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SENATE

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1 **Sec. 47.32.170. Criminal penalty.** A person who intentionally or with
2 criminal negligence violates a provision of this chapter or a regulation adopted under
3 this chapter related to the health and safety of persons served by an entity required to
4 comply with this chapter is guilty of a class B misdemeanor.

5 **Sec. 47.32.180. Confidentiality; release of certain information.** (a) Except
6 as otherwise provided by law, the following are confidential and may not be disclosed
7 to the public without a court order: complaints; investigations; inspections; records
8 related to a complaint, investigation, or inspection; and the identity of a complainant
9 and of individuals receiving services from an entity.

10 (b) With the exception of information that identifies a complainant or a
11 recipient of services from an entity, a copy of the department's report of investigation
12 or inspection under AS 47.32.120, an entity's written response to the report, and
13 information regarding any department imposition of an enforcement action under
14 AS 47.32.130 or 47.32.140 are public records under AS 40.25. The department shall
15 make this information available to the public for inspection and copying within
16 timeframes specified in AS 40.25 or regulations adopted under AS 40.25 after the

17 (1) entity receives its copy of the report of investigation under
18 AS 47.32.120, if the department has determined that an enforcement action under AS
19 47.32.130 or 47.32.140 will not be taken regarding the entity;

20 (2) department's notice of enforcement action under AS 47.32.130 or
21 47.32.140 becomes a final administrative order without a hearing under
22 AS 47.32.130(c) or 47.32.140(i); or

23 (3) issuance of a decision following a hearing under AS 47.32.150.

24 **Sec. 47.32.190. Access to information.** Notwithstanding any contrary
25 provision of law, the divisions of the department assigned public health and public
26 assistance functions shall have access to any information compiled or retained by
27 other divisions within the department, regardless of the nature of the information or
28 whether the information is considered confidential, in order to assist in administering
29 the provisions of this chapter.

30 **Sec. 47.32.200. Notice of changes from an entity.** (a) An entity shall
31 provide the department with written notice of a change of mailing address at least 14

1 days before the effective date of the change.

2 (b) An entity shall notify the department within 24 hours after having
3 knowledge that an administrator, employee, volunteer, or household member, as
4 required by the type of entity under department regulations, has been

5 (1) convicted ^c, has been charged by information or complaint with,
6 or is under indictment or presentment for an offense listed in regulations adopted
7 under AS 47.05.310 or a law or ordinance of this or another jurisdiction with similar
8 elements; or

9 (2) found to have neglected or abused a child as described in AS 47.10.

10 (c) An entity shall notify the department within 24 hours after having
11 knowledge of any allegation or suspicion of abuse, neglect, or misappropriation of
12 money or other property of an individual receiving services from the entity. The entity
13 shall conduct an investigation and make a written report to the department within five
14 days following notification to the department under this subsection.

15 (d) Not less than 20 days before the effective date of a decision to relinquish
16 the entity's license, the entity shall notify the department of the decision.

17 (e) Not more than one day after signing a contract for sale of the licensed
18 entity, the entity shall notify the department of the sale.

19 (f) Not less than 30 days before an entity wishes to change the location of the
20 entity, the entity shall notify the department of the change.

21 **Sec. 47.32.900. Definitions.** In this chapter,

22 (1) "ambulatory surgical center" means a facility that

23 (A) is not a part of a hospital or a physician's general medical
24 practice; and

25 (B) operates primarily for the purpose of providing surgical
26 services to patients who do not require hospitalization;

27 (2) "assisted living home"

28 (A) means a residential facility that serves three or more adults
29 who are not related to the owner by blood or marriage, or that receives state or
30 federal payment for services regardless of the number of adults served; the
31 department shall consider a facility to be an assisted living home if the facility

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- (i) provides housing and food services to its residents;
 - (ii) offers to provide or obtain for its residents assistance with activities of daily living; or
 - (iii) provides or offers any combination of these services;
- (B) does not include
- (i) a correctional facility;
 - (ii) an emergency shelter;
 - (iii) a program licensed under AS 47.10.310 for runaway minors;
 - (iv) a type of entity listed in AS 47.32.010(b)(5), (8), (9), (10), (11), or (12);
- (3) "child placement agency" means an agency that arranges for placement of a child
- (A) in a foster home, residential child care facility, or adoptive home; or
 - (B) for guardianship purposes;
- (4) "commissioner" means the commissioner of health and social services;
- (5) "department" means the Department of Health and Social Services;
- (6) "entity" means an entity listed in AS 47.32.010(b);
- (7) "foster home" means a place where the adult head of household provides 24-hour care on a continuing basis to one or more children who are apart from their parents;
- (8) "free-standing birth center" means a facility that is not a part of a hospital and that provides a birth service to maternal clients;
- (9) "frontier extended stay clinic" means a rural health clinic that is authorized to provide 24-hour care to one or more individuals;
- (10) "home health agency" means a public agency or private organization, or a subdivision of a public agency or private organization, that primarily engages in providing skilled nursing services in combination with physical

1 therapy, occupational therapy, speech therapy, or services provided by a home health
2 aide to an individual in the individual's home, an assisted living home, or another
3 residential setting; in this paragraph:

4 (A) "public agency" means an agency operated by the state or a
5 local government;

6 (B) "subdivision" means a component of a multi-function
7 facility or home health agency, such as the home health care division of a
8 hospital or the division of a public agency, that independently meets the
9 requirements for licensure as a home health agency;

10 (11) "hospice" or "agency providing hospice services or operating
11 hospice programs" means a program that provides hospice services;

12 (12) "hospice services" means a range of interdisciplinary palliative
13 and supportive services

14 (A) provided in a home or at an inpatient facility to persons
15 who are terminally ill and to those persons' families in order to meet their
16 physical, psychological, social, emotional, and spiritual needs; and

17 (B) based on hospice philosophy; for purposes of this
18 subparagraph "hospice philosophy" means a philosophy that is life affirming,
19 recognizes dying as a normal process of living, focuses on maintaining the
20 quality of remaining life, neither hastens nor postpones death, strengthens the
21 client's role in making informed decisions about care, and stresses the delivery
22 of services in the least restrictive setting possible and with the least amount of
23 technology necessary by volunteers and professionals who are trained to help a
24 client with the physical, social, psychological, spiritual, and emotional issues
25 related to terminal illness so that the client can feel better prepared for the
26 death that is to come;

27 (13) "hospital" means a public or private institution or establishment
28 devoted primarily to providing diagnosis, treatment, or care over a continuous period
29 of 24 hours each day for two or more unrelated individuals suffering from illness,
30 physical or mental disease, injury or deformity, or any other condition for which
31 medical or surgical services would be appropriate; "hospital" does not include a

1 frontier extended stay clinic;

2 (14) "intermediate care facility for the mentally retarded" has the
3 meaning given in 42 C.F.R. 440.150;

4 (15) "licensed entity" means an entity that has a license issued under
5 this chapter;

6 (16) "maternity home" means a place of residence the primary function
7 of which is to give care, with or without compensation, to pregnant individuals,
8 regardless of age, or that provides care, as needed, to mothers and their newborn
9 infants;

10 (17) "nursing facility" means a facility that is primarily engaged in
11 providing skilled nursing care and related services for those who, because of their
12 mental or physical condition, require care and services above the level of room and
13 board; "nursing facility" does not include a facility that is primarily for the care and
14 treatment of mental diseases;

15 (18) "residential child care facility" means a place, staffed by
16 employees, where one or more children who are apart from their parents receive 24-
17 hour care on a continuing basis;

18 (19) "residential psychiatric treatment center" means a secure or semi-
19 secure facility, or an inpatient program in another facility, that provides, under the
20 direction of a physician, psychiatric diagnostic, evaluation, and treatment services on a
21 24-hour-a-day basis to children with severe emotional or behavioral disorders;

22 (20) "runaway shelter" means a facility housing a runaway child;

23 (21) "rural health clinic"

24 (A) means a facility or clinic that is authorized to provide
25 health care services and is located in a rural area;

26 (B) includes a frontier extended stay clinic;

27 (C) does not include a rehabilitation agency or a facility
28 primarily for the care and treatment of mental diseases.

29 * Sec. 36. AS 47.32.010, added by sec. 35 of this Act, is amended by adding a new
30 subsection to read:

31 (c) The provisions of AS 47.05.300 - 47.05.390, regarding criminal history,

1 criminal history checks, criminal history use standards, and a centralized registry,
2 apply to entities listed in (b) of this section, as provided in AS 47.05.300.

3 * Sec. 37. AS 47.33.010 is amended to read:

4 **Sec. 47.33.010. Applicability.** (a) Except as provided in (c) of this section,
5 this chapter applies to residential facilities operated in the state that serve three or
6 more adults who are not related to the owner of the facility by blood or marriage by

7 (1) providing housing and food service to its residents; and

8 (2) providing or obtaining, or offering to provide or obtain for its

9 residents

10 (A) assistance with the activities of daily living;

11 (B) personal assistance; or

12 (C) a combination of services under (A) and (B) of this

13 paragraph.

14 (b) Notwithstanding (a) of this section, this chapter does not apply to

15 (1) a correctional facility;

16 (2) a facility for treatment of alcoholism that is regulated under

17 AS 47.37;

18 (3) an emergency shelter;

19 (4) a medical facility, including a nursing home, licensed under

20 AS 47.32 [AS 18.20];

21 (5) a program for runaway minors licensed under AS 47.10.310; or

22 (6) a maternity home licensed under AS 47.32 [AS 47.35].

23 * Sec. 38. AS 47.33.070(a) is amended to read:

24 (a) An assisted living home shall maintain, for each resident of the home, a
25 file that includes

26 (1) the name and birth date, and, if provided by the resident, the social
27 security number of the resident;

28 (2) the name, address, and telephone number of the resident's closest
29 relative, service coordinator, if any, and representative, if any;

30 (3) a statement of what actions, if any, the resident's representative is
31 authorized to take on the resident's behalf;

- 1 (4) a copy of the resident's assisted living plan;
- 2 (5) a copy of the residential services contract between the home and
- 3 the resident;
- 4 (6) a notice, as required under AS 47.33.030, regarding the depository
- 5 in which the resident's advance payment money is being held;
- 6 (7) written acknowledgment by the resident or the resident's
- 7 representative that the resident has received a copy of and has read, or has been read
- 8 the
- 9 (A) resident's rights under AS 47.33.300;
- 10 (B) resident's right to pursue a grievance under AS 47.33.340;
- 11 (C) resident's right to protection from retaliation under
- 12 AS 47.33.350;
- 13 (D) provisions of AS 47.32.160 [AS 47.33.510], regarding
- 14 immunity; and
- 15 (E) home's house rules;
- 16 (8) an acknowledgment and agreement relating to home safekeeping
- 17 and management of the resident's money, as required by AS 47.33.040;
- 18 (9) a copy of the resident's living will, if any, or an advance health care
- 19 directive made under AS 13.52, if any; and
- 20 (10) a copy of a power of attorney or other written designation,
- 21 including an advance health care directive made under AS 13.52, of an agent,
- 22 representative, or surrogate by the resident.

23 * **Sec. 39.** AS 47.40.021 is amended to read:

24 **Sec. 47.40.021. Licensing and supervision.** Facilities providing services that

25 are purchased by the department under AS 47.40.011 - 47.40.091 [.] shall, if required

26 by the department, be licensed and supervised under AS 47.32 [AS 47.35].

27 * **Sec. 40.** AS 47.40.110 is amended to read:

28 **Sec. 47.40.110. Licensing and supervision.** A person providing services

29 purchased by the Department of Health and Social Services under AS 47.40.100 -

30 47.40.120 shall, if required to be licensed under AS 47.32 [AS 47.35], be licensed and

31 supervised in the same manner as foster homes and maternity homes under AS 47.32

1 [AS 47.35].

