

LEG. FINANCE - BILLS 1983 - 1984 1816

CSHB 73 cont. - HB 82 1816

Revised 1/24/83

Analysis of FY-83 Foundation Supplemental

FY-83 Request (estimate)	406,089.5
FY-83 Appropriation	391,753.3
FY-83 Shortfall	(14,431.8)

FY-83 Revised Reports Increases by Categories:

1. Enrolment Increases (estimate)	6,407.7
2. New Secondary Programs	1,808.4
3. BIA School Transfers	7,901.6
4. New Tanana City School District	855.4
5. Special Education Program Increases	2,558.5
Total Increases	19,531.6
Add Original Shortfall	<u>14,431.8</u>
Total Shortfall	33,964.4*

Out of seven Department supplemental requests transmitted to the Governor, the State Board of Education has prioritized the \$19,531.6 request first, and the \$14,431.8 portion of this supplemental sixth.

*For the record, a January 7, 1983, hearing officer's recommended decision on the way the Department calculates supplemental equalization aid under AS 14.17.023 has resulted in an additional shortfall of of \$1,106.2. We have been advised by the Attorney General to accept the hearing officer's recommended decision.

from the dept.

MEMORANDUM

State of Alaska

TO: Members, State Board of Education

DATE: December 30, 1982

FILE NO: 83-89

TELEPHONE NO: 465-2800

FROM: Office of the Commissioner

SUBJECT: FY 83 Foundation Support

ABSTRACT

Funds appropriated by the last legislature are insufficient to cover all school district foundation entitlements.

ISSUE

The legislature appropriated \$391,753.3 for FY 83 foundation support; recent final review of district entitlements indicate the total amount needed to fully fund the foundation program will be approximately \$425,500.0, leaving a projected shortfall of \$33,746.7. Much of the shortfall is a result of the legislature's decision to make the rescission through the budget process rather than through substantive legislation reducing the instructional unit value. In other words, if the legislature had reduced the Instructional Unit value by 3.6%, then the entitlements would be lower. As it is, however, the entitlements are in excess of the money appropriated to pay them.

BACKGROUND AND/OR PERTINENT INFORMATION

The last legislature appropriated funds for foundation support in an amount less than our request. The intent behind the reduction was 1) to appropriate less than the law required, and 2) for the department to request a supplemental appropriation to cover the BIA school transfer impact and new program and new school costs, so that districts would not be required to absorb those demands as well. When the 33 million dollar difference between the appropriation and entitlements is analyzed, it can be explained as follows:

1. Deliberate underappropriation: Our request minus appropriation	=	14,431.8
2. BIA Transfer Schools (estimated)	=	7,300.0
3. Enrollment Increases (estimated)	=	6,700.0
4. New programs, organizational changes, corrections to the initial report upon which our FY 83 request was based.	=	5,314.9
TOTAL	=	33,746.7

We have notified the Governor's office of the scope of the shortfall, and requested him to introduce a supplemental appropriation for \$19,314.9, and further, to consider a supplemental appropriation for the \$14,431.8 the legislature chose not to appropriate.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND
GOVERNOR

POUCH F
STATE OFFICE BUILDING
JUNEAU, ALASKA 99811
PHONE:

June 11, 1982

MEMORANDUM NUMBER 82-37

TO: All Local School Boards & School Dist. Superintendents

FROM: Marshall L. Lind, Commissioner

SUBJECT: FY 83 Public School Foundation Program Appropriations

The Public School Foundation Program appropriation for the 1982-83 school year is well below the estimated level of district entitlements. It is the purpose of this memorandum to explain how the Department plans to implement the pro rata distribution of State aid as required by AS 14.17.225(b).

The appropriation for FY 83 is \$389,668,600. Current school district estimates of entitlements, less BIA school transfers, total \$418,539,500. The estimated State aid required for BIA schools is \$7,297,700. The shortfall in appropriation, not including BIA schools, is \$28,870,900. The shortfall, BIA schools included, is \$36,168,600.

Due to the size of the shortfall, we will pro rate entitlements beginning July 1, 1982 by reducing monthly payments for the first 7 months of FY 83 by 4%. Based on the revised foundations reports due at the end of the first nine weeks of school (AS 14.17.170), we will recompute entitlements, and the amount of pro rata reduction required for payments from February 1 through June 30, 1983.

We believe this plan best meets the following conditions affecting school districts:

- 1) Eliminates the extreme impacts of a total pro rata reduction during the last five months of the fiscal year.
- 2) Reduces the adverse impacts on cash flow to districts by limiting the percentage of initial reductions.
- 3) Permits districts time to make operating budget decisions which accommodate a lower amount of revenues, including the 55% requirement.

- 4) Provides for a more accurate determination of the shortfall and pro rata amount when actual ADM and instructional unit counts become available in November.

Senate Bill 649, which proposed to change the system of State aid to an amount per pupil base, did not pass. Title 14, Chapter 17 of the statute continues in effect as now written; changes in instructional units, and supplemental equalization aid will occur when your revised foundation reports are received in November. As required by AS 14.17.170, the Governor will be advised of the additional appropriation necessary to fully fund the foundation program in FY 1983. Monthly payments will be adjusted as of February 1, 1983, to reflect the revised reports and recomputation of the percent of shortfall in appropriation which must be pro rated.

BIA schools will be included in payments made to the school districts affected. The legislative appropriation requires this by intent language, and stipulates that this amount be submitted for supplemental appropriation.

It is important districts recognize that this plan for pro rata reduction of State aid in FY 1983 can still result in a percentage reduction in the last five months of the year even more severe than the four percent initially applied. It is critical that early budget adjustments be made by districts to control expenditures from the start of the year. You should consider that the decrease in State aid revenues could be at least 8.5% over the full year, if a supplemental is not forthcoming.



Official Business

Alaska State Legislature

House of Representatives

COMMITTEE ON FINANCE

3/3/82

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: All School Superintendents
All School Board Presidents

FROM: Representative Albert P. Adams, ^{AAA} Chairman
House Finance Committee

Representative Joe Montgomery, ^{JM} Vice-Chairman
House Finance Committee

Senator Terry Stimson, Chairman
Senate Finance Subcommittee on Education ^{TS}

SUBJECT: FY 83 Education Budget

As the Legislature continues to work on an FY 83 operating budget, the projection for the state's revenues continues to fall. As a result, close scrutiny is required on all appropriations -- including education.

As we're sure all of you recall, SB 199 authorized an increase in the base instructional unit from \$38,590 in FY 82 to \$42,450 in FY 83. Any increase, of course, is contingent upon approval of sufficient funding which in turn, is dependent upon available revenues.

The Legislature is faced with difficult decisions and we wanted to take this opportunity to share our dilemma with you. The "fiscal fact of life" is that we are looking at over 50% less in revenues for next year than what we have for this current fiscal year. Because of this bleak picture, it is possible that funding for instructional units may be at a lower level than that authorized in SB 199. Every attempt is being made to preclude this action. However, we felt it important that you be advised of this possibility at the earliest possible date.

No decisions have yet been reached. It's tough being the ones who have to tighten the belt a few more notches but the state's financial picture dictates such. We would welcome each of your comments and suggestions on how we might accomplish this task.

(2) "district" means a borough, city or regional educational attendance area. (§ 4 ch 40 SLA 1972; am § 11 ch 124 SLA 1975)

Chapter 17. Public School Foundation Program.

Article

- 1. State Aid to Local School Districts (§§ 14.17.010—14.17.075)
- 2. Preparation of Public School Foundation Budget (§§ 14.17.080—14.17.150)
- 3. Procedure for Payment of Public School Foundation Funds to Districts (§§ 14.17.160—14.17.190)
- 4. General Provisions (§§ 14.17.200—14.17.250)

Article 1. State Aid to Local School Districts.

Section

- 10. Public school foundation account
- 20. [Repealed]
- 21. Basic state aid
- 22. Funds for centralized correspondence study
- 23. Supplemental equalization aid
- 30. [Repealed]
- 31. Instructional units
- 40. [Repealed]

Section

- 41. Table of allowable instructional units
- 50. [Repealed]
- 51. Instructional unit allotment
- 56. Base instructional unit value
- 60. [Repealed]
- 61. Supplemental programs
- 70. [Repealed]
- 71. [Repealed]
- 75. [Repealed]

Collateral references. — 68 Am. Jur. 2d Schools, §§ 85-98.
79 C.J.S. Schools and School Districts, §§ 381-353, 376-413.

Right of school district to maintain action based on misapportionment of school money. 105 ALR 1273.

Determination of school attendance, enrollment, or pupil population for purpose of apportionment of funds. 80 ALK2d 953.

Sec. 14.17.010. Public school foundation account. (a) The public school foundation account is established. The account consists of appropriations for distribution to districts or for centralized correspondence study programs under this chapter.

(b) The money of the account may be used only in aid of public schools or for centralized correspondence study programs as provided by this chapter. (§ 1.08 ch 164 SLA 1962; am § 11 ch 95 SLA 1969; am § 2 ch 190 SLA 1975)

Revisor's notes. — AS 14.17 became operative and superseded earlier statutes on the transition schedule set out in former AS 14.17.230. The statutes superseded were listed in former AS

14.17.240.
Legislative history reports. — For report on ch. 190, SLA 1975 (HCS CSSB 367), see 1975 House Journal, p. 1277.

NOTES TO DECISIONS

Legislative decides what types of education are to be publicly supported. — In Alaska the power of deciding what types of education are to be publicly supported, either under the School Foundation Act or by tax exemption, is vested with the legislature. *McKee v. Evans*, Sup. Ct. Op. No. 740 (File No. 1382), 490 P.2d 1226 (1971).

Sec. 14.17.020. State aid.

Repealed by § 1 ch 238 SLA 1970.

Editor's notes. — The repealed section derived from § 1.03, ch. 164, SLA 1962.

Sec. 14.17.021. Basic state aid. (a) The amount of basic state aid for which each district is eligible is calculated by multiplying the instructional unit allotment of the district as established under AS 14.17.051 by the number of allowable instructional units in the district as established under AS 14.17.041.

(b) If permitted under § 5(d)(2) of P.L. 81-874, as amended, (20 U.S.C. 240(d)) and the regulations adopted under it (45 C.F.R. 115.60 — 115.66), the amount of basic state aid to a district may be reduced by up to 80 percent of the entitlement of the district to federal financial assistance under P.L. 81-874, as amended, (20 U.S.C. 236 — 244), for the prior fiscal year. (§ 4 ch 238 SLA 1970; am §§ 1, 2 ch 81 SLA 1975; am §§ 1, 2 ch 173 SLA 1976; am §§ 2, 3 ch 90 SLA 1977; am §§ 3, 4 ch 26 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the section.

NOTES TO DECISIONS

That the legislature has seen fit to delegate certain educational functions to local boards in order that Alaska schools might be adapted to meet the varying conditions of different localities does not diminish constitutionally mandated state control over education under Alaska Const., art. VII, § 1. *Macauley v. Hildebrand*, Sup. Ct. Op. No. 741 (File No. 1550), 491 P.2d 120 (1971).

Sec. 14.17.022. Funds for centralized correspondence study. Funds for providing centralized correspondence study programs for students not enrolled in an approved school district correspondence study program shall include an appropriation from the public school foundation account in an amount calculated by multiplying the base instructional unit by the total number of instructional units as determined by applying the number of correspondence students to AS 14.17.041(a). (§ 3 ch 190 SLA 1975)

Legislative history reports. — For report on ch. 190, SLA 1975 (HCS CSSB 367), see 1975 House Journal, p. 1277.

Sec. 14.17.023. Supplemental equalization aid. (a) In addition to basic state aid under AS 14.17.021, each district is entitled to supplemental equalization aid, as determined in (b), (c) and (d) of this section.

(b) The amount of supplemental equalization aid for a district is calculated by multiplying the ADM of the district as reported for the prior fiscal year under AS 14.17.180 by the amount per ADM calculated in (c) of this section. This amount shall be reduced by the amount of the average local tax contributions per pupil in average daily membership for school operating costs in that district in the prior fiscal year or in the fiscal year ending June 30, 1979, whichever is higher.

(c) The amount per ADM of supplemental equalization aid is calculated as the amount equal to the average local tax contributions per pupil in average daily membership for school operating costs in the city and borough school districts in the prior fiscal year.

(d) The amount of supplemental equalization aid for each district determined in (b) of this section shall be adjusted by the district's instructional unit allotment established in AS 14.17.051. (§ 5 ch 26 SLA 1980)

Sec. 14.17.030. Required local effort.

Repealed by § 11 ch 95 SLA 1969.

Editor's notes. — The repealed section derived from § 1.07, ch. 164, SLA 1962, as amended by § 1, ch. 70, SLA 1963.

Sec. 14.17.031. Instructional units. (a) The total number of instructional units within each school district is the sum of

(1) the number of units for elementary schools and the number of units for secondary schools as determined from AS 14.17.041(a), (b), (c), or (d);

(2) the number of units for vocational education determined from AS 14.17.041(e) as approved by the department;

(3) the number of units from special education determined from AS 14.17.041(f) as approved by the department;

(4) if the district has five or more correspondence pupils enrolled in an approved district correspondence study program, the number of units for correspondence pupils determined by applying the number of correspondence pupils to AS 14.17.041(a); and

(5) the number of units for bilingual education determined from AS 14.17.041(g) as approved by the department.

(b) A school district shall compute separately the number of allowable instructional units for each of its elementary and secondary schools except as provided in (c) of this section.

