

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

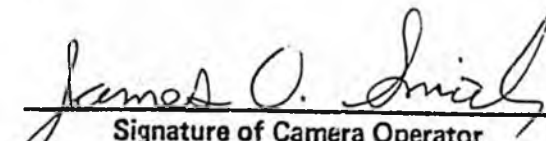
3227 HESS HB 625 - HB 636 103

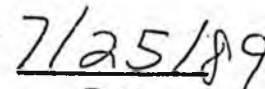


RECORDS CERTIFICATION



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


Signature of Camera Operator


Date

H B

6 2 5

HOUSE
COMMITTEE REPORT

JUDICIARY

(7)

Date referred: 2/27/86

FURTHER REFERRALS: FINANCE

DATE: April 7, 1986

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee has considered HB 625

"An Act making a special appropriation relating to mental health trust land; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with C.S. HB 625 (H&SS) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Walter G. ...

...

...

Kathleen Katie Hurley

David ... - NO REC

Clyde ... - No Rec

... co-chair

Chairman

...

STATE OF ALASKA
THE LEGISLATURE

FOUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 3, 1986

SUBJECT: Appropriation bill addressing mental health
trust land litigation
[CSHB 625(HESS)]

TO: Representative Max Gruenberg

FROM: Richard A. Bradley
Legislative Counsel

I have prepared the bill as Jim Nordland requested. As I advised him, I felt that the "technical" changes that this office normally makes to a bill would, in this case, have taken the bill back to its previous version, essentially identical to the March 24 draft that we prepared for the HESS committee. Since it was clear that you didn't want that version, we have not made our usual revisions.

But because we do believe that the draft has substantive legal problems, I have noted them for your consideration.

done 5/1/86 ① The title of the bill is changed as you requested. I suggest that you may wish to say "implementing Weiss v. State" rather than "in Weiss v. State;" the latter thought seems incomplete.

② As you requested, secs. 2 - 4 of the draft do not appropriate to an executive department; no recipient whatever is identified.

*Talk to Bradley -
add language
per his
suggestion
in secs
2-4*

While we believe that it is clear that the legislature may appropriate to a nongovernmental entity (and thus sec. 5 is valid), we believe that it is equally clear that the appropriation must go to someone, even if the someone has orders to grant the money on elaborately specified conditions to a third party. Thus we recommend against the format of secs. 2 - 4 of the bill where appropriations are made but no grantee is specified.

I hesitate to predict what may happen should the bill pass in that fashion; I assume that the Department of Administration may be obliged to undertake implementation of the bill. Please note that the bill as you requested it is not self-enforcing. It does not even rely solely on orders of the superior court for its implementation; note that sec. 7 of the bill requires a determination that a court order is "consistent with the purposes stated in those sections."

While I am not familiar with the litigation, it seems to me that it is wholly possible that the court might order a disbursement for a purpose not stated in secs. 2 - 5 of the bill.

I note, however, that where an appropriation is made to a named department but the department may not spend the funds except accordingly to an order of a court that is determined consistent with the purposes stated in the bill, the department has a very narrow discretion on the expenditure and is merely authorized to write checks according to the court order.

Since I understand this to be your goal, I recommend that the executive departments be named in the bill.

I take sec. 7 of the bill to bring each of the appropriations into effect on the issuance of the first court * order that is consistent with a purpose stated in secs. 2 - 5. But since the appropriations may only occur by a court order, your goal seems to be achieved.

Finally, I note that a settlement of the case [see sec. 1(a)] apart from a court order [see sec. 1(a) and 1(c)], would not permit a disbursement of the funds appropriated. See sec. 7.

If I may be of further assistance, please advise.

RAB:mkr
m4/068

Enclosure

* No - each section takes effect on the issuance of an appropriate court order implementing that section
Max agrees that the point is not significant - a difference between effect and pay.

2a ?
Make sure there is no discretion
draw accordingly

3

change (4) it to accomplish this

Introduced: 2/17/86
Referred: Health, Education & Social
Services, Judiciary and Finance

Funding Information
General Fund \$300,000
Other Funds -0-
\$300,000

1 IN THE HOUSE

BY PIGNALBERI ANE M.M.MILLER

2

HOUSE BILL NO. 625

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act making a special appropriation relating to
7 mental health trust land; and providing for an effective
8 date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund
11 to the Department of Health and Social Services for payment as a grant
12 under AS 37.05.316 to the Alaska Mental Health Association for reimburse-
13 ment of the costs and attorney fees incurred by the plaintiffs and inter-
14 venors in Weiss v. State, Civil No. 4FA 82-2208, and for payment of the
15 costs of plaintiffs and intervenors in a reconstruction of the trust estab-
16 lished by the Congress regarding the mental health trust land and to audit
17 past actions of the state regarding mental health trust land.

18 * Sec. 2. The unexpended and unobligated portion of the appropriation
19 made by sec. 1 of this Act lapses into the general fund June 30, 1987.

20 * Sec. 3. This Act takes effect July 1, 1986.

Introduced: 2/17/86
Referred: Health, Education &
Social Services, Judiciary and
Finance

Funding Information
General Fund \$300,000
Other Funds -0-
\$300,000

1 IN THE HOUSE

BY PIGNALBERI AND M.M. MILLER

2 HOUSE BILL NO. 625

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation relating to
7 mental health trust land; and providing for an effective
8 date."

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

10 * Section 1. The sum of \$300,000 is appropriated from the general fund
11 to the Department of Health and Social Services for payment as a grant
12 under AS 37.05.316 to the Alaska Mental Health Association for reimburse-
13 ment of the costs and attorney fees incurred by the plaintiffs and inter-
14 venors in Weiss v. State, Civil No. 4FA 82-2208, and for payment of the
15 costs of plaintiffs and intervenors in a reconstruction of the trust estab-
16 lished by the Congress regarding the mental health trust land and to audit
17 past actions of the state regarding mental health trust land.

18 * Sec. 2. The unexpended and unobligated portion of the appropriation
19 made by sec. 1 of this Act lapses into the general fund June 30, 1987.

20 * Sec. 3. This Act takes effect July 1, 1986.

PROPOSED COMMITTEE SUBSTITUTE

FOR

HOUSE BILL 625

A BILL

For an Act entitled: "An Act making a special appropriation relating to mental health trust land; and providing for an effective date."

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

*Section 1. The sum of \$75,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to the Alaska Mental Health Association for reimbursement of the administrative costs incurred by the plaintiffs and intervenors in Weiss v. State, Civil No. 4FA 82-2208, for overseeing activities of the mental health lands trust and DNR in achieving consensus among the class on issues.

*Section 2. The sum of \$71,000 is appropriated from the general fund to the Department of Health and Social Services for payment as a grant under AS 37.05.316 to the Alaska Alliance for Mentally Ill for reimbursement of the administrative costs incurred by the plaintiffs and intervenors in Weiss v. State, Civil No. 4FA 82-2208, for overseeing activities of the mental health lands trust and DNR in achieving consensus among the class on issues.

*Section 3. The unexpended and unobligated portion of the appropriation made by sec 1 of this Act lapses into the general fund June 30, 1967.

*Section 4. This Act takes effect immediately.

Original sponsors: Pignalberi and M.M.Miller

Funding Information
General Fund \$797,500
Other Funds -0-
\$797,500

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 625 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation in Weiss v.
7 State; and providing for an effective date."

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

9 * Section 1. PURPOSE. (a) The Alaska Supreme Court has issued its
10 decision in the mental health trust land litigation: State v. Weiss, 706
11 P.2d 681 (Alaska 1985). In Weiss v. State, 4FA 2208 Civil, the superior
12 court is considering the issuance of orders implementing the supreme's
13 court's decision. It is the purpose of this Act to provide interim funding
14 to comply with any orders of the supreme or superior court and to allow the
15 parties to resolve the lawsuit, either by settlement or court order.

16 (b) To effectuate the beneficial purposes of this Act, the legisla-
17 ture intends that secs. 4 and 5 of this Act be liberally construed by the
18 supreme court and the superior court to permit the expenditure of funds to
19 allow the plaintiffs and the intervenors to participate fully in the liti-
20 gation and the settlement.

21 (c) The legislature intends that funds appropriated under this Act
22 may be released only upon court order in Weiss v. State.

23 * Sec. 2. The sum of \$487,500 is appropriated from the general fund, to
24 be allocated as follows:

25 (1) for the identification and appraisal of land that has had
26 status as Alaska mental health trust land: \$304,000;

27 (2) for an accounting of Alaska mental health trust land and the
28 income received by the state from the land from 1978 through

29 1985: \$40,800;

1 (3) to provide management oversight of all transactions involv-
2 ing Alaska mental health trust land and income received from Alaska mental
3 health trust land: \$142,700.

4 * Sec. 3. The sum of \$20,000 is appropriated from the general fund for
5 a determination of expenditures for the mental health program from 1978
6 through 1985.

7 * Sec. 4. The sum of \$250,000 is appropriated from the general fund for
8 payment for past and present attorney fees and costs of the plaintiffs and
9 intervenors in Weiss v. State.

10 * Sec. 5. The sum of \$40,000 is appropriated to the Alaska Alliance for
11 the Mentally Ill and to the Alaska Mental Health Association for expenses
12 directly related to Weiss v. State and its settlement.

13 * Sec. 6. The unexpended and unobligated portion of the appropriations
14 made by secs. 2 - 5 of this Act lapses into the general fund June 30, 1987.

15 * Sec. 7. Sections 2 - 5 of this Act take effect on the issuance of
16 court orders in Weiss v. State directing payments consistent with the
17 purposes stated in those sections.

Bradley
4/7/86.

Original sponsors: Pignalberi and M.M. Miller

Funding Information

General Fund \$797,500
Other Funds -0-
\$797,500

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 625 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation in Weiss v.
7 State; and providing for an effective date."

