

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 768

CS FOR HOUSE BILL NO. 341 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PARNELL

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to compensation through the Violent Crimes Compensation Board for loss
2 of certain motor vehicles in the custody of a law enforcement agency; and providing for
3 an effective date."

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

5 * Section 1. AS 12.36 is amended by adding a new section to read:

6 Sec. 12.36.070. NOTICE OF RIGHT OF COMPENSATION FOR LOSS OF MOTOR
7 VEHICLE. A law enforcement agency, within 10 days of seizing a motor vehicle, shall contact
8 the registered owner of the vehicle to advise the owner of the right to obtain compensation for
9 temporary or permanent loss of a motor vehicle under AS 18.67.080.

10 * Sec. 2. AS 18.67.010 is amended to read:

11 Sec. 18.67.010. PURPOSE. It is the purpose of this chapter to facilitate and permit the
12 payment of compensation to innocent persons who are injured [,] or whose motor vehicles are
13 seized by law enforcement agencies, to dependents of persons killed, and to certain other
14 persons who by virtue of their relationship to the victim of a crime incur actual and reasonable

1 expense as a result of certain serious crimes or in attempts to prevent the commission of crime
2 or to apprehend suspected criminals.

3 * Sec. 3. AS 18.67.030(b) is amended to read:

4 (b) In order to be eligible for compensation under this chapter, the applicant shall, before
5 a hearing on an application under this chapter, submit reports, if reasonably available, from all
6 physicians or surgeons who have treated or examined the victim in relation to an [THE] injury
7 for which compensation is claimed at the time of or subsequent to the victim's injury or death.
8 If, in the opinion of the board, reports on the previous medical history of the victim, a report on
9 the examination of the injured victim, [OR] a report on the cause of death of the victim by an
10 impartial medical expert, or a report on the condition of an applicant's motor vehicle seized
11 by a law enforcement agency in connection with investigation or prosecution of a criminal
12 offense would be of material aid to its determination, the board shall order the reports or [AND]
13 examination.

14 * Sec. 4. AS 18.67.070 is amended to read:

15 Sec. 18.67.070. STANDARDS FOR COMPENSATION. For the purpose of determining
16 the amount of compensation payable under this chapter, the board shall, insofar as practicable,
17 formulate standards for uniform application of this chapter and take into consideration rates and
18 amounts of compensation payable for injuries, [AND] death, and deprivation and loss of motor
19 vehicles under other laws of the state and of the United States and the availability of funds
20 appropriated for the purposes of this chapter. The board shall determine the amount of
21 compensation payable under this chapter for temporary or permanent loss of a motor
22 vehicle by ascertaining, based on standard publications used in the retail motor vehicle
23 business, the value of the vehicle at the time it is seized and the vehicle's expected useful
24 life, in months. The value of the vehicle divided by the expected life yields the monthly
25 compensation owed.

26 * Sec. 5. AS 18.67.080(a) is amended to read:

27 (a) In a case in which a person is injured or killed by an incident specified in
28 AS 13.67.101(a)(1) [AS 18.67.101(1),] or by the act of any other person that is within the
29 description of offenses listed in AS 18.67.101(a)(2), or suffers temporary or permanent loss
30 of a motor vehicle in an incident specified in AS 18.67.101(b) [AS 18.67.101(2)], the board
31 may order the payment of compensation in accordance with the provisions of this chapter:

1 (1) to or for the benefit of the [INJURED] person suffering injury or temporary
2 or permanent loss of a motor vehicle;

3 (2) in the case of personal injury or death of the victim, to a person responsible
4 or who had been responsible for the maintenance of the victim who has suffered pecuniary loss
5 or incurred expenses as a result of the injury or death;

6 (3) in the case of death of the victim, to or for the benefit of one or more of the
7 dependents of the victim; or

8 (4) to the provider of a service under AS 18.67.110(b).

9 * Sec. 6. AS 18.67.080(c) is amended to read:

10 (c) In determining whether to make an order under this section, the board shall consider
11 all circumstances determined to be relevant, including provocation, consent, or any other behavior
12 of the victim that directly or indirectly contributed to the victim's injury, [OR] death, or
13 temporary or permanent loss of a motor vehicle; the prior case or social history, if any, of the
14 victim; [,] the victim's need for financial aid; [,] and any other relevant matters.

