

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION AND SOCIAL SERVICES STANDING COMMITTEE

May 7, 2004

4:20 p.m.

TAPE (S) 04-31

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Gary Wilken
Senator Bettye Davis
Senator Gretchen Guess

MEMBERS ABSENT

Senator Lyda Green, Vice Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Board of Nursing:

James E. Jurrens

Professional Teaching Practices Commission:

Kimberly (Kim) Jockusch

Dr. Donna Peterson

Board of Social Work Examiners:

Darrell Allman

Mildred D. (Tammy) Townsend

Board of Certified Direct-Entry Midwives:

Dana L. Brown

Sharon K. Evans

Board of Examiners in Optometry:

Dr. Jill Geering Matheson

Dr. Jeff Gonnason

Board of Dispensing Opticians:

Larry E. Harper

CONFIRMATIONS ADVANCED

CS FOR HOUSE BILL NO. 338(HES)

"An Act relating to attendance at public school; and providing for an effective date."

MOVED CSHB 338(HES) OUT OF COMMITTEE

HOUSE BILL NO. 443

"An Act relating to eligibility of nurses for the teachers' and nurses' housing loan program of the Alaska Housing Finance Corporation."

MOVED HB 443 OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 353(JUD)

"An Act exempting certain teachers at certain schools from jury service during school terms; and amending Rule 15(k), Alaska Rules of Administration."

MOVED CSHB 353(JUD) OUT OF COMMITTEE

LETTER OF INTENT FOR SENATE CS FOR CS FOR HOUSE BILL NO. 511(HES)

"An Act relating to the certificate of need program for health care facilities; and providing for an effective date."

MOVED LETTER OF INTENT [SCS CSHB 511(HES) moved out of committee on 5/6/04]

CS FOR HOUSE BILL NO. 381(RLS)

"An Act relating to child endangerment."

MOVED CSHB 381(RLS) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 405(EDU)

"An Act relating to reports on school and school district performance; and relating to accountability of public schools and school districts; and providing for an effective date."

MOVED SCS CSHB 405(HES) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 338

SHORT TITLE: ATTENDANCE AT PUBLIC SCHOOL

SPONSOR(S): REPRESENTATIVE(S) MCGUIRE

01/12/04 (H) PREFILE RELEASED 1/2/04

01/12/04 (H) READ THE FIRST TIME - REFERRALS
 01/12/04 (H) EDU, HES
 02/17/04 (H) EDU AT 11:00 AM CAPITOL 124
 02/17/04 (H) Moved CSHB 338(EDU) Out of Committee
 02/17/04 (H) MINUTE(EDU)
 02/18/04 (H) EDU RPT 6DP 1NR
 02/18/04 (H) DP: WILSON, OGG, SEATON, GARA, KAPSNER,
 02/18/04 (H) GATTO; NR: WOLF
 02/18/04 (H) FIN REFERRAL ADDED AFTER HES
 02/24/04 (H) CORRECTED RPT CS(EDU) 3DP 1NR
 02/24/04 (H) DP: WILSON, KAPSNER, GATTO; NR: WOLF
 03/02/04 (H) HES AT 3:00 PM CAPITOL 106
 03/02/04 (H) Scheduled But Not Heard
 03/25/04 (H) HES AT 3:00 PM CAPITOL 106
 03/25/04 (H) Heard & Held
 03/25/04 (H) MINUTE(HES)
 03/30/04 (H) HES AT 3:00 PM CAPITOL 106
 03/30/04 (H) Moved CSHB 338(HES) Out of Committee
 03/30/04 (H) MINUTE(HES)
 04/01/04 (H) HES RPT CS(HES) 1DP 4NR
 04/01/04 (H) DP: WILSON; NR: CISSNA, SEATON,
 04/01/04 (H) COGHILL, WOLF
 04/01/04 (H) HES AT 3:00 PM CAPITOL 106
 04/01/04 (H) <Above Item Removed from Agenda>
 04/01/04 (H) MINUTE(HES)
 04/22/04 (H) FIN AT 8:30 AM HOUSE FINANCE 519
 04/22/04 (H) Heard & Held
 04/22/04 (H) MINUTE(FIN)
 04/23/04 (H) FIN RPT CS(HES) 7DP 1NR
 04/23/04 (H) DP: HAWKER, CROFT, MOSES, CHENAULT,
 04/23/04 (H) FATE, FOSTER, MEYER; NR: STOLTZE
 04/23/04 (H) FIN AT 8:30 AM HOUSE FINANCE 519
 04/23/04 (H) -- Rescheduled from Thurs 4/22/04 1:30
 --
 04/28/04 (H) MOVED TO BOTTOM OF CALENDAR
 04/28/04 (H) NOT TAKEN UP 4/28 - ON 4/29 CALENDAR
 04/29/04 (H) TRANSMITTED TO (S)
 04/29/04 (H) VERSION: CSHB 338(HES)
 05/01/04 (S) READ THE FIRST TIME - REFERRALS
 05/01/04 (S) HES, FIN
 05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

