

HB217

HOUSE COMMITTEE REPORT

(11)

Date Referred: April 11, 1991

FURTHER REFERRALS:

Date of Committee Action: 4/19/91

The FINANCE Committee considered:

HB 217

HOUSE BILL NO. 217

STATE BOARD OF EDUCATION MEMBERS

"An Act relating to the state Board of Education."

RECOMMENDATIONS:

be replaced with CS HB 217 (FIN)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: HES letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

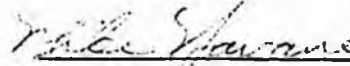
fiscal impact _____

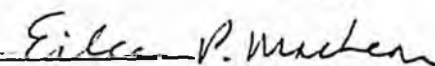
fiscal note(s) _____

zero fiscal note D EDUCATION

zero fiscal note(s) OFFICE OF GOVERNOR

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eileen P. McLean McLEAN	<input checked="" type="checkbox"/>	Barnes			
Mike Navarre NAVARRE		SHARD		<input checked="" type="checkbox"/>	
Mark Boyer BOYER	<input checked="" type="checkbox"/>	Phillips		<input checked="" type="checkbox"/>	
Tom Brown BROWN	<input checked="" type="checkbox"/>				
[Signature] KOPONEN	<input checked="" type="checkbox"/>				
[Signature] JACKO	<input checked="" type="checkbox"/>				
[Signature] LAISSON	<input checked="" type="checkbox"/>				
[Signature] ULLMER	<input checked="" type="checkbox"/>				


 CHAIRMAN'S SIGNATURE
 NAVARRE


 McLean

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CSHB 217 (HES)

Revision Date: _____ Department Affected: Education
 Title: State Board of Education BRU: Executive Administration
 Component: State Board of Education
 Sponsor: Ellis
 Requestor: House HESS COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Marv Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 3/29/91
 Approved by Commissioner: Steve Hole, Acting Commissioner
 Agency: Education Date: 3/29/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 1
Bill Version: CSHB 217 (HES)
(H) Publish Date: 4/12/91

Revision Date: _____ Department Affected: Office of the Governor
Title: "An Act relating to the state Board of Education." BRU: Executive Operations
Component: Executive Office

Sponsor: Representatives Ellis, Gruenberg, et al.

Requestor: Representative Ellis COMPONENT SERIAL NO.

6			
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME						
TEMPORARY						

Estimate of current year impact: none

ANALYSIS: (Attach a separate page if necessary.)

HB 217 would not have fiscal impact on the Office of the Governor.

Prepared By: Michael A. Nizich, Director Phone: 465-3616

Division: Division of Administrative Services Date: 3/27/91

Approved by Commissioner: D. Max Hodel, Chief of Staff

Agency: Office of the Governor Date: 3/27/91

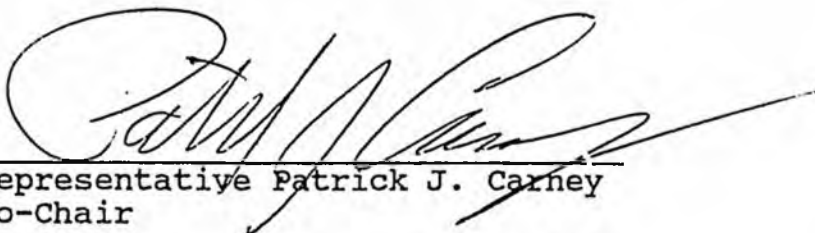
Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

April 5, 1991

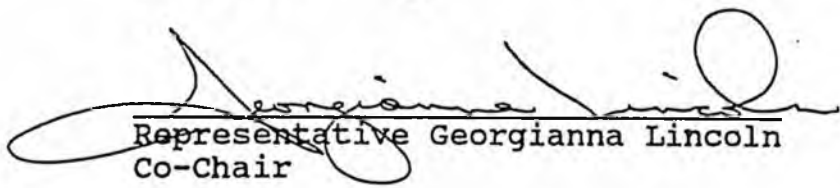
by the House Health, Education and Social Services
Committee.

LETTER OF INTENT
FOR
CSHB 217 (HES)

It is the intent of the Legislature in passing CSHB 217
(HES) that at least one appointee to the State Board of
Education be a teacher who holds a teaching certificate
issued by the State of Alaska.



Representative Patrick J. Carney
Co-Chair



Representative Georgianna Lincoln
Co-Chair

CS FOR HOUSE BILL NO. 217 (FINANCE)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES ELLIS, Gruenberg, C.Davis, Kubina, Carney, Lincoln, Brown, Bruckman, Ivan, Boyer, Donley, Ulmer, Navarre, Davidson, B.Davis, Koponen, Moyer, Finkelstein, Parnell, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state Board of Education."

