



HCR

4

Representative Jay Ramras
Co-Chair, House Resources
Co-Chair, Economic Develop.
Tourism & Trade
House State Affairs

119 N. Cushman St. Suite 207
Fairbanks, Alaska 99701
Phone: (907) 452-1088
Fax: (907) 452-1146

Alaska State Legislature



While in Session
State Capitol, Room 104
Juneau, Alaska 99801-1182
(907) 465- 3004
Fax: 465-2070
Toll Free: (877) 465-3004

House District 10

House of Representatives

Sponsor Statement

House Concurrent Resolution No. 4 Version 24-LS0693\G

Throughout the past decade there have been a number of public awareness programs, which have educated communities about the dangers of alcohol and drugs. Meth Watch is a voluntary program started in Kansas as a public/private partnership in 2001. Meth Watch educates communities about the perils of methamphetamine. Today, twelve states have implemented a Meth Watch program. Although a relatively new campaign, since its implementation, states have reported reductions in the number of methamphetamine laboratories, and have seen a unification of grant programs that fund the education of communities; particularly parents, teachers, and others that work with youth.

The Meth Watch program engages retailers, law enforcement officials, schools, state and local agencies, and other key partners in reducing the diversion of precursor products for the manufacturing of methamphetamine, and increasing awareness about methamphetamine's dangers. The program is also instrumental in educating students and teachers in our schools and communities.

House Concurrent Resolution No. 4 urges that the Meth Watch program be implemented in the State of Alaska, by applying for available grants, and encouraging and assisting communities to apply for funding from both government and private sources.

24-LS0693\G
Kurtz/Luckhaupt
4/13/06

CS FOR HOUSE CONCURRENT RESOLUTION NO. 4()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES RAMRAS, Stoltze, Crawford

A RESOLUTION

1 **Encouraging the establishment of a methamphetamine watch program.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** methamphetamine use and production is a growing threat to the State of
4 Alaska; and

5 **WHEREAS** the widespread availability of methamphetamine is illustrated by
6 increasing numbers of methamphetamine seizures, arrests, indictments, and sentences;
7 Anchorage, the Matanuska-Susitna Borough, the Kenai Peninsula, Southeast Alaska, and
8 Fairbanks have all experienced significant problems with methamphetamine related crimes
9 and methamphetamine laboratories ("meth labs"); and

10 **WHEREAS** unlike many other synthetic drugs, methamphetamine is produced
11 inexpensively in clandestine laboratories using ordinary household chemicals; meth labs can
12 be portable and are easily dismantled, stored, or moved; and

13 **WHEREAS** meth labs have been found in many different types of locations
14 throughout Alaska, including homes, apartments, hotel rooms, rented storage spaces, and
15 vehicles; and

16 **WHEREAS** the process of making methamphetamine is highly dangerous, and can

1 cause fires, explosions, and the release of toxic by-products into the environment; the
2 production of one pound of methamphetamine releases poisonous gas into the atmosphere and
3 creates five to seven pounds of toxic waste; and

4 **WHEREAS**, according to the federal Office of National Drug Control Policy, last
5 year more than 3,000 children were rescued during seizures of more than 15,000 meth labs
6 nationwide; and

7 **WHEREAS** "mom-and-pop" meth labs, where people prepare the drug from
8 ingredients in common household items, are dangerous to law enforcement and emergency
9 response personnel, and cost the state millions in court costs, clean-up expenses, and foster
10 care costs; and

11 **WHEREAS** Kansas has developed a voluntary public/private partnership program
12 called "Meth Watch" to combat the methamphetamine problem, and similar programs have
13 been implemented in 11 states; and

14 **WHEREAS** the purposes of the meth watch program are to engage retailers, law
15 enforcement officials, state and local agencies, schools, and other key partners in reducing the
16 diversion of precursor products for the illicit manufacturing of methamphetamine, to increase
17 awareness about the dangers of methamphetamine, to conduct a program of
18 methamphetamine abuse awareness in public schools, and to assist communities in educating
19 their citizens about the problems with methamphetamine abuse and meth labs;

20 **BE IT RESOLVED** that the Alaska State Legislature urges that a meth watch
21 program be established in Alaska, that grants available from the federal government and
22 private sources be applied for, that the appropriation of matching funds be requested from the
23 state legislature if necessary, that community organizations be assisted in applying for funding
24 and implementing local meth watch programs, and that Alaskans be educated about
25 methamphetamine abuse and the presence of meth labs in their communities.



National Council on Alcoholism and Drug Dependence
Juneau Affiliate
211 4th Street, Suite #102
Juneau, AK 99801

Phone: (907) 463-3755

Fax: (907) 463-2539

<http://www.ncadd-j.org>

National Intervention Network (800) 654-HOPE

April 6, 2005

Representative Jay Ramras
State Capitol
Juneau, Alaska 99801-1182

RE: HCR 4

Dear Representative Ramras:

NCADD is grateful for your sponsorship of House Concurrent Resolution No.4 which encourages the establishment of a methamphetamine watch program.

One of our most profound responsibilities as parents, as public officials, and as citizens is helping to keep our youth safe from illegal drugs. Unfortunately, communities across Alaska have become home to methamphetamine manufacturers and dealers who prey on our young people.

Alaska's methamphetamine problem is especially worrisome because it is easy to make, easy to buy, and extremely addictive. Only through sustained and vigorous efforts on the part of all Alaskans, including community leaders, are we going to be able to eliminate the threat posed by these drugs.

Your work to bring awareness to this growing nightmare demonstrates your commitment to fighting the methamphetamine problem in Alaska.

Respectfully,

Matt Felix

Executive Director





Looking out for our commu



- [Background on Methamphetamine](#)
- [The Meth Watch Program](#)
- [How Meth Watch Works](#)
- [Meth Watch Materials](#)
- [Meth Watch in Your State](#)
- [Other Elements to Meth Awareness](#)

SEARCH:

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Communities all across America are suffering from the plague of methamphetamine production and usage. And these communities – many of which are rural and suburban – are looking for effective and innovative ways to fight back against this illegal menace. Meth Watch is the first national effort aimed at curbing the spread of methamphetamines, and will provide a critical step in reducing the availability of meth in communities nationwide.

Started in Kansas as a public-private partnership between law enforcement, state officials, and the retail community, Meth Watch is designed to help curtail the suspicious sale and theft of common household products used in the illicit manufacturing of methamphetamine.

Meth Watch is a voluntary program that involves a variety of people at the community and state level, although retail involvement is the cornerstone of this program. This web site provides states interested in learning more about the Meth Watch program with the resources needed to implement and maintain a Meth Watch program.

"Whenever we can partner with our citizens and businesses to improve public safety, we are much more successful. Only with an all-out, comprehensive effort can we hope to stop the insidious creep of methamphetamine into our communities."

*– "A New Ally in the War on Meth,"
written by Sheriff Mark Sterk,
Spokane County, Washington, Sheriff,
November- December 2004*

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The Meth Watch Program

What is Meth Watch?

Communities across America plagued by methamphetamine usage and production are looking for effective and innovative ways to combat this growing problem.

Meth Watch is a program sponsored by the Consumer Healthcare Products Association (CHPA) and is designed to help curtail the theft and suspicious sales of pseudoephedrine products, as well as other common household products used in the illicit manufacturing of methamphetamine in small, toxic labs. A key goal of this program is to promote cooperation between retailers and law enforcement to prevent the diversion of legitimate products for illegal use.

Meth Watch was started in Kansas as a public-private partnership between the Kansas Department of Health and Environment, the Kansas Bureau of Investigation, the Kansas Methamphetamine Prevention Project (part of the non-profit statewide drug prevention system), and Kansas retailers. As news spread of its success, several states began to adopt the Kansas model. Many more expressed interest, but were deterred by the lack of resources and know-how.

That's where the national Meth Watch program comes in. CHPA provides a one-stop shop to help interested states implement Meth Watch in their communities through the Meth Watch resource center at www.methwatch.com. Through Meth Watch, retailers and law enforcement will help increase awareness about the diversion of legal products to the illegal manufacture of methamphetamine and will assist local communities in addressing the meth problem.

The Kansas Story

The Kansas Meth Prevention Project (KMPP) began as a public-private partnership formed in October 2001 to develop a statewide infrastructure to fight the methamphetamine problem in Kansas communities. The program received funding through the Substance Abuse and Mental Health Services Administration (SAMHSA) in 2002. CHPA and its member companies are providing funding for its efforts in 2004. The goals of the project include reducing the supply of methamphetamine by monitoring the availability of products used in the manufacture of methamphetamine and reducing the demand for methamphetamine by providing opportunities for youth education and community awareness about the dangers of the drug.

A statewide network of agencies partnered to make the KMPP successful. The agencies are: Kansas Department of Health and Environment (KDHE), Kansas Bureau of Investigation, Prevention and Recovery Services in Topeka, Kansas Social and Rehabilitation Services, Kansas Regional Prevention Centers, Kansas State University Research and Extension, and the Kansas National Guard, to name a few.

The KMPP conducts "train the trainer" sessions throughout the state to increase awareness of Meth Watch and other prevention strategies. Kansas learned early on that local participation is the key to the successful implementation of Meth Watch and achieved widespread community involvement through an ongoing mini-grant process. The KDHE distributes Meth Watch materials to retailers and other interested parties statewide on a regular basis and nationwide as requested. For further information, contact T.J. Ciaffone, KDHE Bureau of Environmental Remediation Response Unit chief, or Cristi Cain, KMPP project coordinator.

Other Meth Watch Programs

CHPA has made funds available to help support state and local Meth Watch programs. In addition to the Kansas program, a number of additional states have taken the Kansas model and implemented their own Meth Watch programs, including the following.

Georgia
Iowa
Michigan

Minnesota
Montana
North Dakota
Oregon
Tennessee
Texas
Virginia
Washington

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Meth Watch Program in United States



Source: ESRI Data & Maps CD
Published by
Kansas Department of Health and Environment
Bureau of Environment Remediation - Meth Watch
Information Systems - Geographic Data Services



Participation

Meth Watch program training or interest

Disclaimer:
The responsibility for educational purposes only and in both the state of Kansas and the U.S. This map product is provided without any warranty, including any warranty of fitness for any use beyond that
expressed. The originating agency is not responsible for publication use of this product for purposes other than those expressed. No guarantee is made as to the accuracy of the data.

[Back to KDHE News Release Index](#)



SUSPICIOUS TRANSACTION REPORT

Methamphetamine manufactures can produce large quantities of methamphetamine by using legal, over-the-counter products located in your stores. Please fill out the following information, if you suspect someone involved in the illegal production of methamphetamine, and contact the Kansas Bureau of Investigation at 1-800-KS-CRIME and provide to the KBI the information that you have noted.

Business Name, Store Number and Store Location: _____

Employee Name, Date and Time of Contact: _____

Security Photo/Photo Available Yes or No

SUSPECT INFORMATION: Height _____ Weight _____ Age _____ Race _____ Sex _____ Build _____

Hair Color _____ Hair Length _____ Facial Hair _____

Other Information _____

FINANCIAL INFORMATION: Cash Payment _____ Receipt _____

Check Payment _____ Name _____ Address _____

Credit Payment _____ Name _____ Card Name/Number _____

VEHICLE INFORMATION: Make _____ Model _____ Color _____ Vehicle Plate# _____ State _____

Other Information _____

CHEMICAL PURCHASED: Pseudoephedrine _____ Heat _____ Lithium Batteries _____

Starting Fluid/Ether _____ Camping Fuel _____ Iodine _____ Matches _____ Acetone _____ Alcohol _____

Acid _____ Fuel Additives _____ Drain Cleaners _____ Coffee Filters _____

Other Information: _____

KBI Headquarters
1620 SW Tyler
Topeka, Kansas 66612
785-296-8200 Fax 785-296-6781

KBI Regional Office
PO Box 3423
Wichita, Kansas 67201
316-337-6100 Fax 316-337-6099

KBI Regional Office
7700 West 63rd Suite 212
Overland Park, Kansas 66202
913-671-2040 Fax 316-671-2042

KBI Regional Office
625 Washington
Great Bend, Kansas 67530
316-792-4353 Fax 316-792-1850

Community Awareness

Public awareness is a key strategy in the fight against meth production and use. Law enforcement agencies across the country recognize the direct link between education of citizens and the capture of meth manufacturers.

Successful prevention programs start early, are comprehensive, and repeatedly stress key points. Effective prevention begins with an assessment of the specific nature of the meth problem within your local community and then adapting the program accordingly.

General prevention principles are outlined in the National Institute on Drug Abuse's research based booklet entitled, *Preventing Drug Use among Children and Adolescents*.

All public awareness initiatives should always be tailored to the target audience. For example, specific presentations have been created for home visitors such as child protective workers, utility workers, and cable operators as well as presentations customized for the community's first responders.

Some public awareness efforts implemented in Kansas and other states include:

- Mock meth labs created and utilized for presentation
- Educational information distributed at schools
- Facts about meth shown at movie theaters
- Meth Watch signs posted at city limits
- Neighborhood watch meeting to educate the community about meth
- Production of public service announcements
- Display boards for community events

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Other Elements to Meth Awareness

[Community awareness](#)

[Drug endangered children](#)

[Rural crime prevention](#)

[Preventive strategies for schools to use](#)

Meth Watch Materials

More Information

Meth Watch "members" can download these Meth Watch materials by [clicking here](#).

To find out how to become a member of the Meth Watch team, contact CHPA's [Elizabeth Assey](#).



Looking out for our community



Brochure



Consumer Information Sheets



Shell Tags



Door Decals

Register Decals



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Spokane County

PROGRAM

Meth Watch Program

WHAT IS METH WATCH?

The Spokane County Meth Action Team and the Greater Spokane Substance Abuse Council (GSSAC) felt an urgent need to help curtail drug lab activity by making the theft or purchase of precursor ingredients more difficult. The Washington Meth Watch Program was modeled after a program designed by the Kansas Department of Health, Kansas Bureau of Investigation, and a team of Kansas retailers; they have generously shared their program with us.