BILL: HB 443

SHORT TITLE: TEACHERS AND NURSES HOUSING LOAN PROGRAM

SPONSOR(s): REPRESENTATIVE(s) KERTTULA

02/09/04 (H) READ THE FIRST TIME - REFERRALS

02/09/04 (H) HES, FIN
04/06/04 (H) HES AT 3:00 PM CAPITOL 106
04/06/04 (H) Moved Out of Committee
04/06/04 (H) MINUTE(HES)
04/07/04 (H) HES RPT 4DP
04/07/04 (H) DP: SEATON, COGHILL, WOLF, WILSON
04/14/04 (H) FIN REFERRAL WAIVED
04/30/04 (H) TRANSMITTED TO (S)
04/30/04 (H) VERSION: HB 443
05/01/04 (S) READ THE FIRST TIME - REFERRALS
05/01/04 (S) HES, FIN
05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

BILL: HB 353

SHORT TITLE: JURY DUTY EXEMPTION FOR CERTAIN TEACHERS

SPONSOR(S): REPRESENTATIVE(S) KAPSNER

01/12/04 (H) PREFILE RELEASED 1/2/04
01/12/04 (H) READ THE FIRST TIME - REFERRALS
01/12/04 (H) EDU, HES, JUD
02/17/04 (H) EDU AT 11:00 AM CAPITOL 124
02/17/04 (H) Moved Out of Committee
02/17/04 (H) MINUTE(EDU)
02/18/04 (H) EDU RPT 3DP 2NR 2AM
02/18/04 (H) DP: GARA, KAPSNER, GATTO;
02/18/04 (H) NR: OGG, WOLF; AM: SEATON, WILSON
03/04/04 (H) HES AT 3:00 PM CAPITOL 106
03/04/04 (H) Scheduled But Not Heard
03/18/04 (H) HES AT 3:00 PM CAPITOL 106
03/18/04 (H) Moved CSHB 353(HES) Out of Committee
03/18/04 (H) MINUTE(HES)
03/22/04 (H) HES RPT CS(HES) 4DP 2NR
03/22/04 (H) DP: KAPSNER, GATTO, CISSNA, WILSON;
03/22/04 (H) NR: COGHILL, WOLF
03/29/04 (H) JUD AT 1:00 PM CAPITOL 120
03/29/04 (H) Bill Postponed To 3/30/04
03/30/04 (H) JUD AT 1:00 PM CAPITOL 120
03/30/04 (H) Moved CSHB 353(JUD) Out of Committee
03/30/04 (H) MINUTE(JUD)
03/31/04 (H) JUD RPT CS(JUD) NT 5DP 1NR
03/31/04 (H) DP: SAMUELS, GARA, GRUENBERG, OGG,
03/31/04 (H) MCGUIRE; NR: HOLM
04/21/04 (H) TRANSMITTED TO (S)
04/21/04 (H) VERSION: CSHB 353(JUD)
04/22/04 (S) READ THE FIRST TIME - REFERRALS
04/22/04 (S) STA, HES
04/29/04 (S) STA AT 3:30 PM BELTZ 211

04/29/04 (S) Moved CSHB 353(JUD) Out of Committee
04/29/04 (S) MINUTE(STA)
05/01/04 (S) STA RPT 1DP 2NR
05/01/04 (S) NR: STEVENS G, STEDMAN; DP: GUESS
05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

