SB

64

ALASKA STATE LEGISLATURE

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

SENATOR LYDA GREEN, CHAIR

PROPOSED AMENDMENT TO SB 64
HIGH SCHOOL DIPLOMA FOR CERTAIN WWII VETS

Explanation: This amendment is offered to allow WWII veterans who later received a general equivalency diploma to apply for a high school diploma.

Analysis: Page 1, lines 12-13: Delete "or general equivalency diploma".

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

22-GS1011\A.1
Ford
2/7/01

AMENDMENT

OFFERED IN THE SENATE BY SENATOR GREEN

TO: SB 64

Page 1, lines 12 - 13:

Delete "or general equivalency diploma"

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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
SENATOR LYDA GREEN, CHAIR

To: Mike Ford, Legislative Legal Services

From: Aurora Hauke, Committee Aide
x3762

Date: February 6, 2001

Subject: SB64: High School Diploma for Certain WWII Vets

Attached is the proposed amendment by the Department. Please let me know what ramifications this might have.

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

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SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE
SENATOR LYDA GREEN, CHAIR

To: Mike Ford, Legislative Legal Services

From: Aurora Hauke, Committee Aide

Date: February 6, 2001

Subject: SB64: High School Diploma for Certain WWII Vets

Please prepare an amendment for SB64 by Senator Green according to the attached draft.

I will need this for my committee meeting on Wednesday, February 7, 2001 at 1:30 p.m.

Thank you.

SENATOR LOREN LEMAN, VICE-CHAIR
SENATOR PETE KELLY, SENATOR JERRY WARD, SENATOR BETTYE DAVIS

AMENDMENT

OFFERED IN THE SENATE BY _____
TO: SB 64

1 Page 1, lines 12 - 13, following "high school diploma":

2 Delete "or general equivalency diploma"

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 64
(S) Publish Date: 1/31/01

Revision Date/Time (Note if correction):
Title: High School Diploma for WWII Veterans
Sponsor: Rules Committee
Requester: Governor

Dept. Affected: Education & Early Dev.
BRU: Education/Special Projects
Component:
Component Number: 173

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: Barbara Thompson
Phone 465-8727
Division Teaching & Learning Support
Date/Time 11/14/00 4:00 PM
Approved by: Commissioner Rick Cross
Date Nov. 14, 2000
Agency Department of Education & Early Development

For distribution information, call the Governor's Legislative Office

(Rev 1/26/2000 OMB)

COMMITTEE COPY

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/31/01 FURTHER: Finance

Date of 5-Day Notice: 02/01/01
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 02/08/01

Health, Education and Social Services Committee considered SENATE BILL NO. 64

"An Act relating to the award of a high school diploma to certain World War II veterans."

and recommends:

[X] be **replaced** with ____ **CS** SB 64 (HES)

[ ] adopt **previous** ____ **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[X] same title
[ ] new title
House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Education & Early Dev	11/14/00		X	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Drew D. Ferguson	✓			
Jerry Ward	✓			
[illegible]	✓			
Bettye Davis	✓			
CHAIR: Lyda Green	✓			

Bill History/Action Display

H

BILL: SB 64

SHORT TITLE: HIGH SCHOOL DIPLOMA FOR CERTAIN WWII VETS

BILL VERSION: CSSB 64(FIN) AM H
SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR
CURRENT STATUS: TRANSM TO GOVERNOR

STATUS DATE: 04/05/01

TITLE: "An Act relating to the award of a high school diploma to certain World War II veterans."

Full Text | Fiscal Notes | Amendments

Committee Action with Bill History

Jrn-Date	Jrn-Page		Action
01/31/01	0235	(S)	READ THE FIRST TIME - REFERRALS
01/31/01	0235	(S)	HES, FIN
01/31/01	0235	(S)	FN1: ZERO(EED)
01/31/01	0235	(S)	GOVERNOR'S TRANSMITTAL LETTER
02/08/01	0308	(S)	HES RPT CS 5DP SAME TITLE
02/08/01	0308	(S)	DP: GREEN, LEMAN, WARD, WILKEN, DAVIS
02/08/01	0308	(S)	FN1: ZERO(EED)
02/26/01	0499	(S)	FIN RPT CS 9DP SAME TITLE
02/26/01	0499	(S)	DP: KELLY, DONLEY, GREEN, AUSTERMAN,
02/26/01	0499	(S)	HOFFMAN, OLSON, WILKEN, WARD, LEMAN
02/26/01	0499	(S)	FN1: ZERO(EED)
03/21/01	0753	(S)	RULES TO CALENDAR 3/21/01
03/21/01	0756	(S)	READ THE SECOND TIME
03/21/01	0756	(S)	FIN CS ADOPTED UNAN CONSENT
03/21/01	0757	(S)	ADVANCED TO THIRD READING UNAN CONSENT
03/21/01	0757	(S)	READ THE THIRD TIME CSSB 64(FIN)
03/21/01	0757	(S)	PASSED Y16 N- E4
03/21/01	0759	(S)	TRANSMITTED TO (H)
03/21/01	0759	(S)	VERSION: CSSB 64(FIN)
03/22/01	0676	(H)	READ THE FIRST TIME - REFERRALS
03/22/01	0676	(H)	HES
03/29/01	0771	(H)	HES RPT 6DP (HB 98 SIMILAR BILL)
03/29/01	0771	(H)	DP: COGHILL, JOULE, CISSNA, WILSON,
03/29/01	0771	(H)	STEVENS, DYSON
03/29/01	0771	(H)	FN1: ZERO(EED)
03/29/01	0790	(H)	RULES TO CALENDAR 3/30/01
03/30/01	0790	(H)	READ THE SECOND TIME
03/30/01	0790	(H)	AM NO 1 ADOPTED UNAN CONSENT

03/30/01	0790	(H)	ADVANCED TO THIRD READING UNAN CONSENT
03/30/01	0790	(H)	READ THE THIRD TIME CSSB 64(FIN) AM H
03/30/01	0791	(H)	PASSED Y32 E8
03/30/01	0795	(H)	TRANSMITTED TO (S) AS AMENDED
03/30/01	0795	(H)	VERSION: CSSB 64(FIN) AM H
04/02/01	0900	(S)	CONCUR AM OF (H) Y18 N- A1 E1
04/05/01	0963	(S)	9:50 AM 4/5/01 TRANSMITTED TO GOVERNOR
04/05/01	0963	(S)	DUE BACK FROM GOVERNOR 4/23/01

Similar Subject Match or Exact Subject Match
EDUCATION
MILITARY
VETERANS

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY.32 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22 Legislature)
Return to Legislature Home Page

Journal Text

H

SB 64

SENATE BILL NO. 64 BY THE SENATE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR, entitled:

"An Act relating to the award of a high school diploma to certain World War II veterans."

was read the first time and referred to the Health, Education and Social Services and Finance Committees.

The following fiscal information was published today:
Fiscal Note No. 1, zero, Department of Education and Early Development

Governor's transmittal letter dated January 30:

Dear President Halford:

This bill I transmit today brings a long-overdue recognition to those World War II veterans who left Alaska's high schools before graduating in order to serve their country. These veterans would be awarded high school diplomas.

Alaska would join other states in the national "Operation Recognition" program designed as society's gesture of gratitude towards World War II veterans. Many of these veterans never received high school diplomas because they chose, rather, to serve in the military at a

crucial time to ward off a genuine threat to world stability. When they returned home in the post-war economic and baby boom, they went straight to work and pursued careers rather than go back to school.

Under this bill, the Department of Education and Early Development would award a diploma upon application by, or on behalf of, a person who served in the military between August 7, 1940 and July 5, 1947. Those veterans with a Graduation Equivalency Diploma could also apply.

