

180

HHESS

HB 734

-

HB 862

180

COMPARISON OF HB 734 WITH HB 645

(Guardianships)

HB 734

HB 645

(Mental Health Task Force)

(Governor's bill)

Sec. 4 defines "full" and "partial" guardians.

Sec. 1 treats of "plenary" and "partial" guardians.

Requires enumeration of partial guardians duties by court order.

Sec. 2 Requires court order enumerating duties of partial guardian.

Sec. 5 Brings testamentary guardians into "partial" concept.

Sec. 6 Sets up separate procedure for appointment of "partial" guardian.

Sec. 7 Strengthens rights of respondent in full guardianship procedure.

Sec. 3 Court to examine (with physician and visitor) proposed and alternative living arrangements for ward.

Sec. 8 Specifies "full" guardian.

Requires guardian to notify court if he places ward in mental institution without court order so specifying.

Sec. 9 Defines scope of capacity of ward of partial guardian. THIS IS ONE OF PROF. WELLMAN'S OBJECTIONS.

Sec. 4 Ties term of guardian to court order.

Sec. 10 Recognizes modification as well as termination of court order. Removes minimum period in which petition to terminate finding of incapacity may be filed without special leave.

Sec. 5. Recognizes modification.

Sec. 11 In proceeding for appointment or removal of full or partial guardian requires notice to additional persons.

Sec. 6 Recognizes modification.

Sec. 12 Requires powers of temporary guardian to be specified in court order.

Sec. 13.

Court may not customarily appoint custodial agency as guardian.

Sec. 7 Adds agencies to possible guardians. Court may not customarily appoint custodial agency as guardian.

Sec. 14. Permits consolidation of guardian and conservator actions.

Sec. 8 Details minimum requirements of report of condition of ward by guardian.

Sec.9 Requires court to advise ward of right to request later dismissal or modification of guardianship order.

S U M M A R Y

The task force bill contains only one of the things Professor Wellman objected to: the scope of rights remaining in ward of a partial guardian. (Sec. 9)

With this exception, provisions of task force bill are not objectionable, but may be inadequate.

It adds some good features but I think the governor's bill has some other good points which should be in any legislation adopted, such as sections 3 and 9 of HB 645.

I would favor consolidation of the two measures in the form that is politically more viable -- probably the task force bill because it has had wider input.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 734
 Title: Developmental Disabilities Act
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Health & Social Services Program: Mental Health & Developmental Disabilities

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Harborview, Contracts, Admin. & Support

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		3452.4	3935.7	4486.7	5114.8	5830.9
200 TRAVEL		82.1	89.5		106.4	116.0
300 CONTRACTUAL		4596.1	5009.7	5460.6	5952.1	6487.8
400 COMMODITIES		401.2	437.3	476.7	519.6	566.4
500 EQUIPMENT		33.9	37.0	40.3	43.9	47.9
600 LAND & STRUCTURES		27.0	29.4	32.0	34.9	38.0
700 GRANTS, CLAIMS, ETC.		201.0	219.1	238.8	260.3	283.7
TOTAL		8,793.7	9,757.7	10,832.7	12,032.0	13,370.7

B. FUNDING: (Thousands of dollars)

GENERAL FUND	43	4803.9	5341.4	5941.0	6610.4
FEDERAL FUNDS	44	4953.8	5491.3	6091.0	6760.3
OTHER					

C. POSITIONS:

PERMANENT/TEMPORARY	/	174 /	174 /	174 /	174 /	174 /
MAN MONTHS (P./T.)	/	2205 /	2205 /	2205 /	2205 /	2205 /

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

(SEE ATTACHED)

IV. ATTACHMENTS

V. DATE: _____ PREPARED BY: _____

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

FISCAL NOTE

HB 734

III ANALYSIS

(B)

1.

<u>No. of Position</u>	<u>Position</u>	<u>Salary & Benefits</u>
1	Director	52.5
1	Clinician IV	40.1
3	Clinician III	119.5
1	Attorney II	32.7
1	Admin. Officer II	29.9
1	Research Analyst II	26.2
1	Secretary	17.4
5	Clerk Typist III	78.9
2.	Rental Office	55.0
	Supporting Services, Phones, Etc.	44.0
	Equipment	19.0

3. This program should be all Medicaid 50/50 Fed./State.

(C) The fiscal computations are strictly maintenance level, adding community programs. Personal services computed @ 14% C.O.L.A. Other @ 9% C.O.L.A.

Susan Sullivan

Page 2

March 15, 1976

I so wish the hearings for the two bills HB 733/734 were being held in Anchorage. I want to be there for this, but to get to Juneau is another thing. I'm still trying, but can't make it for March 17 for sure and if I get there it will be for March 18.

Maybe an immediate solution would be to Amend HB 733 to include the Mentally Retarded for a year ONLY until HB 734 can be improved upon. But then, as Doug (your assistant who called me this morning) put it, if HB 734 does not pass, the State cannot provide services to the Developmentally Disabled. My reaction to this is, So what, these people have rights like everyone else and they have to be provided services like for everyone and anyone else even if they should become MENTALLY ILL, which you know they are not, but could become ill that way like anyone else.

I write this in haste and it looks like it, but I did want you to know how I feel if I can't make it to Juneau. Thanks alot for your concern and I do appreciate your having Doug call me. He is a very pleasant fellow.

Respectfully,



Mrs. Donald Thurston

HB

742

MORANDUM

State of Alaska

R.D. Stevenson
Special Assistant
Department of Revenue

DATE : February 23, 1976

FROM

R.H. Pilcher
R.H. Pilcher
Manager
Juneau Field Office

SUBJECT: House Bill No. 742

Passage of HB 742 will grant exemption from sport fishing, hunting and trapping license requirements to a resident who is disabled and presents written proof that he is 70 per cent medically handicapped.

Vocational Rehabilitation statistics indicate there will be approximately 5300 severely disabled residents over the age of 16 and under the age of 65 out of a population estimate of approximately 400,000 in FY 77, a ratio of 1.325%. Application of this ratio to license sales for calendar year 1975 indicates the following:

R. Sport Fish	- 101,900 X .01325 = 1350 less 66 25¢ licenses = 1284 X 5 =	\$6,420.00
R. Hunt	- 64,720 X .01325 = 858 less 66 25¢ licenses = 792 X 7 =	5,544.00
R. Trap	- 14,495 X .01325 = 192 less 66 25¢ licenses = 126 X 3 =	<u>378.00</u>

Total revenue loss

\$12,342.00

Plus Federal Aid Matching Funds which usually are at a ratio of 3 to 1. Since this is an exemption from licensing provisions and will be administered by the Department of Fish and Game, no administrative problems or added administrative costs are anticipated.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH S - JUNEAU 99811

February 24, 1976

The Honorable Susan Sullivan
Chairman
House Health, Education and
Social Services Committee
Alaska State Legislature
State Capitol Building
Juneau, Alaska

Re: House Bill No. 742

Dear Ms. Sullivan:

House Bill No. 742, an Act relating to benefits for blind and disabled persons was introduced in the House on February 12, 1976 and was referred to the House Health, Education & Social Services and Community and Regional Affairs Committees.

Sec. 3 of the proposed legislation provides that a sport fishing, hunting or trapping license is not required of a resident who is disabled, as long as he remains a resident.

For the consideration of the House Health, Education & Social Services Committee, I am enclosing a copy of a memorandum prepared by R. H. Pilcher, Manager, Juneau Field Office, Department of Revenue concerning the estimated loss of revenue in connection with Sec. 3 of the bill.

If you or any members of the House Health, Education & Social Services Committee have any questions on the material submitted, please telephone the writer at 465-2397 and I will contact Mr. Pilcher, for further information or testimony at a hearing.

Very truly yours,

R. D. Stevenson
Special Assistant

Enclosure

cc: The Honorable Samuel Cotten
Chairman
House Community & Regional Affairs Committee

The Honorable Susan Sullivan

-2-

February 24, 1976

The Honorable Helen Beirne
Prime Sponsor - House Bill No. 742

R. H. Pilcher
Manager, Juneau Field Office
Department of Revenue

MEMORANDUM**State of Alaska**

TO: R.D. Stevenson
 Special Assistant
 Department of Revenue

DATE : February 23, 1976

FROM: *R.H. Pilcher*
 R.H. Pilcher
 Manager
 Juneau Field Office

SUBJECT: House Bill No. 742

Passage of HB 742 will grant exemption from sport fishing, hunting and trapping license requirements to a resident who is disabled and presents written proof that he is 70 per cent medically handicapped.

Vocational Rehabilitation statistics indicate there will be approximately 5300 severely disabled residents over the age of 16 and under the age of 65 out of a population estimate of approximately 400,000 in FY 77, a ratio of 1.325%. Application of this ratio to license sales for calendar year 1975 indicates the following:

R. Sport Fish	- 101,900 X .01325 = 1350 less 66 25¢ licenses = 1284 X 5 =	\$6,420.00
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Total revenue loss \$12,342.00

Plus Federal Aid Matching Funds which usually are at a ratio of 3 to 1. Since this is an exemption from licensing provisions and will be administered by the Department of Fish and Game, no administrative problems or added administrative costs are anticipated.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
 Second Session - Ninth Legislature

I. REQUEST
 Bill No. HB 742
 Title: An Act relating to benefits for blind and disabled persons.
 Requested by: Health, Education & Social Services Date: 18 February 1976
 Return Date Requested: Immediate
 Agency: University of Alaska Program: Statewide Revenue

II. FISCAL DETAIL
 Budget Request Unit(s) Affected: Revenue (Funding)
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND		16.0	16.0	16.0	16.0	16.0
FEDERAL FUNDS						
OTHER						

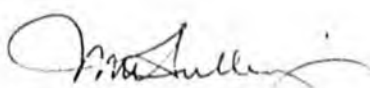
C. POSITIONS:

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

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

Estimate 40 students, that meet the condition of blind and/or disabled, each taking an average of 10 credit hours per semester. $40 \times 10 \times 2 \times \20 per credit hour = \$16,000 per year.