BILL: HB 511

SHORT TITLE: CERTIFICATE OF NEED PROGRAM

SPONSOR(s): REPRESENTATIVE(s) SAMUELS

02/16/04 (H) READ THE FIRST TIME - REFERRALS
02/16/04 (H) HES, FIN
03/02/04 (H) HES AT 3:00 PM CAPITOL 106
03/02/04 (H) Heard & Held
03/02/04 (H) MINUTE(HES)
03/04/04 (H) HES AT 3:00 PM CAPITOL 106
03/04/04 (H) Heard & Held
03/04/04 (H) MINUTE(HES)
03/18/04 (H) HES AT 3:00 PM CAPITOL 106
03/18/04 (H) Moved CSHB 511(HES) Out of Committee
03/18/04 (H) MINUTE(HES)
03/24/04 (H) HES RPT CS(HES) 3DP 1DNP 2NR
03/24/04 (H) DP: KAPSNER, CISSNA, WILSON; DNP: WOLF;
03/24/04 (H) NR: GATTO, COGHILL
03/29/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/29/04 (H) Heard & Held
03/29/04 (H) MINUTE(FIN)
03/31/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/31/04 (H) Moved CSHB 511(HES) Out of Committee
03/31/04 (H) MINUTE(FIN)
04/01/04 (H) FIN RPT CS(HES) 4DP 2NR 2AM
04/01/04 (H) DP: MEYER, HAWKER, HARRIS, WILLIAMS;
04/01/04 (H) NR: FATE, FOSTER; AM: STOLTZE, CHENAULT
04/26/04 (H) MOVED TO BOTTOM OF CALENDAR
04/26/04 (H) NOT TAKEN UP 4/26 - ON 4/27 CALENDAR
04/27/04 (H) NOT TAKEN UP 4/27 - ON 4/28 CALENDAR
04/28/04 (H) TRANSMITTED TO (S)
04/28/04 (H) VERSION: CSHB 511(HES) AM
04/29/04 (S) READ THE FIRST TIME - REFERRALS
04/29/04 (S) HES, FIN
04/30/04 (S) HES AT 1:30 PM BUTROVICH 205
04/30/04 (S) Heard & Held
04/30/04 (S) MINUTE(HES)
05/03/04 (S) HES AT 1:30 PM BUTROVICH 205
05/03/04 (S) Heard & Held
05/03/04 (S) MINUTE(HES)
05/04/04 (S) FIN AT 9:00 AM SENATE FINANCE 532

05/04/04 (S) <Pending Referral>
05/05/04 (S) HES AT 1:30 PM BUTROVICH 205
05/05/04 (S) Heard & Held
05/05/04 (S) MINUTE(HES)
05/06/04 (S) HES AT 5:00 PM FAHRENKAMP 203
05/06/04 (S) Moved SCS CSHB 511(HES) Out of
Committee
05/06/04 (S) MINUTE(HES)
05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

BILL: HB 381

SHORT TITLE: CHILD ENDANGERMENT DRIVING OFFENSES

SPONSOR(s): REPRESENTATIVE(s) MCGUIRE

01/20/04 (H) READ THE FIRST TIME - REFERRALS
01/20/04 (H) HES, JUD
04/06/04 (H) HES AT 3:00 PM CAPITOL 106
04/06/04 (H) Moved CSHB 381(HES) Out of Committee
04/06/04 (H) MINUTE(HES)
04/08/04 (H) HES RPT CS(HES) 1DP 1NR 3AM
04/08/04 (H) DP: WILSON; NR: COGHILL; AM: SEATON,
04/08/04 (H) WOLF, GATTO
04/13/04 (H) FIN REFERRAL ADDED AFTER JUD
04/14/04 (H) JUD AT 1:00 PM CAPITOL 120
04/14/04 (H) Moved CSHB 381(JUD) Out of Committee
04/14/04 (H) MINUTE(JUD)
04/19/04 (H) JUD RPT CS(JUD) 4DP
04/19/04 (H) DP: SAMUELS, HOLM, GRUENBERG, MCGUIRE
04/28/04 (H) FIN REFERRAL WAIVED
04/29/04 (H) RLS AT 9:00 AM FAHRENKAMP 203
04/29/04 (H) Moved CSHB 381(RLS) Out of Committee
04/29/04 (H) MINUTE(RLS)
04/30/04 (H) RLS RPT CS(RLS) 4DP 3NR
04/30/04 (H) DP: COGHILL, KOTT, MCGUIRE, KERTTULA;
04/30/04 (H) NR: BERKOWITZ, MORGAN, ROKEBERG
04/30/04 (H) TRANSMITTED TO (S)
04/30/04 (H) VERSION: CSHB 381(RLS)
05/01/04 (S) READ THE FIRST TIME - REFERRALS
05/01/04 (S) HES, JUD
05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

