

No. 2

HB-172

IN THE \_\_\_\_\_ COURT OF THE STATE OF ALASKA  
\_\_\_\_\_ JUDICIAL DISTRICT

AT \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff,  
vs.  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant.

Civil Action No. \_\_\_\_\_

WRIT OF EXECUTION ON DEFAULT  
JUDGMENT (Or Where Debtor Not  
Represented by Counsel)

THE STATE OF ALASKA

TO: Any Officer Serving Process

GREETINGS:

Whereas, a Judgment has been issued by this  
Court on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, adjudging  
that \_\_\_\_\_, judgment debtor, is justly  
indebted to \_\_\_\_\_, judgment creditor, in the  
amount of \$ \_\_\_\_\_,

NOW THEREFORE,

You are hereby COMMANDED to seize and safely keep  
the personal property subject to execution of the said Judgment  
Debtor, and if sufficient personal property cannot be found,  
to seize and safely keep real property of the Judgment  
Debtor subject to execution belonging to the said Judgment  
Debtor when the Judgment becomes a lien or thereafter, so that  
the said property may be held in custody of the Court for the  
period prescribed in A.S. §09.35.035 and that thereafter final  
execution may be made thereon, and of this Writ make due  
service and return.

AND IT IS ORDERED FURTHER that if you find earnings  
owed to the said Judgment Debtor you shall not seize more

than the amount permitted by 15 U.S.C. §1673 and the regulations prescribed thereunder.

DONE at \_\_\_\_\_, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Clerk of Court

By \_\_\_\_\_  
Deputy Clerk

**JUDGMENT DEBTOR FORM**

IN THE \_\_\_\_\_ COURT FOR THE  
STATE OF ALASKA \_\_\_\_\_ JUDICIAL DISTRICT

\_\_\_\_\_  
\_\_\_\_\_,  
Plaintiff,  
vs.  
\_\_\_\_\_  
\_\_\_\_\_,  
Defendant

CIVIL ACTION NO. \_\_\_\_\_

**NOTICE AND ASSERTION  
OF EXEMPTIONS**

**PART I: NOTICE OF EXECUTION**

The \_\_\_\_\_ Court of the State of Alaska,  
\_\_\_\_\_ Judicial District, has issued a judgment that  
you must pay to \_\_\_\_\_ the sum of  
\$ \_\_\_\_\_: A Writ of Execution on the Judgment has been issued  
against you, a copy of which is attached to this form. This  
Writ is an order of the Court by which your property can be  
taken from you and sold in order to pay the Judgment and any  
court costs which have been assessed against you.

The following property, believed to be yours, has  
been seized and is now being held by the Court:

<u>DESCRIPTION</u>	<u>PERSON IN POSSESSION AT TIME OF LEVY</u>	<u>DATE OF LEVY</u>
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Final sale or disposition of this property will be sought FIFTEEN (15) DAYS after you have received this Notice.

Some of the property listed may be exempt from execution under either State or Federal law. A general explanation of these exemptions is given in Part II of this form. If you have any questions or desire a more detailed explanation after reading Part II carefully, you should contact your lawyer, your local legal services office, or other local agency providing legal advice.

If any of the property listed above is exempt, you may prevent loss of that property by doing all of the following things within FIFTEEN (15) days of the time you receive this Notice:

Step 1: Fill out Part II of this form, following the directions carefully. Please type or print carefully. This is to notify the court of your property you claim as exempt.

Step 2: Read carefully the paragraph headed STATEMENT and sign the form.

STEP 3: Mail or deliver one copy of the form to this address:

Clerk of Court

\_\_\_\_\_, Room \_\_\_\_\_

\_\_\_\_\_, Alaska \_\_\_\_\_

The other copy is for you. Keep it for your records. Keep also the copy of the Writ of Execution which came with the form.

Step 4: Fill out the notice form which came with this form, and mail it as instructed by the information sheet.

If these steps are followed within FIFTEEN (15) days of the date you receive this Notice, the Court will hold a hearing to determine whether the property you claim as exempt is actually exempt under the law. You will be notified of the time and place of the hearing, to which you should come.

NOTE: IF YOU DO NOT FILL OUT PART II OF THIS FORM AND TURN IT IN TO THE CLERK OF THE COURT, YOU WILL LOSE YOUR EXEMPTIONS, AND ALL OF THE PROPERTY LISTED WILL BE SOLD OR DISPOSED OF.

**PART II: EXEMPTIONS**

The word "property" as used in this form means anything you own, including such things as:

- a. Real Estate;
- b. Personal property of any kind (whether in your possession or held by someone else);
- c. Your money (whether in your possession or in a bank);
- d. Money that is owed to you (such as your wages that have not been paid yet).

Property subject to execution or garnishment means anything the Court can take from you to pay the Judgment; exempt property is property which you may keep, provided you claim your exemption on this form.

You do not have to claim your exemptions. If you do not wish to claim any, simply do nothing further with this form, and all of the property listed in Part I will be sold or disposed of. If you do not wish to claim some particular exemption, simply leave that item blank on this form.

This form is used to claim exemptions only for property listed in Part I. The Writ of Execution is not being used to take any of your property which is not listed.

If the property listed in Part I includes any of the following items, you may claim your exemptions by filling in the blanks according to the directions accompanying each item.

A. INCOME:

You may claim at least some of your income (wages, salary, etc.) as exempt. There are two laws which provide this kind of exemption: State and Federal. You must figure your State Law exemption yourself in Item I below. Your Federal Law exemption is an automatic exemption, because the Writ of Execution does not allow the exempt part of your income to be seized.

Item 1: How to Figure Your Exemption Under State Law.

a. Look back to the list of property in Part I of this form and find the date of levy listed for your wages, salary or other income. Count back 30 days from that date.

b. Add up all of the wages, salary, tips, or commissions you were actually paid (take-home pay after withholding) for work done during those 30 days. Write the total here: \$ \_\_\_\_\_

c. Add up all money you received during those 30 days from any other source except wages, salary, tips, or commissions. For instance, if you are renting out any property, receiving interest on any money, receiving stock dividends, etc., add these items in. Write the total here: \$ \_\_\_\_\_

d. Add up all of the money (take-home pay) which you should have been paid for work done during those 30 days only, which you have not yet received (unpaid back wages, etc.). Write the total here: \$\_\_\_\_\_.

e. Add up all of the money which you paid out during those 30 days which you were required to pay by order of any court. Include such things as alimony, child support, payments on a property settlement or any other court judgment. Write the total here: \$\_\_\_\_\_.

f. Add the amounts in blanks b, c, and d together. Write the total here: \$\_\_\_\_\_.

g. Subtract the amount in blank e from the amount in blank f. Write the result here: \$\_\_\_\_\_.

h. If you are the head of a family, and your family is supported either partly or completely by your income, your State Law exemption is the amount in blank g, unless that amount is more than \$350.00. If the amount shown in blank g is more than \$350.00, your state law exemption is \$350.00.

If you are the head of a family, write your state law exemption here: \$\_\_\_\_\_. If you are not the head of a family, skip this blank.

i. If you are not the head of a family, your state law exemption is the amount shown in blank g, unless that amount is more than \$200.00. If the amount in blank g is more than \$200.00, your State law exemption is \$200.00.

If you are not the head of a family, write your state law exemption here: \$ \_\_\_\_\_. If you are the head of a family, skip this blank.

Item 2: Your Automatic Exemption under Federal Law.

Under Federal law, you must get a certain automatic minimum exemption on your wages, salary or other earnings. Under the Writ of Execution, only that part of your earnings which is not exempt under Federal law should be listed in Part I. In order for the court to check on this and make sure that you have received your automatic federal exemption, please fill in these blanks:

a. If you are employed, check here how often you get paid.

- Once each week  
 Once every two (2) weeks  
 Twice each month  
 Other (explain) \_\_\_\_\_

---

b. Each time you get paid, how much money do you get? Write the amount here: \$ \_\_\_\_\_.

c. Do you get any pension or retirement payments?

- Yes  
 No.

d. If you checked "yes" in blank c, how often do you get your pension or retirement payments?

\_\_\_\_\_.

If you checked "no" in blank c, skip this blank.

e. If you checked "yes" in blank c, how much money do you get each time you get a pension or retirement payment? Write the amount here: \$\_\_\_\_\_.  
If you checked "no" in blank c, skip this blank.

**B. CHILD SUPPORT:**

**Item 1. Payments to court trustee.**

If you have been ordered by any court to pay child support to a court trustee, you may claim this money as exempt by filling in these blanks.

a. Write here how much you pay to the Trustee each month: \$\_\_\_\_\_.

b. Fill in the title of the court which ordered the payments: \_\_\_\_\_ Court of the State of \_\_\_\_\_.

c. Write here the date of the decree or order: \_\_\_\_\_, 19\_\_\_\_.

d. Write here the case number of the child support case: \_\_\_\_\_.

If you do not make your payments to a court trustee, you may not claim any exemption under Item 1.

Item 2: Child Support Payments Made by Your Employer.

If any court of Alaska has ordered child support payments to be withheld from your pay and paid to a court trustee or clerk of the court by your employer, you may claim these payments as exempt by filling in these blanks:

- a. How much is each payment: \$ \_\_\_\_\_.
- b. How often is the payment made: \_\_\_\_\_.
- c. Fill in the title of the court which ordered the payments: \_\_\_\_\_ Court of the \_\_\_\_\_ Judicial District.
- d. Write here the date of the decree or order: \_\_\_\_\_, 19\_\_\_\_.
- e. Write here the case number of the child support case: \_\_\_\_\_.

If your child support payments are not withheld from your pay by your employer, you may not claim any exemption under Item 2.

C. PERSONAL PROPERTY:

If any of these things listed below have been seized and listed in Part I of this form, you may claim an exemption for them by checking the boxes which apply:

- 1. Books, pictures, and musical instruments belonging to you up to \$300 in value.
- 2. Wearing apparel (clothing, shoes, etc.) which is needed for your use or for your family's use.
- 3. Your watches or jewelry up to \$200 in value.
- 4. Things which you need to earn a living, including cars, trucks or other vehicles if you use them in your work or to get to work; tools, books you use in your business, office furniture, business files, laboratory equipment, farm animals or other working animals, and a supply of food for the animals. If you claim any of these things, and use them to earn a living, check this box. You will not be allowed to keep more of these things than have a total value of \$1,800.
- 5. Household goods, furniture, and utensils used by your family; animals used by your family; food for these animals, and food for yourself and your family. The total value of these items which you are allowed to keep will not be greater than \$1,200, and you may keep only enough food to

support you and your family, and the animals, for 6 months. If you claim any of these things, check this box.

WARNING: You may not claim an exemption for any of the things in the list above if the Judgment under which the thing seized was for the purchase price of that thing. For example, if the Judgment is for the purchase price of your car (Box 4), you could not claim any exemption for that car; but you could claim any of the other exemptions on the list.

#### D. LIQUOR LICENSE

Do you own a liquor license?

Yes

No

If you own one, you can claim your liquor license as exempt by filling in the number of the license here:

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#### E. HOMESTEADS

There are three (3) laws under which you might be able to claim a homestead exemption: the State homestead exemption law, and two (2) Federal laws. Read the three items below and check all boxes which you believe apply to you:

##### Item 1: State Homestead Exemption Law

Please answer these questions:

a) Do you own the home you live in?

If there is a mortgage on your home, you may still answer "yes."

Yes

No

b) Does your family live in your home with you?

Yes

No

c) Is the judgment mentioned in Part I of this form a judgment to foreclose a mortgage or deed of trust on your home?

Yes

No

If you answered "yes" to questions a and b and "no" to question c, you may claim an exemption on your home under state law. If you claim this exemption, check here:

Note: This exemption may not completely protect your home. If your home is worth more than \$8,000, it may still be sold or part of your land may be sold. If the entire homestead is sold, you still will get to keep \$8,000 of the price under this exemption. If you live outside a town or city and your homestead is larger than 160 acres, only 160 acres is exempt. If you live in a town or city and your homestead is larger than 1/4 acre, only 1/4 acre is exempt under state law.

**Item 2: The Federal Homestead Law**

Please answer these questions:

a) Do you have a homestead which you obtained under the Federal Homestead Law (by filing and proving-up, etc.)?

Yes

No

b) Is the judgment mentioned in Part I of this form a judgment for a debt which arose before you received a patent on your homestead from the Government?

Yes (If you have not received a patent, check "yes.")

No

If you answered both questions a and b "yes," you may claim an exemption on your entire homestead. If you claim this exemption, check here:

Item 3: Native Homesteads and Townsites

Please answer these questions:

a) Are you an Alaskan Native (Alaskan Indian, Aleut or Eskimo)?

- Yes (If you are only part Alaskan Native, you may still answer "yes.")  
 No

b) Do you have a Native Homestead Allotment from the Department of the Interior?

- Yes  
 No

c) Do you own land in a Native Village under a Restricted Title from the Department of the Interior?

- Yes  
 No

If you have a Native Homestead Allotment or own land in a Native Village under a Restricted Title, your land is not exempt under Federal law, but you may still claim your State homestead exemption (Item 1 above).

F. CEMETERY LOTS

If you own a cemetery lot which you purchased from a cemetery association, and you bought the lot for burial purposes only, you may claim it as exempt. You may not claim this exemption if you are holding the lot to sell again for profit.

If you claim this exemption, check here:

G. UNEMPLOYMENT

If you have received Unemployment Payments, you may claim an exemption for all of this money if you have kept it separate from your other money. You may not claim this exemption if the judgment mentioned in part I of this form is a judgment for the price of necessities (food, clothing, rent, etc.) bought by you or your family during the time you were unemployed.

1. If you claim this exemption, check here:
2. Write the amount of your unemployment payments here \_\_\_\_\_.

#### H. WORKMEN'S COMPENSATION

If you have received or are receiving Workmen's Compensation payments, please check here:   
Write the amount of your Workmen's Compensation payments here \_\_\_\_\_.

These payments are exempt.

#### I. INSURANCE BENEFITS

In some cases, the benefits from insurance policies may be exempt from execution. If you have received or are receiving benefits from any of the kinds of insurance policies listed here, please check the boxes which apply to you. At the hearing on your exemptions, the Court will decide whether your benefits are exempt under the law.

Have you received, or are you receiving, benefits under any of these kinds of policies ( if benefits are due to you, but have not been paid yet, you should check the box which applies):

- 1. Group Life Insurance
- 2. Disability Insurance
- 3. Annuity Policy

#### J. TEACHER'S RETIREMENT

Please answer these questions:

1. Are you a retired Schoolteacher?

Yes

No

2. Are you receiving teacher's retirement payments from the State of Alaska?

Yes

No

3. If you answered "yes" to questions 1 and 2, write the amount of your teacher's retirement payments here \_\_\_\_\_.

**K. PUBLIC EMPLOYEES' BENEFITS**

Please answer these questions:

1. Are you a retired public employee of the State of Alaska?

Yes

No

2. Are you the widow of a public employee of the State of Alaska?

Yes

No

3. Check the block which applies to you if you are receiving any of the following benefits from the State of Alaska:

Public Employees Retirement

Public Employees Widow's Pension

Public Employees Disability Pension  
(Either occupational or non-occupational).

If you checked any of the blocks under question 3, the money you receive under this program cannot be seized before it is paid to you. You may not claim any exemption for money you have already received from the State.

**L. WELFARE**

If you are receiving or have recently received any of these kinds of welfare payments, you may claim an exemption for them by filling in the blanks under the kind of payment which you receive:

**Item 1. General Relief**

a) If you claim an exemption for relief money, check here:

b) Write here the amount of money you receive on relief each month. \_\_\_\_\_

**Item 2. Old Age Assistance**

a) If you claim an exemption for Old Age Assistance money, check here:

b) Write here the amount of money you receive from Old Age Assistance each month. \_\_\_\_\_

**Item 3. Aid to the Blind**

- a) If you claim an exemption for money you receive as Aid to the Blind, check here:
- b) Write here the amount of money you receive each month as Aid to the Blind. \_\_\_\_\_

**Item 4. Aid to the Permanently and Totally Disabled**

- a) If you claim an exemption for money you receive as Aid to the Permanently and Totally Disabled, check here:
- b) Write here the amount of money you receive as Aid to the Permanently and Totally Disabled each month. \_\_\_\_\_

**M. OTHER FEDERAL EXEMPTIONS**

Under Federal law, certain kinds of wages, benefits and other money may be claimed as exempt. Please read the following items and fill in any which apply to you.

**Item 1. Federal Employees (Civil Service) Retirement Benefits**

a) Are you receiving Federal Employees Retirement Benefits:

- Yes  
 No

If you are, these payments are exempt.

b) How much do you receive each month? \$ \_\_\_\_\_

**Item 2. Military Annuities**

a) Are you the surviving spouse or child of a deceased person who was retired from the armed forces:

- Yes  
 No

b) If you answered "yes" to question a, are you receiving an annuity from the military?

- Yes  
 No

- c) If you are, the amount of your annuity is exempt. Write the amount you receive each month here: \$ \_\_\_\_\_.

**Item 3. Foreign Service Retirement**

- a) Are you retired from the Foreign Service of the United States?

Yes

No

- b) Are you receiving retirement benefits from the Foreign Service?

Yes

No

These benefits are exempt. Write in the monthly amount you receive here: \$ \_\_\_\_\_

**Item 4. Federal Judicial Survivor's Annuity**

- a) Are you the widow or child of a Federal Judge who has died?

Yes

No

- b) Are you receiving an annuity from the Judicial Survivor's Annuity Fund?

Yes

No

Monthly amount: \$ \_\_\_\_\_

These annuities are exempt.

**Item 5. Longshoreman and Harborworkers**

- a) Are you receiving benefits under the Longshoreman's and Harborworkers Compensation Act?

Yes

No

- b) If you are, you may claim them as exempt by checking here  and writing in the amount you receive each month here: \$ \_\_\_\_\_

**Item 6. Veteran's Benefits**

a) Do you receive Veteran's Benefits of any kind from the Veteran's Administration?

Yes

No

b) You may claim your exemption for these benefits by checking here:

c) Write the amount of your benefits here: \$ \_\_\_\_\_

**Item 7. Social Security**

a) Do you receive Old Age or Survivor's Benefits under Social Security?

Yes

No

b) How much do you receive each month? \$ \_\_\_\_\_

These benefits are exempt.

**Item 8. Railroad Retirement Benefits**

a) Are you a retired railroad worker?

Yes

No

b) Do you receive benefits under the Railroad Retirement Act?

Yes

No

c) How much do you receive each month? \$ \_\_\_\_\_

These benefits are exempt.

**Item 9. Railroad Worker's Unemployment**

a) Do you receive benefits from Railroad Workers' Unemployment Insurance?

Yes

No

b) How much do you receive each month? \_\_\_\_\_

These benefits are exempt.

**Item 10. CIA Retirement Act**

If you are a retired member of the Central Intelligence Agency, and you receive benefits under the CIA Retirement Act of 1964 for Certain Employees, your benefits are exempt. If you claim such an exemption, check here:  Enter the monthly amount of your benefits here: \$ \_\_\_\_\_

**Item 11. Bankruptcy**

If you have ever gone into bankruptcy in the Federal Court, you may have some additional exemptions. In order to help the court decide on this, please answer these questions:

a) Have you ever gone into Bankruptcy in a Federal Court?

Yes

No

b) If you are now involved in a bankruptcy case, check here:

c) If you have gone through bankruptcy in the past write the date your bankruptcy proceeding ended here: \_\_\_\_\_

d) Write the number of your bankruptcy case here: \_\_\_\_\_

e) Where did you go through bankruptcy? (City and State) \_\_\_\_\_

**Item 12. Fishermen and Seamen**

a) Are you a fisherman who works on a fishing boat?

Yes

No

b) Are you a seaman?

Yes

No

If you checked "yes" under either a or b, you may claim an exemption for any back wages owed

to you for working on a fishing boat or as  
a seaman. If you claim this exemption, check  
here:

Write the amount of back wages owed to you  
here \_\_\_\_\_

STATEMENT

PLEASE READ THIS CAREFULLY: I have read this form in full,  
or had it read to me. The answers I have given are true.  
I know that I will be required to swear under oath before  
the Court at my hearing that my answers are true to the best  
of my knowledge. I also know that the Court must decide,  
at my hearing, whether the property I have claimed as exempt  
really is exempt under the law, and that some of my claimed  
exemptions may not be allowed to me if the Court finds that  
they are not legally exempt.

\_\_\_\_\_  
Sign your name here

JOURNAL  
SUPPLEMENT

HOUSE - SUPPLEMENT NO. 3

February 13, 1970

## "Judiciary Committee Report

on

HOUSE BILL NO. 363

This bill modifies the procedural requirements for execution upon the assets of a judgment debtor, where no attorney has appeared or where judgment was obtained by default. In such cases many people, particularly the indigent or unlearned, are completely unaware that state and federal law exempt a basic minimum of property from execution to satisfy a judgment. Existing law, however, also permits execution without any notification to the judgment debtor of those rights.

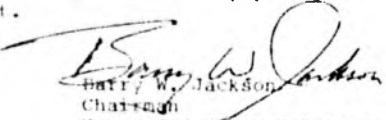
This defeats the established policy of this State, which is intended to enable judgment debtors to retain minimal income and property for their support. A more effective procedure is needed to insure the use of existing exemption rights by indigents and those unaware of their rights.

First, the bill prohibits property from being sold or otherwise disposed of pursuant to a writ of execution for a period of 15 days. This waiting period will not unduly burden the judgment creditor in that assets capable of movement or seizure will be protected by the court.

Second, it provides for a prompt hearing on exemptions claimed, if possible within three days after the judgment debtor has received notice.

Third, the debtor in such cases must receive a notice specifying the property seized or to be sold, which notice must be filed in court with proof of service. The notice must contain an explanation, capable of being understood by a layman, of the various exemptions which exist and a form on which the claimed exemptions may be asserted.

The bill provides that the Alaska Supreme Court prescribe the proper forms to be used. Attached to this report are sample forms, noted with approval by the committee, and it is urged that such forms be adopted by the court to the extent consistent with existing style and form of pleadings and other papers prescribed by the court.



HARRY W. JACKSON  
Chairman

House Judiciary Committee"

SAMPLE NOTICE FORM

IN THE \_\_\_\_\_ COURT OF THE STATE OF ALASKA  
\_\_\_\_\_ JUDICIAL DISTRICT

Plaintiff, )  
                  ) )  
v.                    ) )  
                  ) )  
Deferdant.         ) )  
\_\_\_\_\_ )

No. \_\_\_\_\_

A Writ of Execution has been issued against you. The following property claimed to be your property has been seized:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the Writ of Execution is attached to this notice.

Final sale or disposition of this property will be sought fifteen (15) days after you receive this notice.

Certain of your property may be exempt from execution under Alaska or federal law. These exemptions are explained below. If the execution is directed against exempt property, you may prevent loss of this property by following these steps within fifteen (15) days:

1. Fill out the attached "Assertion of Exemption" form, indicating which of the property stated in the Writ of Execution you claim as exempt, and sign the form.

2. Mail or deliver the form to the clerk of the court \_\_\_\_\_ room

\_\_\_\_\_, Alaska.

3. Mail or deliver copies of the form to the plaintiff or his attorney. (See above.)

4. Mail or deliver a copy of the form to any person having possession of any property you claim as exempt. For instance, your employer, if you claim that your wages are exempt.

If these steps are followed within fifteen (15) days of the date you received this notice, the property you claim as exempt will not be disposed of. You will then be notified that a hearing will be held to determine whether the property is exempt.

**Explanation of Exemptions:**

The form is used only to claim an exemption as to property stated in the Writ of Execution.

If the property stated in the Writ of Execution includes any of the following items, fill out the forms and deliver or mail copies as explained above.

The first item on the form, A.1., should be checked and filled in if the Writ of Execution states that your wages, or other money owed to you, is to be attached. A single person may keep \$200 after taxes, in any thirty (30) day period, the head of household may keep \$400 after taxes. Therefore, add all the money you have earned, even if you haven't been paid, from all sources in the last thirty (30) days.

Items A.2., A.3., A.4., A.5. refer to exemptions of other personal property. If the writ of Execution specifies any of these items, check the appropriate places on the form.

Item B. is for exemption of money paid to you as child support under a court order. If the writ of Execution is against any money you have received for

child support, under a court order, whether you have the money or it is in the bank, this item should be checked.

Item D. is your homestead exemption. If the Writ of Execution states that the place where you live, and which you or a member of your family owns, is to be attached, this item should be checked.

Item E. should be checked if the Writ of Execution is directed to any money you have received as unemployment benefits in Alaska. This may only be used if the money has been kept separate from your other money.

Item F. should be checked if the Writ of Execution is directed to money you have received as an award for Workmen's Compensation in Alaska, even if you have put it in the bank.

Item G. includes various exemptions you are allowed under federal law. If the Writ of Execution states that any money is to be attached and you got the money from a Federal pension, soldier's bonus, railroad retirement or soldier's savings, this item should be checked.