IV. ATTACHMENTS

V. DATE: 18 February 1976 PREPARED BY: 

M.M. Hullinger, V. P. for Finance
and Comptroller

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Helen Beirne
 Health, Education and Social Services Committee, % Representative
 Susan Sullivan

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST
 Bill No. HB 742
 Title: Benefits for blind and disabled persons, (property tax exemption)
 Requested by: _____ Date: _____
 Return Date Requested: _____
 Agency: Dept. Community & Regional Affairs Program: Local Government Assistance

II. FISCAL DETAIL
 Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		7.4				
200 TRAVEL						
300 CONTRACTUAL		2.7				
400 COMMODITIES		.2				
500 EQUIPMENT		.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		309.2				
TOTAL		320.0				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		320.0				
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	1 /	/	/	/	/
MAN MONTHS (P./T.)	/	6 /	/	/	/	/

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

Assumptions

1. Statewide population July 1, 1976 (FY 77) will approximate 417,500.
2. Proportion of the total population 70% medically handicapped and blind persons will closely approximate the number of disabled or handicapped for 6 months or more as defined in the 1970 census. (FY 77--713)
3. The 12% annual increase in average tax per application will continue for the next few years. (FY 77--\$434)
4. Residential property owned by blind and handicapped persons will be of the same general quality as that of senior citizens. (FY 77 713 x \$434 = \$309,244)

IV. ATTACHMENTS

Table: FY 77 BRU Grant Impact HB No. 742, Sec. 1 & 2.

Analysis continued

V. DATE: 2/23/76 PREPARED BY: S. Robert Dozier

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

S. Robert Dozier
 State Assessor

Sections 1 and 2 of HB 742 includes blind persons and persons with 70% medical disability as eligible for property tax exemption under the provisions of AS 29. 53.020.

The pilot program will require in-depth research to develop appropriate administrative procedures, regulations and forms necessary to include all eligible blind and disabled persons. Instruction pamphlets and other methods of notice to potential applicants is a prerequisite to orderly implementation of the new program. Experience with the senior citizen program has proven that without proper notification, substantial numbers of potential applicants will remain unaware of the benefit and will subsequently file for a waiver of the filing deadline, adding measurably to administrative time, material and total program cost.

To implement the program, a clerk-typist will be required to carry the additional secretarial support, and to perform routine audit, filing and data processing procedures which may be expected to increase by 30%. This should relieve permanent trained personnel of routine duties and allow time for development of program procedures regulations and forms.

Administrative costs are estimated as follows:

Personal Services:

Clerk-typist III (6 months)
Range 9, Step B
Benefits 23%

\$ 6,040
1,389
\$ 7,429

Contractual:

Telephone
Postage
Printing
Advertising
Data Processing
Professional Fees

\$ 50
120
1,200
350
670
300
\$ 2,690

Commodities:

Reference Material/Supplies

\$ 150

Equipment:

Secretarial Desk @ 370
Secretarial Chair @ 115
Calculator @ 440

\$ 185
88
220
\$ 463

Total FY 77 Administrative Costs

\$10,732

FY 77 BRU Grant Impact

HB 742, Sec. 1 and Sec. 2

1. Projected number of blind and disabled homeowner, heads of household, age 16 to 64 eligible for property tax exemption in FY 77.

	1970 Census		Projected FY 77
Total Population	<u>300,382</u>		<u>417,500</u>
Population age 16 to 64	166,412	= 55.4% of 300,382	231,300
Disabled, 6 months or more age 16 to 64	2,619	= 1.57% of 166,412	3,631
Head of household age 16 to 64	75,072	= 45.11% of 166,412	1,638
Total occupied units all ages	79,059	= 100% head of household	1,638
Owner occupied units	39,747	= 50.28% of 79,059	824

2. Number of eligible applicants within districts subject to property tax.

Population, FY 76	386,600		824
Boroughs	313,379	= 81.06% of 386,600	668
Cities	20,998	= 5.43% of 386,600	<u>45</u>
Total population within Taxing Jurisdictions	334,377	Number of Applicants	713

3. Projected revenue required to reimburse municipalities for revenue lost in operation of a property tax exemption for blind and disabled persons.

	Projected Number of Applications	FY 76 Average Tax	FY 77 12% Increase	FY 77 Estimated Tax Dollars
Borough	668	\$396	\$443	\$295,924
City	45	264	296	13,320
	<u>713</u>	<u>\$383</u>	<u>\$434</u>	<u>\$309,244</u>

Department of Community and Regional Affairs
 Division of Local Government Assistance
 Office of the State Assessor
 February 23, 1976

HB

744

"An Act providing freedom of choice of certain medical procedures; and providing for an effective date."

COMMITTEE REPORT

2/12/76

HOUSE

JUDICIARY

Mr. Speaker:

Date April 10, 1976

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had CS HB 744

under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR HR 77 (480) AND THAT
CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

<u>Susan Sullivan</u>	<u>Do Pass</u>	_____
<u>John ...</u>	<u>Do Pass</u>	_____
<u>William ...</u>	<u>Do Pass</u>	_____
<u>Mark ...</u>	<u>DO PASS</u>	_____

Members NOT concurring in the Majority report:

_____ recommends: not Rec'd

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Susan Sullivan Chairman



Alaska State Legislature

House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETING

APRIL 10, 1976

Present: Beirne Sullivan Parr
Hackney Ostrosky Osterback

HB 866 Supplemental Appropriation to H&SS G&M.HESS

Lois Jund gave a better explanation of why the dept. needs this additional \$. See dept. position paper. Due mainly because of the switch of some programs within the Fed. system to other systems, so a money lag.

Passed out with do pass.

The three licensing bills C.S. were given to everybody to look at over the weekend, if there are not objections they will be sent upstairs, as signed before the C.S. was completely drafted.

CSHB 744 Freedom of choice Beirne

Helen gave an explanation of this C.S., put in the clause "Terminal" rather than serious so noone would be condemned before terminally ill. Clause relating to temp. or self-destructive declaration., Rodey and Gurening don't feel its necessary because an individual can revoke it at any time.

Committee discusses what "life supporting" means. Drugs and electrical apparatus used in definition section of bill.

Amendment - page 5, line 2 delete "and drugs".
Passed

Glenn concerned that there might be problem with the malpractice issues and this bill. Bill has a referral to Judiciary, they can handle it.

Motion to pass bill out as a new C.S. with amendment, committee decided to have it redrafted including the amendment.

Motion to move out, passed.

HCR 101 Uniform account for health institutions - Ostrosky

Hold for fiscal note

HCR 104 - Support for existing health facilities - Ostrosky

Katherine presented the C.S., decided not to do anything with this now. Brian Saylor's not available for explanation.

HCR 120 - Study of Health Insurance, Catastrophic - HESS

THIS NEEDS a fiscal note.

Amendment, line 19 p. 1, delete "establish a task force whose membership reflects the diversity of geography, socio-economic status, age, sex, and health care professions in the state".

Insert "conduct a study".

Committee decided to have this redrafted as a C.S. since this is a resolution.

Bill passed out with C.S.



Alaska State Legislature

House

JUNEAU ALASKA

COMMITTEE MEETING HOUSE HESS

MARCH 26, 1976

Present: Sullivan Ostrosky
Parr Beirne Osterback

Testifying:

Elizabeth Shaw, NASW
Janis Price, NASW
Sister Andrea

HCR 111 - Boundary Change in Health Service Area - Rules

Sister Andrea - opposed to the bill- wants three HSA

Renninger, Dept. H&SS, also supports three HSA conceptually and fiscally

Bill not moved on,

HB 367 -Social Workers Licensing - Beirne

Beirne spoke on revised version of the bill, revised with assistance of Sharon Andrews, director of licensing. Went over provisions of the bill with committee. Some changes made on the draft.

Mr. Price, Dept. H&SS, discussed minor points of bill. Stated that the bill requires all new employees to have MSW or change their title or requirements of certain jobs to hire people. Dept. does not have to fire any S.W. who are employed now or don't have MSW.

Discussion around fiscal implications of all these new licensing bills. Probably will add one more full time person to the licensing division.

Motion passed for individual recommendations on the work draft copy to be a Committee Substitute.

HB 744 - Freedom of choice, medical procedures - Beirne

Mr. Heidersdorf, representing Alaskans for Life, not for the entire concept of the bill, feels there are some problems with it.

Committee discussion regarding suicide, also liability regarding disconnecting life sustaining measures, example Quinlan case.

Heidersdorf feels that people have the right to make this decision, but not 20 or 30 years before, people might change their ideas and minds. Also definition of extraordinary means, might change

Page 2
March 26, 1976

Beirne would like a chance to rework the bottom of p. 1, severe distress, etc. too difficult til revoke now. Will let Pat Rodey and Clark Grueing look at the proposed chances.

Committee points out various areas of concern for Helen to take a look at. P. 1. line 19, how about renewal every five years

P. 3 line 27, need rewording, more specific

Alvin suggests time frame, 1 year or so till individual can have a chance to recover.

Hold till middle or end next week, when Helen has it reworked.

HB 772 - Licensure of counselors - HESS

Tabled - dead

SB 554 - Licensing of Phy. & Osteopaths - Croft

Beirne - Croft wanted to work this over with others, make amendments, Helen feels there wasn't enough time, want to make 1 change now

Line 20, Add "the Department shall employ"

Delete "The board shall employ"

Amendments passed

This bill belongs in malpractice, wants it to go to Jud. Recommend it is included in Malpractice package.

Bill - passed

HB 392 - Rehabilitation Counselor - Beirne

Beirne, explanation of bill and discussion proposed amendment - decided to make a committee substitute of this bill, see draft. Also all reference to counselors should read Vocational Rehabilitation counselor

Delete line 4 - 11 page 4

Helen moved to have this bill moved out.
as a committee substitute

HB 635 - Licensing of Speech Pathologists & Audiologists - Gov.

Beirne, alot of fraud by people coming into Ak. and selling hearing aids and then leaving state.

Committee went over work draft and made changes, P.2, line 25 delete "practice speech path. or audio". line 27, 28 & 29 P4 delete, P. 5 line 1 thru 19 delete. P. 5 line 19, change "social worker" to Speech pathologist & audiologist

Committee recommends Committee Substitute move out, individual recommendations passed out.

HB

745

"An Act making a special appropriation to the Department of Community and Regional Affairs for an alcoholism detoxification center at Pt. Woronzof; and providing for an effective date."

COMMITTEE REPORT

2/12/76

HOUSE

FINANCE

Mr. Speaker:

Date Mar 11, 1976

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 745

under consideration. Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

Susan Sullivan _____
John H. Kennedy _____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Susan Sullivan Chairman



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

MARCH 11, 1976

7:00 p.m.

Present: Susan Sullivan Hackney
Osterback Ostrosky
Beirne

HB 745 - Alcohol Detox Center - Pt. Woronzof - HESS

Committee had heard this bill before, had a short discussion on it and decided to vote

Hackney - move bill out - no objection

SB 585 - Bonds , Alcoholic treatment facility - Croft, Sackett

Paul Wasserman- Office of Alcoholism presented depts. position paper regarding this bill.

Committee discussed possibility of letter of intent to incorporate thrust of position paper . Question raised as to who builds and who operates the center.

Decided not to move yet.