If you have noticed the increase in theft or large quantity purchases of precursor products, your store is likely, and involuntarily, contributing to the deadly meth problem in Washington. Participation in Meth Watch aims to decrease theft and the likelihood of meth "cookers" viewing your store as a supplier in drug production. Since inception, it has grown from a core group of retailers using signage, educating employees, and reporting suspicious activity, to a broad membership of businesses linked together to prevent theft, fraud, and abuse in our community.

We encourage any business that sells precursors or experiences drug related theft, fraud, or abuse to become a member. Thank you to the businesses that have led this effort in Spokane County and been a model for Washington State.

Spokane County Initial Members:

Safeway, Yoke's Foods, Albertsons, Rosauers, Securitas Security Services, Inc., Tidymans, and Rite Aid.

LEAD AGENCIES:

- Spokane County Meth Action Team
- Spokane County Sheriff's Office
- Spokane Police Department

SUPPORTING AGENCIES:

- Spokane County SCOPE
- Spokane City COPS
- The Better Business Bureau of Eastern Washington, Northern Idaho, and Montana
- Comet Press

COORDINATED BY:

Greater Spokane Substance Abuse Council (GSSAC)
(509)922-8383
8104 E Sprague Ave
Spokane, WA 99212
Gssacpreventioncenter.com

INITIALLY FUNDED BY:

- Washington State Patrol
- Northwest High Intensity Drug Trafficking Area (HIDTA)
- WA State Meth Initiative

Meth prevention takes TEAMWORK!

WHAT ARE "PRECURSORS"?

Meth is made using readily available products obtained from retail, convenience, grocery, granges, automotive, and veterinary supply stores. Over-the-counter cold and allergy medications often contain ephedrine or pseudoephedrine, the most critical ingredient in the production of methamphetamine. The manufacturing process also uses ingredients such as lithium batteries, acetone, starter fluid, drain cleaner, rock or table salt, lye, matchbooks, rubbing alcohol, muriatic acid, and gasoline additives. As you can see, these items are available in many stores and most are probably found in your house or garage.

Anhydrous ammonia is another precursor commonly used in the meth process. It is usually stolen from tanks located on farms and ag dealer distribution facilities. Anhydrous ammonia is an extremely dangerous chemical, venting to a gas at -28° F. Thieves will commonly damage the valves or hose on the tanks, which can cause a life-threatening situation. If an unsuspecting employee or grower is unaware of the damage to the hose and opens the valve, escaping anhydrous could cause chemical and temperature burns and even result in fatal injury.

The availability of the products needed for producing meth contributes to the growing meth problem in our state. Because meth users become their own drug suppliers by becoming meth "cooks", the dangers associated with the labs themselves increase the urgency of a retailer assistance program.

WHAT ARE THE METH PRECURSORS & EQUIPMENT?

- Ephedrine or Pseudoephedrine (cold or allergy tablets)
- Matches
- Road Flares
- Starter Fluid/Ether
- Isopropyl or Rubbing Alcohol
- Rock or Table Salt
- Sodium Hydroxide/Lye
- Camping Fuel
- Sulfuric Acid (Drain cleaner)
- Acetone
- Gas Additives (Heet)
- Paint Thinner
- Iodine
- Toluene (Brake cleaner)
- MSM (Cutting agent)
- Muriatic Acid
- Anhydrous Ammonia
- Lithium Batteries
- Coffee Filters
- Aluminum Foil
- Assorted Glassware
- Propane Tanks
- Coolers
- Dry Ice

WHAT'S IN IT FOR MEMBERS?

The most common question asked by a business considering signing up for the Washington Meth Watch Program is "How will my business benefit from participating in the Meth Watch Program?" The benefits to your store include a combination of social, economic, and safety factors such as:

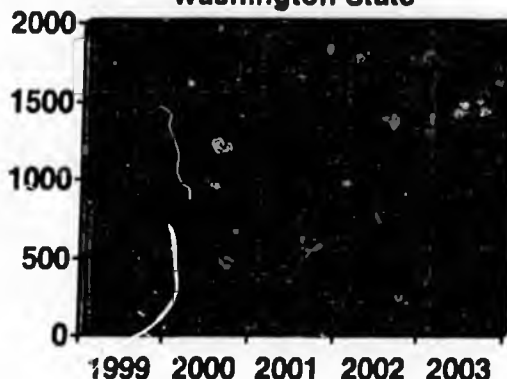
SOCIAL: Most citizens of Washington are very concerned about the availability of drugs in their neighborhoods. Helping law enforcement fight the war on drugs provides community awareness for the business owner and their patrons. Membership also allows participants to connect with other retailers, businesses, financial institutions, and law enforcement through meetings, a monthly newsletter, and Email Tree.

ECONOMIC: One of the goals of Meth Watch is to limit the sale or theft of precursors for improper use. Precursors can be easily identified by shelf stickers under the products, which will deter cooks from approaching the products due to increased awareness of the illegal use of these products. The precursors not limited due to sale restrictions or product management will still be identified, making employees and customers another pair of eyes for your store. The increased awareness by business employees, patrons, and the meth "cooks" will hopefully reduce theft and large quantity purchases, as well as fraud and abuse.

SAFETY: Meth Watch Program participants believe that customers will feel safer in your store if you take a proactive approach to preventing improper purchases or theft of precursor items. Often meth "cooks" are on a drug-induced high and possibly feeling paranoid, or worse yet, are overly aggressive, making employee and customer safety an issue. Meth Watch hopes to capitalize on the paranoia and make the "cook" want to go elsewhere for the purchase or theft. Strong interaction with local law enforcement, by reporting suspicious activity, also helps provide that sense of safety. Meth Watch strongly supports and encourages the exchange of information with law enforcement officials.



**Clandestine Drug Lab Cleanup
DOE - Spill Response
Washington State**



Increased employee awareness of our state's meth problem will provide your establishment the resources to be a responsible steward and assist in the fight against crime and drugs. Your business will benefit from a more aggressive stance on clandestine drug labs in the state. In addition to the goodwill your involvement will produce in the community.

WHAT DOES THE METH WATCH PROGRAM INVOLVE?

What's next? You have decided that the Meth Watch Program could have a positive influence on your business and community - CONGRATULATIONS AND WELCOME TO THE TEAM! The Meth Watch Program has many options to choose from, with selection of options depending on the type of business, layout, manpower, etc. The main areas of the program include: employee training, signage, and suspicious activity reporting.

TRAINING POSTER: A training poster placed in employee break rooms will provide repeated exposure to the types of products that are commonly purchased or stolen by a meth "cook."

COMMUNITY AWARENESS PRESENTATION: Upon request, one hour presentations are available, which provide general information regarding meth use, production, prevention, treatment, child endangerment, etc.

SIGNAGE: The Meth Watch Program focuses on creating an awareness of why certain products, or a variety of products, are stolen or purchased in abnormally high quantities. **Window stickers** greet patrons at the door, identifying your participation in Meth Watch and raising their awareness. Placement of **shelf stickers** help store employees and the general public become more familiar with these products. Paranoid meth "cooks" will not want people watching them linger around these target products. **Cash register stickers** are placed at the checkout counter as a final reminder that this store is aware of the meth problem. The stickers also remind the checkout clerk to be on the lookout for suspicious purchases. The Washington Team members believe that the signage serves the dual purpose of putting criminals on notice and letting good customers know your store is taking steps to reduce the use and production of meth in your community through strong community partnerships and proactive involvement.

PRODUCT MANAGEMENT: Product management addresses the strategic placement of precursor products in areas that will help deter theft or suspicious purchases of large quantities. Customers will often question why the products are not readily available. In most cases, a brief explanation of Meth Watch by handing them an informational "tear-off" sheet will satisfy their questions and typically will result in their strong support for the program. Some strategic management practices include the following:

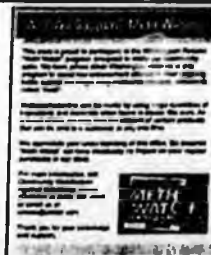
- **Limit the quantity of precursor products available on the shelf.** This should reduce the amount of theft or excessive purchases. Many stores already implement this policy. It may cause a higher frequency of restocking, but typically reduces the large rate of theft.
- **Limit the quantity of precursor products that may be purchased.** Limiting the purchase quantity means that a customer will only be able to purchase a certain amount of the product at the checkout counter.
- **Placement of precursor products near high traffic areas.** Placing products at the end of an aisle near the checkout counters, customer service, or a pharmacy helps deter theft. Thieves do not like to be observed stealing products, so they will be more likely to stay away from the high profile areas.
- **Provide surveillance on precursor product aisles.** Providing video surveillance of the products and informing the customer that the aisle is under surveillance is also a deterrent to theft.
- **Placement of product behind a service counter.** When precursor products are behind the counter in a pharmacy, customer service area, or cash register, the customer must ask for the product. Typically, a shelf tag is left on the main shelf area and includes product name, price, and barcode, and directs the customer to the service counter for purchase.

REPORTING SUSPICIOUS TRANSACTIONS: Meth "cooks" can be dangerous when they come to a facility for more ingredients or with the intent to commit a crime. Paranoia and aggressiveness caused by a drug-induced high can cause the "cook" to become angry if confronted about a theft or improper purchase. Meth Watch recommends that employees **do not** confront the suspect, but instead follow through with the transaction rather than putting themselves in danger. When the suspect leaves the store, the clerk or manager should complete a Suspicious Transaction Report and provide the information to local law enforcement as soon as possible. If surveillance footage is available, please note the date and time on the report. The statewide reporting number is **1-888-609-6384**. The Meth Watch program strongly encourages working closely with local law enforcement agencies to create a working relationship that can benefit your store and community.



Meth Watch Program Decals Available As:

- 4"x7" Window Stickers
- 2"x3" Stickers
- 8.5"x11" Outdoor Stickers



Meth Watch Customer Information Pads:

4"x5" tear-off sheets can be kept at each check out location to improve awareness and recognition that your business supports the fight against meth in their community.

**METHAMPHETAMINE/
CHPA METH WATCH PROGRAM****Background on methamphetamine:**

Communities across America plagued by the proliferation of methamphetamine are looking for effective and innovative ways to combat this emergent trend. The most significant problem for state and local law enforcement, especially in rural communities, is the manufacturing of methamphetamine in what have become known as small, home-made labs. These labs often use pseudoephedrine, a safe and effective ingredient found in many over-the-counter cough/cold products, in the illegal manufacture of methamphetamine. These labs have a devastating effect on the environment, communities, and the children who are often times present, and for these reasons are referred to as small toxic labs by law enforcement officials.

What is Meth Watch?

"Meth Watch" is a program designed to help curtail suspicious sales and theft of pseudoephedrine and other precursor products used in the illicit manufacturing of methamphetamine. Meth Watch was started in Kansas as a public-private partnership between the Kansas Department of Health and Environment, the Kansas Bureau of Investigation, the Kansas Methamphetamine Prevention Project (part of the non-profit statewide drug prevention system), and Kansas retailers. As news spread of its success, several states have begun to adopt the Kansas model, including Washington, Oregon, and South Dakota. Many more have expressed interest, but have been deterred by lack of resources and know-how.

How does Meth Watch work?

Meth Watch is a voluntary program that involves a variety of people at the community and state level, although retail involvement is the cornerstone of this program. Participating retailers place the precursor products where they can be easily monitored, and strategically post Meth Watch signs and tags on their doors and windows, around their cash registers and on the shelves where precursor products are located. They may impose purchase limits to prevent high volume sales. They train their employees to recognize, but not to confront, suspicious customers and to contact law enforcement with as much identifying information as possible.

Participants in the Meth Watch program report safer stores, better customer relations, increased employee awareness, and improved communications with law enforcement. In areas that have been hard hit by the meth scourge, Meth Watch partners are helping to unify their communities against drug abuse. The Meth Watch program in Kansas is a proven and replicable program which has significantly affected meth lab seizures.

How can individual states become involved?

The Consumer Healthcare Products Association (CHPA) has developed a uniform Meth Watch model that serves as an online resource center for interested states (www.methwatch.com). This site provides a one-stop shop to help states implement Meth Watch in their communities. CHPA will provide direct resources to states for the implementation of Meth Watch, including training, technical assistance, and retail support and education.

What does the future hold for Meth Watch?

Law enforcement officials and anti-drug abuse coalitions across the country are seeing a dramatic increase in meth abuse. As other states begin to benefit from the Meth Watch program, CHPA anticipates a greater need for funding a comprehensive methamphetamine prevention program and will join with those states most affected by this problem to call on Congress to authorize a permanent grant program for states that can demonstrate a need.



United States Department of Health and Human Services
Substance Abuse & Mental Health Services Administration

SAMHSA FY 2005 Grant Opportunity

Downloadable files

Application Information:
Center for Substance Abuse Prevention (CSAP)

Request for Applications (RFA)

Scroll down for downloadable RFA document:

Drug Free Communities Support Program
 (Initial Announcement)
 Request for Applications (RFA) SP-05-002-New and SP-05-002-Renewal

Grants.gov Notice: January 11, 2005

Receipt dates:

- **March 11, 2005** (for new applicants)
 - **April 5, 2005** (for competing renewal applicants)
- Catalogue of Federal Domestic Assistance (CFDA) No.: 93.276**

Key Dates:

Application Deadline	March 11, 2005 (new) April 5, 2005 (for competing renewal applicants)
Intergovernmental Review (E.O. 12372)	Letters from State Single Point of Contact (SPOC) are due no later than 60 days after application deadline.
Public Health System Impact Statement (PHSIS)/Single State Agency Coordination	Applicants must send the PHSIS to appropriate State and local health agencies by application deadline. Comments from Single State Agency are due no later than 60 days after application deadline.

The Executive Office of the President, Office of National Drug Control Policy (ONDCP), and Substance Abuse and Mental Health Services Administration (SAMHSA) announce the availability of funds for **Drug Free Communities Support Program (DFCSP)** grants. DFCSP is a collaborative initiative sponsored by ONDCP and SAMHSA in order to:

- reduce substance abuse among youth;
- help community coalitions strengthen collaboration;
- enhance intergovernmental collaboration, cooperation and coordination;

- enable communities to conduct data-driven, research-based prevention planning, and
- provide communities with technical assistance, guidance, and financial support.

ONDCP and SAMHSA invite eligible applicants to review this announcement for DFCSPP grant. Eligibility Information is provided in Section III and award information is provided in Section IV.