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

SAMPLE EXEMPTION FORM

IN THE \_\_\_\_\_ COURT OF THE STATE OF ALASKA  
\_\_\_\_\_, JUDICIAL DISTRICT

  )  
  )  
Plaintiff,                              )  
  )  
v.  )  
  )  
Defendant,                              )  
\_\_\_\_\_  
No. \_\_\_\_\_

ASSERTION OF EXEMPTION

Notice of execution was received by me \_\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_, 19 \_\_; Of the property specified in the  
notice for which execution is sought, exemption is  
claimed to the following extent, and by the following  
authority:

## A. A.S. 9.35.080

- ( ) 1. In the past 30 days I have earned  
\$ \_\_\_\_\_, after taxes, from  
all sources. I therefore claim as  
exempt the sum of \$ \_\_\_\_\_. (In  
a thirty-day period, you are enti-  
tled to \$200 as a single person, \$350  
as head of a household. It doesn't  
matter if you haven't been paid yet.)
- ( ) 2. Books, pictures and musical instru-  
ments up to \$500 in value.
- ( ) 3. Clothing for the use of the family,  
or watches and jewelry to \$200 in  
value.
- ( ) 4. Tools, equipment or vehicles used in  
earning a living, up to \$1000 in  
value.
- ( ) 5. Furniture, household goods, utensils  
or articles used by family, to \$12,000  
in value.

## B. A.S. 9.35.085

- ( ) The sum of \$ \_\_\_\_\_ which was paid  
to me under order of court as child  
support. The child support came in  
No. \_\_\_\_\_

## C. A.S. 9.35.087

( ) A liquor license owned by me.

## D. A.S. 9.35.090

( ) The home owned by a member of the family, to the value of \$8,000, consisting of up to 160 acres if outside a city or town, or up to 1/4 acre if within a city or town.

## E. A.S. 23.20.405

( ) The sum of \$ \_\_\_\_\_ received by me as a benefit under the Alaska Employment Security Act, (unemployment payments), which sum has been kept separate from any other funds.

## F. A.S. 23.30.160

( ) The sum of \$ \_\_\_\_\_ received by me as a payment of compensation under the Alaska Workmen's Compensation Act,

## G. Federal exemptions

( ) Under federal law, the sum of \$ \_\_\_\_\_ exempt as \_\_\_\_\_  
(Exemptions allowed are pension money - 18 USC 454a; soldier's bonus - 38 USC 610, 616c; homestead 43 USC 175; railroad retirement - 45 USC 228 a-y; soldier's savings - 10 USC 906.)

The claim which gave rise to this execution notice is not based on the purchase price of any property claimed as exempt under Items A(2), A(3), A(4), or A(5).

The above statements of indicated exemptions are correct and valid to the best of my knowledge.

February 13, 1970

HOUSE JOURNAL  
SUPPLEMENT

No. 3

DATED at \_\_\_\_\_, Alaska,  
this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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SB-112  
HB-172

April 16, 1971

To: Representative Moran

From: Senator Ziegler

Re: SB 112

Bill:

You and I are probably in accord that Chapter 170, SLA 70 is one of the world's most abominable pieces of legislation, although I am sure we were well-intended at the time it was passed.

This bill, of course, refers to execution of judgments, notice to the non-represented default judgment defendant.

The courts, the clerks thereof, the lawyers, plaintiffs and defendants are all in agreement that the bill does absolutely nothing except create work for everybody and that it does not help those people which it was designed to help.

Attached are many documents which will give you all the back-up material in the world you will need to push SB 112 through. It is an absolute repealer of the 70 statute, coupled with a written guarantee of the Supreme Court of the state of Alaska that a new form of summons will be promulgated by the Court which will tell the defendant that in addition to the fact that a default judgment might be taken against him, that he has certain rights and privileges and what he must do to exercise the same.

I could go on, but if you'll take the time to read the attachments, I think you'll agree with me that the obliteration of the statute plus a more comprehensive summons is a better way to go than Harris's HB 172, which merely conforms to existing statutory law but would shorten the 19-page document which plaintiff's counsel must currently complete and serve.

Bob

# Alaska State Legislature

SENATOR  
ROBERT H. ZIEGLER, SR.  
P. O. BOX 979  
KETCHIKAN, ALASKA 99901  
POUCH V  
JUNEAU, ALASKA 99801



MEMBER  
RULES  
COMMERCE  
LEGISLATIVE COUNCIL

Senate

JUDICIARY

February 18, 1971

Alaska State Supreme Court  
941 Fourth Avenue  
Anchorage, Alaska 99501

Alaska Bar Association  
941 Fourth Avenue  
Anchorage, Alaska 99501

Anchorage Bar Association  
c/o Everett Harris, President  
425 G Street  
Anchorage, Alaska 99501

Tanana Valley Bar Association  
c/o Dallas Phillips, President  
300 Barnette Street  
Fairbanks, Alaska 99701

Ketchikan Bar Association  
c/o W.C. Stump, Vice President  
Box 2693  
Ketchikan, Alaska 99901

Juneau Bar Association  
c/o William G. Ruddy, President  
123 Seward Street  
Juneau, Alaska 99801

Gentlemen:

The legislature in its wisdom enacted into law last year a statute pertaining to executions. Chapter 170 SLA 1970 is now AS 09.35.035.

Almost everyone seems to think that the concept of acquainting a judgment debtor with all his rights is good, but according to all the information the committee can glean, the rigamarole with which everyone must contend to carry out the provisions

Page Two

of the chapter are much too onerous upon all hands--the plaintiff, the defendant and the judiciary.

I recently introduced SB 112 which would repeal the entire act, thereby putting us back in the position which existed prior to 1970. By no means do I contend that this is the ideal solution, but I think it's preferable to existing law pertaining to executions and the attendant cumbersome procedures.

It has been suggested that the standard form for summonses be modified to spell out in more detail what will happen to a defendant if he doesn't avail himself of his rights. Those rights presumably could be spelled out in less than 19 pages which, of course, a plaintiff must correctly complete and serve upon an unrepresented default defendant under existing law.

The Senate Judiciary committee would appreciate hearing from everyone as to recommended courses of action.

It has also been suggested that a repealer might well be indicated and that the Supreme Court might consider supplementing the repealer with a new form of summons which will alert the debtor to the fact that dire things might happen to him (other than a default judgment being taken against him) if he doesn't assert his rights within a time certain.

Very truly yours,

Robert H. Ziegler, Sr.

RHZ/pks

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ANCHORAGE ALASKA 10

SEN ROBERT ZEIGLER

~~SEN ROBERT ZEIGLER~~ JUN *ROBERT V*

RESEARCH COMPLETED ON PROBLEM WITH EXECUTION EXEMPTIONS  
IF ALASKA STATUTE REPEALED SIMPLIFIED PROCEDURE CAN BE  
ESTABLISHED EXTENSIVE LETTER FOLLOWS BY PECIAL DELIVERY  
MONDAY

ROBERT ERWIN.

*LW/wc 1140A WY*



Supreme Court

State of Alaska

941 FOURTH AVENUE  
ANCHORAGE, ALASKA  
99501

CHIEF JUSTICE  
GEORGE F. BONEY

ASSOCIATE JUSTICES  
JOHN H. DIMOND  
JAY A. RABINOWITZ  
ROGER G. CONNOR  
ROBERT C. ERWIN

April 12, 1971

The Honorable Robert H. Ziegler, Sr.  
Alaska State Senator  
c/o Baranof Hotel  
Juneau, Alaska 99801

Dear Senator Ziegler:

I am enclosing herewith a copy of a memorandum which I had prepared for me by our staff, concerning the Federal requirements in the execution process.

After review of this matter, it appears that we can satisfy all Federal requirements, even those which we anticipate may come in the future by expanding somewhat on the summons concerning the fact that default judgment may be taken against a party and execution will issue if he does not answer, by including in the execution documents to the police officer a statement of the Federal standards, and by requiring notice of default being given to each judgment debtor before execution issues.

The only basic change that would be required would be an expansion of language in the summons and the execution itself, and a change in the rule which requires notice of default only be sent in those cases where an attorney is present. The same three-day period could be retained, but it would be expanded to include all cases.


While there is distinctly a problem with regard to Federal law and the notice requirements as set down in Sniadach v. Family Finance Corp., 395 U.S. 337 (1969), we

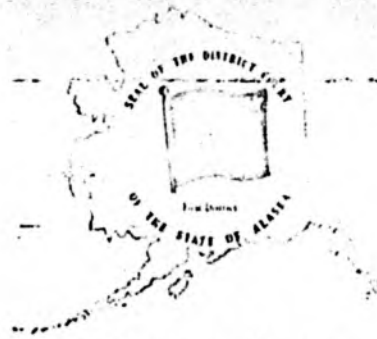
The Honorable Robert H. Ziegler, Sr.  
April 12, 1971  
Page Two

feel that it would be better to be safe in anticipating Federal standards with the notice of default than to ignore this probability and possible case law which would require notice before the execution could be issued.

We realize that we are on the safe side of this particular issue and we are attempting to anticipate the movement of either Federal case or statutory law. An argument can be made either way. However, the Supreme Court is interested in solving the rather difficult problem posed by the statute requiring us to explain all exemptions to the judgment debtor (which practically is impossible while still complying with Federal standards expressed in both federal case law and new Federal statutes.

Sincerely,

  
Robert C. Erwin  
Associate Justice



District Court

State of Alaska

FIRST JUDICIAL DISTRICT

BOX 707

KETCHIKAN, ALASKA

99901

February 18, 1971

Senator Robert H. Ziegler, Sr.  
Alaska State Senate  
Pouch U  
Juneau, Alaska 99801

Re: Opinions on Alaska Statute 09.35.035:  
Default Judgment or NonAppearance of Attorney  
for Judgment Debtor

My dear Senator Ziegler:

My comments with respect to the Alaska Statute your Senate Bill No. 112 would repeal are in addition to those sent in by my Clerk, Mrs. Doris Volzke. I can only amplify what she has said because she is actually the person to whom I have delegated the onerous work made necessary by the passage of Chapter 175 of the Session Laws of 1970. This added Alaska Statute 09.35.035 to our Code of Civil Procedure.

// This law in the main affects persons in Small Claims Court which now involve amounts up to \$1,000.00. Generally, such claims are prosecuted by nonlawyers against persons who do not employ a lawyer. The intent of a Small Claims Court is to settle disputes involving small amounts of money without the expense, time, or technical procedures required in the employment of attorneys. The basic idea has always been for two people to come into a court and informally advise the judge of the nature of the complaint and to have the judge settle the matter for them. Very seldom does an attorney appear in Small Claims Court. This, of course, was the situation prior to the passage of the instant legislation which resulted in the appearance of a 19-page document emanating from the Alaska Supreme Court. This document is so complicated and so detailed that I have never been able to read it at one sitting. Attorneys who have seen it have refused to use it without first conferring with an accountant. The average layman to whom it is referred is immediately struck with the complexity of the document.

February 18, 1971

Through the use of the form setting forth exemptions to which the defendants are entitled, the burden of the proof is shifted to the plaintiff, who must prove that the defendant is not entitled to certain exemptions, and therefore, the money the plaintiff has found is subject to payment of the debts. There is no provision for service. The cost of service required by the delivery of the document to the defendant is added to the defendant's cost and, therefore, compounds his indebtedness. Although there is an acknowledgment section of the document for the defendant acknowledging that he has received this, there is no onus upon him to actually fill this out and return it to the court.

The personnel of the court are required to give legal advice in all cases to persons required as plaintiffs to provide these documents and as defendants to know what they have in their hand. The clerks are not lawyers. I do not think that it is the intent of this particular piece of legislation to call upon the courts to provide free legal advice for small claims matters to this extent.

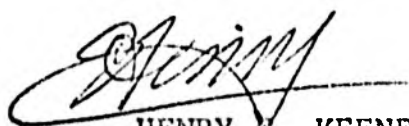
The instant statute also requires the court to designate a Trustee, and provides that the funds attached be handled in a special manner by this Trustee. This places upon the Trustee a burden entailing liability for the proper and special handling of the funds. This is an increasing burden upon the Clerk of the Court in handling Small Claims, which are supposed to be handled in a simplified manner.

Not only is the court required to give advice and educate people on the meaning of these forms, but at the same time the court is required to maintain a supply of the forms, to store them, to provide them, and to charge for them, in accordance with the orders of the Administrative Director of the courts.

In view of the fact that the Supreme Court of the State of Alaska has in the past not provided instructions for the operation of the Small Claims Court, I feel that this implementation of the instant statute is an extremely technical, work-producing and unnecessary facet of Small Claims into which the Court has thrust itself, complicating and destroying the entire intent of the mechanism of this particular branch of the District Court.

I hope that somewhere in this material which I am forwarding to you, you will find points of justification for the repeal of Alaska Statute 09.35.035. I am certain the the repeal of this statute will benefit all parties concerned, including the parties defendant who were intended to be protected thereby.

Very truly yours,



HENRY C. KEENE, JR.  
DISTRICT JUDGE



District Court

State of Alaska

FIRST JUDICIAL DISTRICT

BOX 707

KETCHIKAN, ALASKA

99901

18th February 1971

The Honorable R. H. Ziegler, Sr.  
Senator  
Alaska State Senate  
Pouch U  
Juneau, Alaska 99801

RE: HB 363 am S

SENATE BILL NO. 112

Dear Bob:

This is in reference to HB 363 am S passed some months ago relating to the executions of judgment. Effective date of said bill was September 7, 1970.

Prior to passage of this bill, the work load in this District Court office pertaining to civil was 60%, criminal case load 25%, other 5%.

Since September 1970, paper work pertaining to civil cases(closed) has increased threefold in that;

The HB-363-am-S bill requires that for every execution issued that a nineteen(19) page form be filled out by the defendant, form furnished by the plaintiff; [the 19 page form with all questions to be answered by the defendant scares the defendant and he feels by this time he must obtain an attorney; which means additional cost for an attorney, costs of service fees of said writ to be served to employer and copy of writ to be served to the defendant, end results--costs added to defendants bill;

if the defendant signs the for claiming exemptions, a hearing date must be set by the court--additional cost of serving notice of hearing--all this time and typing of course is time consuming by staff of the courts.

Hearing is held--decisions rendered--more paper work by the clerk, more filing cabinet space needed.

The intent of this bill is to protect the judgment debtor. Todate it has caused confusion, added costs to judgment debtor, added work

Senator R.H. Ziegler, Sr.

RE: HB 363 am S

PAGE - 2 -

to the court and staff, and as Clerk of this District Court for 11 years I see no advantage of this bill.

I personally thank you for introducing SENATE BILL NO. 112.

Passage of Senate Bill No. 112 will lessen civil case load of the courts and I know that all persons concerned will be ever grateful.

Thanking you in advance for your time and effort, I remain,

Sincerely,

*Doris M. Volzke*

(Mrs) Doris M. Volzke  
Clerk-District Court  
P. O. Box 707  
Ketchikan, Alaska 99901

3/24/71

COMMENTS ON HOUSE BILL NO. 180

"AN ACT RELATING TO MARINE RADIO COMMUNICATIONS"

In an effort to determine whether the proposed Act was in conflict with existing regulations, either international or domestic, I have reviewed the laws covering the use of radiotelephone on vessels of varying sizes. Extracts from the International Safety of Life at Sea (SOLAS), The Communications Act of 1934, and the Federal Communications Commission's Rules and Regulations are attached.

It would appear that a gap exists in these regulations so far as requiring radiotelephone capability on the bridge of vessels which are required to be equipped with radiotelegraph by international law. There further appears to be no clear-cut requirement for small cargo vessels to be equipped with radiotelephone.

There is another section of the regulations that seems to leave some doubt as to what is actually required or intended.

In the attached FCC regulations, Section 83.223 and Section (b) reads in part, "...shall, during its hours of service for telephony, maintain an efficient watch for the reception of A3 and A3H emissions on the authorized carrier frequency 2182 kc/s,..." I have requested from the FCC clarification of the "...hours of service for telephony,..." but have not yet received a reply.

The proposed bill has been discussed with the Engineer in Charge for the FCC in Alaska, who offered the suggestion that the Act be referred to the FCC for review and comments. Such a procedure would, of course, take considerable time.

The intent of House Bill No. 180, to insure better communications between itinerant and local vessels, is certainly in the best interest of all concerned. Some minor changes in the wording might be helpful in clarifying the requirements of the proposed Act; for instance, line 21 could be made to read:

"With at least five channels, including standard VHF calling and distress frequencies,..."

Lines 23 and 24 could read:

"...channels, including standard radiotelephone calling and distress frequencies is installed and capable of being operated from the bridge or wheelhouse of the vessel."

Line 26 could read:

"...times on the applicable standard calling and distress frequency by a person qualified to operate radio equipment of the type..."

Section 30.07.020 appears to be blanket authority for the Department of Commerce to write regulations controlling all marine communications in the State. I doubt that this is either necessary or desirable.

  
C. L. Buck, Director  
Division of Communications

Attachments:

- I - SOLAS
- II - The Communications Act of 1934
- III - FCC Rules and Regulations, Part 83

EXCERPTS FROM

INTERNATIONAL SAFETY OF LIFE AT SEA

(SOLAS)

March 24, 1971

Regulation 3 - Radiotelegraph Station

Passenger ships irrespective of size and cargo ships of 1,600 tons gross tonnage and upwards, unless exempted under Regulation 5 of this Chapter, shall be fitted with a radiotelegraph station complying with the provisions of Regulations 8 and 9 of this Chapter.

**Regulation 4 - Radiotelephone Station**

Cargo ships of 300 tons gross tonnage and upwards but less than 1,600 tons gross tonnage, unless fitted with a radiotelegraph station complying with the provisions of Regulations 8 and 9 of this Chapter shall, provided they are not exempted under Regulation 5 of this Chapter, be fitted with a radiotelephone station complying with the provisions of Regulations 14 and 15 of this Chapter.

Regulation 5 - Exemptions from Regulations 3 and 4

(a) The Contracting Governments consider it highly desirable not to deviate from the application of Regulations 3 and 4 of this Chapter; nevertheless the Administration may grant to individual passenger or cargo ships exemptions of a partial and/or conditional nature, or complete exemption from the requirements of Regulation 3 or Regulation 4 of this Chapter.

(b) The exemptions permitted under paragraph (a) of this Regulation shall be granted only to a ship engaged on a voyage where the maximum distance of the ship from the shore, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of Regulation 3 or Regulation 4 of this Chapter unreasonable or unnecessary. When deciding whether or not to grant exemptions to individual ships, Administrations shall have regard to the effect that exemptions may have upon the general efficiency of the distress service for the safety of all ships. Administrations should bear in mind the desirability of requiring ships which are exempted from the requirement of Regulation 3 of this Chapter to be fitted with a radiotelephone station which complies with the provisions of Regulations 14 and 15 of this Chapter as a condition of exemption.

(c) Each Administration shall submit to the Organization as soon as possible after the first of January in each year a report showing all exemptions granted under paragraphs (a) and (b) of this Regulation during the previous calendar year and giving the reasons for granting such exemptions.

Regulation 7 - Watches--Radiotelephone

(a) Each ship which is fitted with a radiotelephone station in accordance with Regulation 4 of this Chapter shall, for safety purposes, carry at least one radiotelephone operator (who may be the master, an officer or a member of the crew holding only a certificate for radiotelephony) and shall, subject to the provisions of paragraph (b) of this Regulation, while at sea, maintain continuous listening watch on the radiotelephone distress frequency, in the place on board from which the ship is usually navigated, using a loud-speaker or other appropriate means.

(b) Listening may be discontinued

(i) when the receiving equipment is being used for traffic on another frequency and a second receiver is not available; or

(ii) when, in the opinion of the master, conditions are such that maintenance of the listening watch would interfere with the safe navigation of the ship.

Listening watch should, however, as far as possible be maintained during the silence periods provided for in the Radio Regulations.

Regulation 14 - Radiotelephone Stations

- (a) The radiotelephone station shall be in the upper part of the ship and so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals.
- (b) There shall be efficient communication between the radiotelephone station and the bridge.
- (c) A reliable clock shall be securely mounted in such a position that the entire dial can be easily observed from the radiotelephone operating position.
- (d) A reliable emergency light shall be provided, independent of the system which supplies the normal lighting of the radiotelephone installation, and permanently arranged so as to be capable of providing adequate illumination of the operating controls of the radiotelephone installation, of the clock required by paragraph (c) of this Regulation and of the card of instructions required by paragraph (f).
- (e) Where a source of energy consists of a battery or batteries, the radiotelephone station shall be provided with a means of assessing the charge condition.
- (f) A card of instructions giving a clear summary of the radiotelephone distress procedure shall be displayed in full view of the radiotelephone operating position.

### Regulation 15 - Radiotelephone Installations

(a) The radiotelephone installation shall include a transmitter, a receiver and a source of energy.

(b) The transmitter shall be capable of transmitting on the radiotelephone distress frequency and on at least one other frequency in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies. In normal operation the transmitter shall have a depth of modulation of at least 70 per cent, at peak intensity.

(c) (i) In the case of cargo ships of 500 tons gross tonnage and upwards but less than 1,600 tons gross tonnage the transmitter shall have a minimum normal range of 150 miles; i.e., it shall be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range\* (Clearly perceptible signals will normally be received if the R.M.S. value of the field strength produced at the receiver by the unmodulated carrier is at least 25 microvolts per metre):

(ii) In the case of cargo ships of 300 tons gross tonnage and upwards but less than 500 tons gross tonnage--

for existing installations the transmitter shall have a minimum normal range of at least 75 miles;

for new installations the transmitter shall produce a power in the aerial of at least 15 watts (unmodulated carrier).

(d) The transmitter shall be fitted with a device for generating the radiotelephone alarm signal by automatic means. The device shall be capable

\*In the absence of field strength measurements, it may be assumed that this range will be obtained by a power in the aerial of 15 watts unmodulated carrier) with an aerial efficiency of 27 per cent.

Regulation 15 - Radiotelephone Installations (cont'd)

of being taken out of operation at any time in order to permit the immediate transmission of a distress message. The Administration may delay the application of the requirement for the device in the case of existing installations for a period not exceeding three years from the date of coming into force of the present Convention.

(e) The device required by paragraph (d) of this Regulation shall comply with the following requirements:--

- (i) The tolerance of the frequency of each tone shall be  $\pm 1.5$  per cent;
- (ii) The tolerance on the duration of each tone shall be  $\pm 50$  milliseconds;
- (iii) The interval between successive tones shall not exceed 50 milliseconds;
- (iv) The ratio of the amplitude of the stronger tone to that of the weaker shall be within the range 1 to 1.2.

(f) The receiver required by paragraph (a) of this Regulation shall be capable of receiving the radiotelephone distress frequency and at least one other frequency available for maritime radiotelephone stations in the bands between 1,605 kc/s and 2,850 kc/s, using the class of emission assigned by the Radio Regulations for these frequencies. In addition, the receiver shall permit the reception of such other frequencies, using the class of emission assigned by the Radio Regulations, as are used for the transmission by radiotelephony of meteorological messages and such other communications relating to the safety of navigation as may be considered necessary by the Administration. The receiver shall have sufficient sensitivity to produce signals by means of a loudspeaker when the receiver input is as low as 50 microvolts.

Regulation 15 - Radiotelephone Installations (cont'd)

(g) The receiver used for maintaining watch on the radiotelephone distress frequency shall be preset to this frequency, or so arranged that setting to the frequency may be carried out in a rapid and precise manner and that, when set to this frequency, the receiver shall not easily be detuned accidentally. The Administration may delay the application of the requirements of this paragraph in the case of existing installations for a period not exceeding three years from the date of coming into force of the present Convention.

(h) To permit rapid change-over from transmission to reception when manual switching is used, the control for the switching device shall, where practicable, be located on the microphone or the telephone handset.

EXCERPTS FROM  
THE COMMUNICATIONS ACT OF 1934  
AS AMENDED  
March 24, 1971

Section 351. Ship Radio Installations and Operations

(a) Except as provided in Section 352 hereof it shall be unlawful--

(1) For any ship of the United States, other than a cargo ship of less than five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act: Provided, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;

(2) For any ship of the United States of sixteen hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio

Section 351. Ship Radio Installations and Operations (cont'd)

direction finding apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission: Provided, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus.

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

**Section 354. Operators, Watches--Radiotelephone Equipped Ships**

(a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephony.

(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.

Section 356. Technical Requirements--Radiotelephone Equipped Ships

Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

- (a) The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.
- (b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.
- (c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

**Section 381. Radio Installations on Vessels Carrying Passengers for Hire**

Except as provided in section 382, it shall be unlawful for any vessel of the United States, transporting more than six passengers for hire, to be navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such vessel is equipped with an efficient radiotelephone installation in operating condition.

Section 385. Radio Installations on Vessels Carrying Passengers for Hire.