Out of respect and recognition of Alaska's World War II veterans, I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Tony Knowles
Governor

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR
TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

02-08-2001 Senate Journal 0308

SB 64

The Health, Education and Social Services Committee considered SENATE BILL NO. 64 "An Act relating to the award of a high school diploma to certain World War II veterans" and recommended it be replaced with

CS FOR SENATE BILL NO. 64(HES)

Signing do pass: Senator Green, Chair, Senators Leman, Ward, Wilken, Davis.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Finance Committee.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR
TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
Return to Legislature Home Page

Journal Text

H

02-26-2001 Senate Journal 0499
SB 64
The Finance Committee considered SENATE BILL NO. 64 "An Act relating to the award of a high school diploma to certain World War II veterans" and recommended it be replaced with

CS FOR SENATE BILL NO. 64(FIN)

Signing do pass: Senators Kelly, Donley, Cochairs, Senators Green, Austerman, Hoffman, Olson, Wilken, Ward, Leman.

The following previously published fiscal information applies:
Fiscal Note No. 1, zero, Department of Education and Early Development

The bill was referred to the Rules Committee.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR
TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

03-21-2001 Senate Journal 0753
SB 64
The Rules Committee considered SENATE BILL NO. 64 "An Act relating to the award of a high school diploma to certain World War II veterans." Signing to calendar: Senator Pearce, Chair, Senators Cowdery, Phillips, Ellis.

The bill is on today's calendar.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY 1.2 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

03-21-2001 **Senate Journal** **0756**
SB 64
SENATE BILL NO. 64 "An Act relating to the award of a high school diploma to certain World War II veterans" was read the second time.

Senator Kelly, Cochair, moved and asked unanimous consent for the adoption of the Finance Committee Substitute offered on page 499. Without objection, CS FOR SENATE BILL NO. 64(FIN) was adopted and read the second time.

03-21-2001 **Senate Journal** **0757**
Senator Kelly, Acting Majority Leader, moved and asked unanimous consent that the bill be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

CS FOR SENATE BILL NO. 64(FIN) was read the third time.

The question being: "Shall CS FOR SENATE BILL NO. 64(FIN) "An Act relating to the award of a high school diploma to certain World War II veterans" pass the Senate?" The roll was taken with the following result:

CSSB 64(FIN)
Third Reading Final Passage

YEAS: 16 NAYS: 0 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Cowdery, Davis, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Lincoln, Olson, Phillips, Taylor, Torgerson, Ward

Excused: Leman, Pearce, Therriault, Wilken

and so, CS FOR SENATE BILL NO. 64(FIN) passed the Senate and was referred to the Secretary for engrossment.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY 3.2 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

03-21-2001 Senate Journal 0759
SB 64
CS FOR SENATE BILL NO. 64(FIN) "An Act relating to the award of a high school diploma to certain World War II veterans" was engrossed, signed by the President and Secretary and transmitted to the House for consideration.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY v.32 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

03-22-2001 House Journal 0676
SB 64
CS FOR SENATE BILL NO. 64(FIN) by the Senate Finance Committee, entitled:

"An Act relating to the award of a high school diploma to certain World War II veterans."

was read the first time and referred to the Health, Education & Social Services Committee.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY 3.2 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
Return to Legislature Home Page

Journal Text

H

03-29-2001 House Journal 0771
SB 64
The Health, Education & Social Services Committee has considered:

CS FOR SENATE BILL NO. 64(FIN)
"An Act relating to the award of a high school diploma to certain World War II veterans."

(similar to HB 98)

The report was signed by Representative Dyson, Chair, with the following individual recommendations:

Do pass (6): Coghill, Joule, Cissna, Wilson, Stevens, Dyson

The following fiscal note(s) apply:

1. Zero, Dept. of Education & Early Development

CSSB 64(FIN) was referred to the Rules Committee for placement on the calendar.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY 3.2 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

03-30-2001 **House Journal** **0790**
SB 64
The following was read the second time:

CS FOR SENATE BILL NO. 64(FIN)
"An Act relating to the award of a high school diploma to certain World War II veterans."

with the: Journal Page

HES RPT 6DP (HB 98 SIMILAR BILL) 771
FN1: ZERO(EED) 771

Amendment No. 1 was offered by Representative Kott:

Page 1, lines 10-11:
Delete all material.

Renumber the following paragraphs accordingly.

Representative Kott moved and asked unanimous consent that Amendment No. 1 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 1 was adopted.

Representative Foster moved and asked unanimous consent that CSSB 64(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSB 64(FIN) am H was read the third time.

03-30-2001 **House Journal** **0791**
The question being: "Shall CSSB 64(FIN) am H pass the House?"
The roll was taken with the following result:

CSSB 64(FIN) am H
Third Reading
Final Passage

YEAS: 32 NAYS: 0 EXCUSED: 8 ABSENT: 0

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Guess, Halcro, Hudson, Joule, Kapsner, Kerttula, Kott, Lancaster, Masek, Meyer, Morgan, Moses, Mulder, Murkowski, Porter, Rokeberg, Scalzi, Stevens, Whitaker, Williams, Wilson

Excused: Green, Harris, Hayes, James, Kohring, Kookesh, McGuire, Ogan

And so, CSSB 64(FIN) am H passed the House and was referred to the Chief Clerk for engrossment.

Journal Text

H

03-30-2001 House Journal 0795
SB 64
CSSB 64(FIN) am H was engrossed, signed by the Speaker and Chief Clerk and transmitted to the Senate for consideration.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

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Journal Text

H

04-02-2001 **Senate Journal** **0900**
SB 64
Message dated March 30 was read, stating the House passed CS FOR SENATE BILL NO. 64(FIN) with the following amendment:

Page 1, lines 10-11
Delete all material.

Renumber the following paragraphs accordingly.

04-02-2001 **Senate Journal** **0901**
and so, CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans," is returned for consideration.

Senator Leman moved that the Senate concur in the House amendment.

The question being: "Shall the Senate concur in the House amendment?" The roll was taken with the following result:

CSSB 64(FIN) am H
Shall the Senate concur in the House amendment to CSSB 64(FIN)?

YEAS: 18 NAYS: 0 EXCUSED: 1 ABSENT: 1

Yeas: Austerman, Donley, Ellis, Elton, Green, Halford, Hoffman, Kelly, Leman, Lincoln, Olson, Pearce, Phillips, Taylor, Therriault, Torgerson, Ward, Wilken

Excused: Cowdery

Absent: Davis

and so, the Senate concurred in the House amendment, thus adopting CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans."

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

Return to Basis Main Menu (22nd Legislature)
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Journal Text

H

04-05-2001 Senate Journal 0963

SB 64

CS FOR SENATE BILL NO. 64(FIN) am H "An Act relating to the award of a high school diploma to certain World War II veterans" was enrolled, signed by the President and Secretary, Speaker and Chief Clerk and the engrossed and enrolled copies transmitted to the Office of the Governor at 9:50 a.m., April 5, 2001.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

BOBBY 32 APPROVED

TO REPORT PROBLEMS WITH BASIS INQUIRY

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Senate HEALTH, EDUCATION & SOCIAL SERVICES H
Minutes

ALASKA STATE LEGISLATURE
SENATE HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE
February 7, 2001
1:37 p.m.

MEMBERS PRESENT
Senator Lyda Green, Chair
Senator Loren Leman, Vice Chair
Senator Gary Wilken
Senator Bettye Davis
Senator Jerry Ward

MEMBERS ABSENT

None

COMMITTEE CALENDAR

SENATE BILL NO. 64
"An Act relating to the award of a high school diploma to certain World War II veterans."
MOVED CSSB 64(HES) OUT OF COMMITTEE

SENATE BILL NO. 40
"An Act relating to the education of children with disabilities and of gifted children; relating to the Governor's Council on Disabilities and Special Education; making conforming amendments; and providing for an effective date."
HEARD AND HELD

PREVIOUS COMMITTEE ACTION

SB 40 - No previous action.