2 * Sec. 41. AS 47.55.010(d) is amended to read:

3 (d) The department may employ the necessary subordinate officers and
4 employees, and shall prescribe methods for operation of the homes, standards of care
5 and service to home residents, and rules governing personnel. The methods for
6 operation and standards of care and services to residents prescribed under this
7 subsection shall be the same as the methods for operation and standards of care
8 established by the department for an assisted living home licensed under AS 47.32
9 [AS 47.33].

10 * Sec. 42. AS 47.62.090(2) is amended to read:

11 (2) "long term care facility" means an assisted living home, as defined
12 in AS 47.32.900, [THAT IS REQUIRED TO BE LICENSED UNDER AS 47.33] and
13 a nursing facility, [HOME] as defined in AS 47.32.900 [AS 08.70.180];

14 * Sec. 43. AS 47.80.140 is repealed and reenacted to read:

15 **Sec. 47.80.140. Licensing and certificates of need.** (a) A person may not
16 establish or operate a residential facility until the facility has been licensed under
17 AS 47.32.

18 (b) A certificate of need is required as a prerequisite for the licensing of a
19 residential facility established after July 1, 1978, and not otherwise provided for in
20 AS 18.07.031 - 18.07.111. A certificate shall be issued and regulated in the same
21 manner as provided in AS 18.07.031 - 18.07.111 for certificates of need for health
22 care facilities. This subsection does not apply to an assisted living home licensed
23 under AS 47.32.

24 * Sec. 44. AS 14.43.148(h)(1)(B)(iii) is repealed.

25 * Sec. 45. AS 18.05.040(a)(10); AS 18.18.005, 18.18.010, 18.18.020, 18.18.030,
26 18.18.040, 18.18.100, 18.18.200, 18.18.300, 18.18.310, 18.18.320, 18.18.330, 18.18.340,
27 18.18.350, 18.18.390, 18.18.410, 18.18.420, 18.18.430, 18.18.440, 18.18.450, 18.18.460,
28 18.18.470, and 18.18.490 are repealed.

29 * Sec. 46. AS 18.20.010, 18.20.020, 18.20.030, 18.20.040, 18.20.050, 18.20.060,
30 18.20.070, 18.20.090, 18.20.110, 18.20.120, 18.20.130(2), 18.20.230, 18.20.240, 18.20.250,
31 18.20.260, and 18.20.302 are repealed.

1 * **Sec. 47.** AS 44.62.330(a)(15), 44.62.330(a)(17), and 44.62.330(a)(41) are repealed.

2 * **Sec. 48.** AS 44.64.030(a)(15), 44.64.030(a)(16), 44.64.030(a)(33), and 44.64.030(a)(34)
3 are repealed.

4 * **Sec. 49.** AS 47.33.100, 47.33.400, 47.33.410, 47.33.420, 47.33.430, 47.33.500,
5 47.33.510, 47.33.520, 47.33.530, 47.33.540, 47.33.550, 47.33.560, 47.33.570, 47.33.910,
6 47.33.920, 47.33.990(8), 47.33.990(11), and 47.33.990(14) are repealed.

7 * **Sec. 50.** AS 47.35.005, 47.35.010, 47.35.015, 47.35.017, 47.35.019, 47.35.021,
8 47.35.022, 47.35.023, 47.35.025, 47.35.027, 47.35.029, 47.35.033, 47.35.037, 47.35.039,
9 47.35.043, 47.35.045, 47.35.047, 47.35.048, 47.35.085, 47.35.105, 47.35.110, 47.35.120,
10 47.35.130, 47.35.132, 47.35.140, 47.35.800, 47.35.810, 47.35.820, and 47.35.900 are
11 repealed.

12 * **Sec. 51.** AS 47.37.270(2) and 47.37.270(3) are repealed.

13 * **Sec. 52.** The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 **APPLICABILITY REGARDING CERTAIN SECTIONS; DEPARTMENT ACTION.**

16 (a) The changes made by secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act apply
17 to

18 (1) applications or requests submitted within the 90 days before, or submitted
19 on or after, the effective dates of sec. 35 of this Act for initial licensure, certification, or other
20 approval of an entity listed in AS 47.32.010(b), enacted by sec. 35 of this Act; and

21 (2) applications submitted within the 90 days before, or submitted on or after,
22 the effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act for renewal
23 of a license issued before the effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 -
24 51 of this Act under a statute repealed or amended by this Act, and regarding a type of entity
25 listed in AS 47.32.010(b), enacted by sec. 35 of this Act.

26 (b) The Department of Health and Social Services may not make a final determination
27 regarding an application or request described in (a) of this section earlier than the effective
28 date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act.

29 * **Sec. 53.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY REGARDING SEC. 20 OF THIS ACT; DEPARTMENT**

1 ACTION. (a) The changes made by sec. 20 of this Act apply to

2 (1) applications or requests submitted within the 30 days before, or submitted
3 on or after, the effective date of sec. 20 of this Act for initial licensure, certification, or other
4 approval or selection as any of the following:

5 (A) an entity or individual service provided that is subject to
6 AS 47.05.300 - 47.05.390, enacted by sec. 20 of this Act;

7 (B) an entity listed in AS 47.32.010(b), enacted by sec. 35 of this Act,
8 that is not described in (A) of this paragraph; and

9 (2) applications or requests submitted within the 30 days before, or submitted
10 on or after, the effective date of sec. 20 of this Act, for renewal of a license, certification, or
11 other approval or selection for an entity or individual service provider that is subject to
12 AS 47.05.300 - 47.05.390, enacted by sec. 20 of this Act.

13 (b) The Department of Health and Social Services may not make a final determination
14 regarding an application or request described in (a) of this section earlier than the effective
15 date of sec. 20 of this Act.

16 (c) In this section,

17 (1) "entity" includes an entity subject to AS 47.05.300 - 47.05.390, enacted by
18 sec. 20 of this Act, and an entity listed in AS 47.32.010(b), enacted by sec. 35 of this Act, that
19 is not subject to AS 47.05.300 - 47.05.390, enacted by sec. 20 of this Act;

20 (2) "individual service provider" has the meaning given in AS 47.05.390,
21 enacted by sec. 20 of this Act.

22 * Sec. 54. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: CURRENTLY LICENSED OR APPROVED FACILITIES. (a)
25 Notwithstanding AS 47.32.020, enacted by sec. 35 of this Act, a facility that is a type of entity
26 listed in AS 47.32.010(b), enacted by sec. 35 of this Act, and that on the effective date of secs.
27 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act is being operated under a valid license
28 or under an approval issued by the department under a statute repealed or amended by this
29 Act, may continue to be operated under that license or approval as provided in this section.

30 (b) References to AS 47.32 in the following sections are interpreted to include, until
31 June 30, 2006, the relevant former licensing provision repealed in this Act:

- 1 (1) AS 11.61.195(a), as amended by sec. 4 of this Act;
- 2 (2) AS 11.61.220(a), as amended by sec. 5 of this Act;
- 3 (3) AS 25.27.244(s)(2), as amended by sec. 14 of this Act;
- 4 (4) AS 47.05.010, as amended by sec. 18 of this Act;
- 5 (5) AS 47.05.055(a), as amended by sec. 19 of this Act;
- 6 (6) AS 47.10.141(b), as amended by sec. 21 of this Act;
- 7 (7) AS 47.10.392, as amended by sec. 22 of this Act;
- 8 (8) AS 47.10.399(2), as amended by sec. 23 of this Act;
- 9 (9) AS 47.10.990, as amended by secs. 24 and 25 of this Act;
- 10 (10) AS 47.24.013(a), as amended by sec. 27 of this Act;
- 11 (11) AS 47.24.017(d), as amended by sec. 28 of this Act;
- 12 (12) AS 47.25.071(b), as amended by sec. 29 of this Act;
- 13 (13) AS 47.25.095(2), as amended by sec. 30 of this Act;
- 14 (14) AS 47.25.095(4), as amended by sec. 31 of this Act;
- 15 (15) AS 47.25.195(f)(1), as amended by sec. 32 of this Act;
- 16 (16) AS 47.30.915(5), as amended by sec. 33 of this Act;
- 17 (17) AS 47.31.100(4), as amended by sec. 34 of this Act;
- 18 (18) AS 47.33.070(a), as amended by sec. 38 of this Act; and
- 19 (19) AS 47.55.010(d), as amended by sec. 41 of this Act.

20 (c) Until renewal or expiration of a current license under (d) or (e) of this section, the
21 requirements and standards, including department oversight, monitoring, and enforcement
22 actions, regarding operation of a facility that is authorized to continuing operating under this
23 section are those that were in effect in statute or regulation on the day before the effective date
24 of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act.

25 (d) Unless the terms of the facility's current license provide for an earlier expiration
26 date, and unless an enforcement action taken by the department as provided in (c) of this
27 section affects the validity of the current license, the expiration date of the current license of a
28 facility described in (a) of this section is June 30, 2006.

29 (e) Application for license renewal must be made under AS 47.32.060, enacted by
30 sec. 35 of this Act, by the date required by that statute, for a facility described in (a) of this
31 section for which renewal of licensure is desired before expiration of the facility's current

1 license. For purposes of renewal of a license under this subsection and AS 47.32.060, enacted
2 by sec. 35 of this Act, the current license for the facility is considered to be a biennial license
3 under AS 47.32.

4 (f) In this section,

5 (1) "current license" means a license or approval described in (a) of this
6 section;

7 (2) "department" means the Department of Health and Social Services.

8 * Sec. 55. The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 TRANSITION: CERTAIN APPLICATIONS PENDING FOR MORE THAN 90
11 DAYS. (a) An application for licensure or approval regarding a facility that is a type of
12 entity listed in AS 47.32.010(b), enacted by sec. 35 of this Act, that was submitted more than
13 90 days before the effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this
14 Act under a statute repealed or amended by this Act and that is pending department action on
15 the effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act shall
16 continue to be processed, and either granted or denied, by the department under the applicable
17 statutes and regulations that were in effect on the day before the effective date of secs. 1 - 15,
18 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act.

19 (b) Until renewal or expiration of the license or approval under (c) or (d) of this
20 section, the requirements and standards, including department oversight, monitoring, and
21 enforcement actions, regarding operation of a facility licensed or approved as provided in (a)
22 of this section are those that were in effect in statute or regulation on the day before the
23 effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51 of this Act.

24 (c) Unless an enforcement action taken by the department as provided in (b) of this
25 section affects the validity of the license or approval, a license or approval issued by the
26 department on or after the effective date of secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51
27 of this Act under the provisions of (a) of this section expires June 30, 2006.

28 (d) Application must be made under AS 47.32.060, enacted by sec. 35 of this Act, by
29 the date required by that statute, for a facility described in (a) of this section for which a
30 license or approval was issued under (a) of this section and for which renewal of a license is
31 desired, before expiration of the license or approval issued under (a) of this section. For

1 purposes of renewal of a license under this subsection and AS 47.32.060, enacted by sec. 35
2 of this Act, the license or approval issued under (a) of this section regarding the facility is
3 considered to be a biennial license under AS 47.32.

4 (c) In this section,

5 (1) "department" means the Department of Health and Social Services;

6 (2) "license" includes a renewed license.