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

9 * Section 1. PURPOSE. (a) The Alaska Supreme Court has issued its
10 decision in the mental health trust land litigation: State v. Weiss, 706
11 P.2d 681 (Alaska 1985). In Weiss v. State, 4FA 2208 Civil, the superior
12 court is considering the issuance of orders implementing the supreme's
13 court's decision. It is the purpose of this Act to provide interim funding
14 to comply with ^{the} [any] orders of the supreme ^{court and the} [or] superior court ^{in this case} and to allow the
15 parties to resolve the lawsuit, either by settlement or court order.

16 (b) To effectuate the beneficial purposes of this Act, the legisla-
17 ture intends that secs. 4 and 5 of this Act be liberally construed by the
18 supreme court and the superior court to permit the expenditure of funds to
19 allow the plaintiffs and the intervenors to participate fully in the liti-
20 gation and the settlement.

21 (c) The legislature intends that funds appropriated under this Act
22 ^{shall} [may] be released only upon ^{of the supreme court and the superior court} [court] order in Weiss v. State.

23 * Sec. 2. The sum of \$487,500 is appropriated from the general fund, to
24 be allocated as follows:

25 (1) for the identification and appraisal of land that has had
26 status as Alaska mental health trust land: \$304,000;

27 (2) for an accounting of Alaska mental health trust land and the
28 income received by the state from the land from 1978 through
29 1985: \$40,800;

1986 BUDGET
for
ALASKA MENTAL HEALTH LANDS PROJECT

SALARIES/FEES:

Land Status & Management Review/Support Staff \$50,000

OFFICE:

Supplies and equipment \$13,000

Rent DONATED

Utilities, including telephone \$ 3,500

Printing and copies/Records \$ 5,000

Travel \$ 3,500

TOTAL 1986 BUDGET \$75,000

CORRECTION

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

Bradley
4/7/86.

Original sponsors: Fignalberi and M.M.Miller

Funding Information	
General Fund	\$797,500
Other Funds	-0-
	<u>\$797,500</u>

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 625 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation in Weiss v.
7 State; and providing for an effective date."

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

9 * Section 1. PURPOSE. (a) The Alaska Supreme Court has issued its
10 decision in the mental health trust land litigation: State v. Weiss, 706
11 P.2d 681 (Alaska 1985). In Weiss v. State, 4FA 2208 Civil, the superior
12 court is considering the issuance of orders implementing the supreme's
13 court's decision. It is the purpose of this Act to provide interim funding
14 to comply with ^{the} any orders of the supreme ^{court and the} [or] superior court ^{in this case} and to allow the
15 parties to resolve the lawsuit, either by settlement or court order.

16 (b) To effectuate the beneficial purposes of this Act, the legisla-
17 ture intends that secs. 4 and 5 of this Act be liberally construed by the
18 supreme court and the superior court to permit the expenditure of funds to
19 allow the plaintiffs and the intervenors to participate fully in the liti-
20 gation and the settlement.

21 (c) The legislature intends that funds appropriated under this Act
22 ^{shall} [may] be released only upon ^{of the supreme court and the superior court} [court] order in Weiss v. State.

23 * Sec. 2. The sum of \$487,500 is appropriated from the general fund, to
24 be allocated as follows:

25 (1) for the identification and appraisal of land that has had
26 status as Alaska mental health trust land: \$304,000;

27 (2) for an accounting of Alaska mental health trust land and the
28 income received by the state from the land from 1978 through
29 1985: \$40,800;

1 (3) to provide management oversight of all transactions involv
2 ing Alaska mental health trust land and income received from Alaska menta
3 health trust land: \$142,700.

4 * Sec. 3. The sum of \$20,000 is appropriated from the general fund fo:
5 a determination of expenditures for the mental health program from 1971
6 through 1985.

7 * Sec. 4. The sum of \$250,000 is appropriated from the general fund fo:
8 payment for past and present attorney fees and costs of the plaintiffs and
9 intervenors in Weiss v. State.

10 * Sec. 5. The sum of \$40,000 is appropriated ^{from the general fund} to the Alaska Alliance for
11 the Mentally Ill and to the Alaska Mental Health Association for expenses
12 directly related to Weiss v. State and its settlement.

13 * Sec. 6. The unexpended and unobligated portion of the appropriations
14 made by secs. 2 - 5 of this Act lapses into the general fund June 30, 1987.

15 * Sec. 7. Sections 2 - 5 of this Act take effect on the issuance of
16 court orders in Weiss v. State directing payments consistent with the
17 purposes stated in those sections.

1986 BUDGET
for
ALASKA MENTAL HEALTH LANDS PROJECT

SALARIES/FEES:

Land Status & Management Review/Support Staff \$50,000

OFFICE:

Supplies and equipment \$13,000

Rent DONATED

Utilities, including telephone \$ 3,500

Printing and copies/Records \$ 5,000

Travel \$ 3,500

TOTAL 1986 BUDGET \$75,000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

VERN T. WEISS, father and next)
friend of CARAL WEISS, a minor)
child, and EARL HILLIKER, on)
behalf of themselves and all)
others similarly situated,)
Plaintiffs,)
v.)
STATE OF ALASKA,)
Defendant.)

FILED In the Trial Courts
State of Alaska, Fourth District

MAR 17 1986

By _____
Clerk, Trial Courts
Deputy

No. 4FA-82-2208

ORDER GRANTING PLAINTIFFS' MOTION FOR
INTERIM AWARD OF COSTS AND ATTORNEY'S FEES

Plaintiffs have moved for an interim order that,
upon a showing by the attorneys for the plaintiff class
that costs and attorney's fees, reasonable in amount, have
been necessarily incurred in protecting the interests of
the beneficiaries, and a determination by the court to that
effect, a further order will be entered directing the State
to make payment for those costs and fees on an interim
basis. Good cause having been shown,

IT IS SO ORDERED.

DATED: MARCH 15, 1986

D. Mary E. Greene
Superior Court Judge

1-28-86

Law Office of
COUNCIL & CROSBY
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801
(907) 586-1780

I certify that on 3-17-86
copies of this form were sent to
CLERK: *[Signature]*

[Handwritten signature]
C & C
Foster (AA) Inc.

Service and receipt of copy
acknowledged this 27th day
of January, 1986

G. Drona Hunt
Attorney for

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT AT FAIRBANKS

VERN T. WEISS, father and next friend of CARL WEISS, a minor child, and EARL HILLIKER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

STATE OF ALASKA,

Defendant.

No. 4FA-82-2208

FILED In the Trial Courts State of Alaska, Fourth District

MAR 17 1986

By _____ Clerk, Trial Courts Deputy

ORDER GRANTING INTERIM AWARD OF COSTS AND ATTORNEY'S FEES

Plaintiffs have moved for an interim order that, upon a showing by the attorneys for the Plaintiff class that costs and attorney's fees, reasonable in amount, have been necessarily incurred in protecting the interests of the beneficiaries, and a determination by the court to that effect, a further order will be entered directing the State to make payment for those costs and fees on an interim basis.

The Alaska Mental Health Association, Mary C. Nanuwak and John Martin on behalf of themselves and all others similarly situated (Intervenors), have responded that they should also be entitled to receive costs and attorney's fees on the same basis.

The State has filed a qualified non-opposition, essentially reserving the right to object to a specific request for costs and attorney's fees.

After due consideration, it is ORDERED that Plaintiffs and Intervenors may recover costs and attorneys fees from Defendant, reasonable in amount, upon presentation of a statement of such costs and attorneys fees.

DATED: _____

Denied as to Intervenors who prejudice. Intervenors must show by way of proof an inability to carry on necessary work not being done by Plaintiffs before court will grant extraordinary relief of interim fees.

Superior Court Judge

*J. G. [Signature]
3/15/86*

3-17-86
of this form were sent to
Kachlenski

*Attorney
Gottstein
Kawter*

JAMES B. GOTTSTEIN
ATTORNEY AT LAW
406 G STREET, SUITE 206
ANCHORAGE, ALASKA 99501
(907) 274-7686

*Adj
2-21-86*



Bradley ✓
4/8/86

Original sponsors: Pignalberi and M.M. Miller

<u>Funding Information</u>	
General Fund	\$797,500
Other Funds	-0-
	<u>\$797,500</u>

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 625 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation implementing
7 Weiss v. State; and providing for an effective date."

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

9 * Section 1. PURPOSE. (a) The Alaska Supreme Court has issued its
10 decision in the mental health trust land litigation: State v. Weiss, 706
11 P.2d 681 (Alaska 1985). In Weiss v. State, 4FA 2208 Civil, the superior
12 court is considering the issuance of orders implementing the supreme's
13 court's decision. It is the purpose of this Act to provide interim funding
14 to comply with the orders of the supreme court and the superior court in
15 this case and to allow the parties to resolve the lawsuit, either by set-
16 tlement or court order.

17 (b) To effectuate the beneficial purposes of this Act, the legisla-
18 ture intends that secs. 4 and 5 of this Act be liberally construed by the
19 supreme court and the superior court to permit the expenditure of funds to
20 allow the plaintiffs and the intervenors to participate fully in the liti-
21 gation and the settlement.

22 (c) The legislature intends that funds appropriated under this Act
23 may be released only upon an order of the supreme court or the superior
24 court in Weiss v. State.

25 * Sec. 2. The sum of \$487,500 is appropriated from the general fund to
26 the Department of Natural Resources, to be allocated as follows:

27 (1) for the identification and appraisal of land that has had
28 status as Alaska mental health trust land: \$304,000;

29 (2) for an accounting of Alaska mental health trust land and the

1 income received by the state from the land from 1978 through
2 1985: \$40,800;

3 (3) to provide management oversight of all transactions involv-
4 ing Alaska mental health trust land and income received from Alaska mental
5 health trust land: \$142,700.

6 * Sec. 3. The sum of \$20,000 is appropriated from the general fund to
7 the Department of Health and Social Services for a determination of ex-
8 penditures for the mental health program from 1978 through 1985.

9 * Sec. 4. The sum of \$250,000 is appropriated from the general fund to
10 the Department of Law for payment for past and present attorney fees and
11 costs of the plaintiffs and intervenors in Weiss v. State.

12 * Sec. 5. The sum of \$40,000 is appropriated from the general fund to
13 the Department of Health and Social Services for payment as a grant to the
14 Alaska Alliance for the Mentally Ill and to the Alaska Mental Health Asso-
15 ciation for expenses directly related to Weiss v. State and its settlement.

