

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672

10164 ADMINISTRATIVE REGULATION REVIEW

(f) Each adult having regular contact with children in a child care facility shall submit two fingerprint cards to the licensing representative. If fingerprint rolling acceptable to the Department of Public Safety is not available in the individual's community, the fingerprint cards must be submitted when adequate fingerprint rolling becomes available or when the individual next visits a community with adequate fingerprint rolling. The licensing representative will use the fingerprint cards to obtain the results of a criminal justice information search on the individual from the Department of Public Safety. In addition, the licensing representative will review Alaska criminal justice information, as defined in AS 12.62.900, including

- (1) past conviction information;
- (2) current offender information; and
- (3) non-conviction information.

(g) Implementation of paragraph (f) of this section will be accomplished in the following manner:

(1) the fee for criminal history checks of individuals having regular contact with children identified on a child care facility's license application prior to effective date, 2001 is 0;

(2) the fee for all criminal justice information checks required upon initial application for a provisional child care facility license is 0;

(3) the fee for all subsequent criminal history background checks as required for additional applications and staff is the amount charged to the department by the Department of Public Safety as set out in 13 AAC 68.900;

(4) when an individual, age 16 and older, becomes employed or otherwise has regular contact with children in a child care facility a child care facility shall

(A) submit release forms required by 4 AAC 62.030 (c)(7) and fingerprint cards required by (f) of this section; or

(B) submit documentation that the release of information, clearance for licensing form and fingerprint cards required by 4 AAC 62.030 have previously been submitted to the department and the individual has been employed as a caregiver in this state without more than six months break in service.

(5) when an individual permanently departs from a child care facility the child care facility shall notify the department in accordance with 4 AAC 62.140(a)(7); and

(6) when the technology becomes available from the Department of Public Safety, the licensing representative will receive notice from the Department of Public Safety of a new arrest or conviction for a crime listed under (b)(5) of this section for an individual in a licensed child care facility with fingerprints on file with the Department of Public Safety.

(h) A caregiver must be able to

(1) demonstrate respect for a child and the child's family;

(2) support behavior of children with positive guidance and set clear and consistent limits to promote the children's ability for self discipline;

(3) provide children with a variety of age-appropriate learning and social experiences;

(4) demonstrate a positive attitude toward bottle weaning, diapering, toilet learning, and special needs of children;

(5) respond appropriately to a child's needs; for example a caregiver responds to a baby's cry as promptly and effectively as possible;

(6) prevent exposure of children to high risk, including exposure to physical hazards and encounters with individuals or animals known to be a danger;

(7) use strategies to prevent aggressive behavior and to deescalate volatile situations; and

(8) act as a positive role model for children.

(i) A child care facility with one or more employees or regular volunteers shall obtain a completed application for employment from each individual hired as an employee or accepted as a regular volunteer. The completed application for employment or work must provide the information necessary to determine whether the applicant has the qualifications required under this section. In addition, the facility shall obtain at least three positive written references on a prospective employee at least two of which are from individuals unrelated to the applicant, and at least one positive reference on a prospective regular volunteer before the employee or regular volunteer is allowed to have contact with children. An occasional volunteer and a member of the licensee's household are exempt from the application and reference requirements. A reference must

(1) be received directly by the child care facility from the individual making the reference;

(2) attest to the individual's ability to work successfully with children, act as a positive role model for children, and meet the requirements of this section; and

(3) if taken by telephone, be recorded immediately by written notes, signed by the individual taking the reference, and dated.

(j) In this section,

(1) "adult member of the licensee's household" means an individual 18 years or older who remains or intends to remain in the child care facility for more than 45 days;

(2) "child abuse or neglect" has the same meaning as in AS 47.17.290;

(3) "indictment" includes presentment or charging by information.. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.230 is repealed and readopted to read:

4 AAC 62.230. ADDITIONAL EMPLOYEE QUALIFICATIONS IN CHILD CARE CENTERS.(a) A child care center shall designate one full time child development specialist for at least each 30 children enrolled in the child care center.

(b) A child development specialist must have the age, qualification, and college credit or CDA credential requirements of an administrator as specified in 4 AAC 62.200(a), (b), (d), and (e).

(c) A child care center may designate an on-site administrator to serve in the role of a child development specialist for the first 30 children enrolled.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.250 (a) - (g) are amended and (h) is added to read:

4 AAC 62.250. ORIENTATION AND TRAINING (a) A child care facility with one or more employees shall provide an orientation to each caregiver that includes

(1) the child care facility's policies and procedures[, INCLUDING RESPONSIBILITIES OF THE CAREGIVER];

(2) satisfying special needs of specific children, where appropriate; [AND]

(3) emergency procedures and health and safety measures;

(4) the responsibilities of the caregiver and

(5) the requirements of 4 AAC 62.0054 AAC 62.605

(b) The orientation required in (a) of this section must begin at the time of employment **or the effective date of a contract for a caregiver under contract** be completed within the succeeding eight weeks.

(c) Training hours required in this section are clock hours and, **except as provided in (d) of this section** may include any training that is relevant to the

caregiver's primary job responsibilities, such as health and safety, child growth and development, planning learning activities, guidance and discipline techniques, linkages with community services, communication and relations with families, detecting and reporting child abuse and neglect and other topics as appropriate [A CHILD CARE FACILITY MAY COUNT INFORMAL TRAINING THAT INCREASES CAREGIVER SKILLS]. Documentation must include the date, subject, method of training, and the name of the individual [PERSON] who conducted the training.

(d) Except when a substitute caregiver is providing care in a child care home for a period of 30 days or less, a child care facility shall have on duty at all times at least one caregiver with a valid first aid and cardiopulmonary resuscitation (CPR) certification, unless the courses for these certifications are not usually [REGULARLY] available in the community in which the child care facility is located. If certification courses are not usually [REGULARLY] available, the child care facility shall enroll one or more employees in the first available first aid and CPR certification course offered in the community. A currently certified emergency medical or trauma technician on duty satisfies the requirements of this subsection. Caregivers of young children shall enroll in infant and child (pediatric) first aid and CPR in communities where infant and child first aid and CPR are usually [REGULARLY] available.

(e) A child care center shall ensure that each caregiver, other than a volunteer, a child development specialist, and an administrator receives a minimum of 20 [15] hours of training a year. The 20 [15] hours must be in addition to

(1) orientation required by (a) of this section; and

(2) training in CPR and first aid required by (e) [(d)] of this section.

(f) A caregiver in a child care home and a child care group home shall complete a minimum of 12 [NINE] hours of training annually. The 12 [NINE] hours must be in addition to

(1) orientation required by (a) of this section; and

(2) training in CPR and first aid required by (e) [(d)] of this section.

(g) A caregiver may count orientation and pre-service training hours required under 4 AAC 62.030(a) that exceed six hours toward caregiver training hours required under (e) - (h) [(e) - (g)] of this section.

(h) For caregivers providing care for infants and toddlers, one hour of the annual training required in (f) and (g) of this section must cover

(1) recognizing and preventing shaken baby syndrome;

(2) preventing sudden infant death syndrome; and

(3) identifying infant and toddler developmental levels and needs

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020 AS 14.37.070

4 AAC 62.300 (a) is amended to read:

4 AAC 62.300. ADMISSION(a) A child care facility shall

(1) at or before a child's admission to the child care facility, obtain emergency information on a child [, IF KNOWN,] from the child's parent [OR PLACEMENT WORKER,] including

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(A) information about the child's drug or other allergies;

(B) information about any medication the child is taking or medical treatment the child requires; and

(C) for a child to be admitted to a child care facility, information on how to contact the child's parent [OR GUARDIAN];

(2) maintain the information on a form provided by the department. (Eff.

1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.310 (a) (8) is amended to read:

4 AAC 62.310. ADMISSION IN CHILD CARE FACILITIES.

(8) television and video cassette viewing policy **in compliance with 4**

AAC 62.420.(a)(7) (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / ,

Register)

Authority: AS 14.37.010 AS 14.37.020 AS 14.37.110

Note to PublisherPlease amend the contents list following ARTICLE 5. CARE AND

SERVICES to read:

Section

400. Supervision of children

405. Supervision of children; child-to-caregiver ratios in child care facilities

420. Program in child care facilities

435. Behavior guidance

440. Medication

445. Reducing the spread of disease

450. Health in child care facilities

460. Nutrition

465. Transportation

4 AAC 62.400 (g) and (h) are amended to read:

4 AAC 62.400. SUPERVISION OF CHILDREN.

(g) A child care facility shall prevent exposure of children to individuals, animals, and situations known to be a danger. A child care facility may not expose a child to high-risk activities or hazards such as

(1) use of a [AN] mobile infant walker;

(2) a young child walking along a river edge or riding an all-terrain vehicle or snowmobile; or

(3) a child of any age riding an all-terrain vehicle with only three wheels, playing near any body of water or playing with propelled objects without constant supervision, boating without a personal flotation device or in dangerous water conditions, or jumping on a standard or large trampoline [PARTICIPATING IN AN AIRBORNE ACTIVITY SUCH AS HANG GLIDING].

(h) A child care facility shall

(1) document parent permission for a school age child to participate in activities and visit friends off premises; [AND]

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(2) obtain permission from the parent for a child to participate in moderate risk activities, such as swimming, walks to the beach, or vehicle trips; and

(3) arrange for the use of appropriate safety equipment such as well fitting helmet for bicycle, skateboard or scooter riding (Eff. 1/1/96, Register 136; am

3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.405 (a) - (c) are amended, (d) and (e) are repealed and readopted and (f) is added to read:

4 AAC 62.405. SUPERVISION OF CHILDREN; CHILD-CAREGIVER RATIOS IN CHILD CARE FACILITIES (a) In a child care home there must be

(1) a minimum of one caregiver;

(2) no more than a total of six children under age 12 during the first two years of operation as a licensed child care home

(3) [(2)] no more than a total of eight children under age 12 following the first two years of operation as a licensed child care home

(4) [(3)] no more than two of the total [THREE] children under the age of 30 months[; NO MORE THAN TWO OF THESE CHILDREN MAY BE NON-AMBULATORY].

(b) Except as provided in (c) of this section, a child care group home must have

(1) a minimum of two caregivers;

(2) no more than a total of 12 children under age 12; and

(3) no more than **four of the total**[FIVE] children under the age of 30 months[; NO MORE THAN FOUR OF THESE CHILDREN MAY BE NON-AMBULATORY].

(c) A child care group home requires only one caregiver if the

(1) number of children decreases to no more than a total of eight and the requirements of (a) of this section are met; or

(2) caregiver has completed **two** [ONE] years of licensed home child care or the equivalent or meets the college credit or CDA credential requirements of 4 AAC 62.200(d) and there are no more than a total of

(A) **nine** [10] children, with no children under age of 30 months; or

(B) 12 children who are all school aged.

(d) Except as provided in (e) of this section, a child care center shall maintain the following child-to-caregiver ratio during all hours of operation:

Age of children	Number of children	Term for child's age group	Number of caregivers
0 to 12 months	4	infants	1
12 to 30 months	5	toddlers	1
30 to 36 months	7	toddlers	1
3 and 4 years	9	preschoolers	1
5 and 6 years	12	kindergartners	1
7 years and	18	school aged	1

older		children	
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(e) A child care center shall maintain a child-to-caregiver ratio consistent with the age of the majority of the children, when there are mixed age groups in the same room, if no infants, toddlers or preschoolers are in the mixed age group. When infants, toddlers, or preschoolers are in the mixed age group, the child-to-caregiver ratio for infants, toddlers and preschoolers must be maintained.

(f) In this section preschooler means a child three or four years of age. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.420 (a)(7) and (b)(2) - (b)(5) are amended and (a)(8) and (b)(6) are added to read:

4 AAC 62.420. PROGRAM IN CHILD CARE FACILITIES) A child care facility shall provide structure and daily activities designed to promote a child's individual physical, social, intellectual, and emotional development. Satisfactory compliance with this subsection requires that

(1) a facility has a schedule and daily plan of activities for each age group that provides a balance of quiet and active, group and individual activities, and that includes time for meals, snacks, sleep, toileting according to individual needs, and indoor and outdoor play; for the purposes of this paragraph

(A) a center shall provide the schedule and activity plan in writing;
and

(B) in a home, the schedule and plan need not be written, except that a typical daily schedule and plan must be presented at the time of application for a license;

(2) opportunities be provided for individual self-expression and imaginative play;

(3) opportunities be provided for vigorous physical activity, daily supervised activity outdoors, when weather and the individual child's tolerance permit;

(4) opportunities be provided for each child to foster independence;

(5) opportunities be provided for intellectual and social development through use of a variety of activities and materials such as games, toys, books, crafts, puzzles, and blocks;

(6) television, digital video display and video cassette viewing video games, and computer use not exceed one hour for each four hours for which a child is in care or four hours in a 24 hour period and is limited to programs and games specifically designed for the interest and benefit of the child; [AND]

(7) a parent with children enrolled be encouraged to visit the facility freely to observe or participate; and

(8) opportunities be provided for language development including encouraging children to talk and reading books

(b) In addition to the requirements in (a) of this section, a facility providing care for infants or toddlers shall

(1) not routinely leave a child awake in a crib, swing, or similar device for more than 15 minutes without direct adult contact;

(2) provide opportunities for each child to develop a caring and nurturing relationship with and attachment to one or a small number of caregivers whose care foand responsiveness to the child ensure relief of distress, experiences of stimulation and comfort and satisfaction of the need for a social partner ^{ENSURE,}
AS MUCH AS POSSIBLE, THAT CARE FOR A CHILD IS PROVIDED BY A CONSISTENT CAREGIVER, RATHER THAN A SERIES OF CAREGIVERS);