(c) The commissioner shall authorize any school in a remote location to establish an associated secondary school when the sum of the average daily membership in grades five through eight is greater than 20. Notwithstanding AS 14.17.041, any school or school district operating a remote elementary school with 20 or fewer total average daily membership in grades five through eight may conduct a secondary program subject to approval of the commissioner and use the following table to calculate the number of allowable instructional units for the combined elementary and secondary program of the remote school:

ADM	No. Instructional Units
under 12	3
12—20	4
21—32	5

(d) If the instructional units which a school district is entitled to under (a) of this section decrease by 10 percent or more from one year to the next, the school district may use the last year before the reduction as a base year and offset its reduction according to the following schedule: (1) For the first year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 75 percent of the difference in instructional units between the base year and the first year; (2) for the second year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 50 percent of the difference in instructional units between the base year and the second year; (3) for the third year after the base year, the school district is entitled to the instructional units determined under (a)(1) of this section plus 25 percent of the difference in instructional units between the base year and the third year. The schedule established in this subsection is available to a school district for the three years following the base year only so long as the entitlement to instructional units under (a)(1) of this section for each year is less than the entitlement in the base year. This subsection does not apply to a decrease in instructional units resulting from a loss of enrollment which occurs as a result of a boundary change under AS 29.

(e) The commissioner may authorize a school district operating a school in a remote area to calculate the number of instructional units to which the remote school would be entitled if that school were a separate school district and to include that number of instructional units in the total number of instructional units for the district. (§ 4 ch 238 SLA 1970; am § 3 ch 81 SLA 1975; am § 4 ch 190 SLA 1975; am §§ 4 — 6 ch 90 SLA 1977; am § 1 ch 115 SLA 1978; am §§ 6 — 8 ch 26 SLA 1980)

Effect of amendments. — The 1978 amendment, added paragraph (5) of subsection (a).

The 1980 amendment inserted "elementary and" preceding "secondary schools" in subsection (b), substituted "(a)

(1) of this section" for "(a) of this section" wherever it appears in subsection (d), substituted "third year" for "second year" at the end of the first sentence in subsection (d), added the present last sentence in subsection (d) and added subsection (e). The addition of subsection (e) is retroactive to July 1, 1978.

Editor's notes. — Section 22, ch. 26, SLA 1980 provides: "The amendments

made to AS 14.17.031(d) by § 7 of this Act, substituting references to AS 14.17.031(a)(1) for references to AS 14.17.031(a), do not apply to a school district using a base year ending on or before June 30, 1980, for instructional unit computation under the schedule of instructional unit reductions set out in AS 14.17.031(d) for a period of three years following the base year."

Sec. 14.17.040. Basic need.

Repealed by § 1 ch 238 1970.

Editor's notes. — The repealed section derived from § 1.02, ch. 164, SLA 1962.

Sec. 14.17.041. Table of allowable instructional units.

(a) Elementary schools:

ADM	No. Instructional Units
under 32	3
32 — 46	4
47 — 62	5
63 — 80	6
81 and over	6 plus 1 for each 18 pupils in ADM or fraction of 18

(b) Repealed by § 20 ch 26 SLA 1980.

(c) Secondary schools:

ADM	No. Instructional Units
under 30	4
30 — 59	6
60 — 89	8
90 and over	10 plus 1 for each 18 pupils or fraction of 18

(d) Repealed by § 20 ch 26 SLA 1980.

(e) Vocational education schedule:

ADM	No. Instructional Units
Full-Time Equivalent	
5—10	1
11—25	2
26—40	3
41 and over	3 plus 1 for each 20 pupils or fraction of 20 pupils in Full-Time Equivalent ADM

(f) Special education schedule:

- (1) in districts with ADM of less than 3,000, one instructional unit for each 15 special education pupils or fraction of 15 pupils in ADM;
- (2) in districts with ADM of 3,000 or more, one instructional unit for each 11 special education pupils or fraction of 11 pupils in ADM.
- (g) Bilingual education schedule:

Weighted ADM	No. Instructional Units
1 — 12	1
13 — 18	2
19 — 42	3
43 and over	3 plus 1 for each 24 weighted ADM or fraction of 24 weighted ADM

(§ 4 ch 238 SLA 1970; am § 1 ch 137 SLA 1972; am § 4 ch 81 SLA 1975; am § 7 ch 90 SLA 1977; am § 2 ch 115 SLA 1978; am §§ 9 — 11, 20 ch 26 SLA 1980; am § 1 ch 119 SLA 1981; § 26 ch 59 SLA 1982)

Effect of amendments. — The 1978 amendment added subsection (g).

The 1980 amendment rewrote subsection (a) and subsection (c) repealed subsections (b) and (d).

The 1981 amendment rewrote subsection (f).

The 1982 amendment, retroactive to July 1, 1981, substituted "11 pupils" for

"14 pupils" in subsection (f)(2).

Editor's notes. — Section 3, ch. 119, SLA 1981, provides: "The amendment to AS 14.17.041 (f) made by this Act may not be applied to reduce the number of allowable instructional units for special education below the number of units allowed during the school term ending in 1981."

Sec. 14.17.050. Teachers' salary allotment.

Repealed by § 1 ch 238 1970. 1970.

Editor's notes. — The repealed section derived from § 1.04, ch. 164, SLA 1962; §§ 2, 3, ch. 70, SLA 1963; § 1, ch. 78, SLA 1964; §§ 2, 3, ch. 98, SLA 1966; and § 1, ch. 153, SLA 1966.

Sec. 14.17.051. Instructional unit allotment. The instructional unit allotment for each school district or regional educational attendance area is as follows:

- (1) for Gateway Borough School District, City and Borough of Juneau School District, and Anchorage School District, the district is entitled to receive the base instructional unit allotment;
- (2) for Annette Island School District, Petersburg City School District, Wrangell City School District, Sitka Borough School District, and Matanuska-Susitna Borough School District, the district or area is entitled to receive 104 percent of the base instructional unit allotment;
- (3) for Craig City School District, Hydaburg City School District, Klawock City School District, Kake City School District, Chatham

School District, Skagway City School District, Southeast Island School District, and Kenai Peninsula Borough School District, the district or area is entitled to receive 108 percent of the base instructional unit allotment;

(4) for Pelican City School District, Hoonah City School District, and North Star Borough School District, the district or area is entitled to receive 112 percent of the base instructional unit allotment;

(5) for Cordova City School District, Valdez City School District, and Haines Borough School District, the district or area is entitled to receive 115 percent of the base instructional unit allotment;

(6) for Nenana City School District, Delta School District, Alaska Gateway School District, Upper Railbelt Regional School District, Yakutat City School District, Chugach School District, and Copper River School District, the district or area is entitled to receive 120 percent of the base instructional unit allotment;

(7) for Adak Regional School District the area is entitled to receive 140 percent of the base instructional unit allotment;

(8) for Pribilof Islands School District, Aleutian Chain School District, King Cove City School District, Sand Point City School District, and Unalaska City School District, the district or area is entitled to receive 150 percent of the base instructional unit allotment;

(9) for Yukon Flats School District, Dillingham City School District, Bristol Bay Borough School District, Southwest Regional School District, Lake Peninsula School District, Lower Kuskokwim School District, Galena City School District, Kuspuk School District, Yukon-Koyukuk School District, Northwest Arctic School District, Selawik City School District, Nome City School District, Bering Straits School District, Iditarod Area School District, North Slope Borough School District, Lower Yukon School District, and St. Mary's City School District, the district or area is entitled to receive 155 percent of the base instructional unit allotment;

(10) for Kodiak Island School District, the district is entitled to receive 116 percent of the base instructional unit allotment. (§ 4 ch 238 SLA 1970; am § 1 ch 40 SLA 1971; am § 5 ch 81 SLA 1975; am § 12 ch 124 SLA 1975; am § 8 ch 90 SLA 1977; am §§ 3 — 6 ch 115 SLA 1978; am § 12 ch 26 SLA 1980; am § 6 ch 119 SLA 1981)

Effect of amendments. — The 1978 amendment deleted "Southeast School District" following "Annette Island School District" in paragraph (2), inserted "Southeast Island School District" in paragraph (3), deleted "Kodiak Island Borough School District" following "Pelican City School District" in paragraph (4), and added paragraph (10).

The 1980 amendment inserted "Sand Point City School District" following

"King Cove City School District" in paragraph (8).

The 1981 amendment deleted "and" preceding "Chugach School District" and added "and Copper River School District" preceding "the district or area is entitled," in paragraph (6).

The 1982 amendment, retroactive to July 1, 1981, deleted "Copper River School District" preceding "Cordova City School District" in paragraph (5).

Sec. 14.17.056. Base instructional unit value. The base instructional unit value for fiscal years beginning on or after July 1, 1982, is \$42,450. The base instruction unit value for the fiscal year beginning July 1, 1981, is \$38,590. (§ 4 ch 238 SLA 1970; am § 1 ch 88 SLA 1973; am § 1 ch 140 SLA 1974; am § 6 ch 81 SLA 1975; am § 3 ch 173 SLA 1976; am § 10 ch 90 SLA 1977; am § 7 ch 115 SLA 1978; am §§ 13, 14 ch 26 SLA 1980; am § 5 ch 119 SLA 1981; am § 28 ch 59 SLA 1982)

Effect of amendments. — The 1978 amendment, in this section as it existed prior to the 1980 amendment, substituted "July 1, 1978 and ending June 30, 1979 is \$29,000" for "July 1, 1977 and ending June 30, 1978 is \$27,500" at the end of subsection (a) and "July 1, 1979 is \$31,900" for "July 1, 1978 is \$29,000" at the end of subsection (b).

Section 13, ch. 26, SLA 1980 rewrote the

section. Section 14, ch. 26, SLA 1980 substituted "after July 1, 1981, is \$38,590" for "after July 1, 1980, is \$34,935" at the end of the section.

The 1981 amendment substituted "July 1, 1982" for "July 1, 1981" and substituted "\$42,450" for "\$38,590."

The 1982 amendment, retroactive to July 1, 1981, added the second sentence.

Sec. 14.17.060. Average daily membership allotment.

Repealed by § 1 ch 238 SLA 1970.

Editor's notes. — The repealed section derived from § 1.05, ch. 164, SLA 1962, and § 2, ch. 153, SLA 1966; § 17, ch. 69, SLA 1970.

Sec. 14.17.061. Supplemental programs. (a) In addition to the amounts authorized to be paid to school districts under this chapter, funding of supplemental programs, on the same basis as determined in the computation of state aid for the applicable district, may be recommended by the commissioner.

(b) Applications for supplemental programs funds shall be submitted by each school district to the commissioner by September 30 of the pre-fiscal year in the form prescribed by the commissioner.

(c) Federal funds available for aid to local school districts will be included with the state's share in applying the matching ratio. (§ 4 ch 238 SLA 1970)

Sec. 14.17.070. Attendance center allotment.

Repealed by § 1 ch 238 SLA 1970.

Editor's notes. — The repealed section derived from § 1.06, ch. 164, SLA 1962; § 4, ch. 70, SLA 1963; and § 4, ch. 98, SLA 1966.

Sec. 14.17.071. Required local effort.

Repealed by § 21 ch 26 SLA 1980.

Editor's notes. — The repealed section derived from § 4, ch. 238, SLA 1970.

Sec. 14.17.075. Supplemental allocation.

Repealed by § 1 ch 238 SLA 1970.

Editor's notes. — The repealed section derived from § 2, ch. 125, SLA 1968, and § 11, ch. 95, SLA 1969.

Article 2. Preparation of Public School Foundation Budget.

Section	Section
80. Computation by district	140. Determination of full and true value by Department of Community and Regional Affairs
81. Minimum expenditure for instruction	150. Duty of commissioner to examine and tabulate computations
82. Fund balance changes in school operating fund	
90. Estimated average daily membership	
100 — 130. [Repealed]	

Collateral references. — 68 Am. Jur. §§ 83, 90; 79 C.J.S. Schools and School Districts, §§ 91-108.
78 C.J.S. Schools and School Districts, §§ 325-331.

Sec. 14.17.080. Computation by district. By October 30 of the pre-fiscal year each district shall submit to the commissioner a preliminary report of computations for the following fiscal year of the district's basic need as defined in AS 14.17.021; the amount which it expects to match under the provisions of AS 14.17.071; and the amount for supplemental programs which has been approved for funding consideration by the commissioner. Each district shall make the computations in the manner prescribed by AS 14.17.080 — 14.17.150. The computations are the basis for requesting legislative appropriations and for making preliminary payments under the public school foundation program. (§ 2.01 ch 164 SLA 1962; am § 5 ch 238 SLA 1970)

Revisor's notes. — As a result of the amendments in Chapter 26, SLA 1980, "basic need" is no longer defined in AS 14.17.021. Rather, that section defines "basic state aid." AS 14.17.071 mentioned in this section was repealed by SLA 1980, ch. 26, § 21.

Sec. 14.17.081. Minimum expenditure for instruction. (a) Each district shall budget for and spend a minimum of 55 percent of its school operating expenditures in each fiscal year on the instructional component of the district budget.

(b) The commissioner shall reject a district budget which does not comply with (a) of this section and, unless a waiver has been granted by the board under (d) of this section, shall withhold payments of state aid from that district, beginning with the payment for the second full

Legislative Budget and Audit Committee by April 15 of each year.
(§ 15 ch 26 SLA 1980)

Revisor's notes. — The word "board" revisor of statutes under AS 01.05.031 and was substituted for "state board of AS 14.60.010. education" in subsections (b) and (c) by the

Sec. 14.17.090. Estimated average daily membership. Each district shall prepare an estimate of its average daily membership for the fiscal year. In making this estimate, the district shall consider its average daily membership in preceding years, the pattern of growth or decline in preceding years, and other pertinent information available to the district. The result of this estimate is the estimated average daily membership. (§ 2.02 ch 164 SLA 1962)

Secs. 14.17.100 — 14.17.120. Computation of teachers' salary allotment, average daily membership allotment, and attendance center allotment.

Repealed by § 2 ch 238 SLA 1970.

Editor's notes. — The repealed sections derived from §§ 2.03 — 2.05, ch. 164, SLA 1962.

Sec. 14.17.130. Computation of required local effort.

Repealed by § 11 ch 95 SLA 1969.