The Commission shall make such inspections as may be necessary to insure compliance with the requirements of this part.

EXCERPTS FROM  
THE COMMUNICATIONS ACT OF 1934  
AS AMENDED  
March 24, 1971

Section 351. Ship Radio Installations and Operations

(a) Except as provided in Section 352 hereof it shall be unlawful--

(1) For any ship of the United States, other than a cargo ship of less than five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act: Provided, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;

(2) For any ship of the United States of sixteen hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio

Section 351. Ship Radio Installations and Operations (cont'd)

direction finding apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission: Provided, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus.

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

**Section 354. Operators, Watches—Radiotelephone Equipped Ships**

(a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephony.

(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.

Section 356. Technical Requirements--Radiotelephone Equipped Ships

Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

- (a) The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.
- (b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.
- (c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

Section 381. Radio Installations on Vessels Carrying Passengers for Hire

Except as provided in section 382, it shall be unlawful for any vessel of the United States, transporting more than six passengers for hire, to be navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, unless such vessel is equipped with an efficient radiotelephone installation in operating condition.

Section 385. Radio Installations on Vessels Carrying Passengers for Hire.

The Commission shall make such inspections as may be necessary to insure compliance with the requirements of this part.

EXCERPTS FROM

FEDERAL COMMUNICATIONS COMMISSION

RULES AND REGULATIONS, PART 83 SHIPBOARD MARITIME SERVICE

March 24, 1971

Section 83.103 Location of station.

All components of a station on board ship subject to this part, including the antenna(s), antenna supporting structures, and source(s) of power used to energize the station equipment, shall be located on board the vessel identified in the station license, even though the vessel be temporarily moored. For purposes of communication, no component of a ship station shall be connected by wire line directly or indirectly to any equipment, apparatus, or facilities which are not located entirely on board the vessel identified in the station license: Provided, That the limitations of this section shall not apply (a) when the station is being operated in an emergency under provisions of Section 83.75, or (b) when it is necessary, while the ship is temporarily moored, to energize one or more components of a main installation or an emergency installation by means of a source of power not located on board the ship, for the purpose of assuring compliance with any applicable safety radio requirement of law.

Section 83.104 Operating controls.

(a) In each ship station, operating controls shall be readily available at the principal operating location of the station for instant use by the authorized operator in accordance with the provisions of Section 83.154, whenever the station is being used for transmission, capable of being used to:

- (1) Commence and discontinue normal operation of the station;
- (2) Change normally from each operating radio-channel to any other associated operating radio-channel in the same characteristic portion of the spectrum; and
- (3) Change normally from transmission to reception and vice-versa.

(b) Every ship station using telegraphy for normal traffic shall be provided with a device permitting changeover from telegraph transmission to telegraph reception and vice versa without manual switching. In addition, these stations should be able to listen on the reception frequency during the course of periods of transmission.

(c) Every ship station using telephony shall, when an authorized operator is present at the principal operating location, be capable of change-over from telephone transmission to telephone reception and vice-versa within a total period of two seconds under circumstances which do not require a change in operating radio-channel at the same time.

(d) Every ship station shall, during its hours of service and when the authorized operator is present at the principal operating location, be capable of:

- (1) Commencing operation within one minute after the need to do so occurs;

Section 83.104 Operating controls (cont'd).

(2) Discontinuing all emission within five seconds after emission is no longer required or after the necessity arises for emission to cease.

(e) Each ship station using a multichannel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc/s) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio channel to any other operating radio channel for transmission or reception by means of telegraphy within:

(1) A period of five seconds if the particular radio channels are within the same characteristic portion of the spectrum; or

(2) A period of fifteen seconds if the particular radio channels are not within the same characteristic portion of the spectrum.

(f) Every ship station and marine-utility station using a multi-channel installation for telephony shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from one operating radio-channel to another operating radio-channel for transmission or reception by means of telephony within:

(1) A period of five seconds, when changing from the calling frequency to a working frequency and vice versa within the band 1600-4000 kc/s; or

(2) A period of three seconds, when changing from the calling frequency to a working frequency and vice versa within the band 156-174 Mc/s.

(g) Whenever the same carrier frequency is used for radiotelephone transmission and reception, means shall be provided so that transmission may be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.

Section 83.104 Operating controls (cont'd).

(h) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using telegraphy on frequencies within the band 405 kc/s to 535 kc/s must, with respect to the use of any transmitter capable of a plate input power in excess of 450 watts and completed in construction subsequent to January 1, 1952, be provided with an arrangement readily permitting the use of a plate input power for telegraphy which is not in excess of 200 watts. Each such transmitter shall be furnished with a durable nameplate with the month and year of its completion permanently inscribed thereon.

(2) The requirement of subparagraph (1) of this paragraph shall not apply when there is available in the same station a duly authorized radiotelegraph transmitter capable of operation on the international calling frequency 500 kc/s and at least one working frequency within the band 405 kc/s to 485 kc/s, capable of being energized by a source of power other than an emergency power supply installed for compliance with applicable provisions of treaty or statute, and not capable of a plate input power in excess of 450 watts when operated on such frequencies.

(i) The frequency selector switch on transmitters employing single sideband shall automatically provide for A3H emission when the transmitter is operated on 2003 (in the Great Lakes area), 2182 or 2638 kc/s.

Section 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kc/s shall be able to transmit A3 or A3H emission<sup>1</sup> and receive A3 emission<sup>1</sup> on the carrier frequency 2182 kc/s, and, if used for other than safety communication, shall be capable also of transmitting A3 or A3H emission<sup>1</sup> and receive class A3 emission<sup>1</sup> on at least two other frequencies within that band.

(b) Each ship station equipped with radiotelephony to work in the authorized bands between 156 and 162 Mc/s shall be able to transmit and receive Class F3 emission on:

- (1) The Distress, Safety and Calling frequency 156.800 Mc/s;
- (2) The primary Intership Safety frequency 156.300 Mc/s;
- (3) One or more working frequencies; and
- (4) All other frequencies necessary for its service;
- (5) Exceptionally, however, single or dual channel equipment which otherwise conforms to the technical requirements of this part, may be used solely for navigational communications on a ship's bridge, on a frequency designated for such navigational purposes, in those cases where such ships have no requirement for other VHF communications.

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<sup>1</sup>Subject to the limitations set forth in Section 83.132.

NOTE: The licensee of a ship station authorized prior to September 3, 1968, for single channel or dual channel equipment may continue to use such equipment in the same station until January 1, 1974.

Section 83.153 Location of operator.

When an operator is required for the operation of a station subject to this part, such operator shall, whenever the transmitting apparatus is being operated, be on duty at the principal operating position or a control point of the station and, subject to the lawful authority of the master, shall be in charge of the station.

Section 83.155 Operator(s) required by Title III of Communications Act of 1934.

(a) Each passenger ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelegraph station shall for safety purposes carry at least one radio officer holding a radiotelegraph first-class operator license, and in addition at least one radio officer holding a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license: Provided, That the holder of a radiotelegraph second-class operator license or a temporary limited radio-telegraph operator license may not act as chief radio officer.

(b) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelegraph station, which is not fitted with a radiotelegraph auto alarm in proper operating condition, shall for safety purposes carry at least two radio officers, each of whom shall hold a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license: Provided, That the holder of a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer until he has had at least 6 months satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(c) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelegraph station, which is fitted with a radiotelegraph auto alarm in proper

Section 83.155 Operator(s) required by Title III of Communications  
Act of 1934 (cont'd).

operating condition, shall for safety purposes carry at least one radio officer holding a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license, who has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelephone station shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,000 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,000 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

(e) Each vessel of the United States transporting more than six passengers for hire, which in accordance with Part III of Title III of the Communications Act is equipped with a radiotelephone installation, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,000 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,000 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

Section 83.156 Operator(s) required by the Safety Convention.

(a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which in accordance with the radio provisions of the Safety Convention is equipped with a radiotelegraph station, shall for safety purposes carry at least the number of radio officers specified in subparagraphs (1) and (2) of this paragraph:

(1) If fitted with a radiotelegraph auto alarm in proper operating condition:

(i) Each cargo ship, and each passenger ship carrying or certificated to carry 250 passengers or less, or more than 250 passengers but engaged on a voyage of less than 16 hours duration between two consecutive ports, shall carry at least one radio officer holding a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license; who has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States;

(ii) Each passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, shall carry at least two radio officers, each of whom shall hold a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license: Provided, That the holder of a radiotelegraph second-class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States;

Section 83.156 Operator(s) required by the Safety Convention (cont'd).

(2) If not fitted with a radiotelegraph auto alarm in proper operating condition:

(i) Each cargo ship shall carry at least two radio officers, each of whom shall hold a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license: Provided, That the holder of a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States;

(ii) Each passenger ship shall carry at least one radio officer holding a radiotelegraph first-class operator license, and in addition at least one radio officer holding a radiotelegraph first- or second-class operator license or a temporary limited radiotelegraph operator license: Provided, That the holder of a radiotelegraph second-class operator license or a temporary limited radiotelegraph operator license may not act as chief radio officer.

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which in accordance with the radio provisions of the Safety Convention is equipped with a radiotelephone station, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,000 watts peak envelope power such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization.

Where the power of the station exceeds 250 watts carrier power or 1,000

Section 83.156 Operator(s) required by the Safety Convention (cont'd).

watts peak envelope power such operator shall, as a minimum, hold a radio-  
telephone second-class operator license.

Section 83.159 Operator requirements for noncompulsory stations.

<u>Description of station</u>	<u>Minimum Operator Authorization</u>
Public ship telegraph, all categories	T-2 or TLT
Limited ship telegraph	T-3
Public or limited ship telephone, more than 250 watts carrier power or 1,000 watts peak envelope power	P-2
Public or limited ship telephone, not more than 250 watts carrier power or 1,000 watts peak envelope power	P-3
Public or limited ship telephone, not more than 100 watts carrier power or 400 watts peak envelope power	RP
Marine utility ship	RP
Ship radiolocation-test, using radar only	P-2, with ship-radar endorsement.

Section 83.173 Authority of the master.

(a) Except as may be regulated by law or international agreement or by the rules of the Commission, the service of each station on board ship shall at all times be under the supreme control of the master, who shall require that each operator of such station comply with the International Radio Regulations in force and that the ship station for which the operator is responsible is used, at all times, in accordance with those regulations.

(b) However, during any period in which the Department of Defense lawfully may exercise and is in fact lawfully exercising emergency controls over United States merchant shipping, no provisions of the Commission's rules and regulations shall prevent the master of any ship of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to carry out instructions of the Department of Defense.

Section 83.183 Hours of service of ship stations.

(a) Ship stations whose service is not continuous may not close before:

- (1) Finishing all operations resulting from a distress call, or urgency or safety signal;
- (2) Exchanging, so far as practicable and within the scope of their normal operation, all traffic originating in or destined for public coast stations situated within their range and mobile stations which, being within their range, have indicated their presence before the actual cessation of communication.

Section 83.202 Watch required on vessels subject to the Communications Act.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with part II of title III of the Communications Act shall, while being navigated in the open sea outside of a harbor or port, keep a continuous and efficient watch on 500 kc/s by means of radio officers: Provided, however, That in lieu thereof on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition an efficient watch on 500 kc/s shall be maintained by means of a radio officer for at least 8 hours per day in the aggregate; i.e., for at least one-third of each day or portion of each day that the vessel is navigated in the open sea outside of a harbor or port.

(b) Each cargo ship of the United States which is equipped with a radio-telephone station for compliance with part II of title III of the Communications Act shall, while being navigated in the open sea outside of a harbor or port, keep a continuous and efficient watch on 2182 kc/s in the room from which the vessel is normally steered while at sea, whenever such station is not being used for authorized traffic. Such watch shall be maintained by at least one officer or member of the crew of the vessel who has been designated by the master to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

(c) Each vessel of the United States transporting more than six passengers for hire, which is equipped with a radio-telephone installation for compliance with part III of title III of the Communications Act shall, while being

Section 83/202 Watch required on vessels subject to the Communications  
Act (cont'd).

navigated in the open sea or any tidewater within the jurisdiction of the United States adjacent or contiguous to the open sea, keep a continuous and efficient watch on 2182 kc/s in the case of an installation operating in the 1605-3500 kc/s band, or on 156.8 Mc/s in the case of an installation operating in the 156-174 Mc/s band, whenever such installation is not being used for authorized traffic. Such watch shall be maintained by at least one officer or member of the crew of the vessel who has been designated by the master to do so. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch.

83.203 Watch required on vessels subject only to the Safety Convention.

(a) Each ship of the United States which is equipped with a radiotelegraph station for compliance with the Safety Convention, but which is not fitted with a radiotelegraph auto alarm in proper operating condition, shall while at sea keep a continuous and efficient watch on 500 kc/s by means of radio officers. If fitted with a radiotelegraph auto alarm in proper operating condition, such watch shall be kept while at sea as follows:

(1) Each cargo ship, and each passenger ship carrying or certificated to carry 250 passengers or less, or more than 250 passengers but engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate;

(2) Each passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(b) Each cargo ship of the United States which is equipped with a radio-telephone station for compliance with the Safety Convention shall, while at sea, keep a continuous and efficient watch on 2182 kc/s in the manner prescribed by Section 83.202 (b).

Section 83.223 Watch on 2182 kc/s.

(a) Each ship station on board a ship navigating the Great Lakes and licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kc/s shall, during its hours of service for telephony, maintain an efficient watch for reception of A3 and A3H emissions on the authorized carrier frequency 2182 kc/s, whenever the station is not being used for transmission on that frequency or for communication on other frequencies.

(b) Except for stations on board vessels required by law to be fitted with radiotelegraph equipment, each ship station (in addition to those ship stations specified in paragraph (a) of this section) licensed to transmit by telephony on one or more frequencies within the band 1605 to 3500 kc/s shall, during its hours of service for telephony, maintain an efficient watch for the reception of A3 and A3H emissions on the authorized carrier frequency 2182 kc/s, whenever such station is not being used for transmission on that frequency or for communication on other frequencies. When the ship station is in Region 1 or 3, such watch shall, insofar as is possible, be maintained at least twice each hour for 3 minutes commencing at x h. 00 and x h. 30, Greenwich mean time.

Section 83.224 Watch on 156.800 Mc/s.

Each ship station, or, if more than one maritime mobile station is being operated from a vessel than at least one station, licensed to transmit by telephony on one or more frequencies within the band 156-162 Mc/s shall, during its hours of service for telephony in this band, maintain an efficient watch for the reception of F3 emissions on the authorized carrier frequency 156.800 Mc/s whenever such station is not being used for transmission on other frequencies: Provided, however, That ship stations licensed under the provisions of Section 83.106 (d) (5) or operating under the provisions of the note to Section 83.106 of the rules are exempt from the watch requirements on 156.800 Mc/s.

**ALASKA STATE  
MEDICAL ASSOCIATION**

519 WEST EIGHTH AVENUE ANCHORAGE, ALASKA 99501 TELEPHONE 277-6891



April 2, 1971

Senator Lowell Thomas, Jr.  
Pouch V  
Juneau, Alaska 99801

HB 186

Dear Senator Thomas:

The A.S.M.A. opposes HB 186, an act relating to physical examination of nonresident employees.

Frankly, we were totally unaware of AS 18.15.060-110, which HB 186 amends. None of us has ever seen the health certificate referred to.

The intent of the original statute in 1949 must have been to exclude individuals with important contagious diseases such as tuberculosis, diphtheria, smallpox, and syphilis. Certainly the intent was not to detect minor contagious diseases such as viral respiratory infections or athlete's foot, though the language of the statute does not make this clear.

The present incidence of dangerous communicable infectious diseases is so low that pre-employment examinations to detect them are not worthwhile in terms of cost and inconvenience.

The emphasis rather should be to discover conditions such as heart disease, syncope, defective vision, defective hearing, hernias, back conditions, accident proneness, alcoholism, drug addiction, sociopathy, and other mental disease which could be costly to the individual, employer, and public alike. An aim should be to reduce workmen's compensation claims.

There is no medical reason to distinguish between resident and non-resident prospective employees.

Responsible employers have pre-employment examination programs for these purposes. All employers should be encouraged to provide such examinations, though it may not be appropriate to require owners of small business to do so, particularly for temporary positions.

In summary we see no merit in HB 186 and none in the original xenophobic statute. AS 18.15.060-110 should either be repealed as archaic and wasteful of people's time and money or extensively modified to protect against the conditions described above.

Sincerely,

Rodman Wilson, M.D., Chairman  
Legislative Committee

RW/lps

cc: Senator Jay Hammond  
Senator John Butrovich  
Senator C. R. Lewis  
Rep. Joe McGill  
Rep. William Moran  
Commissioner Henry Benson  
Commissioner Fred McGinnis

seattle-northwest  securities corporation

March 24, 1971

HB 204

The Honorable Members of the House of Representatives  
State of Alaska  
Juneau, Alaska

Subject: House Bill 204

Gentlemen:

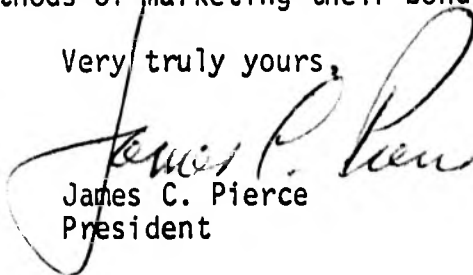
With Alaska municipalities anticipating the need for tremendous sums to finance capital improvements, we find it difficult to understand the introduction of legislation that would limit the sources of bond financing.

As we understand it, House Bill 204 would prohibit a person who provides financial or programming assistance to a political subdivision from bidding on the bonds at public sale or negotiating for their purchase at a private sale. Admittedly, such a restriction might not harm the marketability of the municipal bonds issued by the larger municipalities, but it could very materially limit the marketability of bonds issued by the smaller municipalities. As you know, Anchorage and Greater Anchorage Area Borough have locally adopted such restrictions. The City and Borough of Juneau has restricted the financial consultant from purchasing bonds on a negotiated basis, but the financial consultant is allowed to bid at a public sale. Such local regulation is entirely proper since it allows each municipality to determine whether the restriction will be harmful to its particular bond issues.

To our knowledge, no state law restricts a financial consultant from bidding at a public sale. At one time this was true in Oregon, but that is no longer the case.

As a firm specializing in underwriting Alaska and Northwest municipal bonds, we feel very strongly that the municipal corporation should not be restricted by state law in the available methods of marketing their bond issues.

Very truly yours,



James C. Pierce  
President

JCP:lh

**MEMORANDUM****State of Alaska**

TO:  The Honorable William J. Moran  
 Chairman, House Judiciary Committee  
 Alaska State Legislature  
 Juneau, Alaska 99801

DATE: March 18, 1971

FROM: *Eric E. Wohlforth*  
 Eric E. Wohlforth, Commissioner  
 Department of Revenue

SUBJECT: House Bill 204 - An Act Relating to the  
Sale of Public Bonds

Some background of the structure of the market for State and municipal bonds is necessary in analyzing the bill.

1. In general the State and Municipal bond market is a high volume market growing in size almost every month. In the year 1970 a total of \$17,761,645,833 in municipal bonds were sold surpassing the previous yearly high of \$16,374,332,960. In the month of January, 1971 financing by State and local governments reached an all time high of \$2,599,020,490.

In contrast, during the calendar year 1970 the State of Alaska issued \$35,726,000 in bonds or a fraction of .020141 of the total amount of municipal bonds issued during 1970 throughout the country.

2. As the Committee knows, all Alaska State bonds are sold at public sale. The mechanics of sale and marketing of bonds are very roughly as follows.

Each time an issue is announced prior to its legal advertisement historical accounts of bond underwriters meet with tentative price suggestions. These underwriters include the large commercial banks as well as investment banking houses which specialize in the underwriting of municipal issues. Pricing ideas are developed among account members sometimes until the last hour before sealed bids are submitted. Account members may drop out because of dissatisfaction with the price, and late economic developments such as Federal discount prime rate increases or decreases may dramatically alter the price which the underwriting syndicate is willing to pay.

Although members of the account may run into the hundreds, one or more majors are usually designated to submit the bid in behalf of the account after a syndication agreement is signed by the members of the account.

Once the bid is submitted and the apparent winning bid is known, the bond underwriters begin a strenuous sales effort towards selling the bonds at the agreed on price at the final syndicate meeting. If the bonds are priced correctly from the underwriters point of view the complete issue may be sold within a matter of hours after submission of the apparent winning bid.

The prime objective of the underwriters is to achieve a sale as soon as possible and distribution ability is the key to market success given the correct price.

The actual profit which the underwriting group makes on a bond sale is ascertainable by comparison of the yield spreads translated into price for each maturity of the bonds in the winning bid with the yields stated in the re-offering advertisement as published in the national financial journals. Usually, the national financial journals point out how rapidly the bonds sell and a rough estimate can always be made of the underwriting spread.

3. In my opinion and in my experience it is clear that an investment house which has aggressively bid for and purchased Alaska issues has by far the best feel of the market. It is also clear that the market for Alaska municipal bonds has broadened very substantially since the oil lease sale with many first time owners of Alaska municipal bonds.

An intimate knowledge of the structure of the market for Alaska municipal bonds is of extreme value to the State Bond Committee.

Someone with this knowledge can tell the Bond Committee of the length and amount of an issue which the market may accept. This was dramatically illustrated with the recent conflicting advice received from two financial houses prior

to the last State bond sale. The bond advisors selected for the most recent General Obligation bond issue of \$21,325,000 advised us that the market could support an issue of this size with the maturity schedule running it up to 22 years. Other advice cautioned against a sale of this size and also indicated that combining bonds with maturity limitations of 6% with limitations of 7% would confuse the market and make for fewer bids.

The attached copy of Revenue News of the Department of Revenue dated February 16, 1971 shows that the advice to sell the \$21,325,000 issue out to 22 years was correct. Five bids were received from four of the largest banks in the country and as noted in the article the winning bid was the best rate received on Alaska bonds in over three years.

The bond advisor was a member of one of the accounts bidding for the bonds which was unsuccessful in their bid. The spread between the bid of the group in which Nuveen was a manager and the winning bid was .0922%.

It is interesting to note that the bidding and marketing practices in the municipal bond field have never drawn an anti-trust prosecution. Attorney General Kennedy in the 1960's drew some national attention to the possibility of collusive bids but no prosecution resulted.

4. Denying us the expertise of an underwriting firm acting as financial or fiscal advisor could hamper our bond issuing operations. We need access to a firm which can give us the best advice on maturities and amount of issue as well as analysis of when we should go to market. In my opinion the few firms that provide financial advice but do not bid on the bonds are simply not close enough to the market to materially assist us.

In conclusion, I do not feel that with the active competition for Alaska State bonds the danger exists of a financial advisor somehow of structuring the issue to fit his own needs rather than the market in general. The test of the

The Honorable William J. Moran

-4-

March 18, 1971

financial advisors expertise is his ability to structure an issue to gain the widest possible interest and the maximum number of bids. The informational media available in the municipal bond field are so extensive that there is no opportunity whatsoever to cut down the amount of publicity given to a bond issue. Our most recent bond sale was publicized in the Bond Buyer which is a trade journal of the municipal bond financing as well as through announcement in financial papers and advertisement here in Alaska. 1,086 copies of the Official Statement were sent out to potential purchasers.

I enclose a chart showing the activity of three of the leading purchasers of Alaska State bonds over a period of time. I may mention that permitting the financial advisor to bid for bonds has been uniform practice since Statehood.

EEW/ge  
Enclosures

# Revenue News

A Monthly Publication by the Alaska State Department of Revenue  
Pouch S, Juneau, Alaska 99801

FEBRUARY 16, 1971

No. 1

This is the first publication of the Department of Revenue designed to provide more complete information to Alaskans on the activities of the department. We welcome any suggestions as to format and content of future issues, directed to Pouch S, Juneau, Alaska 99801. Our district offices are located at the following addresses and stand ready to assist you in tax or motor vehicle services.

<u>Location</u>	<u>Address</u>	<u>Phone Number</u>
Anchorage	800 E Street	272-1581
Fairbanks	604 Barnette Street	452-1511
Ketchikan	107 Stedman	Canal 5-4116
Nome	Front Street	443-2441
Juneau	240 S. Franklin	586-1870

## OIL LEASE SALE PROCEEDS

The Department of Revenue reports that as of January 27, 1971, the total investments in the General Fund held both in the Bank of America and in Alaska amount to \$904,491,680. This compares with the figure of \$923,202,321 which was the amount in the General Fund on November 30, 1970. These figures represent the principal or par value of the securities held. The market value of the investments, that is, the price they would command if sold, was \$925,147,103.86 as of January 1, 1971.