7 * Sec. 56. The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 TRANSITION: PENDING APPLICATIONS AND OTHER REQUESTS
10 REGARDING SEC. 20 OF THIS ACT. (a) An application or other request for licensure,
11 certification, or other approval or selection as an entity or individual service provider that
12 would be subject to AS 47.05.300 - 47.05.390, enacted by sec. 20 of this Act, that was
13 submitted more than 30 days before the effective date of sec. 20 of this Act and is pending
14 department action on the effective date of sec. 20 of this Act shall continue to be processed,
15 and either granted or denied, by the department under the applicable statutes and regulations
16 that were in effect on the day before the effective date of sec. 20 of this Act. In this
17 subsection,

18 (1) "entity" means an entity that would be subject to AS 47.05.300 -
19 47.05.390, enacted by sec. 20 of this Act;

20 (2) "individual service provider" has the meaning given in AS 47.05.390,
21 enacted by sec. 20 of this Act.

22 (b) In this section,

23 (1) "department" means the Department of Health and Social Services;

24 (2) "license" includes a renewed license.

25 * Sec. 57. The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 TRANSITION: REGULATIONS. (a) The Department of Health and Social Services
28 may proceed to adopt regulations necessary to implement secs. 1 - 15, 17 - 19, 21 - 35, 37 -
29 42, and 44 - 51 of this Act. The regulations take effect under AS 44.62 (Administrative
30 Procedure Act), but not before the effective date of the statutory changes.

31 (b) The Department of Health and Social Services may proceed to adopt regulations

1 necessary to implement secs. 16, 20, and 36 of this Act. The regulations take effect under
2 AS 44.62 (Administrative Procedure Act).

3 * **Sec. 58.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 **CERTIFICATION OF EFFECTIVE DATE OF REGULATIONS.** The lieutenant
6 governor shall certify to the revisor of statutes the effective date of the regulations adopted by
7 the Department of Health and Social Services under sec. 57 of this Act.

8 * **Sec. 59.** Sections 52, 55, and 57 of this Act take effect immediately under
9 AS 01.10.070(c).

10 * **Sec. 60.** Section 43 of this Act takes effect July 1, 2006.

11 * **Sec. 61.** Sections 16, 20, and 36 of this Act take effect on the effective date of the
12 regulations adopted by the Department of Health and Social Services under sec. 57(b) of this
13 Act, or March 1, 2006, whichever is earlier, but in no event earlier than July 2, 2005.

14 * **Sec. 62.** Except as provided in secs. 59 - 61 of this Act, this Act takes effect July 2, 2005.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3088

April 14, 2005

Honorable Ralph Seekins, Chairman
Senate Judiciary Committee
Alaska State Capitol; Rm. 125
Juneau, AK 99801

Dear Senator Seekins,

The Department of Health and Social Services respectfully requests a hearing in the Senate Judiciary Committee on Senate Bill 125 "An Act relating to the licensing, regulation, enforcement, and appeal rights of ambulatory surgical centers, assisted living homes, child care facilities, child placement agencies, foster homes, free-standing birth centers, home health agencies, hospices or agencies providing hospice services, hospitals, intermediate care facilities for the mentally retarded, maternity homes, nursing facilities, residential child care facilities, residential psychiatric treatment centers, and rural health clinics; relating to criminal history requirements, and a registry, regarding certain licenses, certifications, approvals, and authorizations by the Department of Health and Social Services; making conforming amendments; and providing for an effective date."

The proposed bill will streamline the department's licensing processes by consolidating virtually all of the licensing functions related to standards, enforcement, and appeal rights into a single chapter of the Alaska Statutes.

The Senate Health, Education, and Social Services Committee has heard the bill and recommends it be replaced with a Senate (HES) Committee Substitute. The department supports the improvements to the bill reflected in the Senate (HES) amendments and suggests that the Senate (HES) CS serve as the basis for the Judiciary Committees deliberations on the bill.

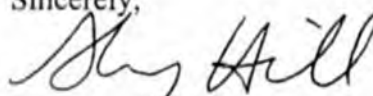
Honorable Ralph Seekins

Page 2

The Governor's transmittal letter providing additional information about the bill and a fiscal note should be on file with the committee. The department will provide the committee with a sectional analysis of the Senate (HES) Committee Substitute in the next several days.

Your favorable consideration of this request will be appreciated.

Sincerely,



Sherry Hill
Special Assistant

cc: Kevin Jardell, Legislative Director
Office of the Governor

Dr. Richard Mandsager, Director
Division of Public Health

FRANK H. MURKOWSKI
GOVERNOR
GOVERNOR@GOV.STATE.AK.US



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March 1, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to consolidating the licensing functions of the Department of Health and Social Services (DHSS).

Executive Order No. 108, which took effect in 2003, reorganized the DHSS in an effort to streamline functions and make services more efficient and cost effective. As part of that reorganization, DHSS is consolidating all of its licensing functions.

Currently, there are at least 12 different statutory schemes for the licensure of different entities by the DHSS. The complexity of the existing statutes and regulations and the absence of any clear rationale for the wide variation in standards for licensing, enforcement, and appeals has resulted in a very burdensome and bureaucratic system. The proposed bill will streamline the licensing process so that the functions are administered in a much more efficient and cost-effective manner by consolidating virtually all of the licensing functions related to standards, enforcement, and appeal rights into a single chapter of the Alaska Statutes.

In addition, the bill requires the DHSS to implement a single, consolidated background check process across all of its programs with the goal of reducing the risk of abuse and neglect of vulnerable clients.

In December 2004, the DHSS was awarded a \$4.9 million federal grant to conduct background checks for any new worker with direct patient care duties in nursing homes and other long-term care facilities, and to establish a comprehensive training program that will meet the unique needs of workers in

COMMITTEE COPY

The Honorable Ben Stevens
March 1, 2005
Page 2

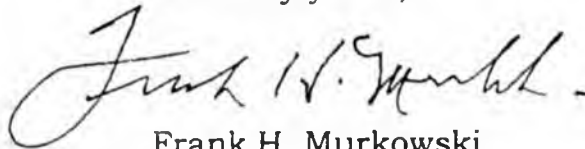
Alaska's long-term care system. This grant, in conjunction with the provisions of the legislation I am proposing today will:

- Improve monitoring and enforcement of life, health, and safety regulations for all DHSS long term-care programs.
- Extend background checks and fitness determinations to all staff serving vulnerable populations.
- Improve the overall safety and security of vulnerable individuals in state licensed and certified long-term care programs.

Finally, this bill contemplates that at the same time that the statutory changes would take effect, DHSS would have adopted regulations to implement these statutory changes. It is anticipated that the resulting regulations would further achieve the goal of efficiency and cost effectiveness.

I urge your prompt and favorable action on this measure.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Frank H. Murkowski".

Frank H. Murkowski
Governor

Enclosure

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 E- Version: SB125-LAW-HS-02-28-01
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to the licensing, regulation, RDU CIVIL
enforcement, and appeal rights of certain ...facilities" Component Human Services
 Sponsor Senate Rules
 Requester Senate Health Education and Human Svces 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 (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)
 This bill would centralize almost all DHSS licensing statutes under a new chapter to AS 47. Currently, there are 12 different statutory schemes for the licensure of different entities by the DHSS. By centralizing these disparate procedures into a streamlined licensing process under a uniform statutory framework, the DHSS hopes to be able to administer these functions in a much more efficient and cost effective manner. Significant revisions to the corresponding regulations will be required and will result in a fiscal impact to the Department of Law in the first year or two following passage of this legislation. The Department of Health and Social Services has received a federal grant, requested in the Division of Public Health's FY 2006 budget, that will allow centralization to occur. The grant includes the funds needed by Department of Law for regulation revision and review.

Prepared by: Kathryn Daughhelee, Director Phone 465-3673
 Division: Administrative Services Date/Time 4/12/05 3:49 PM
 Approved by: Kathryn Daughhelee for David Marquez, Attorney General Date 4/12/2005
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 125
 (S) Publish Date: 3/2/05

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title: "An Act relating to the licensing, regulation, enforcement, and appeal rights of certain... facilities...." RDU: CIVIL
 Sponsor: _____ Component: Human Services
 Requester: Governor 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	9.3					
Travel	0.0					
Contractual	1.1					
Supplies	0.2					
Equipment	0.2					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.8	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	10.8					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	10.8	0.0	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)

This bill would centralize almost all DHSS licensing statutes under a new chapter to AS 47. Currently, there are 12 different statutory schemes for the licensure of different entities by the DHSS. By centralizing these disparate procedures into a streamlined licensing process under a uniform statutory framework, the DHSS hopes to be able to administer these functions in a much more efficient and cost effective manner. The Department of Law does not anticipate a significant long-term fiscal impact from passage of this legislation; however, it is clear that significant revisions to the corresponding regulations will be required. It is estimated that approximately 100 attorney hours might be required in such an effort.

Prepared by: Kathryn Daughhete, Director Phone 465-5427
 Division: Administrative Services Date/Time 2/28/05 2:15 PM
 Approved by: K. Daughhete for Scott Nordstrand, Acting Attorney General Date 2/28/2005
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 125
 (S) Publish Date: 3/2/05
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: RELATING TO LICENSING BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES RDU: Public Health
 Component: Certification and Licensing

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR

Requester: GOVERNOR Component No. 245

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 (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 (FY2005) cost: _____

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)

Because the purpose of this legislation is to streamline the licensing process to achieve those goals of efficiency and cost effectiveness by consolidating virtually all of the licensing functions related to standards, enforcement, and appeal rights in DHSS, no additional costs or staff resources within the department are anticipated.

Prepared by: Richard Mandsager, MD Phone: 465-3139
 Division: Public Health Date/Time: 02/17/2005
 Approved by: Joel S. Gilbertson, Commissioner Date: 02/28/2005
 Agency: Department of Health and Social Services

Sectional Analysis of CS SB 125 (HES) (Licensing)

(Prepared by the Department of Health and Social Services and the Department of Law, April 15, 2005)

CS SB 125 would centralize the licensing and administration of certain covered entities into a new chapter, and would centralize background check and registry functions for entities and individual service providers who are licensed or certified by the Department of Health and Social Services (DHSS) or who receive payments from the DHSS for providing services.

I. Addition of a new chapter to centralize licensing and administration of covered entities (Sections 34 and 35):

Sections 34 and 35 add a new chapter regarding centralized licensing to title 47. The new sections do the following:

- require that certain entities obtain a license, and describe application requirements;
- provide for provisional and biennial licenses;
- provide for notice and appeal when a license is denied or made conditional;
- provide a construct for filing and investigation of complaints against an entity;
- give the DHSS a right of access to entities for inspection;
- require the DHSS to prepare a report following an investigation;
- provide for the immediate revocation or suspension of a license, for other enforcement actions, and for civil fines;
- provide for notice and appeal of enforcement actions;
- provide immunity to the DHSS, hospice volunteers, and entities in certain situations;
- provide for criminal penalties for violation of the licensing chapter;
- provide for the confidentiality of certain information and DHSS intradepartmental access to information.

II. Addition of a new article to centralize background checks and registry functions (Section 19):

Section 19 adds new background check and registry sections to the chapter dealing with the general administration of welfare, social services, and institutions (AS 47.05). The new sections are as follows:

- The new background check and registry sections are made applicable to any individual or entity that is required to be licensed or certified by the DHSS, or that is eligible to receive payments from the DHSS to provide for the health, safety, or welfare of persons.
- Individuals who will be associated with an entity as owner, fiduciary, operator, employee, or volunteer are required to provide fingerprints to the DHSS so that the DHSS can do a background check on the individual.
- An individual who has been charged with or convicted of a crime that is inconsistent with the standards for licensure or certification may not be associated with an entity or individual service provider as owner, operator, fiduciary, employee, or volunteer. If the entity associates with such an individual, the entity may not be issued or have renewed a license or certification, or may be ineligible to receive a payment from the DHSS to provide services.
- The DHSS must provide for a centralized registry that consists of the following information:
 - 1) judgments, orders, and adjudications finding that the relevant individual committed abuse, neglect, or exploitation of a child, senior citizen, or vulnerable adult;
 - 2) orders that a license or certification was denied, suspended, revoked, or conditioned.