LETTER OF INTENT

It is the intent of this Legislation, if accepted by the voters, that the grants will be given as block grants to the communities indicated. The utilization of the grants shall be determined by the Municipalities in conjunction with the local Health Planning Agencies.

It is not intended that the State enter into the operation of the facilities.



Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

MARCH 10, 1976

EVENING

Present: Beirne Ostrosky Parr
 Ose Ostroback Hackney
 Swanson Sullivan

Testifying: Bob Cole, Office of Alcoholism
 Barbara Wolstad, concerned citizen
 Bill Houston, Corrections
 Ed Mitchell, Corrections

HB 618 Bonds for Correctional Institutes - Gov.

Houston & Mitchell, discussion centered around the proposed building for Ketchikan. Stating the need for it. About 20 to 22 prisoners on the average. About 45% of these are pre-sentence.

Committee - very concerned about the construction costs, \$4.5 million for only 22 prisoners. Long discussion on cost per sq. foot. Also discussed possibility of flying them to Juneau to use Lemon Creek. Not very feasible.

Parr would like to change the amounts for facilities listed. Feels there should be other priorities.

Barbara Wolstad - spoke as a citizen of Juneau concerning the increase in juvenile delinquency 80% over the past year in the area. Also about the lack of a facility for young people. Now housed in Lemon Creek, according to state law they should be separate from criminals.

Committee understand the need. More discussion around the possibility of altering some of the funds in this bond package. Swanson make proposal to have another bill drafted to speak to the juvenile needs.

Committee decided to postpone any action on the bill for one week, yes 5

HB 745 - Alcohol Detox Center - Pt. Woronzof Hess

Bob Cole & Eric Lee - The office of alcoholism presented their position paper. They are for the center although realize the \$ is not in the Gov. budget.

Discussion by the committee concerning the need, also who will then own the building if the state pays to have it completed. What the program is doing and how effective it is.

Decided to get more testimony on this regarding the rate of returnees etc.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 745
 Title: Special appropriation for an alcoholism detox center at Pt. Woronzof
 Requested by: David Freer Date: 2/24/76
 Return Date Requested: _____
 Agency: Office of Alcoholism Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: None
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

This bill will have no fiscal affect on the Office of Alcoholism

IV. ATTACHMENTS

V. DATE: February 24, 1976 PREPARED BY: Robert L. Cole, Coordinator

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

Reviewed by Financial Management

Eugene A. Smith
 Eugene A. Smith, H&SS Finance Officer

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 745

Title: ...alcoholism detoxification center at Pt. Woronzof...

Requested by: HESSE Date: February 13, 1976

Return Date Requested: _____

Agency: Community & Regional Affairs Program: Development

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Local Government Assistance

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-				

B. FUNDING: (Thousands of dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

The grant will be monitored similar to the oil impact development grants in fiscal year 1975. The Department would require a proposed budget and periodic reports of facility status and expenditures. Annual audits would be reviewed to determine accountability of project expenditures. Current departmental field staff would complete any on-site monitoring required.

IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: _____

Lynn A. Wegener
Lynn A. Wegener
Administrative Officer

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

POSITION PAPER

HB 745

State Office of Alcoholism

"An Act making a special appropriation to the Department of Community and Regional Affairs for an alcoholism detoxification center at Pt. Woronzof; and providing for an effective date."

The Office of Alcoholism supports the concept of this bill. However, this office cannot support the bill itself because it would exceed the Governor's budget, in a very tight fiscal year.

The office believes that the interest is covered in Senate Bill 585 as proposed, and that SB 585 could possibly be amended to include specific reference to this project.

The effective date of July 1, 1976 as proposed would mean that the State of Alaska would be reimbursing the Municipality of Anchorage for expenses already incurred. This is so because construction is presently underway on the Alaska Alcoholism Treatment Center at Pt. Woronzof and will be largely complete prior to July 1, 1976.

Recommended:

Robert L. Cole 3-3-76
Coordinator Date
Office of Alcoholism

Approved:

Francis Q. Williamson 3/10/76
Commissioner Date
Department of Health and Social Services

TELEGRAM

ALASKA COMMUNICATIONS, INC.

PHONE: 586-6440

JUNEAU, ALASKA 99801

02070 ANCHORAGE AK 59 03-11 225P AST

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PN'S REPRESENTATIVE SUSAN SULLIVAN

JUN

THIS TELEGRAM IS SENT TO THE HESS COMMITTEE HEARING
ON HB 745 (APPROPRIATION FOR A DETOX FACILITY AT AATC)
I SUPPORT THIS BILL FOR FUNDS TO COMPLETE THE CONSTRUCTION
AT AATC. IF THIS BILL PASSES IT SHOULD BE DEDUCTED FROM
THE ANCHORAGE ALLOCATION IN STATE GENERAL OBLIGATION BONDS
OF 12 MILLION DOLLARS FOR CONSTRUCTION FOR DETOX FACILITIES
IN ALASKA. I ALSO FEEL THAT THE MUNICIPALITY OF ANCHORAGE
SHOULD HELP CARRY SOME OF THE FINANCIAL OBLIGATION FOR
THIS FACILITY AS THEY SUPPORTED THIS CONSTRUCTION IN
RESOLUTION 75-112 ON SEPTEMBER 1, 1975

ED STEWART PROGRAM MANAGER

DIVISION OF ALCOHOLISM

HB 745

Save for file
HB ?

FEDERAL ALCOHOLISM FUNDING IN ALASKA PLACED IN PERSPECTIVE

There has recently been published in both official documents and the media a wide range of figures purporting to show the amount of federal funds being spent in the State on the fight against Alaska's Number 1 Public Health Problem...Alcoholism.

Those quoting these figures have frequently mixed "apples and peaches" in that they have confused fiscal years with calendar years, one-, two-, and three-year grant periods, etc., presenting a total which most people assume to be that spent during one calendar year.

The most recent of these was in the "Alcoholism Report", a respected bi-weekly national newsletter on alcoholism, published in Washington, D.C. The report published a total of \$6,688,811 in "grants active as of September, 1975." This data was based upon information furnished by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and was factual insofar as it went. The average reader would almost naturally assume that the "grants active" were for this year.

NCA-AR Public Information Department was able to obtain, through courtesy of the Grants Management Division of NIAAA, a computer read-out of these grants for Alaska and has prepared the following chart (see reverse side) which spans three calendar years. A quick glance at this graph will show that the selection of September 1975 was a most unfortunate time period since at least 17 "grants active" were due to expire within one or two months and at least three had only begun operation a month or so prior to this date.

- NOTE:
- 1) The grants shown on this chart total a little over \$4,000,000 spread over almost three full years. The additional \$2,000,000 would be in formula grants and other specific-purpose grants to the State and other miscellaneous agencies.
 - 2) The fourth grant listed, "NCA-AR \$1,500, 000" is for development of the Alaska Public Education Project multi-media educational campaign; \$450,000 of which is disbursed to the Alaska Native Commission on Alcoholism and Drug Abuse (ANCADA), which is a "partner" in this project.
 - 3) To assure production of quality materials, a time extension has been approved for the Alaska Public Education Project, through October 31, 1976 (no additional funds are involved).

Any legislator wishing further information or clarification to assist you in your work, please feel free to call upon NCA-AR and we will try to obtain the desired material for you.

1974

1975

1976

Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov

Organization	Amount	1974	1975	1976
Rural Comm Prog.	110,000			
Alaska Federation of Natives	135,000			
ANCADA	385,000			
NCA-AR	1,500,000			X X X X
SDC	119,312			
Alaska Native Health Board	39,600			
Bethel-Atmautluak Council	10,000			
Brevig Mission Council	10,000			
Chuathbaluk Council	10,000			
Chugiak-Eklutna Council	10,000			
College - U of A	77,341			
Delta Jct. - Healy Lake Council	10,000			
Dillingham - Bristol Bay Area	10,000			
Fairbanks Native Assn.	235,000			
Gambell Village Council	10,000			
Golovin Village Council	10,000			
Grayling Village Council	10,000			
Juneau - Alaska State Dept Health	806,466			
Juneau - Alaska State Dept Health	50,000			
Juneau Alaska Native Brotherhood	10,000			
Kasigluk Village Council	10,000			
Kwigillingok Village Council	10,000			
Metla Karla Indian Community	62,154			
Minto Village Council	10,000			
Mt. Edgecumbe High School	62,300			
Nelson Lagoon Village	10,000			
Nikolai Village Council	10,000			
Nunapitchuk Village Council	10,000			
Pilot Station Village Council	6,000			
Shageluk Village Council	10,000			
ToK Native ASSN.	10,000			
ToK - Upper Tanana Reg. Council	114,900			
ToK - Upper Tanana Reg. Council	114,900			

HB

772



Alaska State Legislature

House

JUNEAU ALASKA

COMMITTEE MEETING HOUSE HESS

MARCH 26, 1976

Present: Sullivan Ostrosky
Parr Beirne Osterback

Testifying:
Elizabeth Shaw, NASW
Janis Price, NASW
Sister Andrea

HCR 111 - Boundary Change in Health Service Area - Rules

Sister Andrea - opposed to the bill- wants three HSA

Renninger, Dept. H&SS, also supports three HSA conceptually and fiscally

Bill not moved on,

HB 367 -Social Workers Licensing - Beirne

Beirne spoke on revised version of the bill, revised with assistance of Sharon Andrews, director of licensing. Went over provisions of the bill with committee. Some changes made on the draft.

Mr. Price, Dept. H&SS, discussed minor points of bill. Stated that the bill requires all new employees to have MSW or change their title or requirements of certain jobs to hire people. Dept. does not have to fire any S.W. who are employed now or don't have MSW.

Discussion around fiscal implications of all these new licensing bills. Probably will add one more full time person to the licensing division.

Motion passed for individual recommendations on the work draft copy to be a Committee Substitute.

HB 744 - Freedom of choice, medical procedures - Beirne

Mr. Heidersdorf, representing Alaskans for Life, not for the entire concept of the bill, feels there are some problems with it.

Committee discussion regarding suicide, also liability regarding disconnecting life sustaining measures, example Quinlan case.

Heidersdorf feels that people have the right to make this decision, but not 20 or 30 years before, people might change their ideas and minds. Also definition of extraordinary means, might change

Page 2
March 26, 1976

Beirne would like a chance to rework the bottom of p. 1 , severe distress, etc. too difficult til revoke now. Will let Pat Rodey and Clark Grueing look at the proposed chances.

Committee points out various areas of concern for Helen to take a look at. P. 1. line 19, how about renewal every five years
P. 3 line 27, need rewording, more specific
Alvin suggests time frame, 1 year or so till individual can have a chance to recover.