Eligible Applicants

DFCSPP grant funds are intended to support community-based coalitions. According to the Community Anti-Drug Coalitions of America (CADCA), "A coalition is a formal arrangement of cooperation and collaboration between groups or sectors of a community, in which each group retains its identity but all agree to work together toward a common goal of building a safe, healthy, and drug-free community."

To be eligible for a DFCSPP grant, a coalition must meet the requirements detailed in Part I of the full-length Request for Applications.

Statewide substance abuse prevention coalitions may apply for a DFCSPP grant, provided they meet all the criteria specified above.

No coalition or fiscal agent may submit more than one application under this funding announcement. Coalitions may not serve the same geographic area, unless both coalitions have clearly described their plans for collaboration in their applications and each coalition has independently met the above requirements.

Additional Information

Approximately \$70 million will be available for approximately 700 DFCSPP awards, including DFCSPP awards as well as competing renewal awards.

The maximum allowable award for new DFCSPP grants is \$100,000 per year in total costs (direct and indirect). The maximum allowable award for competing renewal DFCSPP awards is \$100,000 per year in total costs (direct and indirect).

Cost-sharing is required. Please see RFA announcement for further information.

For questions on *program issues*, contact:

Mike Lowther
Director, Division of State and Community Assistance, CSAP
1 Choke Cherry Road, 4th Floor
Rockville, Maryland 20857
240-276-2570
Michael.Lowther@samhsa.hhs.gov

For questions on *grants management issues*, contact:

Kimberly Pendleton
Office of Program Services, Division of Grants Management, SAMHSA
1 Choke Cherry Road, Room 7-1097
Rockville, Maryland 20857
240-276-1421
kimberly.pendleton@samhsa.hhs.gov

Documents needed to complete an application for this grant opportunity

The complete Request for Applications (RFA) No. SP-05-002-New and SP-05-002-Renewal:

Download RFA:

- Download as Word Document

Download forms:

- Download as Acrobat Document
- PHS 5161-1 (revised July 2000):** Includes the face page, budget forms, assurances, certification, and checklist.

Additional Materials:

Applications that are not submitted on the required application form will be screened out and will not be reviewed.
For further information on the forms and the application process, see **Useful Information for Applicants**

Additional materials available on this website include:

- Technical Assistance and Training for SAMHSA Grant Applicants
- Grants Management at SAMHSA: Useful Information for Grantees
- For DFC Grant Applicants: Sample Memorandum of Understanding

For a complete application kit, call the National Clearinghouse for Alcohol and Drug Information (NCADI):


- 800-729-6686
- 800-487-4889 TDD

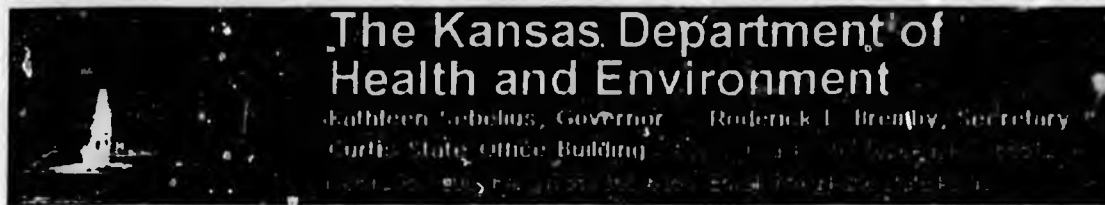
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K A N S A S

RODERICK L. BREMBY,
SECRETARY

KATHLEEN SEBELIUS,
GOVERNOR

DEPARTMENT OF HEALTH AND
ENVIRONMENT

For Immediate Release

February 20, 2004

Contact: Sharon Watson
Office: 785-296-5795

Kansas Meth Watch Program is a Model for 12 Other States

If imitation is the highest form of flattery, then the state of Kansas has received its share of flattery from across the nation in the fight against drugs. The *Kansas Meth Watch Program* is being considered for implementation or has been copied by several cities, counties, and state-agencies in 12 states.

The purpose of the *Meth Watch* program is to limit the accessibility of meth key chemical ingredients (precursors), to reduce the amount of meth precursors stolen or sold, and to provide law enforcement agencies with valuable information when a suspicious transaction takes place. Additionally, the Kansas Department of Health and Environment (KDHE) provides a training video for Kansas retail stores to use in their efforts to limit access to products that are used to make illegal methamphetamine.

KDHE provides the video free of charge to retailers as part of the Meth Watch Program. The training video provides retail store managers and employees with information on ways to limit the availability of meth precursor products, as well as how to best work with law enforcement. The KDHE-funded video is available not only to retailers, but to all interested parties and can be viewed on the *Meth Watch Program* Web site.

Partners of the *Kansas Retailer Meth Watch Program* include Albertson's, Casey's General Stores, Dillon's, Dollar General, Food4Less, Fleming Foods, Green Lantern Stores, IGA, the Kansas Retail Council, K-mart, Osco Drug Stores, the Petroleum Marketers and Convenience Store Association of Kansas, Phillips 66, Prevention and Recovery Services of Shawnee County, SafeStreets, Target, Walgreens, and Wal-Mart. KDHE, the Kansas Bureau of Investigation (KBI) and a team of Kansas retailers established the *Kansas Meth Watch Program* in 2000 to combat the manufacture and use of meth in the state. The *Meth Watch Program* encourages all distributors and retailers that sell pseudoephedrine-containing products and other meth precursors to participate in this program.

During the last several months, KDHE has assisted 12 states or portions of the state with implementing the *Meth Watch Program*. Those states include:

Alabama	Alaska	Arkansas
Iowa	Oklahoma	Oregon
North Carolina	North Dakota	Pennsylvania
Tennessee	Washington	Wyoming

All of the implementing organizations work toward the same goals as the *Kansas Meth Watch Program* and have agreed to use KDHE's trademarked program logo. Each state must agree to only change the name of the state so that the logo becomes recognized nationwide.

For more information, contact T.J. Ciaffone at (785) 368-7301, or visit our Web site at www.kdhe.state.ks.us/methlabs.

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K A N S A S

RODERICK L. BREMBY,
SECRETARY

KATHLEEN SEBELIUS,
GOVERNOR

DEPARTMENT OF HEALTH AND
ENVIRONMENT

For Immediate Release

September 17, 2004

Contact: TJ Ciaffone
785-368-7301

Sharon Watson
785-296-5795

Kansas Meth Watch Program Gains Attention as National Model

Office of National Drug Control Policy Supports KS Meth Watch Program; Trade Group Endorses KS Program

A drug prevention program that has contributed to a 27 percent reduction in methamphetamine (meth) lab seizures in Kansas over the past three years has been adopted as a national model to reduce or eliminate meth labs in more than 20 states.

The Kansas Retailers' Meth Watch Program was developed at the Kansas Department of Health and Environment (KDHE) as a coordinated effort between retailers and law enforcement in the fight against methamphetamine production and abuse.

Scott Burns, the Deputy Director for State and Local Affairs of the White House Office of National Drug Control Policy calls the Kansas Retailer's Meth Watch Program another useful tool in combating meth production in the United States. In addition, the Consumer Healthcare Products Association (CHPA) adopted the Meth Watch Program as a national model for other states and retailers.

**Department of Health and Human Services
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention**

**Drug Free Communities Support Mentoring Program
SP-06-004
(Initial Announcement)**

Catalogue of Federal Domestic Assistance (CFDA) No.: 93.276

Key Dates:

Application Deadline	May 12, 2006
Intergovernmental Review (E.O. 12372)	Letters from State Single Point of Contact (SPOC) are due no later than 60 days after application deadline.
Public Health System Impact Statement (PHSIS)/SSA Coordination	Applicants must send the PHSIS to appropriate State and local health agencies by application deadline. Comments from Single State Agency are due no later than 60 days after application deadline.

I. FUNDING OPPORTUNITY DESCRIPTION

1. INTRODUCTION

The Executive Office of the President, Office of National Drug Control Policy (ONDCP) and the Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS) announce the availability of funds for new FY 2006 Drug Free Communities Support Mentoring Program (DFC Mentoring) grants.

The purpose of the DFC Mentoring Program is to provide grant funds to existing DFC grantees (mentors) to support development and/or expansion of new community coalitions (mentees) that are focused on substance abuse prevention.

The DFC Program, a collaborative initiative sponsored by ONDCP in partnership with SAMHSA, is designed to achieve two goals:

- Reduce substance abuse among youth and, over time, among adults by addressing the factors in a community that increase the risk of substance abuse and promoting the factors that minimize the risk of substance abuse. Substances include, but are not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis, inhalants, alcohol and tobacco, where their use is prohibited by Federal, State, or local law. DFC grants must focus on multiple drugs of abuse. When the term "drug" or "substance" is used in this announcement, it is intended to include all of the above substances.
- Establish and strengthen collaboration among communities, private nonprofit agencies, and Federal, State, local and tribal governments to support the efforts of community coalitions to prevent and reduce substance abuse among youth.

Congress signed the Drug-Free Communities Act (P.L. 105-20) into law on June 27, 1997. The Act provides financial assistance and support to community coalitions to carry out the mission of reducing substance abuse among the nation's youth. On December 14, 2001, P.L. 107-82, 115 Stat. 814 (2001), reauthorized the program for 5 years.

The community sites that have been awarded DFC grants represent a cross-section from every region in the nation and include rural, urban, suburban, and tribal communities. In FY 2005, 24 new DFC mentoring grants and 13 mentoring continuation grants were awarded. More information can be found on the DFC web site (www.dfc.samhsa.gov).

2. EXPECTATIONS

2.1 Strategic Prevention Framework Requirement



DFC grantee coalitions must use the Strategic Prevention Framework (SPF), a 5 step evidence-based process for community planning and decision-making. The 5 step process includes: 1) needs assessment (profile community needs); 2) capacity building (mobilize/build capacity to address community needs); 3) planning (develop a comprehensive strategic plan); 4) implementation (implement the plan with multiple interventions demonstrated to be effective); and 5) evaluation (monitor, sustain, improve or replace prevention interventions).

2.2 Data and Performance Measurements Requirements

The Government Performance and Results Act of 1993 (P.L.103-62, or "GPRA") requires all Federal agencies to set program performance targets and report annually on the degree to which the previous year's targets were met. The national DFC Mentoring Program GPRA measures are to:

- Increase the percent of mentored coalitions that have developed baseline measures of drug use and related substance abuse problems for the following:
 - age of onset of any drug use including alcohol, marijuana, and tobacco
 - past 30 day use among youth including alcohol, marijuana, and tobacco
 - perception of risk or harm of alcohol, marijuana, and tobacco use among youth
 - perception of parental disapproval of use by youth including alcohol, marijuana, and tobacco
- Increase the percent of mentored coalitions that have developed a comprehensive substance abuse prevention strategic plan or updated a previous plan.
- Increase the percent of mentored coalitions that have a strategic plan that reflects the use of environmental strategies to reduce youth drug use.

- Increase the percentage of mentored coalitions that use the Strategic Prevention Framework in their planning process

2.3 National DFC Cross-Site Evaluation

DFC Mentoring Coalition applicants must agree to participate in the National Cross-Site Evaluation that consists of two progress reports and an annual report.

II. AWARD INFORMATION

1. AWARD AMOUNT

Approximately \$1.2 million will be available for 15 new DFC Mentoring Grant Awards in FY 2006. Applicants may request up to \$75,000. New mentor applicants may request project periods of up to 2 years. Annual continuation awards will depend on availability of funds, grantee progress in meeting project goals and objectives, and grant terms and conditions.

2. FUNDING MECHANISM

DFC Mentoring Program awards will be made as grants.

III. ELIGIBILITY REQUIREMENTS

1. ELIGIBLE APPLICANTS

DFC Mentoring Applicants must meet the following eligibility criteria or the application will not be forwarded for review. The coalition:

- Must have been in existence for at least 5 years.
- Must be a current DFC New or Continuation grantee.
- Must have achieved, through its own efforts, measurable results in the prevention of substance abuse among youth.
- Must have staff, volunteers, or members willing to serve as mentors for persons seeking to start or expand the activities of other coalitions in the prevention of substance abuse.
- The coalition must have demonstrable support from the coalition to be mentored and from key sectors of the community(ies) where the coalition will carry out the specific mentoring activities supported by the grant. The key sectors are:
 - youth (an individual 18 or under)
 - parents
 - business community
 - media

- school
- youth-serving organizations
- law enforcement agencies
- religious or fraternal organizations
- civic and volunteer groups
- healthcare professionals
- State, local, or tribal governmental agencies with expertise in the field of substance abuse (if applicable, the State authority with primary authority for substance abuse)
- other organizations involved in reducing substance abuse

SAMHSA and ONDCP will consider the information provided in the applicant's project narrative and supporting documentation in order to determine whether or not an individual applicant meets the above criteria.

2. COST SHARING

DFC Mentoring Program grantees must demonstrate they have matching funds from other, non-Federal sources on a dollar-for-dollar basis. Awards will not be made to applicants who do not meet the match requirements. New and/or continuation DFC funds may not be used to meet the matching requirements for mentoring applicants. Applicants must itemize the match separately in the budget justification. A sample budget and budget justification is provided in Attachment 1 of this RFA.

In-kind support may be used for the match requirement. In-kind support includes the value of goods and services donated to the operations of the coalition. Typical examples include donated office space, volunteer secretarial services, pro bono accounting services, or other personnel serving in a voluntary capacity.

Federal funds, including those passed through a State or local government cannot be used as a match. The exception is for funds appropriated for the substance abuse services of a coalition that includes a representative of the Bureau of Indian Affairs, Indian Health Service, or a tribal government agency with expertise in the field of substance abuse may be counted as non-Federal funds raised by the coalition.

3. Other

Applicants must use Application Form PHS 5161-1 or their applications will not be reviewed. Applicants must also adhere to certain submission and formatting requirements provided in Section IV and Attachment 2 of this announcement, or their applications will not be reviewed.