BILL: HB 405

SHORT TITLE: SCHOOL PERFORMANCE DESIGNATION/REPORT

SPONSOR(s): REPRESENTATIVE(s) GATTO

01/28/04 (H) READ THE FIRST TIME - REFERRALS
01/28/04 (H) EDU, HES

02/17/04 (H) EDU AT 11:00 AM CAPITOL 124
 02/17/04 (H) <Bill Hearing Postponed>
 03/02/04 (H) EDU AT 11:00 AM CAPITOL 124
 03/02/04 (H) Heard & Held
 03/02/04 (H) MINUTE(EDU)
 03/09/04 (H) EDU AT 11:00 AM CAPITOL 124
 03/09/04 (H) Moved CSHB 405(EDU) Out of Committee
 03/09/04 (H) MINUTE(EDU)
 03/18/04 (H) EDU RPT CS(EDU) 5DP 1NR
 03/18/04 (H) DP: SEATON, WILSON, OGG, GARA, GATTO;
 03/18/04 (H) NR: WOLF
 03/23/04 (H) HES AT 3:00 PM CAPITOL 106
 03/23/04 (H) Moved CSHB 405(EDU) Out of Committee
 03/23/04 (H) MINUTE(HES)
 03/24/04 (H) HES RPT CS(EDU) 6DP
 03/24/04 (H) DP: KAPSNER, GATTO, CISSNA, SEATON,
 03/24/04 (H) WOLF, WILSON
 04/07/04 (H) TRANSMITTED TO (S)
 04/07/04 (H) VERSION: CSHB 405(EDU)
 04/08/04 (S) READ THE FIRST TIME - REFERRALS
 04/08/04 (S) STA, HES
 04/27/04 (S) STA AT 3:30 PM BELTZ 211
 04/27/04 (S) Scheduled But Not Heard
 04/29/04 (S) STA AT 3:30 PM BELTZ 211
 04/29/04 (S) Heard & Held
 04/29/04 (S) MINUTE(STA)
 05/01/04 (S) STA AT 0:00 AM BELTZ 211
 05/01/04 (S) Moved CSHB 405(EDU) Out of Committee
 05/01/04 (S) MINUTE(STA)
 05/02/04 (S) STA RPT 3NR 1AM
 05/02/04 (S) NR: STEVENS G, COWDERY, STEDMAN;
 05/02/04 (S) AM: GUESS
 05/07/04 (S) HES AT 4:00 PM BUTROVICH 205

WITNESS REGISTER

MR. KEVIN SWEENEY

Department of Education & Early Development (DEED)
 801 W 10th St.
 Juneau, AK 99801-1894

POSITION STATEMENT: Testified on HB 338 and HB 405.

MS. JULI LUCKY

Staff to Representative Beth Kerttula
 Alaska State Capitol
 Juneau, AK 99801-1182

POSITION STATEMENT: Presented HB 443 for the sponsor.

MS. PAT JACKSON,
Staff to Representative Mary Kapsner
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Presented HB 353 for the sponsor.

MR. DOUG WOOLIVER, Administrative Attorney
Alaska Court System
820 W. 4th Ave.
Anchorage, AK 99501
POSITION STATEMENT: Testified on HB 353.

MR. HEATH HILYARD,
Staff to Representative Lesil McGuire
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Presented HB 381 for the sponsor.