Editor's notes. — The repealed section derived from § 2.06, ch. 164, SLA 1962.

Sec. 14.17.140. Determination of full and true value by Department of Community and Regional Affairs. (a) To determine the equalized percentage to be applied to basic need under AS 14.17.021, and the matching ratio for required local effort under AS 14.17.071, the Department of Community and Regional Affairs, in consultation with the assessor for each district, shall determine the full value of the taxable real and personal property in each district. Exemptions granted under ch. 129, SLA 1957, known as the Alaska Industrial Incentive Act (AS 43.25.010 — 43.25.170), shall be honored. If there is no local assessor or current local assessment for a district, then the Department of Community and Regional Affairs shall make the determination of full value from information available. In making the determination, the Department of Community and Regional Affairs shall be guided by AS 29.53.060. The determination of full value shall be made before October 1 and sent by certified mail, return receipt requested, before that date to the president of the school board in each district. Duplicate copies shall be sent to the commissioner. The governing body

of the borough or city which is the district may obtain judicial review of the determination by filing a motion in the superior court of the judicial district in which the district is located within 30 days after receipt of the determination. The superior court may modify the determination of the Department of Community and Regional Affairs only upon a finding of abuse of discretion or upon a finding that there is no substantial evidence to support the determination.

(b) Motor vehicles subject to the motor vehicle registration tax under AS 28.10.431 shall be treated as taxable property for purposes of (a) of this section.

(c) To determine the debt-to-valuation ratio to be applied to the determination of state aid for school construction under AS 43.18.105 — 43.18.135, the Department of Community and Regional Affairs, in consultation with the responsible financial officer of each municipality which is a school district, shall annually determine the debt of the municipality and report the determination to the mayor of the municipality and the commissioner of the Department of Education. The determination shall be made by October 1 of each year and shall report the outstanding debt as of July 1 each year. (§ 2.07 ch 164 SLA 1962; am § 2 ch 95 SLA 1969; am § 6 ch 238 SLA 1970; am § 9 ch 200 SLA 1972; am § 1 ch 218 SLA 1976; am § 2 ch 256 SLA 1976; am § 14 ch 147 SLA 1978; am § 12 ch 94 SLA 1980)

Revisor's notes. — As a result of the amendments in Chapter 26, SLA 1980, "basic need" is no longer defined in AS 14.17.021. Rather, that section defines "basic state aid."

Effect of amendments. — The 1978 amendment added subsection (c).

The 1980 amendment substituted "AS 28.10.431" for "28.10.255" near the middle of subsection (b).

Editor's notes. — AS 14.17.071, referred to in the first sentence of subsection (a), was repealed by § 21, ch. 26, SLA 1980.

Sec. 14.17.150. Duty of commissioner to examine and tabulate computations. (a) The commissioner shall examine the preliminary reports submitted by each district to determine that they are correctly computed. If the allotments are incorrectly computed, the commissioner shall either (1) obtain a correct computation from the district, or (2) make a correct computation based on information available, and give notice of the corrected computation to the district. The commissioner shall review supplemental program applications and notify the district whether its supplemental program is approved for inclusion in its foundation program computations.

(b) The commissioner shall reduce these computations to a report in tabular form or another form helpful in examining the computations of the districts and shall transmit the report to the governor. The commissioner shall maintain additional copies of this report in the commissioner's office as a matter of public record. This report shall be entitled "Public School Foundation Program Computations." (§ 2.08 ch 164 SLA 1962; am § 7 ch 238 SLA 1970)

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity

with AS 01.05.031(c) and § 4, ch. 58, SLA 1982.

Article 3. Procedure for Payment of Public School Foundation Funds to Districts.

Section

160. Allocation of funds on preliminary computations

170. Payment under adjusted computations

Section

180. Payment under final computation

190. Restrictions governing receipt and expenditure of money from public school foundation account

Collateral references. — 79 C.J.S. Schools and School Districts, §§ 423-427.

Right of school district to maintain action based on misapportionment of school money. 105 ALR 1273.

Determination of school attendance, enrollment, or pupil population for purpose of apportionment of funds. 80 ALR2d 953.

Sec. 14.17.160. Allocation of funds on preliminary computations. The commissioner shall determine the state aid for each school district on the basis of the pre-fiscal year computations. Beginning July 15 of the fiscal year and on the 15th day of each month, for seven successive months, one-twelfth of each district's state aid shall be distributed. (§ 3.01 ch 164 SLA 1962; am § 3 ch 95 SLA 1969; am § 8 ch 238 SLA 1970)

Sec. 14.17.170. Payment under adjusted computations. Each district shall make a report at the end of the first nine weeks of school, which contains a new estimate of its average daily membership for the fiscal year and other information which will aid the commissioner in making a more accurate determination of each district's state aid. This new estimate and information of average daily membership shall be the basis for the computation and distribution of each district's state aid for the balance of the fiscal year. The commissioner shall, on the basis of this new estimate and information, make a recomputation of each district's state aid. Before December 2, the commissioner shall notify each district of changes made in its state aid. The commissioner shall also determine whether the money in the public school foundation account is sufficient to meet each district's state aid for the fiscal year, and, if the money is not sufficient, the commissioner shall immediately inform the governor of the amount of additional appropriation the commissioner estimates will be necessary to carry out the public school foundation program for the rest of the fiscal year. Beginning February 15 and on the 15th of each subsequent month, one-fifth of the

recomputed balance of each district's state aid shall be distributed. However, one-half of the June payment shall be withheld pending a final determination of the district's state aid. (§ 3.02 ch 164 SLA 1962; am § 1 ch 169 SLA 1968; am § 4 ch 95 SLA 1969; am § 9 ch 238 SLA 1970; am § 1 ch 135 SLA 1975)

Editor's notes. — In the fifth sentence, the words "the commissioner" were substituted for "he" by the revisor of statutes pursuant to AS 01.05.031 and § 4, ch. 58, SLA 1982.

Sec. 14.17.180. Payment under final computation. Before June 16 each district shall transmit to the commissioner a final computation of the district's state aid. The commissioner shall process each district's computation in the manner provided by AS 14.17.150(a). However, in no event may the entitlement of a school district to state aid under AS 14.17.021 be less than that computed under this section for the preceding year, except as otherwise provided in AS 14.17.031, or under AS 14.17.170, whichever is greater. Additional state aid shall be obligated by the commissioner before June 30. If the district received more state aid money than it was entitled to under this chapter, it shall immediately, after notice from the commissioner of the overpayment, remit the amount of overpayment to the commissioner to be returned to the public school foundation account. (§ 3.03 ch 164 SLA 1962; am § 5 ch 95 SLA 1969; am § 10 ch 238 SLA 1970; am § 2 ch 135 SLA 1975; am § 16 ch 26 SLA 1980)

Effect of amendments. — The 1980 amendment rewrote the third sentence.

Sec. 14.17.190. Restrictions governing receipt and expenditure of money from public school foundation account. (a) The public school foundation money distributed to a district during a year shall be received, held, and expended by the district subject to the provisions of law and regulations promulgated by the department.

(b) Each district shall maintain financial records of the receipt and disbursement of public school foundation money and money acquired from local effort. The records must be in the form required by the commissioner and are subject to audit by the commissioner or the board at any time. (§ 3.04 ch 164 SLA 1962; am § 5 ch 98 SLA 1966; am § 6 ch 95 SLA 1969)

Revisor's notes. — The reference in subsection (b) to "local effort" is apparently obsolete in light of the repeal of AS 14.17.030 and AS 14.17.071.

§ . 1

Sec. 200. 205.

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Article 4. General Provisions.

<p>Section 200. Regulations 205. State aid to districts operating approved school food service programs 210. State aid to newly established district schools</p>	<p>Section 215. [Repealed] 220. Purpose 225. Construction and implementation of chapter 230 — 240. [Repealed] 250. Definitions</p>
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Collateral references. — What are educational bodies or schools within contemplation of tax exemption provision. 95 ALR 62.

Extent of area within tax exemption extended to property used for educational, religious, or charitable purposes. 134 ALR 1176.

Tax exemption of educational institutions as extending to athletic fields or property used for social or recreation purposes. 143 ALR 274.

Tax exemption of property of religious, educational, or charitable body as extending to property or income thereof used in publication or sale of literature. 154 ALR 895.

Validity of legislative delegation of taxing power to school districts in absence of express constitutional provision authorizing such delegation. 113 ALR 1416.

Rescission of vote authorizing school dis-

trict expenditure or tax. 68 ALR2d 1041.

Exemption of public school property from assessments for local improvements. 15 ALR3d 847.

Garage or parking lot as within tax exemption extended to property of educational, charitable or hospital organizations. 33 ALR3d 938.

Validity of basing public school financing system on local property taxes. 41 ALR3d 1220.

Charitable or educational organization from sales or use taxes. 53 ALR3d 748.

Property of educational body tax exempted extending to property used by personnel as living quarters. 55 ALR3d 485.

Validity, under state constitution and laws, of issuance by state or state agency of revenue bonds to finance or refinance construction projects at private religious-affiliated colleges or universities. 95 ALR3d 1000.

Sec. 14.17.200. Regulations. The department shall promulgate regulations to implement this chapter. (§ 4.01 ch 164 SLA 1962; am § 6 ch 98 SLA 1966)

Sec. 14.17.205. State aid to districts operating approved school food service programs. A school district that qualifies for and provides free and reduced-price lunches to students who qualify under the Federal Nutrition Act shall receive state aid in an amount for each free or reduced-price meal equal to the federal allowances multiplied by the school district's area differential in AS 14.17.051. (§ 11 ch 90 SLA 1977)

Sec. 14.17.210. State aid to newly established district schools.
 (a) A regional educational attendance area school which becomes a city or borough district school is considered a regional educational attendance area school for purposes of financial support until the expiration of a complete fiscal year after the date on which the school becomes a city or borough district school. This subsection does not prevent a local government from spending money to contribute to the financial sup-

port of a regional educational attendance area school which becomes a city or borough district school.

(b) For each subsequent fiscal year, the state shall disburse to the city or borough school district only the money to which the district is entitled under the public school foundation program.

(c) [deleted]. (§ 5.02 ch 164 SLA 1962; am § 25 ch 53 SLA 1973; am § 13 ch 124 SLA 1975)

Legislative history reports. — For report on ch. 53, SLA 1973 (CSHB 382), see 1973 House Journal, pp. 793, 885.

Sec. 14.17.215. State aid to districts affected by state activities.
Repealed by § 20 ch 26 SLA 1980.

Editor's notes. — The repealed section derived from § 7, ch. 95, SLA 1969.

Sec. 14.17.220. Purpose. It is the intention of the legislature, in enacting this public school foundation program, to assure an adequate level of educational opportunities for those in attendance in the public schools of the state. This chapter shall not be interpreted as preventing a public school district from providing educational services and facilities beyond those assured by the foundation program. (§ 1.01 ch 164 SLA 1962)

Sec. 14.17.225. Construction and implementation of chapter.
(a) This chapter may not be construed so as to create a debt of the state.

(b) Funds to carry out the provisions of AS 14.17.010 — 14.17.190 may be appropriated annually by the legislature into the public school foundation account. If amounts in the account are insufficient to meet the allocations authorized under AS 14.17.010 — 14.17.190, such funds as are available shall be distributed pro rata among each district based upon the district's basic need.

(c) Repealed by § 1 ch 79 SLA 1971.

(d) The average daily membership allotment supplemental account is established. Funds to carry out the provisions of AS 14.17.215 may be appropriated annually by the legislature to the account. If amounts in the account are insufficient to meet the allocations authorized under AS 14.17.215, such funds as are available shall be distributed pro rata among eligible districts based upon AS 14.17.215.

(e) Repealed by § 1 ch 79 SLA 1971.

(f) Funds necessary to carry out the provisions of AS 14.17.205 may be appropriated annually to the Department of Education. If amounts appropriated are insufficient to meet the allocations authorized under AS 14.17.205, such funds as are available shall be distributed pro rata among eligible districts. (§ 8 ch 95 SLA 1969; am § 1 ch 79 SLA 1971; am § 12 ch 90 SLA 1977)

Revisor's notes. — Subsection (d) of this section is apparently obsolete because AS 14.17.215 was repealed in 1980.

Legislative history reports. — For report on ch. 79, SLA 1971 (HB 365), see 1971 House Journal, p. 586.

Secs. 14.17.230 — 14.17.240. Transition; repealer.
 Repealed by § 2 ch 71 SLA 1972.

Editor's notes. — The repealed sections derived from §§ 5.01, 5.04, ch. 164, SLA 1962.

Legislative history reports. — For report on ch. 71, SLA 1972 (HCSSB 383 am H), see 1972 House Journal, p. 898.

Sec. 14.17.250. Definitions. In this chapter, unless the context otherwise requires

(1) "average daily membership" means the aggregate days of membership of pupils divided by the actual number of days in session for the school term;

(2) "commissioner" means the commissioner of the Department of Education;

(3) "district" means any city or borough school district or regional educational attendance area;

(4) "elementary school" means a school consisting of grades one through eight, kindergarten through eight, or an appropriate combination of grades within this range;

(5) "fiscal year" means the year beginning July 1 and ending June 30 for which allotments and entitlements are computed or distributed;

(6) "pre-fiscal year" means the year immediately before the fiscal year;

(7) Repealed by § 3 ch 238 SLA 1970.