Hold till middle or end of nexy week, when Helen has it reworked.

HB 772 - Licensure of counselors - HESS

Tabled - dead

SB 554 - Licensing of Phy. & Osteopaths - Croft

Beirne - Croft wanted to work this over with others, make amendments, Helen feels there wasn't enough time, want to make 1 change now
Line 20, Add "the Department shall employ"
Delete "The board shall employ"

Amendments passed

This bill belongs in malpractice, wants it to go to Jud. Recommend it is included in Malpractice package.

Bill - passed

HB 392 - Rehabilitation Counselor - Beirne

Beirne, explanation of bill and discussion
proposed amendment - decided to make a committee substitute of this bill, see draft. Also all reference to counselors should read Vocational R.-
habilitation counselor

Delete line 4 - 11 page 4

Helen moved to have this bill moved out.
as a committee substitute

HB 635 - Licensing of Speech Pathologists & Audiologists - Gov.

Beirne, alot of fraud by people coming into Ak. and selling hearing aids and then leaving state.

Committee went over work draft and made changes, P.2, line 25 delete "practice speech path. or audio". line 27, 28 & 29 P4 delete, P. 5 line 1 thru 19 delete. P. 5 line 19, change "social worker" to Speech pathologist & audiologist

Committee recommends Committee Substitute move out, individual recommendations passed out.



JUNEAU ALASKA

Alaska State Legislature

House

HOUSE HESS COMMITTEE MEETING

MAR 1, 1976

Present: Davis Beirne Osterback-Chairing
 Hackney Swanson

Testifying: Sharon Andrews, Director, division of licensing
 John Jensen, representing himself
 Harvey Pitts,

HB 772 Licensure of Counselors - HESS

Sharon Andrews, supports concept of relicensing standards, opposed to broadening areas covered by licensing

John Jensen - concerned that the statute as it presently reads, would prohibit him from advertising services as a counselor.

Committee felt that the statute would not do this and that it did not say this..

SB 554 Licensing of Phy. and Osteopaths - Croft

Sharon Andrew, Dept. supports the concept, but would like this bill to be considered with the entire malpractice package.

Sub committee of Helen Beirne appointed to look into all of the licensure bills, especially HB 772

113772

Testimony by
Harvey Pitts
P.O. Box 2613
Juneau, Alaska 99803

Many professionals work in the area of psychotherapy. Among these are psychiatrists, psychologists, so called "psychological associates" and social workers. Each of these professionals adhere to a rather strict code of personal ethics and each realizes, or at least should realize, any personal limitation with regard to his own expertise. The psychiatrist for example is also a medical doctor. As such he can prescribe drugs which have proven effective with some people. The psychologist is a highly skilled person trained in various manners of psychotherapeutic techniques proven beneficial to those in need. The psychological associate is also a highly skilled person who, like the psychologist, is trained in the various manners of psychotherapy beneficial to those in need. The social worker, however, has a much less specialized background in psychology, is oriented somewhat more toward client advocacy, and therefore merits a license within his own particular field of expertise rather than psychology.

The remainder of my comments are directed toward House Bill Number 772, which you are considering, which is entitled "An Act relating to licensure of counselors."

Section 1. AS 08.86.010 is amended to include and counselor to those professionals licensed by the Board of Psychologist and Psychological Examiners.

Currently the board consists of three licensed psychologists. I urge an amendment to change the boards membership to include one licensed Psychological Associate. This would serve to provide a peer advocate for psychological associates and certainly would not detract from the boards professional make-up.

I recommend Section 08.86.010 be amended to read:

Section 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is created a Board of Psychologist, (and) Psychological Associate and Counselor Examiners. It consists of (three) two licensed psychologists and one licensed psychological associate.

Section 2. AS 08.86.070 (3) is amended to include counselors under professional conduct ethics. I recommend approval as submitted.

Section 3. AS 08.86.130 (2) is amended to allow those professionals who hold a Master's degree in social work or counseling with three years of experience acceptable to the board to be licensed as a psychologist.

While I agree that the Master's degree is in many instances the "professional level" degree, I simply cannot agree that

a social worker should be licensed as a psychologist. The "social worker" and "psychologist" are recognized as two different and distinct fields of endeavor among those of us in the helping professions. The social worker has his own professional organization and he should be licensed accordingly. Certainly he should be licensed and clothed with confidentiality to assure his own professional ethics and protection of clientele, but I do not feel he should be licensed as a psychologist.

I do strongly urge the committee to amend AS 08.86.130 (2) to allow those professionals who hold a Master's degree in clinical or counseling psychology to be licensed as psychologists if they have completed two years of graduate study leading to the Master's degree and if they have demonstrated competence by a year of experience or an academic year of practicum under a licensed psychologist. My reasons are threefold:

1. The Master's degree from a two year program such as that of the University of Alaska's program leading to the Master of Science in Counseling Psychology is considered a professional level degree. This certainly should merit statutory recognition by allowing for licensure to practice psychology.
2. The degree programs which are considered as professional level and terminal on the Master's level usually require an academic year or more of practicum. Under close supervision of a University staff clinician who is also a licensed psychologist, the advanced graduate student is placed in an agency where he for all intent and purposes practices psychology. During this period the student is closely observed and he may be rejected should his performance fail to meet predetermined rigorous standards. During this period the student must demonstrate competence not only to his clinician supervisor but two additional clinicians must also rate and approve his performance in at least one actual videotaped client session. It seems to me that this should be sufficient to demonstrate competence to practice psychology in the State of Alaska.
3. One of the most obvious things which are apparent to those of us who either live or travel extensively in the rural areas of Alaska, is the lack of access to professionals whenever a problem arises. This in itself compounds many bad situations and certainly helps none. An example of this which readily comes to mind is the severe problem with alcoholism in Barrow which leads to family breakup and all too often to child abuse or neglect. Licensing more individuals would lend itself to improvement not only in rural but in urban areas as well. With the possible exception of Anchorage, I feel all areas of the State as well as the State government itself lacks sufficient numbers of trained professionals who are competent and licensed to practice their professions.

I therefore recommend that AS 08.86.130 (2) be amended to read:

- (2) he holds a doctoral degree with primary emphasis on psychology from an accredited school or has a Master's degree in clinical psychology or counseling psychology with one year of experience as a licensed Psychological Associate or whose academic preparation required a minimum of two academic semesters of practicum supervised by a licensed psychologist.

In line with my above recommendation, I feel some clarification is needed to prevent abuse by the board of examination privileges granted by Section 08.86.120 Entitlement to Licensure. Subjective determination and concomitant feelings elicited therefrom certainly have a place in psychotherapy. However, their place is in therapy which is on-going in nature and all too often lead to unsupportable and untenable positions when done hastily. This could prove disastrous to individuals who become the victims of subjective determination. We all have our good days as well as our bad days and subjective determination refuses us to realize this. For this reason I feel the following amendment should be made:

Section 08.86.120 Entitlement to Licensure. A person who passes the Written examination given by the board is entitled to be licensed as a psychologist.

Section 4 AS 08.86.150 (1) should be amended to read in accordance with my recommendations for AS 08.86.130 (2) since it provides for recognition of an out-of-state license holder's exclusion from examination.

Section 08.86.160 should be amended for the same reason given above for amending Section 08.86.120. I suggest it be amended to read:

Section 08.86.160. Associates. Entitlement to Licensure. A person who passes the written examination given by the board is entitled to be licensed as a psychological associate.

Section 08.86.162 set qualification required of Associates which are far too stringent to be practicable and are financially such a burden that almost noone will ever qualify. For example, paragraph (3) requires three years of experience during the past ten years, two of which are in Alaska, and includes a years postgraduate supervised experience acceptable to the board. How will experience be gained if no license can be granted? Paragraph (4) requires the supervisor's recommendation if a licensed psychologist or of two licensed psychologists who hold doctoral degrees. Since I am more familiar with myself than anyone else, let me use myself as an example:

I am 37 years old, have a Master of Science in Counseling Psychology degree, I'm married and have two children. During the past two years, I have taught on a part-time basis with three community colleges as well as for the Anchorage Senior College. I have taught a graduate level

course "Psychology 628, Analysis of the Individual" for the Anchorage Senior College on the Mat-Su campus and have been asked to teach the course at Juneau. Other courses I've taught are: Human Relations, Child Development, Adolescent Psychology and Introduction to Experimental Psychology. I also student taught Psychology 621 Learning, Motivation and Emotions while in graduate school. I am employed as Child Care Programs Coordinator within the Department of Community and Regional Affairs. I do not under the current criteria qualify for licensure as a psychological associate even though I'm recognized by both the University of Alaska and the State government as a competent professional. Certainly if a social worker with a Master's degree with only about forty (40) semester hours of formal training in psychology as compared with my 84 semester hours of formal training in psychology can be licensed to practice psychotherapy, I should likewise be recognized and entitled to licensure. I therefore strongly urge that paragraphs (3) and (4) be deleted from Section 08.86.162.

I recommend the passage of recommended amendments included in Article 38 having to do with counselors.

RATIONALE FOR AMENDMENT TO CHAPTER 86

Return to
John Jensen
PO BOX 249
Douglas, Alaska 99824
PHONE 364-2237

The basis for this amendment is a very simple idea: that the capacities in a person which make him capable of giving psychological help to another are widespread in the general population and are not confined to those with advanced training.

This point is amply demonstrated in the research referred to in the attached articles. See especially Robert J. Carkhuff's article "Differential Functioning of Lay and Professional Helpers." Carkhuff is especially worth noting here because he has probably done more research about co_nseling than anyone else in the country. I would like to point out two factors involved:

1. Effectiveness of a counselor is predominantly a result of the kind of person he or she is, how "human," able to "relate," able to "empathize." It is just such realistic human relationship that partially accounts for the success of Alcoholics Anonymous, Gamblers Anonymous, Neurotics Anonymous-- as Arbuckle points out in the article summary attached.
2. Effectiveness of a counselor is, in addition, related to counselor use of certain techniques, ways of seeing, ways of relating that can be learned. From Carkhuff's article, it appears that ~~there is no guarantee that training beyond a certain point increases them.~~ there is no guarantee that training beyond a certain point increases them.