(3) provide frequent verbal communication during feeding, changing and cuddle times

(4) provide physical contact through holding, rocking, and play, as well as bathing, dressing, and carrying a child; [AND]

(5) allow infants and toddlers, under supervision, the opportunity during the day to explore and learn on their own outside of a playpen or other restraining device; and

(6) ensure that infants are slept on their backs unless medically contraindicated by a physician (Eff. 1/1/96, Register 136; am 3/1/98, Register 145

Register 145; am / / , Register)

Authority: AS 14.37.020

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4AAC 62.435 (d) (5) is repealed:

(5) Repealed / / .(Eff. 1/1/96, Register 136; am 3/1/98, Register 145

Register 145; am / / , Register)

4 AAC 62.440 is amended to read:

4 AAC 62.440. MEDICATIONA child care facility may only administer medication under the following conditions:

[(1) IN A CHILD CARE FACILITY,]

(1) [(A)] the child care facility shall first obtain written permission from the child's parent or shall document telephone permission from the child's parent to administer any medication to the child, **including commonly used nonprescription medication as specified in (3) of this section or contained in the first aid kit required by 4 AAC 62.520 (j)**

(2) [(B)] any over-the-counter medication provided by the child's parent must be in the original container and labeled with the child's name; and

(3) [(C)] the child care facility shall have a policy for the use of any commonly used, nonprescription medication for oral or topical use kept on hand by the child care facility for any child, with parental consent, for whom the medication may be indicated;

(4) [(2)] prescription medicine must be kept in

(A) the original container showing the date filled, the expiration date, instructions, and the physician's or other medical professional's name; or

(B) medicine sets filled by a pharmacist or licensed medical professional; the prescription date filled, the expiration date, instructions, and the physician's or other medical professional's name must be retained;

(5) [(3)] over-the-counter drugs such as non-aspirin fever reducers, naturopathic remedies, vitamin and mineral supplements, diaper ointments and powders, sun screen, and insect repellent may be given only at the dose, duration, and method of administration specified on the manufacturer's label;

(6) [(4)] in a child care facility with one or more employees, only a designated employee[STAFF MEMBER] may administer medication; designated employee[STAFF] shall record and initial the time each dose is administered;

(7) [(5)] unused medication must be returned to the parent in a child care child care facility when it is no longer needed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.450 (d) is amended to read:

4 AAC 62.450. HEALTH IN CHILD CARE FACILITIES.

(d) A child care facility in a community where [REGULAR] medical services are not available on at least a weekly basis may provisionally admit a child who does not have the immunization certificate required under (a) of this section until the certificate can be obtained, but for no longer than 60 days. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

‡ AAC 62 is amended by adding a new section 465 to read:

4 AAC 62.465. TRANSPORTATION(a) A child care facility that provides transportation either directly or by use of volunteers shall meet the requirements of this section.

(b) A child care facility shall ensure appropriate use of seat restraints including

(1) each individual shall be restrained with an individual seat belt or appropriate child restraint device when the vehicle is in motion;

(2) only one individual may occupy each seat belt or child restraint device;

and

(3) children may not occupy the front seat if the vehicle is equipped with an operational passenger side airbag.

(c) A child care facility shall ensure children are transported in safe vehicles including

(1) each vehicle used to transport children must be in good repair, safe, and free of hazards such as torn upholstery that allows children to remove the interior padding or hurt themselves, broken windows, and holes in the floor or roof; and

(2) vehicles used to transport children in snowy, icy, and other hazardous weather conditions must be equipped with snow tires, chains, or other safety equipment as appropriate.

(d) A child care facility shall ensure safe procedures in transporting children including

(1) the driver or other adult in the vehicle shall ensure that each child younger than school age is received by a responsible individual; and

(2) procedures for pick-up and delivery of children; in centers, these procedures must be posted. (Eff. / / , Register)

Authority: AS 14.37.020

4 AAC 62.510 (c), (e), and (h) are amended and a new section (j) is added to read:

4 AAC 62.510. LIFE AND FIRE SAFETY (a) The standards for life and fire safety set out in 13 AAC 50.010 - 13 AAC 50.075 and 13 AAC 55.010 - 13 AAC 55.150 as administered by the Department of Public Safety apply to facilities providing

(1) less than 24 hour care for more than six children, including those children of the caregiver who are under age 12 or of limited mobility, if applicable; and

(2) 24 hour care or overnight care for more than five children.

(b) Before an initial license will be issued to a center or group home the child care facility must comply with the applicable fire safety requirements specified in (a) and any additional or more stringent standards established by a municipality to which the state fire marshal has deferred building fire safety inspection and enforcement activities under 13 AAC 50.075(c).

(c) At the time of licensing, a licensing representative will inspect a home to determine if the child care facility meets the applicable requirements of ~~(d) - (j)~~ [(d) - (i)]

of this section. The licensing representative will request an inspection by fire prevention officials if a home is subject to the requirements of (a) of this section and when the licensing representative determines that an inspection by a fire prevention official is necessary.

(d) A child care facility must have an emergency evacuation plan, approved by the licensing representative, that

(1) will, in moderate weather conditions, achieve complete evacuation of children, including children with limited mobility, within 150 seconds during an emergency; and

(2) specifically provides for the evacuation of all children under 30 months of age, children with limited mobility, or children who otherwise may need assistance in an emergency, such as a child who is mentally, visually, or hearing impaired.

(e) A child care facility shall conduct and document [REGULAR] emergency evacuation drills at least once a month, unless postponed due to severe weather.

(f) A child care home must have at least

(1) two means of emergency escape that are remote from each other and that provide unobstructed access to the outside of the building; at least one means of emergency escape must be an exterior door;

(2) one means of escape from the basement directly to the outside at or near ground level, if children occupy a basement area for any part of the day; and

(3) one operable window that meets the requirements to (h)(1) - (3) of this section and provides escape directly to the outside in each child's sleeping room.

(g) A child care facility located in a single family dwelling that has only one exterior door may not have more than six children in care, including the children who are related to the child care facility administrator.

(h) If, under (f)(1) of this section, the home designates a window as one required means of emergency escape, the window must be operable and comply with the following:

(1) the finished sill height may not exceed 44 [48] inches above the floor;

(2) the net clear openable area must be a minimum of 5.7 square feet, with a minimum net clear openable height dimension of 24 inches; and

(3) the minimum net clear openable width dimension must be 20 inches.

(i) A child care home must be free of fire hazards and must

(1) have at least one AC primary power or monitored battery powered smoke detection device and at least one fully charged 2A:10BC dry chemical fire extinguisher strategically located on each level;

(2) ensure that any flammable or combustible liquids are stored in containers with tight fitting lids out of the reach of young children; and

(3) ensure that heating appliances are installed and maintained in a safe and serviceable manner, including

(A) venting to the outside if the appliance is fuel burning; and

(B) not being placed or located in sleeping quarters during sleeping hours, unless the child care facility does not have a separate sleeping area, or in exit ways or corridors at any time.

(j) A child care facility located in an apartment may not have more than five children in care, including the children who are related to the caregiver

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.520 (b), (d)(9), (f), (g)(2), and (h) are amended and (j) is added to read:

4 AAC 62.520. ENVIRONMENTAL HEALTH AND SAFETY The standards for environmental health and safety set out in 18 AAC 30.800 - 18 AAC 30.890 and 18 AAC 30.945 - 18 AAC 30.990 as administered by the Department of Environmental Conservation apply to a child care center. Compliance with these environmental health and safety requirements, as applicable, is required before the Department of Education and Early Development will issue a license to these child care facilities.

(b) At the time of licensing, a licensing representative will inspect a child care facility that is not described in (a) of this section to determine if the child care facility meets applicable requirements of (c), (d), and ~~(g)~~ [(h)] of this section, unless the child care facility has been previously inspected under 18 AAC 30.945 - 18 AAC 30.990. The licensing representative will request an inspection by the Department of Environmental Conservation [AN ENVIRONMENTAL HEALTH OFFICER] if the licensing representative determines that an inspection by the Department of Environmental Conservation [AN ENVIRONMENTAL HEALTH OFFICER] is necessary.

(c) A child care facility that is not described in (a) of this section shall ensure that it has an ample supply of potable water from one of the following sources:

(1) a community water supply;

(2) a rain catchment system in which the water is

(A) disinfected; and

(B) stored off the floor and poured or dispensed by a spout or

faucet;

(3) a surface water supply that has an acceptable filtration system and is continuously disinfected;

(4) a well with a water sample that passes a laboratory test for bacteriological quality; or

(5) a well with a casing that extends 12 or more inches above the ground, that has a sanitary seal, and that is at least 100 feet from the nearest sewer system.

(d) A child care facility that is not described in (a) of this section shall take the necessary precautions to make the child care facility free of hazards that can cause injury or disease to children both inside and outside of the building, including

(1) maintaining the child care facility in a clean and sanitary condition;

(2) maintaining sanitary facilities for proper care, storage, refrigeration, and preparation of food;

(3) installing and maintaining hot water temperature controls so that hot water delivered to plumbing fixtures accessible to a young child in care is not more than 120 degrees Fahrenheit;

(4) storing cleaners, medicines, and other harmful substances in a place inaccessible to young children;

(5) obtaining furniture and equipment that is durable, safe, and kept in good repair;

(6) maintaining proper disposal of sewage, with no evidence of sewage running on the ground or of a septic tank overflowing;

(7) storing refuse in containers with tight-fitting lids until it can be properly disposed;

(8) having sanitary toileting facilities; and

(9) having safe and sanitary equipment and supplies for diapering and toileting where infants and toddlers are in care, including easy accessibility for the caregiver to wash the caregiver's hands each time after changing a diaper or assisting a child with toileting[HAND WASHING].

(e) A child care facility with more than one child in care using bottles and pacifiers shall label the bottles and pacifiers with each child's name; a child care facility that reuses bottles, bottle caps, and nipples shall clean and disinfect them by washing in a dishwasher or by boiling for at least five minutes before filling.

(f) Firearms in a child care center are prohibited under AS 11.61.195.

Ammunition is prohibited in a child care center. All other child care facilities shall ensure that firearms are unloaded with firing pins removed and stored in a locked gun safe or a place that is[REASONABLY] inaccessible to children and that

ammunition is stored separately from the firearms in a place that is [REASONABLY] inaccessible to children.

(g) A child care home and a child care group home shall ensure that its playground is free of hazards that can cause injury, including

(1) selecting and maintaining play equipment so that it

(A) is securely anchored, unless it is portable and self supporting;

(B) is free of entrapment, pinch, or crush points;

(C) is free of sharp points, corners, or edges;

(D) provides clearance between the equipment and any objects that may cause injury; and

(2) covering areas around and under play equipment with shock absorbing material such as pea gravel, sand, or sawdust; dirt, grass, concrete and asphalt may not be used under play equipment.

(h) Smoking in a child ce center is prohibited under AS 18.35.305. Smoking in a child care home and a child care group home is prohibited under AS 18.35.305(1) during hours of operation **or when a child in care is present**

(i) Where young children are in care, a child care facility shall install child proof cover caps in all electrical outlets not in use and that are accessible to children under age five.

(j) A child care center shall maintain two readily available first aid kits, one to be maintained at the center and one to be taken on field trips and outings away from the center. A child care home shall maintain one first aid kit that may also be taken on field

trips and outings away from the home. First aid kits must be restocked after use and inventory taken at least monthly. The first aid kit must include at least the following items:

- (1) disposable nonporous gloves;
- (2) sealed packages of alcohol wipes or antiseptic;
- (3) scissors;
- (4) tweezers;
- (5) thermometer;
- (6) bandage tape;
- (7) sterile gauze pads;
- (8) flexible roller gauze;
- (9) triangular bandages;
- (10) safety pins;
- (11) eye dressing;
- (12) pen or pencil and note pad;
- (13) syrup of ipecac; use only under the direction of a poison control center or with training in its use;
- (14) cold pack;
- (15) current American Academy of Pediatrics or American Red Cross standard first aid text or equivalent first aid guide;
- (16) coins for use in a pay phone;
- (17) insect sting preparation;

(18) poison control center telephone number;

(19) water;

(20) small plastic or metal splints;

(21) soap; and

(22) a current list of children in care with parental permission on file

stating that the child may receive medication listed in (2), (13), and (17) of this subsection. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.530 is amended by adding (g) to read:

4 AAC 62.530. SPACE(a) A child care facility must have indoor and outdoor space to accommodate the physical and developmental needs of the children served.

(b) A child care center, and a child care group home shall provide at least

(1) 35 square feet of usable indoor space per child, exclusive of hallways, bathrooms, storage areas, office space, furnace and laundry rooms, crib space, and any area that children are prevented from using; and

(2) 75 square feet of outdoor recreation space per child for the maximum number of children outside at any one time.

(c) In meeting the space requirements of (b) of this section, if

(1) a child care center is attached to or located in a residence, the child care facility shall designate space that is exclusive of family living areas; and

(2) outdoor recreation space is not available at a child care center, or a child care group home, parks or other outdoor locations that are easily accessible may be used if a plan for transportation to and from and for use of this alternative outdoor location is approved by the licensing representative.

(d) A child care facility shall ensure that there is space and a specific place for each child to keep the child's own clothing and personal possessions.

(e) A child care center must have storage and work space areas convenient to the area used for child care to meet the following needs:

(1) record storage and administration;

(2) food preparation and service, where applicable;

(3) storage of program materials and resources for staff and parents, where applicable;

(4) storage of repair and maintenance supplies;

(5) rest area and meeting space for staff.

(f) The provisions of (e) of this section do not require that rooms or areas be assigned exclusively to a single function.