16 * Sec. 6. The unexpended and unobligated portion of the appropriations
17 made by secs. 2 - 5 of this Act lapses into the general fund June 30, 1987.

18 * Sec. 7. Each appropriation made in secs. 2 - 5 of this Act is con-
19 ditioned on the issuance of a court order in Weiss v. State directing a
20 payment consistent with the purpose stated in the section.

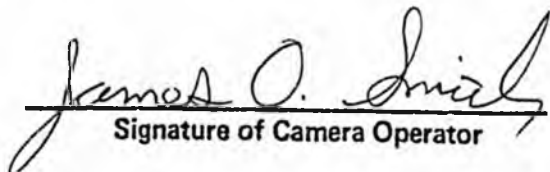
21 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).

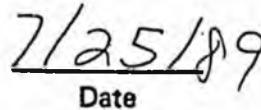


RECORDS CERTIFICATION



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


Signature of Camera Operator


Date

H B

G R 7

Alaska State Legislature

REPRESENTATIVE
MIKE W. MILLER
PO Box 55004
North Pole, Alaska 99705
(907) 485-2687

District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha



White Birch
Pouch V
Juneau, Alaska 99801
(907) 465-4976

House of Representatives

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff

DATE: 3/18/86

RE: Analysis of House Bill 627

*WAIVER
JRM
MGP*

Section 1

amends the Water Use Act (AS 46.15) by stating that a water use permit is not necessary for an individual who wishes to use an insignificant amount of water unless such a use is against the public interest as determined by the Commissioner of DNR. A person using less than a significant amount of water, who decides not to apply for a water use permit for the use, does not acquire a right or priority to the water resource.

Section 2

allows the Commissioner of DNR to promulgate regulations to exempt public notice of applications for water rights in addition to the exemption outlined in Section 3 of this bill.

Section 3

allows the Commissioner of DNR to issue a water use permit for up to 1000 gallons of water per day without providing public notice as outlined in AS 46.15.133. The Commissioner of DNR may disregard this subsection if:

- (1) he or she determines the total amount of water available to an area is limited for the total number of possible users; or,
- (2) the application being filed is for an area that lies within the boundary of a municipality that has requested notification of all water appropriation within its boundaries.

Section 4

(I) rewrites the current statutory language of AS 46.15.260. definitions (1)-(9) to make technical language modifications as requested by the Division of Legal Services. These changes do not alter the affect of the current statutory language.

(II) adds an additional definition number 10 which defines "significant amount of water" as:

- a) a use of more than 5,000 gallons of water in one day from a single source; or,
- b) the recurring daily use of more than 500 gallons of water for 10 or more days, in a year, from a single source; or,
- c) a use that may adversely affect the water rights of others users or the public interest.

MEMORANDUM

TO: Representative Mike W. Miller

FROM: Staff

DATE: 3/12/86

RE: ~~Current statutory and regulatory references allowing the~~
~~small scale use of water~~

The current statutory references pertaining to the use of water are found in Title 46 of the Alaska Statutes and Title 11 of the Alaska Administrative Code.

~~AS 46.15.040. Right to appropriate.~~ (a) A right to appropriate water can be acquired only as provided in this chapter. No right to use of water either appropriated or unappropriated shall be acquired by adverse use or possession.

(b) A right to appropriate water shall be obtained by first making application to the commissioner for a permit to appropriate. The commissioner shall by regulation prescribe the form and contents of the application and the procedure for filing the application. If a permit is granted and the means of appropriation is constructed, a certificate of appropriation may be obtained.

The Alaska Administrative Codes speak to the appropriation of water in 11 AAC 93.

~~11 AAC 93.040. APPLICATION FOR A PERMIT TO APPROPRIATE WATER.~~

(a) Unless exempted by sec. 920 of this chapter, no person may lawfully appropriate water of the state without first obtaining a permit under the provisions of secs. 40-120, 210-220, or 260 of this chapter.

~~11 AAC 93.920. EXEMPTIONS.~~ Any person using less than a significant amount of water as defined in sec. 970 of this chapter is not guilty of a misdemeanor for appropriating water without a permit. However, any person using less than a significant amount of water acquires no water right or priority unless an application is filed and a permit or certificate is issued in accordance with secs. 40-140 of this chapter. Water used without a permit or certificate is subject to appropriation by others and the use of water without a water right is subject to curtailment in order to supply water to lawful appropriators of record.

~~11 AAC 93.970. DEFINITIONS.~~ Unless the context indicates otherwise, in this chapter

(14) "significant amount of water" means any use of 5,000 or more gallons of water in a single day from a single source, or the regular daily or recurring seasonal use of 500 or more gallons of water per day for 10 days or more per year from a single source, or any water

use that may adversely affect the water rights of other appropriators or the public interest.

With regard to the public notice requirements when a person applies for a water use permit, 11 AAC 93.100 allows the following exemption for individuals applying for water rights for domestic use.

~~11 AAC 93.100 EXEMPTIONS TO NOTICE.~~ An application to appropriate no more than 1000 gallons of water per day for single family domestic purposes is exempt from the notice provisions of sec. 80 of this chapter. However, in areas where the total amount of water available appears to the department to be limited with respect to the number of potential users of the same source, or upon the request of a municipality as defined by AS 29, the commissioner will, in his discretion, require public notice as provided by sec, 80 of this chapter.

HOUSE BILL 627 IS THE RESULT OF A REQUEST FROM MY DISTRICT THAT THE INCIDENTAL USE OF THE STATE'S WATER RESOURCES BY INDIVIDUALS BE PROTECTED BY LAW. SINCE I FIRMLY BELIEVE THE STATE'S RESOURCES SHOULD BE MADE AVAILABLE TO THE GENERAL POPULATION WHENEVER POSSIBLE, I AGREED TO SEE THAT THIS REQUEST WAS ADDRESSED BY LEGISLATION,-- THE RESULT BEING HOUSE BILL 627.

SHORTLY AFTER THE INTRODUCTION OF HB 627, I RECEIVED A CALL FROM DIVISION OF LAND AND WATER MANAGEMENT IN ANCHORAGE, ABOUT THE VAGUE WORDING OF THE BILL. I EXPLAINED THAT DUE TO THE PERSONAL BILL DEADLINE, SET OUT IN UNIFORM RULE 44, I DID NOT HAVE TIME TO IDENTIFY THE IDEAL LANGUAGE FOR THIS BILL PRIOR TO ITS INTRODUCTION AND WAS, THEREFORE, WORKING ON A COMMITTEE SUBSTITUTE. I HAVE WORKED CLOSELY WITH THE DEPARTMENT OF NATURAL RESOURCES IN DEVELOPING A COMMITTEE SUBSTITUTE FOR HB 627. IT HAS BEEN PLACED IN EACH OF YOUR BILL PACKETS. THE REMAINDER OF MY COMMENTS WILL ADDRESS THE RESOURCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 627, DATED 3/18/86.

ALL OF THE MAJOR ADDITIONS TO EXISTING STATUTES PROPOSED BY CSHB 627 (RES) ARE DERIVED DIRECTLY FROM EXISTING STATE WATER MANAGEMENT REGULATIONS. THIS LANGUAGE WILL ALLOW THE INCIDENTAL APPROPRIATION OF WATER FOR:

- 1) DOMESTIC USE
- 2) SMALL BUSINESS USE
- 3) RECREATIONAL USE - SUCH AS CAMPING OR USE OF A WILDERNESS CABIN
- 4) REGULAR SEASONAL USE - SUCH AS OPERATING A FISH CAMP ON THE YUKON

IN ADDITION TO ALLOWING THE UNREGULATED USE OF WATER FOR THESE AND OTHER PERSONAL PURPOSES, THE BILL ALSO GIVES THE COMMISSIONER OF NATURAL RESOURCES AUTHORITY TO REGULATE THE USE OF WATER WHEN A PARTICULAR SOURCE IS BEING THREATENED. IT WILL ALSO PROTECT AGAINST THE WANTON WASTE OF WATER BY INDIVIDUALS.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 627
 Title : Use of Water Without Appropriation

Sponsor : M.W. Miller
 Requestor House Resources
 Date of Request : 3-18-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Minerals Management, Land & Water Mgmt.

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						


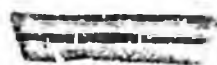

ANALYSIS : Attach a separate page if necessary

Prepared by : Gary Johnson Phone : 762-4346
 Division : Land & Water Management Date : 03-18-86

Approved by Commissioner : Ned Fausch Date : 03-18-86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

 - NEW STATUTES AMENDED
 - EXISTING STATUTES AMENDED
 - TECHNICAL CHANGES TO ENSURE STATUTES

Bradley
3/18/86

Original sponsor: M.W. Miller by request

GEORGE'S COPY

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 627 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 * Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less
 10 than a significant amount of water without a permit unless the commis-
 11 sioner determines that the use of less than a significant amount of
 12 water is not in the public interest. A person using less than a
 13 significant amount of water acquires no water right or priority unless
 14 an application is filed and a permit or certificate is issued under
 15 AS 46.15.030 - 46.15.185.

16 * Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional
 18 types of appropriations ~~that~~ (WHICH) are exempt from this section and
 19 provide simplified procedures for ruling on the applications.

20 * Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of
 22 water a day is exempt from the notice provisions of this section.
 23 Notwithstanding this subsection, the commissioner may require public
 24 notice under this section

25 (1) on a determination that the total amount of water
 26 available in an area is limited considering the number of potential
 27 users from the source of the water; or

28 (2) on request of the municipality in which the area is
 29 located.