IV. APPLICATION AND SUBMISSION REQUIREMENTS

1. Address to Request Application Package

You may request a complete application kit from SAMHSA's National Clearinghouse for Alcohol and Drug Information (NCADI) at 1-800-729-6686 (TDD 800-487-4889). You also may download the required documents from the SAMHSA web site at www.samhsa.gov/grants/index.aspx. Additional materials available on this web site include:

- a technical assistance manual for potential applicants;
- standard terms and conditions for SAMHSA grants;
- guidelines and policies that relate to SAMHSA grants (e.g., guidelines on cultural competence, consumer and family participation, and evaluation); and
- enhanced instructions for completing the PHS 5161-1 application.

When submitting an application, be sure to type "SP-06-004, "Drug-Free Communities Support Mentoring Program" in Item Number 10 on the face page of the application form. Also, SAMHSA applicants are to provide a DUNS Number on the face page of the application. To obtain a DUNS Number, access the Dun and Bradstreet web site at www.dunandbradstreet.com or call 1-866-705-5711.

2. Content and Form of Application Submission: Information including required documents, required application components, and application formatting requirements is available in Attachment 2 of this RFA.

Applicants are required to complete the Assurance of Compliance with SAMHSA Charitable Choice Statutes and Regulations, Form SMA 170. This form will be posted on SAMHSA's website with this Request for Applications (RFA) and provided in the application kits available at NCADI. **Applicants should note that failure to comply with certain application formatting requirements in Attachment 2 will result in their application being screened out and not reviewed.**

3. Submission Dates and Times: Applications must be received by May 12, 2006. You will be notified by postal mail that your application has been received. Additional submission information is available in Attachment 2 of this RFA. **Applications that are not received by the application deadline, or that do not have proof of timely submission as described in Attachment 2 of this RFA, will be screened out and will not be reviewed.**

4. Intergovernmental Review: Applications for this funding opportunity must comply with Executive Order 12372 (E.O.12372). E.O.12372, as implemented through Department of Health and Human Services (DHHS) regulation at 45 CFR Part 100, sets up a system for State and local review of applications for Federal financial assistance. Instructions for complying with E.O.12372 are provided in Attachment 2 of this RFA. A current listing of State Single Points of Contact (SPOCs) is included in the application kit and is available at www.whitehouse.gov/omb/grants/spoc.html.

5. Funding Restrictions: Grantees in the DFC Mentoring Program must adhere to funding restrictions listed in Attachment 2.

V. APPLICATION REVIEW INFORMATION

1. EVALUATION CRITERIA

Your application will be reviewed and scored according to the quality of your response to the requirements listed in Section V, Evaluation Criteria.

In developing the Project Narrative section of your application, use the following instructions instead of the "Program Narrative" instructions found in the PHS 5161-1. The Project Narrative should be no more than 20 pages.

You should answer every question in each category of the Project Narrative below and provide a narrative response with the question shown directly above each response. Each question has points associated with it and reviewers will judge your response to each question and apply a point value. Peer reviewed applications will receive a score between 0 and 100. The number of points after each heading below is the maximum number of points a review committee may assign to that section of your Project Narrative.

Reviewers will be looking for evidence of cultural competence throughout the application. SAMHSA's guidelines for cultural competence can be found on the SAMHSA web site at www.samhsa.gov. Click on "Grants".

The Project Narrative requirements for the DFC Mentoring Program B-F are organized around the five steps of the Strategic Prevention Framework: 1) community assessment; 2) capacity building; 3) project planning; 4) implementation; 5) evaluation.

The Supporting Documentation provided in Sections G-J will also be considered by reviewers.

Section A: General Questions (6 points)

1. Why does the mentor coalition want to mentor? (2 points)
2. What are the benefits of mentoring for the mentor community/ coalition and its prevention agenda? (2 points)
3. How was the mentee community or communities selected? (2 points)

Section B: Community Assessment (16 points)

1. Describe the community or communities that will receive the mentoring assistance. In the description, include basic demographic and socioeconomic information, pertinent data describing drug use problems among youth, and a summary of existing key risk and protective factors relating to drug use. (3 points)
2. How is the mentoring community similar to the community/communities to receive mentoring assistance demographically and in the drug use issues they are trying to solve? (3 points)
3. What is the mentoring coalition's experience with collecting and analyzing community needs and resource assessment data (both quantitative data such as surveys, social indicator data from health departments, criminal justice, etc. and qualitative data such as focus groups, key informant interviews, community forums, etc.)? (4 points)
4. What is the level of community awareness in the mentee community regarding the drug problem? (2 points)
5. How will the mentor community assist the mentee community/communities in conducting, enhancing or updating a comprehensive community needs and resources assessment? (4 points)

Section C: Capacity Building (24 points)

1. Describe previous efforts of the mentor coalition to develop and mentor community anti-drug coalitions. (2 points)
2. Highlight the last five years of the mentor coalition's work, discussing briefly the specific nature and history of the mentoring coalition's most successful strategies, as well as skill sets and capabilities that will be diffused to the mentee coalition(s). (4 points)
3. Describe how the mentor coalition's successful strategies and related assets will be of benefit to the mentee coalition(s) and how they will be used in the mentoring relationship. Specifically, discuss how these strategies/assets will be used to assist the mentee coalition(s) in addressing the five steps of the Strategic Prevention Framework. (3 points)
4. What are the measurable results achieved by the mentor coalition? How do these results relate to the results that the mentee coalition(s) are seeking to achieve? (4 points)
5. Describe the mentor coalition members' and volunteers' commitment to the mentor project. How will the mentor coalition use members from various sectors to recruit, train, and advance the mentee community's prevention work? (3 points)

6. What is the mentee coalition(s) current capacity for developing and/or strengthening as a community anti-drug coalition? Describe any previous or current efforts of the mentee community to develop a community coalition. Does the mentee coalition have an operational structure in place (i.e. bylaws, committee structure, mission statement, etc.)? (4 points)
7. What sectors are currently members of the mentee coalition? What is the plan to recruit additional members? (2 points)
8. What is the mentor coalition's assessment of the mentee coalition's current training needs? (2 points)

Section D: Project Planning (19 points)

1. What is the process that the mentor coalition will use to help the mentee use key assessment findings to create a community prevention plan that addresses the two goals of the DFC program? (3 points)
2. How will the mentor coalition assist the mentee in creating a community prevention plan that: (6 points)
 - a. Enlists the support of multiple sectors of the community to address the prevention needs and priorities of the mentee community and coalition
 - b. Includes multiple strategies to address the drug problems of youth
 - c. Is community focused (A community coalition must focus on changing the full environment by identifying and implementing strategies that will affect community attitudes, perceptions, norms, and beliefs around alcohol and other drugs.)
3. Does the mentor coalition have a long term sustainability plan in place? If so, briefly describe. How does the mentor coalition plan to foster sustainability in the mentee coalition? (3 points)
4. Provide a realistic time line for the project (chart or graph) showing goals, objectives, key activities, milestones and responsible staff. Include a detailed time line for year 1 of the project, focusing on major milestones/activities. (7 points)

Section E: Implementation (18 points)

1. Are there specific resources (e.g. materials, facilities, equipment, etc.) necessary for the implementation of this project? If so, what are they and are these items reflected in your budget? Be sure to reflect this amount in your budget justification. (3 points)
2. Provide a list of individuals (staff and coalition members/volunteers) from the mentor coalition who will participate in the project, showing the role of each and their level of effort and qualifications. Include the project director and other key personnel. (3 points)

3. Provide a list of individuals (staff and coalition members/volunteers) from the mentee coalition who will participate in the project, showing the role of each, their level of effort and their qualifications. Include the project director and other key personnel. (3 points)
4. How will the responsibility for implementing the strategic plan be diffused among mentor coalition members and/or other community partners? (3 points)
5. How will the responsibility for implementing the strategic plan be diffused among mentee coalition members and/or other community partners? (3 points)
6. How will you monitor the implementation of your strategic plan as things change? For example, what specific milestones or key events will the leaders of the coalition use to monitor the success of the implementation of the plan? (3 points)

Section F: Evaluation (17 points).

1. Describe the capability and experience of the mentor coalition in data collection and/or how the mentor coalition has created partnerships in order to collect, analyze, and report data and conduct evaluation activities. (3 points)
2. What past or current experience does the mentee community have in collecting, analyzing and/or reporting evaluation data? (2 points)
3. What outcome measures will be used to measure the progress in addressing the goals and objectives of the proposed DFC mentoring project? (3 points)
4. Describe the current ability of the mentee community to collect and report on the DFC four core measures (age of onset of any drug use including alcohol, marijuana, and tobacco; past 30 day use among youth including alcohol, marijuana, and tobacco; perception of risk or harm of alcohol, marijuana, and tobacco use among youth; and perception of parental disapproval of use by youth including alcohol, marijuana, and tobacco). How will the mentor coalition help the mentee coalition to develop baseline measures of drug use and related substance abuse problems for the DFC four core measures? (3 points)
5. Describe how data collected from the evaluation will influence the overall direction of the DFC Mentoring Project for the mentor and mentee. (3 points)
6. How will evaluation results be communicated to the mentee coalition's community? (2 points)
7. How will the effectiveness of the mentor/mentee relationship be assessed? (1 point)

Supporting Documentation - The following Supporting Documentation, Sections G-J, must be listed as an attachment and labeled "Supporting Documentation, Section G-J."

Section G: Budget and Budget Justification, Existing Resources, Other Support - In Section G, applicants should provide a narrative justification of the items included in the proposed budget, as well as a description of existing resources and other support that the coalition expects to receive for the proposed budget.

Section H: Program Abstract - In Section H, provide a program abstract that is no more than 35 lines. See Attachment 3 for a sample abstract.

Section I: Project Information Summary - Provide the following data/information in Section I. This information should reflect your responses to Section V, Project Narrative: Mentor.

- Name of applicant (fiscal agent);
- Mailing address of applicant (fiscal agent), including zip code;
- Official authorized to accept funds on behalf of the coalition (include phone number, fax number, and email address);
- Name of the mentor coalition (if different from fiscal agent);
- Mailing address of mentor coalition (if different from fiscal agent), including zip code;
- Physical address of mentor coalition (if different from mailing address);
- Date the mentor coalition was established;
- Project director (include phone number, fax number and e-mail address).
- Coalition board chair/president (include phone number and e-mail address).
- Amount of FY 2005 funds requested;
- Congressional district(s) served by the coalition;

Coalition Being Mentored (mentee)– Please provide the following information for each coalition being mentored:

- Name of the coalition;
- Mailing address for the coalition;
- Date coalition was established;
- Congressional district(s) served by the coalition;
- Project director (include phone number, fax number and e-mail address);
- Coalition board chair/president (include phone number and e-mail address);
- Population of target area;
- Geographic boundaries served by the coalition (e.g. city, neighborhood, school district, etc.);
- Population ethnicity of the geographic area served by the coalition (e.g. tribal);
- Geographic type (i.e., urban, suburban, rural, mixed). Select one based on the following definitions:
 - *Rural* – A rural area is defined as a county with a population of no more than 30,000. If rural, please identify the county(ies) served by the coalition.
 - *Suburban* – A suburban area is defined as (a) urban fringe of a large city – any incorporated place, a Census-designated place (CDP), or non-place territory within a consolidated metropolitan statistical area (CMSA) or metropolitan statistical area (MSA) of a large city and defined as urban by the U.S. Bureau of the Census; or (b)

urban fringe of a midsize city – any incorporated place, CDP, or non-place within a CMSA or MSA of a midsize central city and defined as urban by the U.S. Bureau of the Census.

- *Urban* – An urban area is defined as (a) large city – a central city of a MSA or CMSA with a population of at least 250,000; or (b) midsize city – central city of an MSA or CMSA with a population of less than 250,000.
- Indicate whether the coalition serves an area that is economically disadvantaged (i.e., 20% or more of the children [under 18 years of age] living in the target area live in a household below the poverty line, as defined by the U.S. Census Bureau)
- Identify all present federal and state funding streams that are coordinated with or related to the coalition's efforts. (These would include involvement with officially recognized OJP Weed & Seed sites, drug courts, Enforcing Underage Drinking Laws Program, the Center for Substance Abuse Prevention's State Incentive sub grants, and U.S. Department of Education's Safe and Drug-Free Schools sites, among others.) Indicate status of funding.

Section J: Mentee & Mentor Memorandums of Understanding and Supporting Documents– Please provide letters of understanding or agreements between the mentor and mentee(s) and key sectors in the community covering the project period. The MOU should address the scope of the work and expectations from each entity.

2. REVIEW AND SELECTION PROCESS

ONDCP and SAMHSA are committed to ensuring a competitive and standardized process for awarding DFCSP grants. Applications will be screened initially by ONDCP to determine whether the coalition meets all the eligibility requirements. Only applications submitted by eligible coalitions that meet all other requirements will be evaluated, scored, and rated by a peer review panel according to the selection criteria described in Section V of this announcement. All applications that proceed to peer-review will be rated on a 100-point scale. Point values for individual elements of the application are presented in the project narrative section. Peer reviewers' ratings and any resulting recommendations are advisory only. All final grant award decisions will be made by the Director of ONDCP. ONDCP may also give consideration to other factors when making awards.

VI. AWARD ADMINISTRATION INFORMATION

1. AWARD NOTICES

After your application has been reviewed, you will receive a letter from SAMHSA through postal mail that describes the general results of the review.

If you are approved for funding, you will receive an **additional** notice, the Notice of Grant Award, signed by SAMHSA's Grants Management Officer. The Notice of Grant Award is the sole obligating document that allows the grantee to receive Federal funding for work on the grant project. It is sent by postal mail and is addressed to the contact person listed on the face page of the application.

If you are not funded, you can re-apply if there is another receipt date for the program.

2. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS

- You must comply with all terms and conditions of the grant award. SAMHSA's standard terms and conditions are available on the SAMHSA web site at: www.samhsa.gov/grants/generalinfo/useful_info.aspx.
- You must also comply with the administrative requirements outlined in 45 CFR Part 74 or 45 CFR Part 92, as appropriate. For more information see the SAMHSA web site (http://www.samhsa.gov/Grants/generalinfo/grant_reqs.aspx).
- Additional terms and conditions may be negotiated with the grantee prior to grant award. These may include:
 - requirements relating to additional data collection and reporting;
 - requirements relating to participation in a cross-site evaluation; or
 - requirements addressing problems identified in review of the application.
- You will be held accountable for the information provided in the application relating to performance targets. SAMHSA program officials will consider your progress in meeting goals and objectives, as well as your failures and strategies for overcoming them, when making an annual recommendation to continue the grant and the amount of any continuation award. Failure to meet stated goals and objectives may result in suspension or termination of the grant award, or in reduction or withholding of continuation awards.
- In an effort to improve access to funding opportunities for applicants, SAMHSA is participating in the U.S. Department of Health and Human Services "Survey on Ensuring Equal Opportunity for Applicants." This survey is included in the application kit for SAMHSA grants. Applicants are encouraged to complete the survey and return it, using the instructions provided on the survey form. However, your decision to/not to complete this survey will not have any bearing on the evaluation of your application for funding.