MS. LINDA WILSON,
Deputy Director
Public Defender Agency
POSITION STATEMENT: Expressed concern about the fiscal note for
HB 381.

MS. KAREN McCARTHY,
Staff to Senator Con Bunde
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Testified on HB 405.

MR. CODY RICE,
Staff to Representative Carl Gatto
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Testified on HB 405.

MR. WES KELLER,
Staff to Senator Fred Dyson
Alaska State Capitol
Juneau, AK 99801-1182
POSITION STATEMENT: Presented SCS to HB 405.

MR. LES MORSE,
Director of Assessment and Accountability
Department of Education & Early Development
801 W 10th St.

Juneau, AK 99801-1894

POSITION STATEMENT: Answered questions on HB 405.

ACTION NARRATIVE

TAPE 04-31, SIDE A

CHAIR FRED DYSON called the Senate Health, Education and Social Services Standing Committee meeting to order at 4:20 p.m. Present at the call to order were Senators Wilken, Davis, and Chair Dyson. Senator Guess arrived while the meeting was in progress.

CONFIRMATION HEARINGS

Board of Nursing:
James E. Jurrens

Professional Teaching Practices Commission:
Kimberly (Kim) Jockusch
Dr. Donna Peterson

Board of Social Work Examiners:
Darrell Allman
Mildred D. (Tammy) Townsend

Board of Certified Direct-Entry Midwives:
Dana L. Brown
Sharon K. Evans

Board of Examiners in Optometry:
Dr. Jill Geering Matheson
Dr. Jeff Gonnason

Board of Dispensing Opticians
Larry E. Harper

CHAIR DYSON announced the first nominee was James E. Jurrens, who was originally appointed in 2003. He asked if there was any objection. There being none, he announced the name would be forwarded.

CHAIR DYSON noted that Kimberly (Kim) Jockusch was originally appointed in February, 2003 to the Professional Teaching Practices Commission; he asked if there was any objection. There being none, he announced the name would be forwarded.

CHAIR DYSON asked if there was any objection to forwarding Dr. Donna Peterson's name. She was originally appointed to the Professional Teaching Practices Commission in July, 2001. There being none, he announced the name would be forwarded.

The Board of Social Work Examiners had two nominees: Darrell Allman and Mildred D. (Tammy) Townsend. Chair Dyson asked if there was any objection. There being none, he announced the names would be forwarded.

The Board of Certified Direct-Entry Midwives had two nominees: Dana Brown, originally appointed in January, 2000, and Sharon Evans, originally appointed in March, 2001. He asked if there was any objection. There being none, he announced the names would be forwarded.

The Board of Examiners of Optometry had two nominees: Dr. Jill Geering Matheson and Dr. Jeff Gonnason. Chair Dyson asked if there was any objection. There being none, he announced the names would be forwarded.

Chair Dyson mentioned that Larry Harper was originally appointed in June, 2000 to the Board of Dispensing Opticians. He asked if there was any objection. There being none, he announced the name would be forwarded.

SENATOR GARY WILKEN moved that the names be forwarded to the full Senate for consideration for confirmation, with individual recommendations.

CHAIR DYSON asked if there was any objection. There being none, it was so ordered.

HB 338-ATTENDANCE AT PUBLIC SCHOOL

The committee took up CSHB 338(HES).

CHAIR DYSON said this changes the cut-off date for students entering school, and he believes the school districts are in agreement with this legislation.

MR. KEVIN SWEENEY, DEED, confirmed that there is no known objection from school districts.

CHAIR DYSON announced that Senator Guess had joined the meeting.

SENATOR WILKEN moved to report CSHB 338(HES) from committee with individual recommendations [and accompanying fiscal note].

CHAIR DYSON asked if there was any objection. Seeing none, it was so ordered.

4:30 p.m.

HB 443-TEACHERS AND NURSES HOUSING LOAN PROGRAM

The committee took up HB 443.

MS. JULI LUCKY, Staff to Representative Beth Kerttula, sponsor of HB 443, explained that this bill would add licensed practical nurses to an existing no down-payment home loan program that was put in place last year in SB 25 by Senator Wilken.

CHAIR DYSON asked if the effect of deleting "registered" from page 2 would make this program more available to [licensed practical] nurses.