III. Change to allow exception to ban on possession of firearm in or near a licensed child care facility (Section 5):

Section 5 creates an exception to the ban on the possession of a firearm within the grounds or on a parking lot adjacent to a licensed child care facility by allowing a person 21 years or older to possess an unloaded firearm in the trunk of a motor vehicle or encase in a closed container of a motor vehicle (AS 11.61.220).

IV. Conforming amendments (Sections 1 – 18, 20 – 33, and 36 - 42):

Sections 2 – 16 and 18 – 32 set out conforming amendments and changes to reflect the bill's centralizing of licensing and administrative functions in AS 47.32. The subjects affected include:

- the definition of "hospital" in AS 09.65.095(b) (sec. 2) and AS 09.65.096(d) (sec. 3);
- the identification of a child care facility related to misconduct involving a weapon under AS 11.61.195(a) (sec. 4) and 11.61.220(a) (sec. 5);
- the conversion of a nursing facility to a nursing home under AS 18.07.031(b) (sec.6);
- the definitions of "department," "governmental unit," and "hospital" under AS 18.20.130 (sec. 7);
- sanctions regarding nursing facilities under AS 18.20.310 (sec. 8);
- the definition of "health care provider" under AS 18.23.070 (sec. 9) and AS 09.55.560 (sec. 1);
- facility compliance with health and safety laws and licensing requirements under AS 18.26.220 (sec. 10);
- the definition of "child adoption agency" in AS 18.50.950 (sec. 11);
- health maintenance organizations' requirement regarding regulation of hospitals under AS 21.86.030(c) (sec. 12);
- maintenance of records by a child placement agency under AS 25.23.185(c) (sec. 13);
- the definition of "license" under AS 25.27.244(s) (sec. 14);
- licensing fees under AS 37.05.146(c) (sec. 15);
- jurisdiction of the Office of Administrative Hearings under AS 44.64.030 (sec. 16);
- investigation of reports of abuse, neglect, or misappropriation of property under AS 47.05.010(15) (sec. 17) and AS 47.05.055(a) (sec. 18);

- runaway minors under AS 47.10.141 (sec. 20) and runaway shelters under AS 47.10.392 (sec. 21) and 47.10.399 (sec. 22);
- the definition of “foster care” under AS 47.10.990 (sec. 23) and “secure residential treatment center” under AS 47.10.990 and AS 47.12.990 (secs. 24 – 25);
- a report of harm under AS 47.24.013(a) (sec. 25);
- minimum daily reimbursement rates under AS 47.24.017(d) (sec. 27);
- grants for child care facilities under AS 47.25.071(b) (sec. 28);
- the definition of “child care facility” and “day care facility” under AS 47.25.095 (secs. 29 – 30);
- the definition of “assisted living home” under AS 47.25.195(f) (sec. 31);
- the definition of “evaluation facility” under AS 47.30.915 (sec. 32) and AS 47.31.100 (sec. 33);
- assisted living homes under AS 47.33.010 (sec. 36) and 47.33.070 (sec. 37);
- licensing and supervision under AS 47.40.021 (sec. 38) and AS 47.40.110 (sec. 39);
- Pioneer Homes under AS 47.55.010 (sec. 40);
- the definition of “long-term care facility” under AS 47.62.090 (sec. 41);
- AS 47.80.140 regarding licensing and certificates of need is repealed and readopted to reflect the centralizing of licensing in AS 47.32 (sec. 42).

V. Repealers (Sections 43 - 50):

Section 43 repeals a reference to 47.35, which would be repealed by this bill.

Section 44 repeals certain statutes governing hospice and home care programs.

Section 45 repeals certain statutes governing hospitals and nursing facilities.

Sections 46 and 47 repeal certain statutory provisions regarding the applicability of administrative adjudication.

Section 48 repeals certain statutes governing assisted living homes.

Section 49 repeals certain statutes governing child care facilities, child placement agencies, child treatment facilities, foster homes, and maternity homes.

Section 50 repeals certain statutory definitions related to alcohol treatment.

VI. Applicability (Sections 51 and 52):

Sections 51 and 52 set out the applicability of the bill to applications and requests depending on when submitted.

VII. Transition (Sections 53 – 56):

Section 53 sets out the transition rules for entities currently licensed or approved.

Section 54 sets out the transition rules for entities with applications pending for more than 90 days.

Section 55 sets out the transition rules for certain entities with pending application and other requests.

Section 56 allows the DHSS to proceed to adopt regulations under the bill.

VIII. Certification (Section 57)

Section 57 requires the lieutenant governor to certify to the revisor of statutes the effective date of certain regulations.

IX. Effective date (Sections 58 – 61):

Section 58 sets out an immediate effective date for secs. 51, 54, and 56.

Section 59 sets out an effective date of July 1, 2006, for section 41 (This should be section 42. The error occurred in the drafting of the CS).

Section 60 sets out an effective date of the earlier of the effective date of regulations adopted under sec. 56(b) or March 1, 2006, for sections 19 and 35 of the bill.

Section 61 sets out an effective date of July 2, 2005, for the remainder of the bill.

Amendment to CSSB 125 (HES) in SJUD

#1

Page 8, following line 19:

Insert a new bill section to read:

****Sec. 16. AS 44.62.330(a) is amended by adding a new paragraph to read:**

(45) Department of Health and Social Services as to the licensing centralized registry under AS 47.05.330 – 47.05.390;

Renumber the following bill sections accordingly.

Page 14, line 21, following "employee":

Insert "or volunteer"

Page 14, line 22, following "(1)":

Insert "decisions,"

Following "applicant":

Insert ","

Delete "or"

Page 14, line 23:

Delete "the"

Following "employee":

Insert ", or volunteer"

Page 14, line 24, following "jurisdiction":

Insert "or medical assistance fraud under AS 47.05.210 or a substantially similar provision in another jurisdiction"

Page 15, line 2:

Delete "and"

Following "employees":

Insert ", and volunteers"

Page 15, following line 2:

Insert new subsections to read:

"(d) An entity, individual service provider, or employee or volunteer of an entity or individual service provider shall report to the department if a court issues a decision, order, judgment, or adjudication that the entity, individual service provider, or the employee or volunteer committed medical assistance fraud or abuse, neglect, or exploitation of a child or a vulnerable adult. An entity, individual service provider, or employee or volunteer of an entity or individual service provider shall make a report under this subsection within 24 hours of receiving a decision, order, judgment, or adjudication of medical assistance fraud or abuse, neglect, or exploitation of a child or vulnerable adult.

(e) An entity or individual service provider shall report to the department any allegation that an employee, volunteer, or former employee or volunteer has committed, not more than 10 years ago, medical assistance fraud or abuse, neglect, or exploitation of a child or vulnerable adult receiving services from the entity or individual service provider. An entity or individual service provider shall make a report under this subsection within 24 hours of receiving notice of the allegation."

Page 15, line 3:

Delete "(d)"

Insert "(f)"

Page 15, line 5:

Delete "(e)"

Insert "(g)"

Page 15, lines 10 - 11:

Delete all material.

Insert "(h) Information contained on the registry is confidential and not subject to public inspection and copying under AS 40.25.110 – 40.25.125. However, in accordance with this section and regulations adopted under AS 47.05.380, information contained on the registry may be released to authorized entities, individual service providers, and governmental agencies."

Page 15, lines 9 - 11:

Delete all material.

Insert "(i) A person who makes a report of medical assistance fraud, abuse, neglect, or exploitation or submits information to the registry, or an entity or individual service provider that fails to hire or retain an employee because the employee is included on the registry, is presumed to be acting in good faith and shall be immune from civil liability and criminal liability."

Page 15, line 15:

Delete "(h)"

Insert "(j)"

Page 15, line 29, following "AS 47.32.010(b)"

Insert "and an owner, officer, director, member, and partner of the entity"

Page 36, line 26:

Delete "34"

Insert "35"

Page 40, line 13:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 40, line 15:

Delete "34"

Insert "35"

Page 40, line 16:

Delete "34"

Insert "35"

Page 40, line 18:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 40, line 19:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 40, line 21:

Delete "34"

Insert "35"

Page 40, line 24:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 40, line 27:

Delete "19"

Insert "20"

Page 40, line 28:

Delete "19"

Insert "20"

Page 40, line 30:

Delete "19"

Insert "20"

Page 41, line 2:

Delete "19"

Insert "20"

Page 41, line 3:

Delete "34"

Insert "35"

Page 41, line 6:

Delete "19"

Insert "20"

Page 41, line 8:

Delete "19"

Insert "20"

Page 41, line 11:

Delete "19"

Insert "20"

Page 41, line 14:

Delete "19"

Insert "20"

Delete "34"

Insert "35"

Page 41, line 15:

Delete "19"

Insert "20"

Page 41, line 17:

Delete "19"

Insert "20"

Page 41, line 21:

Delete "34"

Insert "35"

Page 41, line 22:

Delete "34"

Insert "35"

Page 41, line 23:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 41, line 31:

Delete "17"

Insert "18"

Page 42, line 1:

Delete "18"

Insert "19"

Page 42, line 2:

Delete "20"

Insert "21"

Page 42, line 3:

Delete "21"

Insert "22"

Page 42, line 4:

Delete "22"

Insert "23"

Page 42, line 5:

Delete "23"

Insert "24"

Delete "24"

Insert "25"

Page 42, line 6:

Delete "26"

Insert "27"

Page 42, line 7:

Delete "27"

Insert "28"

Page 42, line 8:

Delete "23"

Insert "29"

Page 42, line 9:

Delete "29"

Insert "30"

Page 42, line 10:

Delete "30"

Insert "31"

Page 42, line 11:

Delete "31"

Insert "32"

Page 42, line 12:

Delete "32"

Insert "33"

Page 42, line 13:

Delete "33"

Insert "34"

Page 42, line 14:

Delete "37"

Insert "38"

Page 42, line 15:

Delete "40"

Insert "41"

Page 42, line 20:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 42, line 26:

Delete "34"

Insert "35"

Page 42, line 29:

Delete "34"

Insert "35"

Page 43, line 8:

Delete "3 "

Insert "35"

Page 43, line 9:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 43, line 11:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 43, lines 13 - 14:

Delete "secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 43, line 19:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 43, line 22:

Delete "1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 43, line 24:

Delete "34"

Insert "35"

Page 43, line 28:

Delete "34"

Insert "35"

Page 44, line 6:

Delete "19"

Insert "20"

Page 44, line 8:

Delete "19"

Insert "20"

Page 44, line 9:

Delete "19"

Insert "20"

Page 44, line 10:

Delete "19"

Insert "20"

Page 44, line 12:

Delete "19"

Insert "20"

Page 44, line 15:

Delete "19"

Insert "20"

Page 44, line 17:

Delete "19"

Insert "20"

Page 44, lines 24 - 25:

Delete "secs. 1 - 18, 20 - 34, 36 - 41, and 43 - 50"

Insert "secs. 1 - 15, 17 - 19, 21 - 35, 37 - 42, and 44 - 51"

Page 44, line 28:

Delete "19 and 35"

Insert "16, 20, and 36"

Page 45, line 3:

Delete "56"

Insert "57"

Page 45, line 4:

Delete "52, 54, and 56"

Insert "53, 55, and 57"

Page 45, line 6:

Delete "41"

Insert "43"

Page 45, line 7:

Delete "19 and 35"

Insert "16, 20, and 36"

Page 45, line 8:

Delete "56(b)"

Insert "57(b)"

Page 45, line 10:

Delete "58 - 60"

Insert "59 - 61"

Amendment #2 to CSSB 125 (HES) in SJUD

#.2

Page 22, following line 27:

Insert a new subsection to read:

“(b) The department shall, within 90 days after receiving a written request that it do so, delegate its powers relating to child care facilities under this chapter to a municipality that has adopted an ordinance providing for child care licensing under home rule powers under AS 29.10.010 or as authorized under AS 29.35.200 – 29.35.210. A municipality to which these powers have been delegated may adopt, by ordinance, additional requirements for child care facilities operating within its boundaries if the requirements meet or exceed the requirements adopted by the department.”