(g) A child care facility shall maintain a well organized environment, arranged so that

(1) children have opportunities to utilize space, materials, and equipment to optimize learning;

(2) children may use what they can reach most of the time;

(3) children have reasonable freedom of action without recurrent accidents and collisions; and

(4) children have a comfortable place for quiet time alone;

(5) infants may explore safely and freely, to crawl, to stand and to learn to walk; and

(6) school age children have a quiet place to do homework, if needed.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

4 AAC 62.540 (a)(2), and (d) are amended to read:

4 AAC 62.540. EQUIPMENT AND SUPPLIES (a) A child care facility shall select equipment and supplies to support child care facility programs so that the amount, variety, arrangement, and use of materials, toys, and equipment available

(1) are appropriate for the development needs of the children in care;

(2) for young children, meet criteria contained in 4 AAC 62.420 **(a)(1)-**

(a)(8) [(a)(1) - (a)(5)];

(3) are of sufficient quantity to avoid excessive competition and long waits for use by a child; and

(4) when stored, are stored safely and so that at least some of the toys and materials are accessible to children.

(b) In a child care center, most furniture and equipment must be of child size or adapted for a child's use.

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(c) Repealed 3/1/98.

(d) A child care facility must have a telephone or another identified and acceptable means of communication [OR MESSAGE PHONE, UNLESS TELEPHONES ARE NOT READILY AVAILABLE IN THE COMMUNITY]. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145; am / / , Register)

Authority: AS 14.37.020

Note to Publisher Please amend the contents list following ARTICLE 7.

SPECIALIZATIONS to read:

Section

600. Approval of specializations

605. Nighttime care in child care facilities

610. Specialized program activities

4 AAC 62.605 (a) is amended to read:

4 AAC 62.605. NIGHTTIME CARE IN CHILD CARE FACILITIES. A child care facility may not usually [REGULARLY] provide care between the hours of 10:00 p.m. and 6:00 a.m. without a nighttime care specialization approved by the department. However, a child care facility may occasionally provide care in a home during those hours for a period of 30 consecutive days or less without a nighttime care specialization if the nighttime care requirements of this section are met and prior approval by the

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department is granted. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145 Register 145;
am / / , Register)

Authority: AS 14.37.020

4 AAC 62 is amended by adding a new section, 610, to read:

4 AAC 62.610. SPECIALIZED PROGRAM ACTIVITIES) A child care facility may not provide a program of moderate risk activities on a regular basis without a specialized program activity specialization approved by the department. Examples of such specialized program activities include gymnastics, swimming, camping, wilderness walks, horseback riding, canoeing, skiing, climbing, fishing, and bike riding.

(b) A child care facility must base a program activity on a plan that addresses each requirement in this section. A child care facility shall ensure that each employee involved in the experience reviews the plan and that a copy of the plan is taken on each experience away from the child care facility, if the experience is conducted away from the child care facility.

(c) A child care facility shall ensure that the plan required under (b) of this section establishes emergency procedures and injury control procedures for any specialized program activity the child care facility conducts. The emergency procedures and injury control procedures must include

(1) carrying or posting of emergency telephone numbers, if telephones are available;

(2) identification, respect for, and avoidance of potential weather hazards;

(3) identification and warning to children of other potential hazards such as noxious plants, bears and other wild animals, cliffs, mine shafts, and polluted waters; and

(4) development of contingency plans to deal with lost children, accidents, and other emergencies.

(d) A child care facility must plan for supervision during specialized program activities so that

(1) the child-to-caregiver ratios required in 4 AAC 62.405 are maintained or increased appropriate to the planned activity;

(2) a caregiver who has at least the equivalent of one year of experience in the specialized program activity is designated to supervise the experience;

(3) caregivers who supervise specialized program activities in which children participate have demonstrated competency in those activities; this demonstration may include certification from an organization with recognized expertise in the applicable activity or documentation of training or experience in the activity; and

(4) if applicable, caregivers have received special training necessary to protect the safety and health of children with special needs.

(e) A child care facility shall take the following general health and safety precautions during an away from the child care facility experience:

(1) the child care facility shall take the first aid kit required by 4 AAC 62.520(j); and

(2) at least one caregiver accompanying the children must be certified in first aid and CPR. (Eff. / / , Register)

Authority: AS 14.37.020

4 AAC 62.990 (2), (4), (32), and (35) are amended, paragraphs (12), (21), and (30) are repealed and re-adopted, paragraphs (18), (19), and (29) are repealed, and paragraphs (38) and (39) are added to read:

4 AAC 62.990. DEFINITIONS.

(2) "caregiver" includes an administrator, **child development specialist** employee, **contractor**, substitute, volunteer, **student intern** or other **individual** [PERSON] in a child care facility whose duties include care and supervision of children;

(4) "child" has the meaning given in AS 14.37.299 [AND, IN ADDITION, INCLUDES AN INDIVIDUAL 18 THROUGH 20 YEARS OF AGE WHO IS EITHER IN THE CUSTODY OF THE STATE OR A RUNAWAY SHELTERED IN A CHILD CARE FACILITY];

(12) "child with special needs" means a child who has, or is at increased risk for, chronic physical, developmental, behavioral, or emotional conditions and who also requires health and related services of a type or amount beyond that required by children generally; a child with special needs may require one or more of the following services: specialized care for a particular condition, specially trained caregiver, frequent monitoring of the child's health or medical needs, very close supervision, frequent intervention, or aided physical movement;

(18) Repealed / / .

(19) Repealed / / .

(21) "kindergartner" means a child age five or six;

(29) Repealed / / .

(30) "regular" means at least once a week for at least five consecutive weeks;

(32) "school aged child" means a child age seven [SIX] through age 18;

(35) "toddler" means a child age 12 months up to age 36 [30] months;

(38) "employee" includes a contractor who performs services for a child care facility and who has regular contact with children at a child care facility;

(39) "individual having regular contact with children in a child care facility" and "adult having regular contact with children in a child care facility" means a caregiver, a member of the licensee's household, and an individual residing in any part of the child care facility, if that individual has direct access from the individual's residence to the part of the child care facility where child care is provided; in this subparagraph, "regular contact" assumes that the individual will have at least some contact with children in care that is not supervised by the licensee, resulting in the individual having a supervisory relationship over a child in care; however a parent of a child in care is excluded, unless the parent is also a caregiver. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am / / , Register)

Authority: AS 14.37.020



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LAKE

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FLOAT

PLANE

ALASKA STATE LEGISLATURE

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Sen. Lyda Green
Sen. Georgianna Lincoln
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Administrative Regulation Review Committee

AGENDA

Tuesday, August 7, 2001 10:00am-12:00n, 2nd floor Conference Room, Anchorage

I. Title 17 in reference to Lake Hood Float Plane Slips

This hearing will be teleconferenced

II. Arguments- Lake Hood.

17 AAC 42.500. SCOPE, FINDINGS, AND PURPOSE

Statute text

(a) 17 AAC 42.500 - 17 AAC 42.599 apply only to Ted Stevens Anchorage International Airport.

(b) The department finds that

(1) the demand for float spaces on the airport substantially exceeds the number of spaces available;

(2) the demand for certain wheel spaces on the airport exceeds the number of spaces available;

(3) the demand for spaces to park transient light aircraft on the airport frequently exceeds the number of spaces available; and

(4) it is in the best interest of the state to ensure that float spaces and wheel spaces that are in high demand be used by pilots who operate airworthy aircraft and regularly fly the aircraft.

(c) The purpose of 17 AAC 42.500 - 17 AAC 42.599 is to regulate the issuance of permits for aircraft tiedown spaces in a manner that

(1) provides a fair, pilot-focused program;

(2) provides permits for individual pilots who fly their owned or leased airworthy aircraft for either commercial or non-commercial use;

(3) provides maximum use of available tiedown spaces;

(4) reduces the wait lists for tiedown permits; and

(5) provides a fair system for issuance and cancellation of permits and reassignment of tiedown spaces.

(d) 17 AAC 42.500 - 17 AAC 42.599 do not apply to transient aircraft parking areas.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.510. APPLICATION, APPROVAL, AND CATEGORIES

Statute text

(a) To qualify for a tiedown permit, an individual must

(1) hold a current private, commercial, or airline transport pilot certificate;

(2) hold a current FAA first, second, or third class airman's medical certificate;

(3) subject to 17 AAC 42.550(g) , own or lease at least a one-third interest in an airworthy aircraft that

(A) the individual intends to park in a tiedown space;

(B) the individual lists in an application submitted under (d) of this section;

(C) is not listed on a tiedown permit issued at the airport to a different individual; and

(D) is not the only airworthy aircraft listed on another tiedown permit issued at the airport to the same individual.

(b) If an individual requests that more than one aircraft be listed on a permit, the individual must, together with any other permittee on the permit, hold a 100 percent ownership or leasehold interest in each listed aircraft.

(c) In addition to the requirements of (a) and (b) of this section, to qualify for a float space an individual's pilot certificate must show that the applicant holds a current seaplane rating.

(d) To obtain a tiedown permit, an individual must submit a completed application to the airport manager and pay the permit fee established under 17 AAC 42.125. The application must be on an airport form and, subject to 17 AAC 42.550(g) , must include

(1) the applicant's name, mailing address, and, if available, telephone and facsimile numbers and electronic mail address;

(2) the make, model, and registration number of each aircraft that the applicant intends to park in the tiedown space;

(3) whether the space is to be used for commercial or for strictly non-commercial purposes;

(4) a copy of the applicant's private, commercial, or airline transport pilot certificate;

(5) a copy of the applicant's FAA first, second, or third class airman's medical certificate;

(6) a statement of the interest that the applicant owns or leases in each aircraft identified under (2) of this subsection, together with the name of and interest held by all other persons who own or lease an interest in that aircraft;

(7) if the applicant leases an aircraft identified under (2) of this subsection, an original lease for the aircraft, which must be in writing, must bear the notarized signature of each party to the lease, and must include the expiration date of the lease;

(8) if desired by a permittee who is not the sole owner of the aircraft identified under (2) of this subsection, a statement of the name, address, and telephone number of no more than two other pilots who the permittee wishes to have listed on the permit as co-owner pilots and who each also hold at least a one-third ownership or leasehold interest in that aircraft, along with the information required under (4) - (7) of this subsection for each such pilot; and

(9) a notarized statement signed by the applicant that the information provided in the application is true and accurate and that the applicant has read and understands the provisions of 17 AAC 42.500 - 17 AAC 42.599 and understands that the airport manager will cancel the applicant's permit if the manager determines that the applicant

(A) was not eligible for a permit on the date that the permit was issued, regardless of whether the applicant became eligible after that date;

(B) is not eligible for a permit, regardless of whether the applicant was eligible on the date that the permit was issued; or

(C) has failed to comply with the applicable requirements of this chapter or other applicable law.

(e) The airport manager shall approve an application for a permit unless

(1) the applicant is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599;

(2) the applicant does not hold a current pilot certificate as required under (a) of this section;

(3) if the application is for a float space, the applicant's pilot certificate does not indicate that the applicant holds the seaplane rating required under (c) of this section;

(4) the applicant does not hold a medical certificate as required under (a) of this section;

(5) the applicant does not own or lease the minimum interest in the aircraft listed on the application as required under (a) of this section;

(6) the space is needed for airport expansion, development, operation, or other state purpose;

(7) the application must be denied under 17 AAC 42.010(g) ;

(8) the aircraft does not conform to the dimension, weight, use, or type limits the manager has established under 17 AAC 42.030 for the category of space for which the permit is sought;

(9) approval of the application would result in the applicant exceeding the number of permits allowed the applicant under 17 AAC 42.525(b) ; or

(10) no space is vacant and available in the category requested by the applicant.

(f) The airport manager's denial of an application must be in writing and state the reasons for the denial.

(g) The categories for permits under 17 AAC 42.500 - 17 AAC 42.599 are float permit, wheel permit, and ice permit.

(h) The categories for switch lists under 17 AAC 42.540 are float, wheel, and Lake Hood Strip.

(i) The categories for wait lists under 17 AAC 42.550 are float, wheel, and Lake Hood Strip.

(j) The airport manager may establish other categories of permits, switch lists, or wait lists if the manager determines that other categories are necessary.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.070

AS 02.15.090

17 AAC 42.520. TERMS AND CONDITIONS

Statute text

(a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) The initial term of a float or wheel permit expires on March 31 following the fourth anniversary of issuance. The term for each subsequent permit that the manager issues to the same permittee for the same space or for another space to which the permittee is reassigned begins at the expiration of the preceding permit and expires on March 31 five years later. An ice permit is issued for a single season beginning November 1 of one year and expiring on March 31 of the next year.

(c) A permittee shall pay the fee established for the applicable category of tiedown permit under 17 AAC 42.125.

(d) A permittee may not transfer or sublet a permit or, except as provided under (1) of this section, allow a person who is not listed as a permittee or co-owner pilot on the permit to fly to or from the permitted space or allow any person to park an aircraft not listed on the permit in the permittee's space.

(e) Subject to the applicable requirements and limitations established under 17 AAC 42.525, a permittee may use a tiedown space only to

(1) park an airworthy aircraft that is listed on the permit issued for the space;

(2) perform all maintenance and repair on an aircraft that is listed on the permit so long as the permittee is authorized to perform the work under 14 C.F.R. Part 43, as amended through January 1, 2000;

(3) authorize others to perform maintenance and repair on an aircraft listed on the permit, subject to the requirements of 17 AAC 42.105;

(4) subject to (f) of this section, park a vehicle while the permittee or a co-owner pilot is present at the space or using an aircraft listed on the permit; and

(5) subject to (f) of this section, park an operational vehicle used for aircraft support, such as a float trailer or boom truck, but only if the permittee first registers the vehicle with the airport manager and receives the manager's approval.