SENATOR WILKEN asked what defines "nurses" on line 6 as a "licensed practical nurse."

MS. LUCKY referred to page 2, and said the way [SB 25] was written last year it included AS 08.68.230 (a), "registered nurses," whereas (b) includes "licensed practical nurse" or "licensed vocational nurse." She noted there are no vocational nurses in the state at this time, and there are 834 licensed practical nurses under this section.

MS. LUCKY clarified that the desire was not to make no-down-payment housing loans available to temporary nurses because of wanting to make sure the nurses were licensed and going to stay in the state.

SENATOR WILKEN asked if it applies to (a) or (b) and no others.

MS. LUCKY confirmed this was correct.

SENATOR BETTYE DAVIS moved to report HB 443 out of committee with individual recommendations and attached fiscal note.

CHAIR DYSON asked if there was any objection. There being none, it was so ordered.

HB 353-JURY DUTY EXEMPTION FOR CERTAIN TEACHERS

MS. PAT JACKSON, Staff to Representative Mary Kapsner, sponsor of HB 353, testified that this bill was introduced on behalf of Bethel's school district, but of course it would apply statewide. She explained that Bethel has a large number of jury trials in proportion to its population base. As a hub, it pulls jurors from 11 villages in the 50-mile radius as well. This has been problematic for the school district because when teachers are out of the classroom, the district has difficulty finding a certified substitute and the focus of the No Child Left Behind Act is that highly qualified teachers help students to meet the requirements.

CHAIR DYSON noted that this [legislation] pertains only during the school term and only to schools designated as failing to make adequate yearly progress.

MR. DOUG WOOLIVER, Administrative Attorney, Alaska Court System, testified that as with most bills, the department doesn't support or oppose the bill; however, his observation is that although these exemptions are important, when one class of potential jurors is exempted, this increases the burden on those who are left in the pool. Bethel has the highest jury trial rate in Alaska; it is third in total numbers, behind Anchorage and Fairbanks. That's a reason for the bill, and a reason why those remaining in the pool will have a higher jury duty burden, he said.

SENATOR WILKEN asked if a person could respond to a jury call by asking to be "excused to time certain" so that a teacher could ask to be excused until May 15th.

MR. WOOLIVER replied yes, that one may ask to be deferred. However, in rural areas, a lot of teachers are not there in the summer, which is why the deferral has not worked effectively.

SENATOR DAVIS pointed out that a limited number of deferrals can be requested before one has to serve.

MR. WOOLIVER responded that if one was called for jury duty in December, duty could be deferred until summertime, but it could not then be deferred again.

SENATOR GRETCHEN GUESS commented that in Anchorage, notice of jury duty must be given five days in advance and duty is for

five days. She asked if it is handled similarly in other Alaskan communities.

MR. WOOLIVER said no, the five days applies only in Anchorage. Bethel's timeframe had been three months, which is similar to most communities of that size. Effective January 1st, Bethel's jury duty time period was reduced to one month.

SENATOR GUESS moved to report CSHB 353(JUD) out of committee with individual recommendations and attached fiscal note.

CHAIR DYSON asked if there was any objection. Seeing none, it was so ordered.

4:38 p.m.

HB 511-CERTIFICATE OF NEED PROGRAM

CHAIR DYSON informed members that when HB 511 passed out of committee [5/6/04], the Letter of Intent was not mentioned.

CHAIR DYSON moved to report SCS CSHB 511(HES) out of committee with the Letter of Intent.

CHAIR DYSON asked if there was any objection. [There was none.] It was so ordered.

4:39 p.m.

HB 381-CHILD ENDANGERMENT DRIVING OFFENSES

The committee took up CSHB 381(RLS).

MR. HEATH HILYARD, staff to Representative Lesil McGuire, sponsor of HB 381, testified the version that passed the House includes only one provision, including the charge of child endangerment when driving with a child in the vehicle, while driving under the influence. The original version also included a secondary charge regarding failure to properly restrain. That failure leads to injury or death. Members of the House decided this was too extensive, particularly in light of there being confusion regarding what the proper restraint laws are, and on what constitutes a proper restraint device. Members of the House decided to remove that. This new charge carries with it a Class A misdemeanor. He noted this is supported by MADD and is also recommended by the National Transportation and Safety Administration.