Page 22, line 28:

Delete “(b)”

Insert “(c)”

WHAT REGISTRY AMENDMENT DOES:

- It adds the registry to the list of things the Administrative Procedure Act covers. We envision that any hearings we conduct regarding whether someone's name will go on the registry will be conducted according to the APA process.
- It adds "volunteer" as someone who can be placed on the registry. It is our intent to define "volunteer" in regulation.
- It adds "decision" to "orders, judgments and adjudications," which are the documents that will provide the information that will go on the registry. This is designed to include administrative decisions (i.e. hearing officer's decision).
- It adds medical assistance fraud to the list of misconduct. This is meant to include Medicaid fraud and other billing fraud.
- It adds two mandatory reporting provisions: one a self-reporting requirement and the other a requirement that the provider report an allegation of misconduct.
- It makes the registry a confidential document except for approved providers and governmental agencies.
- It changes the immunity provision to include immunity for reporting misconduct, submitting information to the registry, and employment decisions made based on the registry.
- It defines "entity" as including an owner, officer, director, member, or partner.
- The remaining changes are conforming amendments because a new bill section was added.



PUBLIC HEALTH

**PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS**

CSSB 125(HESS), a Bill to Consolidate DHSS Licensing, Certification and Background Check Functions

Dr. Richard Mandsager, M.D.

Director, Alaska Department of Health and Social Services
Division of Public Health

4/20/2005

Why are we doing this? What's wrong with things the way they are?



- The existing statutory and regulatory environment is a complex patchwork, with holes, duplication and unnecessary variants.
 - Agencies which offer more than one type of care services must meet different requirements for licensing created by evolving program standards and historical licensing criteria.
 - These differences limit the flexibility of licensing staff to operate across different program types.
 - There is no compelling rationale to maintain these differences, and much benefit to be derived from eliminating them.
- Some provider types are not covered today, for either requirements of licensing or background check requirements, or both.
- Some individuals can currently pass a background screen, who shouldn't.
- Tracking of required care provider information has not been consistent.
- Existing requirements can also raise the costs to care provider applicants.
- We want to have a say in what is going to be mandated at the Federal level.
 - The current pilot program that is underway has as an objective to "recommend appropriate procedures and payment mechanisms for implementing a national criminal background check program for such facilities and providers." (excerpt from Section 307, MMA of 2003)

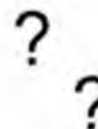
"Recruiting and hiring ... is an area we cannot afford even a single failure of the system." Matthew Jones, Executive Director, Assets Inc.

The existing regulation of long term care has not prevented instances of abuse and neglect.

- A supported living home provider was misappropriating funds from a resident. There is no requirement for the home to be licensed, and no background review had been conducted on the provider.
- An assisted living home attendant was fired for mistreatment, and the facts presented to law enforcement. No charges were filed and the case was dropped. This person remains eligible to work as a care provider.
- Three Alaska Nurse Aides were found by investigative agencies to be mistreating residents in a nine month period. Well after the mandatory reporting time period, two of these findings had not been entered into the registry.
 - One of the two involved physical violence.
- In another state, a person was involved in a stabbing in a convenience store. Months later, this person, recognized by someone who had been in the store, was found working as a long term care provider.

Besides the gaps in the oversight process and risks to Alaskans in care, there is significant cost and effort to provide the required management of care programs.

- Currently, 19 programs are administered under at least 12 different statutory schemes for licensure by DHSS.
 - The complexity of the different standards and program compliance requirements have resulted in a cumbersome administrative structure.
 - Care providers are faced with a patchwork of regulations and sometimes conflicting requirements for service delivery, particularly the agencies that operate multiple types of care services.
 - For example, under current practices a Care Coordinator might be employable at one agency, but not acceptable to another agency. And an individual acceptable for Care Coordination would not be acceptable to an Assisted Living Home, or an Assisted Living Home employee might not be employable in Child Care.
 - Yet many of the care agencies operate in all these programs
 - Licensing and Certification surveyors/licensing staff must learn and deal with the variants of each service program.
 - A consolidated program promotes greater depth in staff expertise and cross training.
- Personal Care Attendants, who are typically listed by multiple employment agencies, must submit separate fingerprint-based background checks for each agency, at significant cost and duplication of effort.
- Three licensing program units have been consolidated within Public Health, but the programs they manage still must be uniquely administered.

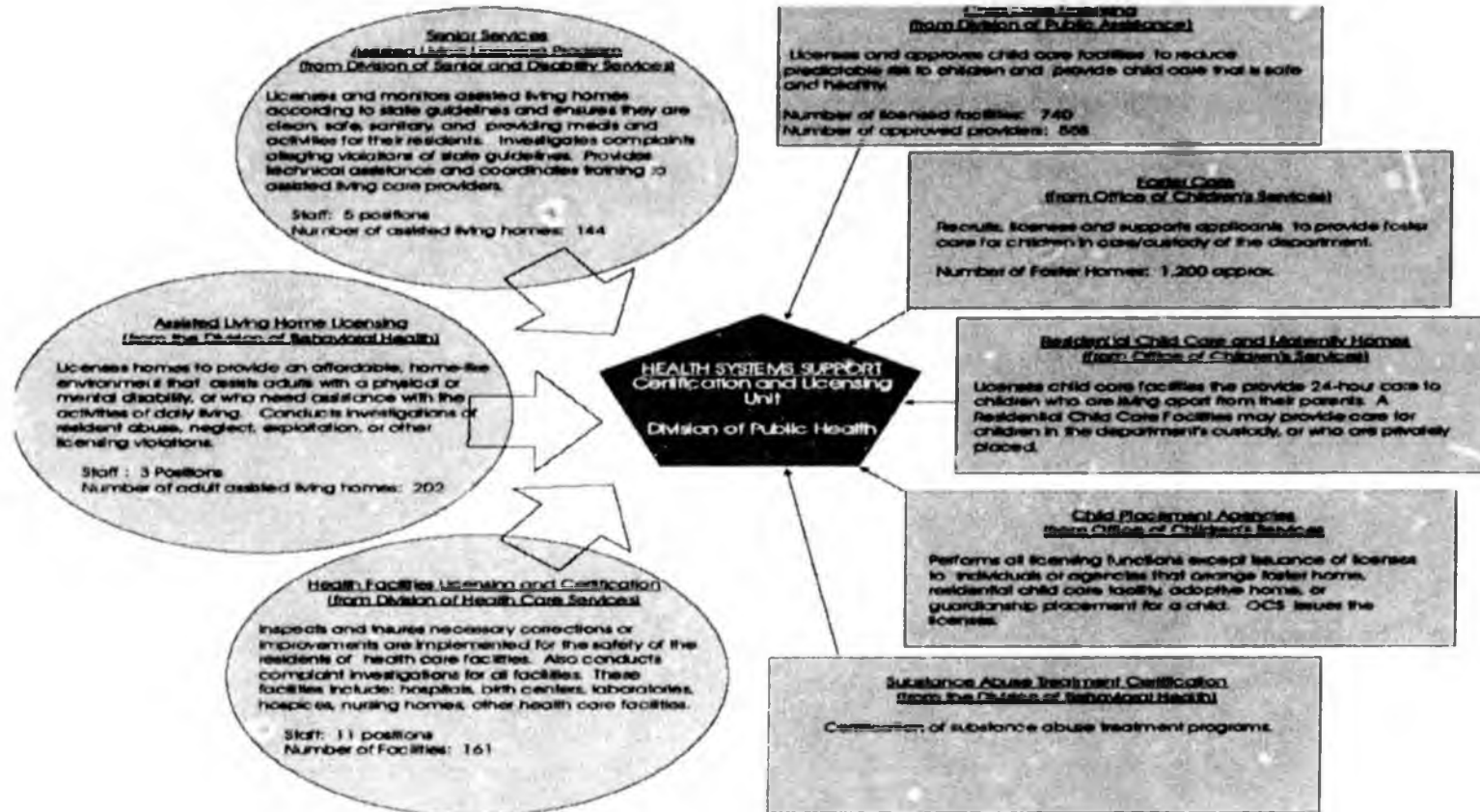


The three units that have been consolidated represent Phase I of the consolidation process.

Department of Health and Social Services Certification and Licensing Integration Project

Phase I – FY 2005

Potential Phase II - FY 2006 – 2009



Our aim is to reduce predictable risk, improve quality of care, foster patient rights, and advance public health, safety and welfare.

- **Centralized Licensing and Related Administrative Procedures, for:**

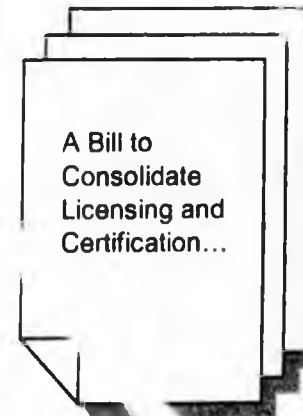
- | | | |
|-----------------------------|----------------------|--|
| Ambulatory Surgical Centers | Home Health Agencies | Residential Child Care Facilities |
| Assisted Living Homes | Hospices | Residential Psychiatric Treatment Ctrs |
| Child Care Facilities | Hospitals | Rural Health Clinics |
| Child Placement Agencies | ICF/MRs | *Supported Living Homes |
| Foster Homes | Maternity Homes | *Personal Care Attendants |
| Freestanding Birth Centers | Nursing Facilities | *Case Mgmt/Care Coordination |
| | | *Adult Day Care/Respite |

* Subject to background check provisions only

- **Defines and Consolidates:**

- Definitions
- Requirements to get a license
- License renewal process
- Requirements for a background check
- Conditions for denial of license
- Complaints process and appeals
- Enforcement actions and penalties
- Confidentiality requirements

[Licensed Certified Both]



How CSSB 125 impacts the existing statutory definition of current DHSS licensed programs...

18.20.075-085	Hospital reg, risk mgmt, inspection
18.20.300	Nursing Facilities - state policy
18.20.305-390	Nursing regs, penalties, appeals, fines, ...
47.33.005-090	ALH Purpose, applicability, payments, rules, ...
47.33.200-360	ALH rights, grievances, contracts
18.18.100	Hospice licensing requirements
18.18.200	Volunteer Hospice licensing requirements
18.18.300-340	General Hospice requirements
18.18.390	Hospice definitions
18.18.490	HHA definitions
18.20.230-260	Hospital charges
14.43.148	Defines nonrenewal of licenses in general
	Amended to include children and A/DA licensing
18.20.130	Defines nonrenewal of licenses in general
47.33.990	ALH Definitions, removed references to controlled subs
47.37.270	Removed selected definitions related to treatment facilities
18.05.040(a)(1C)	Direct Entry Midwifery free standing birth centers
18.18.005-040	Hospice regulation
18.20.090-120	Disclosure of information, penalties
18.18.350	Hospice disclosure requirements
18.18.410-470	Home Health Agencies
18.20-18.20.070	Hospitals and intermediate care facility licensing
18.20.302	Criminal background check, nursing employees
47.33.100	ALH criminal background checks
47.33.400-920	ALH Licensing process & procedures
47.35.005-260	Maternity, RPTCs, childrens services process and procedures

Retained
Retained
Retained
Retained
Retained

moved to regulation
moved to regulation
moved to regulation
moved to regulation
moved to regulation
moved to regulation

Amended
Amended
Amended
Amended

Repealed
Repealed
Repealed
Repealed
Repealed
Repealed
Repealed
Repealed
Repealed
Repealed



Note: "move to regulation" removes a regulatory level of detail from statute, but retains the spirit and intent of the statute in the forthcoming regulatory rewrite
 Repealed means being deleted as a separate statutory entity. The subject area will be included in the proposed new statute, and usually relates to specifics of licensing, licensing oversight and background check requirements.
 Retained indicates these statutory sections remain unchanged. These are typically definitional or program operational in nature.