(8) "public school foundation account" means the account created by AS 14.17.010 for use in financing education in public elementary and secondary schools;

(9) "secondary school" means a school of grades seven through twelve, or an appropriate combination of grades within that range; when grades seven, eight, nine, or ten are organized separately as a middle or junior high school, or grades ten through twelve are organized separately as a senior high school, each school is considered a separate secondary school for the purposes of AS 14.17.010 — 14.17.250 if

(A) the school is conducted in a separate school plant facility;

(B) the school is accredited by the Northwest Accrediting Association;

(C) the school, if a middle or junior high school, includes a minimum ADM of 10 students in any combination of grades seven, eight or nine, if the school was in operation before July 1, 1980; or

(D) the school, if a middle or junior high school, includes a minimum ADM of 20 students in any combination of grades seven, eight or nine, if the school first began operation on or after July 1, 1980;

- (10) Repealed by § 3 ch 238 SLA 1970.
- (11) "taxable real and personal property" means all real and personal property taxable under the laws of the state, but does not include household goods and personal effects;
- (12) Repealed by § 3 ch 238 SLA 1970.
- (13) Repealed by § 2 ch 40 SLA 1971.
- (14) Repealed by § 2 ch 40 SLA 1971.
- (15) Repealed by § 2 ch 40 SLA 1971.
- (16) Repealed by § 2 ch 40 SLA 1971.
- (17) "ADM full-time equivalent" means the quotient of the aggregate periods of pupil membership per day in specified classes, divided by the number of class periods in the school day;
- (18) "instructional unit" means the aggregate of all direct and indirect services necessary to provide a standard level of instruction for a group of pupils;
 - (A) "direct services" include, but are not limited to supplying teacher services, textbooks, reference materials, pupil and teacher supplies, as well as utilities and custodial services;
 - (B) "indirect services" are those auxiliary or supporting functions that complement direct services and include, but are not limited to administration, transportation, food, attendance and activities;
 - (C) "instructional unit" does not include items of community service, capital outlay or debt service.
- (19) "weighted ADM" means the number of students in average daily membership in an educational program, adjusted to reflect the level of service required by them in that program as determined by the department. (§ 4.02 ch 164 SLA 1962; am §§ 7, 8 ch 98 SLA 1966; am § 3 ch 153 SLA 1966; am § 18 ch 69 SLA 1970; am §§ 3, 11 ch 238 SLA 1970; am § 2 ch 40 SLA 1971; am § 14 ch 124 SLA 1975; am § 8 ch 115 SLA 1978; am §§ 17, 18 ch 26 SLA 1980)

Effect of amendments. — The 1978 amendment added paragraph (19).
 Section 17, ch. 26, SLA 1980 added "or regional educational attendance area" to the end of paragraph (3). Section 18, ch. 26, SLA 1980 rewrote paragraph (9).
Legislative history reports. — For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7.

Chapter 18. Prohibition Against Discrimination Based on Sex in Public Education.

Section	Section
10. Discrimination based on sex prohibited	60. Discrimination in textbooks and instructional materials prohibited
20. Discrimination in employment prohibited	70. Affirmative action
30. Discrimination in counseling and guidance services prohibited	80. Implementation
40. Discrimination in recreational and athletic activities prohibited	90. Enforcement by board of education
50. Discrimination in course offerings prohibited	100. Remedies
	110. Effect of chapter

DEPARTMENT OF REVENUE (CONT.)

APPROPRIATION FUND SOURCES
 ALLOCATIONS ITEMS GENERAL FUND OTHER FUNDS
 POSITIONS SHALL BE BUDGETED FOR APPROPRIATION IN ACCORDANCE WITH THE DETAIL BUDGET INSTRUCTIONS PUBLISHED BY THE OFFICE OF
 THE GOVERNOR, DIVISION OF BUDGET & MANAGEMENT.

ADMINISTRATIVE SERVICES (36 POSITIONS)	2,351,000			
REFUNDABLE CREDITS		1,033,000	3,033,000	
	M M M M M	M M M M M		
	M M M M M DEPARTMENT OF EDUCATION	M M M M M		
	M M M M M	M M M M M		

FINANCIAL SUPPORT		391,753,300	389,749,600	2,003,700
STUDENT ADM SUPPORT	279,114,200			

THIS APPROPRIATION DOES NOT PROVIDE FOR STUDENT ADM SUPPORT FOR BIA SCHOOLS WHICH MAY TRANSFER TO SCHOOL DISTRICTS OR NEW
 SCHOOLS OR PROGRAMS WHICH MAY BE ESTABLISHED DURING FY 83. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF
 EDUCATION FUND ANY SUCH TRANSFERS OR ADDITIONS OUT OF THIS APPROPRIATION AND PRESENT TO THE LEGISLATURE A REQUEST FOR A
 SUPPLEMENTAL APPROPRIATION TO ACCOMMODATE THE COSTS OF ANY BIA TRANSFERS OR ESTABLISHMENT OF NEW SCHOOLS OR PROGRAMS, NO LATER
 THAN THE 15TH DAY OF THE 1983 LEGISLATIVE SESSION.

SPECIAL EDUCATION ADJUSTMENTS	45,545,700			
VOCATIONAL EDUCATION ADJUSTMENTS	22,294,900			
CORRESPONDENCE STUDY-DOE (34 POSITIONS)	2,084,700			

IT IS THE INTENT OF THE LEGISLATURE TO FUND ALL 17 PREVIOUSLY AUTHORIZED ADVISORY TEACHER POSITIONS. IF THE LEVEL OF
 PERSONAL SERVICES FUNDING IS INADEQUATE TO PROVIDE FOR THE FULL FUNDING OF THE 17 ADVISORY TEACHERS, FUNDS SHALL BE MADE
 AVAILABLE WITHIN THE PERSONAL SERVICES LINE ITEM FROM NON-TEACHER, ADMINISTRATIVE POSITIONS.

CORRESPONDENCE STUDY-LOCAL	5,151,200			
BILINGUAL PROGRAM ADJUSTMENT	10,389,500			

*Intent language
 in FY 83 budget
 for foundation
 formula
 appropriation*

COMMITTEE FOR ESSENTIAL EDUCATION FUNDING (CEEF)
LOCAL IMPACT OF REVENUE SHORTFALL (1982-1983)

School District	FINANCIAL		IMPACT OF SHORTFALL			How many students in your district would be affected by the reduction or delay of these programs?
	Total Budget	Total Shortfall	Number of staff that were not hired or cutback during the school year.		Comments	
			Certif.	Classif.		
Adak	\$5,591,923	\$323,147	0	0	If supplemental fails: cut 2 certif. cut 3 classif., cut spec.ed. & voc.ed. and capital outlay, travel and student activity program.	150 Offset 150 spec.ed., voc.ed. and enrichment.
Anchorage	\$166,389,832	\$11,200,000	28.5	22.5	The staff reduction has adversely affected the instructional program offerings and class sizes. It has also reduced the custodial and maintenance programs in the school buildings. Included in the more than 100 reductions were the ff: the elem. general music program was eliminated; school activities were significantly reduced; needed replacement equipment was not purchased; and 23 sched. major maintenance projects were eliminated.	39,325 Reductions were necessary on a districtwide basis and therefore included a broad spectrum of programs and services directly related to the instruction of every student in the District.
Annette Island (Metlakatla)	\$2,546,542	\$194,786	2	1	\$113,610 of budget for FY83 put on hold. Teaching supplies equipment, travel, support services, and activity funds have either been cut or put on hold. Remainder of shortfall would have to be taken from FY82 carryover which in FY84 would seriously cut programs.	338 Considering current budgeting our FY84 programs are in serious jeopardy. We will have less than 2% carryover if the shortfall is not corrected.
Chatham	\$2,113,998	\$81,504	0	0	We have continued as is - largely based on the fact that we anticipate additional funding and we have had a fund balance to bail us out.	0
Copper River REAA #17	\$4,763,539	\$603,063	1	2	The lack of a viable working capital reserve will also seriously impact interest income that is counted as local revenue.	569 The "real" impact will be in FY84 since we had a much needed area differential increase last year that we accrued and are spending this year to minimize the negative impacts of these shortfalls.
Delta/Greely	\$6,100,057	\$319,142	2	1	One reading teacher and one elem. teacher were not hired as planned in the preliminary budget.	All Our first cutback would be in the area of custodial service and then in clerical service. Lunch programs might go also!
Dillingham	\$3,900,000	\$275,000	0	0	None.	0 None.
Fairbanks	\$55,434,070	\$2,934,167	8	13	On June 22, the Fairbanks North Star Borough S.D. cut 1.5 million from its approved operating budget. Cuts included: reduction of secretarial help at Central Office, 2) elimination of 2 admin. positions (director of program, planning & evaluation and internal auditor), reduction of temporary salaries, secondary gifted/talented program reduction (2), reduction in boiler operators, elimination of a bus-aid program (10), and the elimination of various reserve accounts. In addition to those cuts all necessary personnel have not been hired as a result of increased enrollment and consequently classrooms are more crowded than usual (5). These steps were taken in order to absorb the impact of the initial 4% reduction in foundation funding and to control ongoing costs in view of further potential reductions.	Impact of the shortfall is not readily definable. 12,000 district students are going to be affected to some degree or other. To address the problem, a freeze has been placed on the purchase of new equipment and the implementation of budgeted maintenance projects which do not affect health and life-safety of district students and personnel. Contingency plans are being developed and the Board of Education will meet in a work session on Tuesday, Jan. 25, to consider specific plans to cover the approximately \$1.7-M problem which exists as a result of the foundation reduction.

COMMITTEE FOR ESSENTIAL EDUCATION FUNDING (CEEF)
LOCAL IMPACT OF REVENUE SHORTFALL (1982-1983)

School District	FINANCIAL		IMPACT OF SHORTFALL				
	Total Budget	Total Shortfall	Number of Staff that were not hired or cutback during the school year.		Comments	How many students in your district would be affected by the reduction or delay of these programs?	
			Staff Certif.	Classif.		No.	Comments
Galena	\$1,675,177	\$152,513	0	0	There were no programs reduced because of the shortfall either before the start of school nor during school. However, if there is not a supplemental bill passed for the 33.7-M, we will have to reduce current year spending. The deadline for this decision will be January 28, 1983. No programs delayed until 1983-84 school year. We will have to cut back both certif. and classif. for 1983-84. Since we will have to use other district funds for the remainder of the current year, if supplemental funding is not forthcoming.	57	Since we have a 3-yr teacher agreement and there are 2 yrs to go if the shortfall and forward funding are not handled all 140 of our students will be affected by the Board's inability to provide a quality education opportunity to its students.
Haines	(See attached)		.5	0	We had an October resignation. We did not fill the vacancy and will not until we see the financial picture.	-	None.
Iditarod Area	\$5,055,018	\$454,922	1	0	One top admin. position has been left vacant. Several teacher aides would have been terminated but we were able to pick them up under a new Title VII grant.	All (327)	Reduced itinerant teacher travel. Reduction or elimination of educ. field trips. Reduction in after school student and community use of school facilities.
Juneau	\$19,725,688	\$1,263,312	10	6	None	4400	All are affected one way or another.
Kenai Penin.	\$36,079,553	\$2,407,151	0	0	Programs reduced prior to start of school as a result of reduced foundation funding \$954,697. Further cuts required if supplemental is not forthcoming \$715,533 (including 33.5 teacher aides).	7,000	All are affected including communities as a whole. We have attempted to make our reductions in areas that would least affect the basic education of the student. However, the magnitude of the reduction has forced us to make some reductions affecting the basics.
Ketchikan	\$11,846,667	\$915,222	1	7	We have not revised the budget to fully reflect the shortfall. We are considering much more staff reduction.	2476	All students are affected.
Lake & Penn	\$5,609,989	\$537,890 (based on 10%)		8	Voc. ed. reduced prior to start of year. Programs reduced during school year: Voc. ed, purch, cont. svcs of spec fld exper & st act fund.	All (360 ADM)	None.
Mat-Su	\$27,455,691*	\$7,424	18.5	7.5	(See attached)	2,800 of 5,600.	Probably at least 1/2 of our students were/are being adversely affected in one way or another.
	*revised as of 11/30/82.						
Menana	\$2,337,630	\$398,725	0	0		0	We are using our reserves to carry through this year. Next year will be the problem, unless we receive more money.
North Slope	\$23,500,000	\$1,200,000	10	10-25 total support positions.	Curr. center - Maintenance	1,250	Indirectly
Northwest Arctic	\$15,115,258	\$1,116,838	0	0	Shortfall antic during budget prep. Spec. ed., voc. ed. & bilingual moved up to offset shortfall.	None	No adverse this year - but could next year.
Pelican City	\$632,673	\$60,000	0	0	This is very difficult to do as we only hire 1 custodian & 1 bookkeeper/secretary. We do not plan to cut contracted teachers, but will cut 1.5 positions next year if this continues.	55	We have cut back on library purchases, student travel (ie. educ. field trips and athletic), teaching supplies & bldg. maint.
Pribilof	\$2,400,000	5% or whatever % becomes.	1	1	None.	165	All students

COMMITTEE FOR ESSENTIAL EDUCATION FUNDING (CEEF)
 LOCAL IMPACT OF REVENUE SHORTFALL (1982-1983)

FINANCIAL			IMPACT OF SHORTFALL				
School District	Total Budget	Total Shortfall	Number of staff that were not hired or cutback during the school year.		Comments	How many students in your district would be affected by the reduction or delay of these programs?	
			Staff Certif.	Classif.		No.	Comments
Railbelt	\$3,786,770	\$257,897	0	0	No program reduced prior to start of this year, nor during year. No program delayed. Basically we will be able to use all of our carryover monies to do so.	-	None this year, however, all will be affected.
Southeast Isl.	\$4,623,020	\$154,225	2	4.5(FTE)	The negative effects of the shortfall (actual & potential) have included the ff: 1. Little or less than anticipated improvement in programs or curric. areas we consider to be below standard for a district such as this one, including devel. of school libraries, improv. of our voc. ed. and computer educ. programs, & ability to provide necessary inservice programs to our teachers. In Maintenance/Operations we have been forced to postpone some basic improvements to our bldgs. and shelve plans to replace some teacher housing badly in need of same. If the shortfall is much greater than the 4%, we would not only lose our ability to provide and maintain teacher housing in logging communities as well as to prevent high teacher turnover), but would also lose our ability to move state-owned sch bldgs when a logging camp moves (as we do once or twice per year at great cost). The above represent some examples, as there would be prog/staff cuts in other areas in the event of a 5-10% shortfall.		All students in the district would be affected by further cuts.
Southwest Region					On the short-term basis, the Southwest Region School Board has approved postponement of physical plant improvement projects, curtailed preventative maintenance, and eliminated scheduled improvement in teacher housing.		
Valdez	\$8,100,000	\$361,002			Reprioritizing of programs. If a supplemental appropriation is not forthcoming in FY 83 our effective schooling program will be delayed for 2 years.	-	None
Wrangell	\$2,637,777	\$85,000			At this time no programs or staff have been reduced. However, if supplemental is not available then programs such as activities, classroom aides, art etc. will be reduced or deleted.	350 approx.	No comment.
Yukon Flats	\$4,559,682	\$182,387	3	1	Did not hire 1 ft - voc ed no P.E. & counselor position 1 non-cert village counselor. Cut back std act & staff travel. Freeze bal yr all purchases except emergency.	All 331 125 HS incl.	High sch w/lack of counselors.
Yukon Koyukuk	\$8,576,637	\$834,745	5*	4.5 FTE	Anticipating a 4% reduction, the above positions were cut prior to the start of school. If reduction is 11%, additional positions or hours will have to be cut.	556	11% of the total district budget has been placed on hold as of this point. This essentially placed a stop to the following areas: 1. supplies, 2. equipment, 3. textbooks, 4. student activities, 5. student travel, 6. staff inservice, 7. staff travel. Basically we are heating heating and meeting emergency repairs, teaching classes and paying employees.