SB 64 - No previous action.

WITNESS REGISTER

Major General Phil Oates
Commissioner
Department of Military &
Veterans Affairs
PO Box 5800
Ft Richardson, AK 99505-0800
POSITION STATEMENT: Supports SB 64

Bruce Johnson, Deputy Commissioner
Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Supports SB 40

Greg Maloney, Director
Division of Special Education

Department of Education &
Early Development
801 W 10th St.
Juneau, AK 99801-1894
POSITION STATEMENT: Answered questions regarding SB 40

ACTION NARRATIVE

TAPE 01-9, SIDE A
Number 001

CHAIRMAN LYDA GREEN called the Senate Health, Education & Social Services Committee meeting to order at 1:37 p.m. Present were Senators Leman, Wilken, Davis and Green. The first order of business to come before the committee was SB 64.

SB 64-HIGH SCHOOL DIPLOMA FOR CERTAIN WWII VETS

MAJOR GENERAL PHIL OATES, Commissioner of the Department of Military and Veterans Affairs (DMVA), stated that SB 64 honors our veterans and recognizes the achievements that WWII veterans made to our country. Some 15 states have already enacted legislation for WWII veterans' diplomas and 11 states have pending legislation. About 63,000 veterans live in Alaska today; about 10 percent of those are WWII vets. Alaska's Territorial National Guard members will also be eligible. About 150 Alaska veterans would be eligible for a diploma under SB 64. SB 64 applies to WWII veterans who dropped out of high school or did not finish high school because of their military service. This project is known nationally as Operation Recognition. During WWII, many men and women left the comforts of home and high school to fight. Later in life, many wished they had received a diploma. Providing one is the least we can do as a sign of respect and recognition. SB 64 will allow the Alaska Department of Education and Early Development (DOEED) to award a diploma to WWII veterans who served during the period from August 7, 1940 to July 5, 1947. Veterans with a GED are also eligible. He asked committee members to support the bill.

SENATOR WARD joined the committee.

SENATOR LEMAN asked, tongue in cheek, "General Oates, you know how we've been working for accountability in our education system, do you think it would be appropriate to have these veterans pass the competency exam?"

MAJOR GENERAL OATES replied, "Senator Leman, since we're not quite to the competency exam period, I think we'll move with haste at this time." He added he is quite confident that all of these veterans have exceeded the requirements expected of a high school graduate.

SENATOR WARD asked if SB 64 applies to the Merchant Marines who were called to duty.

MAJOR GENERAL OATES said it does as they are recognized as veterans.

CHAIR GREEN announced that she sponsored an amendment at the request of DMVA. The intent of the amendment is to allow WWII veterans who later received a general equivalency diploma to apply for a high school diploma. It reads:

Page 1, lines 12-13, delete "or general equivalency diploma".

SENATOR WARD moved to adopt the amendment. There being no discussion or objection, the motion carried.

There being no further questions, SENATOR LEMAN moved CSSB 64(HES) from committee with individual recommendations and its zero fiscal note.

CHAIR GREEN announced the committee would hear SB 40.

SENATOR WILKEN announced that he would be leaving shortly to testify before another committee.

SB 40-EDUC.OF DISABLED OR GIFTED CHILDREN

DR. BRUCE JOHNSON, Deputy Commissioner of DOEED, stated he was testifying on behalf of the Administration and made the following comments. Since a similar bill was considered by the legislature last year, DOEED worked with the Governor's Council on Special Education and Disabilities, Parents Inc., the Disability Law Center and school district representatives to obtain input in drafting this legislation. Members of the three advocacy groups then reviewed the proposed legislation and provided feedback that was incorporated into the SB 40. A list of the representatives from the various organizations who worked with DOEED has been distributed to committee members. DOEED also solicited information from parents and representatives of gifted children.

SB 40 accomplished several important purposes. He provided the following highlights.

SB 40 updates the special education statutes in accordance with the federal Individuals with Disabilities Act as amended in 1997 (IDEA 97). IDEA 97 contains a number of policy modifications, including strengthening parental rights and improving academic outcomes for children with disabilities. SB 40 helps ensure that children with disabilities will continue to receive appropriate educational services and that Alaska will continue to be eligible for federal special education funds. For FY 02 these funds are expected to total more than $19 million.

SB 40 further defines Alaska's special education policy in areas where IDEA 97 provides states with discretion. For example, SB 40 modifies current statute by requiring state boarding schools and statewide correspondence schools that enroll children with disabilities from outside their district to provide special education and related services. SB 40 also limits a school district's responsibility to provide services to children with disabilities who attend private schools to the level required by IDEA 97.

SB 40 more clearly differentiates the federal requirements for providing educational services to children with disabilities from state requirements for providing educational services to gifted children.

CHAIR GREEN asked Dr. Johnson to repeat his statement about private schools.

DR. JOHNSON explained that SB 40 limits a school district's responsibility to provide services to children with disabilities who attend private schools. He said Mr. Maloney will elaborate on that concept. Students will still receive services but the services will be limited to what is required by federal law.

DR. JOHNSON continued highlighting SB 40.

Under SB 40, school districts must continue to provide gifted education programs, however districts are required to serve only gifted children enrolled in and attending public schools. Additionally, districts will no longer be required to provide related services, such as individual transportation to gifted children. However, a gifted student could be identified as a child with a disability as well, thereby qualifying for related services. Where appropriate, different terminology describing the components of gifted education has been incorporated to further distinguish gifted education from federally funded and mandated special education and related services.

SB 40 also maintains DOEED's responsibility for overseeing the gifted education programs provided by school districts. Although the new legislation does not add new responsibilities, DOEED has not previously had the resources to adequately fulfill its obligation. Therefore a general fund increment in the FY 2002 budget for the Division of Teaching and Learning Support is requested to cover the cost of DOEED's oversight responsibilities.

DR. JOHNSON asked Mr. Maloney to outline some of the proposed changes within SB 40.

MR. GREG MALONEY, director of the Division of Special Education, DOEED, referred to a DOEED document entitled, "HB 71/SB 40 An Act Relating to the Education of Children with Disabilities and Gifted Children" and made the following comments about the provisions of SB 40.

First, SB 40 changes the terminology in statute from "exceptional children" to "children with disabilities" and "gifted children."

Subsections (3), (4) and (5) were added to Sec. 14.30.186. Subsection (3) states that children at a treatment, correctional or youth detention facility who are eligible for special education and related services shall be served by the borough, city school district, or regional educational attendance area in which the facility is located. Subsection (4) will require special education services to be provided by state boarding schools that enroll students with disabilities. Subsection (5) requires a district that provides a statewide correspondence study program to ensure that services are provided to children with disabilities enrolled in those programs.

Regarding due process hearings, DOEED is proposing to change the current two-tier due process system. Under the current system, the district is responsible for assigning a hearing officer and, after the decision, the parent or district can appeal to DOEED. Under SB 40, DOEED would assign the hearing officer and an appeal of the hearing officer's decision would go directly to the Alaska Superior Court.

CHAIR GREEN asked if payment for the hearing officer would remain at the local district level.

MR. MALONEY said DOEED anticipates it will be paid for by the local school district.

MR. MALONEY explained the next change pertains to mediation; AS 14.30 will be amended to add a new section. Mediation is a voluntary dispute resolution process provided for in the most recent federal statute and regulations pertaining to special education. States will sponsor programs in which districts and

parents can voluntarily enter into mediation to resolve issues.

CHAIR GREEN asked if DOEED will name the mediator, subject to the approval of both sides.

MR. MALONEY said DOEED is already doing that. DOEED oversees the mediation system but has a contractor that provides mediators and does the day-to-day logistical assignments. The mediators go onsite. The process is free to both the district and the parents.

CHAIR GREEN asked if that cost is included in DOEED's budget and will continue to be.