* Sec. 4. AS 46.15.260 is amended to read:

Sec. 46.15.260. DEFINITIONS. In this chapter, unless the context otherwise requires,

(1) "appropriate" means

(A) to divert, impound, or withdraw a quantity of water from a source of water, for a beneficial use; or

(B) to reserve water under [IN ACCORDANCE WITH] AS 46.15.145;

(2) "appropriation" means

(A) the diversion, impounding, or withdrawal of a quantity of water from a source of water for a beneficial use; or

(B) the reservation of water under [IN ACCORDANCE WITH] AS 46.15.145;

(3) "beneficial use" means a use of water for the benefit of the appropriator, other persons or the public, that is reasonable and consistent with the public interest, including, but not limited to, domestic, agricultural, irrigation, industrial, manufacturing, fish and shellfish processing, navigation and transportation, mining, power, public, sanitary, fish and wildlife, recreational uses, and maintenance of water quality;

(4) "source of water" means a substantial quantity of water capable of being put to beneficial use;

(5) "water" means all water of the state, surface and subsurface, occurring in a natural state, except mineral and medicinal water;

(6) "commissioner" means the commissioner of natural resources;

(7) "director" means the director of land and water management [THE DIVISION OF LANDS], Department of Natural Resources;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(8) "person" includes an individual, partnership, association, public or private corporation, state agency, ~~municipality~~ ~~POLITICAL SUBDIVISION~~ of the state, and the United States; [.]

(9) "mineral and medicinal water" means

(A) water of a hot spring or spring with curative properties ~~that~~ ~~[WHICH]~~ has been reserved by the federal government under Public Land Order No. 399; and

(B) geothermal fluid, as ~~THE TERM IS~~ defined in AS 41.06.060;

(10) "significant amount of water" means

(A) a use of more than 5,000 gallons of water in a single day from a single source; CR,

(B) the regular daily or recurring seasonal use of more than 500 gallons of water a day for 10 days or more a year from a single source; CR,

(C) a water use that may adversely affect the water rights of another appropriator or the public interest.

11 AAC 93.970. (14)

ALASKA

STATE LEGISLATURE

MEMORANDUM

Hess

4/1/86

Please return HB 627 to the Chief Clerk. It has been waived to Rules

Offered: 3/21/86
Referred: Health, Education &
Social Services

Original sponsor: M.W.Miller by request

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 627 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 * Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less
10 than a significant amount of water without a permit unless the commis-
11 sioner determines that the use of less than a significant amount of
12 water is not in the public interest. A person using less than a
13 significant amount of water acquires no water right or priority unless
14 an application is filed and a permit or certificate is issued under
15 AS 46.15.030 - 46.15.185.

16 * Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional
18 types of appropriations that [WHICH] are exempt from this section and
19 provide simplified procedures for ruling on the applications.

20 * Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of
22 water a day is exempt from the notice provisions of this section.
23 Notwithstanding this subsection, the commissioner may require public
24 notice under this section

25 (1) on a determination that the total amount of water
26 available in an area is limited considering the number of potential
27 users from the source of the water; or

28 (2) on request of the municipality in which the area is
29 located.

1 * Sec. 4. AS 46.15.260 is amended to read:

2 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the
3 context otherwise requires,

4 (1) "appropriate" means

5 (A) to divert, impound, or withdraw a quantity of
6 water from a source of water, for a beneficial use; or

7 (B) to reserve water under [IN ACCORDANCE WITH]
8 AS 46.15.145;

9 (2) "appropriation" means

10 (A) the diversion, impounding, or withdrawal of a
11 quantity of water from a source of water for a beneficial use; or

12 (B) the reservation of water under [IN ACCORDANCE
13 WITH] AS 46.15.145;

14 (3) "beneficial use" means a use of water for the benefit
15 of the appropriator, other persons or the public, that is reasonable
16 and consistent with the public interest, including, but not limited
17 to, domestic, agricultural, irrigation, industrial, manufacturing,
18 fish and shellfish processing, navigation and transportation, mining,
19 power, public, sanitary, fish and wildlife, recreational uses, and
20 maintenance of water quality;

21 (4) "source of water" means a substantial quantity of water
22 capable of being put to beneficial use;

23 (5) "water" means all water of the state, surface and
24 subsurface, occurring in a natural state, except mineral and medicinal
25 water;

26 (6) "commissioner" means the commissioner of natural re-
27 sources;

28 (7) "director" means the director of land and water
29 management [THE DIVISION OF LANDS], Department of Natural Resources;

1 (8) "person" includes an individual, partnership, asso-
2 ciation, public or private corporation, state agency, municipality
3 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

4 (9) "mineral and medicinal water" means

5 (A) water of a hot spring or spring with curative
6 properties that [WHICH] has been reserved by the federal govern-
7 ment under Public Land Order No. 399; and

8 (B) geothermal fluid, as [THE TERM IS] defined in
9 AS 41.06.060;

10 (10) "significant amount of water" means

11 (A) a use of more than 5,000 gallons of water in a
12 single day from a single source; or

13 (B) the regular daily or recurring seasonal use of
14 more than 500 gallons of water a day for 10 days or more a year
15 from a single source; or

16 (C) a water use that may adversely affect the water
17 rights of another appropriator or the public interest.

HOUSE
COMMITTEE REPORT

3/21

(9)

Date referred: 2/17/86

HEALTH, EDUCATION
& SOCIAL SERVICES
FURTHER REFERRALS:

DATE: 3/19/86

The RESOURCES Committee has considered HB 627

"An Act relating to the use of water."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 627 (Resources) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

Shultz *Dink Shultz*

Cato *Bette Cato*

Jenkins *Roger Jenkins*

Pearce *W. Pearce*

Sund *Al Sund*

Thompson *David W. Thompson* *DON'T THROW COLD WATER ON THIS BILL!*

Miller (N) *M.W. Miller*

Wallis *F. Key Wallis*

SIGNING OTHER RECOMMENDATIONS:

Dink Shultz
Co-Chairman Shultz

- NEW STATUTORY LANGUAGE

- EXISTING STATUTORY LANGUAGE

- TECHNICAL LANGUAGE CHANGE

Bradley
3/18/86

Original sponsor: M.W.Miller by request

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 627 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of water."

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

8 * Section 1. AS 46.15 is amended by adding a new section to read:

9 Sec. 46.15.045. SMALL SCALE USE OF WATER. A person may use less
10 than a significant amount of water without a permit unless the commis-
11 sioner determines that the use of less than a significant amount of
12 water is not in the public interest. A person using less than a
13 significant amount of water acquires no water right or priority unless
14 an application is filed and a permit or certificate is issued under
15 AS 46.15.030 - 46.15.185.

16 * Sec. 2. AS 46.15.133(f) is amended to read:

17 (f) The commissioner may, by regulation, designate additional
18 types of appropriations that [WHICH] are exempt from this section and
19 provide simplified procedures for ruling on the applications.

20 * Sec. 3. AS 46.15.133 is amended by adding a new subsection to read:

21 (g) An application to appropriate not more than 1,000 gallons of
22 water a day is exempt from the notice provisions of this section.
23 Notwithstanding this subsection, the commissioner may require public
24 notice under this section

25 (1) on a determination that the total amount of water
26 available in an area is limited considering the number of potential
27 users from the source of the water; or

28 (2) on request of the municipality in which the area is
29 located.

1 * Sec. 4. AS 46.15.260 is amended to read:

2 Sec. 46.15.260. DEFINITIONS. In this chapter, unless the
3 context otherwise requires,

4 (1) "appropriate" means

5 (A) to divert, impound, or withdraw a quantity of
6 water from a source of water, for a beneficial use; or

7 (B) to reserve water under [IN ACCORDANCE WITH]
8 AS 46.15.145;

9 (2) "appropriation" means

10 (A) the diversion, impounding, or withdrawal of a
11 quantity of water from a source of water for a beneficial use; or

12 (B) the reservation of water under [IN ACCORDANCE
13 WITH] AS 46.15.145;

14 (3) "beneficial use" means a use of water for the benefit
15 of the appropriator, other persons or the public, that is reasonable
16 and consistent with the public interest, including, but not limited
17 to, domestic, agricultural, irrigation, industrial, manufacturing,
18 fish and shellfish processing, navigation and transportation, mining,
19 power, public, sanitary, fish and wildlife, recreational uses, and
20 maintenance of water quality;

21 (4) "source of water" means a substantial quantity of water
22 capable of being put to beneficial use;

23 (5) "water" means all water of the state, surface and
24 subsurface, occurring in a natural state, except mineral and medicinal
25 water;

26 (6) "commissioner" means the commissioner of natural re-
27 sources;

28 (7) "director" means the director of land and water
29 management [THE DIVISION OF LANDS], Department of Natural Resources;

1 (8) "person" includes an individual, partnership, asso-
2 ciation, public or private corporation, state agency, municipality
3 [POLITICAL SUBDIVISION] of the state, and the United States; [.]

4 (9) "mineral and medicinal water" means

5 (A) water of a hot spring or spring with curative
6 properties that [WHICH] has been reserved by the federal govern-
7 ment under Public Land Order No. 399; and

8 (B) geothermal fluid, as [THE TERM IS] defined in
9 AS 41.06.060;

10 (10) "significant amount of water" means

11 (A) a use of more than 5,000 gallons of water in a
12 single day from a single source;

13 (B) the regular daily or recurring seasonal use of
14 more than 500 gallons of water a day for 10 days or more a year
15 from a single source;

16 (C) a water use that may adversely affect the water
17 rights of another appropriator or the public interest.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 627
 Title : Use of Water without Appropriation

 Sponsor : M.W. Miller
 Requestor House Resources
 Date of Request : 3-18-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Minerals Management, Land & Water Mgmt.