The conditions in Alaska appear to warrant careful consideration of the limiting aspects of the law, namely:

1. A population widely dispersed, unable to travel to counseling, and unable in a small area to support the kind of highly paid professional who can be supported in Anchorage, let us say.
2. A population with nearly the ultimate extremes in income level. The present law simply insures that private counseling services shall not be purchasable by a significant number of Alaskans.
3. No adequate system of state mental health centers exists.
4. Even if the ^{STATE} did, no single counselor is likely to be able to help every kind of person or problem who comes in. Some people just don't "hit it off" for reasons difficult to understand; Alaska's cultural diversity exacerbates this problem. An Eskimo, other things equal, will help another Eskimo better.
5. But even in Alaska's outlying areas, there frequently are people who do have the minimum qualifications necessary to be a highly effective counselor: they "relate" well to others intuitively. Many of these also have advanced education--teacher families, various kinds of governmental employees-- who have Masters degrees and even Ph.d.s in other fields and an ability to learn "on the job;" and a sense of how to help people.
6. The effect of this law, as I foresee it, would be to make available to all Alaskans a variety of counseling services at a variety of prices. I doubt that the \$45/hour top professional would lose much business, simply because some clients want that just as they want Cadillacs instead of Vw's. There would be most likely an increase in people doing counseling as a sideline-- handling two or three clients in their own homes and giving them maximum attention and caring; a situation far more likely to improve the client.
7. I can see no defensible reason for the exclusivity of the present law.

The law could succeed, obviously, only if the Board were in full agreement with the intent of the law: ~~to~~ make counseling services available to all Alaskans at prices "the poor" can pay.

The goal of counseling is some kind of change in the client. He may gauge it by his changed feelings, but outward behavior is perhaps a better measure, since he may feel good about destructive behavior. Accuracy in measuring counseling effectiveness is debated.

Therefore, a better approach may be to have innovative practice and inquiry into it, constantly moving toward the new and valuable. No more physics style research.

The self-actualized man: "Much of behavior is the product of conditioning, and possibly the mark of a self-actualized man is the degree to which he has modified his behavior which has irrational tendencies because of his conditioning."

In this light, counseling may be looked at as counter-conditioning.

Alcoholics Anonymous and Neurotics Anonymous have helped some whom professional therapists could not help. Is "back fence" therapy as good? Quotes Carkhuff: "Nevertheless, the overwhelming preponderance of systematic evidence available today indicates that primary conditions of effective treatment are conditions which minimally trained non-professional persons can provide. The conditions are not the monopoly of doctoral training and there is strong reason to believe that they are often not achieved in doctoral training."

No counselor will be most effective with all patients; any counselor will be effective with some.

"The evidence would at least seem to imply that it is the humanness, the very person of the counselor, that is the critical factor in the counseling relationship."

Van Kaam says that in training counselors, they should learn about the pluralistic society and cultural, subcultural and religious realities in the client's lives, and must have sufficient therapeutic sessions to work through their own unconscious hostilities and defensive misunderstandings of cultures not our own.

GOAL of training counselors, therefore, should be to make them more human. Before accepting them for training, we should first find out if they are effective as counselors. We don't want a more knowledgeable and trained technician.

Journal of Counseling Psychology } DIFFERENTIAL FUNCTIONING OF LAY AND PROFESSIONAL HELPERS. Robt. R. Carkhuff, J.C.P., Vol 15 p. 117-126.

Since there is a disagreement on lay helpers, let the results speak for themselves: (1) Extensive evidence indicates that 20 hours to 1 year training is very helpful. (2) There is little evidence to show constructive changes are due to long training. (3) Lay trainees change most on those things that help the client most, and engage clients at as high a level of effectiveness as do professionals.

These results: (1) Are the same for all types of mentally or emotionally disturbed people. (2) Professional guidance programs have not yet demonstrated their benefit to the client, though it can be perhaps inferred. (3) But lay persons' benefit to clients also is at least as high as professionals, and never less.

Prospective professional trainees sometimes function at lower levels of effectiveness after training. Why? Evidently because preoccupied with their status, position, etc. (vs.) the layman must always use a direct, honest, humble and concerned approach. Some higher intellectual indices point toward lower results! YMMV, The training level depends mainly on the trainer level, just as

counselee level depends on counselor. This may mean, however, that graduate schools are sometimes deleterious to counseling effectiveness.

Training programs for laymen, however, generally center on two things: first, sensitivity to the individual (empathy, etc.), and secondly, a change in the trainee's personality and attitudes which might injure the help he is to give. Professional programs, on the other hand, are complex and "self-neutralizing." Some professionals seem always to function at lower levels after grad school. Grad training develops discriminators rather than communicators. Non-professionals help people to help people: there is fuller involvement, less certainty, more humility. They can enter the milieu of the distressed person, establish peer relationships, and can teach successful actions better and help people through transitions.

COMMENTS ON "DIFFERENTIAL FUNCTIONING OF LAY AND PROFESSIONAL HELPERS," by Lyle D. Schmidt, Vol. 15, No. 2, p. 127-129.

Schmidt basically does not contest the findings of Carkhuff. However: he feels that the conclusions were too broad sometimes, and too great a polarization was indicated. He points to the attempts to professionalize the job of counselor. On the other hand, Carkhuff and others tried to debunk professionalization. Secondly, a reason for this professionalism is that the society has turned to mass production. Technology has given us this approach.

Thirdly, specialization is the method.

Schmidt verifies Carkhuff from this approach, at least: that there is a growing and already overwhelming need for counselors. The need is for a "crash program", and there is no time to prepare people professionally.

Those who have wisdom must share it. "Massive help giving can be productivity in search of a criterion."

Joe Mathers
1657

1 IN THE HOUSE

(BY MILLER BY REQUEST)

2 HOUSE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensure of counselors."

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

8 * Section 1. AS 08.86.010 is amended to read:

9 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is
10 created a Board of Psychologist, [AND] Psychological Associate and
11 Counselor Examiners. It consists of three licensed psychologists.

12 * Sec. 2. AS 08.86.070(3) is amended to read:

13 (3) after hearing, suspend or revoke the license of a licensed
14 psychologist, [OR] psychological associate or counselor who violates
15 a regulation of the board;

16 * Sec. 3. AS 08.86.130(2) is amended to read:

17 (2) holds a doctoral degree with primary emphasis on psychology
18 from an accredited school or has a master's degree in counseling or
19 social work ^{or psychology} with three years of experience acceptable to the board;

20 * Sec. 4. AS 08.86.150(1) is amended to read:

21 (1) he holds a doctoral degree with primary emphasis on
22 psychology from an accredited school or has a master's degree in
23 counseling or social work, with three years of experience acceptable
24 to the board;

25 * Sec. 5. AS 08.86 is amended by adding new sections to read:

26 ARTICLE 3B. LICENSING OF COUNSELORS.

27 Sec. 08.86.165. ENTITLEMENT TO LICENSURE. A person who practices
28 counseling under supervision for a period of internship and during that
29 time demonstrates professional competence ordinarily expected of a

1 person with the intern's training and experience, and also demonstrates
2 compliance with the provisions of this chapter, is entitled to be
3 licensed as a counselor.

4 Sec. 08.86.166. ELIGIBILITY TO UNDERTAKE INTERNSHIP. A person
5 is entitled to undertake an internship leading to licensure as a
6 counselor if the board finds he

7 (1) has three credit hours of course work directly related
8 to counseling or other course work or experience which the board finds
9 equivalent; and

10 (2) has arranged for the supervision of one of a number of
11 persons designated by the board for that purpose during the period of
12 his internship.

13 Sec. 08.86.167. PERIOD OF INTERNSHIP. The period of internship
14 shall extend until the intern has practiced counseling for at least
15 500 hours but may not terminate in less than a year. The intern's
16 supervisor may terminate the internship short of completion if he
17 believes that continuation could not lead to licensure; or he may pre-
18 scribe additional hours of practice he believes necessary before certi-
19 fying an intern for licensure.

20 Sec. 08.86.168. ISSUANCE OF LICENSE. (a) The board shall license
21 a person as a counselor upon receipt of written certification from the
22 supervisor of that person's internship that the person has passed his
23 period of internship as prescribed by sec. 165 of this chapter.

24 (b) The license granted upon certification in (a) of this section
25 is valid until suspended or revoked under sec. 70(3) of this chapter,
26 except that the license shall lapse if the counselor fails to submit a
27 30-minute taped recording of an instance of his counseling practice to
28 the board within a year of the granting of the license and once every
29 four years thereafter. The board shall review the tape recording

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1 utilizing the standards developed and promulgated in regulations under
2 sec. 80 of this chapter. If the board in applying these standards finds
3 the counselor's performance as taped to be unsatisfactory, the board
4 may initiate further proceedings under sec. 100 of this chapter and in
5 accordance with sec. 20(3) of this chapter.

6 * Sec. 6. AS 08.86.170 is amended by adding a new subsection to read:

7 (c) ^{OR IS UNDER SUPERVISION} Unless he is licensed under this chapter, no person may use
8 the title "counselor" or a title designation or device indicating or
9 tending to indicate that he is a counselor or practices counseling.

10 * Sec. 7. AS 08.86.185(b)(2) is amended to read:

11 (2) a student, intern or resident in psychology pursuing a
12 course of study approved by the board as qualified training and experi-
13 ence for counseling leading to licensure under secs. 162 and 165 of
14 this chapter, if his activities constitute a part of his supervised
15 course of study and he is designated by titles such as "counseling
16 intern" and "counseling trainee";

17 * Sec. 8. AS 08.86.190 is amended by adding a new subsection to read:

18 (c) A licensed counselor may practice counseling only under his
19 own name.

20 * Sec. 9. AS 08.86.200 is amended to read:

21 Sec. 08.86.200. CONFIDENTIALITY OF COMMUNICATION. No psychologist,
22 [OR] psychological associate or counselor may reveal to another person
23 a communication made to him by a client of his about a matter concerning
24 which the client has employed the psychologist, [OR] psychological
25 associate or counselor in a professional capacity. This section does
26 not apply to a case conference with other psychologists, psychological
27 associates, counselors or with physicians and surgeons, or in the case
28 in which the client in writing authorized the psychologist, [OR] psycho-
29 logical associate or counselor to reveal a communication.