3. REPORTING REQUIREMENTS

3.1 Progress and Financial Reports

- Grantees must provide two program progress reports and an annual report each year and financial reports.
 - SF 269 – Financial Status Report is due 90 days after the end of the budget period.
 - PSC 272 – Federal Cash Transaction Report is due 45 days after the end of the quarter.

- SAMHSA will provide guidelines and requirements for these reports to grantees at the time of award. SAMHSA staff will use the information contained in the reports to determine the grantee's progress toward meeting its goals.

3.2 Publications

Applicants funded under this grant program, are required to notify the Government Project Officer (GPO) and SAMHSA's Publications Clearance Officer (240-276-2130) of any materials based on the SAMHSA-funded project that are accepted for publication.

In addition, SAMHSA requests that grantees:

- Provide the GPO and SAMHSA Publications Clearance Officer with advance copies of publications.
- Include acknowledgment of the Drug-Free Communities Support Program as the source of funding for the project.
- Include a disclaimer stating that the views and opinions contained in the publication do not necessarily reflect those of SAMHSA, the U.S. Department of Health and Human Services or the Office of National Drug Control Policy, and should not be construed as such.

SAMHSA and ONDCP reserve the right to issue a press release about any publication deemed by SAMHSA or ONDCP to contain information of program or policy significance to the substance abuse treatment/substance abuse prevention/mental health services community.

VII. AGENCY CONTACTS

For questions regarding program issues, contact:

Richard Moore, Branch Chief
Center for Substance Abuse Prevention
Substance Abuse and Mental Health Services Administration
1 Choke Cherry Rd., 4th Floor
Rockville, MD 20857
240-276- 1270
Dfcnew2006@samhsa.hhs.gov

For questions on grants management issues, contact:

Kimberly Pendleton
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration
1 Choke Cherry Road
Room 7-1097
Rockville, Maryland 20857

(240) 276-1421

kimberly.pendleton@samhsa.hhs.gov

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HCR 4
 (H) Publish Date: 3/16/2005

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: METH WATCH PROGRAM BRU _____
 Component _____
 Sponsor: Representative Ramras
 Requester: Representative Ramras Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Louie Flora, House State Affairs Committee Aide Phone 465-4963
 Division: House State Affairs Committee Date/Time 3/16/05 10:38 AM
 Approved by: Representative Paul Seaton Date 3/16/2005
 Agency: House State Affairs Committee

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCR004-DHSS-D&H-04-18-06

Revision Date/Time (Note if correction): _____
Title ESTABLISHMENT OF A METHAMPHETAMINE
WATCH PROGRAM

() Publish Date: _____
Dept. Affected: Health & Social Services

Sponsor RAMRAS
Requester HOUSE (JUD)

RDU Behavioral Health
Component CAPI Grants

Component No. 2596

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The DHSS, Division of Behavioral Health believes the intent of this resolution can be reached within the existing funding base we currently have for prevention and early intervention services. As we work with communities as they identify and establish appropriate programming for their community, a Meth Watch Program would be a viable programming choice. If federal funds become available to help support addition prevention efforts related to Methamphetamine use, abuse and dependency, we will consider applying for such funding, as it fits into our existing programming efforts.

Prepared by: L. Diane Casto
Division: Behavioral Health
Approved by: Karleen Jackson, Commissioner
Agency: Department of Health and Social Services

Phone 907/465-1188
Date/Time 04/18/2006
Date 04/18/2006

HJR

3

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akrepublicans.org/rokeberg/index.php>



INTERIM
716 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE: (907) 269-0117
FAX: (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

MEMORANDUM

To: Representative Lesil McGuire, Chairwoman
House Judiciary Committee

From: Representative Norman Rokeberg *hnr by hmr*

Date: April 25, 2005

Re: HJR 3

I respectfully request that HJR 3, Const. Am: Budget Reserve Fund Approps., be scheduled for a hearing. I have attached the following for your information:

1. HJR 3
2. Sponsor Statement
3. Fiscal Note
4. Charts on CBR Draw
5. Excerpts from Alaska Budget Report article

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS, MEMBER

website: <http://www.akrepublicans.org/rokeberg/index.php>



INTERIM
716 WEST 4TH AVENUE, SUITE 600
ANCHORAGE, AK 99501
PHONE (907) 269-0117
FAX (907) 269-0119

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-4968
FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR HJR 3

By: Representative Norman Rokeberg

Title: Proposing amendments to the Constitution of the State of Alaska relating to appropriations from the budget reserve fund.

Blackmail: Unlawful demand of money or property under threat to do bodily harm, to injure property, to accuse of crime or to expose disgraceful defects. This crime is commonly included under extortion or criminal coercion statutes. Blacks Law Dictionary, Sixth Edition, 1990.

House Joint Resolution 3 repeals Sections (b) and (c) of Article IX, Section 17 of the Alaska Constitution. Article IX, Section 17 is the Budget Reserve Fund.

In 1990, the 16th Legislature established the Constitutional Budget Reserve Fund. Every year since 1994, the legislature has needed a $\frac{3}{4}$ vote to pass the budget, with the single exception of FY 2004.

HJR 3 repeals the need for a $\frac{3}{4}$ vote. The $\frac{3}{4}$ vote provides the minority the ability to control the budget, the effect of which has been to increase the budget each year. While the $\frac{3}{4}$ vote enhances the power of the minority, it works most effectively if they want to increase the budget. If those in the minority have the goal of budget reduction, the $\frac{3}{4}$ vote provides them with little or no power.

The requirement of a $\frac{3}{4}$ vote has done nothing more than increase the budget and therefore should be repealed.

I urge your support for this legislation.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 3
 (H) Publish Date: 4/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: GOV
 Title Constitutional Amendment relating RDU Elections
to appropriations from the budget reserve fund Component Elections
 Sponsor Representative Rokeberg
 Requester (H) W & M Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0	1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

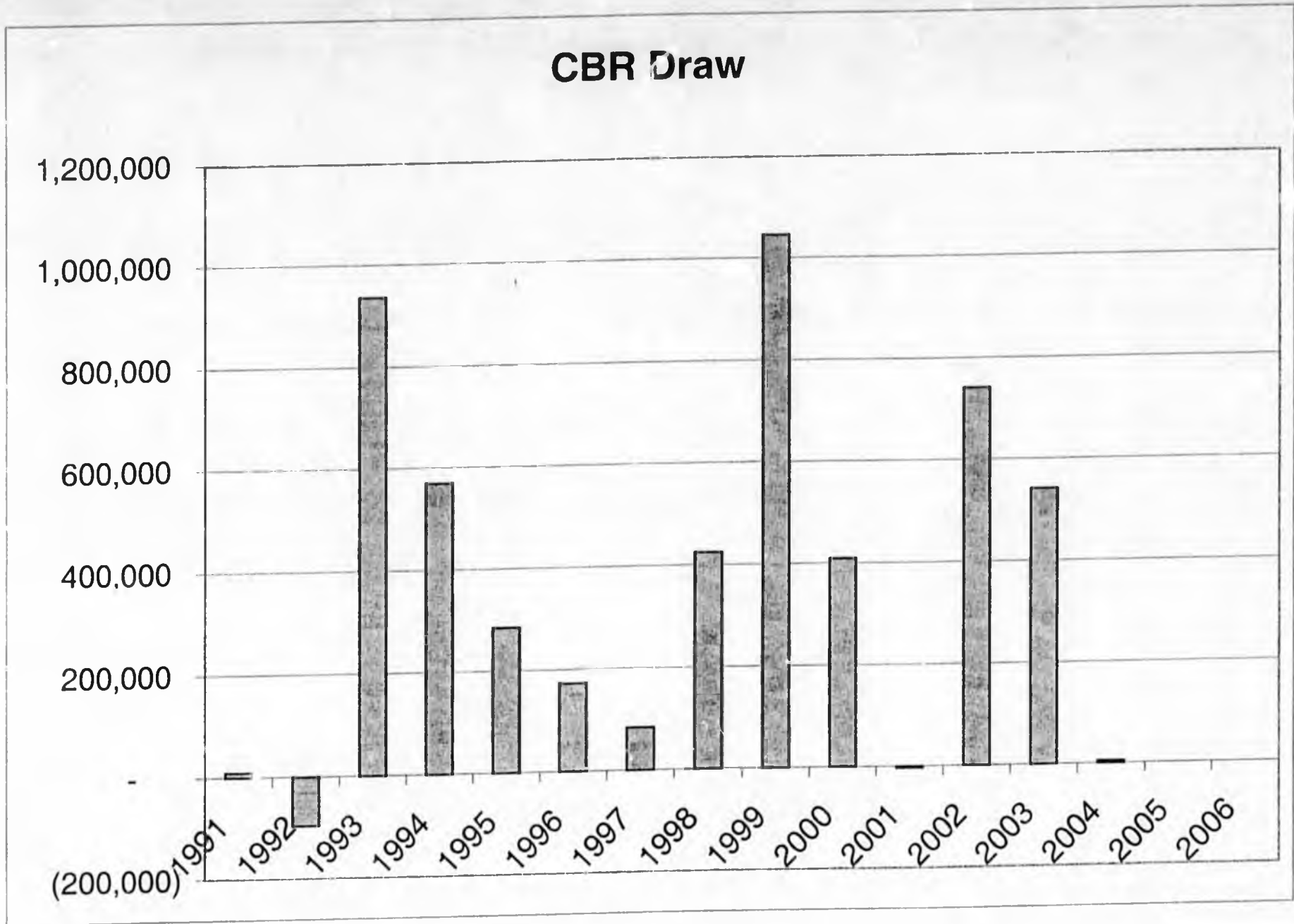
If this amendment appears on the 2006 ballot, the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58 is \$1.5 (in thousands). Should the addition of this question require printing an 8 1/2 by 18 inch ballot the cost will increase to \$22.0.

Prepared by: Lauri Allred, Admin Assistant Supervisor Phone 465-4611
 Division: Division of Elections Date/Time 4/15/05 9:52 AM
 Approved by: Laura A. Glaiser, Director Date 4/15/2005
 Agency: Office of the Lt. Governor, Division of Elections

Constitutional Budget Reserve Fund

Fiscal Year	Beginning Balance	Total Contributions and other Earnings	Contributions	Interest	Investment Earnings (2)	Draw from (deposit to) the CBR	GF liability
Total		7,280,484	2,784,162	3,510,410	985,912	5,117,960	
1991	-	297,475	291,511	-	5,964	10,059	10,059
1992	236,488	326,659	203,994	104,167	18,498	(96,094)	(86,035)
1993	562,403	812,717	400,423	388,809	23,485	935,366	849,331
1994	1,597,302	423,243	154,286	241,763	27,194	569,443	1,418,774
1995	2,013,383	1,594,033	792,919	679,131	121,983	284,204	1,702,979
1996	3,696,871	696,527	219,621	366,041	110,865	172,835	1,875,814
1997	4,394,960	735,656	196,294	371,936	167,426	82,687	1,958,501
1998	5,130,598	731,452	149,577	212,716	369,159	423,829	2,382,330
1999	5,862,050	150,583	30,658	190,766	(70,841)	1,044,799	3,427,129
2000	6,012,633	562,603	238,395	361,336	(37,128)	408,834	3,835,963
2001	6,575,236	251,935	35,633	188,368	27,934	(3,480)	3,832,484
2002	6,827,171	212,503	54,785	175,088	(17,370)	740,273	4,572,756
2003	7,039,674	166,819	12,060	154,759	-	540,181	5,112,937
2004	7,206,493	61,627	4,006	75,530	(17,909)	5,023	5,117,960
2005	7,268,120	124,709	-	-	124,709	-	5,117,960
2006	7,392,829	131,942	-	-	131,942	-	5,117,960

CBR Draw



Alaska Budget Report

April 14, 2005, Vol. 15, No. 13

BUDGET PLANS

Committee moves to abolish CBR, put \$ in projects fund

The following are excerpts from this article:

Appropriations from the CBR have been needed to balance the state budget in eleven of the 13 fiscal years since the CBR was established. Some say the existence of the CBR has kept lawmakers from addressing the question of how the state can balance spending and revenue over the long term.

The supermajority requirement was added to the Alaska Constitution in the 1990 amendment that created the CBR, and has been an irritant to Republican-dominated majorities ever since. Republicans claim the requirement gives minority Democrats leverage that they have used to increase spending.

According to a December 2003 survey conducted by the National Conference of State Legislatures, at least nine states (not including Alaska) require supermajorities to pass a budget or to make certain kinds of appropriations. In Hawaii, for example, a two-thirds majority is required to exceed that state's general fund spending ceiling. A California constitutional provision requires a two-thirds vote for general fund appropriations for purposes other than public schools, but because the Legislature typically passes a single budget bill, the requirement effectively applies to all spending. A 1934 Arkansas constitutional amendment requires a three-quarters majority vote on appropriations for everything except highways, education and debt service.

Conservative think tanks, notably the Washington, D.C.-based Cato Institute, have long argued that supermajority requirements restrain spending, but a 2003 report from the non-partisan California Citizens Budget Commission took the opposite view, agreeing, no doubt unknowingly, with Alaska Republicans: instead of slowing the growth in state spending, the commission said California's two-thirds vote requirement has allowed the legislative minority to frustrate the process of reaching compromise by withholding votes for spending until the budget is shaped toward their priorities.

Social scientists who have studied the issue generally find little hard evidence to support any claim regarding the budgetary effects of supermajority vote requirements.