MR. MALONEY said yes.

CHAIR GREEN asked if a mediator can be used for either students with a disability or for gifted students.

MR. MALONEY said that mediation is not available for gifted education because it is a federally funded program.

MR. MALONEY continued discussing SB 40. The next change to statute is to individualized education program (IEP) components. In the current statute, the IEP components for gifted education and special education and related services are combined. In SB 40, DOEED separated the special education requirements, which are the federal requirements, for students with disabilities, and cited the federal regulations that pertain to the IEP components. For gifted students there is no federal mandate, so the components were maintained and listed in the section of SB 40 that relates to the gifted IEP.

CHAIR GREEN asked Mr. Maloney if he believes it is appropriate to use the same name for both categories of students.

MR. MALONEY said DOEED has changed that and now calls it "individualized gifted education program."

MR. MALONEY explained the next change is a DOEED proposal requiring districts to serve students enrolled in private schools to the degree mandated by federal regulations and legislation. Currently, students enrolled in private school are served by the resident district and there is no difference between the services provided to public or private school students. Districts do not receive similar funding for those students. Under DOEED's proposal, private school students would be able to receive services from the districts according to mandates contained in the federal regulations.

CHAIR GREEN asked if the districts will receive any funding for providing those services.

MR. MALONEY explained that under current Alaska statute, a student enrolled in private school is eligible for the same services as a student enrolled in public school. The federal law and regulations require less than that - they require that a proportionate share of funds be spent on private school special education. Districts would not be required to provide the total array of services to students enrolled in private school.

CHAIR GREEN asked if that level of service is referenced in 34 CFR 300.450-462.

MR. MALONEY said that is correct.

CHAIR GREEN asked if it says the services provided to these students would not have to be the same as if they were enrolled in public school.

CHAIR GREEN asked what DOEED is currently doing.

MR. MALONEY said under statute, private and public school students would be treated the same.

SENATOR LEMAN said he is trying to figure out what problem this fixes. He asked Mr. Maloney to supply him with a list of the services required under federal law and the services provided now.

CHAIR GREEN asked if only federal money will be used.

MR. MALONEY replied, "The way the federal government would look at it is they would track how we are spending their federal funds and so the proportionate amount would be how we spent - has the district spent a similar amount of federal funds on private school as they have on public school, or kids who are enrolled in the school district itself? So they don't track the state funding, particularly in the block grant, if there is no direct correlation between student enrollment with special ed and funding."

CHAIR GREEN asked if it is possible to get partial funding so that if there is the need, the funding follows the child.

MR. MALONEY said funding does not typically follow the child - not in public school either. Funding is based on the count periods but those have been changed.

SENATOR LEMAN said it is based on a count on a specific date so a student can withdraw but the school will continue to get funded for that student.

CHAIR GREEN said that prior to the passage of SB 36, a district could quantify a special education student. Now, the actual number of those who qualify for gifted, special education, vocational education or bilingual education is not used, a straight 20 percent is used. She said she thinks it is important that the treatment be equal and she would prefer to find a way to do that.

DR. JOHNSON said the part-time student law does address this - those students are counted for at least one quarter. A student with a more significant disability gets counted in the regular student count for funding purposes and then gets the add-on of 20 percent to help offset the higher costs of special education services. The difficulty is a situation where a student is not enrolled part-time or the service provided might only be offered for a total of one hour per week. That does not meet the proportional minimum of one quarter time so the funding comes directly from the district's pocket. Therefore, under the old formula, private school students receiving special education services from the public school were counted in the district. Districts were given some money to support those services.

CHAIR GREEN said she thought that was an omission.

MR. MALONEY said it has been a resource issue as well as a logistical issue for how best to serve students in these institutions. DOEED will provide the committee with additional information.

SENATOR LEMAN said his initial reaction is to figure out a fix along the lines that Chair Green mentioned. He agrees that a fix

is necessary.

CHAIR GREEN asked, if a student is fully qualified for special education services, how much of the 20 percent is actually spent on the student. She questioned what the financial requirement is to provide the average service and whether a lesser amount would fulfill it.

MR. MALONEY continued with his presentation. On page 25 of the handout, the requirements for the gifted education programs have been separated out into separate sections of the statute (14.30.351).

CHAIR GREEN pointed out that all of those provisions are beyond what the federal government requires or pays for.

MR. MALONEY referred to page 27 (Comparison of Current and Proposed Legislation) and said one of the purposes is to make it easier for parents and districts to refer back to see what the requirements are for gifted education and how they differ from special education services. He noted that districts will no longer be required to provide related services to gifted students, including transportation. Related services also include occupational, speech and language therapy, and counseling. He explained that the current statute says that exceptional children will receive special education services so some differences were created when gifted children were separated out.

CHAIR GREEN noted that goes back to the original concept for special transportation - that special education students might have special safety and access needs, which one would assume that a gifted child who is not disabled would not need.

MR. MALONEY summarized by saying the bill is complex in that it mixes state and federal terminology. DOEED has published an Alaska Special Education Handbook. It is a policy and procedures guide. DOEED is currently printing an updated guide for parents.

CHAIR GREEN asked if districts will make that available to any parent who inquires about special education services.

Number 2069

MR. MALONEY said they will. He noted DOEED also supports the Governor's Council with advocacy efforts to provide support to the parent and training information center, which is Parents, Inc. DOEED continues to look for ways to make the information more accessible because the statute is very complex.

CHAIR GREEN agreed that the statute can be daunting to parents because it contains references to federal statute.

SENATOR LEMAN asked for a copy of the parent guide when it is available.

CHAIR GREEN took public testimony.

Number 2133

MR. STEVE LEVINE, Mat-Su Borough School District Supervisor for the Gifted and Talented Education Extended Learning Program, said he wanted to reiterate some of the testimony given this morning on HB 71. He expressed concern that the least restrictive environment, on page 15 of SB 40, would preclude the gathering of gifted and talented students. Research shows that a necessary part of their

program is to spend time together because of their common intellectual abilities. Second, he is concerned about a statewide definition of what "gifted" is. He believes the local education areas should define that for their communities and establish eligibility criteria based upon that definition.

CHAIR GREEN asked if Mr. Levine means that a gifted child in Mat-Su might fall under different eligibility requirements than a gifted child in Juneau.

MR. LEVINE said the definitions can differ radically. One district may make the eligibility criteria specific to those who are cognitively gifted while another might include gifted and talented or speak of multiple intelligences.

CHAIR GREEN asked Mr. Levine if he is referring to the identification section on page 13 (Sec. 14.30.353).

MR. LEVINE said he is. He pointed out language on page 17, lines 15 and 16, contains a definition of "gifted education."

CHAIR GREEN said she would have a representative from DOEED address that concern after the public testimony is taken.

Number 2338

MS. DEBBIE OSSIANDER, Anchorage School Board, said in general, Anchorage is not supportive of separating gifted services from special education services unless it has been determined with certainty that Alaska is in jeopardy of losing federal special education funds.

TAPE 01-9, SIDE B

MS. OSSIANDER made addressed the following points.

- Page 3, Sec. 5. The Anchorage School District has been struggling with the best way to incorporate Medicaid payments for children who are served by the district. The District understands that Medicaid should be the first payer for health services. Currently, students enter school with Medicaid services, but once they are enrolled in the District, the District must assume the cost of those services. The Anchorage School District would like language added to the bill to reflect its understanding of federal requirements that Medicaid pay first.
- Page 9, Sec. 21. This section addresses children who have to leave their home district for services. The Anchorage School District's concern is centered around children who need residential services for mental health problems. These students are very expensive to educate and currently there are not adequate services for these children in Alaska.

CHAIR GREEN asked Ms. Ossiander if her concern is the phrase "school district" on line 8.

MS. OSSIANDER said her concern is on line 17. She believes a sentence should be added to clarify who will absorb the cost when an exceptional circumstance occurs.