It is still correct to refer to \$900,000,000 in the General Fund, but very shortly the Fund will fall below this amount. Figures supplied by the Department of Administration based on our current budget now indicate that the Fund will fall to \$814,905,600 (par value) by the end of this fiscal year, which is June 30, 1971. This figure represents the effect of charges against the Fund. The cash balance should be much higher. By the next year, that is, by June 30, 1972 it is estimated, based on the proposed budget, that the Fund will fall to \$709,144,200 and will steadily drop thereafter to a balance of under \$100,000,000 by June 30, 1976.

The increase of our State expenditures each year should increase and benefit the quality of life in Alaska. In a very real sense the question of what the 900 million dollars is doing for the State of Alaska is answered by the fact of increased annual expenditure for education, health and other State services and programs. The direct Alaskan investment of the General Fund includes \$100,000,000 in five-year State deposits with Alaska banks, \$6,805,000 in Alaska local government bonds and in mortgages purchased by the State.

With the necessity of spending portions of oil lease sale proceeds in the General Fund to maintain or improve the quality of life in Alaska, it becomes vitally important that we determine exactly how much money we can devote to long-range programs to carry through until the time when increased revenue becomes available. The existing

Mortgage Loan Participation program has been temporarily suspended while we evaluate whether purchase of mortgages through the banking system has the actual or potential effect of significantly reducing the cost of housing in Alaska. At the same time we are developing a series of computer projections to determine a high-low estimate of the Fund balance on differing expenditure and rates-of-return assumptions. This computer model will have the capacity to receive information such as the amount of a suggested program or a delay in anticipated oil revenues and tell us in minutes what effect this has on the balance in the general fund.

#### MONEY MARKET OPERATIONS

As bonds and notes now held in the fund mature, they can only be re-invested in securities yielding less interest under current market conditions. This is because the nation is experiencing a period of easy money with an active Federal Reserve policy to make more credit available through the banking system. On November 30, 1970 the average yield to maturity of the Fund was 7.34%, today the average yield is 7.22%. One year ago the prime commercial bank rate, that is, the rate charged "best quality borrowers" was 8-1/2%, currently it is 6%. With very substantial maturities scheduled during 1971, the fund should experience a further reduction in average yield due to a lowering of interest rates available for re-investment of maturing securities.

We can, however, increase the amount of dollars earned by the Fund by selling some of the present holdings which are now worth much more than their original purchase price and re-invest in other securities offering a higher rate of return over the remaining period of the original holdings. In this way more actual dollars will accrue to the portfolio even though the average yield on holdings in the manner reported in the past would decline somewhat. We will set up a new method of reporting yields to give effect to capital gains profit in investment performance. In our opinion the most significant feature of investment management is the actual increase in dollars to the Fund rather than the yield alone. We are continually evaluating conservative investment opportunities to maximize return on our holdings and further capital gains.

#### GENERAL OBLIGATION BOND SALE

On February 2, 1971 the State Bond Committee received five bids for a total of \$21,325,000 of State bonds, representing the largest issue of State general obligation bonds sold to date. The winning bid of 5.07% submitted by The Chase Manhattan Bank and Salomon Brothers of New York City was the best interest rate on Alaska bonds in over three years. In addition the sale was a departure from recent policy of short-term issues with maturities scheduled out to twenty-two years corresponding more nearly to the useful life of the projects. The chart below illustrates the extent of improvement in the market for Alaska bonds represented by this issue:

<u>Date of Sale</u>	<u>Daily Bond Buyer Average Reported Nearest to Sale Date</u>	<u>State Bonds Average Net Interest Cost</u>	<u>Maturities</u>	<u>Amount of Issue</u>
May 1, 1967	3.79	4.5016	1967-92	\$15,325,000
Sept. 1, 1967	4.07	4.903	1968-92	\$10,200,000
April 1, 1968	4.31	5.1867	1968-88	\$14,525,000
May 1, 1969	5.10	5.75	1970-79	\$ 8,200,000
May 28, 1969	5.10	6-3/8	1972-89	\$ 2,225,000*
July 1, 1969	5.68	5.69	1970-79	\$10,500,000

<u>Date of Sale</u>	<u>Daily Bond Buyer Average Reported Nearest to Sale Date</u>	<u>State Bonds Average Net Interest Cost</u>	<u>Maturities</u>	<u>Amount of Issues</u>
Sept. 17, 1969	6.37	3 (HUD)	1970-79	\$ 2,030,000**
Sept. 17, 1969	6.37	5-5/8	1970-79	\$ 8,200,000
March 4, 1970	6.00	5.49	1971-80	\$11,501,000
July 1, 1970	6.79	5.90	1971-75	\$12,900,000
Sept. 1, 1970	6.16	5.87	1971-85	\$11,325,000
Feb. 2, 1971	5.13	5.0719	1972-92	\$21,325,000

\* International Airport Revenue

\*\* University of Alaska Bonds

#### NEW DEVELOPMENTS IN TAXATION

##### MULTISTATE TAX COMMISSION

The Multistate Tax Commission, which Alaska joined on July 1, 1970, was formed for the purpose of establishing uniformity among state and local governments for the taxation of interstate business, an area of acute concern in Alaska tax administration.

Currently the Multistate Tax Commission is trying to formulate a comprehensive plan for taxation of interstate business which would serve as a backup plan in case Congress should reconsider Federal legislation in this field. The idea here is to establish an accord among the various states for a plan that would be acceptable to business and states alike for presentation to Congress if it decides to act in this area. Development of appropriate interstate tax legislation is vital if Alaska is to capture its fair share of revenue in the oil development of the 1970's.

The Multistate Tax Commission has also formed an audit capability who will also coordinate the activities of the various states in conducting joint audits. This program will result in a greater consistency of audit programs, a greater compliance among the various companies, and should produce an increase in income for many of the states involved. At the same time, it will help the various companies who are involved in interstate business since they will be confronted with only one audit group rather than being audited by all of the states in which they do business. They will also receive more consistent treatment from the auditors.

This recent information comes from the winter meeting of the Multistate Tax Commission which was held January 24 through 26 in Washington, D. C., and was attended by alternate delegate Fred Boetsch, Director of the Audit Division. Although many of the substantive provisions of the "plan" were not resolved to everyone's satisfaction, the progress made in the Audit Committee was excellent.

##### INCOME TAXES

The first group of 1970 refund warrants consisting of 158 warrants amounting to \$12,011.67 was made January 22, 1971.

Starting with the next group, we will be utilizing a new data processing system which will further speed up refund processing. This new system will eliminate several edit routines and will also eliminate the handling of given punch cards several times as has been done in the past. This will simplify the operation from

the standpoints of those having manual control over the refunds and the computer operators. In addition, a new scanning system developed by the Audit Division should permit us to put through refunds at a much faster rate. We estimate that these systems will reduce refunding time by about three weeks.

The Audit Division has also announced that a completely new system for informing the taxpayer of adjustments to his tax liability has been instituted. In the past a taxpayer has simply been provided with a debit and credit memo and a brief explanation of the reason for the change. Taxpayers and their accountants have been concerned that they could not reconcile the amount of tax shown on the adjustment with the amount of tax originally computed on the return. Under the new system the taxpayer will receive a photocopy of his return which for 1970 provides a column in which the Department may make any audit changes. This will show him just exactly what figures were changed and by how much. This copy will be accompanied by a covering letter explaining in detail the reason for the audit change. This improvement has been brought about primarily by the utilization of MT/ST equipment in preparing these audit adjustment letters. We believe that these letters will better inform the public as to the reasons underlying any change, and enable them to see just exactly where the changes have been made. This will contribute immensely to our public relations programs and, we believe, provide a tremendous increase in the quality of our taxpayer service.

#### MISCELLANEOUS TAXES

A new data processing system has also been set up in the Business License field which will result in a much faster turnaround time in the issuance of business licenses. Under the previous system, an application for licensing was received and audited, then a license issued. This required batching the applications and scheduling data processing time for a print-out of the actual licenses. Under the new system the licenses have all been pre-printed and a number pre-assigned to each individual business. This number was also indicated on the Business License Applications which were sent out. As these applications come back it will be a simple matter of auditing the applications and then pulling the correct license from the file and mailing it to the taxpayer. Turnaround time here should be reduced to about 10 to 14 days from six to eight weeks under the old system.

The Miscellaneous Tax Section is also considering a new type of withholding tax form which will provide a greater convenience to the businessman in submitting his quarterly withholding report and remittance. This new form envisions a package being sent to the businessman-employer which would include a self-addressed envelope to the Department and pre-printed data on the forms. We will have more information on this form in our next newsletter.

RECEIVED

DEC 28 1970

DEPARTMENT OF REVENUE  
STATE OF ALASKA  
JUNEAU

RECAP OF ACTIVITIES OF THREE MAJOR UNDERWRITERS  
(Issues Managed or Co-Managed by Each Firm)

<u>Year</u>	<u>JOHN NUVEEN &amp; CO. (INC.)</u>		<u>Bank of America, N.T. &amp; S.A.</u>		<u>Blyth &amp; Co., Inc.</u>	
	<u>Par Value</u>	<u>No. of Issues</u>	<u>Par Value</u>	<u>No. of Issues</u>	<u>Par Value</u>	<u>No. of Issues</u>
1970	\$ 56,640,000	8	\$30,456,000	6	\$ -0-	0
1969	17,900,000	5	14,250,000	2	10,615,000	3
1968	29,590,000	8	10,500,000	1	15,500,000	1
1967	25,535,000	6	16,500,000	1	15,700,000	3
1966	<u>10,135,000</u>	<u>3</u>	<u>-0-</u>	<u>0</u>	<u>5,400,000</u>	<u>2</u>
1966-1970	<u>\$139,800,000</u>	<u>30</u>	<u>\$71,706,000</u>	<u>10</u>	<u>\$47,215,000</u>	<u>9</u>

HB-219

MEMORANDUM

State of Alaska

TO: The Honorable George Holman, Chairman  
House Finance Committee  
Alaska State Legislature

DATE : April 16, 1971

FROM: M.R. Charney, Director  
Division of Budget & Management  
Department of Administration

SUBJECT: House Bill 219

Pursuant to your recent request, the following information is transmitted concerning original project proposals under Capital Improvement bond issues for which appropriations are requested in HB 219.

Section 1. \$12,690,000 from the "1970 School Construction Fund". Chapter 170, SIA 1970 authorized a bond issue totaling \$20,300,000 for the following projects:

Regional and Area Schools at:

*Bethel  
7 million*

Dillingham	\$ 720,000
Bristol Bay	720,000
McGrath	540,000
Bethel	749,000
Anchorage	2,025,000
Fairbanks	1,500,000
Tok	495,000
Forth Yukon	630,000
St. Mary's or Bethel	2,625,000
Aleutian area	1,000,000
Contingency	<u>96,000</u>
<b>Total Regional and Area Schools</b>	<b>\$11,100,000</b>

State Schools:

Annette	2 Classrooms, storage area	\$ 150,000
Bethel	Gymnasium, music and related facilities	1,400,000
Bethel	10-classroom Elementary school	1,500,000
Galena	Elementary school and quarters	1,000,000
Healy	Resource center	100,000
Levelock	Teacher housing	30,000
Sand Point	2 Elementary rooms, 2 quarters	300,000

Relocatables

Bradfield Canal	1 classroom and quarters	\$ 50,000
Cape Pole	1-1/2 classroom and quarters	80,000
Coffman Cove	1-1/2 classroom and quarters	80,000

Relocatables (cont.)

El Capitan	1 classroom and quarters	\$ 50,000
Exchange Cove	1 classroom and quarters	50,000
Gildersleve	1 classroom and quarters	50,000
Port Alice	1 classroom and quarters	50,000
St. John's Harbor	1 classroom and quarters	50,000
Whale Pass	1 classroom and quarters	50,000
Deep Bay	1 classroom and quarters	50,000
Thorne Island	1 classroom and quarters	50,000
Glennallen	Administrative area and storage	\$ 113,500
Igiugig	1 classroom and quarters (R)	80,000
New Stuyahok	2 classrooms and quarters	120,000
Nikolai	1 quarters	30,000
Northway	Resource center, 2 classrooms	250,000
Thorne Bay	Administration and storage	40,000
Gakona	2 classrooms and 1 quarters	225,000
Akutan	1 classroom and kitchen	80,000
Anderson	4 quarters (R)	80,000
Aniak	1 quarters	30,000
Artic Village	1 classroom	60,000
Bettles	1 kitchen and storage (R)	50,000
Newhalen-Nondalton	Secondary school	1,210,000
Angoon	Secondary school	500,000
Nelson Island	Secondary school	<u>1,241,500</u>
Total State Schools		\$ 9,200,000

Section 2. \$1,500,000 from the "1970 Alaska Senate Housing Program Construction Fund". Chapter 1970, SLA 1970 authorized a bond issue totaling \$3,000,000 to acquire, construct, equip and make other Capital Improvements to Alaska Remote Housing facilities.

Section 3. \$1,722,500 from the "1970 State Recreational Facilities Construction Fund". Chapter 181, SLA 1970 authorized a bond issue totaling \$2,300,000 for the following projects:

Red Shirt Lake Access Road	\$ 212,500
Valdez Glacier Wayside Expansion	50,000
Chena River Recreation Area Master Plan	50,000
Mellugh Creek Wayside Expansion	10,000
Ft. Abercrombie Master Plan	50,000
Chugach Mountains Master Plan	50,000
Hatcher Pass Master Plan	50,000
Lake Louise Master Plan	30,000
City of Eagle Preservation Plan	25,000
Renovate Potlach House, Ketchikan	50,000
Captain Cook Campground (1972)	125,000

The Honorable George Hohman, Chairman  
 April 16, 1971  
 page 3

Nancy Lake Boat Ramp, Visitor Center, Office, Warehouse (1972)	\$ 250,000
Willowcreek Wayside Expansion (1972)	25,000
Deadman Lake Development (1972)	75,000
Nancy Lake Land Acquisition (1972)	125,000
Wayside, Mt. McKinley Viewpoint on Fairbanks Highway (1972)	50,000
Nancy Lake Loop Road, Design & Clearing (1972)	250,000
Chilkoot Trail Master Plan (1972)	20,000
Anchor River Campground Expansion (1972)	25,000
Moon Lake Campground Expansion (1972)	25,000
Fort Abererorbie State Park (1972)	450,000
Dry Creek Campground (1972)	75,000
Wood River - Tikchik Master Plan (1972)	50,000
Stormy Lake and Swanson River Road Access (1972)	125,000
Contingency	<u>52,500</u>
TOTAL	\$ 2,300,000

Section 4. \$1,500,000 from the "1970 State Health and Welfare Correctional Facilities Construction Fund". Chapter 183, SLA 1970 authorized a bond issue totaling \$8,600,000 for the following projects:

McLaughlin Youth Center, Phase I	\$ 502,500
Phase II	417,700
Phase III	963,400
Regional Correctional Institution in Anchorage and Fairbanks	5,216,000 1,510,500

Section 5. \$2,100,000 from the "1970 State Health and Medical Facilities Construction Fund". Chapter 190, SLA 1970 authorized a bond issue totaling \$5,600,000 for the following projects:

Rehabilitation Building - A.P.I.	\$ 180,000
Occupational Therapy Addition - A.P.I.,	306,000
Maintenance Building - Harborview Memorial Hospital	100,000
Health Centers at Nome, Tok Junction, Sitka, Craig, Bethel	1,240,800
Child Care Center, Location T.B.D.	422,000
Projects to Match Hill-Burton Funds	
Mentally Retarded Facility (1971)	75,000
Mentally Retarded Facility (1972)	75,000
Mental Health Center (1971)	75,000
Mental Health Center (1972)	75,000
General Hospitals (1971)	1,500,000
General Hospitals (1972)	<u>1,500,000</u>
TOTAL	\$ 5,600,000

The Honorable George Hohman, Chairman

April 16, 1971

page 4

Section 6. \$5,500,000 from the "1970 Highway Maintenance Facilities Construction Fund". Chapter 221, SLA 1970 authorized a bond issue totaling \$5,500,000 for the following projects:

Livingood Shop	\$ 314,000
Fairbanks District Shop	884,000
Juneau District Complex	2,170,650
Manley Shop	125,200
O'Brien Shop	152,250
Eagle Shop	152,560
Cascade Shop	258,000
Silvertip Shop	341,800
Broad Pass Shop	406,000
Seward Shop	269,480
Palmer Warm Storage	117,850
Ruby Shop	147,310
Unallocated	<u>160,900</u>
TOTAL	\$ 5,500,000

Section 7. \$10,000,000 from the "1970 Airport Construction Fund. Chapter 222, SLA 1970 authorized a bond issue totaling \$10,000,000 for the following projects:

(State Funds Only)	\$ 1,200,000
Dillingham Runway	225,000
Hooper Bay	80,000
Birchwood - Pave Runway & Apron	60,000
Craig-Klawock - Design & Land Acq.	40,000
Aniak - Design only	10,000
Wales - Design	20,000
Pt. Hope - Design	40,000
Harding Lake - Design & Land Acq.	25,000
Kwigillingnok - Design & Land Acq.	38,000
Girdwood	60,000
Marshall	400,000
Andreafski	180,000
Wrangell - Lighting & Maint. Bldg. & Apron Expansion	120,000
Shageluk - Reconstruction including road	60,000
Bettles - Apron construction	25,000
Nunapitchuk - Kasigluk - Design & Land	150,000
Sitka - Design	160,000
Cold Bay Quarters	180,000
Nightmute	550,000
Craig-Klawock	240,000
Kwigillingnok	200,000
Kongiganak	

The Honorable George Hohman, Chairman  
April 16, 1971  
page 5

Napahiak	\$ 100,000
Napashiak	100,000
Harding Lake	150,000
Wales - construction	275,000
Pt. Hope	150,000
Seldovia - Land Acq. & Ext.	400,000
Sheldon's Point	100,000
Nulato - Reconst. & Road	120,000
Clarks Point	20,000
Noatak - stabilize ground	80,000
Newtok - Design	15,000
Nunap Itchuk - Kasigluk - construction	200,000
Teller	40,000
Aniak	600,000
Sand Point	60,000
Kotzebue - Land Acq. & Obs. Removal	110,000
Petersburg - lighting	40,000
Huslia - stabilize	80,000
Diomede - Investigate possible design	40,000
Sitka - Ext. Roy.	1,220,000
Quarters and Maintenance Buildings	250,000
Floats, etc., in Southeastern	147,000
Planning and Contingencies	<u>1,620,000</u>
GRAND TOTAL	\$10,000,000

\*Bush Airport Program

HD-273

MEMORANDUM

TO: All Legislators  
Members of the Judicial Council  
Justices of the Supreme Court  
Judges of the Superior Court  
Department of Health and Welfare

Date: January 7, 1971

Subject: Proposed Amendment  
to Children's Code  
A.S. 47.10.010--290

FROM: Harold J. Butcher  
Superior Court Judge  
Family Court Division



The Alaska State Legislature, during the 1970 Session, amended Section 47.10.080 (Children's Code) to empower a Judge of the Superior Court to declare a minor under the age of 18 years who comes before the Court under the provisions of Sec. 47.10.080, a "child in need of supervision." This classification, i.e. child in need of supervision, was intended to make it possible to declare those minors who had not been involved in serious criminal conduct to be handled other than under the harsh declaration of delinquency.

The idea for the declaration of "child in need of supervision" came from the Colorado Children's Code where such a classification is included in the code. This classification is also found in the children's codes of many other states, sometimes called "persons in need of supervision," as in Hawaii.

In any event, the 1970 amendment, as adopted by the Alaska Legislature, limits the treatment process to that treatment afforded a dependent minor under 47.10.080(c), plus authority to place a minor declared "a child in need of supervision" on probation under those conditions and limitations that the Court may prescribe.

The Colorado Children's Code, as well as that of Hawaii and the other states referred to, in addition to the provisions authorizing the declaration of a minor as a "child in need of supervision" and placing him under conditions of probation in the home of his parents or a foster home, grants the Court authority in cases where the minor cannot be supervised in the home of his parents or a foster home, and will not abide by conditions of probation, to place him in a juvenile correctional school or detention facility.

It was the intention of the Judge of the Family Court in recommending the adoption of the 1970 amendment, to have it contain a provision permitting the Court to place a minor declared "a child in need of supervision" in an institution when circumstances and conditions, and the character of the minor, requires treatment in a correctional institution.

Many minors in Alaska will not accept supervision in the home of their parents or in a foster home, and, in fact, many minors without

Page Two  
Memo to Legislators, et al  
January 7, 1971

necessarily violating the law become so incorrigible and so rebellious against authority that they refuse to live in the homes of their parents or in foster homes, and continue to slip around without supervision of either parents or probation officers. There is grave danger that these minors will injure themselves or others, which in fact they do rather frequently, thus some stronger kind of discipline and correction is necessary than that presently available in the 1970 amendment, if we are to change them in the direction of responsibility and good citizenship. Many instances of such rejection of authority could be cited in which minors, male and female, are at large in the Anchorage area, as well as other areas of Alaska, who have been placed under conditions of probation in the home of their parents or in foster homes and have refused to stay in those homes, in some instances even over night, and who have refused to be supervised under any conditions of probation or other controls. They have become a constant source of concern for police authorities and officers of the Division of Corrections, as well as the Court, and are corrupting other minors with whom they come in contact. We have concluded that the only solution in such cases is to place the minor in a correctional institution such as McLaughlin Youth Center, or the Alcantra Center at Wasilla, or some other available facility where the minor's supervision and rehabilitation can be exercised in a confined setting.

We have attached to this memorandum a proposed amendment to the 1970 enactment to provide an additional power to the Court to be applied in handling a minor declared a "child in need of supervision" who cannot be handled by conventional methods. The law, as it now stands, provides institutional placement only for the minor declared delinquent.

Thus, the only change in the existing code recommended for adoption would be to include 47.10.080(b)(1) as an additional method of treatment for a minor declared a "child in need of supervision" who cannot otherwise be treated.

Under the terms of the 1970 amendment as it presently stands, only those minors who have been declared delinquent for violating a Federal, State, or Municipal Law may be placed in an institution, and minors declared a "child in need of supervision" may only be placed on probation.

Bvb  
Attach

cc: Alaska Bar Association  
Anchorage Bar Association  
Fairbanks Bar Association  
Juneau Bar Association  
Ketchikan Bar Association  
Division of Corrections  
McLaughlin Youth Center  
Members of the Family Court and Law Committee (Alaska Bar)

PROPOSED CHANGE IN CHILDREN'S CODE -- 47.10.080

Sec. 47.10.080. Judgments and orders. (a) The Court, at the conclusion of the hearing, or thereafter as the circumstances of the case may require, shall find and enter a judgment that the minor is or is not a delinquent, or a child in need of supervision, or dependent minor.

(b) \* \* \* \* \*

(c) \* \* \* \* \*

(d) \* \* \* \* \*

(e) \* \* \* \* \*

(f) \* \* \* \* \*

(g) \* \* \* \* \*

(h) \* \* \* \* \*

(i) \* \* \* \* \*

(j) If the court finds the minor is a child in need of supervision it shall make any of the following orders of disposition for his supervision, care and rehabilitation:

(1) any of which is authorized under (c) in this section; or

(2) order the minor placed on probation under those conditions and limitations that the court may prescribe; or

(3) order the minor's placement in a juvenile correctional school, detention home, or detention facility designated by the department; the minor may be released from placement or detention and placed on probation on order of the court.

1970  
Amendment

Additional  
Clause  
Proposed

(3) above is identical to the present Section 47.10.080(b)(1) and is presently applicable only in cases where a minor has been declared a delinquent.

The purpose of the proposed amendment is to make institutional treatment available to a minor who has been declared a "child in need of supervision" who will not submit to supervision, and not being supervised is likely to injure himself and others.

HB-228



# CITY OF ANCHORAGE



# ALASKA

*International*  
*Polar air crossroads of the world*

POST OFFICE BOX 400  
ANCHORAGE, ALASKA  
99501

March 19, 1971

The Honorable William J. Moran  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99801

Dear Bill:

I note House Bill No. 228 appropriates \$10 million for airport projects, and that \$5,072,000 is for priority projects at twenty-six general aviation airports throughout the State.

As you know, Merrill Field has, in recent years, reached the saturation point with operations having ranged from 250,000 to 300,000 a year. In 1968, the Federal Aviation Administration pointed out the need for another general aviation airport in this area because Merrill Field had reached its safe optimum operations and International Airport and the Lake Spenard/Lake Hood complex could not absorb the growth in the years ahead. There is no greater concentration of aircraft or greater need for general aviation airport construction anywhere else in the State. The Mayor and Council discussed this need with a number of Anchorage area legislators prior to the current session.

This letter is being written to all members of the House of Representatives from this district with the request that an effort be made to either include Anchorage among the priority projects listed in House Bill 228 or otherwise provide funding for another general aviation airport to serve this area. House Bill No. 228 apparently appropriates all of the airport bond funds approved last Fall. This, coupled with the fact that availability of General Fund moneys are likely to be scarce for capital improvements, prompts this request for concerted action by the Anchorage delegation in the House of Representatives.