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Garv Johnson Phone : 762-4346
 Division : Land & Water Management Date : 03-18-86

Approved by Commissioner : Ned Fausch Date : 03-18-86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

unfinished business

HOUSE ROLL CALL

19

SUBJECT:

HB 627 WAIVER

	Yea	Nay	Abse
ADAMS			
BINKLEY			
BOUCHER			
CATO			
CLOCKSIN			
COLLINS			
COTTEN			
DAVIS			
DUNCAN			
FRANK			
FULLER			
FURNACE			
GOLL			
GRUENBERG	WJ		
HANLEY	CH		
HERRMANN			
HURLEY	Kth		
JENKINS			
KOPONEN	(PK)		
LARSON			
MARROU			
MARTIN			
MILLER (Juneau)			
MILLER (N. Pole)			
NAVARRE			
PEARCE			
PETTYJOHN	AR		
PHILLIPS			
PIGNALBERI			
POURCHOT			
RIEGER			
RINGSTAD			
SHULTZ			
SUND			
SZYMANKSI			
TAYLOR	RT		
THOMPSON	DUT		
UEHLING			
WALLIS			
GRUSSENDORF (Speaker)			



RECORDS CERTIFICATION



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

James O. Smith
Signature of Camera Operator

7/25/89
Date

HB

634

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 634 (HESS)
 Title: An Act relating to the Board of
 Nursing Home Administrators

Sponsor: House HESS
 Requester: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing

Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		-0-	-0-	-0-	[.5]	[.5]
CONTRACTUAL		-0-	-0-	-0-	-0-	-0-
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	[.5]	[.5]

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		-0-	-0-	-0-	-0-	-0-
---------	--	-----	-----	-----	-----	-----

FUNDING: (Thousands of dollars)

GENERAL FUND		-0-	-0-	-0-	[.5]	[.5]
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	[.5]	[.5]

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

This bill provides for continuation of the Board of Nursing Home Administrators and reduces the number of board members from five to three by attrition. One Anchorage member would attend only one meeting in FY 87, therefore, per diem cost of \$80 would be eliminated for FY 88-91. This cost is not reflected as it is under \$100 annually.

Prepared by: Jennifer Strickler, Management Analyst
 Division: Occupational Licensing

(see attached for continuation)
 Phone: 465-2144
 Date: 3-17-87

Approved by Commissioner: [Signature]
 Agency: Commerce and Economic Development

Date: 3/17/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 634 (HESS)

The reduction in cost shown for FY 90 and FY 91 reflects the elimination of one Juneau member whose term expires October 1, 1988. This member would attend the face to face meeting in FY 89 but travel and per diem cost of \$512 in FY 90 and FY 91 would be eliminated.

requirement. (1) The State's payment of premiums, deductibles, cost sharing, or similar charges under part B does not obligate it to provide the full range of part B services to recipients not covered by Medicare.

(2) The State plan must specify this exception if it applies.

(c) *Federal financial participation.*
(1) No FFP is available in State expenditures for Medicare part B premiums for Medicaid recipients who receive no money payments under title I, IV-A, X, XIV, XVI (AABD), or XVI (SSI) of the Act. However, FFP is available in those expenditures for—

(i) AFDC families required to be covered under §§ 438.112 and 438.116 of this subchapter, those eligible for continued Medicaid coverage despite increased income from employment;

(ii) Recipients required to be covered under §§ 435.114, 438.134, and 438.112 of this subchapter, those eligible for continued Medicaid coverage despite increased income from monthly insurance benefits under title II of the Act; and

(iii) Recipients required to be covered under § 438.118 of this subchapter, those eligible for continued Medicaid coverage despite increased income from cost-of-living increases under title II of the Act.

(2) No FFP is available in State Medicaid expenditures that could have been paid for under Medicare part B but were not because the person was not enrolled in part B. This limit applies to all recipients eligible for enrollment under part B, whether individually or through an agreement under section 1843(a) of the Act. However, FFP is available in expenditures required by §§ 435.614 and 438.901 of this subchapter for retroactive coverage of recipients.

143 FR 45188, Sept. 29, 1978, as amended at 44 FR 17925, Mar. 22, 1979

§ 431.630 Coordination of Medicaid with Professional Standards Review Organizations.

(a) The State plan may provide for the review of Medicaid services by a PSRO designated under Part B of Title XI of the Act. Medicaid requirements for medical and utilization review shall be deemed to be met for

those services or providers subject to such contracted review.

(b) The State plan must specify how the contract with the PSRO satisfies the requirements that:

(1) The provisions of paragraphs (a), (b), (c), (g), (h), (i), (m), and (n) of § 431.503 of this subchapter are met;

(2) A monitoring and evaluation plan is in effect by which the State will assure satisfactory performance by the PSRO.

(3) The services and providers subject to PSRO review are identified; and

(4) The review activities performed by the PSRO are not inconsistent with those activities performed for the review of Title XVIII services, including a description of whether and to what extent PSRO determinations will be considered conclusive for payment purposes.

146 FR 48585, Oct. 1, 1981; 48 FR 84744, Nov. 4, 1983

EDITORIAL NOTE: Section 431.630 was revised at 48 FR 48585, Oct. 1, 1983. The reporting and/or recordkeeping requirement in § 431.60 is not required until OMB approval has been obtained. HCFA will publish a document in the Federal Register when OMB approves or disapproves these requirements.

Subpart N—State Programs for Licensing Nursing Home Administrators

§ 431.700 Basis and purpose.

This subpart implements sections 1903(a)(29) and 1908 of the Act which require that the State plan include a State program for licensing nursing home administrators.

§ 431.701 Definitions.

Unless otherwise indicated, the following definitions apply for purposes of this subpart:

"Agency" means the State agency responsible for licensing individual practitioners under the State's healing arts licensing act.

"Board" means an appointed State board established to carry out a State program for licensing administrators of nursing homes, in a State that does

not have a healing arts licensing act or an agency as defined in this section.

"Licensed" means certified by a State agency or board as meeting all of the requirements for a licensed nursing home administrator specified in this subpart.

"Nursing home" means any institution, facility, or distinct part of a hospital that is licensed or formally recognized as meeting nursing home standards established under State law, or that is determined under § 431.704 to be included under the requirements of this subpart. The term does not include—

(a) A Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass.; or

(b) A distinct part of a hospital, if the hospital meets the definition in § 440.10 or § 440.140 of this subchapter, and the distinct part is not licensed separately or formally approved as a nursing home by the State even though it is designated or certified as a skilled nursing facility.

"Nursing home administrator" means any person who is in charge of the general administration of a nursing home whether or not the person—

(a) Has an ownership interest in the home; or

(b) Shares his functions and duties with one or more other persons.

§ 431.702 State plan requirement.

A State plan must provide that the State has a program for licensing administrators of nursing homes that meets the requirements of §§ 431.703 through 431.713 of this subpart.

§ 431.703 Licensing requirement.

The State licensing program must provide that only nursing homes supervised by an administrator licensed in accordance with the requirements of this subpart may operate in the State.

§ 431.704 Nursing homes designated by other terms.

If a State licensing law does not use the term "nursing home," the HCFA Administrator will determine the term or terms equivalent to "nursing home" for purposes of applying the require-

ments of this subpart. To obtain this determination, the Medicaid agency must submit to the Regional Medicaid Director copies of current State laws that define institutional health care facilities for licensing purposes.

§ 431.705 Licensing authority.

(a) The State licensing program must provide for licensing of nursing home administrators by—

(1) The agency designated under the healing arts act of the State; or

(2) A State licensing board.

(b) The State agency or board must perform the functions and duties specified in §§ 431.707 through 431.713 and the board must meet the membership requirements specified in § 431.706 of this subpart.

§ 431.706 Composition of licensing board.

(a) The board must be composed of persons representing professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients. However—

(1) A majority of the board members may not be representative of a single profession or category of institution; and

(2) Members not representative of institutions may not have a direct financial interest in any nursing home.

(b) For purposes of this section, nursing home administrators are considered representatives of institutions.

§ 431.707 Standards.

(a) The agency or board must develop, impose, and enforce standards that must be met by individuals in order to be licensed as a nursing home administrator.

(b) The standards must be designed to insure that nursing home administrators are—

- (1) Of good character;
- (2) Otherwise suitable; and
- (3) Qualified to serve because of training or experience in institutional administration.

§ 431.708 Procedures for applying standards.

The agency or board must develop and apply appropriate procedures and techniques, including examinations

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS
FROM: NANCY EENNETT, COMMITTEE STAFF
DATE: FEBRUARY 24, 1986
RE: HESS AGENDA

Today, we have three bills before the committee and a scheduling briefing on HB 98, relating to Medicaid services, which has been largely changed in the Senate.

HB 640 - Relating to the Board of Physical Therapy

This bill allows for the independent practice of physical therapists (without physician referral, as is the current practice), continues the board for four years, and deletes temporary permit reference for foreign trained therapists, as recommended by the Division of Occupational Licensing. The Sunset Review report is also in your folder.

Representative Gruenberg has requested a committee substitute, which may not be ready by meeting time, which repeals and re-enacts AS 08.84.120 Refusal, revocation and suspension of license and specifies that penalties for AS 08.84.130 (a) and (b) and AS 08.84.140 are a class B misdemeanor.

HB 634 - Relating to the Board of Nursing Home Administrators

This bill reduces, by attrition, the number of board members from five to three, and continues the board for four years. The Sunset Review report is also in your folder.

Representative Gruenberg has three amendments to offer.

HB 98 - Relating to Medicaid services

When this bill was in HESS last year, it was merely amending the Medicaid statute to comply with new federal requirements. The services (for pregnant women and children who would otherwise qualify for Medicaid services except that there are two parents in the home) were already adopted by the legislature in 1982, and were simply being moved from the optional to the mandatory category.

In Senate HESS, at the governor's request, personal care attendant services (at a cost to the state of \$500.0) has been added to the optional Medicaid services. Language has also been added to limit the medical facility rates set by the Medicaid Rate Commission to the amount of money appropriated by the legislature. The Senate also asked Rod Betit to

examine the medically needy Medicaid option for their consideration.

Other medical changes of interest: The Governor reduced the General Relief Medical Program from \$11.5 million to \$5 million and decreased Catastrophic Illness. Division Director, Rod Betit, will be here to address the Committee.

HB 497 - Relating to birth certificates, parental responsibility and child custody

The bill provides that a parent/s or legal guardian is responsible for a child's shoplifting behavior, requires the court to solicit information concerning the best interest of the child in disputed and undisputed custody situations, clarifies that a court may order child support in joint custody situations and repeals AS 18.50.160 (f), distinguishing the birth certificate of an illegitimate child.



Alaska State Legislature
House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V
JUNEAU, AK 99811
465-3759

February 24, 1986

Representative Ben Grussendorf
Speaker of the House
P.O. Box V
Juneau, Alaska 99811

Dear Mr. Speaker:

The House Committee on Health, Education and Social Services has considered the Sunset Review of the Board of Nursing Home Administrators, and recommends that the board be continued. The Committee has introduced HB 634 to fulfill the findings of the Committee.