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HJR

7

ALASKA STATE HOUSE OF REPRESENTATIVES

Labor & Commerce Committee, Chair
Administrative Regulation Review, Chair
Judiciary Committee, Vice-Chair
Health, Education and Social Services



State Capitol Suite 408
Juneau, AK 99508
Phone (907) 465-4939
Fax (907) 465-2418

Representative Tom Anderson

Email: Representative_Tom_Anderson@legis.state.ak.us

MEMORANDUM

Date: March 3, 2005
To: Representative Lesil McGuire, Chair
House Judiciary Committee
From: Representative Tom Anderson *T.A.*
Re: HJR 7

I would like to request that you schedule HJR 7 for consideration by the House Judiciary Committee.

Enclosed are:

1. The most recent version of the bill
2. Current Sponsor Statement
3. Sectional Analysis
4. Appropriate backup documentation

Thank you for your consideration of this request. Please contact Jon Bittner at 465-5031 in my office if you have any questions or concerns.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HJR 7

BY: Representative Tom Anderson

TITLE: "Proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor."

In 1970 the legislature proposed and the voters of Alaska approved a series of amendments to the State constitution that changed the name of the office of "Secretary of State" to the office of "Lieutenant Governor". At that time, the drafting attorneys did not catch all of the references to "Secretary of State".

HJR 7 attempts to correct the two references to "Secretary of State" in the Alaska constitution that are left. The proposed amendments, if approved by the Legislature, would be placed before the voters in the next General Election.

I urge your support of this bill.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

Sectional Analysis for HJR 7 BY: Representative Tom Anderson

Section 1. Amends Article II, sec. 5, Constitution of the State of Alaska
Adds: lieutenant governor
Removes: [SECRETARY OF STATE]

This change brings the Alaska Constitution into line with the will of the people of Alaska to replace the position of Secretary of State with the position of Lieutenant Governor

Section 2. Amends Article III, sec. 25 Constitution of the State of Alaska
Adds: lieutenant governor
Removes: [SECRETARY OF STATE]

This change brings the Alaska Constitution into line with the will of the people of Alaska to replace the position of Secretary of State with the position of Lieutenant Governor

Section 3. The amendments proposed in HJR 7 will be placed on the ballot at the next general election.

This is in conformity with art. XIII, sec. 1 of the Constitution of the State of Alaska. This article requires all amendments to the constitution be proposed by a two-thirds vote of each house of the legislature. If passed it shall be placed onto the ballot of the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

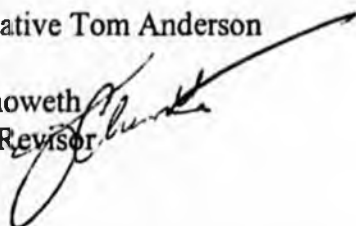
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 7, 2005

SUBJECT: House Joint Resolution proposing amendments to the Constitution of the State of Alaska to correct obsolete references to the office of secretary of state by substituting references to the office of lieutenant governor. (Work Order No. 24-LS0340\A)

TO: Representative Tom Anderson

FROM: Jack Chenoweth
Assistant Revisor 

Treat the enclosed House joint resolution as the equivalent of a revisor's bill for one element of the state constitution.

In 1970, the legislature proposed and the voters, by a margin of 71% - 29% (yes = 46,102; no = 18,781), approved a series of amendments to the state constitution that changed the name of the constitutional office of "secretary of state" to the office of "lieutenant governor." In the 1970 joint resolution that proposed the amendments, a copy of which is attached, the drafting attorneys of the time did not catch all the references to "secretary of state." They missed the two that appear in article II, section 5 and article III, section 25. By proposing amendments to delete in those two sections the obsolete references to secretary of state and substituting references to lieutenant governor, this House joint resolution would correct the oversight.

Unlike statutes, corrections of errors and omissions in the state constitution cannot be completed editorially. Under article XIII, section 1,

Amendments. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next general election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

Changes of this kind might have been proposed by a constitutional convention called to make changes to the state constitution. But, as you know, when, at ten-year intervals, the proposals have been presented to the voters as referenda under article XIII, section 3, the

Representative Tom Anderson
January 7, 2005
Page 2

voters have repeatedly failed to approve calls for state constitutional conventions. The voters defeated the calls for constitutional conventions in each of the 1972, 1982, 1992, and 2002 general elections.

JBC:med
05-005.med

Enclosure



Alaska State Legislature

1970

Source:

SJR 2

SJR 2

SENATE JOINT RESOLUTION

Proposing that the Constitution of the State of Alaska be amended by changing the name of the secretary of state to lieutenant governor.

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

• Section 1. Secs. 7, 8, 9, 10, 11, 13, 14 and 15, Art. III, Constitution of the State of Alaska, are amended to read:

SECTION 7. There shall be a lieutenant governor. He shall have the same qualifications as the governor and serve for the same term. He shall perform such duties as may be prescribed by law and as may be delegated to him by the governor.

SECTION 8. The lieutenant governor shall be nominated in the manner provided by law for nominating candidates for other elective offices. In the general election the votes cast for a candidate for governor shall be considered as cast also for the candidate for lieutenant governor running jointly with him. The candidate whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor.

SECTION 9. In case of the temporary absence of the governor from office, the lieutenant governor shall serve as acting governor.

SECTION 10. If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

SECTION 11. In case of a vacancy in the office of governor for any reason, the lieutenant governor shall

succeed to the office for the remainder of the term.

SECTION 13. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

SECTION 14. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties, and emoluments of that office.

SECTION 15. The compensation of the governor and the lieutenant governor shall be prescribed by law and shall not be diminished during their term of office, unless by general law applying to all salaried officers of the State.

* Sec. 2. Secs. 2, 3, 4, 5 and 6, Art. XI, Constitution of the State of Alaska, are amended to read:

SECTION 2. An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

SECTION 3. After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters, equal in number to ten per cent of those who voted in the preceding general election and resident in at least two-thirds of the election districts of the State, it may be filed with the lieutenant governor.

SECTION 4. An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

SECTION 5. A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

SECTION 6. If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date.

It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

* Sec. 3. Secs. 1 and 3, Art. XIII, Constitution of the State of Alaska, are amended to read:

SECTION 1. Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title and proposition summarizing each proposed amendment, and shall place them on the ballot for the next statewide election. If a majority of the votes cast on the proposition favor the amendment, it shall be adopted. Unless otherwise provided in the amendment, it becomes effective thirty days after the certification of the election returns by the lieutenant governor.

SECTION 3. If during any ten-year period a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question: "Shall there be a Constitutional Convention?" If a majority of the votes cast on the question are in the negative, the question need not be placed on the ballot until the end of the next ten-year period. If a majority of the votes cast on the question are in the affirmative, delegates to the convention shall be chosen at the next regular statewide election, unless the legislature provides for the election of the delegates at a special election. The lieutenant governor shall issue the call for the convention. Unless other provisions have been made by law, the call shall conform as nearly as possible to the act calling the Alaska Constitutional Convention of 1955, including, but not limited to, number of members, districts, election and certification of delegates, and submission and ratification of revisions and ordinances. The appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.

* Sec. 4. Sec. 9, Art. XV, Constitution of the State of Alaska, is amended to read:

SECTION 9. The first governor and lieutenant governor shall hold office for a term beginning with the day on which they assume office and ending at noon on the first Monday in December of the even-numbered year following the next presidential election. This term shall count as a full term for purposes of determining eligibility for re-election only if it is four years or more in duration.

* Sec. 5. The amendments proposed by this resolution shall be placed before the voters of the state at the next statewide election in conformity with sec. 1, art. XIII, of the Constitution of the State of Alaska, and the state election code.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR7
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title Constitutional Amendment relating RDU Elections
to Secretaries of State references Component Elections
 Sponsor Representative Anderson
 Requester House State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	0.0	1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 If this amendment appears on the 2006 ballot, the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58 is \$1.5. Should the addition of this question require printing an 8 1/2 by 18 inch ballot the cost will increase to \$22.0.

Prepared by: Lauri Allred, Admin Assistant Supervisor Phone 465-4611
 Division: Division of Elections Date/Time 2/28/05 9:26 AM
 Approved by: Laura A. Glaiser, Director Date 2/28/2005
 Agency: Office of the Lt. Governor, Division of Elections

HJR

9

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-8872
Fax (907) 486-5264

Representative Gabrielle LeDoux

MEMO

DATE: 3/30/2005
TO: HOUSE JUDICIARY
REPRESENTATIVE LESIL MCGUIRE, CHAIRMAN
FROM: REPRESENTATIVE GABRIELLE LEDOUX *GL*
RE: HEARING REQUEST FOR HJR 9 URGING CONGRESS TO HONOR THE
EXXON VALDEZ JUDGMENT

I respectfully request that House Joint Resolution R be scheduled for a hearing in the House Judiciary Committee.

Attached you will find:

- The current version of HJR 9
- Sponsor Statement
- Additional documentation relating to the resolution
- The Kodiak Legislative Information Office (907) 486-8116 would like to be online for the teleconference
- My staff member assigned to this legislation is Suzanne Hancock, direct line 465-4230

ALASKA STATE LEGISLATURE



SESSION ADDRESS
Alaska State Capitol
Juneau, AK 99801-1182
(907) 465-2487
Fax (907) 465-4956

INTERIM ADDRESS
112 Mill Bay Road
Kodiak, AK 99615
(907) 486-8872
Fax (907) 486-5264

Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR HOUSE JOINT RESOLUTION 9

This resolution from the Alaska State Legislature urges that the United States Congress respect the judicial process and refrain from enacting any legislation that would alter the punitive damages awarded to more than 32,000 plaintiffs as a result of the 1989 Exxon Valdez oil spill as finally determined by the federal courts.

Nearly 15 years after the disaster, and more than ten years after the original jury verdict, the plaintiffs are still waiting resolution of the lawsuit.

While the United States Congress considered the Oil Pollution Act of 1990, Exxon Mobil Corporation sought an amendment that would have substantially reduced the punitive damages that it would have paid for the Exxon Valdez oil spill. This resolution urges Congress only to let the courts determine this matter.

Timeline of *Exxon Valdez* Punitive Damages Litigation

Date	Litigation Milestones
1989	<ul style="list-style-type: none"> ▪ <i>Exxon Valdez</i> oil tanker runs aground on Bligh Reef in Prince William Sound, Alaska, discharging 11 million gallons of toxic crude oil. Within a month, numerous civil suits are filed in U.S. District Court and Alaska State court for compensatory and punitive damages.
1990	<ul style="list-style-type: none"> ▪ U.S. District Court initially denies motion for certification of class action, resulting in thousands of additional individual lawsuits being filed, mostly in State court.
1991	<ul style="list-style-type: none"> ▪ State court grants motion for certification of class action. ▪ Exxon removes most of the certified class action cases pending in State court to U.S. District Court. These cases are consolidated by the District Court into <u>In re: Exxon Valdez Oil Spill Litigation</u>.
1992	<ul style="list-style-type: none"> ▪ Cases consolidated in <u>In re: Exxon Valdez Oil Spill Litigation</u> consist of nearly 200 direct actions on behalf of approximately 5,000 named plaintiffs and five certified class actions, with class membership estimated to be in the tens of thousands.
1993	<ul style="list-style-type: none"> ▪ U.S. District Court dismisses the first of Exxon's many attempts to avoid punitive damages by arguing it is not subject to them as a matter of law.
1994	<ul style="list-style-type: none"> ▪ U.S. District Court grants final approval of mandatory punitive damages class. ▪ Trial takes place from May 2 -- September 16. ▪ U.S. District Court jury returns a verdict for plaintiffs, finding Exxon liable for punitive damages in the amount of \$5 billion. ▪ Exxon, and the ship's captain, file 22 post-trial motions seeking, among other things, a new trial on the issue of punitive damages.
1995	<ul style="list-style-type: none"> ▪ U.S. District Court denies Exxon's post-trial motions.
1996	<ul style="list-style-type: none"> ▪ U.S. District Court enters final judgment as to the mandatory punitive damages class in the amount of \$5 billion (paving the way for the appeals process to begin), and stays execution of the judgment based on Exxon's posting of an irrevocable letter of credit. ▪ Exxon seeks entitlement to a portion of the punitive damages award based on secret settlement agreements made with a group of seafood processors who agreed to obtain the punitive damages on Exxon's behalf.
1997	<ul style="list-style-type: none"> ▪ Exxon appeals the amended judgment, both as to liability and amount of the punitive damages award.
2002	<ul style="list-style-type: none"> ▪ Ninth Circuit affirms original judgment regarding liability for punitive damages but vacates the award and remands to the U.S. District Court to reduce the amount of the award. ▪ On remand, U.S. District Court concludes that the full \$5 billion punitive damages is constitutionally permissible but reduces award to \$4 billion based on Ninth Circuit's direction that the award be reduced.
2003	<ul style="list-style-type: none"> ▪ Exxon and plaintiffs both appeal the reduced award to the Ninth Circuit. ▪ U.S. Supreme Court decides a separate case (<u>State Farm Mutual Auto Insurance Co. v. Campbell</u>), revisiting due process issues as they relate to punitive damages. ▪ Prior to hearing the appeal, the Ninth Circuit vacates the \$4 billion punitive judgment without ruling on the merits and remands to the U.S. District Court to reconsider the award in light of the <u>State Farm</u> decision. ▪ Exxon files second renewed motion to reduce the amount of the punitive damages

Date	Litigation Milestones
2004	<p>award.</p> <ul style="list-style-type: none"> ▪ U.S. District Court issues its order on remand, in which it considers the recent Supreme Court case, concludes that the punitive damages award still comports with due process and that the full \$5 billion is not excessive, and enters a final judgment for \$4.5 billion in punitive damages. ▪ Exxon appeals to the Ninth Circuit, and plaintiffs cross appeal. ▪ Ninth Circuit receives briefing on appeal.
2005	<ul style="list-style-type: none"> ▪ Ninth Circuit expected to hear oral argument and issue a decision on appeal later this year.

Exxon Valdez Update¹

The Spill

When the Exxon Valdez ran aground on Bligh Reef in 1989, it released eleven million gallons of toxic crude oil that spread throughout and beyond Prince William Sound. The oil spread past numerous islands and along the coast of the Kenai Peninsula, Cook Inlet, and Kodiak Island. The spill disrupted the lives and livelihoods of those in its path, including fishermen in commercial fisheries that were closed for the 1989 season; additional commercial fisheries that were not closed but suffered significant price declines; the subsistence fisheries in Prince William Sound and Lower Cook Inlet villages; shore-based businesses dependent on the fishing industry; and the people of cities such as Cordova.