The Alaska Department of Public Works, Greater Anchorage Area Borough, and the City of Anchorage have agreed to do an airport system study to determine an appropriate location for another general aviation airport to serve the Greater Anchorage area. The estimate to improve the existing Campbell Airstrip runway is \$2.6 million (approximately 40%, or \$1,040,000, would be non-Federal share).



AIRMAIL IS FASTER

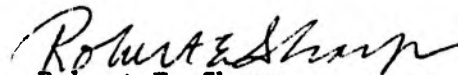
March 19, 1971  
Page Two.

We do not know that the Campbell location will be selected, but we do know this will be the minimum amount needed for building another general aviation airport here.

We feel that unless there is a commitment now, before all of the bond funds are appropriated, Anchorage's needs may go wanting for some time to come.

Your assistance will be appreciated by the air industry and aircraft users of the Anchorage area.

Sincerely yours,

  
Robert E. Sharp  
City Manager

cc: Mayor and City Council

HUSEBY AND JACOBS  
STRUCTURAL ENGINEERS  
523 8TH AVENUE  
ANCHORAGE, ALASKA 99501  
24 March 1971

HB-239

The Honorable William Moran,  
Chairman, House Judiciary Committee  
Alaska State Legislature

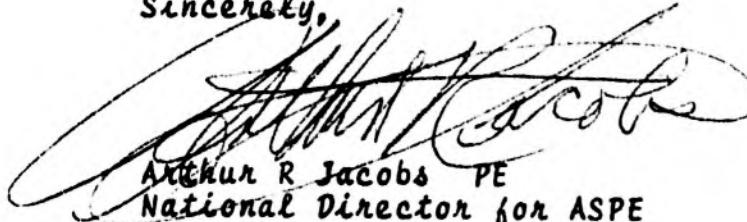
Dear Sir:

I understand you have un'er consideration HB 239, which relates to the registration of Architects, Engineers, and Land Surveyors by the State of Alaska. I am writing to urge that you bring this bill back to the floor of the House with a 'do pass' recommendation from your committee.

Passage of this act will make possible better and more efficient regulation of the professions involved, to the end that service to the public will be improved. These professions have always been self-supporting, in that funds collected in licensing fees exceed those expended in administration. Under the proposed law this situation would continue.

The proposed new law has the endorsement of the Alaska Chapter of The American Institute of Architects, The Alaska Society of Professional Engineers, and the Alaska Society of Professional Land Surveyors. Again may I urge you to bring this bill back to the House as soon as possible.

Sincerely,



Arthur R. Jacobs PE  
National Director for ASPE

March 22, 1971

The Honorable Genie Chance  
The House of Representatives  
Juneau, Alaska 99801

HB 239

Dear Madame:

At a time when most professionals recognize the need of sharing responsibility in less technical areas of their endeavors in order that they might more effectively utilize their own resources; one professional group in Alaska is attempting to stake out an all-inclusive area of responsibility.

House Bill number 239 (An Act relating to Architecture and Engineering) is such an attempt and is unacceptable for many reasons. Among which are:

Sec. 08.48.011. GENERAL PROVISIONS. Which states in part: In order to safeguard life, health and property, and to promote the public welfare, the practice of the profession of architecture, engineering and land surveying in this state is hereby declared to be subject to regulation in the public interest. Yet, in Sec. 08.48.011 (C), buildings used by two families or less are exempted!

I submit that the rights of Designers, such as myself, would be unjustly abridged by this section. The exclusion of buildings used by two families or less is very arbitrary! Why not exclude buildings used by sixteen families or less, or eight families or less or six families or less? Furthermore, persons living in or owning buildings housing two or less families certainly have the right to protection of life, health, property and welfare. The best possible way to protect the rights of persons living in or owning a building exempted from this Act is through the statewide adoption of uniform building codes. Not the suppression of free enterprise.

Sec. 08.48.151. POWERS OF THE BOARD. States in part: the board, under the hand of its president and the seal of the board, may subpoena witnesses and compel their attendance, and also may require the submission of books, papers, documents or other pertinent data, in disciplinary matters or alleged violations of this chapter.

Sec. 03.43.161. INJUNCTIVE RELIEF. States: The board is authorized in the name of the state to apply for relief by injunction in the traditional manner provided in cases of civil procedure, without bond, to enforce the provisions of this chapter. Or to restrain an alleged violation of this chapter. In these proceedings it is not necessary to allege or prove that either an adequate remedy at law does not exist, or substantial or irreparable damage would result from the continued violation. The members of the board are not personally liable under this proceeding.

All or portions of these two sections may be in violation of individual rights pursuant to the constitution of the United States and of the state of Alaska.

In Sec. 03.43.191. VIOLATIONS AND PENALTIES. The penalty imposed upon conviction of violating this Act is set at not more than a sum of \$10,000.00 or by imprisonment for not more than one year or both. The penalty set forth in Sec. 03.48.400 of the existing statute is \$500.00 or six months imprisonment, and to my knowledge very few, if any, convictions have been recorded. Seemingly, this would make a penalty of \$10,000.00 or one year imprisonment seem unnecessarily excessive.

Sec. 03.43.301. DEFINITIONS. Reads in part: The practice of Architecture means a person "who holds himself out as able to perform or the board perform any service or work the board shall by regulation define as the practice of Architecture." The ramifications of this section are obvious.

Because many architectural firms already are compelled to send most of their actual production work to associates in other states, legislation which restricts the practice of Building Design in Alaska will only create more jobs in those states.

The existing practice of Building Designers working in association with registered engineers (who assume professional responsibility under existing statutes) has proven successful in Alaska and is common practice in many states including Oregon, California and Washington.

The profession of Building Design is recognized throughout the nation and is represented by the American Institute of Building Design, a professional organization of individuals and firms interested in advancing the design of buildings through improved planning and design.

I am sure other Alaska members of the A.I.B.D., as well as many concerned citizens, agree that House Bill 239 is unacceptable and is a self-serving document not in the public interest.



Carlin Williams A.I.B.D.

#B-249

MODEL WHITE CANE LAW

[Note: This draft proposal was prepared by Russell Kletzing, an experienced legal practitioner, and by Professor Jacobus tenBroek, an experienced law teacher and writer. Both are blind. They performed the work on behalf of the National Federation of the Blind, the nationwide organization of blind men and women.

This draft is distributed in the hope that it will commend itself to the legislatures of the various states and that they will enact it into law.

The draft is an outgrowth of an article by Professor tenBroek published in the May 1966 issue of the California Law Review entitled "The Right to Live in the World—the Disabled in the Law of Torts." Copies of that article may be secured gratis from the Berkeley office of the National Federation of the Blind, 2652 Shasta Road, Berkeley, California 94708. The article contains a detailed analysis of existing white cane laws and other relevant legislation and judicial decisions. It provides support for the enactment of the model law.]

MODEL WHITE CANE LAW

- 1: It is the policy of this State to encourage and enable the blind, the visually handicapped, and the otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment.
- 2(a): The blind, the visually handicapped, and the otherwise physically disabled have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places;
- 2(b): The blind, the visually handicapped, and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons;
- 2(c): Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in section 2(b) without being required to pay an extra charge for the guide dog; provided that he shall be liable for any damage done to the premises or facilities by such dog.
- 3: The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; provided that a totally or partially

blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed in section 2, shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

- 4: Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 2 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person under section 2 shall be guilty of a misdemeanor.
- 5: Each year, the Governor shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation in which:
  - (a) he comments upon the significance of the white cane;
  - (b) he calls upon the citizens of the State to observe the provisions of the White Cane Law and to take precautions necessary to the safety of the disabled;
  - (c) he reminds the citizens of the State of the policies with respect to the disabled herein declared and urges the citizens to cooperate in giving effect to them;
  - (d) he emphasizes the need of the citizens to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.
- 6: It is the policy of this State that the blind, the visually handicapped, and the otherwise physically disabled shall be employed in the State Service, the service of the political subdivisions of the State, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

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# MEMORANDUM

# State of Alaska

DEPARTMENT OF COMMERCE

TO:

The Honorable Kenneth W. Kadow  
Commissioner

DATE : March 4, 1971

FROM:

Robert E. Butler *REB*  
Deputy Commissioner

SUBJECT: Banking Legislation

There were certain items in the whole package sent to Donna Spragg last week that I questioned either from a policy or legal standpoint. Only these matters are discussed herein.

1. In legislation concerning the commercial banks, an amendment is being proposed to change the liability of stockholders from twice the amount of their investment to an amount not to exceed their investment after payment of losses up to \$20,000 per customer by FDIC. This is in line with the single liability imposed on stockholders of national banks.

The intent of this above referred to legislation is clear, but in my view, the new language is ambiguous and has the effect of absolving the stockholders of all liability.

Other corrective language has been suggested to Donna Spragg and Don Beighle, and they are amending this provision to make stockholders liable to the extent of their investment.

2. There is some opposition to the definition of "branch bank" as now proposed. One State bank is contending strongly that a Grandfather's Right's clause be included.

Apparently, limited facility bank charters were granted in the past. These facilities, according to one national bank president, did not fit within the definition of branch bank, and there is an implication that these facilities are possibly illegal. The new legislative proposal is an attempt to straighten this situation out. I suggest we look into it further.

3. In legislation concerning mutual savings banks, there is proposed legislation enabling those banks to invest all of their "free" capital in bank buildings.

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My remarks go only to maintenance by these banks of a safe and liquid enough position to withstand runoffs and periods of crisis. It is not inconceivable that Alaska (Anchorage and Fairbanks) could in the future have many vacant houses, such as has happened in Seattle.

The legislation proposed would allow a bank to invest all of its "pure" capital (that is capital exclusive of debentures and capital notes) in bank facilities. Assuming that a bank used all of its capital for a building, or buildings, its capital would then be non-liquid. Since the mutual banks here have had a tendency to invest heavily in conventional mortgages, to that extent their loans and (used) deposits are unliquid also.

The rationale behind allowing this heavy an investment in bank building facilities and presumably providing a safety factor is:

A. Conventional loans can only be made to 80 per cent of deposits (20 per cent cushion between home value and mortgage amount);

B. A mutual can only invest in mortgages up to 80 per cent of deposits (20 per cent cushion against total withdrawals);

C. Mutuals have the authority to borrow from the Federal Home Loan Bank and other sources to any extent necessary to protect depositors.

I understand that the Federal Savings and Loan Association Law is as liberal in its approach as this proposed legislation in the amount of capital that can be used for bank buildings.

To me, however, it is inconsistent to insist on the essentiality of reserves against (conventional) loan losses and then contend on the other hand that loans (without a secondary market) can be sold timely and without loss to pasture capital.

4. In another proposal for mutual savings banks, they would be allowed to invest 10 per cent of a bank's capital in the stock of a service corporation which would handle data processing and computer work. This is a cost savings idea and a good sharing device for banks. However, since this stock will be closely held by banks, it presumably is unmarketable. In the sense of its marketability, the stock resembles a debt, and its cost value should be deducted when evaluating the bank's "free" capital.

5. In another proposal, we are allowing mutuals to get into

The Honorable Kenneth W. Kadow

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mobile home financing including dealer paper and flooring to the extent of a maximum of 10 per cent of assets. There are two areas of possible opposition to this proposal. One is from commercial banks who may not like an invasion of their commercial business.

The second is from the savings and loan associations who got into this area last year, but are limited to investments of this kind to the maximum extent of 5 per cent of assets. Since there is a direct competition between S&L's and mutuals the S&L's may feel that the mutuals are being given a competitive edge.

These are some areas that we may want to pursue further with John Robertson.

# MEMORANDUM

State of Alaska

TO: The Honorable William J. Moran  
State House of Representatives

DATE: April 20, 1971

FROM: Robert P. Isaac  
Assistant to the Commissioner  
Department of Education

SUBJECT: Rural School Deficiencies

In reference to the list of deficiencies in State-operated schools dated February 27, 1970, this information is a little more than a year old and does not reflect the work and projects completed or under construction since that time.

In my comments I will not react to allegations of inadequate libraries. While the reports, in this respect may be true, the degree of adequacy or inadequacy is a subjective judgment; secondly, libraries are not a maintenance matter.

Ivanof Bay -- 16 pupils

Last year's proposals for a well were exorbitant. New proposals are being solicited this year. The existing facilities are quite new but it is quite probable storage space is short.

Gustavus -- 10 pupils

In all probability the facilities need maintenance. This school has been on the verge of closing for several years (opened this year at the last moment), and it is likely some maintenance has been deferred. Interior and exterior painted June 1970.

Pilot Point -- 10 pupils

This is a former BIA school and is now 30 to 35 years old. The report is probably correct.

Holy Cross -- 52 pupils

This school was formerly a Catholic school. It was closed by the church in 1969 and made available to the State on a lease. The site and building were purchased by the State in 1971.

The facility does need some rehabilitation and modernizing. A project is being developed to resolve the major problems.

April 20, 1971

Teller -- 56 pupils

This is a new school with no apparent maintenance or design deficiencies.

Anaktuvuk Pass -- 35 pupils

A regular water system (well) has not been successful so far; however, the report is probably accurate. The State has entered into an engineering contract with an engineering firm for water and sewer systems design.

Sunrise Creek -- 14 pupils

The school is rented from the Galla Logging Company and is a marginal facility. It should be replaced with a relocatable classroom. No State-owned facilities are programmed at the present time.

Hughes -- 23 pupils

The Hughes school (one classroom and quarters) was originally completed several years ago. It is possible the stove needs replacement. A second classroom and school lunch kitchen were added in 1970. A new electric stove was installed September 10, 1970, and the school extensively modernized in 1970.

Belkofski -- 17 pupils

This school was originally constructed by the BIA several years ago. The facilities are considered "good."

Kobuk -- 19 pupils

A new school was completed last year. Apparently it had some "bugs" that needed to be corrected.

Kaltaq -- 76 pupils

This school was transferred to the State by the BIA last year. I am not familiar with the scope of facilities and, consequently, am not in a position to comment on the report.

Squaw Harbor

This school was closed due to low enrollment.

Portage Creek (now Ohgsenakale) -- 23 pupils

A water well was constructed in 1970.

Russian Mission -- 28 pupils

This school was constructed about five years ago and is in good condition. A complete school kitchen was added in 1970.

Dot Lake -- 12 pupils

No comment.

Atnautluak -- 39 pupils

This community moved from Nunapitchuk about 1969. At that time the State leased a church building for the school. A new school, (two classrooms, school kitchen, and quarters) is scheduled for 1971 construction at an estimated cost of \$180,000.

Nikolai -- 31 pupils

This school is about 15 years old, probably in "fair" condition. A new well was drilled in 1970.

Kongiganak -- 61 pupils

This community moved from Kwigillingok about 1958-59. Neither the State nor the BIA operated a school at this location prior to 1968. An application was received by the State for a school in 1968; subsequently, a log, two-classroom school was constructed jointly by the Department of Education and Rural Development Agency. The well, provided by the Public Health Service in 1969, failed and hand carrying of water is necessary. The estimated cost to develop a sewage system is \$100,000. Two 50kw generators were added in 1970. The State has entered into an engineering contract with an engineering firm for water treatment and sewage disposal systems design.

Chignik Lake -- 38 pupils

Certain school equipment will be in need of replacement.

Chignik Lagoon

School probably needs repainting. Most schools in the Aleutian area weather rapidly. School was rebuilt after hot water tank exploded in 1967.

Aleknagik -- 49 pupils

Two classrooms and one quarters were constructed about three years ago. The original school, about 40 years old, is still in use. When the road between Dillingham and Aleknagik is reconstructed and suitable for year-round use, it is expected upper elementary and high school pupils will be transported daily to Dillingham, thus permitting the old school to be phased out.

Northway -- 71 pupils

No comment.

Bradfield

Rented facilities.

Minto -- 37 pupils

Since the report was made, Minto moved to a new location. The Department provided two classrooms and quarters. PHS is to provide water. The project will be completed this summer.

Ekuk -- 15 pupils

No facilities deficiencies at the present time, however, quarters are limited. School kitchen was added in 1970.

Manokotak -- 71 pupils

Former BIA school transferred to the State in 1967. Two classrooms were added in 1969. Furniture may need replacement.

Brown's Court -- 39 pupils

Three classrooms and one quarters are leased by the State. This school serves the Brown's Trailer Court (adjacent to Clear Air Force Base). When inadequacies are reported to the Department, we try to have them corrected before renewing lease.

Chitina

This school is closed.

Whittier -- 15 pupils

Space is leased from the Corps of Engineers. No comment on adequacy of library.

Kenny Lake -- 66 pupils

School is housed in several buildings. Two of the classrooms and quarters were completed in the last three years.

Kokhanok -- 25 pupils

This school is about 20 years old, quite typical of the one classroom-teacher's quarters structures of that day. A water well has been drilled, however, it has proven unsatisfactory.

Copper Center -- 32 pupils

Two large classrooms, one quarters were constructed by BIA about 1956. Report is probably correct. The heating system was rebuilt, appliances repaired in 1970.

Atka -- 27 pupils

Constructed by BIA in 1968-69. Furniture may need replacement but should have been new and in good condition as of 1969

Stoney River -- 27 pupils

Two classrooms, one quarters, hot lunch kitchen were added in 1970. Furniture may need replacement. Most small schools do not have adequate storage.

Glennallen -- 256 pupils

This is a sizable school which employs 19 staff members. Housing is limited, but State is not in a position to provide housing for this number. Since the report, the old school mentioned has been exceeded.

Glennellan should be a city or borough rather than a "State" community.

Fortuna Ledge -- 38 pupils

Two classrooms and quarters were constructed in the last four years. So far no success in obtaining a well; school lunch and new generators were added in 1970.

Platinum -- 30 pupils

One classroom and quarters - 1969; school kitchen added 1970; one classroom to be added in 1971.

Cantwell -- 28 pupils

Older school constructed about 1955. Utilities have always been difficult to maintain at this location.

Tanana -- 171 pupils

This is a sizable facility currently employing 11 teachers. Several classrooms and a gymnasium are now under construction. Four relocatable teacherages were installed in 1970.

Usibelli, Vitro, Healy, Otto Lake, Lignite, Ferry, Suntrana

The school serving these railroad-mining communities is now at Healy. Several relocatable classrooms have been completed. A \$530,000 basic school facility is in design. Limited housing is provided, however, a six-unit apartment building is to be constructed by local people this year.

Sand Point -- 93 pupils

School was remodeled last year. A gymnasium was added. Additional classrooms are being designed to accommodate upper grades and high school. Hopefully, the grounds can be improved as part of the current project.

Coffman Cove -- 25 pupils

State leases classrooms from logging company (two-classroom mobile unit).

Chignik -- 17 pupils

New building completed by BIA. Storage space may be inadequate, however, we are not involved in their design process.

Tok -- 221 pupils

Shop and supplemental classrooms are scheduled for this location. Storage situation should be improved when new facilities are available.

Tuxekan -- 8 pupils

Facilities are leased from logging company.

Chalkyitsik

Report is correct.

Georgetown

School is closed due to low enrollment.

Port Alice -- 17 pupils

Facilities are leased from logging company. A mobile home will be provided by the State in 1971.

Togiak -- 133 pupils

Former BIA school transferred to the State in 1967. Originally had four classrooms, two quarters. Four classrooms, multipurpose room, two sets of quarters were added by BIA in 1970. The facilities are now considered adequate.

New Stuyahok -- 68 pupils

Former BIA school. Classrooms and quarters are scheduled for 1971.

Ambler -- 44 pupils

Three classrooms and two quarters. School is located on a high bluff overlooking river. Geological conditions indicate little likelihood of developing a well, except at great expense.

Koyukuk -- 48 pupils

The Koyukuk school is quite old. The original school was constructed about 30 years ago. Several additions have been made by the State. Report is probably accurate.

Bethel -- 872 pupils

Fifty-three staff members are currently employed in the Bethel schools. Housing is limited, however, it has eased since the report was written. A number of unoccupied houses constructed by ASHA have been released to teachers.

The housing problem will increase when the regional school is completed. The number of staff members could expand to 100 or more within two to three years.

Alcantra Youth Camp

The camp is managed by the Correctional Division, however, the school is operated by the State school system. A new school is being constructed by the State this year.

Thorne Bay -- 105 pupils

The school consists of a complex of six classrooms, library, administrative space, etc. Two mobile homes for teachers are provided by the State. Other quarters are available through the logging company. Storage and administrative space is very limited.

A covered play area is to be constructed this year.

Huslia -- 49 pupils

A new school is to be constructed this year.

Tanacross -- 8 pupils

The building was constructed by the BIA in the mid 50's. It should have adequate space for storage since only eight pupils are enrolled.

Delta -- 430 pupils

Twenty-six staff members are employed. There is no State housing available. At one time general State housing was authorized but was rejected by local

people as they believed housing should be provided by private enterprise.

Anvik

Buildings painted, both interior and exterior, in 1970.

Whale Pass -- 20 pupils

Facilities are leased by State from logging company.

McGrath -- 134 pupils

Since the report was written, a gymnasium, revised water system, and classrooms have been completed. A new project for additional classrooms is now in design.

Perryville -- 14 pupils

School originally constructed by BIA in mid 50's.

Gildersleeve

School is leased by State.

Healy

See prior statement. Quarters mentioned in report no longer in use. Since the report, five relocatable teachers' quarters, three relocatable classroom units, and a kitchen and dining unit have been added.

Twin Hills

New facility under construction.

Stevens Village -- 15 pupils

Report is correct.

Chuathbaluk -- 34 pupils

Two classrooms, teachers quarters, log construction constructed in 1967-68 as a joint project with Rural Development Agency. Report is probably correct. New generators and relocatable kitchen and dining facilities installed in 1970.

Nondalton -- 73 pupils

School constructed by BIA; last addition completed in 1970. Presumably, the well and other inadequacies were corrected at the time the addition was completed.

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Nulato -- 126 pupils

New school scheduled for Nulato, however, community may move to new location this year. Project will not be started until new site is agreed upon.

Akutan -- 17 pupils

Former BIA school transferred in early 50's. Report is probably correct.

Port Heiden -- 23 pupils

Report is probably correct.

Circle

Comments correct.

Anderson -- 94 pupils

No comments.

Allakaket

School is to be replaced in 1971.

Annette

Housing is very limited; some mobile homes have been provided. Relocation of airport to Ketchikan may reduce number of pupils and FAA families, thus creating new housing possibilities.

McGrath

See other comments on page 8.

Koyuk -- 44 pupils

Presumably these deficiencies have been corrected by now.

Sleetmute

Facility operational.

RPI:mg

cc: Division of Buildings  
Mr. Gilbertson, State-Operated  
Schools, Anchorage

File: 600, State  
023.1

## Chapter 5

## SCHOOL PROPERTY

## OWNERSHIP AND CONTROL

*Title.*—The title to school property is, on occasion, the subject of litigation. Because education is a state function, it follows that schools are state institutions and school property is state property. While it is generally held that title to school property is vested in the school district,<sup>1</sup> it is also held that "school lands are held in public trust."<sup>2</sup> This means that while the title is held by the district or the board, the property is actually held in trust. In California, for example, it has been held that "a [school] district is but the trustee of school property . . . , the state the beneficial owner."<sup>3</sup>

In Wisconsin, in a case involving the ownership of certain assets of a school district, it was held that the term "school property," as used in a statute providing that when a unified school district was created it got possession of all school property of a city school district operating under a city school plan, included money received after the formation of the unified district, for tuition, for the school year preceding the unification.<sup>4</sup>

*Control.*—The control over school property is ultimately in the

<sup>1</sup>*Canal National Bank v. School Administrative District*, 203 A. (2d) 734 (Me.).

<sup>2</sup>*Saidel v. City of Seward*, 133 N.W. (2d) 390 (Neb.).

<sup>3</sup>*Yreka Union High School District v. Siskiyou Union High School District*, 39 Cal. Rptr. 112.

<sup>4</sup>*City of Racine v. Unified School District*, 129 N.W. (2d) 240 (Wis.).

state. As was stated in Chapter 2, the district has no territorial integrity. It owes its existence to the state and its boundaries are constantly subject to change. As a result, "the state may . . . [without a district's consent] take without compensation its property."<sup>5</sup> In Illinois, in a recent case, a school board sought to prevent the annexation of two territories, lying within the district, to a special charter district. The plaintiff contended that, since it had a property right in the revenue from these territories, the statute authorizing such annexation was unconstitutional because it had the effect of depriving the district of property without due process of law.<sup>6</sup> The court, in rejecting this contention, quoted with approval from the earlier *Deatherage* case (401 Ill. 25, 81 N.E. (2d) 581), which is frequently cited as precedent. (See *Yearbook of School Law 1950*, p. 17.) It said: "A . . . school district established under enabling legislation, is entirely subject to the will of the legislature thereafter. . . . [E]ven without notice or hearing, the State may take the school facilities in the district, without giving compensation therefor, and vest them in other districts or agencies." From this it is clear that a school district has no property rights in the property whose title is vested in it. This, as was said, is because it holds the property in public trust.