(f) An individual who accepts a permit for a tiedown space accepts the space on an "as is" basis. A permittee shall keep the space in a clean, neat, and presentable condition. A permittee shall provide adequate aircraft and vehicle parking on the space to avoid any interference with or obstruction of public roads and taxiways and other spaces and premises.

(g) Improvements are authorized only on float spaces. A permittee must obtain an airport building permit under 17 AAC 42.280 before performing any construction on a float space. A building or other structure placed on a float space must be portable, must be located to allow for adequate aircraft and vehicle parking on the space, and must not interfere with operations on an adjacent space or aircraft movement area. To anchor an aircraft on a tiedown space, a permittee may use only screw-in, duckbill, or cable tiedown equipment or another method the airport manager specifically approves for that purpose.

(h) An aircraft or vehicle that is parked on a tiedown space in violation of this section, 17 AAC 42.525, or any other applicable provision of this chapter is subject to impoundment by the airport manager under 17 AAC 42.115.

(i) The department is not obligated to perform snow or ice removal in a tiedown space.

(j) A permittee must begin parking an airworthy aircraft that is listed on the permit on the designated space within 90 days after the permit is issued, unless the space is a float space. On a float space, a permittee must begin parking an airworthy float-equipped aircraft that is listed on the permit on the designated space within 90 days after the permit is issued or 30 days after the Lake Hood Seaplane Base is first unfrozen and open for use, whichever is later.

(k) If an aircraft listed on the permit ceases to be airworthy or if the permittee disposes of or ceases to hold the permittee's required minimum interest in an aircraft listed on the permit and if no other aircraft is listed on the permit that satisfies the requirements of 17 AAC 42.510(a) (3) and (p) of this section, as applicable, the permittee must restore the aircraft to an airworthy condition or obtain at least the required minimum interest in a replacement aircraft equipped as required by (p) of this section, if applicable, to list on the permit and to operate from the tiedown space. The permittee must achieve the restoration or

replacement required under this subsection within 270 days after the date that the aircraft first ceased to be airworthy or the date the permittee disposed of ceased to hold the permittee's required minimum interest in the aircraft, whichever date is earlier. However, a restored or replacement aircraft under this subsection need not be equipped as required under (p) of this section, if applicable, until the Lake Hood Seaplane Base is unfrozen and open for use.

(l) Because of the shortage of transient aircraft parking spaces, a permittee whose space will be vacant for an extended period of time is encouraged, but not required, to make the permittee's space available to the airport manager for use as part of the Lake Hood transient parking pool. When a permittee makes a tiedown space available to the manager for transient parking under this subsection, the department will apply any transient parking revenue from use of the space to reduce the fees that the permittee would otherwise pay for that space.

(m) If a permittee's medical certificate expires during the term of the permit, the permittee must obtain a new medical certificate and provide a copy to the airport manager within 60 days of the date of expiration of the medical certificate.

(n) If a permittee's pilot certificate or medical certificate is revoked or suspended for any reason during the term of the permit, the permittee must obtain a replacement and provide a copy to the airport manager within 120 days of the date of revocation or suspension of the pilot certificate or medical certificate.

(o) Each permittee on a permit must fly the permittee's aircraft listed on the permit at least once from the permit space in each of any three months during each calendar year, using the tiedown space as the primary base of operations from which to fly. Each permittee must also fly at least one third of the listed aircraft's total flights to and from the space. Flights by co-owner pilots may not constitute more than two thirds of the aircraft's total flights to and from the space. For a float permit, only a flight in the listed aircraft flown from the lake when the aircraft is float-equipped is considered toward satisfaction of the requirements of this subsection. *

(p) An aircraft for which a float permit is issued must be float-equipped not less than 90 days each year during the period from May 1 through September 30. If a float space includes a land area large enough to accommodate a second float aircraft or a wheel-equipped aircraft without interfering with or obstructing an adjacent road, taxiway, space, or premises and the airport manager approves, a permittee may park a second aircraft on the float space so long as the permittee, alone or jointly with another permittee on the same permit, holds a 100 percent ownership or leasehold interest in both aircraft. A permittee who is allowed by the manager to park a second aircraft on a float space shall pay any additional fee established under 17 AAC 42.125.

(q) The airport manager shall conduct periodic inspections of tiedown spaces and permit files to monitor compliance with the requirements of 17 AAC 42.500 - 17 AAC 42.599 and specifically to confirm

(1) that a properly equipped, airworthy aircraft listed on the permit is parked on the space within or during the applicable periods required under 17 AAC 42.500 - 17 AAC 42.599; and

(2) that each permittee on the permit

(A) owns or leases at least a one-third interest in the appropriate gear type aircraft parked on the space as required under 17 AAC 42.510 (a) and, as applicable, (p) of this section;

(B) annually satisfies the aircraft flight requirements of (o) of this section;

(C) holds a pilot certificate as required under 17 AAC 42.510(a) and, as applicable, (c); and

(D) has a current FAA medical certificate as required under 17 AAC 42.510(a) .

(r) If the airport manager has reason to believe that a permittee is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599, the manager may require the permittee to submit to the manager written verification or documentation the manager considers appropriate to establish that the permittee is in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599. To verify compliance with the flight requirements of (o) of this section, upon request by the manager a permittee must provide a notarized statement signed by the permittee that lists the dates of flights the permittee has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit and, as applicable, states for each listed flight whether the aircraft was equipped with wheels, floats, or skis. Upon request by the manager, the permittee must also provide a signed and notarized statement by each co-owner pilot, if any, that lists the dates of flights the co-owner pilot has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit. The permittee shall also provide such other information or documentation that the manager reasonably requests to establish that the permittee satisfied the flight requirements.

(s) If a permittee dies, the permittee's estate, after written notice to the airport manager, may keep the permit for up to 180 days after the date of the permittee's death in order to sell or remove the permittee's aircraft. The estate shall pay the rent for the space as required under this section. The estate shall notify the airport manager when the permittee's aircraft is sold and when the aircraft is removed from the tiedown space. The permit terminates at the earliest of

(1) ten days after the permittee's aircraft is sold;

(2) the date that the aircraft is removed from the tiedown space; or

(3) the expiration of 180 days after the death of the permittee.

(t) At and after cancellation or termination of a permit, expiration of a permit not followed by a subsequent permit, or reassignment to a new space under 17 AAC 42.540 or 17 AAC 42.570, the permittee or permittee's estate, as applicable, shall continue to pay rent for the space until the permittee or permittee's estate

(1) removes all personal property from the space as provided in (u) of this section;

(2) restores the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) peaceably and quietly vacates the space.

(u) Except as otherwise provided in 17 AAC 42.570(h) , a permittee whose permit has expired and is not followed by a subsequent permit, whose permit has been cancelled or terminated, or who is reassigned to

a new space under 17 AAC 42.540 or 17 AAC 42.570 shall vacate the permit space at the permittee's own expense. The permittee shall

(1) within 14 days after cancellation, termination, or expiration of the permit or acceptance of the reassignment, as applicable, remove the permittee's aircraft from the old tiedown space and, if applicable, relocate the aircraft to the new tiedown space;

(2) except as provided in (3) of this subsection,

(A) relocate to any new space or remove from the airport all of the permittee's personal property from the vacated space; and

(B) restore the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) if the permittee requests information to enable the permittee to offer some or all of the permittee's personal property on the space for sale to the permittee's successor at the vacated space, within 14 days after the airport manager mails or delivers to the permittee the name and address of the permittee's successor at the vacated space,

(A) sell or otherwise transfer to the permittee's successor at the vacated space any of the permittee's personal property that the permittee agrees to transfer and the successor agrees to purchase or accept; and

(B) satisfy the requirements of (2) of this subsection.

(v) If a permittee or a permittee's estate, as applicable, shows good cause to the satisfaction of the airport manager, the manager shall approve a request to extend the time to perform an act required under (k), (m), (n), (s), or (u) of this section. The request must be in writing and include justification for the request and a date by which the required act will be completed. Any extension or combination of extensions granted under this subsection must be in writing and may not exceed one year.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.525. PERMIT LIMITATIONS

Statute text

(a) Neither a tiedown permittee nor a co-owner pilot may use the tiedown space for operation of a commercial aviation business or otherwise for commercial purposes unless the permit expressly authorizes that use.

(b) Subject to (c) of this section and excluding an ice permit, a permittee may hold up to two tiedown permits on the airport at one time, each listing a different aircraft in which the permittee holds the minimum interest required under 17 AAC 42.510(a). However, if an individual owns or leases only one aircraft that the individual parks in a tiedown space on the airport, the individual may hold only one permit.

(c) A permittee may not hold more than one float permit on the airport at one time. A permittee may receive and hold two wheel permits only if the permittee states in the application under 17 AAC 42.510 for one of the permits that the space will be used for a float-equipped aircraft not less than 90 days each year during the period from May 1 through September 30.

(d) More than one permittee may be listed on the same permit consistent with the requirements of this subsection. A permittee may add another individual to the permit if the other individual separately applies and qualifies for a permit under 17 AAC 42.510, including holding the minimum interest required under 17 AAC 42.510(a) in an aircraft listed on the permit, and is the first individual on the applicable wait list under 17 AAC 42.550 if there is a wait list for that category of permit. If an individual is added to a permit, that individual shall comply with all requirements applicable to the permit.

(e) A co-owner pilot who is listed on a permit but has not become a permittee under (d) of this section has no interest in the permit and does not have any right to continued use or occupancy of the permitted space at the expiration, termination, cancellation, or suspension of the permit.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.530. APPLICATION FOR SUBSEQUENT PERMIT

Statute text

(a) A permittee who wishes to retain a tiedown space after the expiration of a permit shall, during the 180 day period before the permit expires, submit an application for a subsequent permit under 17 AAC 42.510, along with the permit fee established under 17 AAC 42.125. If a permittee does not timely submit an application for a subsequent permit, the permittee's permit expires on its expiration date and, unless the space is needed for airport purposes, the airport manager shall make the space available to the next eligible applicant.

(b) The airport manager shall approve an application for a subsequent permit if the manager determines that the space is not needed for airport expansion, development, operation, or other state purpose and that the permittee qualifies for a permit under 17 AAC 42.510 and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(c) If the airport requires the space for other purposes, the airport manager shall follow the procedures established in 17 AAC 42.570 (c) - (h), as applicable.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Statute text

(a) The airport manager shall establish and maintain a switch list by which a permittee may have an opportunity to receive reassignment to a different tiedown space in the same category. Placement on a switch list does not create a right to reassignment to a different space.

(b) An airport manager shall maintain a switch list for each category of space established under 17 AAC 42.510(h) or (i) for which the manager receives a written switch request. Each list must be maintained in chronological order according to the date that the airport manager receives a request for that category of tiedown space as described in (c) of this section. However, a permittee placed on a switch list under 17 AAC 42.570(c) (2) or (3) or (e) shall be placed at the top of the list and ordered chronologically only as to any other permittee also placed on the list under 17 AAC 42.570(c) (2) or (3) or (e). A switch list is a public record and must include each requesting permittee's

(1) name;

(2) mailing address;

(3) date of request;

(4) telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means; and

(5) list of the specific numbered spaces to one of which the permittee requests reassignment.

(c) A permittee in good standing may request to be placed on a switch list by submitting to the airport manager a written request on an airport form, together with any applicable fee established under 17 AAC 42.125.

(d) To the extent provided in this section, a permittee on a switch list has an opportunity to switch to an available space listed on the permittee's switch request before the space is made available to an individual on a wait list.

(e) When a tiedown space becomes available, the airport manager shall identify the first permittee on the applicable switch list.

The manager shall

(1) if the first permittee on the applicable switch list was placed on the list under 17 AAC 42.570(c) (2) or (3), assign the available space to the permittee and mail or deliver to the permittee notice of assignment to the available space; assignment to a space under this paragraph is effective unless, within 20 days after the assignment, the permittee rejects the permittee's opportunity to receive a space by mailing or delivering to the manager a written rejection of the assignment; a permittee who rejects an assignment to a space under this paragraph abandons the permittee's opportunity to receive a space unless, along with the written rejection, the permittee requests to remain on the top of the switch list to receive an opportunity to switch to another space under the procedures of (2) of this subsection; and

(2) in all other cases, including placement on the switch list under 17 AAC 42.570(e) , make not less than three attempts over the course of two consecutive business days to offer the space to the first permittee who listed the space on the permittee's switch request; the manager shall attempt to contact the permittee by telephone, facsimile, or other electronic means, using the permittee's current contact information required under 17 AAC 42.560(c) .

(f) A permittee whom the manager contacts or attempts to contact under (e)(2) of this section must accept or reject the available space within two business days after the manager first contacts or last attempts to contact the permittee to offer the space. If the manager is unable to contact the permittee as provided under (e)(2) of this section or the permittee declines the offered space or does not respond to the offer within two business days after the manager first contacts or last attempts to contact the permittee, the permittee's opportunity to switch to the new space lapses. In the manner and on the terms of this subsection and (e)(2) of this section, the manager shall, until the space is accepted or the list exhausted, attempt to contact and offer the available space to each successive permittee on the switch list who has listed that space on the permittee's switch request. If no switch list permittee timely accepts the offer of the available space, the manager shall offer the space to the first individual on the wait list as provided under 17 AAC 42.550.

(g) A permittee who accepts an offer to switch to a new tiedown space shall comply with the requirements of 17 AAC 42.520(t) and (u).

(h) The airport manager shall remove from the switch list the name of a permittee who accepts an offer to switch. The manager shall move to the end of the switch list the name of a permittee whom the manager is unable to contact under (e) of this section, who declines an offer to switch to a new space that the permittee had listed on the permittee's switch request, or who fails to respond to an offer before it lapses.