* to this date

SUMMARY OF ATTACHMENTS TO
IMPACT STATEMENTS

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ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

DEC 20 1982

Enclosure D. I. e.

ASD MEMORANDUM #236 (82-83) REVISED

December 20, 1982

TO: SCHOOL BOARD
FROM: OFFICE OF THE SUPERINTENDENT
SUBJECT: PLANNED COST REDUCTIONS TO OFFSET STATE REVENUE REDUCTIONS

E. E. (Gene) Davis
J.R.

PERTINENT FACTS:

There is a revenue shortfall in the State Public School Foundation Program. Based upon the District's full entitlement for the projected 1982-83 enrollment the full shortfall was first estimated to be up to \$13,000,000 but now appears to be approximately \$11,700,000.

At the time the budget was developed the shortfall was thought to be about \$5,225,000. At that time it was considered appropriate to provide the expected level of services without seriously impacting local taxes by using almost all of the fund balance, and eliminating most of the reserve incorporated into the original state and other revenue projections. The first revenue reduction of \$5,225,000 was therefore provided for in the Adopted Version of the 1982-83 budget.

Because of a student enrollment in excess of that originally planned, the School Board on September 20, 1982 approved a reallocation of up to \$1,782,000 from several accounts, including the general music program, to provide for the necessary teachers.

On November 22, 1982, the Board received for discussion purposes further reductions which at that time totaled \$4,379,879 to cover an anticipated shortfall from State revenues. The Board also requested an additional million dollars be located to ensure an appropriate fund balance.

Based on current revenue information available from the State and using actual enrollment from the first quarter Foundation Program report, the shortfall from full entitlement is estimated to be approximately \$11,700,000. Since there still remains a significant degree of uncertainty, there has been an effort at every level of the District to identify potential cost reductions which could be implemented. Each division has had cost reduction meetings and a total of \$7,013,079 of cost reductions have now been identified. The following schedule summarizes these cost reductions.

<u>Division/Units</u>	<u>General Fund Total Budget</u>	<u>Identified Reductions</u>	<u>% Reduction</u>	<u>Number of Positions</u>
Superintendent/School Board	\$ 612,831	\$ 113,000	18.44%	-0-
Business Management	5,958,295	286,100	4.80	.5
Auxiliary Services	22,024,738	1,520,300	6.90	36
School Management	128,582,975	1,798,000	1.40	28.5
Planning and Development	5,308,940	349,779	6.59	1
Communications	2,759,485	74,800	2.71	1
Labor Relations	130,002	-0-	-0-	-0-
Personnel Services	857,118	20,100	2.35	-0-
Vocational Education	155,448	8,000	5.15	-0-
	<u>\$ 166,389,832</u>	<u>4,170,079</u>	<u>2.50</u>	<u>65.0</u>
Other District-Wide Reductions		<u>2,843,000</u>	<u>1.71</u>	<u>-0-</u>
Total Reductions		<u>\$ 7,013,079</u>	<u>4.21%</u>	<u>65.0</u>

The effect of these reductions is to cover the revenue shortfall and to leave additional funds of approximately \$921,000 available to provide for any further financial contingency. The following schedule summarizes this.

Projected revenue (shortfall)		\$ (11,700,000)
Revenue revisions in ASD Adopted Budget		5,225,000
Cost reductions - See prioritized attachment		
	<u>Original</u>	<u>Revised</u>
1. September 20, 1982	1,782,000	1,717,000
2. November 22, 1982	4,379,879	4,253,779
3. December 20, 1982	-0-	1,042,300
	<u>6,161,879</u>	<u>7,013,079</u>
		<u>7,013,079</u>
		538,079
Fund Balance - Beginning of year		383,256
Additional funds projected to be available		<u>\$ 921,335</u>

The attached schedules describe in further detail the cost reductions identified, as well as the anticipated impact of the significant cost reductions of \$2,000 or more. These cost reductions have been prioritized in five categories A, B, C, D, and E. Category A items are those which would be reinstated first should funds become available. Category B and C items are of intermediate reinstatement priority and category D items would be reinstated last. Category E items would not be reinstated.

RECOMMENDATION:

It is recommended that the School Board authorize the Administration to take the necessary operational steps to effect immediately the cost reductions totaling \$7,013,079 which are described in further detail in the attachment to this memorandum.

EED/MJG/dap

Attachments

Superintendent and School Board
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>First Reduction - September 1982</u>			
School Board Contingency Fund	\$ 65,000	B	Reduced contingency response
Superintendent's Management Account	<u>38,000</u>	C	Reduced contingency response
	103,000		
<u>Second Reduction - November 1982</u>			
<u>School Board</u>			
Extra Help	250	D	
Travel-Out-of-District	3,000	A	Limited inservice and recruiting
Office Supplies	<u>200</u>	D	
	3,450		
<u>Superintendent</u>			
Extra Help	550	D	
Insurance Other	500	D	
Contractual Services - Attorney	2,000	C	Reduced legal analysis ability
Travel-Out-of-District	2,000	A	Reduced travel
Reimbursable Expense	1,000	D	
Office Supplies	<u>500</u>	D	
	<u>6,550</u>		
	<u>10,000</u>		
Total Reductions	<u>\$ 113,000</u>		

RP - Reinstatement Priority

Business Management Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
Fixed asset accounting system - defer	\$ 165,000	D	Deferred acquisition of mandated accounting system
Fidelity bond	1,000	D	
New equipment	6,000	D	Deferred purchase of equipment
Replacement equipment	2,000	D	Deferred purchase of equipment
Sick Leave Bank	71,200	D	Through careful management deferred or eliminated expenditures and cost controls on the other Business Management accounts for the remainder of the year the funds for this account will be provided.
Extra Help	5,000	D	Reduced clerical assistance
Internal Audit Budget - Defer replacement until 3/01/83	<u>15,800</u>	A	Reduction in functional area audits and internal audit response capability
	266,000		
<u>Third Reduction - December 1982</u>			
Internal Audit Budget - Defer replacement until 7/01/83	<u>20,100</u>	A	Reduced assistance in analysis for independent accountants
Total Reductions	<u>\$ 286,100</u>		

RP - Reinstatement Priority

Auxiliary Services Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>First Reduction - September 1982</u>			
Freeze 3 maintenance positions	\$ 136,000	A	Reduced level of building maintenance - affects repairs of heating, electrical, and ice rinks
<u>Second Reduction - November 1982</u>			
Defer or reduce selected major maintenance repair and remodeling projects	750,300	D	Deferred maintenance and remodeling (see list of projects in following attachment)
Facilities building rental	100,000	D	Will remain in condemned building until new facility is obtained
Mail delivery - reduce to one delivery per day and reduce supply delivery and truck transfer requests from once every 5 days to once every 7-10 days. Eliminate 3 positions.	90,000	D	Reduced mail delivery frequency and reduction in communication effectiveness and timelines
Freeze 15 Custodial positions - part of year	<u>222,000</u>	D	Reduced level and frequency of building cleaning - sweeping, vacuuming, and cleaning chalkboards would be done on a rotating basis
	1,162,300		
<u>Third Reduction - December 1982</u>			
Freeze 15 custodial positions part of year	<u>222,000</u>	A	Reduced level and frequency of building cleaning - sweeping, vacuuming, and cleaning chalkboards would be done on a rotating basis
Total Reductions	<u>\$ 1,520,300</u>		

RP - Reinstatement Priority

School Management Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>First Reduction - September 1982</u>			
Music Teachers (18 FTE) and supplies	\$ 800,000	C	No elementary general music program. Reduced teacher planning time
<u>Second Reduction - November 1982</u>			
Unassigned additional (9.5 FTE) teaching positions	302,000	D	Larger classes and increased PTR
IEP Grades 3,6,8	20,000	D	Program will not be developed
Summer School (Special Education and Secondary)	20,000	B	Eliminate 1983 Summer School - approximately 600 students affected
School Activity Trips (Elementary)	10,000	C	Eliminate jamborees
Added duty (Librarians)	17,000	B	Library will close two days early; missed opportunity for children
No Assistant Coaches	20,000	B	Limits student participation in sports
School Activities (Elementary)	50,000	B	Fewer after school learning experiences for elementary students - approximately 5,000 students affected
Equipment (Elementary and Secondary)	100,000	B	Emergency needs will not be met
Supplies (Special Education and Special Services)	15,000	B	Emergency needs will not be met
Contracts and Addenda (Spec. Ed. and Spec. Services)	15,000	B	No inservice for staff and eliminate evaluations
Fine Arts Camp and High School Festival	30,000	B	Eliminate programs for secondary students - approximately 500 students affected

RP - Reinstatement Priority

School Management Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
Extra Help	10,000	B	Reduced clerical assistance and response to parents slowed
Ice Maintenance	30,000	B	Rough or unusable ice rinks - affects student and community activities
Special Education position - do not staff	<u>44,000</u>	A	Reduced psychological evaluation and counseling services - approximately 100 students affected
	683,000		
<u>Third Reduction - December 1982</u>			
Teaching Assistants - Para Professionals	100,000	A	Eliminate nurses aides, library aides, counseling aides; reduce special education aides; work transferred to certificated staff, individual service to students reduced
Student Travel	50,000	A	Elimination of student participation in ASAA Championship events out of Anchorage
Pupil Activity Expense	50,000	A	Elimination of supplemental funding for sports uniforms, equipment; affects student morale
School Activities - Elementary	60,000	A	Fewer after school activities for elementary students - approximately 5,000 students affected
After School Activities and Trips - Secondary	30,000	A	Eliminate some competitive, athletic and student learning experiences for secondary students
Field Trips - Secondary	<u>25,000</u>	A	Eliminate secondary field trips - approximately 3,000 students affected
	<u>315,000</u>		
Total Reductions	<u>\$ 1,798,000</u>		

RP - Reinstatement Priority

Planning and Development Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
Extra Help - Management Academy Alternative School Seminar Anchorage Writing Project, June Institute	\$ 3,139	A	Eliminates extra help except for work study students
Extra Help - Bilingual	2,000	B	Deletes inventory of Bilingual materials
Added Duty and Added Days Drug/Alcohol Training	19,000	A	Delays training
Science Revision	5,000	C	Delays junior high revisions
Library/Media Scope and Sequence	4,500	D	Delays development of support materials
Management Academy, Alternative School Seminar, Anchorage Writing Project, June Institute, In-service Manual Development	28,489	A	Eliminates addenda for partici- pation in June training. Eliminates development of in-service leader manuals
Bilingual/Addenda: Summer School and Curriculum Work	3,000	C	Reduces teachers at summer school and materials control
Substitutes - Bilingual Teachers	5,000	D	Delays secondary HILT standard- ization to 1983-84
Math Scope and Sequence Correlations	2,600	D	Eliminates correlations for new texts
Math in-service	5,600	D	Eliminates development of new packets
Management Academy, Alternative School Seminar, Anchorage Writing Project, June Institute	2,435	A	Eliminates clerical assistance with in-service leader manuals

RP - Reinstatement Priority

Planning and Development Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
<u>Contracted Services</u>			
Curtail Microfilming of Permanent Records	1,000	D	
Contracted services for CIP	1,000	D	
Multicultural Evaluation	2,000	A	Minimal program evaluation
Eliminate Follow-up Survey of 1982 Graduates	5,000	A	No data on 1982 graduates
Make spring competency test totally machine scorable	5,200	D	Test not revised to totally machine scorable
Bilingual Parent Committee	500	D	
Training Consultants/Career Ladder	5,000	D	Deletes Courses for Tutors
Evaluation of Program	5,000	A	Limited Program Evaluation
Peer Led Smoking Evaluation	2,000	A	Eliminates Pilot for drug/alcohol program
Math Scope and Sequence Correlations	400	D	
Math In-service preparation	1,600	D	
Outdoor Education Curriculum	5,000	D	Eliminates curriculum development
Management Academy Alternative School Seminar Anchorage Writing Project, June Institute	13,900	A	Reduces consultant services for Management Academy. Eliminates June teacher training institute. Reduces consultant services for state released time.

