

Fiscal Note

State of Alaska
2022 Legislative Session

Bill Version: SB 196
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB196CS(EDC)-LAW-CIV-LSA-4-23-22
Title: PUBLIC ED: SPEECH, DISCLOSE INST
MATERIAL
Sponsor: REINBOLD
Requester: (S) Judiciary

Department: Department of Law
Appropriation: Civil Division
Allocation: Labor and State Affairs
OMB Component Number: 2718

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2023 Appropriation Requested	Included in Governor's FY2023 Request	Out-Year Cost Estimates					
			FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
OPERATING EXPENDITURES	***	0.0	***	***	***	***	***	***
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	***	0.0	***	***	***	***	***	***

Fund Source (Operating Only)

None								
Total	***	0.0	***	***	***	***	***	***

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2022) cost: 0.0 *(separate supplemental appropriation required)*

Estimated CAPITAL (FY2023) cost: 0.0 *(separate capital appropriation required)*

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

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Division:	Administrative Services Division	Date:	04/22/2022
Approved By:	Amber LeBlanc, Administrative Services Director	Date:	04/23/22
Agency:	Office of Management and Budget		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION

BILL NO. SB 196

Analysis

If passed, this bill would require public schools, including charter schools, to display all training materials, instructional or curricular materials, and school procedures relative to nondiscrimination, diversity, and inclusion on the school's website. The bill further prevents a state agency, governing body of a school district, public or charter school from directing or compelling a student, teacher, administrator, or other employee to affirm, adopt, or adhere to a specific social or political belief or concept. The bill grants discretionary authority to the attorney general to commence civil actions to enjoin acts in violation of the terms of the bill. In addition, the bill authorizes a state agency, governing body of a school district, public or charter school to request an advisory opinion from the attorney general on whether an act or omission violates the terms of the bill. The attorney general is required to issue a written opinion with 60 days of receiving the request.

This bill also updates language to reference AS 14.18.010 – 14.18.110 (Prohibition Against Discrimination Based on Sex and Race in Public Education) instead of "this chapter" and identifies the consequences for violating AS 14.18.150 (Transparency) or AS 14.18.160 (Prohibiting compelled speech). Lastly, this bill provides definitions for public school, school district, and state agency.

The Department of Law does not directly represent the majority of the entities that are authorized by this bill to request a written opinion. This bill does not establish any requirement or process that these entities pay the Department of Law for the legal analysis required to produce these opinions. The Department of Law presumes that there would be an initial influx of requests for written decisions, especially since individual schools would be able to access the department's legal opinion free of charge. Based on publicly available information, there are approximately 500 public schools, 31 charter schools, and 55 school districts in the state that would be authorized to request attorney general opinions. Assuming only half of these entities sought one opinion in a fiscal year, that would still be 293 entities requesting a unique attorney general opinion per year.

In the realm of ballot and initiative reviews, which are also required to be issued within 60 days of being requested, the Department of Law estimates it requires approximately 25 hours of attorney time to research, draft, and finalize a written decision. At the current legal services rate of approximately \$170/hour for attorney time, this translates to an average cost of \$4,250 per opinion. A similar cost is anticipated to prepare written decisions required under this bill. Because there is an unknown impact of this bill based on the volume of work it could generate, the Department of Law cannot properly assess whether additional staff would be necessary to timely respond to the request for written decisions. However, the cost of preparation of the written decisions, regardless of the need to hire additional staff, is not currently contemplated in the department's budget. As noted above, if an average of half (293) the authorized entities requested one opinion per year at an average cost of \$4,250 per opinion, the total cost would be \$1,245,250.00 per fiscal year. The department will continue to evaluate how many positions may be needed to cover the additional anticipated work.