The authority of the district to control its property is a delegation of power from the legislature. Generally, the legislature vests this authority in the district's governing body—the board of education. Where this is the case, it has been held that the taxpayers have no voice in the making of decisions concerning school buildings. Consequently it has been held that if the taxpayers and/or electors approve the issuance of bonds, the board can, within the limitation of the statement of the overall purpose of the bond issue, decide how the money is to be spent, and the taxpayers cannot complain.<sup>7</sup>

In exercising its control over school property, a board may decide the use to which its property is to be put, and, if it acts

<sup>5</sup>*Board of Education v. Winne*, 129 N.W. (2d) 255 (Neb.).  
<sup>6</sup>*Board of Education v. Special Charter School District*, 205 N.E. (2d) 459 (Ill.).  
<sup>7</sup>*Hickel v. Board of Education*, 390 P. (2d) 418 (Utah).

reasonably, the court will not one interested in selling and to a board policy, the nature to the use of school premises instruments.<sup>8</sup> Without ruling held that plaintiff was not a of a statute that authorized su of education from a decision

*Control by the Municipi* that the ultimate control of : lature, and the local district granted to it, either expressly that the school board has exclu is frequently questioned by o tempt to exercise some contro ticularly true of municipalities whose boundaries school pro arise when a municipality a so as to exclude schools from are in disagreement regarding Jersey a case was recently municipal zoning ordinance t case involved a private or p several principles of law appl case had its origin when a b zoning ordinance that barred in which the Roman Catholic on which it intended to erect boys. The Diocese brought th numerous grounds, including arbitrariness. It should be note the construction of public a residential areas. A statute fo

<sup>8</sup>*Demers v. Collins*, 201 A. (2d) 161.  
<sup>9</sup>*Roman Catholic Diocese v. I* (2d) 161.

#### SCHOOL PROPERTY

reasonably, the court will not overrule its decision. In Rhode Island one interested in selling and servicing musical instruments objected to a board policy, the nature of which was not revealed, relating to the use of school premises for the sale and rental of musical instruments.<sup>8</sup> Without ruling on the legality of the policy, the court held that plaintiff was not an aggrieved party within the meaning of a statute that authorized such a one to appeal to the commissioner of education from a decision of the school committee.

*Control by the Municipality.*—Since it is generally recognized that the ultimate control of school property is vested in the legislature, and the local district exercises that control which has been granted to it, either expressly or impliedly, it is quite often believed that the school board has exclusive control over school property. This is frequently questioned by other agencies of government which attempt to exercise some control over school property also. This is particularly true of municipalities, such as villages and cities, within whose boundaries school property is located. Such a question may arise when a municipality attempts to administer a zoning plan so as to exclude schools from certain residential areas. The courts are in disagreement regarding the validity of such action. In New Jersey a case was recently brought attacking the legality of a municipal zoning ordinance that attempted to do this.<sup>9</sup> While this case involved a private or parochial school, the court enunciated several principles of law applicable to public schools as well. This case had its origin when a borough adopted an amendment to a zoning ordinance that barred all schools from one residential area in which the Roman Catholic Diocese owned a parcel of 20 acres on which it intended to erect a regional high school for some 1,500 boys. The Diocese brought this action, assailing the amendment on numerous grounds, including the denial of due process of law and arbitrariness. It should be noted that the zoning ordinance permitted the construction of public and parochial schools in three other residential areas. A statute forbade discrimination between public

<sup>8</sup>*Demers v. Collins*, 201 A. (2d) 477 (R.I.).

<sup>9</sup>*Roman Catholic Diocese v. Ho-Ho-Kus Borough*, 42 N.J. 556, 202 A. (2d) 161.

and private day schools by zoning ordinances, but discrimination was not a point at issue. The lower court held that a municipality cannot zone with respect to public schools and therefore it cannot zone with respect to private schools. On appeal by the borough, the decision of the trial court was reversed. The higher court pointed out that if public schools were beyond the reach of zoning ordinances, the statute forbidding discrimination was meaningless. It noted that while the legislature could place public schools beyond the zoning power of municipalities, it had not done so. Neither was there a statute making public schools subject to such zoning authority. It also noted that, while a municipality may consider revenues in its plans for a well-balanced community, "[i]t is another matter to bar tax-exempt facilities on the ground that they are financially burdensome," since the state gives them that status because of the contribution they make to the public good. It is significant that Judge Francis, in a dissenting opinion, said: "The courts of New Jersey have never been called upon to decide the specific question whether a municipality has authority to control the location of a public school by means of a zoning ordinance. In my judgment no such authority exists and . . . the provision of the . . . ordinance [in question] . . . is *ultra vires* and invalid."

A very similar type of case arose in Pennsylvania, and the court's decision was in agreement with that of the New Jersey case just mentioned.<sup>10</sup> This was an appeal by the City of Philadelphia from the decision of a lower court which held the School District of Philadelphia was exempt from the zoning provisions of the City of Philadelphia. When the school district applied to the zoning board for a permit to erect a school building on a certain site, the permit was denied on the ground that the planned structure did not meet certain criteria. For example, it would be 50 feet in height, as opposed to a 35-foot maximum for this district; the plans made no provision for a back yard, whereas zoning regulations required a rear yard at least nine feet in depth; and finally it provided no off-street parking, whereas the ordinance required at least one

<sup>10</sup>*School District of Philadelphia v. Zoning Board of Adjustment*, 207 A. (2d) 864 (Pa.).

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*ipso facto*

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in this case.

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"City of

SCHOOL PROPERTY

parking space for each 1000 square feet of gross floor area. The plaintiff district contended that the statute, providing for a zoning board, "did not intend for the City to interfere with the construction of public school buildings," that the sole administration of the school building program is vested in the district, and that to permit municipal interference would amount to the regulation of public schools on the part of the city. The court disagreed, saying:

In the first place, we do not consider the imposition of a zoning regulation, enacted for the protection of the health, safety and general welfare of the community, requiring off-street parking to avoid traffic congestion to be regulation of public schools. . . . As we view the term "Regulating public schools," this deals more with the quality of public education than with the physical structures required to provide it. . . . That there is some additional cost to the educational system does not mean *ipso facto* that there is regulation of schools.

In the absence of statute specifically freeing the school district from the zoning board's requirements, the court held the school district was without power to oppose the zoning board's actions. It said: "We . . . find, in view of the School District's lack of police power, the failure of the legislative [sic] to provide minimum standards, and the lack of state preemption in this field, that the School District is not immune from such ordinances and that it must comply therewith." Again, there was a dissenting opinion in this case.

One other zoning case appeared during the year.<sup>11</sup> In this case the City of Chicopee, Massachusetts, was successful in enjoining defendants from using a building located in a "Residence 'A'" zone for conducting classes in painting ceramics, and defendants appealed. The ordinance in question prohibited the use of any building or premises located in a "Residence 'A'" zone for "trade, manufacturing, or commercial purposes or for other than one or more of the following purposes' one of which is '[s]chools, colleges, public libraries, public museums.'" A statute provided that no zoning

<sup>11</sup>*City of Chicopee v. Jakubowski*, 202 N.E. (2d) 913 (Mass.).

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
FOURTH JUDICIAL DISTRICT

Wm  
/

File

STATE OF ALASKA,

Plaintiff,

vs.

FAIRBANKS NORTH STAR BOROUGH  
ASSEMBLY and HAROLD GILLAM,  
Borough Chairman,

Defendants.

No. 67-257

FILED in the Superior Court  
State of Alaska, Fourth District

JUN 19 1967

OLGA T. STEGER, Clerk

Deputy

MEMORANDUM OPINION

Plaintiff, State of Alaska, seeks an injunction prohibiting defendants from inviting or accepting bids for the construction of the proposed new Ryan Junior High School at Fairbanks and for requiring defendants to approve or disapprove the design for said school submitted by the Fairbanks North Star Borough District Board of Education. At the time of filing the complaint, plaintiff also moved for a preliminary injunction requesting the same relief sought in the complaint. A hearing on the motion for preliminary injunction was held on the 12th day of June, 1967, before this Court.

Plaintiff seeks injunctive relief on the basis that Section 16, Article III, Constitution of the State of Alaska, permits the Governor to institute legal proceedings to restrain any violation of constitutional or legislative power, right or duty of any officer, department, or agency of the State or

or its political subdivisions. The alleged violation is the failure of the defendants to secure approval by the Commissioner of Education of the plans for the proposed school prior to inviting bids thereon contrary to the provisions of a Department of Education regulation. The oral arguments of and memoranda filed by the parties reveal the controversy to be centered around the asserted absence in the school plans of any provision for physical education facilities enabling the proposed school to comply with certain supposed minimum requirements established by the Department for physical education activities as part of the State's minimum course of study. It is apparent, therefore, that at the heart of the matter the State, through its Department of Education, seeks to enjoin the construction of the proposed Ryan Junior High School because of a fear that there will be no compliance with regulations for the minimum requirement for physical education activities in the proposed school directly due to the lack of any provision for physical education facilities in those plans on which the Borough is now inviting bids.

Title 14, Alaska Statutes, governs education in this State and contains, inter alia, the powers and duties of the Department of Education of which the State Board of Education and the Commissioner of Education are a part; pursuant to AS 14.07.010, AS 14.07.020(4) prescribes as one of the Department's duties: to "prescribe by regulation a minimum course of study for the public schools." AS 14.07.060 directs the Department to make regulations in accordance with the Administrative Procedure Act necessary to carry out the provisions of Title 14.

From these two statutes alone, it is obvious the Department not only may but must prescribe minimum study requirements by way of regulation among which it is reasonable to assume would be included certain minimum requirements for physical education activities. It is apparent the State, through its Department of Education, would have a vital interest in securing strict compliance with such a regulation for the benefit of the children in this school district. In that connection, it should be noted that AS 14.07.070 prohibits State funds from being paid to a school district which fails to comply with the school laws of the State or with the regulations promulgated by the Department. In addition, AS 14.07.020(6) imposes on the Department the duty to "accredit those public, private and denominational schools which meet accreditation standards prescribed by regulation by the department." The withholding of either State funds or accreditation or both from a public school appear available as effective methods of enforcement and as sanctions against a recalcitrant, non-complying school district which fails to provide minimum physical education activities due to the inability of a district board of education and the funding authority, as reasonable and mature men and women, to come to a satisfactory and understanding agreement in the construction, operation and management of the public schools in their district.

The question before this Court, however, is not whether the defendants have refused or intend refusing to comply with department regulations concerning a minimum course in physical education in the proposed school. The Court does not even have before it either a set of the school plans or the minimum course requirements for physical education. Neither does the Court have before it any evidence or indication that

the course of study in the proposed school, when opened, would be below minimum standards; or that a physical education complex will not be constructed in time for use when the proposed school opens; or for that matter that when opened the school will not itself have sufficient facilities for the offering of minimal physical education activities.

The only issues before this Court on the present motion for a preliminary injunction are whether or not defendants must secure approval of the proposed plans for the new Ryan Junior High School from the Commissioner of Education before inviting bids for the construction thereof and, if so, whether the invitation and acceptance of bids without such approval will cause the plaintiff immediate and irreparable harm without other adequate remedy thereby entitling plaintiff to a preliminary injunction.

As noted at the outset, the State premises its argument on the proposition that invitation of bids for construction of a new school prior to approval by the Commissioner of the plans, violates State law in the form of a Department of Education regulation codified as Section 22(a), Title 4, Alaska Administrative Code. Section 22 reads as follows: "The Commissioner must approve plans from an educational point of view for new schools, additions, and major rehabilitation, before bids are invited." In its memorandum, the State represents Section 22(a) to have been promulgated pursuant to authority contained in AS 14.07.020<sup>[1]</sup>, and AS 14.07.060<sup>[2]</sup>(a).

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[1]"The department shall exercise general supervision over the public schools of the State except the University of Alaska."

[2]"The department shall promulgate regulations which are necessary to carry out the provisions of this title."

14.07.020(1)  
140(2)

The "History" to Section 22 lists the effective date thereof as October 24, 1965, but the effective date of both Statutes cited by the State as authority for Section 22 was not until July 1, 1966. Further, as its "authority" Section 22 lists AS 14.10.140<sup>[3]</sup>(1) and AS 14.10.150<sup>[4]</sup>(6); it does not list the statutes cited by the State as enabling the promulgation of Section 22. Both AS 14.10.140(1) and AS 14.10.150(6) were repealed by Section 59, Ch.98, SLA 1966 effective July 1, 1966 which is the chapter also repealing and revising entire Title 14 on education.

Chapter 98 SLA 1966 completely revised Title 14 governing public education within the State of Alaska. The 1966 legislation basically reorganized the administration of public schools to conform with a change in the local government system of mandatory boroughs. City school districts, borough school districts, and a State-operated school district were substituted for the former city, incorporated, independent, rural and special school districts. At the same time, however, new Title 14 reveals an increased delegation of control over the local school districts to the districts. Repealed AS 14.05.100 provided that, "The public school system shall be administered by the Department of Education and the local school

[3] "The department shall require annually, or at other times as it determines, a report of such facts, arranged in such form as it prescribes, from the teacher, president, superintendent or principal of each public school and other educational institution and the school board of each school district receiving state aid."

[4] "The department may \* \* \*construct, purchase, build or rent the necessary schoolhouses or schoolrooms and maintain and equip them."

*INcrease  
New Statutes  
General  
Superintendent*

boards." There is no comparable section in the new Title 14. Repealed AS 14.15.030 provided that "each . . . independent school district . . . has a school board of five members elected as provided. The school board has the exclusive management and control of school matters in the district, subject to the State school laws and regulations promulgated by the Department of Education." (Emphasis Added) AS 14.12.020 makes no such qualification to the control over schools by the local districts. Further, repealed AS 14.10.140(6) required the Department to "prescribe rules and regulations for the general government of the public schools necessary to secure efficiency and promote the interests of the public schools." There are no sections in the new Title 14 comparable to these latter two sections. While under repealed AS 14.10.100 the Department had exclusive control over the selection of textbooks used in the schools, the present AS 14.07.050 differs in that the Department can no longer dictate what textbooks will be used in the schools other than those in the State-operated school district. In short, a comparison of the duties and powers of the Department under repealed AS 14.10.140 and AS 14.10.150 with the present duties and powers listed in AS 14.07.020 and AS 14.07.030 clearly indicate a restriction in the powers and duties of the Department and an increase in the same for the local school districts, while still remaining under the jurisdiction of the Department certain state-wide functions such as certification of teachers, accreditation of schools, administration of State funds, and control of State-operated schools. Nothing in the new Title 14 in-

dicates that, although charged with the general supervision of the public schools, the Department is obligated or has the power to administer the public schools, other than in the State-operated district, with respect to matters not specifically set forth in AS 14.07.020 and AS 14.07.030 or elsewhere.

See  
44-27-020  
(1)(2)(3)

With respect to the construction of school facilities, repealed AS 14.10.150(6), one of the Statutes pursuant to which Section 22 was promulgated, gave the Department unqualified power to construct, purchase, build, rent, maintain and equip necessary schoolhouses. Although under repealed AS 14.15.750 as well as present AS 07.15.330(a), (e) through (g) and AS 07.25.040(3) the local school districts have the power to construct school buildings, the present power of the Department to construct school buildings is strictly limited by AS 14.07.030(3) to State-operated schools. The design of and plans for construction of school facilities in the borough districts is governed by AS 07.15.330 and supervision of construction is governed by AS 07.25.040(3) neither of which Statutes mentions the Department of Education. Further, the borough assembly, under AS 14.12.020(c), is required to provide the funds for maintaining and operating the district schools. Consequently, this Court can find no enabling legislation supporting Section 22(a), Title 4, Alaska Administrative Code as a reasonable and necessary Department regulation especially in view of the fact that the former enabling Statutes were repealed with no new comparable sections.

See  
14.07.020  
(2)

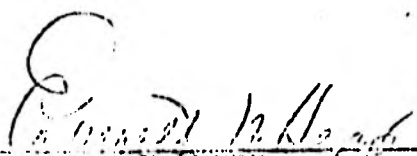
There is no evidence or indication before the Court

that State funds are or would be used in the construction or design of the proposed Ryan Junior High School. The only apparent interest the Department has in the proposed school is the effect the supposed absence in the school plans for physical education facilities might have in the too distant future upon compliance with the Department's minimum standards for physical education. As mentioned above, there is no immediacy extant in the present situation in that respect.

Injunctive relief against a governmental body in favor of another governmental body is an extraordinary remedy and should be granted only where clearly appropriate. This is especially so with regards to a preliminary injunction. Even if the Department could validly require plans for new schools to be approved by the Commissioner before bids are invited, (which this Court finds it cannot) there is still nothing before the Court to indicate the necessity for injunctive relief at this time when there is no showing that immediate and irreparable harm would result in the absence of an injunction as prayed for or that there exists no other adequate remedies available to the Department as previously noted.

Therefore, and in view of the foregoing, it is the Court's opinion that the plaintiff's motion for a preliminary injunction should be denied.

DATED at Fairbanks, Alaska, this 19th day of June, 1967.

  
EVERETT W. HEST  
Superior Court Judge

DRAFT

HB-265

R. C.

TO: The Honorable William J. Moran  
Chairman, House Judiciary Committee

FROM: Robert P. Isaac

SUBJECT: House Bill 265 - "Relating to the duties of the department"  
(Regulation of school construction)

The State, through the cigarette tax and more recently, shared revenue provisions and large, direct appropriations, supports school construction on a very liberal basis. Consequently, the State does have a considerable financial interest in most school facilities.

Even during the years the cigarette tax was the only consistent approach to school construction financial support, the State's financial interest was substantial. (The annual distribution of cigarette tax has averaged \$1.2 million plus for many years.)

However, the State's authority (Legislature) to regulate school construction is not necessarily related to the degree of State support for school facilities. Public school facilities, constructed with public funds, are State property and the Legislature has plenary authority in legislating whatever controls or regulation it believes necessary and within constitutional provisions. For this reason, and especially since <sup>SUBSTANTIAL EFFORT IS BEING MADE BY THE STATE</sup> ~~more liberal approaches are being made~~ to support school construction, it may be appropriate to enact more definitive law in respect to regulation of school construction than currently exists.

I have reviewed the material relating to the 1967 court case in Fairbanks and while I do not agree with the conclusions reached by the court as stated on page 8, it appears the current regulation pertaining to approval of school plans by the Department may not have adequate legal basis. With this in mind, we would recommend appropriate

copy attached

The Honorable William J. Moran

legislation. In our opinion, House Bill 265 resolves this problem but should be revised.

AS 14.07.020 is amended by adding a new paragraph reading:

"(8) prescribe by regulation that each school district shall observe such standards and planning criteria as the Department may prescribe for school buildings and other school facilities."

In our opinion the references to building codes, specifications and penalties should be omitted as adequate provision could be made for these items in the regulations.

A most effective penalty provision already exists under "AS 14.07.070. Withholding state funds. No state funds may be paid to a school district or teacher who fails to comply with the school laws of the state or with the regulations promulgated by the department."

HB-265

DISTRICT ONE EDUCATION ASSOCIATION

Feb. 27, 1970

LIST OF FACILITIES DEFICIENCIES IN RURAL  
STATE OPERATED SCHOOLS

The information contained herein was furnished by respondents to a questionnaire composed by James Ede, a member of the Executive Committee. The questionnaires were sent out December 18, 1969, and responses were received December through February.

The results were compiled and edited by Max G. Drsier of the Anchorage Regional Office of the Alaska Education Association.

IVANOF BAY

Library inadequate

Very little storage room

No water supply

GUSTAVUS

Library inadequate

School building last painted perhaps 10 years ago

Washer and drier in very poor condition

Quarters last painted perhaps 10 years ago

Storage is inadequate; school should have 3 times the storage space.

PILOT POINT

Needs new roof and water pipes

HOLY CROSS

Library inadequate

Very limited storage; bathrooms when installed will take up present storage space.

Quarters, (2), one of which is not suitable for human habitation

Appliances: One quarters has no washing machine and a barely working refrigerator.

School closed 3 weeks because power from village inadequate and no standby generator provided.

Hot water heating system with no running water in the school

Outhouses about 40 years old.

TELLER

Library inadequate

ANAKTUVUK PASS

Library inadequate

No storage space

Water source: ice. "If a heated tank were installed the water system could be much improved and cost the state less.

SUNRISE CREEK

Library inadequate

Plumbing: Toilet and sink

Water Source: Creek behind school

HUGHES

Library inadequate; very few new books.

Storage space very limited

Oil cook stove is a "headache"

BELKOFSKI

Library inadequate, many outdated books

KOBUK

Library inadequate

Errors in building that caused plumbing freezing are being corrected.

KALTAG

Needs one more classroom, as there are now 4 teachers and 3 classrooms.

SQUAW HARBOR

Library inadequate; all books burned last Easter 1969.

No storage space

No state owned quarters. Teacher was put in a shack. Faulty oil stove caused a chimney fire Dec. 13 (1969) No work has been started on promised new school and teacherage.

PORTAGE GREEK

Library inadequate, 40 books.

No plumbing; Water Source: rain water

RUSSIAN MISSION

Library inadequate

Washer and oil range in poor condition

Teachers quarters are used by cook to prepare snacks, hence lack of privacy. Also refrigerator must be shared with snack program.

DOT LAKE

Library inadequate

ATMAUTLUAK

Hopefully large new school to be built next year

No typewriter

No storage space

Honey bucket plumbing; water source from river

NIKOLAI

Very little storage space

Well ran out of water at Christmas (1969) so facilities are water barrel (river water) and honey bucket.

Furniture in very poor condition.

Major problem is small size of living quarters

KONGIGANAK

Library inadequate

Kohler diesel power plant, 10kw., in very poor condition

No plumbing; water source is rain water, swamp water, ice in winter

Washing machine, 1 refrigerator, and 1 oil range in poor condition

Furniture in poor condition

Poor household utensils

CHIGNIK LAKE

Movie projector, filmstrip viewers, record player, and tape recorder very old.

CHIGNIK LAGOON

Not much storage space.

School building needs paint

ALEKNAGIK

3 separate buildings. One building about 1/3 mile from others-no plumbing in it. Two buildings have outhouses.

Water source for newer building is a well. No indication as to source for others.

NORTHWAY

Library inadequate, 125 books

BRADFIELD

Library inadequate, 30 books

MINTO

no sewage; tub plumbing inadequate

Water source: River

Furniture in poor condition

EKUK

Library inadequate

Well now (12-29-69) being installed; water truck now, but pump for well on order.

MANOKOTAK

Furniture in poor condition

BROWN'S COURT

School never painted, 8 yrs. old. Quarters painted maybe 6 or 7 yrs. ago.

Furniture in poor condition

Repair work and custodial service inadequate

CHITINA

Library inadequate, 50 books

No washer or drier; laundromat in town

WHITTIER

Library inadequate; 200 very old books

KENNY LAKE

Library inadequate

Storage inadequate

Deep well supplies community; people haul water. Very good water.

KOKHANOK

Classroom too small

Library OK in supplementary reading, inadequate in fiction and picture books.

KOKHANOK (con't)

Type of plumbing: "Run with water bucket."

Water source: Lake Illiamna

"For two summers I boxed up my personal effects as the school was to be redecorated. Neither summer was it touched. I face the same problem for the summer of 1970."

COPPER CENTER

Library inadequate

Washer, drier, and refrigerator in poor condition

Very poor water

Poor heating system. (It is supposed to be rebuilt in the near future.)

ATKA

Poor furniture

STONY RIVER

Storage space too small

Furniture in poor condition

GLENNALLEN

Library inadequate, but improves yearly

Quarters: Only supt. had quarters until this year. Condemned building used for other new teachers. There is no adequate housing available to teachers, especially a family man.

FORTUNA LEDGE (MARSHALL)

Library inadequate

Storage space inadequate

Of the three classrooms, one is old and small

One set of quarters in a house very near the school needs recdecorating and plumbing and water.

PLATINUM

Library inadequate

CANTWELL

Sewer froze every year, but they think it may be fixed now.

TANANA

Library inadequate

No washer or drier, except for one new trailer

No preventative maintenance on the housing. We need a qualified person in the different areas to serve as a maintenance man for the schools and the housing.

USIBELLI, VITRO, HEALY, OTTO LAKE LIGNITE, FERRY SUNTRANA

Housing tight and expensive

Library inadequate

4 sets of quarters - conditions vary. Some are pitifully inadequate, others are suitable. One teacher is without quarters furnished while all others have some type of furnished quarters.

SAND POINT

Clothes drier won't run. Needs new motor. Has been requested (12-29-69)

Needs a duplex for teachers.

Apartment and trailer house both need painting inside.

More gravel needed around building and playground equipment.

Need better surface on playground; now either mud or large sharp rocks.