What's in CSSB 125?



- **Addition of a new chapter to centralize licensing and administration of covered entities (Section 1):**
 - Defines what entities must be licensed
 - Defines license conditions, appeals, complaint process
 - Defines DHSS rights and responsibilities
 - Provides confidentiality protections
 - Provides criminal penalties for violations
- **Addition of a new article to centralize background checks and registry functions (Article 3):**
 - Defines who is required to have background checks
 - Provides for regulatory definition of barrier conditions
 - Requires a centralized registry be created and maintained
 - Confidential and controlled access
- **Updates to existing statutes (see previous page)**
- **Establishes the timeline for implementation**
 - July 1, 2006 for Section 1
 - March 2006 or the effective date of this bill, whichever is sooner, for Article 3

The key provisions of CSSB 125:

- Barrier conditions to employment in the care provider field will be defined in a consolidated *regulation* definition, with an objective of defining one, or as close to one as possible, common, consistent set of conditions to apply to all provider types.
 - There may be a need to distinguish between barriers to adult care vs. children's care.
- All service providers with direct patient contact must be background checked including volunteers.
- Charges of a barrier crime are sufficient to bar employment.
- A confidential centralized registry will be implemented for maintaining employment barrier conditions that may not be reflected elsewhere.
- A standard waivers process will be defined.
- A standard appeals process will be implemented.



Excerpt from the current regulatory crosswalk

1.1.1 SUMMARY OF EXISTING AND PROPOSED NEW SAFETY AND SANITATION STANDARDS TO CERTAIN FACILITIES PROVIDING CARE TO CHILDREN AND TO ADULT RESIDENTS

February 16, 2005

NOTES TO READER: REQUIREMENTS, INCLUDING APPLICABILITY, ARE SUBJECT TO CHANGE AFTER REVIEW OF PUBLIC COMMENTS AND BEFORE ADOPTION.

Bracketed numbers = number of persons licensed for care, if requirements differ by size of facility

"E" = existing requirement (but may differ in proposal) "N" = new requirement "--" = not applicable (unless licensed for more than one category of care)
* = a more stringent requirement applies

ALH = assisted living home; FH = foster home; FGH = foster group home; RGH = residential child care group home; RCCC – residential child care center;
CCH = child care home; CCGH = child care group home; CCC = child care center; RPTC = residential psychiatric treatment center for children;
MH = maternity home; AP = approved provider (child care assistance)

		ALH	FH	FGH	RGH	RCCC	CCH	CCGH	CCC	RPTC	MH	AP
<i>7 AAC 10.610. Life and fire safety.</i>												
<i>Based on existing child care licensing, 7 AAC 62.510; existing residential child care, 7 AAC 59.510; existing ALH, 7 AAC 75.270</i>												
(b)(1) -- Meet state code for fire safety in 13 AAC 50 and 13 AAC 55 or more stringent if required by local authorities	-- [1-5] E [6+]	E	E	E	E	E	E	E	E	N	N	
(b)(2) -- municipal building code approvals	-- [1-5] E [6+]	N	N	N	N	N	N	N	N	N	N	
(b)(3) and (c) -- fire safety inspection	E	E	E	E	E	E	E	E	E	E	E	
(d)--disaster preparedness/emergency evacuation plan	E	E	E	E	E	E	E	E	E	E	E	
(e) -- emergency evacuation drills	E	E	E	E	E	E	E	E	E	E	E	
(f) – keep records of emergency drills	E [1-5] N [6+]	E	E	E	E	E	E	E	E	E	E	
(g) notification of fire or other emergency	N	N	N	N	N	N	N	N	N	N	N	
(h) carbon monoxide detector	N	N	N	N	N	N	N	N	N	N	N	
(i)(1) –at least two means of emergency escape, at least one of which is exterior door	E [1-5] -- [6+]	E	E	E	*	E	*	*	E [1-10] * [10+]	E [1-10] * [10+]		
(i)(2) – one means of escape from basement	N [1-5]	E	E	E [1-10] * [10+]	*	E [1-5] * [6+]	E [1-5] * [6+]	*	E [1-10] * [10+]	E [1-10] * [10+]		
(i)(3) – fully-opening window in each bedroom	E	E	E	E [1-10] * [10+]	*	E [1-5] * [6+]	E [1-5] * [6+]	E	E [1-10] * [10+]	E [1-10] * [10+]		
(i)(4) – screens do not prevent emergency escape	E	N	N	N	N	N	N	N	N	N	N	



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SEN-JUD

Committee on SB 125 Dated 4-20-05

Bill / Subject

#1 ON THE BACKGROUND CHECKS; WILL THERE BE SOME FORM OF REGISTRY FOR CRIMINAL HIST. CHECKS ON THE RESIDENTS WHO ARE PLACED IN OUR HOMES? THERE HAS BEEN MURDERERS ADMITTED TO MY HOME W/ NO INFO FROM THE STATE WHO PLACED THEM; YET I AND ALL EMPLOYERS MUST PASS A BACKGROUND CHECK TO CARE FOR THEM. ITS OK, BUT LETS TREAT EVERYONE EQUAL IN THIS MATTER, INCLUDING BACKGROUND CHECKS FOR YOUR OWN STATE EMPLOYEES. NO MATTER WHAT THEIR JOB, THEY ARE ALSO PAID WITH PUBLIC & FEDERAL DOLLARS.

#2 HOW WILL YOU DO A BACKGROUND CHECK ON THE ASIAN OR ANY FOREIGNERS COMING INTO THE STATE, STARTING AN ALH OR CHILD CARE HOME. THEY HAVE NO BACKGROUND HERE; BUT WHAT DO YOU KNOW OF THEIR PAST.

#3 DOES THE STATE REGULATE WHO CAN WORK IN ANY OF YOUR BUSINESSES IF THEY DO CAN YOU SEND ME THE REGS ON HOW YOU ARE CONTROLLED TO HIRE PRIVATE SECTOR, STATE, & PUBLIC EMPLOYEES, WE ARE A SMALL BUSINESS WHO MOST OF LIVE IN OUR ALH'S, WE ARE ON BOARD 84-7 DO YOU REALLY THINK THESE ABUSE'S WOULD LIKELY HAPPEN HERE? I THINK NOT! ABOUT MEDICAL FUND I CAN SHOW YOU WHERE IT IS JUST TALK TO ME, IT IS NOT IN THESE LITTLE ALH'S AT ALL

SIGNED:

Monica Taylor Lavo
Testifier

Monique Assisted Living Assoc / Arctic Health
Representing Assisted Living

109 E. 5th AVE NORTH POLE AK 99705

Address / Phone Number

488-9159

SB

126

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/2/05

FURTHER: Resources

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered

SENATE BILL NO. 126

SB 126 AQUATIC FARMING

"An Act relating to aquatic farming; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
CHAIR <i>[Signature]</i>	✓			

ALASKA STATE LEGISLATURE

SESSION

State Capitol, Rm 30
Juneau, Alaska 99801-1182
(907) 465-3873 Phone
(907) 465-3972 Fax
(877) 463-3873 Toll Free
Senator_Bert_Stedman@legis.state.ak.us



INTERIM

50 Front Street
Ketchikan, AK 99901-6442
Phone (907) 225-8088
Fax (907) 225-0713

SENATOR BERT STEDMAN

SPONSOR STATEMENT

SB 126

“An Act relating to aquatic farming; and providing for an effective date.”

Senate Bill 126 amends the state’s Aquatic Farming Act (AS 16.40.100 – 199) to allow aquatic farms to continue to operate in compliance with a recent Supreme Court decision.

In mid-April, the State Supreme Court ruled that the Act requires the Department of Fish and Game to deny shellfish farmers exclusive rights to significant populations of wild geoducks on their proposed farm sites. Since then, the Southeast Alaska Regional Dive Fisheries Association (SARDFA), the Alaskan Shellfish Growers Association and the Department have negotiated an agreement that would allow these farmers to harvest “insignificant” populations of standing stocks of geoducks. In order to be implemented, this agreement would require a change in statute. Section 1 of SB 126 amends the Aquatic Farming Act to allow shellfish farmers to own, harvest and sell “insignificant populations” of wild shellfish stocks on their aquatic farm sites.

The Department of Fish and Game is conducting a commercial dive fishery on designated mariculture sites, to remove the commercially significant population of wild geoducks from these small areas. This fishery is open to all commercial geoduck divers in Southeast Alaska. Section 2 of SB126 makes it clear that the aquatic farmers will not have to replace the shellfish that are harvested in this common property fishery.

SB 126 gives the Department the authority, when it determines it would be beneficial to do so, to let shellfish farmers remove all but an “insignificant population” of wild stock from their sites themselves and pay “reasonable compensation, as defined by the department,” to ADF&G.

The bill codifies the requirement that proposed farm sites can only get permits if there is an “insignificant population” of the shellfish species to be cultured there. It makes records and reports concerning aquaculture confidential, except in certain circumstances. In addition, SB 126 defines an “insignificant population” as one that would not support a commercial fishery.

Senate Bill 126 is supported by the Southeast Alaska Regional Dive Fisheries Association, the Alaskan Shellfish Growers’ Association and the Alaska Department of Fish and Game.

Contact: Tim Barry, Aide to Senator Bert Stedman at (907) 465-3873

DISTRICT A

Ketchikan • Sitka • Petersburg • Wrangell
Pelican • Elfin Cove • Port Alexander • Saxman • Meyers Chuck • Thorne Bay • Coffman Cove • Hollis

SENATE BILL NO. 126

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR STEDMAN

Introduced: 3/2/05

Referred: Judiciary, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to aquatic farming; and providing for an effective date."

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

3 * Section 1. AS 16.40.100(b) is amended to read:

4 (b) A permit issued under this section authorizes the permittee, subject to the
5 conditions of AS 16.40.100 - 16.40.199 and AS 17.20, to

6 (.) acquire, purchase, offer to purchase, transfer, possess, sell, and
7 offer to sell stock and aquatic farm products that are used or reared at the hatchery or
8 aquatic farm; and

9 (2) except as provided in (f) of this section, acquire ownership of,
10 harvest, and, without further cultivation, sell an insignificant population that
11 may be present at the aquatic farm site of a wild stock of a shellfish species
12 intended to be cultured at the site [. A PERSON WHO HOLDS A PERMIT
13 UNDER THIS SECTION MAY SELL OR OFFER TO SELL SHELLFISH STOCK
14 TO THE DEPARTMENT OR TO AN AQUATIC FARM OR RELATED
15 HATCHERY OUTSIDE OF THE STATE].

1 * Sec. 2. AS 16.40.100(e) is amended to read:

2 (e) Upon the expiration or termination of a permit issued under this section, a
3 person who holds a permit for an aquatic farming site where wild stocks of shellfish
4 indigenous to the site are cultured shall, as a condition of the permit, restore the wild
5 stock of shellfish, as consistent with sustained yield management of the wild stock, to
6 the population level that existed on the site when the permit for the site was initially
7 issued by the commissioner. A permit holder is not required to restore that
8 portion of the wild stock of shellfish that was removed from an aquatic farming
9 site by a common property fishery conducted after the issuance of the permit for
10 the aquatic farming site.