(i) If the airport manager determines that requiring confirmation of a permittee's desire to remain on a switch list will expedite the issuance of tiedown permits for a category of space, the manager shall request at least the first five permittees on the applicable switch list to confirm that desire. The manager's request for confirmation must be in writing. If the manager does not receive written confirmation from the permittee within 30 days after the date that the manager mails or delivers the request for confirmation to the permittee, the manager shall remove the permittee's name from the applicable switch list.

(j) If a permittee's permit terminates, is cancelled, or expires and is not followed by a subsequent permit, the manager shall remove the permittee's name from the switch list for that category of tiedown space effective as of the date that the permit terminated, was cancelled, or expired.

(k) The airport manager shall mail or deliver to the permittee notice that the permittee's name has been removed from the switch list under (i) or (j) of this section.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.550. WAIT LIST PROCEDURES

Statute text

(a) If the number of tiedown spaces in a category is not sufficient to meet demand, the airport manager shall establish and maintain, in chronological order according to date of request, a wait list of each pilot and student pilot who has submitted a written request for a tiedown space in that category under (b) of this section. A wait list must include each individual's name, mailing address, date of request, and, if available, telephone and facsimile numbers and electronic mail address. A wait list is a public record.

(b) To be added to a wait list, an individual must

(1) sign the applicable wait list in the Ted Stevens Anchorage International Airport tiedown office;

(2) provide the wait list information required in (a) of this section;

(3) provide a copy of the individual's pilot or student pilot certificate;

(4) sign a notarized statement that the information provided is true and accurate and that the individual has read and understands the requirements of 17 AAC 42.500 - 17 AAC 42.599 and understands that if the individual fails to comply with those requirements the airport manager will remove the individual's name from the wait list; and

(5) pay any applicable fee established under 17 AAC 42.125.

(c) When a space becomes available and is not reassigned through the switch list procedures under 17 AAC 42.540, the airport manager shall mail by a means that provides evidence of receipt, or deliver by hand a notice that a space is available, along with an application for a tiedown permit for that space, to the first individual in chronological order on the applicable wait list.

(d) If an individual to whom the airport manager has mailed or delivered a notice under (c) of this section does not submit a completed and signed application for a permit for the space within 20 days after receipt of the notice and if either the notice is returned to the manager unclaimed or by the 30th day after mailing the notice to the individual the manager has no evidence that the individual received the notice, the notice lapses. In that case, the manager shall offer a permit for the space to the next individual on the applicable wait list by notice in the manner provided under (c) of this section.

(e) If an individual receives a notice mailed or delivered under (c) of this section, but does not timely submit a completed and signed application for a permit for the space, the airport manager shall remove the individual's name from the wait list. Subject to (f) of this section, if the notice is returned to the manager unclaimed or if by the 30th day after mailing the notice the manager has no evidence that the individual received the notice and the manager has never before mailed a notice to that individual regarding a formerly available space under (c) of this section, the airport manager shall leave the individual's name on the top of the wait list.

(f) Notwithstanding (e) of this section, the airport manager shall remove an individual's name from the wait list if the manager has previously mailed to that individual a notice under (c) of this section regarding a formerly available space and

(1) the individual does not submit a completed and signed application for a permit for the presently available space within 30 days after the manager mails the notice regarding that space; or

(2) the notice mailed to the individual regarding the presently available space is returned to the manager unclaimed.

(g) To qualify for a permit under this section, an individual must satisfy all applicable requirements for a permit under 17 AAC 42.510 at the time that the application is submitted, with the exception of owning or leasing an interest in an airworthy aircraft.

An applicant under this section has 90 days from the date that the application is submitted to acquire at least a one-third ownership or leased interest in an airworthy aircraft that the individual will park in the tiedown space and to satisfy the requirements of 17 AAC 42.510(d) (2), (6), (7), and (9).

(h) To remain on a wait list, by September 30 of each year an individual must submit a written request to do so and pay any fee established under 17 AAC 42.125. If an individual on a wait list does not submit a

request to remain on the list and pay the required fee by September 30 of each year, the airport manager shall remove the individual's name from the wait list.

(i) The airport manager shall mail or deliver to the individual notice that the individual's name has been removed from a wait list under this section.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Editor's note: The location of the Ted Stevens Anchorage International Airport tiedown office may be obtained from the airport manager's office at the address provided in 17 AAC 42.005.

17 AAC 42.560. PERMIT, SWITCH LIST, AND WAIT LIST INFORMATION

Statute text

(a) A permittee or an individual on a wait list shall promptly report to the airport manager any change in the information contained in the permit or on a request for placement on a switch list or wait list.

(b) A permittee or an individual on a wait list shall maintain a current mailing address on file with the airport manager at all times. Except as otherwise provided in 17 AAC 42.540(e), the manager shall mail or deliver any notice regarding a permit, switch list, or wait list to the mailing address on file most recently provided by the permittee or individual.

(c) A permittee on a switch list shall maintain on file with the airport manager at all times a current telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.570. CANCELLATION OF PERMIT, REASSIGNMENT OF SPACE, OR SUSPENSION OF PERMIT

Statute text

- (a) A permittee may cancel a tiedown permit for any reason upon written notice to the airport manager.
- (b) The airport manager shall cancel a permit if the permittee fails to comply with an applicable material requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter within 30 days after the manager mails or delivers written notice of the noncompliance to the permittee.
- (c) If the airport manager determines that it is necessary temporarily or permanently to convert a tiedown space to another category of tiedown space or to another use to accommodate airport expansion, development, operation, or other state purpose or that it is otherwise in the best interest of the state to do so, the manager shall require the permittee to vacate the space and
- (1) if another tiedown space in the same category as the space vacated is available, reassign the permittee to that space;
 - (2) if another space in the same category is not available, reassign the permittee to a space in a category as similar as possible to the space vacated and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e) (1); or
 - (3) if no other space is available, suspend the permit and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e) (1).
- (d) The airport manager shall mail or deliver written notice to the permittee at least 60 days before reassigning the permittee to another space or suspending the permit under (c) of this section. The notice must state the reasons for reassigning the permittee or suspending the permit.
- (e) If the permittee within 30 days of the reassignment under (c)(1) of this section submits a list of preferred spaces and the other information required under 17 AAC 42.540(b) , the manager shall place the permittee on the top of the switch list to receive an opportunity to switch spaces under the procedures of 17 AAC 42.540(e) (2). The permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.
- (f) If a permittee's permit is suspended under (c)(3) of this section and the permittee is placed at the top of the applicable switch list under that provision, the permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list or under 17 AAC 42.520 for holding the permit so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(g) A permittee who is temporarily reassigned to another tiedown space under (c) of this section must pay either the fee for the temporary tiedown space or the fee for the permittee's permanently assigned tiedown space, whichever is less, for the duration of the reassignment.

(h) If, under (c) of this section, the airport manager reassigns a permittee with a float space to another space or suspends the permittee's float permit, subject to availability of an appropriation for this purpose, the manager shall compensate the permittee for the reasonable transportation cost of relocating any portable building from the vacated space to another location on the airport and any electrical disconnect and reconnect fee so long as the manager had approved the portable building or electrical connection, as applicable, in writing before installation.

(i) Except as otherwise provided in (h) of this section, a permittee who is permanently reassigned to another tiedown space under (c) of this section must timely and at the permittee's own expense

(1) pay the fee for the reassigned tiedown space; and

(2) comply with the requirements of 17 AAC 42.520(t) and (u).

(j) Upon cancellation of a permit, the airport manager shall refund the permit fee on a pro rata basis except to the extent of any liability of the permittee to the department under this chapter.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.590. PROTEST

Statute text

An applicant or permittee may protest the airport manager's decision to deny an application or to cancel, reassign, or suspend a permit in accordance with 17 AAC 42.910.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.595. TRANSITIONAL COMPLIANCE REQUIREMENTS

Statute text

(a) A permit for a tiedown space on the airport issued before and valid on December 31, 2000 is effective until July 13, 2001 and expires on that date unless first terminated for noncompliance with the provisions of this chapter. A prior permittee must apply under 17 AAC 42.510 for a subsequent permit under 17 AAC 42.530 no later than the earlier of sixty days after the airport manager mails or delivers to the prior permittee an application for a permit under 17 AAC 42.510 as provided under (c) of this section or June 13, 2001 in order to retain the permittee's space.

(b) Any switch list or wait list established for a category of tiedown space before January 14, 2001 is canceled effective July 13, 2001. A prior permittee who is on a switch list on January 14, 2001 and who desires to be placed on a new switch list under 17 AAC 42.540 must apply for placement on that list no later than July 13, 2001 in order to retain the permittee's priority on the new switch list. If the individual qualifies for placement on a wait list under 17 AAC 42.550, an individual on a prior wait list must submit the information required under 17 AAC 42.550 and sign a new wait list no later than July 13, 2001 in order to transfer the individual's priority from the prior wait list to the new wait list.

(c) No later than April 14, 2001, the airport manager shall mail or deliver the following to each prior permittee and individual on a prior wait list, as applicable:

(1) for a prior permittee, an application for a permit under 17 AAC 42.510; and

(2) for an individual on a prior wait list, a notice that the prior wait list will be canceled and superseded as of July 13, 2001 and that the individual must provide the required information and sign a new wait list under 17 AAC 42.550.

(d) If a prior permittee who is on a switch list as of January 14, 2001 is in good standing and timely submits an application for a subsequent permit under (a) of this section, the permittee shall be placed on a new switch list established under 17 AAC 42.540 for the same category of space. The permittee's placement on the new switch list shall be in the same order of priority that applied to the permittee with respect to other prior permittees on the superseded list.

(e) If an individual on a prior wait list is qualified and in good standing, timely submits the information required under 17 AAC 42.550, and signs a new wait list under (b) of this section, the individual shall be placed on a new wait list for the same category of space established under 17 AAC 42.550. The individual's placement on the new wait list shall be in the same order of priority that applied to the individual with respect to other individuals on the superseded list.

(f) In this section, unless the context otherwise requires,

(1) "prior permittee" means an individual who on January 14, 2001 holds a valid tiedown permit issued before that date;

(2) "prior wait list" means a wait list established before January 14, 2001.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.599. DEFINITIONS

Statute text

In 17 AAC 42.500 - 17 AAC 42.599, unless the context otherwise requires,

(1) "airport" means Ted Stevens Anchorage International Airport;

(2) "available", when used to describe a tiedown space of a particular category, means

(A) not the subject of a tiedown permit;

(B) not being temporarily or permanently converted by the airport manager to a different category space;
and

(C) neither needed for nor being held by the manager to accommodate airport expansion, development, operation, or other state purpose;

(3) "commercial purpose" means the use of a tiedown space to park an aircraft that is flown for hire or other business purpose;

(4) "co-owner pilot" means an individual who owns or leases at least a one-third interest in the aircraft listed on a permit under 17 AAC 42.510(c) (2), who holds a pilot license described in 17 AAC 42.510(a) , and who is not a permittee on the permit;

(5) "float permit" means a permit the airport manager issues allowing the permittee to use a specified float space, including any land area approved by the airport manager for parking a second aircraft within the permitted area;

(6) "float space" means a tiedown space that borders the shores of Lakes Hood or Lake Spenard and that the airport manager identifies by a number and designates primarily for parking float-equipped aircraft;

(7) "ice permit" means a permit that the airport manager issues allowing the permittee to use a specified ice space;

(8) "ice space" means a tiedown space on Lake Hood or Lake Spenard during a time when the lakes are sufficiently frozen to safely support aircraft and that the airport manager designates for parking ski-equipped aircraft;

(9) "noncommercial purpose" means the use of a tiedown space to park an aircraft that is flown only for a personal, not-for-profit, or governmental purpose;

(10) "space" means a location on the airport that

(A) is accessible to and is of sufficient dimensions to accommodate a light aircraft;

(B) the airport manager has described by markings on the ground, rough dimensions, or reference points and designated for parking float-, wheel-, or ski-equipped light aircraft; and

(C) may be the subject of a tiedown permit;

(11) "subsequent permit" means a permit issued to a permittee after expiration of a permit and that allows the permittee to continue to hold a space without interruption;

(12) "wheel permit" means a permit the airport manager issues allowing the permittee to use a specified wheel space;

(13) "wheel space" means a land space that the airport manager identifies by a number and designates primarily for parking wheel-equipped aircraft.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Subject: Lake Hood Float Tiedowns

Date: Mon, 06 Aug 2001 16:03:37 -0800

From: Peter Richter <richter@gci.net>

To: Jim_Pound@legis.state.ak.us

For the August 7, 2001 meeting:

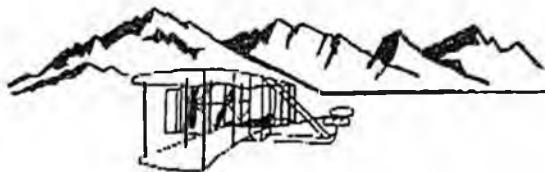
I am opposed to dropping the medical requirement to hold a state lease for a Lake Hood Tiedown site.

Having a current medical certificate is required to fly an aircraft and should be part of the lease requirement.

People on the float wait list don't want to see the creation of family or friend groups that will hold on to sites indefinitely. These are individual sites.

If the state issued these sites to pilots who flew on a weekly basis, there would be no need for any wait lists. Pilots who fly less frequently should be parked on float trailers on land.

Peter Richter



ALASKA AIRMEN'S ASSOCIATION, INC.

REPORT ON TITLE 17 REGULATIONS CONCERNING LAKE HOOD
ALASKA AIRMEN'S ASSOCIATION

The Alaska Airmen's Association is a statewide aviation organization and has over 1500 members, with the mission to enhance general aviation in Alaska.