As required by AS 44.60.050 (c), the Committee submits the following findings:

(1) the extent to which the board, commission or program has operated in the public interest.

The Division of Legislative Audit found that the board served no public purpose and should be eliminated, however, the Committee finds that the existence of the board is required by federal Medicaid law and should therefore be maintained so that Alaskan nursing home residents may continue to qualify for Medicaid funds.

(2) the extent to which the operation of the board, commission or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Federal law requires the existence of this board as a criterion for qualification for Medicaid funding.

(3) the extent to which the board, commission or agency has recommended statutory changes which are generally of benefit to the public interest.

The statutes were amended to require biennial rather than annual licensing and to revoke licenses of those persons who do not uphold the board's standards.

(4) the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations

and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

There have been four board meetings since 1982. For two meetings, there was insufficient hearing notice between time of publication and the meetings, and for a third meeting there was no notice.

(5) the extent to which the board, commission or agency has encouraged public participation in the making of its regulations and decisions.

The board announces proposed changes to regulations in the newspaper according to the Administrative Procedures Act.

(6) the efficiency with which public inquiries or complaints regarding the activities of the board, commission or agency filed with it, with the department to which the board or commission is administratively assigned, or with the office of the ombudsman have been processed or resolved.

Only one complaint has been filed with the Division of Occupational Licensing in the past several years, and that complaint was dismissed as lacking merit. No complaints have been filed with the Office of the Ombudsman or the Attorney General's office.

(7) the extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

50 persons are licensed as nursing home administrators in the state, with no evidence that unqualified practitioners have been licensed.

(8) the extent to which state personnel practices, including affirmative action practices, have been complied with by the board, commission or agency to its own activities and the area of activity or interest.

No complaints have been filed with the Office of Equal Employment Opportunity regarding the Board of Nursing Home Administrators.

(9) the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

The Committee determined that the board should be reduced to three members to reduce the cost of operation. This change is reflected in HB 634, which the Committee introduced to continue the board.

As required by AS 44.60.050 (d), the Committee submits the following findings:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address.

The board needs to assure adequate notice of board meetings. The board wishes to investigate a preceptorship program and continuing

education requirements. The Committee determined that the board has the statutory authority to pursue these goals.

- (2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments.

The purpose of the board is to license qualified nursing home administrators to protect the public and assure that Alaska receives Medicaid funding. The board is fulfilling this function.

- (3) an identification of any other programs having similar, conflicting or duplicate objectives.

There are no other programs having a duplicate function.

- (4) an assessment of alternative methods of achieving the purposes of the program.

Because the Medicaid regulations require licensure by a board composed of members of different medical professions, the Committee determined that there are no alternatives other than this board for licensing nursing home administrators.

- (5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level.

Elimination of the board would make the state of Alaska liable for federal Medicaid sanctions. Since institutional facilities account for over half of the Medicaid budget, this would not be in the state's best interest. In order to save money, the Committee has reduced the number of members on the board to three from five.

- (6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts.

Since Alaska has no combined medical licensing boards which would meet federal regulations, the board must be continued.

- (7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

The Committee recommended that reduction of the board be accomplished by attrition. The Division of Occupational Licensing recommended that the meetings be reduced to one per year, but the Committee felt that teleconferenced meetings can and should be held so that the board can fulfill the mandate of AS 08.70.040 at little cost to the state. Such meetings will also allow the board to develop its proposed preceptorship program.

The Committee also recommends that licensing fees for the board be raised in order to produce income necessary to cover the operating

expenses of the board.

Representative Max F. Gruenberg, Jr., Co-Chair
House Health, Education and Social Services Committee

Representative Niilo Koponen, Co-Chair
House Health, Education and Social Services Committee

expenses of the board.

Representative Max F. Gruenberg, Jr., Co-Chair
House Health, Education and Social Services Committee

Representative Niilo Koponen, Co-Chair
House Health, Education and Social Services Committee

Introduced: 2/17/86
Referred: Health, Educatio. &
Social Services, Labor & Commerce
and Finance

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 634

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Board of Nursing Home Admini-
7 strators; and providing for an effective date."

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

9 * Section 1. AS 08.03.010(c)(9) is amended to read:

10 (9) Board of Nursing Home Administrators (AS 08.70.010) --
11 June 30, 1990 [1986].

12 * Sec. 2. AS 08.70.020(a) is amended to read:

13 (a) The board consists of three [FIVE] members: one [TWO]
14 nursing home administrator [ADMINISTRATORS] licensed under this
15 chapter and practicing in the state, a registered nurse licensed in
16 the state and having no direct financial interest in any nursing home,
17 and one person [TWO PERSONS] from the general public.

18 * Sec. 3. TRANSITION. Notwithstanding the provisions of AS 08.70.-
19 020(a) as amended by sec. 2 of this Act, the members of the Board of Nurs-
20 ing Home Administrators on the effective date of this Act remain on the
21 board until their terms expire or the positions otherwise become vacant.

22 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).



RECORDS CERTIFICATION

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

James O. Smith
Signature of Camera Operator

7/25/89
Date

H B

6

3

6

STATE OF ALASKA

DEPARTMENT OF EDUCATION

DIVISION OF EDUCATIONAL PROGRAM SUPPORT

BILL SHEFFIELD, GOVERNOR

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 10, 1986

MEMORANDUM

TO: Nancy Bennett, Special Assistant
House Committee on Health, Education
and Social Services

THRU: Mary Hakala, Special Assistant
Office of The Commissioner

FROM: Darby Anderson, Administrator
Office of Curriculum Services

RE: House Bill No. 636
Information Request

The information requested during the hearing on House Bill No. 636 is enclosed:

- . Tri-Department Agreement
- . Preschool Programs in the State of Alaska
- . Summary of Public Programs
- . Summary. Perry Preschool Project
- . Special Report on Policy Conference for High Scope

DA/wm
51191

1984
REVISED AGREEMENT BETWEEN THE
DEPARTMENTS OF EDUCATION,
COMMUNITY AND REGIONAL AFFAIRS,
AND HEALTH & SOCIAL SERVICES
FOR THE COORDINATION OF
EARLY CHILDHOOD PROGRAMS

BACKGROUND

There have been many significant changes in the field of early childhood in Alaska in the past few years. Programs have increased at a rapid rate, staff training needs have multiplied, government regulatory activity has been challenged, budgets have fluctuated, and public awareness has been raised about the crucial importance of the early years in human development. The three primary state agencies charged with responsibilities in the area of Early Childhood are the Departments of Education, Community and Regional Affairs, and Health & Social Services. Because of recent, rapid growth and expansion in the field there is a need to revise and formalize a cooperative interagency agreement, and to directly establish an on-going committee on Early Childhood. The most recent similar agreement, upon which much of this document is based, was developed in May, 1982. The Governor's Mini-Cabinet on Women's Issues charged the three departments with updating this agreement to continue the improved coordination of Early Childhood services. The structure and organization of the current agreement provides an on-going mechanism to address timely common issues.

Noteworthy activities of the past two years in each Department can clarify what has recently occurred.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

- 1) Child Care is one of the fastest growing small industries in the state. In the last year, an average of 100 new licensed child care spaces have been created each month.

- 2) Steps to address growth and to ensure that the greatest licensing effort goes into new and marginal programs include:
 - Implementing biennial rather than annual licensing.
 - Developing application wait listing and processing sequence policy.
 - Implementing an abbreviated annual monitoring policy.
 - Refining the complaint investigation procedures.
- 3) The Department has coordinated closely with the Department of Education on regulation changes and participated in four joint presentations to Early Childhood professionals.
- 4) Hearings on draft Department of Health and Social Services child care regulation changes were completed in May, 1984.

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

- 1) Legislation passed for developmentally disabled young children and adolescents in child care.
- 2) Day Care Assistance Programs are now available in all areas of the state where there is licensed care.
- 3) All Department programs have received increased funding.
- 4) Education and Training Grants have grown from seven to forty-one grantees. These include AAIEYC affiliate conferences in Anchorage, the Delta Region, and Juneau. It is currently the only major funding source for child care provider training.
- 5) Department sponsored the Employer-Employee Child Care Conference, March 1984.

- 6) The Department Child Care staff has served on the following special task forces:
 - Mayor's Task Force on Young Children, Anchorage
 - ARCC-Alaska, Inc. Dependent Care
 - Humana Hospital's Information & Referral
 - University of Alaska-Anchorage Families and Work
 - Barriers to Employment Conference
- 7) Department Child Care staff have facilitated the creation of or networked with:
 - Alaska Family Child Care Society
 - Association of Day Care Administrators
 - Alaska Association for the Education of Young Children, and six affiliates
 - Head Start Directors Association
 - Consortium of Early Childhood Teacher Educators

DEPARTMENT OF EDUCATION

- 1) Certification and renewal of certification for pre-elementary school programs increased by 200%.
- 2) Department sponsored the Workshop for Early Childhood Administrators and Workers, September, 1983.
- 3) Support was given to Alaska Association for the Education of Young Children and affiliates, to assist with training and curriculum development.
- 5) State School Board approved Type E, Early Childhood Associate I, II certification program for Early Childhood staff. (Developed by the Consortium of Early Childhood Teacher Educators.)
- 6) Preschool needs survey was conducted of all public preschools, 1983.
- 7) Department attempted revisions of pre-elementary school regulations, 1982-83.
- 8) Early Childhood Education Handbook was created in 1982 and revised in 1984.
- 9) Chapter 1 dissemination project for Early Childhood was completed in 1984.
- 10) Department provided support for Resource Access Project and related Early Childhood/ Special Education services.

COMMITTEE ON EARLY CHILDHOOD

PURPOSE

An inter-departmental committee named the Committee on Early Childhood, is established to provide effective coordination and management of services for Alaskan children under the age of nine*, and to provide technical assistance to all those concerned with long-range planning in the field of early childhood.