11 * Sec. 3. AS 16.40.100 is amended by adding a new subsection to read:

12 (f) If the wild stock of a shellfish species to be cultured at an aquatic farm site
13 exceeds the amount determined by the department to be an insignificant population
14 and if the commissioner determines in writing that removal from the site of that
15 portion of the stock that exceeds an insignificant population would benefit the public
16 and that removal of the stock by a person other than the permittee would unreasonably
17 interfere with the operation of the aquatic farm, the commissioner may authorize the
18 permittee to remove and sell the excess amount of the wild stock from the site, if the
19 permittee pays reasonable compensation, as defined by the department, to the
20 department for the harvest and sale of the excess wild stock. The department shall
21 deposit the money received under this subsection into the general fund. The
22 legislature may appropriate the money received under this section to the department
23 for shellfish management and enhancement.

24 * Sec. 4. AS 16.40.105 is amended to read:

25 **Sec. 16.40.105. Criteria for issuance of permits.** The commissioner shall
26 issue permits under AS 16.40.100 on the basis of the following criteria:

- 27 (1) the physical and biological characteristics of the proposed farm or
28 hatchery location must be suitable for the farming or the shellfish or aquatic plant
29 proposed;
- 30 (2) the proposed farm or hatchery may not require significant
31 alterations in traditional fisheries or other existing uses of fish and wildlife resources;

1 (3) the proposed farm or hatchery may not significantly affect
2 fisheries, wildlife, or their habitats in an adverse manner; [AND]

3 (4) the proposed farm or hatchery plans and staffing plans must
4 demonstrate technical and operational feasibility; and

5 (5) the proposed farm site may not include more than an
6 insignificant population of a wild stock of a shellfish species intended to be
7 cultured on the site.

8 * Sec. 5. AS 16.40 is amended by adding a new section to read: *Anderson*

9 **Sec. 16.40.155. Records and reports confidential.** Records required by
10 statute or by a regulation adopted by the department concerning aquatic farm stocks or
11 production, prices, and harvests of aquatic farm products and wild stocks, and annual
12 statistical reports of individual aquatic farms or hatcheries required by statute or by a
13 regulation adopted by the department are confidential and may not be released by the
14 department, except that the department may release the records and reports

15 (1) to the Department of Revenue and the Department of Natural
16 Resources to assist the departments in carrying out their respective statutory
17 responsibilities;

18 (2) as necessary to comply with a court order;

19 (3) provided by an aquatic farm or hatchery permit holder to the permit
20 holder whose activity is the subject of the records or reports;

21 (4) regarding cumulative annual harvests of wild stocks at individual
22 aquatic farm sites.

23 * Sec. 6. AS 16.40.199 is amended by adding a new paragraph to read:

24 (9) "insignificant population" mean a population of shellfish that, in
25 the determination of the commissioner, would not attract and support a commercial
26 fishery for that species of shellfish and the harvest and sale of the shellfish would not
27 result in significant alteration in traditional fisheries or other existing uses of fish and
28 wildlife resources if the population were included within an aquatic farm site.

29 * Sec. 7. The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** Until expiration or termination of the permit, AS 16.40.105,

- 1 added by sec. 4 of this Act, does not apply to an aquatic farm permit issued under
- 2 AS 16.40.100 before the effective date of this Act.
- 3 * Sec. 8. This Act takes effect July 1, 2005.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: S B. 126
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title An act relating to aquatic RDU Commercial Fisheries
and providing for an effective date Component Fisheries Development
 Sponsor Senator Bert Stedman
 Requester Senate Judiciary Committee Component No. 1942

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 (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)

Prepared by: Sarah Gilbertson
 Division: Legislative Liaison
 Approved by: Acting Commissioner Wayne Regelin
 Agency: Alaska Department of Fish & Game

Phone 465-6137
 Date/Time 3/21/05 10:32 AM
 Date 3/21/2005

LEGAL SERVICES

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

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Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 8, 2005

SUBJECT: Sectional summary of SB 126; An Act relating to aquatic farming
(Work Order No. 24-LS0597\G)

TO: Senator Bert Stedman
Attn: Tim Barry

FROM: George Utermohle *GU*
Legislative Counsel

You have requested a sectional summary of SB 126; an Act relating to aquatic farming.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.40.100(b) to provide that an aquatic farm permit authorizes the permit holder to acquire ownership of, harvest, and sell wild shellfish from an aquatic farm site if the wild shellfish is present in an insignificant population and the wild shellfish is of the same species of shellfish that is intended to be cultured at the site.

Section 2 of the bill amends AS 16.40.100(e) to provide a limited exception from the requirement that an aquatic farm permit holder restore wild shellfish populations to the levels that existed on the site at the time that the permit was initially issued, so that the permit holder is not required to restore that portion of a wild shellfish population that was removed from the site by a common property fishery.

Section 3 of the bill amends AS 16.40.100 by adding a new subsection (f) to provide that the commissioner of fish and game may authorize an aquatic farm permit holder, under certain circumstances, to remove and sell excess wild shellfish from an aquatic farm site if the population of the wild shellfish species is more than an insignificant population. The permit holder is to pay reasonable compensation to the Department of Fish and Game for the harvest and sale of the excess wild shellfish. The money received by the department is to be deposited into the general fund and may be appropriated to the department for shellfish management and enhancement.

Section 4 of the bill amends AS 16.40.105 by adding a new paragraph to provide that, in addition to the existing criteria for issuance of an aquatic farm permit, the commissioner of fish and game may not issue a permit for a proposed farm site if the site contains more

Senator Bert Stedman

March 8, 2005

Page 2

than an insignificant population of a wild stock of a shellfish species intended to be cultured on the site.

Section 5 of the bill amends AS 16.40 by adding a new section (Sec. 16.40.155) to provide that, except under certain circumstances, records and reports submitted by aquatic farm and hatchery permit holders are confidential.

Section 6 of the bill amends AS 16.40.199 by adding a definition of "insignificant population."

Section 7 of the bill provides that AS 16.40.105, as amended by sec. 4 of the bill, does not apply to aquatic farm permits issued before the effective date of this bill.

Section 8 of the bill provides that this bill takes effect July 1, 2005.

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Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Bert Stedman
Current Version: SB 126
Contact: Tim Barry, 465-3873

DRAFT

Fact Sheet for: Senate Bill 126

Short Title: DIVE FISHERY MANAGEMENT ASSESSMENT

Summary:

- Amends state Aquatic Farming Act so shellfish farms can harvest "insignificant" numbers of wild geoducks within aquatic fish farm areas.
- Permits Alaska Department of Fish & Game to hold commercial geoduck dive fisheries within shellfish farm areas.
- Prevents shellfish farmers from replacing wild geoduck stocks harvested during commercial dive opening.

Benefits:

- Creates a win-win situation for shellfish farmers, commercial dive fishermen and the state.
- Settles a long running legal dispute regarding wild geoduck stocks within shellfish farm areas.

Background:

- In April 2004, the Alaska Supreme Court ruled the Aquatic Farming Act prevents shellfish farmers from having exclusive rights to wild geoduck stocks within their farm area. A deal was struck between the Alaska Department of Fish & Game, the Alaskan Shellfish Growers Association and the Alaska Regional Dive Fisheries Association that allows shellfish farmers to harvest an "insignificant" amount of wild geoducks located within farm areas. The department will also hold commercial geoduck dive fish openings inside shellfish farm areas. SB 126 also prevents shellfish farmers from having to replace wild stocks of geoducks.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI
GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

March 3, 2005

The Honorable Bert Stedman
Alaska State Legislature
Room 30; State Capitol
Juneau, AK 99801

Dear Senator Stedman:

Thank you for introducing S.B. 126 on behalf of the Southeast Alaska Regional Dive Fisheries Association and the Alaska Shellfish Growers Association. As you know, passage of this legislation carries significant implications for the success of Alaska's mariculture industry.

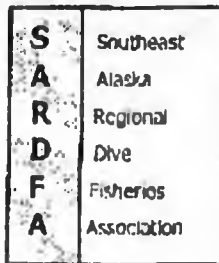
Under the previous administration, Alaska's mariculture industry was largely ignored. The industry, which was constantly at odds with the Alaska Department of Fish and Game (ADF&G) over regulatory matters, was unable to get the support that it needed from the Governor's office to move forward. As the introduction of S.B. 126 demonstrates, this is no longer the case. The Murkowski Administration strongly supports Alaska's mariculture industry, in part, because it provides promising economic development opportunities for Alaska's fishermen and coastal communities. Over the last two years, ADF&G has been working cooperatively with the industry on a regulatory scheme that will foster the growth of the industry.

However, ADF&G's regulatory work and the industry's ability to develop have recently been slowed by a series of court rulings. The first of these, in the Superior Court, found that the state is required to provide access to insignificant amounts of naturally occurring shellfish to aquatic farmers. The most recent ruling by the Alaska Supreme Court found that existing statutes prevent ADF&G from allocating any naturally occurring stocks to aquatic farmers who are developing new sites, except for use as brood stock.

As you have recognized through the introduction of S.B. 126, in order for this industry to be successful, aquatic farmers should have the opportunity to plant crops where some level of natural stocks already occur. Therefore, ADF&G strongly supports the expeditious passage of S.B. 126 in order to clarify that ADF&G may indeed allocate "insignificant" numbers of wild stocks of shellfish to aquatic farmers. Thank you once again for your support on this matter.

Sincerely,


Wayne Regelin
Acting Commissioner



Mission Statement: To develop, expand, and enhance new and existing dive fisheries in Southeast Alaska.

Julie Derker, Executive Director
Box 2130, Wrangell, AK 99929
Ph: 907-874-3110; Fax: 907-874-1270
info@sardfa.org
www.sardfa.org

Co-Chairs of the House Fisheries Committee
Representative Gabrielle LeDoux
Representative Bill Thomas

March 16, 2005

RE: Support for HB 198 / SB 126 – Aquatic Farming

Dear Representatives LeDoux and Thomas,

I am writing on behalf of the Southeast Alaska Regional Dive Fisheries Association (SARDFA) to support HB 198 / SB 126, companion bills related to aquatic farming. SARDFA is a non-profit, economic development corporation whose mission is to develop, expand and enhance new and existing dive fisheries in Southeast Alaska. SARDFA's Board of Directors represents the commercial harvest divers, processors, and communities of Southeast. Currently, three dive fisheries exist in Southeast: sea urchins (80 permit holders), sea cucumbers (330 permit holders), and geoducks (80 permit holders).

Over the past six years, there has been a deep controversy over which group has the right to harvest the wild stocks of geoducks on farm sites: farmers or fishermen. Judge Thompson ruled that insignificant wild geoducks could be taken by farmers, and significant stocks, or those that would "attract and support a dive fishery", could be taken by the common property dive fishery.

Last April, the Alaska Supreme Court upheld the Thompson ruling, but further stated "the department lacked statutory authority to give aquatic farmers exclusive rights to the existing wild stocks". Since then, ***SARDFA has worked with the State and the farmers to compromise on an acceptable implementation of the Courts' rulings. HB 198 / SB 126 are the result of that work.***

HB 198 / SB 126 are necessary for three reasons. First, this legislation will give the department the statutory authority to allow aquatic farmers to harvest insignificant wild stocks on sites. Second, this legislation will end confusion for farmers, the department, and the courts regarding approval or denial of future farm applications. Third, this legislation will deal with the mess leftover by inconsistent decisions regarding the siting

of the current 20-30 geoduck farm permits by allowing farmers who have already planted on sites, which may contain more than an insignificant amount of wild stocks, to harvest those stocks and pay "reasonable compensation" to the state as a levy.