COFFMAN COVE

Library inadequate

Storage space extremely inadequate

Water piped from creek; modern plumbing

CHIGNIK

Library inadequate

No storage room for books or school supplies (Building is new, 4 mo. old)

TOK

Library inadequate

Storage space inadequate, virtually none

TUXEKAN

Library inadequate

The trailer we were to move into was being used by a logging family. A

TUXEKAN (con't)

we had a camper trailer we brought it out. However, it would be nice if these quarters were reserved for teachers.

CHALKYITSIK

Library inadequate

Water hauled from river 1/2/mile away

GEORGETOWN

Classroom too small

3 movie projectors, none work

Inadequate library

No storage space

One room quarters. Response to description of quarters, "Indescribable!"

No plumbing; water source - river

Washer and cook stove in very poor condition, as is refrigerator

Quarters are WWII quonset. The physical plant is terrible.

Furniture in poor condition

Classroom is frigid - cannot maintain heat.

Nothing works correctly.

PORT ALICE

Library inadequate

Storage space most unsatisfactory. We are using an outhouse for chemical toilets during unfrozen up weather. Plus the community recreation hall.

Plumbing, indoor. But sewers freeze up in winter. Then have to use honey bucket affair and haul refuse for dumping in bay. No other disposal facilities available for the camp have been arranged.

Water source: Piped from creek across bay. Also freezes up in cold weather. Then water is hauled in plastic garbage cans.

School building not up to specifications of state-owned schools in such matters as lighting, floor space, air volume per child. Ceilings are low; windows very small; no tile on hardboard floor. Ceiling painted with gloss enamel causing a horrible glare. Lighting bad.

New laundry equipment has been installed which requires 50¢ per load to wash and 25¢ for 10 minutes of drying time. We all consider this very unreasonable, but no one has been able to do anything about it.

TOGIAK

Library inadequate

Extra Classrooms (to be built this summer) are needed along with more living quarters, to solve problem of 130 children, 6 teachers and 4 classrooms.

NEW STUYAHOK

Library inadequate

AMBLER

Library inadequate (about 100 books)

Water carried from river; Plumbing: water drain.

Washer and drier in poor condition.

KOYUKUK

Storage inadequate

Plumbing: Drains, septic tanks

Water source: River - ice contract in season

Furniture in poor condition. It was very cheap when purchased and has not held up.

The school and quarters are set on pilings about 3 feet above the ground. The floors tend to be quite cold in winter and heavy footwear is required even inside.

BETHEL

Housing conditions generally poor, no running water or sanitation

Storage space inadequate

School owned quarters will accommodate only 1/4 of the staff

Furniture of poor quality

ALCANTRA YOUTH CAMP

Storage space small - most things stored in classrooms

Age of school building unknown; it is a 1940-45 quonset hut. The Camp needs a new school

THORNE BAY

Inadequate library

No storage space

Clothes drier not working (12-29-69)

HUSLIA

Inadequate storage

Needs new school

TANACROSS

Inadequate library

Storage space: attic only

Wringer type washing machine and oil cook stove in poor condition

DELTA JUNCTION

No school-owned quarters; local housing very tight

ANVIK

School building 10 yr. old; painted only once that teacher knows of

Quarters need paint

WHALE PASS

Inadequate library

Absolutely no storage space

Inside plumbing; water source: dam

Good furniture but very little of it.

McGRATH

Library inadequate

Virtually no storage space

Poor water (Does have regular plumbing & well)

PERRYVILLE

Washer, refrigerator, cook stove in poor condition; should have a small freezer and clothes drier.

Children use outdoor toilets at present. There is a chance that indoor lavatories will be installed plus new tile floor laid this summer.

GILDERSLEEVE LOGGING CAMP #2

Library inadequate. Indicates this material on order.

Small storage space, but inadequate

#### HEALY

One set of quarters very old, barely adequate. Has been assumed for years that quarters will no longer be used, but continue to be.

#### TWIN HILLS

Library inadequate

No storage space

Quarters extremely small

No plumbing; water source, river

Condition of furniture, poor.

#### STEVENS VILLAGE

Plumbing: Honey bucket; Water Source: River

#### CHUATHBALUK

No standard typewriter, need one very badly

No storage in classroom; storage in quarters only

Sheet iron roofing has not been put on school building

Power plant does not function properly. Mechanic has worked on plant two times this year (69-70) (as of Dec. 23, 1969) but still isn't working properly.

Floor tile should be installed in quarters and classroom; nothing in either.

#### NONDALTON

No library

Inadequate storage

35' well very poor and inadequate

Furniture is junk

#### NULATO

Library only partially adequate

Inadequate storage space

Water & plumbing: Ice & spring water. High school: drains, honey bucket. Others have no drains, have honey bucket

AKUTAN

Water source: Dam on creek that flows near school

Furniture: Every piece needs replacing

PORT HEIDEN

School needs painting

CIRCLE CITY

Library inadequate

Plumbing: "Non-creative" sinks and tub plumbing, but no toilets

Water source: Purchased and hauled from a riverside well source; about 1000 gal. storage capacity.

ANDERSON

Library inadequate

ALLAKAKET

Classrooms too small for the enrollment of the school

Library inadequate

Inadequate storage space

No Plumbing (except a drain in the kitchen sink)

Water source: River

Washing machine in poor condition; furniture is pathetic

ANNETTE

No library

Water source: lake; modern plumbing

Housing available for only two couples. Other teachers are in very inadequate housing.

ADDITIONAL 1970 NOTES: DECEMBER 1970

McGRATH

Some emergency exit lights are not operative

Should a second boiler be installed to handle facility in event of a break down? Entire school now depends on single boiler.

KOYUK

Repairs needed on boiler and hot water tank

The number one generator is not operational

The two water distillation units are not operational

SLEETMUTE

The new 25kw light plant has not yet been made operational

HOLY CROSS

There seems to be inadequate maintenance of the new water and sewer system, our reports indicate an early breakdown will likely occur.

ANIAK

The new housing unit has been installed 1 foot above ground and local observers indicate that annual floods are usually 2-3 feet deep at this spot. This was pointed out at time of installation.

These observations presented directly to NEA-Alaska staff members 12-30-

HB-265

DISTRICT ONE EDUCATION ASSOCIATION

1427 "M" St.,  
Anchorage, Alaska 99501

April 8, 1971

Honorable Eugene Guess, Speaker  
Alaska State House of Representatives  
Pouch V,  
Juneau, Alaska 99801

Dear Mr. Speaker:

Attached are the Alaska Department of Health and Welfare sanitation regulations pertaining to Alaskan Schools. I would like to urge you to study them carefully as to their validity. You will probably discover as we did that these regulations are somewhat outdated but never the less they are the regulations that have been in effect for some time.

As you read these regulations please keep in mind the condition of the schools in your area and especially the rural schools operated by the state. You are aware that the physical condition of many of our rural schools leaves much to be desired and that it has been the responsibility of the Department of Health and Welfare to enforce these regulations. It is also the responsibility of the Department of Public Works Division of Buildings to maintain State Operated Rural Schools in conformity with the state sanitation regulations.

Seldom, if ever to our knowledge, has the Department of Health inspected any of the small rural schools to insure that these regulations are adhered to.

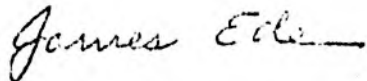
It is the opinion and feeling, after considerable investigation and first hand experience in rural schools by members of the Executive Board of the District One Education Association, that virtually all rural schools are in violation of at least one of these regulations and most of the schools are in violation of many of these regulations, outdated as they may be.

As an elected public official, you are well aware of the high infant mortality rate in rural Alaska and the low rate of life expectancy of our rural citizens. Perhaps the State through strict application of its sanitation regulations in its public facilities should set an example for others to follow, namely the children in our schools. These children deserve the same chance at life, education and suc-

cess that their more fortunate urban counterparts enjoy.

Hopefully you and your colleagues will use your influence to require the Department of Health and Welfare and the Department of Public Works to enforce sanitation regulations in every Alaskan School which are minimal at best.

Sincerely,



James Ede, President  
District One Education Association

Enclosure

cc: To All Members of The House of Representatives

JE/jw

## SUBCHAPTER 11.

## SCHOOLS

## PART 2.

## Sections

- 1210. Definitions.
- 1211. Construction or remodeling of school buildings.
- 1212. Sanitary features.
- 1213. Disease control.
- 1214. Right to make inspection.
- 1215. Penalty.

## 1210. Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations:

(a) "School" shall mean any or all education institutions owned and/or operated by federal, state or local governments, religious organizations, private agencies or individuals.

(b) "Health Officer" shall mean the Commissioner of Health and Welfare for the state of Alaska or his authorized representative.

(c) "Alaska Drinking Water Standards" shall mean standards as set forth in Title 7, Division 1, Chapter 2, Subchapter 1 of the Alaska Administrative Code.

(d) "Alaska Sewage Disposal Standards" shall mean the regulations as set forth in Title 7, Division 1, Chapter 2, Subchapter 2 of the Alaska Administrative Code.

(e) "Alaska Food Handling Standards" shall mean the regulations as set forth in Title 7, Division 1, Chapter 2, Subchapter 3 of the Alaska Administrative Code.

(f) "Alaska Plumbing Code" shall mean the regulations as set forth in Title 7, Division 1, Chapter 2, Subchapter 11, Part 1 of the Alaska Administrative Code.

Authority. A. S. Title 18; Health & Safety

History. In effect on and before July 28, 1959,  
effective date of Alaska Administrative Procedure Act.

## 1211. Construction or remodeling of school buildings.

On and after the effective date of these regulations, all school buildings or appurtenances which are constructed or remodeled shall be constructed or remodeled in accordance with the standards set forth in

these regulations.

No governmental agency, school district, city, town, church organization, individual, firm, corporation or officer or employee thereof, or other person, shall install or contract for the construction, alteration, or remodeling of any school building or part of the school physical plant until plans and specifications, together with an engineering report supporting in detail the design set forth in such plans, shall have been submitted to and approved by the Department of Health and Welfare, such approval shall be evidenced by the signature and official registration seal of the Chief Engineer of the Department of Health and Welfare.

After such plans and specifications have been approved by the Department of Health and Welfare, no material changes in the location, plans, construction, or operation of any such school building or physical plant may be made without first submitting to said Department a detailed statement of such proposed changes and receiving its approval.

All such plans hereafter to be submitted to the Department of Health and Welfare for its approval shall have been prepared by or under the supervision of an architect or professional engineer legally registered in the state of Alaska, be certified by him and bear his official seal of registration.

#### 1212. Sanitary features.

(a) Buildings and grounds. The building shall be located, constructed and maintained to protect the health of the students. The school grounds shall be of such size, topography, cleanliness, and arrangement to encourage wholesome recreation.

#### Commentary

Public health reasons: Multi-storied buildings without proper exits and containing unsatisfactory plumbing or buildings which are improperly oriented may entirely offset the advantages of good planning throughout the remainder of the school plant. Even though a water supply or sewer system may be properly planned and constructed, unless the plumbing is equally well planned and constructed, and the water supply protected against cross connection with an unsafe or questionable water supply, safety hazards and communicable disease may exact unnecessary illness and possibly death among school children. Improper drainage, inadequate play space, traffic hazards, unsightly debris, refuse and wastes, and other similar physical inadequacies may foster the spread of communicable disease and jeopardize the health and safety of the school children.

Satisfactory compliance: This item shall be deemed satisfied if: The school buildings exemplified through its design and appearance, beauty and good taste are properly a part of the activities within.

The greatest practical reduction in number of stories is made and where possible an open type plan which permits expansibility and flexibility is used.

Corridors are carried through so that they may be extended when addi-

tions are necessary. Stairs are placed at right angles to corridors. Indispensable windows are not located at points where expansion may be necessary; boiler rooms are constructed so as to provide room for expansion; oversize water supply and sewage disposal systems are provided and kept well away from possible areas for additions. Plumbing, heating, electrical systems, etc., are planned so that they may operate safely and may provide for eventual expansion.

Class room widths do not exceed 20 to 25 feet or the width of rooms usable for instruction or study not greater than twice the distance from the floor to the top of the glass windows. A minimum clear height of spaces for pupil use, such as corridors, toilet rooms, is at least eight feet, six inches and at least 20 square feet of floor space per pupil is provided in all classrooms. (Cloak rooms shall not be considered class room area.)

Surface, subsoil and permafrost conditions are such that the school building physical plant including sanitary facilities and necessary access ways may be constructed in such a manner as to prevent the creation of health and safety hazards.

The site is dry or can be well drained, protected from flooding, snow slides, land slides, and is located a reasonable distance from railroads, highways, airports, or other facilities which may provide traffic hazards.

Reasonable play space is provided and suitable drive and parking areas, walk-ways, and play areas are designated. Topographical conditions, in some instances, may not permit the provision of a sufficient amount of play area.

(b) Floors. The floors of all the rooms shall be adequate in size, properly insulated, of easily cleanable material, shall be smooth, and in good repair; proper cleaning methods shall be employed systematically after school, and floors shall be kept clean.

#### Commentary

Public health reason: Adequate floor space is a factor in determining proper ventilation. Insulated or warm floors provide the necessary comfort. Suitable construction is a prerequisite for good maintenance. Smooth floors facilitate good maintenance for smooth floors in good repair can be more easily kept clean and are, therefore, more likely to be kept clean. Proper cleaning methods minimize dust and promote cleanliness.

Satisfactory compliance: This item shall be deemed satisfied if: The floor space requirements of part (a) of section 1212 are met.

Direct air currents are absent from the floor.

Floors of all the rooms in the school are of such construction as to be easily cleaned, are smooth and in good repair. Floors may be of concrete, terrazo, tile, matched hardwood, or equal composition. Waxing of floors is to be encouraged. Wax produces a flexible surface and protects the floor from wear. Wood floors may be waxed or treated and made water repellent. Floors in toilet rooms should be of impervious material.

Wooden floors containing cracks, broken or poorly fitted planks containing slivers, or which otherwise fail to be tight, do not comply with this item.

Dustless methods of floor cleaning are used, or dust arresting sweeping compounds and push broom are employed. Where commercial sweeping compounds are not available, ordinary sawdust may be saturated with floor oil or moistened with water and used as a sweeping compound. The application of oils directly to the floor in excessive amounts is to be discouraged. School rooms should never be dry swept. All except emergency floor cleaning shall be done after school hours. Provisions shall be made to keep floors dry near water fountains and hand washing facilities.

All floors are kept clean and free from litter. Each room should have a metal container for paper and trash.

(c) Walls and ceilings. The walls and ceilings shall be smooth, tight, and in good repair. Walls and ceilings shall have surfaces of light color and dull finish. Walls and ceilings shall be kept clean.

#### Commentary

Public health reason: Smooth, tight walls in good repair are more easily kept clean and are, therefore, more likely to be kept clean. Light colored walls and ceilings reflect a greater amount of desirable light. The finish shall be dulled to prevent glare and eye strain. Clean walls and ceilings reflect more light than dirty ones and are conducive to general sanitation.

Satisfactory compliance: This item shall be deemed satisfactory if:

Walls and ceilings in all the school rooms are tight, smooth, and in good repair. Stained wains-coating is not considered satisfactory for walls or ceiling material.

Walls and ceilings of all school rooms have a light, dull finish and are refinished as often as necessary in a manner approved by the health authorities. Suggested colors of paint for walls: light cream, light buff, or light yellow, flat finish paint. The reflecting factor for flat paint on the walls should be from 40 to 60%. Suggested colors for ceiling: white, ivory or light cream, flat finish paint. Ceiling reflection factor should be at least 65%. There should be no glare.

Walls are clean.

Inside window glass, door glass, and frames are clean. Shades are clean.

(d) Doors and windows. Outside doors shall be self-closing and shall open outward. Only panic proof hardware shall be used on all building exits. When flies or insects are present during the school season, all openings to the outer air shall be screened effectively, unless other effective means are provided to prevent the entrance of insects.

#### Commentary

Public health reason: Flies, mosquitoes and other insects may not

only annoy school children but may also spread infection to food, water or individuals, thus nullifying the effectiveness of all other public health safeguards.

**Satisfactory compliance:** This item shall be deemed satisfied if:

All openings to the outer air are effectively screened with not less than 16 mesh wire or plastic cloth and all doors are self-closing, free swinging, and outer screen doors open outward in areas where insects are present.

Flies or other insects are absent.

In places where outside opening doors are unusable because of snow accumulations, other arrangements may be made for unhampered exits of students from the school building in case of fire. Where other unhampered arrangements cannot be made, the section requiring that doors open outward may be excepted.

(c) **Lighting.** All rooms used for class rooms or study rooms shall be well lighted. Adequate artificial light shall be provided at times when natural light is inadequate. Storage rooms must be sufficiently lighted to permit good housekeeping.

Standards defining and providing for school lighting as reflected in the current official report "American Standard Practice for School Lighting" published by the Illuminating Engineering Society, 1860 Broadway, New York 23, N. Y., are hereby adopted by reference as school lighting standards of the Department of Health and Welfare.

#### Commentary

**Public health reason:** Ample soft light prevents eye strain and promotes cleanliness.

**Satisfactory compliance:** This item shall be deemed satisfied if:

The lighting is properly distributed, shadows and glare are absent from reading and working surfaces. Direct rays of the sun are controlled.

Adequate light shall be provided on all working surfaces. When adequate natural light is not available, artificial light must be provided to supplement the daylight so that high level, well diffused, glareless illumination is available at any hour of the day, any day in the year. Unshaded electric bulbs cannot give proper illumination.

Light fixtures must be designed so that they will obtain softness of light, absence of shadows, satisfactory distribution of light at various angles, pleasing appearance of the installation, and they must be easily maintained. Investigation has shown that in many schools with adequate lighting equipment, the actual illumination in the rooms falls far below the required standard because of inadequate maintenance. If the effectiveness of the lighting equipment is to be maintained, the following recommendations must be followed:

All fixtures and bulbs should be dusted at least once a month and washed once every three months.

Bulbs of less than the specified wattage must not be used.

The use of 1000 hour bulbs is recommended.

Inside frosted bulbs are preferable, and with indirect lighting are essential.

Interior decoration should not be allowed to deteriorate, as such deterioration reduces the quantity of illumination in a room.

Competent staff for janitorial work, electrical maintenance, and interior decoration should be maintained and is essential if the effectiveness of the lighting equipment is to be maintained.

It is recommended that periodical inspections be made and reports submitted to the school official in charge or other responsible authority on the quality and intensity of illumination in the school.

Where lighting units are of the enclosed focal glass style, with ceilings 12 feet or less, they should be mounted as close to the ceiling as possible. If, however, the ceilings are quite low or slanting, the control of the brightness versus fields of vision presents special problems. This uncontrolled brightness produces seeing losses, especially at low mounting heights.

Direct, indirect and fluorescent lighting may be used. In general, the following points should be remembered in use of these types of lighting. Direct lighting is not recommended as conducive to best seeing results, but circumstances in some cases are such that it may be used. Indirect lighting in a majority of cases is the best type of lighting for class room or library study; however, this type of lighting will prove unsatisfactory unless the lighting fixtures are cleaned as often as specified in a previous sentence. Fluorescent type lights are about 14 times the desirable brightness for luminous objects that are in the field of vision of students and teachers in the class room. Consequently, the only fluorescent luminars that are suitable for class room use are those that incorporate louvers, opal glass, white plastic or other diffusing media, or shields so designed as to shade the naked fluorescent lamp from the direct view of the children and the teacher.

Slight variations in power used to operate fluorescent lights may cause flickering and distracting, as well as unsatisfactory lighting. Therefore, fluorescent lights should not be used where power sources may fluctuate in any considerable amount. Fluorescent type lights are not very suitable for use with small home power plants.

(f) Heating and ventilation. All rooms of the school shall be properly heated so that the inside temperature four feet above the floor does not fall below 68° F. Ventilation shall be sufficient to provide proper circulation of air, even distribution of heat and to remove undesirable odors.

#### Commentary

Public health reason: Supplemental artificial heat is necessary when the natural temperature is 68° F. or less for comfort and to avoid exces-

sive clothing and strain on the vital organs of the body. Proper ventilation reduces bacterial concentration in the air, odors, condensation upon interior surfaces, and provides adequate oxygen for respiration. In the ordinary occupied spaces, harmful chemical impurities may be contributed from certain types of cooking and heating appliances including carbon monoxide, from imperfect combustion, which may be a serious hazard to life and health. When the only source of contamination is a human occupant, the minimum quantity of air appears to be that required to remove objectionable body odors or tobacco smoke. With adequate air space the rate of air change should be from 10 to 30 cubic feet per minute per person. In rooms occupied by only a few persons, such a rate of air change will be automatically attained in cold weather by normal leakage around doors and windows while it can easily be secured in warm weather by the opening of windows. In more crowded rooms the whole picture changes. Cubic space per person is less and the size of the room makes it impossible to admit untempered outside air without drafts. Here mechanical ventilation is essential. It is even more essential for thermal than for chemical reasons. It is control of thermal properties of air in order to effect the removal of the heat produced by human bodies rather than dilution of chemical poisons, which must govern practice. An equally important consideration is the aid in the prevention of the spread of upper respiratory diseases by the providing of adequate ventilation. Proper ventilation is necessary to protect and maintain the health of school children.

**Satisfactory compliance:** This item shall be deemed satisfied if:

The heating equipment maintains the temperature evenly throughout the classroom at 68° F. Electric current, hot water, steam and hot air furnaces are desirable sources of heat. The registers are to be so located a. to maintain a uniform temperature. The central heating plant of the hot water, steam, or hot air type is recommended as most desirable. The equipment should be provided with thermostatically controlled, automatic heating equipment. Preferably the heating plant should not be located under that section of the school building in which class rooms are placed. For a small school where central heating cannot be provided, a jacketed stove is recommended. The jacketed stove consists of a stove that is enclosed in a sheet metal cylinder that is opened at the top and bottom. A fresh air duct runs from the outside of the building and is terminated beneath the jacket. In operation, this unit draws cold fresh air up between the jacket and stove and the air is warmed and discharged above to go out over the room. Some of the room air which has cooled and fallen to the floor level is also drawn into the jacket and rewarmed. Air change is insured by means of an exhaust duct with an opening at the floor level. This duct connects to a chimney or better enclosed chimney, and heated gases in chimney warming the exhaust air maintain the flow of exhaust air. Dampers should be provided in both the inlet and exhaust duct.

All oil or gas heating units should be effectively vented to the outside. All stoves, furnaces, etc., should be maintained in good repair to prevent combustion gases from entering the school building.

The room is not overheated. There shall not be more than 5° F. difference in temperature at the four feet above the floor on a movable stand or moved about the room in at least four places so that temperature in the various parts of the school room may be checked. Thermometers shall record temperature accurately within 2° F. between the range of 50° F. to 80° F. Temperature records should be kept with at least four read-

ings per day at all schools where automatic heat control is not in use.

The air contains a sufficient amount of humidity to avoid dryness. Steam jets, water sprays or vaporizers, or water evaporators should be provided so that the relative humidity will be maintained above 30% in study or class rooms. Care should be taken, however, to prevent school room air from being so moist that furniture is covered with condensed moisture and windows are rendered opaque by it. Generally speaking, proper ventilation will provide the desired humidity.

Direct air currents are absent. Caution is to be observed in circulating the air. Windows open from the bottom which cause direct current of air on children, shall have window ventilators or deflectors. All windows should be adjusted at the top and bottom, and when this is the only means of ventilation, at least one half of the windows should be capable of opening from both top and bottom. Ducts and fans in connection with mechanical ventilation shall be so arranged and controlled as to eliminate objectionable air currents directly on the children. When mechanical ventilation is provided, it is not desirable to open windows.

A minimum of 30 cubic feet of air is supplied per capita per minute either through building leaks, natural ventilation or mechanical ventilation. This requirement may be waived where a minimum of 300 cubic feet of room volume is provided per capita.

Condensation on walls and windows is prevented. Condensation may be prevented by proper control of temperature and humidity providing adequate insulation is provided in the building structure. With a pressure ventilation system humidifying equipment can and should be provided. For small schools heated by conventional warm air furnaces or jacketed stoves, some humidification can be obtained by keeping the furnace water pan filled. Special radiator pans are available for hot water or steam radiators. If a room feels uncomfortably cool despite high dry bulb thermometer reading, humidity probably is too low. Dry air at a relatively high temperature feels cooler than humid air of considerably lower temperature. Condensation on walls will occur under certain conditions if humidity is too high. For example, surface condensation will occur if the relative humidity is 64% or over, if the inside temperature is 70° F. and the outside temperature is -10° F. in frame buildings having the usual frame construction with a heat transfer coefficient of 0.26 B.T.U.'s per hour per square foot per degree F. temperature. Condensation will occur on double windows at a relative humidity of about 45% for a dry bulb temperature of 70° F. inside and -10° F. outside. This is because glass has a greater heat transfer coefficient. If condensation occurs, either the humidity inside must be decreased, the walls further insulated, or the inside temperature increased. Under low temperature conditions, the humidity inside may be rapidly decreased by increasing the circulation of the much dryer cold air into the school room.