1 * Sec. 10. AS 08.86.230(3) is amended to read:

2 (3) "board" means the Board of Psychologist, [AND] Psycho-
3 logical Associate or Counselor Examiners;

4 * Sec. 11. AS 08.86.230(5) is amended to read:

5 (5) "psychological associate" means a person who practices
6 counseling and psychometrics [INCLUDES A COUNSELOR AND PSYCHOMETRIST];

7 * Sec. 12. AS 08.86.230(11) is amended to read:

8 (11) "supervision" means at least one hour a week of personal
9 interview with a supervisor whose educational qualifications are con-
10 sistent with the level of activity being supervised; if geographical
11 distance precludes a weekly personal interview between a counseling
12 intern and his supervisor, supervision may be maintained through weekly
13 submission of a 30-minute tape recording of a counseling session con-
14 ducted by the intern for review by his supervisor; a supervisor is
15 responsible for insuring that the extent, kind and quality of the
16 psychological and counseling services performed are consistent with a
17 psychological associate's training and experience, as well as his
18 obedience to the provisions of this chapter.
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HB

786

COMMITTEE REPORT

2/17/76

HOUSE

JUDICIARY

Mr. Speaker:

Date _____

The Committee on HOUSE has had HB 786

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>Do not pass</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>Do not pass</u>	_____
<u>[Signature]</u>	<u>Do not pass</u>	_____
<u>[Signature]</u>	<u>Do not pass</u>	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman



Alaska State Legislature

House

JUNEAU ALASKA

HOUSE HES3 COMMITTEE MEETING

MARCH 3, 1976

Present: Osterback, Chairing
Parr Ostrosky
Hackney Swanson

HJR 52 Immigration Visas for Allies Children - Buchholdt

Bucholdt, discussed the dire need for this bill and related examples of when it would be necessary.

Parr - Asked for an amendment that on line 28, after the word "Congress" insert the phrase, "is respectfully requested to".

Amendment voted on and passed

Resolution voted on and passed out with do pass by all members

HJR 53 - Research of drug Laetrile -

Lisa Rudd explained why there is a need for more research by the FDA. Many people in the U.S. now use this drug and are acquiring it from Mexico, where an individual can get a one years perscription.

Vote - do pass, all members

HB 786 - Smoking areas in public schools - Parr

Charlie spoke about the need for this, even though legislation was passed regarding smoking in public places.

Committee discussed the cost implications, fiscal note of \$300,000 was submitted.

Parr recommended that it be passed out, individual recommendations on it PARR and Ostrosky, for, Swanson, against.

HB 824 -Licensing of Nurseries for children - Anderson

Nels spoke about the need for this in the rural areas, where people needed to leave their children in day care, but because of the lack of water and housing situations, few people could pass the licensing requirements for day care.

Amendment, line 11, delete 10,000 and insert "5,000.
Passed



Alaska State Legislature

House

JUNEAU ALASKA

Page 2
March 3, 1976
HB 824

Pat Monroe, Dept. of H & SS testified and read the position paper from the dept. on this bill. They are against it, mainly because they are in the process of redoing their regulations, are soon having public hearings for input into the proposed changes.

Committee - concerned about how long the proposed changes will take to implement, Decided that the dept. does not move expediently.

Bill voted on, do pass with amendment. Passed out.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. H.B. # 786
 Title: relating to faculty smoking areas in public schools
 Requested by: House HESS Date: 2/25/76
 Return Date Requested: ASAP
 Agency: Education Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES		300.0	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

B. FUNDING: (Thousands of dollars)

GENERAL FUND		300.0	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

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

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

District schools will provide their own smoking lounges - no fiscal impact on State.

Unorganized Borough Schools

Persite:

Remodeling, walls and duct work where required	\$1500
Furniture	500
Persite cost	<u>\$2000</u>

Estimate 150 facilities \$2000 x 150 = \$300,000

IV. ATTACHMENTS

V. DATE: 3/25 PREPARED BY: William D. [Signature]

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

HB

793



Alaska State Legislature

House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETING

MARCH 17, 1976

Present: Ostrosky Hackney
Davis Sullivan Beirne

Testified: Dick Block, Div. of Ins.
Bob Cole, Dept. H&SS
Ben Iverson, Dept. H&SS
Ken Ryals, Dept. H&SS

HB 190 Treatment of Alcoholism and Drug - Duncan, etc.

Dick Block, would provide a benefit that can be predicted whether or not it will be needed which may be uneconomical to insurance company's. The div. of insurance view is that it would be O.K. if mandated that it provided an option.

Bob Cole, Office of Alcoholism, supports bill, possibly with revision suggested by div. of insurance.

Committee response, decided not to do anything on this bill yet.

HB 793 - Annual advisory board meetings, public comment Dept. H&SS - Ostrosky

Ben Iverson, dept. encourages public input, but Ken Ryals doesn't feel that this is a practical method of community input.

No action by committee right now

HB 865 - Appropriation to Hope Cottage - HESS

Bob Gregovitch feels there is an extreme shortage of long term care of this type in Ak. Dept. is doing a study right now of the needs and wants to wait till that's done before they do anything like this., recommends not passing.

Ray Burt - Hope Cottage, feels that this bill would be beneficial for purposes of renovation, HC has been successful in the passed, also feels the Chugiak area would benefit from this

Committee discussion,

Hackney - recommends Amendment, (See Attached)

Vote on amendment, do pass
Vote on bill, do pass

Position Paper
on
House Bill 793

"An Act related to annual advisory board meetings devoted to the reception of public comment concerning the budget of the Department of Health & Social Services."

This bill amends AS.47.05.010 by adding enabling legislation to provide for the input of public comments on the departmental operating and capital budgets for the forthcoming fiscal year in July. While the concept concerned in this proposed legislation may be constitutionally sound, the proposed mechanism of operation would be cumbersome, time-consuming, and perhaps self-defeating. If enacted into law, each advisory board would be required to hold statewide hearings on the department's 42 separate Budget Request Units (BRU's), most of which would be outside the board's province and expertise.

The validity of the findings and recommendations of the various advisory committees must be questioned. Could the Drug Abuse Advisory Board respond to questions posed at a public hearing on the budget of the Environmental Health Section of Public Health dealing with restaurant inspection? Could the Developmental Disabilities Advisory Committee adequately relate the program and respond to questions about Probation and Parole at public hearings? And will the findings in Kodiak be consistent with the recommendations of the advisory boards from Fairbanks or Petersburg?

The problem of collating the findings of the nine advisory boards, shifting them for frequency and validity, and then presenting them to the concerned department programs is unwieldy in terms of time also. The Bill provides for public hearings in July; yet the budget must be presented to the Governor in October. This time frame is further constricted by the fact that many of the department officials are involved in tie offs for the previous fiscal year. Some of this activity can't be completed before September. Therefore, their assistance will be minimal during the months of July and August.

The Department of Health and Social Services foresaw the legislative concern for the public when the advisory boards were established. While it is true that they do not involve themselves with the whole of the department, they are concerned citizens who provide the department with guidance within their areas of speciality. As such, they represent the public interest. It should be noted also that the budget of the department is a public document and available for public comment at any time.

The Department of Health & Social Services cannot recommend passage of this Bill as it involves an increase in expenditures that exceeds the Governor's Budget.

POSITION PAPER / Department of Health and Social Services

Recommended by:

V. L. Iverson

V. L. Iverson, Director
Div. of Administrative Services

3/17/76
Date

Approved by:

Francis S. L. Williamson

Francis S. L. Williamson, Commissioner
Dept. of Health & Social Services

3/17/76
Date

Advisory Boards

Advisory Committee of Aging	15
Developmental Disabilities Planning & Advisory Council	15
Drug Abuse Advisory Board	11
Medical Care Advisory Board	10
Welfare Advisory Board	41
Alcoholism	7
CHAC	23
EMS "Ad Hoc" Commission	6
Hill-Burton Advisory Commission	<u>11</u>
Total Membership	139

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB793

Title: Public Comment on H&SS Budget

Requested by:

Date: 3/8/76

Return Date Requested:

Agency: Administrative Services Division Program:

II. FISCAL DETAIL

Budget Request Unit(s) Affected: All

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	6	7	8	9	10	11
200 TRAVEL	20	21	22	24	27	30
300 CONTRACTUAL						
400 COMMODITIES	1	2	2	3	3	4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	27	30	32	36	40	45

B. FUNDING: (Thousands of dollars)

GENERAL FUND	27	30	32	36	40	45
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/5	/5	/5	/5	/5	/5
MAN MONTHS (P./T.)	/5	/5	/5	/5	/5	/5

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

It is estimated that some travel and per diem may be required by advisory board officials so that public meetings can be scheduled on other than regular hours for the convenience of the public. No personnel services expenditures other than part-time clerical support are anticipated, as the members of the advisory boards are volunteers.

The Department of Health & Social Services cannot recommend passage of this Bill as it involves and increase in expenditures that exceeds the Governor's Budget.

IV. ATTACHMENTS

V. DATE: 3/8/76

PREPARED BY:  Kenneth R. Ryals, Admin. Officer

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

HB

824

COMMITTEE REPORT

2/17/76

HOUSE

Mr. Speaker:

Date _____

The Committee on HESS has had HB 824

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>[Signature]</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Chairman

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: House HESS

To: Amended HOUSE BILL No. 824

SENATE BILL No. _____

PAGE: 1

LINE: 11

Delete the number "10,000", and insert the number "5,000".



Alaska State Legislature

House

JUNEAU ALASKA

HOUSE HESS COMMITTEE MEETING

MARCH 3, 1976

Present: Osterback, Chairing
Parr Ostrosky
Hackney Swanson

HJR 52 Immigration Visas for Allies Children - Buchholdt

Buchholdt, discussed the dire need for this bill and related examples of when it would be necessary.

Parr - Asked for an amendment that on line 28, after the word "Congress" insert the phrase, "is respectfully requested to".

Amendment voted on and passed

Resolution voted on and passed out with do pass by all members

HJR 53 - Research of drug Laetrile -

Lisa Rudd explained why there is a need for more research by the FDA. Many people in the U.S. now use this drug and are acquiring it from Mexico, where an individual can get a one years perscription.

Vote - do pass, all members

HB 786 - Smoking areas in public schools - Parr

Charlie spoke about the need for this, even though legislation was passed regarding smoking in public places.

Committee discussed the cost implications, fiscal note of \$300,000 was submitted.

Parr recommended that it be passed out, individual recommendations on it PARR and Ostrosky, for, Swanson, against.

HB 824 -Licensing of Nurseries for children - Anderson

Nels spoke about the need for this in the rural areas, where people needed to leave their children in day care, but because of the lack of water and housing situations, few people could pass the licensing requirements for day care.

Amendment, line 11, delete 10,000 and insert "5,000.
Passed



Alaska State Legislature

House

JUNEAU ALASKA

Page 2
March 3, 1976
HB 824

Pat Monroe, Dept. of H & SS testified and read the position paper from the dept. on this bill. They are against it, mainly because they are in the process of redoing their regulations, are soon having public hearings for input into the proposed changes.

Committee - concerned about how long the proposed changes will take to implement, Decided that the dept. does not move expediently.

Bill voted on, do pass with amendment. Passed out.

POSITION PAPER
ON
HOUSE BILL NO. 824

"An Act Relating to Licensing of Nurseries for Children"

The purpose of licensing is to provide protection for all children by reducing risk through the licensing process. The proposed bill would remove such protection for children in rural Alaska.