MS. LINDA WILSON, Deputy Director of the Public Defender Agency, noted there was an indeterminate fiscal note although what was originally a felony is now a misdemeanor. When a new crime is created, a new offense of child endangerment, as proposed by this bill, it will have an effect on the public defenders. There will be new criminal charges made regarding those who are under the influence and who transport a child. In the Municipality of Anchorage there are current city charges against a person for doing this, it's child neglect or child abuse. By making it a state offense, the numbers will increase; she said she doesn't know what those numbers might be, so she's not testifying for or against the bill, but wanted to inform members that there will be an effect.

CHAIR DYSON asked if she was lobbying for a finance committee referral.

MS. WILSON replied in the affirmative.

SENATOR GUESS moved to report CSHB 381(RLS) out of committee with individual recommendations and attached zero fiscal notes.

CHAIR DYSON asked if there was any objection. Seeing none, it was so ordered.

4:41 p.m.

HB 405-SCHOOL PERFORMANCE DESIGNATION/REPORT

The committee took up CSHB 405(HES).

CHAIR DYSON noted that his staff had prepared a committee substitute (CS).

MS. KAREN McCARTHY, staff to Senator Con Bunde, said Representative Gatto sponsored the bill. Senator Bunde's major issue with the bill is to ensure that in Section 5, the requirement for the department to provide a report to the Legislature on the progress of each school toward high academic performance continues. That report is required by AS 14.03.078.

CHAIR DYSON moved to adopt the proposed CS, version U [labeled 3-LS1443\U, Mischel, 5/7/04].

CHAIR DYSON objected for purposes of discussion.

MR. CODY RICE, Staff to Representative Carl Gatto, responded to a question from Chair Dyson said this was the first he has seen of the CS, but he has worked closely with Chair Dyson and Senator Guess's office.

CHAIR DYSON asked what the original bill did.

MR. RICE said the original bill repealed and re-enacted the school designator statutes to comply with certain mandates of the No Child Left Behind Act, while at the same time, creating simplicity and ensuring there were not two separate designator systems that might be conflicting.

CHAIR DYSON asked if this brought the state's designator system into conformity with the federal system.

MR. RICE said more or less.

SENATOR GUESS explained that the first version indicated the getting rid of everything that was done in SB 36 and replacing it with No Child Left Behind (NCLB).

MR. WES KELLER, Staff to Senator Dyson, said the word "designator" does not appear in NCLB at all, but there are designators given in the sense that if a school is designated as lacking two years of adequate years of progress, it becomes eligible for certain sanctions and concerns; the term "designator" has been maintained.

MR. KELLER addressed the changes that were made in version U. He referred to page 1, line 5, where a new section was added that requires the department to publish a report of all the district revenue received on the district website. The information is currently available in the department and this asks that it be placed on the website. The second change is on page 2, line 29, adding the words, "and the weight of the measures used to assign a performance designation," will ensure that the designator assigned by the department under Section 4 of the bill, (indisc.) is reported to the public with reference to the measures used to assign the designation. Subsection (d) of AS 14.03.120 is the requirement for each school to report to its community. This change is in the report card the school makes to its own community.

MR. KELLER continued that the third change, on page 3, line 17, was a drafter error. It probably isn't necessary because the school is working with the district, the department on this

designator, so the school has probably already reported to the governing body the designator and the weight of it. He asked that this be taken out. He pointed to the next change, page 3 line 25, "in accordance with (f) of this section." A sentence is deleted here also, as the sentence in version I was, "The performance designation shall be based on student achievement measures that include the results of statewide assessment from the school year." Basically the way it was written, performance designation is required but the meaning of the designation is left up to the state board. This changes it, and also ties the designator to the state accountability assessment standards, not just the NCLB.

MR. KELLER explained that the next change is on page 4, line 1, the word "standards" is replaced with "criteria." "Criteria" is a better word if trying to understand what the designation means. On page 4, line 2, a new subsection was added. High achievement/low achievement designations based on accountability require that the state accountability system recognize both the failures and successes. When students are excited about what they're doing, you want to recognize that, give them the positives.