The following table shows the approximate relationship between relative humidity and wet and dry bulb thermometer readings for air movement or turbulence of 15 to 25 feet per minute:

#### Relative Humidity Chart

## SCHOOLS

7-306

Dry Bulb Reading	(Relative Humidity)			
	68°F.	70°F.	72°F.	75°F.
Wet Bulb Reading	10%	10%	10%	10%
45	25%	20%	15%	10%
50	40%	35%	30%	25%
55	65%	55%	50%	40%
60	85%	80%	70%	60%
65	100%	95%	85%	75%
68		100%	90%	80%
70			100%	90%
72				100%
75				

The air exchange due to temperature difference, inside to outside, is a chimney effect, causing air to enter two openings at lower levels and to leave at higher levels. Although it is not appreciable in moderate climates in low buildings, this loss should be considered in tall, single story buildings with openings near the ground level and near the ceiling and in all buildings where extremely low temperatures occur. This infiltration outside air due to temperature difference causes the air to change under average conditions in the school room. It is this air change which provides the necessary circulation in rooms without mechanical ventilation which may accommodate up to 50 persons. It is generally assumed in frame buildings of a type similar to small schools used throughout Alaska that the air changes taking place as shown in the table below may be used as a guide in determining air provided for ventilation through infiltration.

Kind of Room or Building	No. of Air Changes Taking Place Per Hour
Rooms one side exposed	1
Rooms two sides exposed	1½
Rooms three sides exposed	2
Rooms four sides exposed	2
Rooms with no windows or outside doors	½ to ¾
Entrance halls	2 to 3
Reception halls	2
Toilet rooms	

(It is quite possible that these air changes may be increased somewhat under extremely low temperature conditions.)

(g) Toilet facilities. Each school shall be provided with adequate and properly constructed and located toilet facilities. All toilet and waste disposal facilities shall conform to the provisions of the Alaska Administrative Code, Title 7, Div 1, Chapter 2. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in clean condition, in good repair, well lighted and ventilated. Hand washing signs shall be posted in each toilet room. In case privies or chemical closets are used, they shall be of a sanitary type, constructed and operated in conformity with the standards of the Department of Health and Welfare.

#### Commentary

Public health reasons: Human excreta is potentially dangerous and must be properly disposed of. The organisms causing typhoid fever, paratyphoid fever, diarrhea, or dysentery may be present in the body discharges of cases or carriers. Sanitary toilet facilities are necessary to protect school lunches and physical equipment from focal contamination by insects, rodents and hands or clothing. When the toilet facilities are of a satisfactory type and kept clean and in good repair, the opportunities for the spread of communicable diseases by the above means are minimized.

Satisfactory compliance: This item shall be deemed to have been satisfied if:

Adequate toilet facilities of the water flush type desirably located and separated and complying with the Alaska Plumbing Code are provided for both large and small children, and for each sex, and sewage wastes are disposed of by discharge into a community sewer system. In instances where sewage cannot be disposed of in a community sewerage system, waste disposal facilities designed and constructed in accordance with the Alaska Administrative Code, Title 7, Div. 1, Chapter 2, shall be provided. Water flush toilets, sewerd to a community sewerage system or a treatment unit of proper design are most desirable. Sewage disposal by use of the sanitary privy is next most desirable (however, this method is somewhat impractical under extremely low temperature conditions.) The chemical toilet properly arranged and operated is the third choice for waste disposal methods. The box and can system, although undesirable is in some instances the only method which is practical at the present time. At points where no other waste disposal systems are practical, a properly operated box and can waste disposal system may be considered satisfactory.

Toilet rooms may be considered satisfactory if the finish of the floors and walls, fixtures provided, etc., are of non-absorptive materials. Floor drains should be provided, and all floors should be covered and extend at least six inches up the wall to facilitate cleaning. An abundance of natural light through outside windows and means for positive ventilation are a necessity.

Adequate fixtures are provided.

The toilet room and fixtures are kept clean, sanitary, in good repair and free from flies.

The toilet room is well lighted and ventilated to the outside air.

The toilet room doors for inside toilets are provided with springs or checks to make them self-closing.

Durable, legible signs are posted conspicuously in each toilet room and privy, directing students to wash their hands immediately after finishing at the toilet.

An ample supply of toilet paper is on hand at all times.

The best practice in use of water supply and waste disposal facilities is provided except in areas where climatic and topographic conditions may prevent the use of the most desirable facilities. In no instance should sanitary privies, chemical toilets or the box and can privy system be used when the enrollment exceeds 200. If facilities other than water flush fixtures are used, the same proportion of privy seats shall prevail as required for water closets. Urinals are to be provided and they should be constructed with at least the minimum requirements. Concrete, porcelain and metal are desirable materials. Approximately four feet of urinal space is required for each fifty male pupils.

(h) Hand washing facilities. Hand washing facilities shall be of such a type that the washing of hands under running water may be accomplished. Waste water shall be drained away to a satisfactory disposal system. The hand washing facilities shall be conveniently located and should be in close proximity with the toilets. In schools where hand washing facilities are not located in the toilet rooms, one lavatory or hand washing faucet and basin shall be provided for each school room.

Powdered or liquid soap and individual towels shall be provided and made available at all times. Hand washing facilities shall be kept clean and in good repair.

#### Commentary

**Public health reasons:** The use of hand washing facilities and sanitary towels is essential to personal cleanliness and disease prevention.

**Satisfactory compliance:** This item shall be deemed to have been satisfied if:

Hand washing facilities are of such type that the washing of hands under running water may be accomplished.

In schools where it is not presently practicable to provide water under pressure and to provide conventional hand washing facilities in the toilet room, hand washing facilities shall be provided for each school room. In schools having water under pressure, lavatories shall be provided. It is highly desirable to locate lavatories in addition to the above in all primary school rooms.

Hand washing facilities shall be adequate and convenient. Soap and individual cloth or paper towels are provided. Most now commercial soap dispensers are satisfactory. When commercial dispensers are not available, improvised dispensers may be used. No student should return from the toilet to school activities without first washing hands. Hands should

be washed before lunch.

Hand washing facilities shall be kept clean and in good repair.

Powdered or liquid soap and single service or other type of individual towels shall be provided and made available at all times. Single service paper towels are highly desirable for use with school hand washing facilities. Cloth towels if used should not be used by more than one person and should be stored, laundered and cared for in a sanitary manner. The use of individual cloth towels is to be discouraged.

(1) Water supply. Each school building shall be provided with an ample supply of water which conforms with the Alaska Drinking Water Standards and Title 7, Div. 1, Chapter 2, Subchapter 1 of the Alaska Administrative Code. If a satisfactory community supply is not available, facilities shall be provided at the school to maintain a satisfactory water supply. The school water supply system shall be in a good working order at all times so as to adequately supply the water demands of the school.

Any water supply provided for the school shall comply with the Department of Health and Welfare minimum standards for the location, construction and operation of water supply systems.

Samples from school drinking water supplies shall be submitted regularly to the Department of Health and Welfare at such intervals as the Health Officer may require, and results shall show no evidence of dangerous contamination upon regular bacteriological analysis. The water supply should produce no disagreeable odors or tastes and should be clear and colorless in appearance.

Water shall be dispensed by means of sanitary fountains or covered water coolers and individual cups. The dipping of water from open containers will not be approved. The use of common drinking cups is prohibited. If paper cups are used they should be stored and dispensed in a sanitary manner.

#### Commentary

**Public health reason:** The location, source, protection and operation of the water supply are important factors in providing safe water. Adequate water encourages its use. Approved service is essential to safeguard the water.

**Satisfactory compliance:** This item shall be deemed to have been satisfied if:

Adequate water supply is available from an approved community supply.

Water is obtained from a properly constructed and operated school water supply such as a drilled well, dug well, bored well, spring, or cistern. Pumps, pipes, buildings, etc., should be maintained in good repair at all times.

In communities where one of the above-mentioned sources of water supply is not available to the school, because of climatic or geological conditions, a surface supply such as melted ice or snow water from a lake or stream may be used provided the ice, snow, pond or lake is protected

from human contamination and such water is either boiled or adequately treated. However, a supply of this type will not be approved for school use except during emergencies and in instances where a more desirable water source is not available.

The water supply meets the Department of Health and Welfare minimum standards for bacteriological quality, construction, location and operation.

Samples from the school drinking water supply are submitted regularly to the Department of Health and Welfare at such intervals as the Health Officer may require and results show no evidence of dangerous contamination upon bacteriological analysis.

Water samples should be submitted to the Department of Health and Welfare only in containers provided by the Department. Containers for water samples will be provided by the Department of Health and Welfare upon request. It shall be the responsibility of the local person in charge of each school to request and secure sufficient samples of the school water supply for bacteriological analysis. There is no charge to schools for the analysis of water samples. The cost for sending water samples from the school to the Department of Health and Welfare shall be borne by the school or its agency. No water samples will be analyzed by the Department of Health and Welfare without a proper description of the sample. Forms are provided by the Department of Health and Welfare for complete description of each sample. These forms accompany each sample container.

Water shall be dispensed by means of sanitary fountains or covered water containers and single service cups or individual cups. The dipping of water from open containers will not be approved. The use of common drinking cups is prohibited. Paper cups should be stored and dispensed in such a manner as to keep them clean at all times. Only single stream jet type drinking fountains will be accepted provided they are equipped with a suitable guard to prevent touching the lips to the jet from which the water issues.

The use of individual single service paper cups is deemed to be most desirable for school use.

(j) Hot lunch equipment. In schools where hot lunches are prepared and served, adequate equipment shall be provided. The hot plate or stove shall have a sufficient number of burners. Water heating equipment shall be capable of furnishing water of the required temperature during the entire dish washing period. Kitchen utensils, pots, pans and similar devices shall have smooth, non-corrosive surfaces free from rust and foreign deposits and shall be maintained in a sanitary condition. Table dishes shall be free from cracks or chips and free from film. Silverware shall be free from corrosion. Tables and work benches shall have smooth surfaces which are free from cracks. Dishes following washing and sanitization shall be stored in such a manner as not to expose them to contamination.

All utensils, glasses or other dishes other than single service containers used in the serving of food or drink shall be thoroughly washed and cleansed after each separate use in hot water of not less than 110° F.

containing a suitable detergent or other effective cleaning agent so as to remove all foreign matter. Such utensils, glasses or other dishes shall then be either immersed in hot water at a temperature of 170° F. for at least two minutes immediately after washing or subjected to a thorough clear water rinse by immersion or a spraying process after which they shall be completely immersed for a period of at least two minutes in clear water containing a suitable chemical disinfecting agent. Drying cloths, if used, shall be clean and shall be used for no other purpose.

Where a community sewerage system is not available, liquid wastes shall be disposed of into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

All food and food service shall conform with Title 7, Division 1, Chapter 2, Subchapter 3, Alaska Administrative Code.

All milk, cream and milk products shall be of the best quality available and shall be pasteurized if such milk is available. Milk should be served in the original container as delivered by the pasteurization plant or from an approved dispenser.

All perishable food shall be stored in such a manner as to keep the temperature below 50° F. All other food stuffs shall be kept in covered containers.

#### Commentary

**Public health reason:** Numerous communicable diseases may be spread by improper food handling practice. Unless proper refrigeration, selection of foods, handling and storage of foods, and disinfection of utensils and equipment are rigidly enforced in the school food preparation unit at all times, students may be unnecessarily exposed to the dangers of food-borne illness. Approved lunch storage is necessary for protection from filth-borne diseases and to keep vermin and odors absent from the class room.

**Satisfactory compliance:** The proper provision for sanitation and safety in the school lunch program is highly desirable for two reasons, to protect the health and well being of both the children and the workers, and to teach the children and the workers proper sanitation and safety principles and practices. Proper attention must be given to sanitation and safety wherever school lunch programs are carried on. School lunch facilities may be in the form of hot jars, jars brought from home and warmed at school; the hot food prepared at school by teachers and pupils, and an entire lunch prepared at the school by teachers and pupils, practical workers, or professional workers. The school feeding facilities, whether in the corner of the room, a single room or a complete unit, should be the cleanest area in the building. In the small one room school, storage space must be provided in a screened cupboard for storing lunches brought from home. The lunches should not be permitted to freeze or become too hot. The same cupboard may also be used for storage of cooking equipment and utensils. Staple foods such as salt, sugar, flour, etc., should be stored in well covered metal or glass containers. Canned foods must not be permitted to freeze. Matches must be kept in a tin or glass tightly closed. All work tables or other surfaces with which food

In preparing lunches, any person handling food should first wash his hands before beginning preparation of the lunch. All who handle food should wear hair nets or caps. Clothing should be protected with an apron. A separate testing spoon should be used when cooking for the school. All food to be eaten raw should be well washed including dry fruits. Only pasteurized grade A milk or the best milk available should be used in the school. Milk bottles should be wiped carefully when they are received and before they are served. In serving the food, arrangements should be made for the children to wash their hands before lunch. Insist that each child use his own eating and drinking utensils. Make certain that children with colds or infections do not handle dishes or food to be served to others. After serving the meal, dishes should be washed carefully in accordance with the manual on eating and drinking establishments.

In certain parts of Alaska where the winter temperatures remain continuously at food preservation level, window boxes may be used for cold storage of foods. The window box, however, should not be used at any time when the outside temperature is above 30° F. In areas of Alaska where permanently frozen ground exists, it is possible to construct ice collars or permafrost collars as they are frequently called for storage of food and ice. A properly constructed permafrost collar is suitable for storage of food throughout the entire year. The ice collar may also provide a well protected and easily accessible place for storing ice for the school water supply. Where ice is cut and harvested for the school water supply, the ice should be stored in a sanitary manner. A properly constructed, drained and maintained permafrost collar is a highly desirable means for storage of ice for the school water supply. Storage of ice above ground, where dust, dirt, dogs, and other things may contaminate the ice, will not be permitted.

Hot plates and stoves used in school lunch rooms shall have a sufficient number of burners to properly prepare food and clean up equipment. Water heating equipment shall be capable of furnishing water of the required temperature during the entire dish washing period. Kitchen utensils, pots, pans, and similar devices shall have smooth non-corrosive surfaces free from rust and foreign deposits and shall be maintained in a sanitary condition. Where a community sewer is not available, liquid wastes shall be disposed of into a private system which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health.

For help in planning school lunch programs, contact the Nutrition Section of the Department of Health and Welfare.

(k) Garbage disposal. In schools where hot lunches are prepared and served, fly-proof and watertight metal containers shall be provided for garbage. Garbage cans shall be emptied at regular intervals and never allowed to become foul smelling or a breeding place for flies or insects.

Garbage shall be disposed of in a manner which creates neither a nuisance nor a menace to health. The depositing of garbage into any lake, stream or other body of water is prohibited.

Commentary

**Public health reason:** All garbage, refuse and liquid waste resulting from the normal operation of a school, should be properly disposed of so as not to become a source of infection. Rodents, insects, and other disease vectors may feed upon improperly disposed of garbage and refuse. Therefore, improper disposal of garbage will tend to create vector disease problems.

**Satisfactory compliance:** This item shall be deemed satisfied if:  
All liquid wastes are disposed of in a public sewer or in the absence of a public sewer, by a method approved by the Department of Health and Welfare.

All plumbing complies with the Alaska Plumbing Standards and is so designed and installed as to prevent contamination of the water supply through inter-connections and back siphonage from fixtures.

All garbage is covered and kept in tight, non-absorbent, and easily washable receptacles which are covered with close fitting lids. Garbage receptacles which may be thrown away with the garbage are acceptable provided they are tight and are so constructed as to prevent deprecation.

All garbage, trash and other waste materials are removed from the premises as frequently as may be necessary to prevent nuisance and unsightly conditions, and/or are disposed of in a manner approved by the Department of Health and Welfare. The most desirable means for disposal is disposal by means of a community disposal service. In areas where community disposal service is not available, sanitary fill carried on by the school officials is next best. Incineration of combustible material is satisfactory provided a safe incinerator is constructed. In many places there is not sufficient combustible material in school refuse to permit the burning of refuse and garbage without the addition of other fuels.

Careful collection and storage of refuse in areas where this material may freeze immediately upon being taken out of the school building is not desirable, but in some instances where extremely low temperature conditions exist, such a method will be approved providing at least annually all materials are buried or otherwise suitably stockpiled or removed to some remote spot where they do not create a nuisance or health hazard to the school, or the village where the school may be located.

(1) **Storage.** Lunches shall be stored in a clean, dry place, protected from flies and other contamination, located, preferably, outside the class room. Provision shall be made for storing outer clothing outside the class room in a well lighted and ventilated space. The general school supplies shall be stored to comply with good housekeeping. Individual service containers, if used, shall be handled and stored in a sanitary manner. Combustible or poisonous material must be stored in a manner to protect the children.

#### Commentary

**Public health reason:** Proper storage of clothing and school supplies are essential to good housekeeping and are useful in helping to prevent the interchange of infectious material. If individual service containers are not handled, stored and protected from contamination, the value of

Individual service may be nullified. Approved storage of combustible and poisonous material is essential to the security of the children. Neatness, orderliness (a place for everything and everything in its place) and general good housekeeping are essential to sanitation.

**Satisfactory compliance:** This item shall be deemed satisfied if: Sufficient storage space is provided to store outer clothing, rubbers, play equipment, etc. This space shall be easily accessible, well lighted and ventilated and should be so located that it can be supervised by the teacher. Lockers may be suitable in some schools, while in other schools hooks and shelves may be necessary. Garments should be hung on hooks spaced far enough apart to prevent the rubbing of one garment upon another and possible transfer of infectious material. Individual lockers or hooks should be assigned to the school children. Each child should continue to use the hook assigned to him throughout the school year. In grade schools, and for small children, it may be necessary to place the names of pupils under or on their hooks. Such an arrangement not only promotes orderliness and cleanliness, but also assists in the control of impetigo, scabies, and pediculosis.

All school supplies are stored in an approved manner.

Poisonous and combustible materials are stored so that they are inaccessible except to authorized individuals.

(m) Blackboards and furniture. The blackboards' construction, repair and location shall be such as to provide approved use. Erasers, crayon trays and furniture shall be kept clean. Blackboards and furniture shall be of a dull finish.

#### Commentary

Public health reasons: Approved construction, good repair and correct location of the blackboards are prerequisite factors of approved use. Clean erasers and crayon trays are necessary to minimize dust. Comfortable furniture in good repair is essential to permit freedom in movement and good posture. Dull finish, clean furniture, prevents glare and promotes cleanliness.

**Satisfactory compliance:** This item shall be deemed satisfied if: The material used for the blackboard is slate, composition, glass or equal construction.

The finish is smooth and no cracks exist and as few seams as possible. All blackboards which are to be refinished should be thoroughly sanded to remove all rough places and should be given two coats of finish.

The blackboards are not located in narrow spaces between windows; the blackboards shall be so located that they will be seen most easily by the intended user. Blackboards in primary grades must extend to within 24 inches of the floor; 28 inches of floor for intermediate grades; 32 inches of floor for upper grades.

The blackboard erasers and crayon trays are clean. This may be accomplished by cleaning the erasers daily outdoors, away from the build-

ing and cleaning the boards weekly. Only dustless chalk should be used.

The seating units are completely individualized.

The desks are so arranged that the light is admitted from the left of seated children. Many times, rows of desks beginning near the bank of windows and extending diagonally across the room provide the most advantageous arrangement. Special consideration should be given to the left handed children. Their desks should be so located that light will be over the right shoulder. When the pupil is directly seated with feet squarely on the floor, there must be no pressure from the forward edge of the seat under the knees. The height of the writing surface should be such that when the pupil is erectly seated, shoulders well down and elbows fairly close to the sides, with palms flat on the desk, both forearms in writing position will contact throughout the surface.

Provisions should be made for storing outer clothing outside of the class room. Even though a cloakroom may be constructed at the end of a class room, it should be so arranged as to be separate and should be considered separate from the instructional area or class room.

(n) Safety. All schools shall have adequate first aid facilities and fire extinguishers. The play area shall be a safe place for the children to play.

#### Commentary

Public health reasons: The safety measures considered are essential to personal protection at school.

Satisfactory compliance: This item shall be deemed satisfied if: Each school building has first aid material available and easily accessible. The Red Cross first aid manual (current edition) or the Boy Scout hand book are recommended as guides on technique.

At least one manually operated fire extinguisher is provided in all school buildings and so located as to be easily accessible. Each fire extinguisher should be periodically examined and kept at all times in a usable condition. School buildings which are two or more stories in height must be equipped with standard fire escapes which meet the approval of the State Fire Marshal.

All doors to the outside open outward and are equipped with panic latches. Fire drills should be held at regular intervals as specified by the State Fire Marshal.

The play area shall be such as to make a safe place for the children to play. There should be no rocks or obstructions in the area and the ground should be leveled. If the playground is situated near the road, a safety fence should be provided.

All playground equipment is well constructed and maintained in good repair. The equipment should be inspected frequently to detect defects and when found, shall be dismantled or placed out of service until repaired or replaced.

Many other safety items must be carefully noted and enforced. For example: loose boards, splintered boards, cracks and raised boards in floors should immediately be repaired or replaced. Plaster should be smooth and kept in good repair, avoiding loosening and subsequent falling. Steps within the building and leading to the building should be concrete where possible, kept in good repair, avoiding loose and rocking boards, all edges rounded, and the steps of sufficient width to give a firm tread. They should be constructed with not less than a seven-inch riser and ten-inch run. All stairs shall be provided with at least one hand rail running the full length of stairs. All elevated porches or stoops are to be enclosed with railings. All broken windows, mirrors and other glass articles should be replaced promptly. No protruding nails or other similar objects should be used.

Desks should be smooth with wide rounding edges and so constructed that they will not tip or turn over. School wiring should be frequently checked by an electrician. Damaged wiring, defective switches, fixtures and the like, should be repaired or replaced. All broken glass, rocks, cinders, dead tree limbs on trees, old boards, all dead limbs lying on the ground, all hollow trees, and all refuse should be cleared and kept cleared from the playgrounds. Some system should be worked out whereby an individual is held responsible for clearing a district school ground of weeds early in the summer before weeds are full grown, thus preventing thick heavy stubble. All abandoned holes, excavations, wells, wash-outs, etc., should be filled. Light poles should not be located on the school grounds. Where it is absolutely necessary to place them on the playgrounds, they should be protected by suitable padding against contact accidents.

All playground equipment should be of good design and maintained in good repair. For example, teeter-totter boards should be smooth, strong, and well secured. Foot scrapes should be recessed, or of the flat chain type, or provided with a guard over them to prevent accidents. School safety must include every precaution to prevent explosion and/or gas poisoning. Rubbish and refuse should not be allowed to accumulate; it should be removed from the school premises frequently; ashes from stoves should be placed in metal containers and removed from premises periodically. Mops, rags and other combustible material should not be stored under stairways, in closets, or other congested places. They should be stored in a separate storage room and kept in metal containers with a tight lid. Do not clean with an explosive material in school. Do not use kerosene in starting the fires.

(o) Miscellaneous. The school bus shall be cleaned and properly ventilated. The school grounds and building shall be free from rubbish and clean and orderly at all times.

Transportation of pupils by bus, car, boat or other conveyance shall be carried on in compliance with applicable safety regulations.

#### 1213. Disease control.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any school, and no school board shall employ any such person or any person suspected of being affected

with any disease in a communicable form or of being a carrier of such disease.

When suspicion arises as to the possibility of transmission of infection from any employee, the Health Officer is authorized to require any or all of the following measures: the immediate exclusion of the employee from the school; adequate medical examination of the employee and his associates, with such laboratory examinations as may be indicated.

1214. Right to make inspection.

It shall be the duty of every principal, superintendent, teacher or other school official to afford the Health Officer access to any part, or all of the school, and to extend every facility for inspection purposes in the premises. Any interference with or obstruction of the Health Officer in the performance of his duties shall be a violation hereunder.

1215. Penalty.

Any person, firm or corporation violating any of the provisions of these regulations, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500.00 or imprisonment for not more than ONE year, and each day that such person continues any such violation shall be deemed a separate offense.

Authority. A. S. Title 18; Health & Safety

History. In effect on and before July 28, 1959,  
effective date of Alaska Administrative Procedure Act.



HB-265

# ALASKA EDUCATION ASSOCIATION

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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ROBERT C. COOKSEY  
DEPUTY EXECUTIVE SECRETARY

April 2, 1971

Members of the Legislature,  
Juneau, Alaska

Members:

This report of 1970 was given to the Commission of Public Works in September 1970, to date no response has come from that department as to any corrective activity on any of the schools involved.

We do not know if these conditions have been changed in any manner. We are conducting another survey and will report to various members of the legislature when the survey is completed.

Very sincerely,

*Robert Van Houte*  
Robert Van Houte,  
Executive Secretary  
NEA-Alaska

RV/jw