The Department is cognizant of the difficulties in meeting certain presently existing regulations for licensure and will be holding public hearings on revised regulations in the near future, which will provide for reasonable exceptions. The development of regulations, which will provide protection for children in rural Alaska, within the bonds of realistic application, should be achieved through the public hearing process.

The Department does not support the proposed bill.

Recommended By *Ed J. Brando* 3/3/76
(Director) (Date)

Approved By *Francis O. Williamson* 3/3/76
(Commissioner) (Date)

Comments by Governor's Office:

By _____ (Date)

HB

862



DEPARTMENT OF ENVIRONMENTAL QUALITY

RECYCLING INFORMATION OFFICE

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5119

ROBERT W. STRAUB
GOVERNOR

Mr. Doug Schoenberg
House Health, Education & Social Services
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Doug:

It was a pleasure to talk to you. Here is the material I promised to send. I am including a recent memo from this office to Governor Straub's office answering the innacurate statements by Alcoa aluminum. There are also a copy of the bill, two sheets from a publication by Don Waggoner of the Oregon Environmental Council, and a summary of the effects of the bill which has some attachments showing research reports obtainable, litter data, etc. I hope these will be helpful to you and to Representative Sullivan.

As I said on the phone, in response to your question about "our difficulties with the bill," we have no difficulties whatever with the bill. I think the greatest evidence of this is the ADS study survey of public opinion which showed that 95% of those interviewed had an opinion and and of those 95% approved of the law. To me, this means that the bottle bill is working very well indeed.

Please give my best regards to all our friends in and around the Alaska Legislature. Let us know if you need any more information.

Sincerely,

Loren Kramer, Director

Jane Cease
Public Information Representative

JC





State of Oregon
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

To: Keith Burns, Assistant to the Governor

Date: April 22, 1976

From: Bill Bree, Recycling Information Office

Subject: Inaccurate statements about the Oregon Bottle Bill

Following is a brief analysis of the advertising statements being used in other states about the Oregon Bottle Bill which you forwarded to this office. They are, to say the least, highly inaccurate.

Statement: "Total roadside beverage container litter has increased since the passage of the Bottle Bill."

Fact: This is not true. Beverage container litter has been reduced by over 70% the first year and over 80% the second year after passage of the Bottle Bill. This sharp decrease in litter has been clearly recorded in the three year litter collection and survey undertaken by the State of Oregon.

Example: Here are the actual beverage container litter counts from 18 different highway litter survey sites for the months of February through August.

1972	1973	1974
14,770 containers	2,950	2,349

Statement: "Beverage prices have gone up because of the Bottle Bill."

Fact: The Bottle Bill has not contributed to the inflationary rises in beer and soft drink prices. The costs of sugar, energy, and labor across the nation have been responsible for major price increases. These national trends mask any cost savings which are a result of the Bottle Bill.

Example: The following information is from an Oregon Liquor Control Commission survey of beverage prices taken one and one-half years after passage of the Oregon Bottle Bill. Prices were surveyed in Portland, Oregon and Vancouver, Washington.

Supermarket prices		Vanc.	Port.
	6 pack 11 oz. stubbies	\$1.34	\$1.13
	24 pack 11 oz.	5.13	4.48
Convenience stores	6 pack 11 oz.	1.42	1.35
	6 pack 11 oz.	1.38	1.27
	24 pack 11 oz.	4.92	4.87
	32 oz. quart	.58	.49
	32 oz.	.54	.45

Soft drink prices, while more variable, have the same price relationship.

Memo to Keith Burns
April 22, 1976
Page 2

Statement: "Beverage sales are lower since passage of the Bottle Bill."

Fact: Beverage sales have continued their traditional growth in Oregon.

Example: Oregon beer consumption:

1971	40.6 million gallons
1972	44.8
1973	46.3
1974	46.5
1975	48.5

Per capita consumption in Oregon:

1964	16.1 gallons
1975	24.1

Data on soft drink sales and consumption is not available to the public for analysis.

Statement: "The Bottle Bill has deprived Oregonians of the freedom of choice.

Fact: Beverages of all types are still available in glass bottles, "tin" cans, bimetal cans, steel cans, and all aluminum cans.

Oregonians have a free choice to purchase what they wish and to throw away or to return containers for refunds.

Statement: "Oregon has lost the aluminum can."

Fact: Beer and soft drinks are available in Oregon in aluminum cans.

Brewers and bottlers have a free choice to use the type and size of container in which they want to market their product.

WRE: jr

STATEMENT OF DONALD W. WEBSTER, DIRECTOR OF ENVIRONMENTAL CONSERVATION,
STATE OF VERMONT, MONTPELIER, VERMONT 05602

TO: (Through Congressman James Jeffords)
Subcommittee on the Environment
House Commerce Committee

My name is Donald W. Webster. I am Director of Environmental Protec . within the Agency of Environmental Conservation of the State of Vermont. I am the principal State official involved in the administration of Vermont's Beverage Container Law.

While Vermont's existing law is a mandatory deposit law only, current pending legislation would ban non-refillable glass containers, flip-top cans, and plastic ring connectors. This legislation has passed our House of Representatives by an overwhelming margin (110 - 31) and is currently pending before the Vermont Senate, where unanimous approval was voted by its Natural Resources Committee.

Vermont's experience with a mandatory deposit law, which does not mandate the use of refillable containers, clearly indicates that this imperfection will not accomplish all of the objectives of proper beverage container legislation. Indeed, the lack of a mandatory refillable provision has permitted the national beverage and container industries to employ various measures to undercut the full effectiveness of the Law's intention, and to utilize Vermont as a battleground to teach the insurgents a lesson.

These industries, with the active consort and participation of the Vermont Retail Grocers Association, have engaged in a campaign of resistance, mis-information, coercion and distortion, not only in Vermont, but in all other parts of the country where similar legislation might be considered. To this end, they have succeeded in propagandizing their claims outside of Vermont, although their efforts in Vermont have not met with acceptance -- indeed defections from their ranks (largely due to their efforts, as well as the true success of the Law) are increasing of late.

Before discussing the proposal currently under your consideration, let me discuss some implications and experiences under the Vermont Law.

1. Impact and trend:

First, a small State such as Vermont, without actually mandating the use of refillable containers, cannot, of itself, influence a return to refillable containers by national producers. The economies of cost; which have induced local producers to utilize refillable containers, with significant economic benefit; cannot, by virtue of scale, act as a persuasion on national firms. Rather, the relative small scale of importance of the Vermont marketplace has resulted in a campaign of obfuscation and resistance far above Vermont's relative national importance.

However, despite these efforts, there has been, and there continues to be, overwhelming public support for the present law and for the mandating of the use of refillable containers.

2. Economic experience:

Much has been made, by detractors, of adverse economic impact of the Law upon Vermont.

However, before assumptions are to be drawn, more explanation is in order. It is true that during the initial phases of the implementation of the present Law, a loss in revenues from malt beverage taxes did occur. It is equally true that one of the reasons for its occurrence was "border-jumping" to neighboring States which did not have similar legislation -- particularly New Hampshire. However, other factors were of significant import, if not more meaningful:

1. Prior to the implementation of the Law, wholesalers and retailers stocked up with merchandise which was exempted from the Law by a regulatory "gentlemen's agreement". This action both inflated the

previous year's receipts (F.Y. 1973) and deflated the receipts for first year under the Law (F.Y. 1974).

2. Vermont experienced a disastrous flood on June 30, 1973, the day before the effective date of the Act, which seriously curtailed the Summer tourist and recreation industry.
3. The energy crisis commenced in Vermont in October 1973 and extended through May 1974. Despite Federal Energy Office claims of parity, the withdrawal of two national oil firms from the Vermont marketplace cut available motor vehicle fuel. Prices of 75¢ a gallon or higher, and gas-less stations at mid-month were not uncommon.
4. A dearth of snowfall seriously impacted the Vermont ski industry, with receipts declining 25%-50% during the first four months of 1974. Two major ski areas in Vermont have subsequently entered bankruptcy.
5. Highway traffic counts were off 16%-22% monthly during the period July 1973 - November 1974.
6. There are other important marketing practices and differences between Vermont and its neighbors, not related to the Beverage Container Deposit Law, particularly with New Hampshire. It is of much more importance vis-a-vis New Hampshire than with other neighbors because of a larger market population proximate to that State than with others.

First, Vermont's Malt Beverage Tax amounts to 56.25¢ per case, compared with New Hampshire's 25¢ per case. This, of itself, presents a less favorable market pricing to Vermont merchants. Secondly, New Hampshire wholesalers are permitted a post-off of price on merchandise in lots of 100 or more case purchases,

resulting in significant market advantage to New Hampshire merchants, as this practice is not permitted in Vermont. Vermont's reticence here is to protect small grocers against larger competitors.

Thirdly, New Hampshire merchants can use malt beverages as a loss leader to lure consumers. Vermont merchants cannot sell at less than wholesale price.

Fourthly, Vermont has a retail Sales Tax, New Hampshire does not -- and experience since Vermont's enactment of its Sales Tax has indicated that "border-jumping" occurs for this reason.

It should therefore be clearly discernible that these factors have been major factors in "border-jumping", and it is impossible to differentiate the relative impact of each contributory influence.

Much has been made of by the Law's detractors that Vermont's Rooms and Meals Taxes increased 9% during a comparable period. While the Malt Beverage Tax is a fixed tax based on gallonage, the Rooms and Meals Tax is a floating tax based on price. As Rooms and Meals prices during July 1, 1973 - November 1, 1974 increased in the range of 25%-30%, a 9% increase in receipts represents an actual 16%-21% decrease in actual customer contacts -- a figure which, coincidentally or not, closely parallels the decline in highway traffic during the same period.

3. Highway litter:

Highway litter has been significantly reduced -- the beverage container portion having declined 76.1%, with a spin-off impact in reducing other forms of litter.

Detractors note that actual litter collection costs have declined only \$45,000.00. This is true. However, it is impossible to measure aesthetic benefits to the environment, particularly in a State whose economy is so highly geared to

tourism and recreation as is Vermont's. Additionally, the intangible, but real, benefits to agriculture cannot be assigned an economic dollar value, although the agricultural community has truly benefitted.

4. Trend toward refillables:

Although the two largest domestic brewers have firmly resisted the return to refillable containers, some of the regional brands and Canadian producers have begun to make refillables available in the retail trade. All brands are available in refillable containers for in-house consumption in Bars and Clubs.

No less than eleven brands, foreign and domestic, are available in refillable bottles at the retail level. Conspicuously absent, generally, are Budweiser and Schlitz, the two largest producers -- although refillables of these brands have occasionally appeared.