MR. KELLER outlined that on page 4, line 5, there is a subsection requiring the school improvement plan be deleted, the reason being there is a new paragraph (d) on page 4, line 12, speaking specifically to the school improvement plan. School improvement plans are a requirement of NCLB. The way NCLB is written, there is just brief mention of school improvement plans, with no guidelines or references whatsoever, whereas paragraph (d) puts in some basic guidelines. He continued that a new subsection was added on page 4, line 19. It requires the department to establish a program of special recognition for schools with high designators. Again, you want to recognize a school with a high degree of success; there is nothing as positive as a group of kids proud of their school.

MR. KELLER referred to page 4, lines 27 through page 5, line 1, expanding the measures for the state accountability system. In version I, the designator was based on improvements that the student made and multiple measures. This CS proposes not only to use the improvement that's going on in other measures, but also to reference it very clearly to the state assessment system that includes a competency test, benchmark tests, and specifically addresses reading, writing, and arithmetic. In the first part, the weight of the designators are tied to the measures that are in this subsection. He said another change

was on page 5, after line 7, a definition of statewide assessment system; it used to be in the old paragraph (a) but it's been taken out. He said one more change was the one mentioned by [Ms. McCarthy] regarding the "thick report."

CHAIR DYSON asked if there was any objection to these changes. [There was none.]

CHAIR DYSON said he'd like [Conceptual Amendment 1] to omit lines 16, 17, and 18 on page 3 and re-number accordingly. He asked if there was objection to that. [There was none.] Chair Dyson announced that the CS was amended to move lines 16, 17, and 18 on page 3 and to renumber accordingly.

SENATOR GUESS asked about section 1. She agreed with Senator Wilken that this is a great addition. She said she was confused by the language, "submitted under (a) of this section and include all revenue received by each school district organized in easily sortable categories including ADM and district."

SENATOR WILKEN said he thought it said, "and include all revenue" by districts organized in categories including ADM and districts, so the categories are the [indisc.].

SENATOR GUESS suggested, "modified in categories."

SENATOR WILKEN continued that ADM and district are categories.

SENATOR GUESS referred to page 4, line 1, "criteria that will be used for assignment of each designation," and to page 2, and page 3, and asked what formula would result in a designation; she wondered if there was a reason behind the conflicting language.

MR. KELLER said "criteria" could be used in all places and it would be the same thing.

CHAIR DYSON asked Senator Guess if she'd like to move a conceptual amendment to change "weight" to "criteria."

SENATOR GUESS moved conceptual Amendment [2] so that there would be consistent language in the description of the designator [in Sections 2,3, and 4].

CHAIR DYSON asked if there was any objection. Seeing none, it was adopted.

SENATOR GUESS referred to page 4, line 27. Because the bill is specific about the reading, writing, and mathematics assessments, she wondered if there would be a problem complying with NCLB, given that science is coming up in '06 as part of the accountability system.

MR. LES MORSE, Director of Assessment and Accountability for the Department of Education and Early Development (DEED), said this shouldn't be a problem. There will be a science assessment, and that assessment will be for reporting purposes, but not part of the designation system, according to what he's been told by the U.S. Department of Education. In terms of reporting, the focus of Alaska's statutes has been on reading, writing, and mathematics, and the desire is to maintain that and work with the federal government to avoid having the science be anything other than reporting requirements.

CHAIR DYSON asked if the department has any problems with anything that's been brought up.

MR. KEVIN SWEENEY, Special Assistant to Commissioner of Education and Early Development, stated that the only section the department wasn't aware of ahead of time was Section 1, and he doesn't know if that will be a problem or not.

CHAIR DYSON asked that Mr. Sweeney check on this to let him know, before the bill gets to the floor.

MR. SWEENEY confirmed he would do that.

CHAIR DYSON asked for the wish of the committee.

SENATOR BETTYE DAVIS moved to report SCS CSHB 405(HES) out of committee with individual recommendations and accompanying fiscal notes.

CHAIR DYSON asked if there were any objections. There being none, it was so ordered.

The committee was recessed to the call of the Chair at 5 p.m.