MEMBERSHIP

Committee members shall include:

- Commissioner of the Department of Community & Regional Affairs, or designee
- Commissioner of the Department of Education, or designee
- Commissioner of the Department of Health & Social Services, or designee

In addition, the core committee may invite the participation of other persons, as appropriate. These may include parents of young children, other governmental agency personnel, Head Start directors, University Early Childhood personnel, public and private pre-school providers, child care providers, members of the Alaska Association for the Education of Young Children and affiliates, members of the Mini-Cabinet on Women's Issues, and other citizens of Alaska.

MEETING SCHEDULE

The Committee on Early Childhood will meet four times a year, in December, March, June, and September.** Each Department is responsible for travel and per diem of its members. If a Department invites a person or persons to address the committee on a particular issue, that Department is responsible for the travel and per diem of those invited. In addition to formal meetings, efforts will be made to conduct at least one annual, statewide public teleconference on Early Childhood issues.

-4-

* Depending on programs, may include children over nine.

** At each meeting, one member will act as facilitator, to prepare the agenda, conduct the meeting, provide for the distribution of minutes, and do follow-up correspondence. Committee members will also disseminate pertinent information to their agency, and act as liaisons for each Department.

GENERAL AREAS OF RESPONSIBILITY

The following issues and areas are ones of mutual concern for the three core agencies. The committee will focus its attention on each area, prioritizing them and developing action plans to address each area. Approved action plans signed by the commissioners will serve as an addendum for this agreement.

A. Information Services

The Committee will encourage each Department to collect and widely disseminate information on agency roles and early childhood services and programs offered within their Department, as well as to share communications on federal laws and rules and other written material of mutual interest.

B. Early Childhood Regulations

The Committee will assist in the coordination of regulation development for children under age eight. This includes both child care facilities and pre-elementary schools, and involves additional state agencies as well. (Alaska Departments of Public Safety, Environmental Conservation, and Law.)

C. Community Needs and Services

The Committee will assess, within areas of statutory responsibilities, community needs for early childhood services, make recommendations for needed services. The Committee will coordinate efforts of existing services for efficient and effective delivery. The Committee will propose recommendations for needed service changes.

D. Early Childhood Training and Technical Assistance

The Committee will address training and technical assistance for early childhood providers, teachers, administrators, and consumers.

Department of Environmental Conservation
Sanitation and Environmental Safety Inspections

Department of Law
Legal Counsel
Criminal Justice Task Force (In relation to young children)

Department of Revenue
Child-Care Tax Credit

AGREEMENT TERMS

This agreement will be reviewed annually and may be amended by mutual consent. Amendments become a part of this agreement when signed.

Renewal: This agreement remains in effect until amended or superceded by a new agreement.

This agreement may be terminated by any of the three parties upon 90 days written notice.

Harold Reynolds Jr.
Harold Reynolds, Jr., Commissioner
Department of Education

June 5, 1984
Date

Emil Notty
Emil Notty, Commissioner
Department of Community and Regional Affairs

June 5, 1984
Date

John Pugh
John Pugh, Acting Commissioner
Department of Health & Social Services

June 5, 1984
Date

E. Early Childhood Program Development

The Committee will develop uniform definitions for early childhood services to the fullest extent possible. Members will also address the following programs to spell out roles, delineate responsibilities, including training and technical assistance, and to avoid unnecessary duplication:

Department of Community and Regional Affairs

Day Care Assistance Program
Head Start Programs
The Child Care Grant Program
The Child Care Education and Training Grant Program
Grants for specific Early Childhood Programs

Department of Health & Social Services

The Infant Stimulation Program
The Protective Services and WIN Day Care Programs
The Child Development Center Grant for Handicapped Children
The Child Protection Program
Early Periodic Screening Diagnosis and Treatment
Immunizations
Communicable Disease Control
Public Health Nurses Technical Assistance to Programs

Department of Education

Early Childhood Program Certificate
Special Education Funds for the Handicapped
The Special Food Services Program
Early Childhood Teacher Certification
Bilingual Information Resources
Research Studies in Early Childhood
Kindergarten Correspondence Study Program

Department of Commerce and Economic Development

Child Care Facilities Revolving Loan Fund

Department of Public Safety

Fire Safety Inspections
Criminal History Searches
Public Information Services
Council on Domestic Violence and Sexual Assault

Memo to:

Governor Sheffield
All Departments
Divisions Listed
AAEYC and Affiliates
Head Start Directors Association
All Preschools
All Child Care Centers
All Child Care Homes
All Local Administrators of Child Care Assistance Programs
Governor's Mini-Cabinet on Women's Issues

Preschool Programs Within the State of Alaska

School Year 1984-85

This information was compiled by the Department of Education - Office of Curriculum Services to present an overview of preschool programs within each school district. Preschool programs are defined as those which serve at least 6 unrelated children ages 3, 4 and 5 years old in a group setting, primarily for educational purposes. (AS 14.07.020 (8), AS 14.07.060, 4 AAC 60.199)

There are many good alternatives for quality preschool education and care in our state. As many as possible have been listed at this time.

Information on this chart includes:

- Kindergarten programs run by a school district only if 3 and 4 year olds are served with them.
- BIA pre-elementary schools listed by school districts they are located within geographically.
- Child Care Centers which also provide preschool education as part of their program.

Information not included on this chart:

- Latchkey programs.
- Home-Based programs (see Appendix A).
- Family Child Care Homes providing preschool education.
- Child Care Centers which do not have a preschool component.

The information for this document came from a variety of sources which include:

Department of Education Preschool Survey Update
Department of Education staff
Anchorage Health Department - Directory of Child Care Programs
Department of Education Certified Pre-elementary School Listing
Federal Child Care Food Programs
Department of Community and Regional Affairs
Alaska Education Directory 1985
Johnson O'Malley - Bureau of Indian Affairs
Chapter I
Rural Cap and Head Start statewide
Department of Health and Social Services

Funding for preschool programs comes from many different sources.
Some assumptions made about funding include:

- Private preschools generate money through tuition and other private sources unless otherwise noted.
- All Head Start programs receive USDA money.
- All district preschools receive some form of state funding.

It is the intention of the Department that this information will be updated yearly. Any questions and/or comments regarding this chart are welcomed. Please feel free to call Kathi Wineman or Mary Asper at the Department of Education - 465-2841.

Submitted by:

Kathi Wineman
Early Childhood/Elementary Specialist
Alaska Department of Education

32101

D.O.E. Certified Pre-elementary Schools

8/23/85

Akula Eitnaurvik Preschool	General Delivery	Kasigluk	AK	99609
Alak Preschool	Box 10	Wainwright	AK	99782
Anchorage Cooperative Nursery Sch.	P.O. Box 4235	Anchorage	AK	99509
Angoon Head Start	P.O. Box 25	Angoon	AK	99820
Aniak Preschool	Box 106	Aniak	AK	99557
Anvik Early Childhood Development	Blackwell School	McGrath	AK	99558
Arctic Angels Child Care	S. R. Box 3216P	Wasilla	AK	99687
Atmoutluak Pre-Elementary	General Delivery	Atmoutluak	AK	99559
Auke Bay Co-op Preschool	P.O. Box 210666	Auke Bay	AK	99821
Aurora Preschool	6017 Austin St.	Anchorage	AK	99502
Ayaprun Preschool	General Delivery	Newtok	AK	99559
Bear Mountain Preschool	SR3 Box 305, Shadowy Spruce Dr.	Chugiak	AK	99567
Bidarki Child Care Center	P.O. Box 117	Cordova	AK	99574
Brevig Mission Preschool	Brevig Mission	Brevig Mission	AK	99785
Central Lutheran Church Preschool	1420 Cordova	Anchorage	AK	99501
Chefornak Preschool	Chefornak School	Chefornak	AK	99561
Children's Community Center	211 Cordova Street	Juneau	AK	99801
Children's Montessori School	P.O. Box 772187	Eagle River	AK	99577
Chilkat Valley Preschool	Box 332	Haines	AK	99827
Craig Head Start	Box 296	Craig	AK	99921
Crescent Montessori School	Box 773185	Eagle River	AK	99577
Cully Preschool	General Delivery	Point Lay	AK	99759
Discovery Center	1007 Evergreen	Fairbanks	AK	99701
Eek Preschool	General Delivery	Eek	AK	99578
Faith Lutheran Church Preschool	2500 Sunset Drive	Juneau	AK	99801
Fred Ipalook School	Box 450	Barrow	AK	99723
Gingerbread House Pre-School	536 Tonsina Ct.	Eagle River	AK	99577
Gloria Dei Early Learning Center	8427 Jewel Lake Road	Anchorage	AK	99502
Grandma's Playhouse	Box 4010 SRA	Anchorage	AK	99502
Growing Place Preschool	2020 Steeple Drive	Anchorage	AK	99507
Haines Head Start	Box 192	Haines	AK	99827
Hoonah Head Start	P.O. Box 509	Hoonah	AK	99829
Jewish Education Center	1000 W. 20th Ave	Anchorage	AK	99503
Juneau Head Start	325 Gold Street	Juneau	AK	99801
Juneau Coop Preschool	1644 Glacier Highway	Juneau	AK	99801