CHAIR GREEN noted that this concern is not new ground.

MS. OSSIANDER said the districts have received regulations about this section and current regulations say something to the effect that if there is a situation of exceptional cost, the district can

request help from the State. Her understanding is that DOEED is considering eliminating that section. She expressed concern about the word "may" on line 17, page 9.

CHAIR GREEN pointed out that the only change to that section of statute is the word "school" was inserted before the word "district." She acknowledged that Ms. Ossiander is asking that the entire question of who will absorb the cost be addressed.

MS. OSSIANDER continued.

- Page 12, line 22. DOEED needs to clarify its expectations about "informed consent" and to provide formalized instructions to parents. She noted that it is expensive to provide a booklet to parents, especially in light of the fact that about 80 languages are spoken in Anchorage.
- Page 13, Article 3A. The Anchorage School District is concerned about immediately going to due process without mediation or an administrative review because it will require a more expensive approach.

MR. MALONEY explained that mediation would not be provided for gifted students because mediation falls under a federally sponsored program that does not cover gifted students.

CHAIR GREEN asked when a preconference hearing occurs.

MR. MALONEY said the preconference hearing is addressed on page 16, line 16 of SB 40.

CHAIR GREEN asked if the same hearing officer would preside at the preconference hearing.

MR. MALONEY said yes.

CHAIR GREEN said it could be termed a form of mediation but it is not referred to as such because mediation is a federally funded program.

MS. OSSIANDER said she would like to discuss that with the Anchorage School Board. Her next concern is on page 14, lines 17 and 25. The Board will need clarification from DOEED of what "short-term instructional objectives" means. She also expressed concern about the least restrictive environment section on page 15. All educational research that she has seen indicates that it is far more appropriate to "pull out" gifted children. She explained that the Anchorage School District has two programs of service for gifted students. One program is for highly gifted students who are in the top two percent of the population. Those children attend one elementary school and one high school in Anchorage. They are bussed from Girdwood, Peters Creek and all over Anchorage. The district also provides gifted services for elementary students by having them pulled out one day per week to a regional elementary school to take classes for a half day. If the district uses a strict interpretation of least restrictive environment, it would have to provide extensive justification for every student for bussing them elsewhere.

Number 1925

SENATOR LEMAN said he would like the bill to require school districts to meet the minimum and allow them to go beyond that by providing a separate environment.

CHAIR GREEN commented that this is an issue of population.

MR. MALONEY stated that this section of the bill does not mandate that the same provisions be applied to all students. In fact, the least restrictive environment is mandated to the maximum extent appropriate. That means when the eligibility and program determination groups get together, they would talk about the services that each student would require and where those services would best be provided. This section emphasizes the benefit of including disabled and gifted students with their same age peers who are not designated as such.

CHAIR GREEN said it will be up to the districts to fund the systems they have chosen. She asked Mr. Maloney if he thinks anything in that section should be revised to address Ms. Ossiander's concern.

MR. MALONEY said, as he reads Section 14.30.355, it still resides within the district to make the determination of how students who are identified as gifted will receive services. However, a parent has the right to challenge a district's program under the current statute.

CHAIR GREEN asked if the due process hearing would be based on SB 40.

MR. MALONEY said it will if the bill passes.

SENATOR LEMAN said he is troubled by this language and feels the committee's intent should be clearly established in this hearing record.

CHAIR GREEN asked Ms. Ossiander and Mr. Levine to contact her office or Mr. Maloney to discuss this section and get back to the committee with suggestions. She noted she sees the difficulty in writing language for a gifted program for a district that has multiple schools and thousands of students, versus a district with one school.

MS. OSSIANDER said she agrees with Mr. Levine about the identification of gifted children. The Anchorage School Board reads this to mean it would have to operate under a statewide identification system. The Board favors local control in this matter and it has some concerns about expanding the definition beyond the service that it currently provides. Her last point was that the special education budget for Anchorage, and other districts, is inadequate. This is the one budget area that keeps climbing and the districts are continually striving to deal with the mandates they face. She urged the committee, as it looks at the private school issue, that districts are straining to adequately provide special education services. She also urged the committee to include, as is current practice, transportation for gifted students because Anchorage is bussing gifted children to one school.

Number 1634

MS. LOUISE PARISH said she is speaking on behalf of children and herself. She is a member of several advocacy organizations. She has a 16 year old, dyslexic daughter who she has had trouble getting services for. She has been through a due process hearing. She read from IDEA 97 regarding the least restrictive environment and noted that she would fax a copy of the questions that she asked the House Special Committee on Education that morning. She is concerned about the state performance goals and indicators and believes DOEED should publicly [indisc.] for regular students' performance. She feels the least restrictive environment section should include the words, "if it cannot be achieved

satisfactorily." Regarding participation assessments, DOEED should allow for appropriate participation in statewide assessments. The section about procedural safeguards does not contain the new IDEA 97 procedural safeguards. She read the IDEA 97 section on evaluations, which states that no singular procedure shall be the sole criteria for determining an appropriate educational program for a child. She would like that requirement put into statute. [MOST OF MS. PARISH'S TESTIMONY WAS INAUDIBLE.]

CHAIR GREEN thanked her and noted her questions would be distributed to committee members.

Number 1217

MR. BOB BRIGGS, representing the Disability Law Center of Alaska (DLCA), informed committee members that he worked on this legislation during the interim. He met with DOEED one day last fall, along with five other people representing the DLCA. Two of those people were parents of disabled children; one a lawyer and one a retired school administrator. They were thankful to debate the different aspects of HB 301/SB 205, last year's legislation. He clarified that his group did not participate in the drafting of SB 40. His group did have an opportunity to meet with DOEED officials to discuss the bill but he doesn't feel the group was able to respond to DOEED as well as it would have liked. DOEED has definitely made an overture to get the group's views but the DLCA staff person assigned to this bill resigned last year and, coupled with the death of DLCA's executive director, DLCA is very short staffed. He offered to submit a written statement to the committee at this time but he would like to discuss some concerns with DOEED prior to bringing them to the committee.

CHAIR GREEN noted she would schedule Mr. Briggs to give his presentation the following week. She asked Dr. Johnson and Mr. Maloney to address some of the concerns expressed during public testimony.

DR. JOHNSON said they would address the more straightforward concerns right now and address the more complicated ones at a later date, due to time constraints.

MR. MALONEY said his thoughts on the concerns expressed about the least restrictive environment section are that the special education community sees a value in educating disabled students with their non-disabled peers to the extent possible. In looking at that same environment for gifted students, there may be some different desires but that will depart from the current statute. Current statute treats the least restrictive environment provision similarly for children with disabilities and gifted children.

CHAIR GREEN thought the difference to be acceptable.

DR. JOHNSON noted that one of the challenges that DOEED faced at that last go-around was that anytime they tried to differentiate, it was suggested that DOEED was limiting the scope of services for gifted students. Therefore, DOEED's approach in SB 40 was to include everything that is currently in statute unless there was a specific reason to change it.

MR. MALONEY said the second concern expressed was about the statewide definition of "gifted." Currently, districts are required to identify gifted students so each district submits a plan with identifying criteria to DOEED. There is no move to have a statewide definition that prescribes who is gifted and who is not. It provides a general overview of what gifted is but each

district is required to put that in more detail.

DR. JOHNSON added that eligibility criteria is for communication purposes at the local district level. DOEED does not have enough lifetimes to figure out a statewide definition, given what it hears from around the state.

CHAIR GREEN thought the bill may need some clarifying language to specify DOEED's intent. She asked if DOEED will continue its current practice of approving each district's eligibility criteria.

DR. JOHNSON said the eligibility criteria will be approved district by district.