RP - Reinstatement Priority

Planning and Development Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
<u>Field Trips</u>			
Bilingual Language Experience Field Trips	2,000	D	Deletes all Field Trips
<u>Data Processing</u>			
Eliminate all special requests and unscheduled jobs except emergency requirements	50,000	D	Requests from schools and departments for special data processing, such as test data, labels, or data analysis, would be eliminated.
Postpone scoring and reporting of 82-83 standardized testing results after July 1, 1983	50,000	D	Test will not be scored until late summer
<u>Office Supplies</u> - Expendable	379	D	
<u>Teaching Supplies</u> - Expendable	633	D	
<u>Testing</u>			
Eliminate 8th Grade Cognitive Abilities Test	1,260	A	
Eliminate 12th Grade Tests of Achievement and Proficiency	1,260	A	
<u>Bilingual</u>			
Bilingual Instructional Materials	5,000	B	No new materials for pilot Learning Center
<u>New Equipment</u> - file cabinets, typewriters	1,073	D	
New Equipment	611	D	
Postpone Hire - P.E. Curriculum Specialist	<u>44,000</u>	D	Postpone all P.E. curriculum development and support in elementary and secondary schools
	284,579		

RP - Reinstatement Priority

Planning and Development Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Third Reduction - December 1982</u>			
Clerical - Bilingual Tutors/ Secretaries	20,000	A	Deletes all Bilingual summer school
<u>Extra Help</u> - Bilingual	1,100	A	
<u>Added Days</u> - Staff Development	7,500	A	Eliminates addenda for June teacher training institute
Curriculum - film review	3,000	A	Eliminates support for film preview
Bilingual Summer School	2,000	A	Deletes summer school
<u>Substitute Teachers</u> Physical Education in-service	800	A	
Physical Education observations	3,000	A	Eliminates observations
Bilingual Teacher Substitutes	2,000	A	Totally defers HILT develop- ment to 1983-84
<u>Contracted Services</u> - Staff Development	4,500	A	Reduces consultant services for classified training and state released time
Peer Led Smoking Pilot	8,400	A	Eliminates pilot for drug/ alcohol program
Bilingual Parent Committee	150	A	
Career Ladder	1,500	A	
Data Processing	6,000	A	Computer membership reports will be reduced to 1 or 2 per month instead of weekly
Library/AV Supplies	2,500	A	Defer purchase of supplies
<u>Teaching Supplies</u> - Peer Led Smoking Pilot	1,750	A	
Bilingual Instructional Materials	1,000	A	
	<u>65,200</u>		
Total Reductions	<u>\$ 349,779</u>		

RP - Reinstatement Priority

Communications Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
<u>Communications and Media</u>			
Cancel Compugraphic lease/ purchase (Locke machine) est.	\$ 1,600	D	
Mileage	2,000	D	No impact due to reorganization
Extra Help	<u>8,500</u>	C	Limited impact due to reorganization
	12,100		
<u>Instructional Media</u>			
Clerical Salary	4,000	D	Savings from unfilled vacancy
Office supplies and library materials	<u>2,500</u>	B	Reduced instructional reference and support
	6,500		
<u>Library Resources</u>			
Clerical Salary	5,000	D	Savings from unfilled vacancy
Equipment repair	1,000	B	
Library of Congress card order	700	D	
Replacement equipment	<u>1,000</u>	B	
	7,700		
<u>Audio-Visual Services</u>			
Clerical Salary	5,000	D	Savings from unfilled vacancy
Instructional Television Materials	5,000	B	Deferred material acquisition
Postpone acquisition of films, cassettes, software, etc.	<u>15,000</u>	A	Deferred material acquisition. Reduction in A.V. instructional support
	25,000		

RP - Reinstatement Priority

Communications Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
<u>Publications</u>			
Clerical Salary	5,800	D	Savings from unfilled vacancy
Graphic Artist P-1	<u>17,700</u>	A	Eliminated graphic production and instructional support capability
	<u>23,500</u>		
	<u>\$ 74,800</u>		

RP - Reinstatement Priority

Personnel Department
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
Clerical - Delayed hiring.	\$ 1,550	B	
Substitute Teachers	1,500	D	
Advertising	1,000	B	
Out of District Travel	10,100	B	Reduction of recruiting capability
Reimbursable Expense (recruiting)	3,400	D	Reduction of recruiting capability
Replacement Equipment	600	D	
New Equipment	<u>1,950</u>	D	
	<u>\$ 20,100</u>		

RP - Reinstatement Priority

Vocational Education Department
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Second Reduction - November 1982</u>			
Added Duty	\$ 3,000	C	No scope and sequence developed for Industrial Education and Home Economics
Contractual Services - Instruction	<u>5,000</u>	C	Reduction in amount of Voc. Ed. curriculum developed will affect students served
	<u>\$ 8,000</u>		

RP - Reinstatement Priority

District-Wide
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>First Reduction - September 1982</u>			
Certificated Retirement (TRS)	\$ 375,000	E	Rate reduced after budget was approved
Classified Retirement (PERS)	205,000	E	Rate reduced after budget was approved
Pending Negotiations	<u>98,000</u>	E	Contract negotiations complete after budget was approved
	678,000		
<u>Second Reduction - November 1982</u>			
Medical insurance - negotiated lower cost per employee	540,000	E	Rate reduced after budget was approved
Expected savings from normal District-wide employee turnover and unit cost controls	500,000	E	Limited impact - close cost control and review by managers will be necessary
Delayed certificated staff hiring	160,000	E	Increased PTR and class sizes. Reduced educational effectiveness
Restricted hiring practices - initiated 10/26/82	300,000	D	General reduction in level of District delivered services due to vacant positions
Electricity - controlled reduction	135,000	E	Limited impact - some rescheduling of custodial hours, reductions in lighting levels
Heat - controlled reduction	<u>110,000</u>	E	Limited impact - closer thermostat control and lower "off hour" heat levels
	1,745,000		

RP - Reinstatement Priority

District-Wide
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>	<u>RP</u>	<u>Impact</u>
<u>Third Reduction - December 1982</u>			
* Electricity - close schools at least 2 hours earlier in evening	145,000	A	Reduced community and after school use of schools
* Electricity - turn off hockey rink lights at 5:00 p.m.	185,000	A	Elimination of evening use of hockey rinks thereby reducing community use
* Electricity - turn off school outside lighting at 5:00 p.m.	50,000	A	Potentially reduced safety and increased vandalism
Travel Out-of-District - further limit travel	<u>40,000</u>	A	Significant reduction in travel resulting in reduced administrative in-service
	<u>420,000</u>		
Total Reductions	<u>\$ 2,843,000</u>		

* Community Organizations Affected by Early Closure

Municipality/Community Schools	Boys Club
Anchorage Community College	Junior Achievement
University of Alaska	Private athletic groups
Municipality/Parks & Recreation	Various Non-profit service organizations
Concerts - benefit and commercial	i.e., Special Olympics, Crisis
Community Council meetings	Resolution Center, Anchorage Hockey Association, Campfire, etc.

District Programs Affected

Dances and social functions	Staff Development
P.T.A. meetings	Evening High School
Music Department programs	Athletic competition

Other Information

There are currently 18 Municipality of Anchorage Community Schools, each with a coordinator and assistant coordinator, using District facilities. These changes would represent a significant cutback in Community Education programs.

All 61 gymnasiums are in use through 10:00 or 11:00 p.m., full time, Monday through Saturday. An early building closure would significantly reduce available gym time for public use.

RP - Reinstatement Priority

Auxiliary Services Division
Proposed Budget Reductions
1982-83
Deferred Major Maintenance and Remodeling Projects

<u>Description</u>	<u>Amount</u>
<u>I. ELEMENTARY SCHOOLS:</u>	
<u>Airport Heights</u> Replace Roof	\$ 230,000
<u>Aurora</u> Curtain	5,000
<u>Birchwood</u> Exterior Painting - building	16,000
<u>Campbell</u> Exterior Painting - building	16,000
<u>Chester Valley</u> Ice rink	7,000
<u>Chugach</u> Replace chalkboards	4,000
<u>Government Hill</u> Blackout curtains	11,000
<u>Lake Otis</u> Chalkboards	3,500
<u>North Star</u> Exterior Painting - building	16,000
<u>Rabbit Creek</u> Replace clock & bell system	7,500
<u>Taku</u> Install basketball goals	2,500
<u>Ursa Major</u> Ventilators	8,000
<u>Ursa Minor</u> Upgrade heating system	8,000
<u>Gladys Wood</u> Replace window Shades	<u>4,000</u>
ELEMENTARY	338,500

Auxiliary Services Division
Proposed Budget Reductions
1982-83

<u>Description</u>	<u>Amount</u>
<u>II. SECONDARY SCHOOLS:</u>	
<u>Central</u>	
Replace telephone switch board	25,000
<u>Bartlett</u>	
Install lighting - Football field	65,000
Install Auto Hoist	7,000
<u>Career Center</u>	
Carpet	6,500
<u>Dimond</u>	
Install tile locker rooms in pool area	8,500
<u>West</u>	
Remodel Ladies Faculty restroom	11,800
Remodel band room	28,000
Upgrade heating system	<u>230,000</u>
SECONDARY	381,800
<u>III. ADMINISTRATION</u>	
Swimming Pools Study	<u>30,000</u>
ADMINISTRATION	<u>30,000</u>
TOTAL	<u>\$ 750,300</u>

HAINES BOROUGH SCHOOL DISTRICT

Impact Without Supplemental Funds

Because of new students to the 53 school district and the state assuming 17 BIA schools, the total percent of reduction could be as high as 12%.

Current allocation from DOE	
48 units x \$48,817 =	2,343,216
supplemental aid	18,412
subtotal	2,361,624
less 4%	<u>(94,465)</u>
total	2,267,158
additional less 8%	<u>(188,930)</u>
grand total of	2,078,228
potential income from DOE	
Local amount budgeted	2,235,726
48 units x \$46,289 + 17,800	
supplemental aid	
total deficit	(157,498)

FROM: ~~GENE DAUIS~~
ATTN: ~~GENE DAUIS~~
SUBJ: CDEF

DATE: 19-Jan-83
TIME: 18:51

DEAR GENE:
IN ANSWER TO THE QUESTIONNAIRE REGARDING LOCAL IMPACT OF REVENUE SHORTFALL
(1982-83), WE SUBMIT THE FOLLOWING:

1. FINANCIAL

- A. \$36,079,553
- B. \$2,407,151

2. IMPACT OF SHORTFALL

PROGRAMS REDUCED PRIOR TO THE START OF SCHOOL AS A RESULT OF REDUCED
FOUNDATION FUNDING:

SCHOOL SUPPLIES	\$122,650
SCHOOL EQUIPMENT	369,047
ELEMENTARY SWIM PROGRAM	40,000
WAREHOUSE SPACE RENTAL	25,000
DISTRICTWIDE MEDIA CENTER	20,000
COMMUNITY SWIM PROGRAM	60,000
TEXTBOOKS	50,000
COMMUNITY SCHOOLS	25,000
ACTIVITY TRAVEL	60,000
COMMUNITY THEATER	15,000
DISTRICTWIDE TRAVEL	50,000
LIBRARY BOOKS	20,000
BILINGUAL PROGRAM	20,000
BOARDING HOME PROGRAM	10,000
SPECIAL SERVICES PROGRAM	20,000
CENTRAL OFFICE	48,000

Handwritten: 954,697

FURTHER CUTS REQUIRED IF SUPPLEMENTAL IS NOT FORTHCOMING:

33.5 TEACHER AIDES	184,500
ELEMENTARY SWIM PROGRAM	12,423
COMMUNITY SCHOOL PROGRAM	30,000
ACTIVITY TRAVEL	215,000
AFTER SCHOOL ACTIVITY BUSES	26,355
COMMUNITY THEATER	30,000
REDUCTION OF SUPPLIES, EQUIPMENT, OR OTHER EXPENSES IN THE SCHOOLS	217,255

Handwritten: 75,500

ALL OF THE PREVIOUS BUDGET REDUCTIONS AND THE ANTICIPATED FUTURE
REDUCTIONS AFFECT ALL 7,000 OF OUR STUDENTS AS WELL AS THE COMMUNITIES AS
A WHOLE. WE HAVE ATTEMPTED TO MAKE OUR REDUCTIONS IN AREAS THAT WOULD
LEAST AFFECT THE BASIC EDUCATION OF THE STUDENT. HOWEVER, THE MAGNITUDE
OF THE REDUCTION HAS FORCED US TO MAKE SOME REDUCTIONS AFFECTING THE
BASICS.

SINCERELY,

RICHARD SWARNER
EXECUTIVE DIRECTOR BUSINESS MANAGEMENT
LKW

CC: DR. FRED POMEROY
CC: KEHAI PENINSULA

Handwritten: 3-0249

KETCHIKAN GATEWAY BOROUGH
SCHOOL DISTRICT
1983 SHORTFALL - REVENUE
FOR YEAR ENDED JUNE 30, 1983

Entitlement per State Law	
Number of Instructional Units	196
Amount per Unit	<u>\$ 42,450</u>
Foundation Revenue:	<u>\$ 8,320,000</u>
Revenue per Revised Budget	<u>\$ 7,946,446</u>
11% Reduction in Entitlement	<u>915,222</u>
Foundation Revenue without Legislative Action:	<u>\$ 7,404,978</u>
Projected Shortfall:	<u>\$ 541,468</u>

KETCHIKAN GATEWAY BOROUGH
 SCHOOL DISTRICT
 1983 SHORTFALL - POSSIBLE BUDGET CUTS
 FOR YEAR ENDED JUNE 30, 1983

Cost of Teacher Aide Program	\$ 150,000
February 1, 1983 to May 31, 1983 All Aides including Library, Special Education and High School Tutors	
Cost of Nurses	\$ 50,000
February 1, 1983 to May 31, 1983	
Cost of Elementary Guidance Counselor's	\$ 50,000
February 1, 1983 to May 31, 1983	
Cost of Lunch Program	\$ 50,000
February 1, 1983 to May 31, 1983	
Cost of Swimming Pools	\$ 108,000
February 1, 1983 to June 30, 1983 Assumes closure and draining of swimming pools	
Cost of Community School Program	\$ 11,000
February 1, 1983 to June 30, 1983	
Reduction in Maintenance Program	\$ 98,000
Effective February 1, 1983 Reduces Custodial Staff by 6; No purchases on supplies - will have to be bought in next year's budget.	