SARDFA understands the farmers also support this legislation, but would like to see the bill amended to specify the amount of "reasonable compensation" (Section 3, line 19). SARDFA does not believe it is necessary to set this "reasonable compensation", or levy, in statute. As the Department of Law has explained it, the State is approaching the development of this particular resource in a completely new way with this levy and SARDFA believes it would be more practical to allow flexibility to the Department of Fish and Game (ADF&G) to set the levy in regulations.

However, if the Legislature believes it is necessary to fix the levy in statute, **SARDFA strongly encourages the Legislature to set the levy as high as possible.** SARDFA believes the higher the levy is, the smaller the net profit to the farmer will be, and consequently the less incentive there will be to the farmer to poach wild geoducks from off of farm sites. Poaching of geoducks by licensed farms in remote areas of Alaska is a serious concern for SARDFA. Geoduck poaching has been a big problem for the State of WA, as a quick search on the Google web site will show you. Proper enforcement of farm site boundaries relative to the harvest of wild stock is highly unlikely for farmers operating 365 days per year. In other words, what's to stop a farmer from sliding down the beach a half mile from his farm site to harvest wild geoducks, making a substantial profit?

The Alaska Shellfish Growers' Association (ASGA) agreed to a compromise with SARDFA last spring. Part of that compromise states: "In the event a site contains more than 12,000 pounds (of geoducks), the farmers would be allowed to harvest everything, but the net proceeds from anything over the cap (12,000) would go to the state's general fund. In other words, the farmer would be allowed to harvest and sell the 'overages', but would be required to give any sales proceeds over direct harvesting, transporting and processing expenses to the general fund" (see attached compromise). Although this agreement does not state the exact rate of levy, the essence of the agreement is that there should be **no net profit** by farmers on wild stocks that are considered significant, or common property resource.

Farmers have suggested setting the levy at 30% of the average ex-vessel value (or price paid to fishermen) during the most recent commercial fishery. However, farmers are not fishermen. Farmers are a combination of fishermen and processors, and will receive a price similar to the first wholesale value that processors in the geoduck fishery receive. Therefore, if the levy is based on the ex-vessel value, the rate should be higher to reflect the difference between the values.

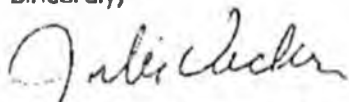
In comparison, the last geoduck auction held by the State of Washington (WA) on January 6, 2005, saw high bidders pay the State of WA an average of \$6.61 per pound for the right to harvest wild geoducks. If an average first wholesale value for live geoducks was approximately \$8 per pound, the "compensation" paid to the State of WA for wild geoducks would be 82.6% of the first wholesale value. SARDFA recommends setting the levy at 80% of the average ex-vessel value of the most recent commercial

fishery, which is one step below the wholesale value and would properly allow for fluctuations in the market.

The most important concept to remember when discussing the rate of levy is that a higher rate will give less incentive to farmers to poach geoducks.

Thank you for your time and consideration. SARDFA supports passage of this bill in its current form.

Sincerely,



Julie Decker, Executive Director

Members of:
Southeast Conference
United Fishermen of Alaska
Pacific Coast Shellfish Growers' Assoc.
Interstate Shellfish Sanitation Conference

Cc: Senator Bert Stedman
Representative Jim Elkins
Alan Austerman, Governor's Fisheries Policy Advisor
Tim Barry, Aid to Senator Stedman
Jim Van Horn, Chief of Staff, Rep. Elkins
David Bedford, Deputy Commissioner, ADF&G
Sarah Gilbertson, Legislative Liaison, ADF&G
Rodger Painter, Vice-President, ASGA
Mark Vinsel, Executive Director, UFA
Bobby Thorstenson, President, UFA
Board of Directors, SARDFA

**A Joint Letter of Agreement between
the Alaskan Shellfish Growers Association and
the Southeast Alaska Regional Dive Fisheries Association**


Dear Alaska Policymakers:

The Alaskan Shellfish Growers Association (ASGA) and Southeast Alaska Regional Dive Fisheries Association (SARDFa) agree to the following package of statutory and regulatory changes to resolve long-standing controversies over how the state should deal with "standing stocks" of geoduck clams on aquatic farm sites.

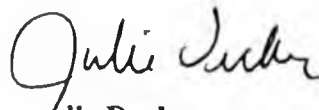
Both organizations are committed to supporting the implementation of the provisions of the agreement, including the passage of legislation and adoption of regulations.

We urge quick action in approving the legislation and adopting the regulations necessary to carry out the agreement.

Sincerely,



Rodger Painter
ASGA vice president



Julie Decker
SARDFa executive director

Description of ASGA-SARDFFA Compromise

The Alaskan Shellfish Growers Association (ASGA) and Southeast Alaska Regional Dive Fisheries Association (SARDFFA) have reached agreement on a package of statutory, regulatory and administrative actions to resolve the long-standing controversy of how to handle natural stocks of geoduck clams on new aquatic farm sites.

The agreement was reached in the wake of an Alaska Supreme Court decision that already has resulted in the closure of geoduck farming operations near Ketchikan and cast a legal cloud over most other existing littleneck and geoduck farming operations. Complicating the issue is that seed purchases by the closed geoduck operations are considered vital to the viability of the shellfish hatchery in Seward.

While this agreement was negotiated directly by divers and farmers, it also has been endorsed by the parties involved in the original lawsuit and the Murkowski Administration. Here are elements of the agreement.

How the "Standing Stock" Issue is Resolved

The Supreme Court said current statutes do not provide the Alaska Department of Fish and Game clear authority to allocate any standing stocks of geoduck clams to aquatic farmers. While the decision was directed at geoducks, it has clear implications for other species, such as littleneck clams.

Statutes would be amended to allow aquatic farmers to select sites with "insignificant" amounts of wild stocks, essentially codifying an earlier superior court decision. This would be defined in statute as an amount less than what it would take to support a commercial fishery. ADF&G would further define what "insignificant" means in regulation.

How Existing Farms will be Affected

Existing geoduck farms would be allowed to continue operations, but would have to meet the provisions of the new statute and accompanying regulations.

How the State Will Determine How Many Clams are on a Farm Site

Population surveys will be conducted by the state or by the applicant with state oversight. The surveys will require a high confidence level to increase accuracy. The farmer will be required to pay for the surveys.

How Harvests of Standing Stocks will be Managed

The agreement would define "insignificant" as less than 12,000 pounds of geoduck clams per farm site. Harvests by farmers would be "capped" at 12,000 pounds. If the amount of standing stocks exceeds the 12,000-pound cap, the farmer would be able to continue harvesting to clear the sites for future crops, but the "net proceeds" of such sales would go into the state general fund.

SARDFA-ASGA Compromise

- 1. Insignificant populations of geoducks would be defined as 12,000 pounds or less.**

Legislation must provide ADF&G with the authority to allow farmers ability to harvest insignificant populations of wild stocks on farm sites. The language should be added to 16.40.100 Aquatic Farm and Hatchery Permits.

- 2. Harvest of standing stocks of geoducks would be limited to no more than 12,000 per farm site.**

This cap could be imposed by regulation as long as the language added to AS 16.40.100 gives ADF&G the ability to limit harvests by farmers.

- 3. In the event a site contains more than 12,000 pounds, the farmers would be allowed to harvest everything, but the net proceeds from anything over the cap would go to the state's general fund. In other words, the farmer would be allowed to harvest and sell the "overages," but would be required to give any sales proceeds over direct harvesting, transporting and processing expenses to the general fund.**

If net sales proceeds of overages are to flow into the state treasury, it will require some authorizing language in statute. While the funds could not be dedicated to support activities such as geoduck development programs, ASGA will work with SARDFA annually to ensure the legislature allocates the funds accordingly.

- 4. Surveys used to determine whether a proposed geoduck farm site contains 12,000 pounds of standing stocks would use a mid-point rather than lower bound estimate. This standard also should be applied to the commercial fishery.**

This is designed to increase the accuracy of the surveys and prevent the approval of sites with more than the 12,000-pound cap. This can be accomplished in regulation with no statutory changes necessary. However, it is uncertain whether ADF&G managers will agree to shift survey confidence levels for dive fishery management of geoducks. ADF&G deputy commissioner David Bedford did agree the department would work with SARDFA to study ways to improve survey accuracy.

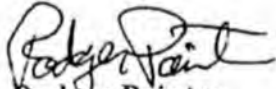
- 5. Existing geoduck aquatic farm permit holders should be "grandfathered in, but should be held to the cap.**

The goal is to ensure existing permits would be valid, but permittees would be held to the 12,000-pound cap. Harvests that occurred prior to the legislation would not be counted toward the 12,000-pound limit.

harvesters.

Important to keep in mind is that the tax would affect only those situations where fisheries managers misjudged the amount of standing stocks on new farmsites and that new survey techniques supported by fishermen and farmers would help improve significantly the accuracy of these estimates.

Thank you for this opportunity to resolve this long-standing controversy. The major parties in this dispute are fully committed to setting aside past differences and working together on economic development strategies for Southeast Alaska.



Rodger Painter

Vice President

c.c. Julie Decker, SARDF
Alan Austerman
David Bedford
ASGA Board of Directors



March 15, 2005

Representative Jim Elkins
Room 416
State Capitol
Juneau, AK 99801

Dear Representative Elkins:

This letter is to provide a strong endorsement of House Bill 198 and your efforts to seek resolution of the long-standing controversy over the siting of geoduck clam farms in Alaska.

The Alaskan Shellfish Growers Association (ASGA) has been trying to resolve this bitter controversy for the past eight years as it spilled over into the court system, halls of the Capitol and front pages of local newspapers. The industry, state regulators, policymakers, commercial fishermen and the court system have invested innumerable hours wrestling with the difficult issues involved, and we're delighted at the opportunity to put the issue to bed.

Since a decision by the Alaska Supreme Court last spring, ASGA has been working closely with commercial fishermen and the Murkowski Administration to fashion a compromise acceptable to all parties. The result of this cooperative work is HB 198, which has support from farmers, commercial fishermen, Departments of Fish and Game and Law, and Governor Frank Murkowski. While there are many issues upon which we'll continue to disagree, we all support the concepts contained in HB198.

The Department of Law has determined that the legislation does adequately address the issues raised by the Alaska Supreme Court in its 2004 decision. Some of the details wisely are left to be fleshed out in regulation, but ASGA thinks there is one more issue that is best decided by the legislature: the amount of compensation a farmer should pay for harvest of "standing stocks" of wild geoduck clams on the farmsite.

The new section HB 198 adds to AS 16.40.100 is designed to allow farmers to remove "standing stocks" from the farmsite, and provides that the farmer must pay "reasonable compensation" for any "excess wild stock." While we think it is appropriate that harvest of these "excess wild stocks" would result in a tax on the farmer, ASGA believes the amount of "fair compensation" is a legislative prerogative and not a decision to be made by fisheries managers.

We are preparing a proposed amendment to set an extraction tax rate on harvests of "excess wild stocks" of geoduck clams at 30 percent of the price paid fishermen during the most recent commercial fishery. This tax would be added to the Fisheries Business Tax rate of three percent paid by other harvesters. This combined tax rate would exceed the amount the state collects on Prudhoe Bay oil, including severance taxes, royalties and corporate income tax, and is several times higher than the amount paid by other

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Fax: (907) 586-1097 • Cell: (907) 957-0704 • email: rodgerpainter@hotmail.com

harvesters.

Important to keep in mind is that the tax would affect only those situations where fisheries managers misjudged the amount of standing stocks on new farmsites and that new survey techniques supported by fishermen and farmers would help improve significantly the accuracy of these estimates.

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