MR. MALONEY said, regarding Medicaid funding for disabled students, Medicaid funding cuts across agencies, it is not necessarily an education funding issue. DOEED has been working with school districts and other agencies to explore ways to maximize the funding that can be received under Medicaid. He said he could assure the respondent that DOEED is looking for all ways to increase resources to districts.

MR. MALONEY stated that, regarding students who need placement outside of a school district for mental health or other issues, the Alaska Youth Initiative is designed to keep students in Alaska and local whenever possible. DOEED has been working closely with that group to improve and increase their capacity.

Regarding the concern that required information be presented to parents in different languages, the Parent Guide, published by DOEED, will be translated into three languages: Spanish, Philippine, and Yupik. DOEED also plans to translate its procedural safeguards into three languages.

SENATOR LEMAN asked if the documents will be translated into the Tagalog dialect.

MR. MALONEY said that is correct. Regarding short term instructional objectives, he said that is a standard approach to IEPs. An annual goal is created and that goal contains specific objectives.

CHAIR GREEN asked if that is something that can be quantified and identified so that a mid-year review can occur.

MR. MALONEY said right now it requires an annual review but the short term objectives are reviewed so if they are met, it is presumed the annual goal will be met. He noted an annual goal might be that a child's reading skills improve by one grade level. The short term objectives speak to how that will be done. He noted that has not changed.

MR. MALONEY said DOEED is working on performance goals and indicators. Data on graduation rates, disability drop-out rates, and performance on assessments is available and DOEED is refining it. DOEED is required to report that information to the federal government.

CHAIR GREEN announced that the committee will revisit this issue. She announced the committee, during the week of February 12, will hear an overview by DOEED and discuss the high school graduation qualifying exam. The committee will also be hearing about standards assessments, test contractor passing scores, and the legal defensibility of the current test. She then adjourned the meeting at 3:03 p.m.

Bill Root: Display Bill Root

BASIS HAS BEEN RE-PROGRAMMED THIS YEAR

TO REPORT PROBLEMS WITH BASIS INQUIRY

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HOUSE FINANCE COMMITTEE
February 26, 2001
2:05 P.M.

TAPE HFC 01 - 33, Side A
TAPE HFC 01 - 33, Side B

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 2:05 PM.

MEMBERS PRESENT

Representative Bill Williams, Co-Chair
Representative Con Bunde, Vice-Chair
Representative Eric Croft
Representative John Davies
Representative Carl Moses
Representative Richard Foster
Representative John Harris
Representative Bill Hudson
Representative Ken Lancaster
Representative Jim Whitaker

MEMBERS ABSENT

Representative Eldon Mulder

ALSO PRESENT

Ken Taylor, Director, Division of Habitat and Restoration, Department of Fish and Game; Rod Arno, Alaska Outdoor Council, Palmer; Jeff Bush, Deputy Commissioner, Department of Community and Economic Development; Marjorie Vandor, Assistant Attorney General, Governmental Affairs Section, Department of Law; Kevin Ritchie, Alaska Municipal League, Alaska Council of Mayors, Juneau; Patricia Swenson, Staff, Representative Con Bunde.

PRESENT VIA TELECONFERENCE

Ocie Adams, Road Service #17, Matsu; Dale Bondurant, Soldotna

SUMMARY

HB 13 An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas.

CS HB 13 (JUD) was reported out of Committee with a "do pass" recommendation and with a fiscal note

by the Department of Community & Economic Development dated 1/31/01.

HB 61 An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date.

HB 61 was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Fish & Game dated 1/16/01.

HB#61
HOUSE BILL NO. 61

An Act authorizing the commissioner of fish and game to award grants for habitat restoration or enhancement projects; and providing for an effective date.

KEN TAYLOR, DIRECTOR, DIVISION OF HABITAT AND RESTORATION, DEPARTMENT OF FISH AND GAME, advised that the legislation would authorize the Commissioner of the Department of Fish and Game to award grants for habitat restoration activities.

Mr. Taylor noted that under the bill, the Commissioner would have express authority to directly award grants to restore and improve fish and wildlife habitats in Alaska. Current law necessitates the Department to channel money through other agencies, which causes delays and adds considerable administrative costs.

Mr. Taylor stated that an increasing amount of federal funding is available to restore fish habitat and passage. There are many opportunities to use the funds particularly in the more developed areas of the State. Many of the opportunities are found on private land on some of Alaska's most productive fish streams such as the Kenai River. Since the inception of the Kenai River 50/50 Cost Share project in 1995, the Department has approved 160 projects to rehabilitate some 9,600 feet of riverbank and to protect more than 15,700 feet of the Kenai River. But more money could have been directly targeted to those projects if the U.S. Fish and Wildlife Service were not paid their 11% administrative fee cost for channeling the funds to the State. Direct grant authority for the Department could eliminate the need to use the federal agency.

Mr. Taylor emphasized that the legislation was a cost-effective way to continue efforts on private and public land to rehabilitate, improve and protect the State's valuable fish and wildlife habitats.

Representative Harris asked if the wording used in the proposed legislation was that which had passed the Senate or the House during last session.

Mr. Taylor replied that the bill before the Committee contained the wording as passed by the House. He clarified that the Senate added language that would make the grants at the concurrence of the board of fisheries or game. The House Committee stated that there should be a separation of authority from this body from the Boards. The boards have no fiscal power over the Department. When the bill came to the House Finance Committee last year, the language that had been inserted by the Senate was removed.

ROD ARNO, ALASKA OUTDOOR COUNCIL, PALMER, voiced support for HB 61 from Alaska Outdoor Council (AOC).

Representative Hudson MOVED to report HB 61 out of Committee with individual recommendations and with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

HB 61 was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Fish and Game dated 1/16/01.

#HB13
<u>HOUSE BILL NO. 13</u>

> An Act relating to municipal service areas and providing for voter approval of the formation, alteration, or abolishment of certain service areas.

REPRESENTATIVE CON BUNDE noted that Alaska's Constitution provides for maximum local self-government and for the creation, alteration, or abolishment of service areas subject to the provisions of law. AS 29.35.450 codifies those Constitutional provisions and establishes the mechanism by which service areas are created, altered and abolished.

Vice-Chair Bunde pointed out that Alaska has approximately 200 service areas; in these areas the local residents use private contractors for necessary services and assess themselves to pay for a desired level of service.

HB 13 amends, AS 29.35.450, to support local control by clearly identifying who should vote on the abolishment and alternation of a service area under three scenarios:

* Abolishment of a service area, which would be subject to approval by the majority of the voters residing in that service area.

* Abolishment and replacement of a service area, which would be approved separately by a majority of voters inside an existing service area and by a majority of the voters residing in the proposed service area but outside the existing service area.

* Alternation of service area or combining it with another service area, which could be approved, separately, by a majority of the voters who vote on the question and who reside in each of the service areas or in a proposed service area affected by the proposal.

Vice-Chair Bunde commented that the proposed legislation would settle a long time debate about who is entitled to vote during the creation, alternation or abolishment of a service area.

Representative Harris asked about the input received from the Municipalities of Anchorage and Fairbanks assemblies and those mayors.

Vice-Chair Bunde noted that the Anchorage Assembly had passed a resolution supporting the bill. The two previous Anchorage mayors and the current one oppose the bill.

Representative Harris inquired regarding the opposition voiced from Fairbanks.

Vice-Chair Bunde explained that message has been mixed. The previous mayor did support the bill, however, the current one is in opposition to it.

Representative Whitaker referenced Page 2, Lines 19 - 22, as that language relates to fire service areas. He asked if the effect of that wording could eliminate a fire service area.

Vice-Chair Bunde responded that the 6% had been placed into the body of the bill for the benefit of those that live in fire service areas. He noted that because there are so many small fire service areas that the bill writers thought it would be burdensome to have a new election every time a couple of houses wanted to enter into a service area.

Representative Croft asked if Section 3 covered only fire and roads. He understood that the origin of the dispute was in the covering of police services.