Initial Litigation

Litigation included both civil and criminal actions. Civil suits came first but developed slowly due to their number and complexity. Both the United States and the State of Alaska sued Exxon for environmental damage, and that litigation was settled by means of a consent decree whereby Exxon agreed to pay to the governments, for environmental damage, \$900 million over a period of ten years, with a "re-opener" provision allowing for additional claims of up to \$100 million for damage discovered after settlement.

Exxon was prosecuted by the federal government for various environmental crimes. Exxon Corporation and Exxon Shipping pleaded guilty to a total of four counts of violating three different environmental laws, were jointly fined \$25 million and ordered to pay restitution in the amount of \$100 million.

The Class Action Suit

The civil cases were ultimately (with a few exceptions) consolidated into one class action suit with more than 32,000 plaintiff class members from all fifty states, which has been winding its way through the courts for nearly 16 years. In the consolidated cases, there was never any dispute as to Exxon's liability for compensatory damages, only the amount of economic losses and the appropriateness of punitive damages were controverted. By the time of the punitive damages phase of the trial in 1994, the parties had stipulated that the actual damages were estimated to be between \$432 million and \$768 million, and compensable harm was eventually determined to be \$513 million.

This figure does not include additional harms that have never been compensated. The Ninth Circuit observed that the spill "obviously caused harm beyond the 'purely economic.'" The District Court Judge found: "The social fabric of Prince William Sound and Lower Cook Inlet

¹ Unless otherwise noted, all information contained in this update is from the January 24, 2004, Order No. 364 of the U.S. District Court for the District of Alaska, *In re: the EXXON VALDEZ*, Case Number A89-0095CV.

was torn apart," citing research that clearly delineated a chronic pattern of spill-related economic loss, social conflict, cultural disruption and psychological stress; an increased incidence of alcohol and drug abuse, domestic violence, mental health problems, and occupation related problems; and a high percentage of affected fishermen suffering from severe depression, post-traumatic stress disorder, generalized anxiety disorder, or a combination of all three.

Punitive Damages

For the punitive damages phase of the trial, unusually detailed jury instructions were developed. The jury was specifically instructed that even if it found Exxon's conduct reckless, it was not required to award punitive damages; that it must use reason in setting the amount of punitive damages; that any award should bear a reasonable relationship to the harm caused; that punitive damages are not intended to provide compensation; and that jurors should assume the plaintiffs had already been fully compensated.

Factors the jury was told it could consider in setting an amount of punitive damages included the reprehensibility of the defendants' conduct, the amount of harm suffered by members of the plaintiff class as a result of the defendants' conduct, and the financial condition of the defendants. As to the defendants' wealth, the jury was instructed to consider the defendants' financial condition only in terms of what level of award would be necessary to achieve punishment and deterrence. The jury was also instructed that it should not count any damage to natural resources or the environment in general when assessing harm suffered by plaintiff class members, and that it could consider mitigating factors (such as criminal fines or civil awards already levied for the same conduct) and the extent to which the defendants had taken steps to remedy the consequences of the spill and prevent future ones.

The Alaska jury deliberated for 22 days on the issue of punitive damages and ultimately returned a unanimous verdict in the amount of \$5 billion. The District Court denied Exxon's motion to reduce the award, concluding that it was not so grossly excessive as to violate the defendants' due process rights.

Appeals and Remands

Exxon appealed both its liability for, and the amount of, the punitive damages awarded by the jury and upheld by the District Court in 1994. The Ninth Circuit Court of Appeals rejected Exxon's contention that punitive damages should have been barred and concluded that there was substantial evidence to support a jury verdict of liability for punitive damages as to both Exxon and the ship's captain. In the end, the Court of Appeals also found that the amount of the award was too high and remanded the matter to the District Court for further review and reduction of the award. After considering the briefing and hearing oral arguments, the District Court found again in 2002 that the award of punitive damages complied with due process. It reduced the punitive damages award to \$4 billion and entered the judgment on December 10, 2002. Exxon appealed again, and the plaintiffs also appealed.

The Ninth Circuit Court of Appeals, prior to receiving briefing on either appeal, vacated the \$4 billion punitive damages judgment and again remanded the case to the District Court, this time to

consider the award in light of a recent U.S. Supreme Court case providing new guidance on evaluating punitive damages awards. Both parties submitted supplemental briefing and engaged in oral arguments applying the new guidance. The District Court then considered, for the third time, the question of whether the \$5 billion punitive damages award against Exxon comports with due process. The court applied the Supreme Court guidance and concluded that the \$5 billion award was not grossly excessive and that it had no principled means by which it could reduce the award. Ultimately, however, to comply with the directive of the Ninth Circuit's remand, the District Court entered judgment in the amount of \$4.5 billion and encouraged plaintiffs to cross appeal if Exxon chose to take further appeal of the punitive damages award. In doing so, the District Judge stated that he would have denied the defendants any reduction in the award had it not been for the specific direction imposed by the Court of Appeals to effect some reduction in the punitive damages award.

The \$4.5 billion judgment entered by the District Court represents a 9:1 ratio between punitive damages and the \$513 million of compensated harm. Courts applying the Supreme Court's punitive damage decisions have understood those decisions to provide a general guideline that "[s]ingle-digit multipliers are more likely to comport with due process." In the three cases in which the Supreme Court held that punitive damage awards were excessive, the awards ultimately approved on remand were 9:1 (*State Farm v. Campbell*), 10:1 (*Cooper v. Leatherman*) and 12.5:1 (*BMW v. Gore*).

Current Status of Case

Presently, Exxon is appealing the punitive damages award for the third time. The Ninth Circuit Court of Appeals is expected to issue its decision on the appeal sometime later this year.

Ongoing Damage

Damage from Exxon Valdez oil continues to this day. According to the 2003 Status Report of the Exxon Valdez Oil Spill Trustee Council, more than fifteen different species and resources, as well as commercial fishing, recreation and tourism, and subsistence harvesting, have still not fully recovered; and the recovery of five resources is considered unknown.² Trustee Council-funded researchers with the National Marine Fisheries Service's Auke Bay Laboratory found beaches in Prince William Sound still contaminated in 2001. More oil was found than expected, especially in the subsurface; subsurface oil was less weathered and more toxic; and oil was found in the intertidal zone, closest to the zone of biological production. Other Trustee Council-funded research indicates that these remaining pockets of oil may be impeding the recovery of several species.

² Not recovering: common loon, cormorants, harbor seal, harlequin duck, Pacific herring, and pigeon guillemot. Recovering: clams, designated wilderness, intertidal communities, killer whale (AB pod), marbled murrelet, mussels, sea otter, and sediments. Recovery unknown: cutthroat trout, dolly varden, Kittlitz's murrelet, rockfish, subtidal communities.



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 566-2620
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 3, 2005

Representative Ralph Samuels, Co-Chair
House Resources Committee
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Samuels,

UFA represents thirty-one Alaska commercial fishing groups and hundreds of individual fishermen, crew members and related businesses.

United Fishermen of Alaska (UFA) supports HJR 9 as a meaningful statement from the State of Alaska to urge that the United States Congress respect the judicial process and refrain from enacting any legislation that would alter the punitive damages awarded to more than 32,000 plaintiffs as a result of the 1989 Exxon Valdez oil spill as finally determined by the federal courts.

The sixteen year delay in just compensation has prolonged the economic damage from the spill beyond justification. All reasonable positions in this sad episode have received due process in courts. Fishermen and communities should be compensated without any undue further delay.

We appreciate your consideration and encourage your support of HJR 9.

Sincerely,

Mark D. Vinsel
Executive Director

CC: Representative Gabrielle LeDoux

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Salmon Association United Southeast Alaska Gillnetters • Valdez Fisheries Development Association
Western Gulf of Alaska Fishermen

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Anchorage Daily News

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16 years later, pressure mounts to settle spill suit**EXXON VALDEZ: State, federal lawyers must decide by next summer whether to seek additional damages.**By TOM KIZZIA
Anchorage Daily News*(Published: February 27, 2005)*

State and federal officials in charge of spending Exxon Valdez oil spill settlement funds are pushing new efforts to reach "closure" on controversies about environmental damage posed by crude oil, some of which still lies buried in the sands of Prince William Sound.

Since the election of Gov. Frank Murkowski in 2002, the oil spill trustees have put some broader, long-range scientific projects on hold. Instead, the trustee council has directed Exxon settlement funds to studies of herring and other injured species in hopes of writing the final chapter on spill damage and the effects of so-called lingering oil.

A key piece of that work has been contracted to a private Seattle consulting firm that normally does much of its work for companies accused of pollution. Integral Consulting has \$850,000 in contracts to weigh conflicting studies by government and Exxon scientists and reach independent conclusions on the lingering spill impacts. A state lawyer said the firm is expected to have some answers by late summer or fall.

The change in priorities has drawn strong protests from public advisers and scientists, who say they don't know what's going on because the council has conducted little open discussion. Some critics say they fear the Murkowski and Bush administrations are eager to close the book on a resource-development public-relations mess.

TRUSTEE COUNCIL MISSION

The trustee council was formed to oversee restoration of the ecosystem damaged by the 1989 Exxon Valdez oil spill. The company tanker hit a charted reef and dumped a reported 11 million gallons of crude oil into Prince William Sound.

The oil spill trustees say they haven't been secretive. But under fire from their public advisory group, which approved a sharply critical resolution last month, they say they are trying harder to make their intentions plain. In recent interviews, several trustees said the new priorities are necessary in part to address the lingering oil, which only showed up in studies beginning in 2001.

"The lingering oil was something no one contemplated back in '89 when the spill happened," said Drue Pearce, the Alaska special assistant for the U.S. Department of the Interior, who holds a federal seat on the Exxon Valdez Oil Spill Trustee Council. Pearce said she visited a beach last summer with still-smelly oil buried in the sand and found it "astounding."

Pearce said findings of the Integral Consulting study will be important to state and federal lawyers, who must decide by the summer of 2006 whether to seek additional damages of up to \$100 million from the spiller, now known as Exxon Mobil. The 1991 settlement between Exxon and the state and federal governments included a short "reopener" period allowing new claims based on

environmental harm that was not foreseen at the time.

UNRESOLVED QUESTIONS

That litigation deadline aside, the trustees appear uncomfortable with having unresolved questions of environmental damage hover indefinitely over the Sound.

"Maybe (herring) will never recover. But we need to bring closure to that question," said Kurt Fredriksson, acting commissioner of the Department of Environmental Conservation and one of three state trustees. "We need to get restoration of those resources taken care of, or conclude that we cannot."

Scientists involved in past research have questioned the apparent change of direction, saying the new council members were ignoring years of scientific planning and recommendations from peer-review groups. Many were concerned that broader ecosystem research, considered by previous administrations the best way to examine long-term spill impacts, would eventually be canceled. The trustees have \$106 million left for scientific work from the \$900 million civil settlement paid by Exxon.

Trustees have recently assured them that the long-range work will continue after this pause, said Brenda Norcross, a University of Alaska marine science professor and co-chairwoman of the trustees' scientific advisory committee.

Critics also expressed concern over the Christmas-week firing of the trustee council's science director, Phil Mundy, who had helped build the oil research program.

"It's very difficult to get all the work done without a science director," Norcross said.

Mundy said he was given no reason except that his firing was ordered by Murkowski's office. Trustee council executive director Gail Phillips said she could not discuss the decision because it was a confidential personnel matter.

SKEPTICISM ABOUNDS

The council's actions were viewed warily by the advisory committee set up under the settlement to ensure public involvement in how the funds are spent. In January, the committee passed a resolution branding council actions last August secret and illegal, and calling on the council to reconsider its work plan, this time in public.

"I think the controversy is more the secrecy of how they are doing it," said committee member Pat Lavin of the National Wildlife Federation. "We think it's pretty clear the council violated its own procedures."

Lavin and others say the push for new priorities has come largely from trustees representing the state.

Some question giving the important job of summarizing past research to an independent firm, like Integral Consulting.

"They're a complete outsider to this. I don't think they've got the history to make the judgment," said Stan Senner, a longtime science coordinator for the trustee council who is now executive director of Audubon Alaska.

But Craig Tillery, an assistant attorney general for the state who has been involved in the oil spill since the tanker hit Bligh Reef, said it's the right time for an independent summary.

"You've got these disparate studies. You don't have an analysis," Tillery said.

Stacy Studebaker, a Kodiak environmentalist who has served nine years on the public advisory committee, is suspicious.

"I think there's a mandate on the state trustees to get this thing over with, to tidy things up," Studebaker said. "They're trying to clean up a PR mess with Exxon."

But her fellow committee member Lavin said the focus on answering the big remaining questions seems to make sense.

"It's exactly what they should be doing," he said. "My great fear is that, voila, the studies show that everything's great. But I have no reason to think that will happen."

LONG-TERM PROJECTS

The trustee council, made up of six top bureaucrats from the federal and state governments, has spent \$375 million on buying and protecting habitat, \$176 million to reimburse governments for spill response costs, and \$173 million on scientific studies.

By the spill's 10-year anniversary in 1999, with echoes of the Exxon Valdez catastrophe growing fainter, officials and science advisers were turning attention to planning long-term projects under the umbrella of the so-called Gulf Ecosystem Monitoring Program, or GEM. In 2002, most of the remaining money, around \$87 million, was set aside for GEM studies looking at long-range spill impacts in the context of broader changes in the North Pacific. The council now spends between \$3 million and \$5 million a year on various studies.

The Bush-Murkowski council began to change course in 2004. An August decision to turn down funding for some GEM projects drew a stern complaint from University of Alaska president Mark Hamilton. He said the council had ignored recommendations of staff and science advisers in rejecting high-ranked projects by university scientists while funding so many that had been recommended against.

"Violation of the practices and tenets of science sponsorship which have for generations guided successful research in this country -- including peer review, openness, and transparency -- puts at risk the scientific credibility of not only yourselves as trustees, but the organizations you represent," Hamilton wrote the trustees last September.