1983 SHORTFALL - POSSIBLE BUDGET CUTS

Page 2

Reduction in Central Office Staff	\$	15,000
Effective February 1, 1983		
Reduction in District-wide Administrator's Salaries at 10%	\$	9,000
Effective February 1, 1983		
Cessation of All Purchases	\$	176,000
Effective Immediately		
Total Cost of District Office	\$	<u>140,000</u>
February 1, 1983 to June 30, 1983		
Total Staff Salaries	\$	60,000
Total Managerial Salaries	\$	80,000
Cost of Certificated Salaries for One Month	\$	600,000
Savings by Increasing Student-Teacher at Elementary School	\$	115,000
February 1, 1983 to May 31, 1983		

MATANUSKA-SUSITNA BOROUGH SCHOOL DISTRICT

2. IMPACT OF SHORTFALL

COMMENTS: Equipment purchases were reduced prior to the start of the school year for a total of \$156,012; supplies have been reduced during the school year for a total of \$29,647; grounds and building projects have been delayed for a total of \$34,450 on grounds and \$42,140 on building projects. An exact listing of cuts follows:

Equipment:

Palmer High School	\$ 11,158
Susitna Valley High School	4,348
Palmer Junior High School	10,426
Sherrod Elementary School	505
Swanson Elementary School	609
Talkeetna Elementary School	1,049
District Wide	40,667
Correspondence Study	282
Special Services	2,984
Operation & Maintenance	33,984
Computer	<u>50,000</u>
 TOTAL	 \$156,012

Supplies:

5% from each school	\$ 29,647
---------------------	-----------

Grounds:

Susitna Valley High School		
Construct permanent softball backstops	350	
Fence across east end of play field--post chair	500	
Grading, top soil, fertilize & seed lawn	<u>2,500</u>	3,350
Wasilla Junior High School		
Post & chair fence along sidewalk	750	
Install handrail on steps leading to parking	350	
Fertilizer & seed	<u>1,250</u>	2,350
Big Lake Elementary School		
Crushed gravel for area 130' x 190'	<u>1,850</u>	1,800

Grounds, Continued:

Sherrod Elementary School Playground improvement, backstops, clearing, etc.	<u>2,500</u>	2,500
Swanson Elementary School Fencing of playground Parking lot flood lights	10,000 <u>700</u>	10,700
Talkeetna Elementary School Install yard lights, south area Install poles in walking path Move portable from Trapper Creek for storage	200 50 <u>2,500</u>	2,750
Wasilla Elementary School Level play area, crushed gravel & sand Pave 18' x 24' for play area	550 <u>800</u>	1,350
Snowshoe Elementary School Playground grading, leveling, fertilizer and seed	<u>2,000</u>	2,000
Butte Elementary School Fertilizer & seed, seal ice rink	<u>1,650</u>	1,650
Mat-Su Pool Pole & cable fencing	<u>3,000</u>	3,000
Warehouse Pave rear ramps to back door	<u>3,000</u>	3,000
TOTAL		34,450

Building Projects:

Palmer High School Build storage shelves in PE area Install outlets above work tables in shop Replace inset lights with florescent Install additional outlets in Guidance area	1,400 250 650 <u>200</u>	2,500
--	-----------------------------------	-------

Building Projects, Continued:

Susitna Valley High School		
Interior painting	600	
Shelving in PE storage area	450	
Shelving in main office	900	
Overhaul air handling	<u>2,500</u>	4,450
Wasilla High School		
Install shelving in PE storage area	850	
Install new washer & dryer	1,500	
Cage off back ½ training room & add shelving	350	
Install new doorway in PE area	<u>1,500</u>	4,200
Palmer Junior High School		
Overhaul school clock system	<u>450</u>	450
Big Lake Elementary School		
Install electrical outlets in kitchen from emergency generator	250	
Paint for exterior & hockey hut fence	3,150	
Install hallway benches	<u>2,500</u>	5,900
Sherrod Elementary School		
Construct additional counter in office	950	
Construct storage shelves	350	
Construct Lost & Found storage	250	
Install hair dryers in dressing rooms	<u>1,500</u>	3,050
Swanson Elementary School		
Paint & repair ceiling in lower hall	250	
Insulate and cover upper half of Multi-Purpose Room	<u>650</u>	900
Talkeetna Elementary School		
Paint interior & exterior	<u>3,000</u>	3,000
Wasilla Elementary School		
Paint interior & exterior	<u>2,000</u>	2,000

Building Projects, Continued:

Willow Elementary School		
Replace front doors	2,500	
Carpet hallways--Main Building	3,350	
Shelving in Storage Room	300	
Replace flag pole	165	
Paint interior	<u>1,500</u>	7,815
Snowshoe Elementary School		
Paint interior hallway walls	450	
Benches in back entry-way	475	
Coat hooks & shelving for students	<u>1,850</u>	2,775
Butte Elementary School		
Install 8 external outlets	<u>1,000</u>	1,000
Mat-Su Pool		
Signs purchased & installed	<u>250</u>	250
Warehouse		
Paint exterior & office area	250	
Install exterior sign	<u>100</u>	350
Administration Building		
Paint exterior of building	1,000	
Rewire electrical system	<u>2,500</u>	3,500
TOTAL		\$42,140

kf

COMMITTEE REPORT
SENATE

5/30/83

FURTHER:

Date: 5/11/83

Mr. President:

The Committee on Finance has had HB 79 am(Crt rule fld)

Repealing peremptory disqualification of a judge and changing Rule 10(c) and Rule 25(d), Rules of Criminal Procedure and Rules 42(c), Rules of Civil Procedure; etc.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. T. Fisher DO NOT PASS
Rest. on peremptory notice

J. D. ...

E. ...

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 79
 Title "An Act repealing peremptory disqualification of a judge...."
 Requested by House Judiciary Committee Date 1/26/83

II. FISCAL DETAIL

Agency Affected Department of Law
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Prosecution
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		X	X	X		

Costs that will occur cannot be determined at this time. See analysis below.

FUNDING (Thousands of Dollars)

General Funds costs that will occur cannot be determined at this time.
 Please see analysis below.

GENERAL FUND		X	X	X		
FEDERAL FUNDS						
OTHER (Specify Source)						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Although not quantifiable at this time, this bill has the potential for causing a significant fiscal impact on the Department of Law, the Public Defender and the Court System. The department rarely uses peremptory disqualification and the department's Criminal Division probably does so only 10 or 12 times each year. The problem will arise from the private criminal defense bar which disqualifies some judges 30% or 40% of the time. If the private bar continues to seek this same level disqualification, based on cause, our prosecutors will then have to devote substantial portions of their time participating in a two-tier disqualification hearing process. Without any prior experience to guide us, the department is hesitant to speculate on the actual cost that this bill might cause. The department does believe that this bill will have the effect of hampering its overall ability to prosecute criminal offenses, by diverting already diminished resources from other matters currently being addressed.

IV. DATE January 28, 1983

PREPARED BY Richard I. Pezues, Dir. Adm. Svcs.
 AGENCY Department of Law
 PHONE 465-2672

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

*Answer memo
MAY be coming
from Dist. Court.
LEG. Counsel says
the bill must be
brought to file 11/10/83*

STATE CAPITAL
ALASKA 99511
907-465-3800

MEMORANDUM

May 26, 1983

SUBJECT: Status of HB 79
TO: Senator Robert H. Ziegler, Sr.
FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked whether, in light of the procedural history of this bill, it is properly before the Senate Judiciary Committee.

In my opinion it is properly before the committee.

Changing a court rule is the only legislative procedure which has essentially been prescribed by our Supreme Court. In Leege v. Martin, 379 P.2d 447 (Alaska 1963), the Court held:

"Judicial power to make rules of practice and procedure is not absolute. The legislature may change rules initiated by the judiciary when the desirability of making a change is evident, such as in a case where a particular rule of procedure may involve considerations of public policy that are better left to the legislature. Legislative review is not without restrictions. The constitutional convention was careful to provide that court rules could not be changed as simply as other laws could be enacted. A supermajority vote of the members elected to each house, rather than a simple majority, is required in order to change rules of practice and procedure.

"The object of such a limitation is to prevent unintentional, rash, ill-considered and too easy intervention by the legislature which would ultimately frustrate the sound purpose in giving courts the primary authority and responsibility for regulating their own affairs.

Senator Robert H. Ziegler, Sr.

Page 2

May 26, 1983

But that object cannot be achieved unless the attention of the legislature is directed to the fact that it is employing, not just its general power of enacting laws, but its particular power of reviewing the exercise of an authority vested in the judicial branch of government. During every session since statehood the legislature has passed laws containing some procedure. Efforts are being made to more effectively screen all bills to eliminate procedure, but the danger that bills containing some procedure will escape notice and be enacted will always be present. Unless the specific intent of the legislature to change procedure is expressed in the bill itself, the courts, as a matter of practical necessity, will have to regard procedural changes as unintentional. While the procedure that may be contained in a given bill was included with the best of intentions and without realizing its possible effect on established court operations, it often is so basic as to require wholesale revision of as many as six sets of court rules. The only answer is cooperation between the legislative and judicial branches. Notification in the bill itself that the intent to change procedure seems to be a partial answer. Another partial answer is to advise the Supreme Court when such a bill is being considered and give it an opportunity to be heard so that the legislature will be advised on all ramifications of the proposed change.

"As a matter of reason and necessity and in order to give article IV, section 15 of the constitution a practical working interpretation, we must hold that a legislative enactment will not be effective to change court rules of practice and procedure unless the bill contains a change. Since chapter 112 does not contain such a statement of purpose, that portion of the statute which purports to forbid the granting of stays pending appeal is ineffective as to the court rules of practice and procedure made and promulgated by this court."

The legislature has prescribed in its Rules that a change in Court Rules must be noted in the title, must contain a section expressly citing the Court Rule and must note the change proposed. This satisfies the notice requirement in Leege.

However, the legislature has the power to make substantive law which involves court procedure without changing the rules. The statutes involved in HB 79 are basically substantive law but also contain procedural matters. In Channel Flying, Inc. v. Bernhardt, 451 P.2d 570 (Alaska 1969), the Court held:

"Respondents also contend that AS 22.20.022 is invalid as violating the rule-making power of this court. The Alaska Constitution vests in the supreme court the authority to 'make and promulgate rules governing practice and procedure in civil and criminal cases in all courts.' The legislature has no power to make rules, but only to change them by two-thirds vote. The question here is whether the disqualification statute constitutes a rule governing practice and procedure in the courts which the legislature had no constitutional authority to make. The answer to that question depends on whether the subject matter of the statute is substantive or procedural. If it is substantive in nature it is a matter within legislative prerogative; if it is procedural, it falls within the ambit of this court's rule-making power.

"This statute does not merely regulate procedure. With or without it the particular action in court takes the same course. The statute rather creates and defines a right -- the right to have a fair trial before an unbiased and impartial judge. This is something more than merely prescribing a method of enforcing a right. The main subject matter of the statute is substantive in nature and was within the province of the legislature. AS 22.20.022 is not a rule of the court insofar as it provides for a peremptory disqualification of a judge."

Based solely on that holding it would appear that the bill does not change the Court Rule. However, the holding was somewhat modified by Gieffels v. State, 552 P.2d 661 (Alaska 1976), where the Court held:

"AS 22.20.022 encompasses both procedural and substantive matters. In Channel Flying, Inc. v. Bernhardt, supra, 451 P.2d at 576, we held that:

"AS 22.20.022 is not invalid as an attempt to usurp the rule-making powers of this court insofar as it provides for a peremptory disqualification of a judge. (emphasis added)"

"The procedure to be followed in implementing the substantive right created by AS 22.20.022, however, is subject to the rule-making powers of the court.

In Roberts v. State, 458 P.2d 340, 346 n. 17 (Alaska 1969), we implied that perhaps not all of AS 22.20.022 was a valid exercise of legislative power:

"In certain respects AS 22.20.022 was sustained as a valid exercise of legislative power in Channel Flying, Inc. v. Bernhardt . . . (emphasis added)"

"Although the legislature has the power to create the right to a fair trial before an unbiased judge, and the right to pre-empt a judge without requiring actual proof of bias or interest, it has very limited power to provide for the means by which that pre-emption right may be exercised. Until the legislature validly changes Criminal Rule 25(d), that rule is the sole provision which may be consulted in determining whether the pre-emptive right was properly exercised and the effect of the pre-emption on the procedural and administrative functions of the court system. Therefore, insofar as Rule 25(d) regulates only the procedural aspects of the peremptory right created by AS 22.20.022, and to the extent that the rule does not infringe upon the substantive right created by statute, the rule is a valid exercise of legislative power. . . .
enactment.

"Criminal Rule 25(d) regulates the means or method by which a party's right to a fair trial is exercised. The major changes found in Rule 25(d) provide for different time limitations, do away with the need for the filing of an affidavit alleging the inability to obtain a fair and impartial trial and specify the procedure to be followed when a presiding judge is challenged. These changes, for the most part, in no way impair the substantive right to a fair trial before an unbiased judge created by AS 22.20.022; in fact, Rule 25(d) generally

Senator Robert H. Ziegler, Sr.
Page 5
May 26, 1983

liberalizes the method by which a party may exercise a peremptory challenge."

Under both the case law and the Uniform Rules failure to adopt a change in Court Rules does not defeat the substantive provision in a bill.

The bill clearly has legal effect apart from whatever change it makes to the Court Rules. Peremptory challenges are made under AS 22.20.022 and questions, other than procedural questions, are decided under that law.