Many of our members are permit holders at Lake Hood and many are also on the "wait list." Following the Alaska Division of Legislative Audit on Anchorage International and Lake Hood Airports, the Association worked with DOT/PF in making suggested changes to Title 17 prior to the regulations becoming law. The new regulations have been effect for about six months and problems have arisen. We offer the following comments, on a few specific areas, to show the need to look into these regulations. Should the legislature decide to look further into them, we would like the opportunity to offer further comment.

17AAC42.500(c)(1), (2), (3), (4), (5). State the purpose of the regulation: "Fair," "Pilot-focused," "Provides maximum use," "reduces wait list," "fair system for issuance, cancellation, and reassignment."

17AAC42.510(d)(5), 42.510(e)(4), 42.520(m), 42.520(n), 42.520(q)(2)(D). Delete all references to medical certificates. Medical Certification is the FAA's role not DOT/PF. DOT/PF may require a License but FAA determines the medical requirements. The FAA has authorized a Sport Pilot's License and there is NO medical requirement. Under the current regulations A "Sport Pilot" is prohibited from using the Lake by DOT/PF but would be legal by FAA standards. There were objections to any reference to Medical Certificates from the Alaska Airmen's Association in December 1999 and from AOPA president Mr. Phil Boyer in July 1999. If the FAA allows a pilot to fly, under supervision or otherwise, without a current medical certificate, the DOT/PF has no business increasing requirements. "Fair and pilot-focused?"

17AAC45.530(p) and 45.510(h). When two or three authorized co-owner pilots" occupy a float slip that also has room for a land aircraft, it is unreasonable and not "fair" and does not "provide maximum use" when the permittee is not allowed to park his other aircraft on the land spot unless he owns it 100%. Recently, Mr. Gary Rich was refused and told he could have another paved public ramp (letter dated May 4, 2001 ref space 715). The way the regulations are written provides for no flexibility to the airport staff. Consequently, Mr. Rich now will occupy two parking areas and the land space, by the float slip, will be empty. We suggest that the 100% ownership be changed to "1/3 ownership."

17AAC45.510(a)(3)(C): This prohibits 2 pilots who share ownership or jointly lease an aircraft to be permittees on the same tie down. A father and daughter jointly own an aircraft. The father is the permittee and the daughter a listed "co-owner pilot." When the daughter qualifies for her own tie-down permit, she cannot use the co-owned aircraft to qualify and be an additional permittee on her father's space. Surely, allowing both to be joint permittees "reduces the wait list" and "provides maximum use."

17AAC42.54(f): A "fair system" and a "pilot-oriented" system would allow two consenting permittees to swap float slips or tie downs, with the concurrence of the airport management. This section needs this additional paragraph.

August 3, 2001

Felix M. Maguire, Director
 Government & Legislative Affairs

TIEDOWNS AND LEASING AT LAKE HOOD
(Felix Maguire)

The Alaska Airmen's Association has had some meetings with members expressing concern over the new Title 17 regulations as they affect Lake Hood.

There have been many complaints against the airport staff about how the regulations are being implemented. During our discussions, we have collected letters and information that reflect the new regulations. After much discussion we find that the airport staff are implementing the regulations as written. The problem appears that there is no flexibility within the regulations for common sense or to accommodate unusually circumstances.

We know of at least two pilots who were out of State for family sickness and death. They returned to find that they had lost their float spots because they had not used them. One case was settled in court and the pilot got his space back. Regulations should allow for unusual absences without having the costs of lawyers and the hassle of court proceedings especially when someone is already in grief over the loss of a family member.

Another regulation states that to have a second aircraft at a float tie-down, the permit holder has to own 100% of the second aircraft. One pilot was told, that although he has a floatplane at the slip and there is room for another (wheeled) aircraft at the same tie-down, he could not park it there because he only owns 50% of the new aircraft. He was offered a wheeled tie-down on another part of the airport. So, while he has a new tie-down elsewhere and a floatplane at the slip, the space for the wheeled aircraft at the slip sits empty. Common sense dictates that rather than using two tie-downs, he should be allowed to use the one. However, that is how the regulation is written and the airport staff has no flexibility to alter it.

To fully understand the problem at Lake Hood, it is advisable to read the Alaska Division of Legislative Audit produced for the DOT/PF on Anchorage International and Lake Hood. It is available at the Airmen's office or call and we will e-mail all 27 pages to you. It is quite apparent that "discretion" in the old regulations led to abuse and expectation from pilots that the airport staff would always capitulate to all requests and pressure. This was unsatisfactory as it led to a long "wait list" and many of our members are still waiting up to 15 years to get a spot on the lake. Once they get it, they will fight tooth and nail to hold onto the lease.

One of the purposes of the new regulations was to reduce the wait list and have a "fair, pilot-oriented" system in operation. Unfortunately pilots, like any other segment of society, have some who will manipulate and cheat to get a spot on Lake Hood. Most are trying to abide by the honest intent of leasing from the State. Getting the correct balance between hounding permit holders and catching the cheaters is not easy.

Some legislators have expressed an interest in looking at the regulations in answer to the letters they are receiving from pilots concerning the Lake. The Airmen's Association has submitted some ideas and suggestion and will be available to assist legislative aids in preparing a more in-depth constructive look at the new Title 17 regulations as they pertain to Lake Hood. For that we need specifics, such as names and letters, to help identify areas within the regulations that need to be changed. Remember that Title 17 is the law and it will need the legislature to pass a bill in order to change the current somewhat inflexible regulations. Help us to help you.

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Ted Stevens
Anchorage
International Airport

P.O. Box 196960
Anchorage, Alaska 99515-6960

May 4, 2001

Re: Lake Hood Space 715

Gary Rich
15620 Southpark Loop
Anchorage, AK 99516

Dear Mr. Rich:

This letter is in response to your letter, of April 16, 2001 (copy attached), requesting a waiver to 17 AAC 42.510, APPLICATION, APPROVAL, AND CATEGORIES, (b).

Your letter and tiedown permit application/agreement indicate you own 100% of Cessna 185 (N1856R) and will be purchasing 50% of a Piper Super Cub with Mr. Robert Steiner. 17 AAC 42.510 (b) states, "if an individual requests that more than one aircraft be listed on a permit, the individual must, together with any other permittee on the permit, hold a 100 percent ownership or leasehold interest in each listed aircraft."

The new regulations, adopted on January 14, 2001, provide the airport manager an opportunity to exercise discretion regarding certain portions of the regulations. Unfortunately, your request to waiver 17 AAC 42.510 (b) is not within the airport manager's authority to waive the regulation. As Mr. Steiner is not a co-permittee for Lake 715, you must therefore own or lease 100% interest of every aircraft registered to park at Lake 715.

I understand you're your position on this issue and regret that we cannot approve your request. We can provide wheeled parking for whichever aircraft you operate on wheels at one of the paved public ramps. The total cost for parking one wheeled and one float-equipped aircraft will remain the same, \$135.00 per month. If you have any additional questions regarding the new requirements, please call me Monday through Friday, 7:30 a.m. to 5:00 p.m. at (907) 266-2673.

Sincerely,

Corky Caldwell
Airport Operations Manager

CC/ts

c: Morton V. Plumb, Jr., Airport Director
John Parrott, Airport Operations Superintendent
George V. Frushour, Airport Operations Officer
Andrew N. Hutzal, Airport Leasing Officer

Subject: Lake Hood/Spenard Regulations

Date: Mon, 6 Aug 2001 14:04:03 -0800

From: George L Stewart <glstewart@juno.com>

To: Jim_Pound@legis.state.ak.us

CC: Andy_Hutzel@dot.state.ak.us

Administrative Regulation Review Committee
Representative L. McGuire

I am writing to **STRONGLY SUPPORT** the upgraded regulations for Float Plane Space at the Lake Hood/Spenard complex.

The spaces at this complex are an extremely limited resource for pilots in the Anchorage Bowl area. It is only fair that these spaces be allocated to people who can use them - i.e. licensed and float certificated pilots with active medical certificates who have float planes.

I have waited 12+ years for a space to be available (I meet the requirements in the previous paragraph). It is grossly *unfair* for the spaces to be tied up by people who cannot fly a float plane (either because they have no medical or no plane).

Unfortunately I am unable to attend the hearing on Tuesday August 7. I would be happy to be available by phone if needed. Please continue to support the Upgraded Regulations.

Thank you,

George L Stewart
glstewart@juno.com
907-274-5864 (office) 522-1062 (home)



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 196960
Anchorage, Alaska
USA 99519-6960
(907) 266-2525
FAX (907) 243-0663

July 18, 2000

Ted F. Darby
P.O. Box 190628
Anchorage, AK 99519-0628

Dear Mr. Darby:

It was a pleasure to meet with you last week to discuss your concerns regarding Lake Hood and aircraft security. As a follow-up to our discussion, I felt it was important to reiterate that the Airport Police and Operations routinely patrol the Lake Hood complex, even though the Anchorage Police Department has primary jurisdiction regarding criminal action in these areas. There are a number of security and safety issues that we are considering, that when implemented should further improve the security of Lake Hood areas.

While I appreciate your willingness to assist us by spending the night at your floatslip, this simply is not authorized. The Commissioner's policy is very clear on this issue and any temporary or permanent habitation is strictly prohibited.

Again, it was a pleasure meeting with you.

Sincerely,

A handwritten signature in cursive script that reads "Corky Caldwell".

Corky Caldwell
Aviation Operations Manager

CC/ts

Aug 7, 2001

Madam chair and committee members

My name is Andy Anderson. I appreciate you coming to Anchorage and having this meeting concerning the problems with "rule 17" as we discussed in Juneau.

I represent a lot of pilots on the Ted Steven's Int'l Airport complex, the petitions in your packet verify this.

For those of you who are not familiar with this airport, we have the Int'l part, Lake Hood gravel strip and Lake Hood-Lake Spenard sea plane base. The int'l part is no different from any other airport, Fairbanks, SeaTac, Lax, etc. The gravel strip is no different from any other runway other than it is not paved, then we have Lake Hood-Lake Spenard for wheels, skis and floats.

The D. O. T. commissioner has imposed unreasonable rules and regulations on this airport complex that no other airport in Alaska or the other 49 states have. He said this is due to supply and demand.

To have a tie down on this airport, the commissioner requires you to have a private license and a medical, on Lake Hood and Lake Spenard you also need a float rating. No other airport has these rules. Fairbanks Int'l Airport and their float plane lake tie downs do not require a license, medical, float rating, they also have a wait list with 60 people waiting for a float tie down. You should be able to own an airplane, rent a slip from the state and hire a pilot to fly you around if you so wish. This is our right but the D. O. T. commissioner says it is not our right due to supply and demand, HOGWASH, every operation in the state is supply and demand.

If I lose my medical I have four months to get it back, serious problems take a year or more, or I lose my tie down. I can still fly

my plane legally with a licensed pilot on board. By them taking my tie down they are denying me that right and discriminating against me, they are also in violation of the American Disability Act.

Boat slips in Homer, Seward, Whittier have a wait list of several years just like Lake Hood and Lake Spenard. You need a boat to get your slip but once you have it they don't care what you do, you don't have to have a boat in it even, if you don't use it they will put another boat in it. You don't need any Coast Guard Licenses, Medical or nothing. This is a supply and demand also.

A person flies off of Lake Hood and Lake Spenard on wheels and skis for seven months and floats four to five months, yet they put the priority on floats, this is not right. Mr. and Mrs. Hunt fly off of Lake Hood, Mrs. Hunt flies seven to eight months off of the lake on wheels and skis, her husband has a float rating and he flies four months on floats, if Mr. Hunt should lose his medical she could not continue to park because she don't have a float rating but flies more on skis and wheels than he does, this is not right.

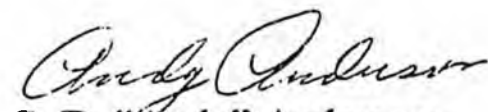
Federal Air Regulations state the only people we have to show our licenses and medical to are the FAA, NTSB, and local and state law enforcement officers. The D. O. T. commissioner requires you to show your license and medical to get a tie down, he says this is voluntary in order to be given the privilege of a tie down. This is not voluntary, he is requiring you to do this if you want a tie down, this is wrong, we pay rent for this tie down so it is not a privilege.

A student pilot can not have a tie down on this airport. A student pilots license is a license to learn just like other licenses. I started flying on this lake years ago and got my license on floats, there is nothing wrong with this, a student pilot should have the same privileges on this lake as a private pilot.

There is a new recreational license coming out in the near future. All you need will be a drivers license, no pilots license and no medical, there will be some aircraft on this airport that will fall in this category. This is all the more reason that no pilot license, medical or float rating should be required to have a tie down at this airport.

We need to have uniform policy and rules that apply to all airports and conform to state and federal guidelines. Fairbanks is an excellent example, they have a wait list but the only requirement is that you own or lease an airplane, they are doing it the correct way.

I attended most of the meetings the airport had on rules pertaining to "rule 17". The pilots that are on the lake did not get much input into these rules, the rules are for the people waiting to get on the lake. The audit committee made recommendations and John Barsalou here in Anchorage wrote all the rules. They were shoved down our throats. We need to get rid of these rules and operate like a normal airport. The rules do not benefit any pilot on the lake, only the pilots on the wait list. Please put a moratorium on these rules, effectively immediately, and let the legislature come up with new and reasonable rules like the other airports in Alaska and the airports in the other 49 states, they operate in a more reasonable normal manner.