Kaveolook Pre-Elementary School	Box 10	Kaktovik	AK	99747
Klawock Head Start	Box 118	Klawock	AK	99925
Kodiak Day Care Center Preschool	P.O. Box 356	Kodiak	AK	99615
Kongiganak Preschool	Kongignak School	Kongiganak	AK	99559
Koyuk/Malemute Preschool	Koyuk Malemute School-Gen. Delivery	Koyuk	AK	99753
Kwigillingok Preschool	General Delivery	Kwigillingok	AK	99622
Little Red Schoolhouse I (Lake Otis)	8620 Lake Otis Parkway	Anchorage	AK	99507
Little Red Schoolhouse II (Wasilla)	8620 Lake Otis Parkway	Anchorage	AK	99507
Little Red Schoolhouse IV (Raspberry Rd.)	8620 Lake Otis Parkway	Anchorage	AK	99507
Little Red Schoolhouse V (Eagle River)	8620 Lake Otis Parkway	Anchorage	AK	99507
McGrath Early Childhood Development	P.O. Box 90	McGrath	AK	99627
Meade River Preschool	Atqasuk School	Atqasuk	AK	99791
Montessori Creative Training Center	1901 Spenard Rd.	Anchorage	AK	99503
Montessori Dev. Cntr/Childrens Playhouse	P.O. Box 8711	Ketchikan	AK	99901
Mt. Edgecumbe Preschool	Box 1537	Sitka	AK	99835
Neighborhood Preschool	P.O. Box 10-2145	Anchorage	AK	99511
New Horizons Preschool	1801 O'Malley Rd.	Anchorage	AK	99507
Nightmute Preschool	General Delivery	Nightmute	AK	99690
Nikolai Early Childhood Development	Nikolai School	Nikolai	AK	99691
Northern Lights EduCare	1414 23rd Avenue	Fairbanks	AK	99701
Nuiqsut Trapper Preschool	General Delivery	Nuiqsut	AK	99723
Nunamuit School ECE Program	General Delivery	Anaktuvik Pass	AK	99721
Nuniyaarmuit Preschool	General Delivery	Mekoryuk	AK	99630
Petersburg Children's Center, Inc.	Box 138	Petersburg	AK	99833
Playcare Preschool	1273 Bannister Drive	Anchorage	AK	99508
Quida's Child Development Center	Box 1635	Kenai	AK	99611
Quinhagak Preschool	Box 76	Quinhagak	AK	99655
Rabbit Creek Preschool	4900 Rabbit Creek Road	Anchorage	AK	99516
Rainbow House Preschool	2954 Lily St.	Anchorage	AK	99508
Red Devil Preschool	Box 106	Aniak	AK	99557
Rolling Hills Academy for Super Kid	SR Box 2125	Wasilla	AK	99687
St. Ann's Day Care/Preschool	500 Harris Street	Juneau	AK	99801
St. Benedict's Preschool	8110 Jewel Lake Road	Anchorage	AK	99502
St. Christopher's Playschool	283 Muldoon Road, #216	Anchorage	AK	99504
St. Jude's Center	3272 Hospital Drive	Juneau	AK	99801
St. Mark's Preschool	3230 Lake Otis Parkway	Anchorage	AK	99508

Shishmaref Preschool	General Delivery	Shishmaref	AK	99722
Sleetmute Preschool	Box 106	Aniak	AK	99557
Starbright Preschool	5533 Penn Circle	Anchorage	AK	99504
Teller Preschool	James C. Isabell School, Box 527	Teller	AK	99778
Tikigaq Preschool	Box 148	Pt. Hope	AK	99766
Tom Thumb Montessori - DeBarr	1901 Spenard Road	Anchorage	AK	99503
Tom Thumb Montessori - Fairbanks St	1901 Spenard Road	Anchorage	AK	99503
Tom Thumb Montessori - O'Malley Rd.	1901 Spenard Road	Anchorage	AK	99503
Tom Thumb Montessori - Patterson St	1901 Spenard Road	Anchorage	AK	99503
Tom Thumb Montessori - Spenard Rd.	1901 Spenard Road	Anchorage	AK	99503
Tom Thumb Montessori - Whitehall Rd	1901 Spenard Road	Anchorage	AK	99503
Tuntutuliak Preschool	c/o Tuntutuliak High School	Tuntutuliak	AK	99680
Unalaska/Dutch Harbor Coop Preschool	Box 89	Unalaska	AK	99685
Upper Kalskag Preschool	Box 106	Aniak	AK	99557
Valdez Coop Preschool	Box 1387	Valdez	AK	99686
Valley Cooperative Preschool	2327 Meadow Lane	Juneau	AK	99801
White Mountain Preschool	General Delivery	White Mountain	AK	99784
Whittier Parent-Child Program	P.O. Box 645	Whittier	AK	99693

TOTAL 89 Preschools

27701

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Adak Region</u>										
<u>Annette Island</u>										'89
Metlakatla Indian Assoc. Head Start	X	X	X							
<u>Alaska Gateway</u>										'86
Walter Northway School	X			X-Chap I	X					
<u>Aleutian Region</u>										'85
Nelson Lagoon	X			X-JOM	X					
<u>Anchorage</u>										'89
Anchorage Child Care			X	X-JSDA						
Anchorage Christian Presch			X							
Anchorage Co-op Nursery School			X				X	2/85	5/17/84	
Anchorage Head Start:										
Red Center		X		X						
Blue Center		X		X	X					
Green Center		X		X		X				
Orange Center		X		X	X					
Yellow Center		X		X	X					

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Anchorage (cont.)</u>										
Ft. Richardson Preschool			X							
Gingerbread House Presch			X				X	6/85		
Gloria Dei Early Learning Center			X				X	10/85		
Grandma's Playhouse			X				X	6/85	5/17/84	
Harvester Christian Academy			X							
Hillcrest Day Care Center			X	X-USDA						
Homestead Coop Playschool			X							
Little Red Schoolhouse I			X	X-USDA			X	6/85	5/14/84	
Little Red Schoolhouse II			X				X	6/85	5/16/84	
Little Red Schoolhouse III			X	X-USDA						
Little Red Schoolhouse IV			X	X-USDA			X	6/85		
Little Red Schoolhouse V			X				X	6/85		
Mid Town Day Care Center			X							
Montessori Children's House			X							
Montessori Creative Training Center			X				X	5/86		
Mt. McKinley Day Care and Preschool Center			X							
Mt. McKinley II			X							

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Anchorage (cont.)</u>										
Mt. View Communit. School Preschool			X							
Mt. View Tiny Tots			X							
Neighborhood Preschool			X				X	1/86	9/18/84	
New Horizons Preschool			X				X	12/85	10/10/84	
Park Strip Day Care Center			X	X-USDA						
Play Care Preschool			X				X	5/85		
Puffin Heights Montessori School			X							
Rabbit Creek Preschool			X				X	6/85	10/10/84	
Rainbow House Preschool			X				X	6/85		
Rigel Special Services School/Elmendorf AFB	X			X-USDA	X					
Saahaaya Children's Center			X	X-USDA						
Safehaven Nursery School			X							
St. Benedicts' Preschool			X				X	9/86	5/15/84	
St. Christopher's Playschool			X				X	12/85	9/17/84	
St. Marks Preschool			X				X	6/85	9/18/84	
St. Mary's Creative Playsch			X							
Starbright Preschool and Kindergarten			X				X	6/85		

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
Anchorage (cont.)										
Tanaina Child Development Center			X	X-USDA						
Tender Loving Care Child Care Center			X							
The Children's Montessori School			X				X	6/85	9/19/84	
The Growing Place			X				X	9/86	9/17/84	
Tiny Tiger Day Care			X							
Tom Thumb Montessori Schs:										
DeBarr			X				X	2/86		
Fairbanks St			X				X	2/86		
O'Malley Rd			X				X	2/86		
Patterson St			X				X	2/86		
Spennard Rd			X				X	2/86		
White Hall Rd			X				X	2/86		
Wee Care Too Children's Center			X	X-USDA						
Wee School			X							
Wee Wittle Winkle I			X							
Wee Wittle Winkle II			X	X-USDA						
Westeyan Church Child Care Center			X	X-USDA						
Whaley Center	X				X					

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Bering Straits</u>										'85
Brevig Mission Preschool	X			X-Chap I	X		X	6/85		
Dfomede	X				X					
Elim Child Center	X			X-JOM - (legislative grant)	X					
Gambell Head Start		X		X						
Golovin Preschool	X							X-(legislative grant to Kawerak)		
Kingikme Preschool/Wales			X							
Koyuk/Malemute Preschool	X			X-Chap I	X		X	6/85		
Rural Cap Head Start		X		X	X					
Savoonga Head Start		X		X						
Shaktoolik Preschool	X							X-(legislative grant to Kawerak)		
Shismaref School	X			X-Chap I	X		X	6/85		
St. Michael's Preschool			X							
Stebbins Head Start		X		X						
Stebbins School	X				X					
Tachik Head Start		X		X						
Teller/James C. Isabell Memorial School	X			X-Chap I	X		X	6/85		

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
Bering Straits (cont.)										
Unalakleet Head Start		X	X							
White Mountain Elementary Sch. - Preschool	X			X-Chap I	X		X	6/85		
Bristol Bay										
Naknek Elementary	X				X					'89
Chatham										
Angoon Head Start		X	X				X	6/85		'85
Chugach										
Whittier Involved Parent- Child Development Program			X				X	6/85		'85
Copper River										
Hickory Dickory Dock Day Care			X							
Cordova										
Bidarki Child Care Center			X				X	6/85		
Cordova Preschool	X				X					

1984-85

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Craig</u>										'86
Craig Child Care and Head Start Center		X	X		X			12/85		
<u>Delta/Greely</u>										'87
Delta Junction Elementary - Special Education	X				X					
Fort Greely Child Development Center			X	X-USDA	X					
<u>Dillingham</u>										'85
Dillingham Elementary	X				X					
Togiak Head Start		X		X						
<u>Fairbanks</u>										'87
Bunnell House Laboratory School			X	X-USDA						
College Day Nursery			X	X-USDA						
Cranberry Hill Preschool			X							
Denali Elementary	X				X					
Discovery Center Preschool/ Kindergarten			X				X	2/85	1/31/85	

District/Program	District Preschool	Head Start Preschool	Private Preschool	Funding Source			DOE Certified	Certificate Deadline	Date of last on-site review	Date of proposed on-site review
				Federal	State	Local				
<u>Fairbanks (cont.)</u>										
Eneput Children's Center			X	X-USDA						
Fairbanks Head Start		X		X-JOM						
Fairbanks Montessori			X							
First Baptist Day Care			X							
FRA Saakkaaya Center			X	X-USDA						
Fort Wainwright Child Development Center			X	X-USDA						
Ines Roberts			X							
Little Lambs Too Day Care			X							
Lollipops & Rainbows Day Care			X							
North Pole Elementary	X				X					
Northern Lights EduCare			X				X	6/85		
Pearl Creek Elementary	X				X					
Pennell Elementary	X				X					
Yellow Brick Road			X							
<u>Galena</u>										
Galena		X		X						'85