028							
21.		Other								
FOR HRM USE ONLY										
4A KEY NUMBER _____										

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population  
BRU Program Services  
COMPONENT Adult Services

**FY 84**

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Revised Date \_\_\_\_\_

1.	POSITION TITLE Social Worker III				RANGE/STEP 16 A	BARG. UNIT G.G.U.	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 6	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Bethel	ELECTION DISTRICT	LEG.		

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	20,364	
6.	Benefits	1,248	
7.	Supplemental Benefits	3,440	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	27,972
10.	Travel	02	1,000
11.	Contractual	03	1,482
12.	Commodities	04	200
13.	Equipment	05	860
14.	Other		
15.	TOTAL COST		31,514

JUSTIFICATION

This position will be necessary to provide information and referral, case assessment, case planning, authorizing and arranging for the placement of elderly in a residential care facility or adult foster home. It will also be responsible for assuming a portion of the current adult protective services caseloads which are in excess of the 50 cases per worker recommended on the national level.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	31,514
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR BAAI USE ONLY  
4A KEY NUMBER

**13** REQUEST FOR  
NEW POSITION

AGENCY Health and Social Services  
Social and Economic Assistance  
PROGRAM for the General Population

BRU Program Services

COMPONENT Adult Services

**FY 84**

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Revised Date \_\_\_\_\_

## Protective Services Legislation for the Elderly

C. Edwin Vaughan  
Department of Sociology  
and Center on Aging Studies  
University of Missouri-Columbia

- ✓ An 89-year-old woman lives alone in a trailer court outside a southern Missouri town. She is blind and has become too weak to lift a jug of water.
- ✓ A man in his sixties, who was once left bound hand and foot in a car by his caretakers, signs over his pension check to them each month because he is afraid they otherwise would turn him out.
- ✓ A 77-year-old man is chronically depressed and disoriented from the interaction of excessive dosages of medication being given to him by another person charged with his care.

These are only three of the estimated 19,000 elderly Missourians who need protection from abuse, neglect, or exploitation. This guide will describe forms of abuse and situations in which it is likely to occur, and summarize the provisions of Missouri law to deal with abuse.

### The law

In response to public concern, the Protective Services Law for the Elderly was passed by the Missouri General Assembly and signed by the Governor in 1980. This law is designed to assist and protect persons age 60 or older who are unable to perform or obtain essential services or to protect their own interests. The protective services provided by this law consist of visits by social workers supplemented by such community functions as visiting nurses services, home-



maker services, hot meal delivery, and telephone checks. Legal intervention may also enter the picture in the form of guardianship, commitment, emergency service delivery, and protective placement.

Missouri is one of only thirteen states that has a law specifically designated to help prevent abuse and neglect of the elderly. This law establishes a system for reporting instances of abuse and neglect and provides for assistance to be given to the victims.

## How to report abuse or neglect

If you have reasonable cause to suspect that an elderly person is suffering serious physical harm and is in need of protective services, use the Elderly Abuse and Neglect Hotline maintained by the Department of Social Services Division of Aging. The hotline number is 1-800-392-0210.

Or, if you prefer, write the Department at:

Central Registry Unit  
Division of Aging  
P.O. Box 1337  
Jefferson City, MO 65102

When making your report include the following information:

1. Name, age, and address of the older person in need.
2. Names and addresses of any individuals responsible for the older person.
3. The nature and extent of the older person's condition.

You are not required to give your name when making a report. If you are uncertain of how to proceed or have any questions, call the toll-free hotline number mentioned above.

## Types of abuse

To assist you in identifying cases of abuse, the law describes four basic situations in which serious harm is likely to come to an individual:

1. Self-neglect. This situation is indicated by the elderly person's failure or inability to provide for his or her own essential needs, resulting in substantial risk that physical harm will ensue.
2. Self-abuse. In this situation there is reason to believe that an elderly person will inflict physical harm upon himself, as evidenced by his own actions or threats to do so.
3. Abuse to others by an elderly person. This situation is one in which there is a substantial risk that an elderly person will inflict physical harm upon another, as evidenced by his own actions or behavior.
4. Abuse to elderly by others. In this situation there is a substantial risk that further physical harm will occur to an older person who has already suffered physical injury, neglect, sexual or emotional abuse, other forms of maltreatment, or the wasting of his financial resources by another person.

The following discussion will focus on abuse to the elderly by others.

## Abuse by others

A study by the Office on Aging in Bergen County, New Jersey has shown that there are four main categories of abuse to the elderly by other persons:

1. Physical abuse. This may take various forms, including shaking or shoving, tying the elderly person to a chair so "he won't hurt himself" while others are gone, and encouragement by the family or a physician for the elderly person to be given drugs to make him or her "manageable."
2. Deprivation. This is withholding life's necessities, such as food, clothing, shelter, and medical care.
3. Financial abuse. This involves the removal of money or real estate from the older person's control when it is not necessary for the good of the individual to do so.
4. Emotional abuse. This includes such things as verbal abuse (excessive criticism or unrealistic demands), forcing the elderly person to change his or her residence, and infantilization (denying the older person the right to be treated as an adult, to be informed about his or her own health condition, to participate in family and social situations, and so forth). Emotional abuse is covered by the Protective Services Law only when there is evidence of physical harm resulting from the emotional abuse. Such problems as ulcers and high blood pressure are evidence of such physical harm.

## What happens after you report

If you make a report of abuse or neglect, a local social service worker will visit the older person's residence to evaluate the situation. In emergency cases this visit will be made within twenty-four hours; in less severe cases a maximum of thirty days is permitted.

By reporting abuse or neglect you will not be forcing an older person to accept services he or she does not want. The Protective Services Law states that if an elderly person does not consent to receive protective services, those services will not be given; and if the elderly person withdraws consent previously given, the services will be discontinued. The only exceptions are those cases in which there is reason to believe that the older person lacks the capacity to consent. In such instances the director of the Department of Social Services may seek a court order.