C. D. "Andy" Anderson:
2527 Arlington Dr.
Anchorage, Ak 99507
Ph 272 2971

1. Rule "17" (pertaining to a pilots license, medical and rating) is not enforced uniformly throughout the State of Alaska. No other airport in the State of Alaska imposes this rule. According to our research there is no airport in any of the other 49 states that imposes this rule. This regulation is in violation of the Due Process Clause and Equal Protection Clause of Alaska and the U.S. Constitution. It is also in violation of Law 42 U.S.C.A. ~12132 American Disability Act.

2. Parts of Rule "17" takes away a persons constitutional rights and discriminates against them. All persons should have the right to own an airplane and hire a licensed pilot to fly him/her around if that person so chooses. A person that owns an aircraft should not be required to have a pilots license, medical, or float rating, to rent a float or wheel tie-down slip at Ted Stevens International Airport Complex, i.e. Lake Hood/Lake Spenard and the Lake Hood Gravel Strip. Nor should any person submitting an application for the waiting list at the Anchorage airport complex be subjected to these regulations.

3. A tie-down or float slip permit holder should be allowed to share equal claim to the tie-down or float slip with his/her spouse.

4. The airport management has no legal right to require a pilot to show his/her medical certificate or license. If a person does not have a current medical certificate it is the job of the FAA to enforce compliance. If a medical certificate is going to be a permanent requirement, than there should be a minimum 15 months compliance period allowed for a person to reapply and get his/her medical certificate reissued without the fear of loosing a tie-down slip (the current 4 months is not a reasonable period of time). If a person loses their medical certificate they can still fly with a licensed pilot on board.

5. Who determines which type of aircraft has priority for a tie-down on the lake? During a typical 1 year period aircraft owners at the Lake Hood/Lake Spenard complex are able to fly 12 months on wheels, 7 months on skis, and 5 months on floats. Which tie-down has priority? Wheels, skis or floats?

6. A student license is a permit to learn. Student pilots should be allowed to fly in and out of any airport complex just like all other aircraft owners. A student pilot should be allowed to apply for and keep a tie-down or float slip. A student pilot can rent an aircraft from a commercial operator and still fly in and out of the airport complex. It doesn't make sense to prohibit a student pilot from renting a tie-down slip.

7. All rules and regulations enforced at the Anchorage airport complex by state or federal offices should be consistent and uniform with all other airports throughout the State of Alaska and the United States. The State of Alaska needs to make tie-down fees standard at all airports throughout the state.

8. The Lake Hood/Lake Spenard airport complex is no more "unique" than the boat harbors throughout the State of Alaska. It is wrong to try and enforce discriminating regulations based on "uniqueness".

9. To be on Seward or Homer's boat slip waiting lists you are only required to have a boat. After you are issued a boat slip they do not police which boat owners use their slips or not. No boat "pilot" or coast guard licensing is required.

C.D. "Andy" Anderson
2527 Arlington Dr.
Anchorage, Ak 99517
Home Phone 272-2971

The removal of a tiedown permittee from the airport tiedown list. Based upon Title 17 Chapter 40 and 42, which provides that the purpose of the regulation is to provide tiedown permits for pilots who fly their own airworthy aircraft, is in violation of the Due Process Clause and the Equal Protection Clause of the Alaska and United States Constitution.

Whether or not a tiedown permittee personally flies the aircraft or whether a tiedown permittee allows others to fly the aircraft who may be a licensed pilot(s) is not a matter that can legally be governed by airport leasing. A provision that limits the issuance of a tiedown to a pilot who both flies and owns a aircraft is discriminatory against a person who has an aircraft and may utilize other persons to fly the aircraft.

If a person loses his medical and the airport takes his tiedown away from him, this is discriminatory and in violation of the requirement of 42 U.S.C.A. ~12132, which provides in pertinent part that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of public entity, or be subjected to discrimination by any such entity."

The "Americans with Disabilities Act" (ADA) is applicable to the State of Alaska.

The criteria arbitrarily imposed by the Ted Stevens International Airport of requiring a person to hold a pilots license and medical is not necessary for the service of the Ted Stevens International Airport to provide tiedown space for aircraft with a fair system for issuance and termination of tiedowns pursuant to Title 17 Chapter 40 and 42.

The policies, procedures and rules as those are now being applied by Ted Stevens International Airport violate the provisions of ADA 42 U.S.C.A. ~12131 et seq.

Dear

I am writing to you regarding a problem at Ted Stevens International Airport, which also controls Lake Hood Sea-Plane Base in Anchorage, Alaska. Since there are pilots waiting to get a tie down spot on Lake Hood, there is a "wait- list." As of July 14, 2001, Airport Management is requiring that you have a private pilots license and a float rating to be on this list. As well, they also charge you \$25.00 a year to maintain your name on said list. They have no right to charge you. No other airport in Alaska or the United States requires, or operates with the above regulations.

I know of one pilot that flew on a student license for thirty years. He couldn't carry passengers, but he still met all the legal requirements. ~~Now they will not even let you on the wait list with a student pilot's license. This is wrong.~~ A STUDENT PILOT CAN NOT HAVE A Tie down.

The Airport Management requires you to show them your license and medical then proceeds to make a copy of it. The Federal Aviation Rules states that the only people that can legally require you to show your pilots license is the FAA, NTSB, state and local police, and the FBI. This requirement of Airport Management is without merit.

There are many Airport Management personnel on the wait list that are trying to get a float spot. To name a few; George Froshour (OPS officer), Dough Lohr (OPS superintendent), and Andy Hotzei (leasing officer). This is a big conflict of interest. Mr. Corky Caldwell and George Froshour appear to be the main people involved with making these rules, and are very difficult people to deal with. Mr. Caldwell stated that he didn't want any student pilots flying around Lake Hood, because it's "his" airspace. With a student pilots license signed by a CFI and transponder equipped airplane, you can fly to or from just about any airport.

I've had a floatplane on Lake Hood for 40 years now. For nearly ten years, we've been getting threatening and intimidating letters from the airport management. I know several people that just gave up fighting with Airport Management, and have moved their aircraft, or just quit float flying altogether. Great public service you have there.

With new rules (effective July 14th, 2001), the pressure on student pilots to expedite the task of getting all their ratings could lead to a serious safety problem. If these illegal rules are implemented, there should be grandfather rights for all current student pilots and private pilots currently leasing at Lake Hood that don't meet Rule 17.

If I were to loose my medical, I feel that I should be able to keep my float slip and hire a pilot to fly me around. My wife was on my tie-down permit with me, with a student pilot's license. She will be removed from my permit because there is no way she would be able to meet this deadline. I feel our constitutional rights are being taken away, and we are being discriminated against. Thank you for your time.

Sincerely,
C.D. (Andy) Anderson
2527 Arlington Dr.
Anchorage, Alaska 99517
(907) 272-2971

The same standard for issuance of a tiedown permit at a state owned airport are not uniform through out the state of Alaska. At other state owned airports a requirement for a pilot license or medical is not a prerequisite for holding a tiedown. This is in violation of the Due Process Clause and Equal Protection Clause of Alaska and U.S. Constitutions.

Thank you very much for your time and assistance.

Sincerely,



C.D. "Andy" Anderson

- a. **Kenai Airport**
\$250.00 for 6 months
\$450.00 for 1 year
Wheels or floats. No license or medical certificate required.

- b. **Fairbanks Int'l Airport**
\$30.00 month for float tie-down
No license, medical certificate or float rating required.

- c. **Merrill Field Anchorage**
No license or medical certificate required.

- d. **Wasilla**
No license or medical certificate required.

- e. **Homer, Juneau, Ketchikan, Nome & Sitka**
No license or medical certificate required.

- f. **Lake Hood/ Lake Spenard Anchorage**
\$570.00 for 6 months
Private pilot license, & current medical certificate required
If you have a float slip a float rating is also required.



Chapter 02.15. ALASKA AERONAUTICS ACT OF 1949

Sec. 02.15.010. Purpose.

These ARE STILL used
By The STATE FOR Guidelines

The purpose of this chapter is to

(1) further the public interest in aeronautical progress by providing for the protection of persons and promotion of safety in aeronautics through appropriate measures consistent with and supplementary to but not duplicating federal aeronautics laws and regulations, with a view to the least possible interference with aviation activity compatible with the general welfare;

(2) encourage and develop aeronautics and the establishment and operation of a state system of airports through cooperation with municipalities, and otherwise, including cooperation with the federal government and acceptance and utilization of federal funds allotted for this purpose.

Sec. 02.15.020. Powers of department.

(a) The department may perform acts, issue and amend orders, and adopt reasonable general or special regulations and procedures, and establish minimum standards, consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter.

(b) The department may enter into contracts necessary or advisable to the execution of the powers granted it by this chapter. Where the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility is financed wholly or partially with federal money, the department, as agent of the state, or of a municipality, or person, may let contracts in the manner prescribed by the federal authorities acting under the laws and rules and regulations of the United States.

(c) The department may accept federal money and money from other public or private sources to accomplish in whole or in part any of the purposes of this chapter. All federal money accepted under this chapter shall be accepted and expended by the department upon the terms and conditions prescribed by the United States.

f Sec. 02.15.030. Conformity to federal law.

The department may not adopt a regulation, order, or standard that is inconsistent or contrary to any act of the Congress of the United States or regulations promulgated or standards established. A regulation, order, or standard may not be adopted that duplicates any current rules or regulations issued by a federal agency, or that applies to aircraft, airports, or air navigation facilities owned or operated by the federal government.

Sec. 02.15.040. Cooperation with federal agencies.

The department shall cooperate with the Federal Emergency Management Agency, the armed forces of the United States government, and the Federal Aviation Agency for the purpose of coordinating aviation activities in carrying out the Civil Defense Program.

lease, condemnation, or otherwise, acquire real or personal property, or any interest in the property including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. The department may acquire existing airports and air navigation facilities in the same manner except it may not acquire or take over an airport or air navigation facility owned or controlled by a municipality or person without the consent of the municipality or person.

(b) The department may, by sale, lease, or otherwise, dispose of all, a portion of, or an interest in a property, airport, or air navigation facility described in (a) of this section. The proceeds of any disposition shall be used for the purposes set out in this chapter.

Sec. 02.15.080. Joint operations.

The department may exercise the powers granted by AS 02.15.060 - 02.15.100 jointly with a person, municipality, or agency of the state, or with the United States.

Sec. 02.15.090. Operation and use privileges.

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, governmental, or other public purposes, including private plane tie down; or conferring the privilege of supplying goods, commodities, services, or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services that are reasonable and (uniform) for the same class of privilege or service. Charges, rentals, or fees authorized by this subsection may be fixed for the international airports by order of the commissioner or by negotiated or competitively offered contract. Notwithstanding AS 37.10.050 (a), the fixing of charges, rentals, or fees as permitted under this subsection is not subject to the adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The terms, conditions, charges, rentals, and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rental charges. If the department permits space in state-owned or state-controlled airports to be used as lounges for members of the United States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Militia and if the lounges are operated by persons exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be charged for the use of the space. The department shall provide for public notice and an opportunity to comment before a charge, rental, or fee is fixed by order of the commissioner as permitted under this subsection. The public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of them.

(b) The department may by contract or other arrangement, upon a consideration fixed by it, grant to a qualified municipality or person for a reasonable period of time the privilege of operating, as agent of the state or otherwise, an airport owned or controlled by the state. A municipality or person granted that privilege may not operate the airport other than as a public airport or enter into a contract, lease, or other arrangement in connection with the operation that the department may not have undertaken under (a) or (c) - (e) of this section.

airport manager will cancel the applicant's permit if the manager determines that the applicant

(A) was not eligible for a permit on the date that the permit was issued, regardless of whether the applicant became eligible after that date;

(B) is not eligible for a permit, regardless of whether the applicant was eligible on the date that the permit was issued; or

(C) has failed to comply with the applicable requirements of this chapter or other applicable law.

(e) The airport manager shall approve an application for a permit unless

(1) the applicant is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599;

(2) the applicant does not hold a current pilot certificate as required under (a) of this section;

(3) if the application is for a float space, the applicant's pilot certificate does not indicate that the applicant holds the seaplane rating required under (c) of this section;

(4) the applicant does not hold a medical certificate as required under (a) of this section;

(5) the applicant does not own or lease the minimum interest in the aircraft listed on the application as required under (a) of this section;

(6) the space is needed for airport expansion, development, operation, or other state purpose;

(7) the application must be denied under 17 AAC 42.010(g);

(8) the aircraft does not conform to the dimension, weight, use, or type limits the manager has established under 17 AAC 42.030 for the category of space for which the permit is sought;

(9) approval of the application would result in the applicant exceeding the number of permits allowed the applicant under 17 AAC 42.525(b); or

(10) no space is vacant and available in the category requested by the applicant.

(f) The airport manager's denial of an application must be in writing and state the reasons for the denial.

(g) The categories for permits under 17 AAC 42.500 - 17 AAC 42.599 are float permit, wheel permit, and ice permit.

(h) The categories for switch lists under 17 AAC 42.540 are float, wheel, and Lake Hood Strip.

(i) The categories for wait lists under 17 AAC 42.550 are float, wheel, and Lake Hood Strip.

(j) The airport manager may establish other categories of permits, switch lists, or wait lists if the manager determines that other categories are necessary. (Eff.

___/___/___, Register, ___)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.090
AS 02.15.060

AIRPORT MANGER AND D.O.T. COMMISSIONER
JOE PERKINS MAKES THESE RULES.

17 AAC 42.520. TERMS AND CONDITIONS. (a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) The initial term of a float or wheel permit expires on March 31 following the fourth anniversary of issuance. The term for each subsequent permit that the

Comparing Ted Stevens International Airport to Fairbanks International Airport.