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

3 * Section 1. AS 14.07.085(a) is amended to read:

4 (a) The seven members of the board, no more than four of whom shall be members of
 5 the same political party [AS THE GOVERNOR], shall be appointed by the governor, subject to
 6 confirmation by a majority of the members of the legislature in joint session. In appointing
 7 board members, the governor shall consider recommendations made by recognized educational
 8 associations in the state.

9 * Sec. 2. AS 14.07.085(b) is amended to read:

10 (b) One member shall be appointed from each of the four judicial districts and three from
 11 the state at large. At [WITH AT] least one member shall be a person who resides in a
 12 [REPRESENTING] regional educational attendance area [AREAS].

13 * Sec. 3. AS 14.07.095 is amended to read:

14 Sec. 14.07.095. TERM OF OFFICE. The members of the board shall be appointed for

1 overlapping four-year [FIVE-YEAR] terms commencing February 1 of the year of appointment.
2 A member appointed to fill a vacancy serves for the unexpired term of the member whose
3 vacancy is filled. A vacancy occurring during a term of office is filled in the same manner as
4 the original appointment.

5 * Sec. 4. AS 14.07.115 is repealed and reenacted to read:

6 Sec. 14.07.115. REMOVAL OF BOARD MEMBERS. The governor may remove a
7 board member only for neglect of duty or misconduct in office. The governor shall initiate a
8 removal by delivering to the member a written copy of the charges and giving the member an
9 opportunity to be heard in person or by counsel at a public hearing before the governor or the
10 governor's designee. The member shall receive written notice of the charges by registered mail
11 at least 10 days before a hearing on the removal and has the right to confront and cross-examine
12 witnesses who testify. The removal is effective 15 days after the governor files a complete
13 statement of all charges made against the member in the main office of the board.

14 * Sec. 5. APPLICABILITY. AS 14.07.095, as amended by sec. 3 of this Act, applies to the term
15 of a member of the state Board of Education appointed after the effective date of this Act.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ELLIS

TO: CSHB 217(HES)

Page 2, lines 14 - 17:

Delete all material and insert:

"* Sec. 5. APPLICABILITY. AS 14.07.095, as amended by sec. 3 of this Act, applies to the term of a member of the state Board of Education appointed after the effective date of this Act."

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

MEMORANDUM

TO: Rep. Mike Navarre, Co-Chair, Finance Committee
Rep. Eileen Maclean, Co-Chair, Finance Committee

FROM: Representative Johnny Ellis

RE: Scheduling of CSHB 217 (HES)

DATE: April 9, 1991

I would appreciate if you could schedule HB 217 for a hearing at your earliest possible convenience. This bill changes the law in regard to the composition, terms and removal of the members of the State Board of Education.

HB 217 will help to insulate state education policy from political partisanship and will provide for better continuity in the making of educational policy.

Section 1 of this bill changes the law so that the Governor may not stack the Board entirely with members of the same political party regardless of the Governor's own political party. Clearly, the intent of the existing law is to achieve a balance on the Board so that a broader group of interests can participate in educational policy making. This section protects against the abuse of this intent.

Section 2 of the bill amends existing law so that one board member must reside in a regional educational attendance area and not simply represent REAAs.

Section 3 changes the terms of state Board members from five to four years. This section works to integrate Board turnover more logically with the four year term of the Governor.



Section 4 changes the law so that Board members may be removed only for neglect of duty or misconduct in office, and would no longer serve simply at the pleasure of the Governor. There are several other boards and commissions whose members may only be removed for cause, as allowed under article III, section 26 of the State Constitution. The purpose of this section is to ensure some continuity between the Board members appointed by one Governor and the Board members appointed by the succeeding Governor. Due to the staggered terms already established, the Governor can still replace the entire Board membership, thus retaining significant control in educational policy making.

Section 5 reestablishes the overlapping terms of Board members. Upon review, I have discovered that this section is not necessary and will be offering an amendment to eliminate it.

Thank you for your consideration of this request.

**SAMPLING OF
STATE BOARDS & COMMISSIONS
upon which
MEMBERS MAY ONLY BE REMOVED FOR CAUSE**

<u>BOARD OR COMMISSION</u>	<u>AUTHORITY</u>
Public Broadcasting Commission	44.21.258 (a)
Public Utilities Commission	42.05.030
Labor Relations Agency	23.05.360 (c)
Personnel Board	39.25.060 (c)
Mental Health Board	47.30.663 (c)
Commercial Fisheries Entry Commission	16.43.020
Board of Forestry	41.17.041
Science & Technology Foundation	37.17.040 (a)
Citizens Advisory Commission on Federal Areas	41.37.050
Profesional Teaching Practice Commission	14.20.430
Violent Crimes Compensation Board	18.67.020
Occupational Safety & Health Review Board	18.60.057 (b)