Vice-Chair Bunde explained that was "past" history and that the police protection issue was one of the issues under consideration six years ago. That concern passed through

the Alaska Supreme Court. The Courts decided that even though there was a charter between the borough residents and the Municipality of Anchorage, the greater concern rested with public safety. The charter did not prevail.

Representative Croft asked if the legislation would solve the Hillside area concerns since it did not cover police. Vice-Chair Bunde reiterated that the police protection was not included in the proposed legislation.

Representative Croft asked why the legislation was limited to road and fire service. Vice-Chair Bunde stated that those areas basically pay for their own services.

Representative Davies argued that there are sewer and lighting service areas that pay for their own power in the Fairbanks area.

Representative Croft pointed out that the original bill indicated that the legislation would only apply to the 2nd Class Boroughs with a population under 60,000.

Vice-Chair Bunde explained that most of these are small service areas and there was concern that it would affect the constitutionality of the bill. He chose to remove that language.

Co-Chair Williams inquired if the Governor's veto concerns had been addressed in the proposed legislation.

Vice-Chair Bunde advised that the constitutionality issues have been discussed at length. He interjected that he believed that the legislation was constitutional and that the specifics had been addressed in the House Judiciary Committee.

Co-Chair Williams understood that Ketchikan would be affected by the bill. He pointed out that there are some residents that do not want consolidation. He believed that the legislation would help that portion of the community.

Vice-Chair Bunde emphasized that the bill could encourage consolidation and that it would not impact the boundary issues. He noted that all residents would have the right to vote. He pointed out that half the residents of the State live in Anchorage. Vice-Chair Bunde questioned why residents in Juneau should want to vote on issues relative to Anchorage. He suggested that would indicate that your interests were not protected.

Representative Hudson referenced the Alaska Municipal League's (AML) response, that the legislation could increase the costs to local areas. He inquired if the sponsor anticipated those costs to increase. Vice-Chair Bunde

responded that there would not be a cost change. The elections are scheduled to be held at the time of any regular scheduled election with not much extra work expected.

OCIE ADAMS, (TESTIFIED VIA TELECONFERENCE), REPRESENTING-ROAD SERVICE #17, MATSU, testified that the legislation was important to the voters. He commented that people feel powerless over what government does and that the proposed legislation would address those concerns. He emphasized that consolidation is important to the Mat-Su Borough. The people should be able to decide how much of their money should be placed into projects that need to be completed in their service area. He voiced support for the changes made to the legislation, which he believed would help it pass with the public's support.

JEFF BUSH, DEPUTY COMMISSIONER, DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, testified that the Administration opposes the legislation. He noted that the Governor continues to maintain all his previous objections to the legislation from last year's veto. Mr. Bush pointed out that Administration particularly opposes Section 3; however, they do not oppose Section 4. Section 4, which would allow for differential tax rates within a service area.

Mr Bush emphasized that there is a legal question as indicated by the Department of Law. Counsel for the City of Anchorage has noted that they assume that the legislation would prove to be unconstitutional. The Attorney General's office has commented that the legislation raises serious constitutional questions. The bill purports to have the State impose upon boroughs, a limitation of their powers, which would not necessarily protect the State's interest. Alaska currently has a system of government, which is suppose to create a central power at the local level. The value of the Constitution determines where the power is suppose to reside. From a policy perspective that is currently appropriate placement and given that, the power should reside within boroughs at the local level. The bill would provide a "sub-division" of the borough. He maintained that a service area should not have a governmental function. The Administration does not believe that it would be appropriate to give service areas that authority.

Mr. Bush stressed that in order to pass the bill, there must exist an overriding "State" interest. He reiterated the serious problems with constitutionality of the legislation. A borough can limit itself and restrict itself through its charter from changes in service areas. The question is if it is appropriate for the State to impose that requirement upon those entities.

Mr. Bush stated that up in the Senate for consideration, there are bills relating to boroughs and the formation of such an entity. Those considerations are based upon the premise that it is appropriate for small communities to be organized into boroughs. The central government and power at the local level should reside at the borough level. He stated that the Administration concurs with that position.

Representative Davies asked if there was a Constitutional provision contained indicating that no new service area can be created if that service area does not want it to happen.

Vice-Chair Bunde responded that the legislation only addresses existing service areas and does not permit the formation of new ones.

MARJORIE VANDOR, ASSISTANT ATTORNEY GENERAL, GOVERNMENTAL AFFAIRS SECTION, DEPARTMENT OF LAW, advised that there exists a provision within the Constitution, which addresses the limitation of when to create a new service area. She acknowledged that this bill would not have an affect on that provision.

Representative Davies commented that in the Fairbanks Borough, there are situations that come up regarding the road service areas. There exist served and unserved areas. The intent is that they organize and have a general service area in order to get away from "passing the hat". The question that arises most often is if a new service area could be formed or should they be annexed into an existing service area. He stated that was the most common circumstance.

Representative J. Davies continued noting the concerns voiced by the people in the Fairbanks district. He acknowledged that Section 4 was important to those residents. The Fairbanks Assembly has stipulated that if residents are opposed, then it should not be undertaken. There exist 136 fire service areas in the Fairbanks Borough.

Ms. Vandor explained that that service areas are set up when there are different types of services needed for specific communities. She did not know if there was a different service existing between all the various service areas. She assumed that the Assembly would maintain the authority to form the necessary service areas. Ms. Vandor acknowledged that she was not familiar with the Fairbanks ordinances; however, within a borough, the service areas do not have a separate legal right to challenge the borough. They are not a legal entity separate from the borough. The service area is a part of the borough.

Representative Davies stated that the Assembly does have the authority to "direct" service areas at this time. He asked

if this legislation was adopted, would the Assembly lose that right.

Ms. Vandor acknowledged that they would lose the right since Fairbanks is a Second Class Borough.

Representative Davies spoke to the level of taxation. He asked if the tax level would continue to be determined by local assemblies. Ms. Vandor stated that it would. She noted that the assemblies would also continue to establish the mil rate.

Representative Whitaker asked the Administration's opposition to Section 3.

Ms. Vandor advised that home-built communities are not to set themselves up as little sovernities from the State. When there is a matter of local concern and when dealing with a charter provision, which predates legislation, it is important to look to the "organic" law of the home rule. In a concurring opinion from the Jefferson Case, it has been indicated that the Legislature cannot disregard that a charter establishes items at the local level.

Representative Whitaker questioned at which point would local control be final.

Ms. Vandor replied that local control will determine how to deal with each individual service area.

TAPE HFC 01 - 33, Side B

Ms. Vandor commented that cases, which have come before the Supreme Court, question whether a statewide law can tell a charter community how they have to alter their home rule service areas. That question has not yet been answered and has not yet been addressed directly by the State Supreme Court. The State Supreme Court tends to be very specific when looking at charter provisions versus local law. Those decisions are fact oriented. She suggested that service areas by their nature, should be local concerns.

Representative Croft advised that Article 10, Section 11, is the provision which creates the constitutional concern. The question arises regarding the scope of local issues that cannot be touched by law.

Representative Croft suggested that perhaps the Legislature could be precluded by the Constitution from exercising State power in certain areas of local concern.

Co-Chair Williams asked if the Legislature could provide the power to abolish the service area if that were the will of the people.

Ms. Vandor replied that the Legislature could for a general municipality. The concern exists when dealing with a home rule chartered community because in their charter they deal with those particular matters and how to handle their service areas. She reiterated that was the area where the constitutional conflict exists. Ms. Vandor indicated that it is doubtful to know how the Supreme Court would rule on that.

Representative Hudson asked about the applicable portion of the constitution, which could be in doubt for the proposed legislation.

Ms. Vandor explained that would be Article 10, Section 11.