	Anchorage	Fairbanks
Float Plane Tie-Down per month	\$95.00	\$30.00
Wait List on East Float Pond		No Fee
Wait List at Anchorage (Lake Hood)	\$25.00 yr.	
Medical, Private License, Float Rating required?	YES	NO
Fuel Tanks to fuel Personal Aircraft?	NO	YES (East Pond)

We pay \$ 0.46 per sq. foot to park our Float Plane. If the adjacent lot is commercial, they pay \$ 0.06 per sq. foot! The Float Plane lot is based on a 50'*50' lot. There is something wrong here!

Fairbanks Float Plane tie-downs pay approx. \$ 0.14 per sq. foot for the same size lot. A big difference between the two cities for the same lot. These are the differences and rules that have been forced on the Lake Hood sea-plane pilots by Ted Stevens International Airport management.

THE AIRPORT MANAGER AT TED STEVENS INT'L AIRPORT IN ANCHORAGE IS MORTON PLUMB, THE D.O.T. COMMISSIONER FOR STATE OF ALASKA IS JOE PERKINS AND HIS OFFICE IS IN JUNEAU, ALASKA. MORTON PLUMB PRETTY MUCH MAKES THE RULES AT TED STEVENS INT'L AIRPORT. ONE OF THE OTHER RULES IS IF YOU LOOSE YOUR MEDICAL YOU HAVE 60-120 DAYS TO GET IT BACK OR YOU LOOSE YOUR TIE DOWN SPOT. IF YOU HAVE A HEART PROBLEM IT COULD TAKE UP TO A YEAR.

We the under-signed oppose "Rule 17". This rule went into effect in January of 2001 and pertains to Lake Hood / Lake Spenard sea plane base, gravel strip and Ted Stevens International Airport.

"Rule 17" (pertaining to a pilots license, medical, and ratings) is not uniform throughout the state of Alaska. There is no other airport in this state that has, or imposes "Rule 17". This ~~new~~ regulation is in violation of the Due Process Clause and Equal Protection Clause of Alaska and the US Constitution. It is also in violation of Law 42 U.S.C.A. ~ 12132 American Disability Act (ADA).

We believe that a person should have the right to own an airplane and hire a pilot to fly him/her around if they so choose. A person should not be required to have a pilots license, medical or float rating to own an airplane and lease a float or wheel tie-down space nor should they be required to meet these new rules to be recorded on the wait-list for a space at Lake Hood / Lake Spenard. We also believe that the airport leasing office should not be able to require permit holders to fly a determined amount of hours per month.

"Rule 17" takes away a persons constitutional rights and discriminates. We need to repeal "Rule 17".

Name	Signature	Phone #
C.D. Andy ANDERSON	Andy Anderson	272-2971
Roger J. Connolly	Roger J. Connolly	243-3293
FAVE M. CONNOLLY	Fave M. Connolly	243-3293
Donald A. Watson	Donald A. Watson	244 4523-2581262
Dale E. Wagner	Dale E. Wagner	243-4926
DAVID E. PARNETT	David E. Parnett	276-5739
PARIS M. PEARCE	Paris M. Pearce	272-0725 DAY
Earl L. Houser	Earl L. Houser	243-4914-2246205
STEPHEN BRYANT	Stephen Bryant	243-4110
Thomas Schrader	Thomas R. Schrader	243-7263
Howard J. Hunt	Howard J. Hunt	333 5714
FRED R. RICHARDS	Fred R. Richards	243-7319 3
Betty ANDERSON	Betty Anderson	272-2971

Name	Signature	Phone #
Gregory A. Miller	<i>Gregory A. Miller</i>	344-9672
DATE HYDRA	<i>[Signature]</i>	211-8427
Michael B. Blevins	<i>Michael B. Blevins</i>	243-4166
Gary J. Robinson	<i>Gary J. Robinson</i>	349-9685
Robert Shaw	<i>Robert Shaw</i>	270-4190
Timothy P. Hudak	<i>[Signature]</i>	561-1931
Clinton H. Henders	<i>Clinton H. Henders</i>	344-5599
M. Roger Borer	<i>M. Roger Borer</i>	562-4590
Col. I. Anderson	<i>Col. I. Anderson</i>	561-0078
Jon B. Kelley	<i>Jon B. Kelley</i>	278-5004
LE Roy N. Alinger	<i>LE Roy N. Alinger</i>	336-4408
Less J. Jandins	<i>Less J. Jandins</i>	243-4444
Richard F. Bots	<i>Richard F. Bots</i>	243-1898
Dorver Reimers	<i>Dorver Reimers</i>	346-3573
Roy A. Skarabek	<i>Roy A. Skarabek</i>	344-6655
Clifford P. Pils	<i>Clifford P. Pils</i>	243-6085
A. Allen Patis	<i>A. Allen Patis</i>	248-2233
Donald S. Smith	<i>Donald S. Smith</i>	249-4173
Brad Anderson	<i>Brad Anderson</i>	245-1153
Vincent J. Heflich	<i>Vincent J. Heflich</i>	333-5176
Michael Sagar	<i>Michael Sagar</i>	243-3710
Steve Karez	<i>Steve Karez</i>	277-4133
Steve Smith	[Signature]	277-4113
Elis Smith	[Signature]	277-4113
Sgt. Serran	<i>Sgt. Serran</i>	211-6695
Tom Duvson	<i>Tom Duvson</i>	245-1974
Alan Parsons	<i>Alan Parsons</i>	346-3698

WEST 73

Name	Signature	Phone #
JAMES R BRANHAM	<i>James R. Branham</i>	907-248-0977
HERBERT J. WHITE	<i>H. White</i>	907-274-4489
Lywood R Marshall	<i>Lywood R Marshall</i>	907-243-5346
Marko (Rusty) Hayes	<i>Marko Hayes</i>	407-561-8183
Fred W. Wolatka	<i>Fred W. Wolatka</i>	907-248-1666
GEORGE W PEARCE	<i>George W Pearce</i>	907-272-0725 WAY
DAVID W. PEARCE	<i>David W. Pearce</i>	907-345-0118
IDAN ZIVANICH	<i>Idan Zivanich</i>	907-345-5570
Knight Clum	<i>Knight Clum</i>	907-248-0072
DAVID FURBER	<i>David Furber</i>	907-248-0551
David Clum	<i>David Clum</i>	907-349-1129
FRED GOLF	<i>Fred Golf</i>	907-344-1093
DON DEITZ	<i>Don Deitz</i>	907-255-9187
KEN RIVARO	<i>Kenneth Rivaro</i>	907-376-2140-CF11
Charlesella	<i>Charlesella</i>	907-830-0995
JERRY E. LEWIS	<i>Jerry E. Lewis</i>	907-561-8332

Alaska State Legislature



Official Business

State Capitol
Juneau AK
99801-1182

April 30, 2001

Commissioner Joe Perkins
Department of Transportation and Public Facilities
3132 Channel Dr.
Juneau AK 99801-7898

Dear Commissioner Perkins,


It has come to our attention that the rules for maintaining a tie down slip or being placed on the wait list to receive a tie down slip for the Lake Hood Sea Plane Base in Anchorage were recently revised, and will take effect on July 14, 2001. Members of the public will be required to prove they hold a valid private pilot license with a float rating, a current airman's medical certificate and own a floatplane.

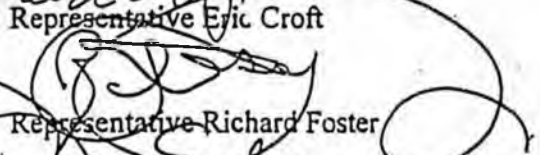
In light of how the Department of Transportation & Public Facilities allots parking at other state facilities these new requirements are unreasonable. No licenses are required to be shown to register for a slip in a public boat harbor, and few if any public tie downs across the state have similar requirements. We ask you to place at least a six-month moratorium on the implementation of these new regulations while their legality is assessed. Specifically, we ask you to look into the implications of this rule change with regard to the Americans with Disabilities Act, the Due Process Clause and Equal Protection Clauses of the Alaska and US Constitutions, 42 U.S.C.A.~12132, and Title 17 Chapter 40 and 42. Additionally, please look into the Federal Aviation Rules which state that the only authorities who can legally require you to show your pilots license are the FAA, NTSB, state and local police, and the FBI.


By implementing strict and arguably illegal requirements at the Lake Hood Sea Plane Base the Department opens itself up to a range of potential consequences, ranging from accusations of impropriety to expensive legal challenges.

We urge you to place a moratorium on the implementation of these new requirements, and look forward to your prompt response.

Sincerely,

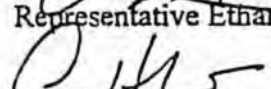

Representative Eric Croft


Representative Richard Foster


Senator Johnny Ellis


Senator Drue Pearce


Representative Ethan Berkowitz


Representative Andrew Halcro


Senator Loren Lemman

CC: Morton Plumb, Airport Director, Ted Stevens International Airport



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 110429
Anchorage, Alaska
USA 99519 - 0429
(907) 266-2400
FAX (907) 266-2444

February 1, 1999

RE: Lake Hood 039

Marko C. Hayes
910 Southhampton Dr.
Anchorage AK 99503

Dear Mr. Hayes:

During recent aircraft parking reviews, it was noted that you are parking a second aircraft on your Lake Hood Permit #039. Although a second aircraft is allowed, this aircraft must be registered and there is an additional "wheel rate" charge of \$40 per month.

Please, register this second aircraft as soon as possible or have it removed from your permit site. In addition, please, submit \$40 for January 1999 or \$240 to cover through June of 1999.

If you have any questions on our tiedown policies or regulations, contact me at 266-2890 or George Frushour at 250-2418.

Sincerely,

A handwritten signature in cursive script that reads "Corky Caldwell".

Corky Caldwell
Operations Manager

Enclosure (1)

State of Alaska Department of Transportation and Public Facilities - Alaska International Airport System

State of Alaska DOT & PF
Aircraft Tiedown Office
P.O. Box 196960
Anchorage, Alaska
USA 99519-6960
(907) 266-2410

Re: Lake Hood Float Slip #039
activity request



"At the expiration, cancellation , or termination of a Permit, the Permittee must leave the space in a clean, neat and acceptable condition to the satisfaction of the State."

Upon completion of a satisfactory inspection of the tie-down space by Airport staff, the Airport Accounting Section will refund any monies to which you may be entitled.

If you have any questions, please feel free to contact me at (907) 266-2690 or Operations Officer George Frushour at (907) 727-9102 or (907) 266-2741.

Sincerely,

Corky Caldwell
Airport Operations Manager

CC/ah

cc: Morton V. Plumb, Jr., Airport Director
Doug Lohr, Airport Operations Superintendent
George Frushour, Airport Operations Officer
Andrew N. Hutzler, Airport Leasing Officer



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 190629
Anchorage, Alaska
USA 99519 - 0629
(907) 266-2600
FAX (907) 266-2646

February 1, 1999

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Sincerely,

Corky Caldwell
Operations Manager

Enclosure (1)

*I talked to George about this
on the phone. I do not know ~~to~~ what
Aircraft they are talking about. He said
He would take care of it.*

Juno e-mail printed Thu, 28 Dec 2000 16:57:31 , page 1

From: Corky Caldwell <CORKY_CALDWELL@DOT.STATE.AK.US>
To: amlebo@juno.com
Cc: "FRUSHOUR, GEORGE" <george_frushour@dot.state.ak.us> , "HUTZEL,
ANDY" <andy_hutzel@dot.state.ak.us>
Date: Thu, 28 Dec 2000 16:07:42 -0900
Subject: Floatslip Renewal for Rusty Hayes

Per our discussion today and in consideration of Mr. Hayes' personal issues, an extension is authorized until January 31, 2001 for him to provide additional information to the Airport regarding the usage of his floatslip #39. Should additional time be required due to Mr. Hayes' personal situation, we will give favorable consideration to his request but every reasonable effort should be made to provide the requested information prior to January 31, 2001..

Juno e-mail printed Thu, 28 Dec 2000 17:01:21 , page 1

From: Andrew M. Lebo <amlebo@juno.com>
To: CORKY_CALDWELL@DOT.STATE.AK.US
Subject: Re: Floatslip Renewal for Rusty Hayes

Thanks for providing this formal confirmation of our telephone conversations of last week. I understand, therefore, that Mr. Hayes will not need to file a formal appeal by December 31, as initially described in your letter of December 6. We will, however, make every effort to provide the requested information to you as soon as possible in January 2001.

Thanks again. -Andrew Lebo

AUDITORY -

AS 02.15.020
AS 02.15.060
AS 02.15.090



Anchorage
International
Airport
State of Alaska DOT & PP

MARKO C HAYES
910 SOUTHAMPTON DRIVE
ANCHORAGE AK 99501

ACCOUNTING SECTION
P.O. BOX 196960
ANCHORAGE, AK 99519-6960
(907)266-2414

ORIGINAL INVOICE DATE- 05/15/00
REPRINT DATE-

INVOICE- 8077834
CONTRACT NUMBER-
DUE ON OR BEFORE- 07/01/00
INTEREST RATE- 0.00
INTEREST BEGINS- 07/02/00

CONTACT- ANA MARTINEZ
(907) 266-2414

BILLING PERIOD- 07/01/00 - 12/31/00

DATE	DESCRIPTION	AMOUNT
05/15/00	TIEDOWN LAKE 039	\$ 570.00

TOTAL DUE THIS INVOICE \$ 570.00

- PLEASE MAKE CHECK PAYABLE TO "STATE OF ALASKA".
- MAIL TO ANCHORAGE INTERNATIONAL AIRPORT ACCOUNTING SECTION
P.O. BOX 196960, ANCHORAGE, AK 99519-6960
- PLEASE REFERENCE INVOICE NUMBER ON YOUR CHECK.

25831455 36000322 64410 570.00