Soft drink bottlers in Northern and Central Vermont have discontinued the use of non-returnable bottles and returned to refillables with encouraging results. Coca-Cola of Barre, Vermont, reports a return rate of 94% (16.67 uses) while Pepsi-Cola of Burlington, Vermont, reports a return rate of 98%.

5. Customer acceptance:

With a total return rate in excess of 90% (and higher in refillables, as previously indicated), customer acceptance is clearly indicated. A straw poll conducted by a Vermont State Senator indicates overwhelming public support.

6. Industry and consumer savings:

Coca-Cola of Barre, Vermont has reported a 54¢ a case operational savings, which permitted them to forestall price increases which sugar and syrup price increases would otherwise have necessitated.

Malt beverages are 35¢ a case cheaper in refillables. Doubtless, this differential would increase with a total refillable system. However, part of the cost of the use of non-refillables has no doubt absorbed some of the additional

savings which would otherwise have accrued.

7. Employment:

Vermont has no container manufacturers, and any adversity in this activity has not occurred. Gains in employment have occurred in the bottling, wholesale and retail trades.

The industry has been reticent in supplying employment figures. However, by extrapolating results of economic studies in other States, employment may have increased in the neighborhood of 150+- persons. This figure is based on a container return rate of 80%, and is no doubt conservative.

8. Recent experience:

Commencing in November of 1974, highway traffic counts in Vermont, for the first time since the inception of the Beverage Container Law, equalled historic figures. This is significant as Malt Beverage Tax Revenues for December 1974 were 16% over the previous year. This fiscal year, Malt Beverage Revenues (free of previous economic deterrents previously cited) are up 9.5% over fiscal 1974 (July 1, 1973 to June 30, 1974) and are running ahead of fiscal 1973 (despite that year's figures being inflated by "stocking-up" actions of wholesalers and retailers).

The legislation pending before you would be of tremendous importance to the Nation in the conservation of its basic natural resources and of its energy resources, as well as contributing to the solution of the ever-growing problems of solid waste.

Detailed analyses of these factors have been completed by the States of Oregon, Maryland, Michigan, New York and Connecticut; the Province of Ontario, Canada; LaBatt Brewery of Montreal, P.Q., Canada; Migros Cooperatives of Switzerland; and the Academy of Science in Sweden. Each report corroborates the others -- and the significant conclusions are as follows:

1. Basic material savings of 70%+- will be realized over the present usage of non-refillable containers.
2. Energy usage will be cut in half; such saving is comparable to that realized in the adoption of the national speed limit of 55 Miles Per Hour. Measures such as this are absolutely necessary if there is to be any hope of realizing "PROJECT INDEPENDENCE" by 1985.
3. Highway litter from beverage containers will be reduced by two-thirds, or more.
4. Employment and payrolls will be increased.
5. Material cost savings will be realized by consumers-- and cash flow in retail trade will be increased.

The reasons, and imperativeness, for the adoption of the legislation pending before you are clearly apparent -- and I add my endorsement to your favorable and expeditious action.

The time for action is NOW, and if this Nation is to move forward in the resolution of its internal concerns, favorable action on this pending legislation will be one step that is truly a "giant leap for mankind".

DWW:fmt



STATE OF VERMONT
DEPARTMENT OF HIGHWAYS
MONTPELIER

05602

July 29, 1975

Mr. Stephen Pobin
Assistant Commonwealth Attorney
20 East Market Street
Leesburg, Virginia 22075

Dear Mr. Robin:

As per phone conversation, please find attached the summary sheets of a special litter evaluation project made in conjunction with the implementation of Vermont's "Bottle Law".

The evaluation project was conducted on thirty-five selected sections of roadway, on each of the four roadway classes (Interstate, 2-lane primary, state aid, and town highways) in each of our nine Highway Districts. A total of 177.8 miles is involved, or nominally five miles per roadway section.

One day each month was spent in litter cleaning and classifying retrieved material on each of the roadway types.

Classification consisted of sorting beverage containers by initial content and composition: beer cans, beer bottles, soda cans, soda bottles; all "other litter" was measured by "barrels", the "barrel" being a fifty-five gallon drum.

In order to equate the volume of beverage containers collected to barrels of "other litter", it was determined that the "average barrel" consisted of 260 bottles or 310 cans. Also, there are nominally 4 barrels to the cubic yard.

Initial litter pick ups were made in the months of June, 1973 and 1974, and these pick ups were made more for ridding the selected areas of winter dross than for comparative significance; a June comparison is made, however, on one of the attached summary sheets, and it is interesting to note the 62% increase in "other litter" in June, 1974.

On this same summary sheet you will note a comparison of total containers by type and roadway classification for the three month period, July through September for the years 1973 and 1974; the apparent effects of "the law" are glaringly obvious.

A second summary sheet, attached, is a comparison of "returnable" and "non-returnable" beverage containers by type, roadway class, and Highway District for the four month period, June through September 1974.

A "returnable" container is one on which a five cent deposit is required by Statute; that is to say, it is a Vermont sold container.

It is more than significant to note that Highway District 06 has the highest percent of "returnable" containers collected; District 06 (the Montpelier area) is the only Highway District which does not abut a neighboring state or the Province of Quebec.

Further evidence of the effectiveness of the law may be had by a cost comparison for routine litter cleaning on Vermont Highways; in fiscal year 1973, which ended in June, 1973, the cost for litter cleaning was \$250,346; the cost for fiscal year 1974 was \$205,239; this is an 18 percent reduction in cost which suggests cleaner highways.

If we can be of further assistance to you in this matter, please do not hesitate to call or write this office.

Sincerely,

John A. Durkee
Maintenance Management Engineer



By: R. W. Fraser
Assistant Maintenance Management Engineer

JAD/RWF/11b

Attach:

cc: Central Files
File Copy

SPECIAL LITTER CONTROL PROJECT SUMMARY

1974

N= NON-RETURNABLES
R= RETURNABLES

DISTRICT NO.		BEER CANS				BEER BOTTLES				SODA CANS				SODA BOTTLES				TOTALS	RET.
		4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH		
1	N	-	124	368	9	-	37	64	23	-	27	21	7	-	18	30	7	735	
	R	-	37	67	3	-	14	32	8	-	6	7	1	-	7	8	0	190	25
2	N	182	150	219	51	101	60	241	61	94	41	46	20	30	7	41	13	1357	
	R	61	28	38	28	30	15	28	24	57	22	25	15	29	3	14	12	450	33
3	N	550	420	120	235	355	299	82	127	137	165	41	41	51	58	27	28	2936	
	R	32	63	43	34	55	47	23	24	70	22	21	7	21	21	3	4	570	20
4	N	198	184	67	57	105	171	37	56	87	101	10	13	14	35	14	6	1156	
	R	29	29	6	5	19	13	6	2	34	34	5	2	27	18	4	5	217	20
5	N	129	172	66	80	141	379	66	63	58	99	20	21	47	83	22	13	1419	
	R	47	25	12	5	46	35	7	24	56	22	4	0	12	10	3	1	310	21
6	N	214	53	115	122	171	50	105	62	98	57	22	61	45	15	31	2	1252	
	R	79	57	14	9	70	63	35	3	51	42	5	1	22	12	16	2	481	38
7	N	143	210	293	126	57	187	127	156	72	73	36	20	26	25	25	17	1503	
	R	62	19	42	0	30	33	36	14	25	10	28	0	15	23	8	3	331	23
8	N	162	42	11	153	112	96	8	131	54	19	2	26	24	35	6	33	914	
	R	81	9	5	8	42	20	1	13	41	9	5	5	23	15	2	2	281	30
9	N	57	32	39	119	50	58	40	137	21	29	28	15	24	28	13	42	728	
	R	15	13	8	19	20	18	10	18	8	9	9	4	5	7	10	4	182	25
TOTALS	N	1740	1337	1190	952	1233	1356	770	816	521	611	226	224	261	304	214	161	11915	
	R	456	234	255	111	347	259	178	130	352	176	109	35	154	119	68	33	3061	25
		5222 = 29.3% R				4775 = 22.7% R				1682 = 20.0% R				940 = 22.2% R					

STATE OF VERMONT
SPECIAL HIGHWAY LITTER EVALUATION PROJECT
SUMMARY

	BEER CANS				BEER BOTTLES				SODA CANS				SODA BOTTLES				OTHER LITTER (BARRELS)				TOTAL "B"		
	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	SA	TH	4 LANE	SS	
JUNE	1973	1563	1774	1778	2074	902	1185	2208	1867	755	679	806	420	208	277	447	295	24.6	17.6	20.6	11.9	55.0	71.2
	1974	1174	951	878	901	947	1016	534	666	795	447	207	202	233	237	195	120	43.5	26.1	30.8	20.6	52.9	35.1
PERCENT INCREASE OR DECREASE		-27.4	-51.7	-77.4	-51.4	+18.1	-14.7	-76.8	-64.6	-47.7	-36.0	-74.2	-51.0	+12.0	-14.4	-56.6	-59.3	+76.8	+48.7	+49.5	+73.1	+46.0	-12.0
		-57.7				-48.6				-53.7				-76.1				+62.0				+7.7	
JULY	1973	779	379	1135	980	364	549	574	977	570	594	294	248	158	255	253	163	16.7	11.2	6.4	7.7	22.9	18.7
	1974	702	252	141	93	132	150	60	71	198	107	27	21	35	33	18	18	14.7	13.2	7.3	6.5	15.9	15.1
AUG	1973	923	1184	1347	850	561	696	964	812	603	687	467	263	177	222	253	178	15.7	9.2	7.3	7.6	27.0	18.7
	1974	326	263	154	124	131	255	129	134	178	134	49	19	67	97	24	49	13.4	11.3	9.1	3.8	15.8	16.7
SEPT	1973	516	645	992	811	314	348	557	765	245	360	272	180	155	165	184	165	19.7	11.1	12.2	6.6	26.7	16.7
	1974	475	283	261	65	195	174	225	75	202	99	51	17	80	56	45	16	17.4	12.2	8.9	5.4	20.6	14.7
TOTAL	1973	2253	2703	3455	2541	1279	1593	2077	2454	1348	1641	1033	606	490	642	690	508	51.7	31.5	28.9	21.7	67.9	53.7
	1974	1764	987	556	272	458	599	414	280	573	340	127	57	182	185	87	74	45.5	35.7	24.7	20.7	57.7	33.7
PERCENT REDUCTION	1973	15,570				9,711				25,403				OTHER LITTER (BARRELS)				131.8		TOTAL BARRELS			
	1974	3,902				2,230				6,092				127.2									
		75.8				76.5				76.1				4.9						32.9			

* 1 Barrel = 257 1/2
310 C