Representative Hudson asked if the Governor's previous veto had been placed on that base. Ms. Vandor stated that was part of the concern. She added that last year, there existed the issue of "special legislation", which only affected and applied to all boroughs except one. She stressed that causes legislation concerns.

KEVIN RITCHIE, ALASKA MUNICIPAL LEAGUE (AML), ALASKA COUNCIL OF MAYORS, JUNEAU, referenced the AML hand out contained in the member's packets. [Copy on File]. He stated that AML is in opposition to Section 3 of HB 13. Section 3 replaces local control over local service area decisions as envisioned by the framers of the Alaska Constriction, with a statewide legislative mandate. The 2001 AML Policy Statement adopted by the entire membership of the AML opposes that section.

Mr. Ritchie stated that local government powers should enhance local autonomy and all the State mandated vote on service area consolidation and alternation. He suggested that assemblies are respectful of service powers and how the community wants those services delivered. He pointed out that Fairbanks had more service areas than any other place within the State. Mr. Ritchie advised that there are many issues, which need to be taken into consideration and that the service area issue is a "broad" concern.

Mr. Ritchie summarized that AML policy does not oppose Section 4 which gives an optional tool to each assembly to set variable rates in service areas. He reiterated that AML does oppose Section 3 of the proposed legislation.

Representative Croft asked if there were a charter, that specified an established free reign to abolish service areas, would the legislation nullify that decision. He believed that a charter could not be created which would allow a borough or municipality to have a "different" take. Mr. Ritchie agreed on that.

Representative Foster MOVED to report CS HB 13 (JUD) out of Committee with individual recommendations and with the accompanying fiscal note.

Representative Davies OBJECTED. He MOVED to AMEND by removing Section 3. Vice-Chair Bunde OBJECTED.

Vice-Chair Bunde stated that both portions of the bill are needed by some service areas to have the protection that they want.

Representative Davies maintained that the vast majority of concerns with the legislation were contained in Section 3. He noted that many people are opposed to that section, however, would continue to support Section 4.

Representative Davies noted that the Fairbanks Assembly has never forced a consolidation in service areas. The current Mayor of Fairbanks opposes the bill. The general situation in Fairbanks voice concern about the move. He pointed out that there are pockets that benefit and continue to vote "no" on consolidation of service areas. Some people are benefiting from services and others are not paying for their services. They do benefit from road maintenance that others are paying for. That is why it should be left to the local assemblies to make those decisions. He added that Section 4 is important because it allows the assemblies to address efficiency concerns.

Representative J. Davies reiterated his support of Section 4, and opposition to Section 3.

Vice-Chair Bunde maintained his opposition on the amendment.

A roll call vote was taken on the motion.

IN FAVOR:	Croft, Davies, Lancaster, Moses
OPPOSED:	Whitaker, Bunde, Foster, Harris, Hudson, Williams

Co-Chair Mulder was not present for the vote.

The MOTION FAILED (4-6).

Representative Foster MOVED to report CS HB 13 (JUD) out of Committee with individual recommendations and with the accompanying fiscal note.

Representative Whitaker OBJECTED for the purpose of a comment. He advised that there is a "transcending" argument relating to the premise of Article 10, Section 11, of the Constitution. That section relates to the power of the borough to exercise the power of the people. It could

relate to Article 1, Section 2, which relates specifically to the power of the people. He commented that the question is where that power is exercised. He agreed that the power should be exercised with the rural district and that it should be the power of the people to determine that decision.

Representative Whitaker advised that the Legislature should consider the argument inherent to Article 1, Section 2. He noted that was the base of his argument. Representative Whitaker WITHDREW his OBJECTION.

There being NO further OBJECTION, the bill was reported out of Committee.

CS HB 13 (JUD) was reported out of Committee with a "do pass" recommendation and with a fiscal note by the Department of Community & Economic Development dated 1/31/01.

#
ADJOURNMENT

The meeting was adjourned at 3:10 P.M.

Wednesday February 7, 2001

SB64 High School Diploma for Certain WWII Vets

General Oates presented the bill

Lem accountability - joke about exit exam

passed out

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sb 64

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 30, 2001

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear President Halford:

This bill I transmit today brings a long-overdue recognition to those World War II veterans who left Alaska's high schools before graduating in order to serve their country. These veterans would be awarded high school diplomas.

Alaska would join other states in the national "Operation Recognition" program designed as society's gesture of gratitude towards World War II veterans. Many of these veterans never received high school diplomas because they chose, rather, to serve in the military at a crucial time to ward off a genuine threat to world stability. When they returned home in the post-war economic and baby boom, they went straight to work and pursued careers rather than go back to school.

Under this bill, the Department of Education and Early Development would award a diploma upon application by, or on behalf of, a person who served in the military between August 7, 1940 and July 5, 1947. Those veterans with a Graduation Equivalency Diploma could also apply.

Out of respect and recognition of Alaska's World War II veterans, I urge your prompt and favorable action on this measure.

Sincerely,

Tony Knowles
Governor

SB64

adn.com
Anchorage Daily News

Knowles says WWII vets deserve diplomas

The Associated Press

(Published January 31, 2001)

World War II veterans who never finished high school could receive diplomas under a bill introduced Tuesday by Gov. Tony Knowles.

Knowles said many veterans who joined the military before finishing high school didn't have a chance to return to school after the war because they immediately married and went to work supporting families. They helped build their communities and their nation, he said.

"Americans can't thank them enough for their service," Knowles said. "Going back to school isn't really an option for them, but we can and should offer them a diploma for their lifetime of learning."

Knowles introduced the bill in the presence of Ketchikan veteran Joe Sadlier, 74, who three weeks ago completed a voyage with 28 other veterans to bring a rusting former Navy LST from Greece. The 328-foot vessel, which delivered troops to Normandy during the D-Day invasion, will become a museum.

Sadlier, who was born in Juneau, volunteered for the Navy in 1944 before attending his senior year at Juneau High School.

"There were thousands upon thousands of men who never received (a diploma) because a lot of us joined the service at 17 years of age," Sadlier said.

Honorably discharged veterans who served between Aug. 7, 1940, and July 5, 1947, would be eligible for diplomas from the Alaska Department of Education and Early Development under the bill.

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SB64

percent during the past decade, while Air Force personnel dropped 15.5 percent. The Army has about 4,000 personnel at Fort Wainwright now, and Eielson Air Force Base has about 2,800.

Greg Williams, state demographer with the Alaska Department of Labor in Juneau, said he suspects the Census Bureau undercounted the number of University of Alaska Fairbanks students.

"They did the count very near final (exams), and they may not have wanted to disturb the students," Williams said. "That's something that will take some time to look into."

-- The Associated Press

Alaska Digest
ADN 3/22/01

JUNEAU

Senate passes bill to award high school diplomas to WWII vets

The state Senate unanimously approved a bill Wednesday that would let the state award diplomas to World War II veterans who didn't finish high school.

In introducing the bill earlier this year, Gov. Tony Knowles said it honors World War II veterans who left school early to fight in the war. Some never finished high school because they immediately started work and families when they returned from the war.

The bill would let the state Department of Education and Early Development award diplomas to honorably discharged veterans who served between Aug. 7, 1940, and July 5, 1947.

Sen. Pete Kelly, R-Fairbanks, said fewer than 150 people would be eligible. The bill now goes to the House.

-- The Associated Press

WASHINGTON, D.C.

Committee approves move to raise commercial pilot retirement age

The U.S. Senate Commerce Committee has approved legislation to raise the retirement age for commercial airline pilots to 63.

The current limit for pilots on many commercial flights is 60.

U.S. Sen. Frank Murkowski, who introduced the bill, had called for the mandatory retirement age to be raised to 65, saying the current limit exacerbates a pilot shortage in Alaska and nationwide.

Murkowski, R-Alaska, called the compromise "a thoughtful, measured response to the serious pilot shortage in America."

-- The Associated Press

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