The state trustees responded with a stout defense of their prerogative, saying their "highest priority" was projects with "the most direct and immediate restoration effects" on damaged resources and lost services. "While some disappointment is expected among investigators whose projects did not receive funding, no reasonable person should conclude a conspiracy exists in the process or a mystery surrounds our decisions," the state trustees wrote to Hamilton.

Studebaker came back with a newspaper column saying the council didn't need to rubber-stamp projects but did need to explain its reasons. Its failure to do so in August had been "a stick in the eye" to those trying to keep public the often-politicized science surrounding the Exxon Valdez spill, she said.

Trustee council members are now going further to explain their thinking, saying the attention to

assessing and restoring damage is essential under the council's 1994 work plan.

"From where I sit, it was a nicety that we jumped to too quickly," DEC's Fredriksson said of the GEM program. "We hadn't completed the restoration work that had to be done."

He said an assessment of resource recovery hadn't been made since 2002. At that point, five species and several other resources were listed as still recovering, while eight species were listed as "not recovering."

The apparent shift in priorities makes some sense to one prominent oil industry critic, Rick Steiner, a marine biologist at the University of Alaska Anchorage. Steiner, who has pushed government officials to stay focused on restoring the Sound, said it is important for the council to not allow its endowment to become a "cash cow" for general scientific research.

Steiner said he's worried, however, that the Bush and Murkowski administration appear hostile to reopening spill litigation around continuing effects of the spill, which he contends go far beyond sheens leaching into the water from buried oil. He said debating the larger questions in court could reflect badly on their efforts to open other areas to oil drilling.

"The last thing they want is discussion of 15-year long-term damage we didn't expect," Steiner said.

CONFLICTING INTERESTS?

An example of these conflicting interests, cited by Steiner and others, is that Phillips, who made \$105,000 last year as the trustee council's executive director, has played a prominent role in Arctic Power, the group promoting oil development in the Arctic National Wildlife Refuge. Last year, Phillips was Arctic Power's co-chairman. She recently resigned the leadership position because of the complaints, she said, though she remains on the group's board.

"In my mind, it was never a conflict because I had been doing it for so long," said Phillips, a former state House speaker and candidate for lieutenant governor. "But I could understand where people could have thought it was."

Phillips said the question of whether to reopen the spill case is up to state and federal lawyers, not the trustee council.

Tillery, the assistant attorney general, said government lawyers are seriously exploring the potential for a reopener. He would not comment further.

It was Steiner who obtained secret trustee council documents in 2003 outlining the possibilities for reopening the case at that point. The documents, featured in a subsequent story in the Wall Street Journal, detailed growing scientific concern over lingering oil and cited unanticipated damage to pink salmon, sea otters, mussels and harlequin ducks.

"Much, if not all, of the information upon which a claim would be made is generated by the Trustee Council's restoration program," wrote Molly McCammon, Phillips' predecessor, in one of the secret memos.

That was then. Now, said Pearce, vital information for making any such claim is likely to be drawn from the analytical study of lingering oil and damaged resources by Seattle-based Integral Consulting.

INTEGRAL CONSULTING STUDY

The national consulting firm was first recommended to the state for spill restoration work by Murkowski's first DEC commissioner, Ernesta Ballard, who served as a spill trustee until resigning last year. Ballard said this month she had worked with Integral on a project for the Ketchikan Pulp Co. before joining state government.

According to the company's Web site, Integral is a specialist in polluted sediments and does much of its work for private companies accused of spills -- "potential responsible parties," in the legal term. Integral has also been involved in cleanup for government agencies such as the Port of Seattle, its Web site said.

The company reported at a January symposium that initial findings show the buried oil continues to leach into the environment, but most of the resources "currently" classified as injured are not exposed to it, Integral's Web site said.

Several calls to Integral officials handling the Alaska project were not returned.

Trustee council meetings are known for the jaw-dropping tedium of discussions about scientific appropriations of tens of thousands of dollars. So it was all the more surprising that there was little discussion on March 1, 2004, when the council returned from a lunchtime executive session and voted to give \$1.5 million to the state Department of Law for research "to fill in gaps related to lingering oil."

The motion was made by Jim Balsiger, Alaska administrator for the National Marine Fisheries Service, with little discussion, other than to specify that the department should work with federal agencies and with Integral Consulting. Ballard seconded.

Assistant attorney general Tillery spoke briefly in support, saying the lingering oil was "a cloud hanging over us of unfinished business," according to a transcript of the trustee council meeting.

Integral later received a \$200,000 contract to study sediments and a \$650,000 contract to analyze the lingering oil data and provide a fresh assessment of how species have recovered. The latter contract also calls for recommendations on monitoring and treatment of old oil, as well as "effective communication" to the public of the technical results.

CONFUSION LINGERS

Public confusion about the state's intentions has not been helped by turnover among the Murkowski administration trustees. In addition to Ballard, who left last October to become a senior vice president for the forest products giant Weyerhaeuser, Fish and Game Commissioner Kevin Duffy resigned at the end of the year to head the factory trawlers association. Now the third trustee, Attorney General Gregg Renkes, has resigned amid conflict of interest allegations involving a coal technology company.

Fredriksson said the spill trustees sought to explain themselves with a passage in their annual report released this month, which Phillips read aloud when asked about the changes:

"Over the next eighteen months, the Council has determined the need to realign priorities and restorative activities, placing focus on critical work required to reach closure in areas of restoration related to lingering oil and injured species."

The trustees also acceded to a request from public advisory committee members for more

dialogue, Phillips said. The next council meeting, scheduled for June in Cordova, will include time for an unprecedented back-and-forth conversation with committee members, she said.

"I think most of the trustees would agree we haven't done as great a job of communicating with our PAC as we might," Pearce said.

Reporter Tom Kizzia can be reached at tkizzia@adn.com or in Homer at 1-907-235-4244.

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Statement in Support of House Resolution re: Exxon

To whom it may concern:

Before the 3/24/89 Exxon Valdez oil spill, 43 U.S.C. Sec. 1653 established a Trans-Alaska Pipeline Liability Fund (TAPLF), by which vessel owners and operators, if they spilled oil that had passed through the Alaska pipeline were strictly liable for damages from the discharge, up to \$100,000,000.

When the spill occurred on 3/24/89, plaintiffs looked to the Fund as one source of money to pay damages, but brought our primary litigation claims in state and federal court, arguing that state statutes, state common law theories (such as negligence, trespass and nuisance), and federal admiralty law all gave claimants (fishermen, municipalities, businesses, landowners, etc) rights of action. We were aware then that 43 U.S.C. Sec. 1653 (c)(9) said specifically that the law that established the Fund "shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements," and thus assumed that the existence of the Fund legislation, and the Fund itself, should not bar, or hold back our claims.

With increased federal interest in legislation after the spill (which ultimately resulted in OPA 90), we were very concerned that the industry would try to interfere with what we viewed as our non-Fund existing remedies. We were able to secure a special section in OPA that said, "Nothing in this title shall apply to any cause of action or right of recovery arising from any incident which occurred prior to August 18, 1990. Such claims shall be adjudicated pursuant to the law applicable at the date of the incident. 33 U.S.C. Sec. 2717(e)." OPA also added some good language that we fought for, (and which applied both to future spills and retroactively to our case), relating to the right of a municipality or state to recover for additional public services (like police and fire services) after a spill, which language countered a legal doctrine based on a case called Flagstaff which said that such costs were not recoverable, but had to be passed through to taxpayers, and also permitting states and municipalities to recover for lost revenues, such as taxes.

As we were pursuing our federal and state claims after the passage of OPA 90, Exxon argued in federal court to Judge Holland that all of those claims had to be pursued first before the Liability Fund, even though section 1653 (c)(9) said specifically that it "shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements."

In 1992, when it appeared that Judge Holland might require us to present all the claims first to the TAPLF before we could proceed on our other claims in federal court, we asked for an amendment to the TAPLF legislation which would clarify that the Fund was not the exclusive arbiter of damages from oil spills. Exxon and other oil companies opposed the legislation as it was inconsistent with their position in court that at the very least we had to exhaust remedies with the Fund before we could pursue court claims.

Matt Jamin
Jamin, Ebell, Schmitt & Mason

Natural Resource Damages: A Primer

Introduction

The purpose of this primer is to define Natural Resource Damage (NRD) concepts and terms, and discuss the following topics as they relate to NRD: the authority under which NRD are assessed; the definition of natural resources; the role of EPA; the designation of Natural Resource Trustees; and the conduct of natural resource damage assessments (NRDAs) and restorations. **Although impacts to natural resources may be addressed under other statutory authorities, this site focuses on provisions under CERCLA or OPA.**

Natural resource injuries may occur at sites as a result of releases of hazardous substances or oil. Trustees use NRDAs to assess injury to natural resources held in the public trust. This is an initial step toward restoring injured resources and services and toward compensating the public for their loss.

CERCLA and OPA Statutory Authority

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) provides a comprehensive group of authorities focused on one main goal: to address any release, or threatened release, of hazardous substances, pollutants, or contaminants that could endanger human health and/or the environment. CERCLA's response provisions focus on the protection of human health and the environment. The statute also provides authority for assessment and restoration of natural resources that have been injured by a hazardous substance release or response.

The Oil Pollution Act (OPA) was enacted in reaction to the Exxon Valdez oil spill and provides authority for oil pollution liability and compensation as well as for the Federal government to direct and manage oil spill cleanups. Similar to CERCLA, OPA contains authorities to allow the assessment and restoration of natural resources that have been contaminated by the discharge, or threatened discharge, of oil.

Natural Resources Defined

Both CERCLA and OPA define "natural resources" broadly to include "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources..." Both statutes limit "natural resources" to those resources held in trust for the public, termed Trust Resources. While there are slight variations in their definitions, both CERCLA and OPA state that a "natural resource" is a resource "belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by" the United States, any State, an Indian Tribe, a local government, or a foreign government [CERCLA §101(16); OPA §1001(20)].

NRD are for injury to, destruction of, or loss of natural resources, including the reasonable costs of a damage assessment [CERCLA §§101(6); 107(a)(4)(C); OPA §§1001(5); 1002(b)(2)]. The measure of damages is the cost of restoring injured resources to their baseline condition, compensation for the interim loss of injured resources pending recovery, and the reasonable cost of a damage assessment [43 CFR Part 11 ; 15 CFR Part 990].

EPA's Role: Notification and Coordination

EPA is not a Natural Resource Trustee, nor is it authorized to act on behalf of Natural Resource Trustees. Rather, under CERCLA and OPA, EPA shares with the U.S. Coast Guard the general responsibility for investigating and responding to contamination by hazardous substances or oil. The Coast Guard is primarily responsible for contamination involving the coastal zone including all U.S. waters subject to the tide, the Great Lakes, and deepwater ports. EPA is primarily responsible for contamination on land and inland waters.

Natural Resource Trustees

Under both CERCLA and OPA, responsibility for protection of natural resources falls with Federal, State, and Tribal Trustees. This is because no one individual "owns" a natural resource; rather, they are held in trust for the public.

Both CERCLA and OPA provide authority for designated Trustees to act as Natural Resource Trustees on behalf of the public. In both CERCLA and OPA, certain Federal, State, and Indian Tribe officials can be designated as Trustees. However, under OPA foreign governments can also choose officials to act as Trustees.

Trustees have been given responsibility for restoring injured natural resources. The two major areas of Trustee responsibility under CERCLA and OPA are:

- * Assessment of injury to natural resources; and**
- * Restoration of natural resources injured or services lost due to a release or discharge.**

To meet these responsibilities, both statutes provide several mechanisms. The Trustees can either:

- * Sue in court to obtain compensation from the potentially responsible parties (PRPs) for NRD and the costs of assessment and restoration planning; or**
- * Conduct assessments or restorations in accordance with certain standards specified by the Federal government and file a claim for reimbursement from the Trust Fund established under OPA; or**
- * Participate in negotiations with PRPs to obtain PRP-financed or PRP-conducted assessments and restorations of NRD.**

Details about these statutory tools can be found in NRD Related Statutory Information.

NRD Assessments

One of the primary responsibilities of Trustees under both CERCLA and OPA is to assess the extent of injury to a natural resource and determine appropriate ways of restoring and compensating for that injury. A natural resource damage assessment (NRDA) is the process of collecting, compiling, and analyzing information to make these determinations. Trustees have the option of using the methodologies prescribed by the Department of the Interior (DOI), 43 CFR Part 11, or the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), 15 CFR Part 990. The DOI regulations are to assess NRD under CERCLA, while the NOAA methodologies are applicable for NRDA's under OPA. NRDA's are underway in a variety of locations; many of which involve one or more Superfund sites.

The overall intent of the assessment regulations is to determine appropriate restoration and compensation for injuries to natural resources. If a Federal or State Trustee goes into Federal court and sues a potentially responsible party (PRP) for NRD under CERCLA, an assessment done in accordance with the DOI regulations is given the force and effect of a "rebuttable presumption" [CERCLA §107(f)(2)(C)]. If a Federal, State, or Tribal Trustee sues a PRP for NRD under OPA, an assessment done in accordance with the NOAA regulations is given a rebuttable presumption [OPA §1006(e)(2)]. This means that the burden of persuasion in court shifts to the PRP. It will be the task of the PRP to disprove the Trustee's assessment.

NRD Restorations

Under CERCLA, monies recovered from an NRD claim are to be used only for restoration or replacement of the injured natural resource, or for acquisition of an equivalent resource (hereinafter called "restoration" unless otherwise noted) [CERCLA §107(f)(1)]. Under OPA, recovered sums are to be used only to reimburse or pay costs incurred by the Trustee with respect to the natural resources [OPA §1006(f)]; these include costs incurred while conducting NRDA's and developing and implementing plans for "the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources" [OPA §1006(c)]. **Any amount in excess of these costs must be deposited in the Oil Spill Liability Fund [OPA §1006(f)].**

Restoration actions are principally designed to return injured resources to baseline conditions, but may also compensate the public for the interim loss of injured resources from the onset of injury until baseline conditions are re-established. Restoration activities have been successfully completed at several sites.

Natural Resource Trustees are required to develop and implement plans for the restoration of natural resources. The Trustee's plans form the basis of calculating NRD for court actions or claims against the OPA Trust Fund [OPA §§1006(c), (d)(1)-(2), 1012(a)(2)].