While the procedural history of the bill is complex it can be readily summarized. The House adopted the substantive language of the bill and failed the effective date and the change in Court Rules. The bill was sent to the Senate and then returned to the House. The House rescinded its actions and by amendments added the change in Court Rules and the effective date provisions back in the bill. The House then adopted the bill and adopted the effective date, but again failed to adopt the change in Court Rules. It again transmitted the bill to the Senate where it was referred to the Senate Judiciary Committee.

As I noted above the bill has substantive effect even without the change in Court Rules. Of course, without the change the Court Rules would prevail to the extent there is a conflict.

Rule 39(e) of the Uniform Rules provides that

If the section effecting a change in the court rule fails to receive the required two-thirds vote, the section shall be stricken from the bill.

In this instance both the substantive change and the procedural change are required. Therefore, the section cannot be deleted. In light of the notice requirements in Leege, it would be very questionable to delete the Court Rules reference.

Although both the legal and procedural aspects are complex it is my opinion that the bill is properly before the committee.

BGB:ljb
22/002

COMMITTEE REPORT

SENATE

FURTHER:

FINANCE

5/17/83

Date:

5/27/83

Mr. President:

The Committee on JUDICIARY has had HB 79 am(Crt rule fld)

Repealing peremptory disqualification of a judge and changing Rule 10(c) and Rule 25(d), Rules of Criminal Procedure and Rule 42(c), Rules of Civil Procedure; eff. date.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Zink - Do Not Pass

Joe Jackson - Do NOT PASS

Allyson - do not pass

Bill Ray

CHAIRMAN

DO NOT PASS

Introduced: 1/19/83
Referred: Judiciary

1 IN THE HOUSE BY FRITZ AND LISKA

2 HOUSE BILL NO. 79 am(ct rule failed) re-engrossed

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act repealing peremptory disqualification of a
7 judge and changing Rule 10(c) and Rule 25(d), Rules
8 of Criminal Procedure and Rule 42(c), Rules of Civil
9 Procedure; and providing for an effective date."

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

11 * Section 1. AS 22.20.022 is repealed.

12 * Sec. 2. AS 22.20.022 repealed by sec. 1 of this Act has the effect of
13 changing Rule 10(c) and Rule 25(d), Rules of Criminal Procedure, and Rule
14 42(c), Rules of Civil Procedure, by eliminating peremptory disqualification
15 of a judge.

16 * Sec. 3. AS 22.20.020 is amended by adding a new subsection to read:

17 (d) A judicial officer may be disqualified only under this
18 section or AS 22.30.070.

19 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

C O R R E C T I O N

Discard H. B. 79 (C.T. Rule FAILED)
and retain this corrected version.

Introduced: 1/19/83
Referred: Judiciary

1 IN THE HOUSE

BY FRITZ AND LISKA

2

HOUSE BILL NO. 79 (ct rule failed)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act repealing peremptory disqualification of a
7 judge."

8

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

9

* Section 1. AS 22.20.022 is repealed.

10

* Sec. 2. AS 22.20.020 is amended by adding a new subsection to read:

11

(d) A judicial officer may be disqualified only under this

12

section or AS 22.30.070.

Introduced: 1/19/83
Referred: Judiciary

or

1 IN THE HOUSE

BY FRITZ AND LISKA

2

HOUSE BILL NO. 79

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act repealing peremptory disqualification of a

7 judge and changing Rule 10(c) and Rule 25(d), Rules

8 of Criminal Procedure and Rule 42(c), Rules of Civil

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17 (d) A judicial officer may be disqualified only under this
18 section or AS 22.30.070.

19 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

COMMITTEE REPORT HOUSE

FURTHER:

1/20/83

Date: 5-5-83

Mr. Speaker:

The Committee on FINANCE has had HR 82

An Act making a supplemental appropriation to certain legislative agencies for salary increases for fiscal year 1983; and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s) HR 82 (Fin) same title
- replace with CS for DO PASS new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

Original sponsor: Rules/Legislative Council

<u>Funding Information</u>	
General Fund	\$69,600
Other Funds	-0-
	<u>\$69,600</u>

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IN THE HOUSE BY THE FINANCE COMMITTEE

CS FOR HOUSE BILL NO. 82 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making a supplemental appropriation to the Ombudsman's Office for salary increases for fiscal year 1983; and providing for an effective date."

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

* Section 1. The sum of \$69,600 is appropriated from the general fund to the Ombudsman's Office for salary increases for the fiscal year ending June 30, 1983.

Ombudsman's Office	\$69,600
--------------------	----------

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

TRANSFERS FROM: 1 BRU _____ COMPONENT _____	POLICY BUDGET 2 PROGRAM AREA TITLE	TRANSFERS TO: 3 BRU <u>OFFICE OF THE OMBUDSMAN</u> COMPONENT _____
--	---	---

4	5	6	7	8
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT?
		100 PERS. SERV.	69.6	Salary increase adjustment for Non-Covered $819.1 \times .085 = 69,624$
		200 TRAVEL		
		300 CONTRACTUAL		
		400 COMMODITIES		
		500 EQUIPMENT		
		600 LANDS/BLDGS.		
		700 GRANTS, CLAIMS		
		800 MISCELLANEOUS		
		TOTAL		
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	69.6	
		I-A RCPTS.		
		PGM RCPTS.		
		OTHER		
	()	NO. FULL-TIME (M)	()	
	()	NO. PART-TIME (M)	()	
	()	NON PERMANENT (M)	()	
		NO. OF MONTHS		

9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED , AND HOW.

AGENCY LEGISLATIVE & ELECTIVE OPERATIONS

PROGRAM OFFICE OF THE OMBUDSMAN

5A **ADJUSTMENTS WITHIN
CONTINUATION LEVEL**

BRU _____
 COMPONENT _____

FY 83

Page _____ of _____ REVISED DATE _____



ombudsman

John B. Chenoweth

State of Alaska

Reply to:

- 840 K Street, Room 203
Anchorage, Alaska 99501
(907) 276-4011
- Pouch W0
Juneau, Alaska 99811
(907) 465-4970
- P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

May 28, 1982

Representative Al Adams
House of Representatives
Pouch V
Juneau, Alaska 99811-3100

Dear Representative Adams:

I am writing to you, in your capacity as co-chairman of the operating budget free conference committee conferees, to advise you that the submission of the budget for the office of the ombudsman does not include provision for estimated salary increases for FY'83.

The omission is due to no fault of ours. An October 6, 1981, memorandum of Jim Stey, Deputy Director of the Division of Budget and Management, that provided detailed information about budgeting for proposed salary increases was circulated to agencies but not provided to the office of the ombudsman. After making inquiries, the administrative officer was provided a copy of the memo on May 27, 1982. Her estimate of the increment required for staff of the office of the ombudsman for FY'83 has been completed in accordance with instructions of that memo and is provided with this letter.

I regret the omission and especially my having to call this to your attention at this late hour. Thank you for your consideration.

Sincerely,

John B. Chenoweth
Ombudsman

JBC:tmg

cc: Jay Hogan, Director, Division of Legislative Finance
Gary Bader, Program Budget Analyst, Budget and Management

APPROPRIATION INFORMATION
FOR THE LEGISLATURE

	<u>FY 83 Requested*</u>	<u>FY 83 Appropriated*</u>	<u>Difference</u>	<u>Amount requested to Fund 1982 Pay Raise in HB 82</u>
Salaries & Allowances (Legislators)	\$2,151.3	\$2,148.7	\$ -2.6	\$ 95.8
Leadership	4,000.0	4,000.0	-0-	100.7
LAA Ex. Admin.	677.8	308.4	-369.4	27.9
LAA Admin. Svcs.	4,075.2	3,922.0	-153.2	135.1
House Research	648.2	500.0	-148.2	33.95
LAA Legal Svcs.	1,758.5	1,401.4	-357.1	94.9
Session	6,204.7	5,245.5	-959.2	210.9
Public Svcs.	2,797.2	2,333.2	-464.0	112.7
Senate Adv.	648.2	700.2	+52.0	33.95

*Represents total amount, not just amount necessary to pay salaries

SOURCE: Legislative Affairs Agency

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AN ACT

Relating to the compensation and classification of public officers and employees; and providing for an effective date.

* Section 1. AS 39.27.011(a) is repealed and reenacted to read:

(a) The following monthly basic salary schedule is approved as the pay plan for classified and partially exempt employees in the executive branch of the state government who are not members of a collective bargaining unit established under the authority of the Public Employment Relations Act:

Range	Step	Step	Step	Step	Step	Step
No.	A	B	C	D	E	F
05	1,258	1,292	1,330	1,367	1,408	1,445
06	1,330	1,367	1,408	1,445	1,487	1,530
07	1,408	1,445	1,487	1,530	1,578	1,627
08	1,487	1,530	1,578	1,627	1,673	1,726
09	1,578	1,627	1,673	1,726	1,782	1,832
10	1,673	1,726	1,782	1,832	1,889	1,946
11	1,782	1,832	1,889	1,946	2,010	2,073
12	1,889	1,946	2,010	2,073	2,145	2,218
13	2,010	2,073	2,145	2,218	2,295	2,379
14	2,145	2,218	2,295	2,379	2,463	2,556
15	2,295	2,379	2,463	2,556	2,639	2,739
16	2,463	2,556	2,639	2,739	2,838	2,941

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1	17	2,639	2,739	2,838	2,941	3,041	3,146
2	18	2,838	2,941	3,041	3,146	3,249	3,371
3	19	3,041	3,146	3,249	3,371	3,475	3,605
4	20	3,249	3,371	3,475	3,605	3,714	3,851
5	21	3,475	3,605	3,714	3,851	3,971	4,115
6	22	3,714	3,851	3,971	4,115	4,251	4,408
7	23	3,971	4,115	4,251	4,408	4,554	4,725
8	24	4,251	4,408	4,554	4,725	4,885	5,050
9	25	4,554	4,725	4,885	5,050	5,236	5,433
10	26	4,725	4,885	5,050	5,236	5,433	5,629
11	27	4,885	5,050	5,236	5,433	5,629	5,843
12	28	5,050	5,236	5,433	5,629	5,843	6,047
13	29	5,236	5,433	5,629	5,843	6,047	6,259
14	30	5,433	5,629	5,843	6,047	6,259	6,480

15 * Sec. 2. COMPENSATORY PAYMENT. A compensatory payment, equal to 15
16 percent of the officer's or employee's monthly wage for the pay period ending
17 March 15, 1982, shall be paid to each officer or employee covered by
18 AS 39.27.011(a) who is a state officer or employee on that date.

19 * Sec. 3. EMPLOYEES OF THE JUDICIAL AND LEGISLATIVE BRANCHES. (a) The
20 permanent and temporary employees of the judicial branch and the permanent
21 employees of the legislative branch are entitled to receive salary adjust-
22 ments comparable to those received by the classified and partially exempt
23 employees of the executive branch under AS 39.27.011(a) as that subsection is
24 reenacted in sec. 1 of this Act.

25 (b) The legislative and judicial employees described in (a) of this
26 section are entitled to receive compensatory payments comparable to those
27 received under sec. 2 of this Act.

28 * Sec. 4. AS 39.25.120. is amended by adding a new paragraph to read:
29 (20) the director, deputy director, personnel analysts II,

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1 labor relations analysts I, labor relations analysts II, senior nego-
2 tiators, and research directors of the division of labor relations in
3 the Department of Administration.

4 * Sec. 5. RETROACTIVITY. Sections 1 and 3(a) of this Act are retroactive
5 to March 16, 1982.

6 * Sec. 6. EFFECTIVE DATE. This Act takes effect immediately in accor-
7 dance with AS 01.10.070(c). However, the salary increases for the governor
8 and lieutenant governor, made by sec. 1 of this Act through the operation of
9 AS 39.20.010 and 39.20.030, respectively, take effect when the new governor
10 and lieutenant governor take office following the November 1982 general
11 election.

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TRANSFERS FROM: 1 BRU _____ COMPONENT _____	POLICY BUDGET 2 PROGRAM AREA TITLE	TRANSFERS TO: 3 BRU _____ COMPONENT _____
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	6	6	7	
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT?
		100 PERS. SERV.	180.7	Salary increase for non-covered
		200 TRAVEL		
		300 CONTRACTUAL		
		400 COMMODITIES		
		500 EQUIPMENT		
		600 LANDS/BLDGS.		
		700 GRANTS, CLAIMS		
		800 MISCELLANEOUS		
		TOTAL	180.7	
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	180.7	
		I-A RCPTS.		
		PGM RCPTS.		
		OTHER		
	()	NO. FULL-TIME (M)	()	
	()	NO. PART-TIME (M)	()	
	()	NON PERMANENT (M)	()	
		NO. OF MONTHS		

9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED, AND HOW.

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT Legislative Leadership

5A ADJUSTMENTS WITHIN
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TRANSFERS FROM: 1 BRU _____ COMPONENT _____	POLICY BUDGET PROGRAM AREA TITLE 2	TRANSFERS TO: 3 BRU _____ COMPONENT _____
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4	5	6	7	8
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT? Salary increase adjustment for non-covered employees $\$260,022 \times .084 = \$21,842$
		100 PERS. SERV.	21.8	
		200 TRAVEL		
		300 CONTRACTUAL		
		400 COMMODITIES		
		500 EQUIPMENT		
		600 LANDS/BLDGS.		
		700 GRANTS, CLAIMS		
		800 MISCELLANEOUS		
		TOTAL	21.8	
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	21.8	
		I-A RCPTS.		
	PGM RCPTS.			
	OTHER			
	() NO. FULL-TIME (M)	()		
	() NO. PART-TIME (M)	()		
	() NON PERMANENT (M)	()		
	NO. OF MONTHS			

9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED, AND HOW.

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT Executive Administration

Page ____ of ____ REVISED DATE ____

5A ADJUSTMENTS WITHIN CONTINUATION LEVEL

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