15 * Sec. 7. AS 18.67.080(d) is amended to read:

16 (d) An order may be made under this section whether or not a person is prosecuted or
17 convicted of an offense arising out of the act that caused the injury, [OR] death, or temporary
18 or permanent loss of a motor vehicle involved in the application. Upon application made by
19 an appropriate prosecuting authority, the board may suspend proceedings under this chapter for
20 a period it considers appropriate on the ground that a prosecution for an offense arising out of
21 the act that caused the injury, [OR] death, or temporary or permanent loss of a motor vehicle
22 involved in the application has been commenced or is imminent.

23 * Sec. 8. AS 18.67.090(a) is amended to read:

24 (a) Up to the maximum set in AS 18.67.130(c), the board may award compensation for
25 losses and expenses allowable under AS 18.67.110 for which the applicant is not compensated
26 by the offender or a person on behalf of the offender, or by the United States, a state, or any of
27 its subdivisions or agencies, or a private source or emergency awards under AS 18.67.120, for
28 injury, [OR] death, or temporary or permanent loss of a motor vehicle compensable under this
29 chapter.

30 * Sec. 9. AS 18.67.101 is amended by adding a new subsection to read:

31 (b) The board may order the payment of compensation in accordance with the provisions

1 of this chapter to the owner of a motor vehicle for temporary or permanent loss of the motor
2 vehicle as a result of seizure of the motor vehicle by a law enforcement agency in connection
3 with investigation and prosecution of a criminal offense listed in (a)(2)(A) - (I) of this section.

4 * Sec. 10. AS 18.67.110(a) is amended to read:

5 (a) The board may order the payment of compensation under this chapter for

6 (1) expenses actually and reasonably incurred as a result of the victim's personal
7 injury, [OR] death, or temporary or permanent loss of a motor vehicle [OF THE VICTIM];

8 (2) loss of earning power as a result of total or partial incapacity of the victim,
9 and reasonable expenses of job retraining of or similar employment-oriented rehabilitative
10 services for the victim;

11 (3) pecuniary loss to the dependents of the deceased victim; and

12 (4) any other loss resulting from the personal injury or death of the victim that
13 the board determines to be reasonable.

14 * Sec. 11. AS 18.67.110(b) is amended to read:

15 (b) The board may order that compensation under (a) of this section for a service
16 provided as a result of the victim's personal injury, [OR] death, or temporary or permanent
17 loss of a motor vehicle [OF THE VICTIM] be paid directly to the provider of the service.

18 * Sec. 12. AS 18.67 is amended by adding a new section to read:

19 Sec. 18.67.115. SPECIAL PROCEDURES FOR COMPENSATING LOSS OF A
20 MOTOR VEHICLE. If the board estimates that the total compensation to be paid for temporary
21 or permanent loss of a motor vehicle will be less than \$1,000, it shall order payment in a lump
22 sum. Otherwise, the board may order compensation by means of either lump sum or monthly
23 installment, with the first payment due no later than 30 days after the date of the order.

24 * Sec. 13. AS 18.67.130(a) is amended to read:

25 (a) An [NO] order for the payment of compensation may not be made under
26 AS 18.67.080 unless

27 (1) the application has been made within two years after the date of the personal
28 injury, [OR] death, or temporary or permanent loss of a motor vehicle;

29 (2) in a claim for compensation for personal injury or death, the personal
30 injury or death was the result of an incident or offense listed in AS 18.67.101 that had been
31 reported to the police within five days of its occurrence or, if the incident or offense could not

1 reasonably have been reported within that period, within five days of the time when a report
2 could reasonably have been made; and

3 (3) in the discretion of the board, the applicant has cooperated with law
4 enforcement and prosecution officials to further prosecution of the offender if appropriate and,
5 in a claim for compensation for personal injury or death, to avoid further injury by the
6 offender to the applicant and injury to persons in the care of the applicant who are exposed to
7 possible injury by the offender.

8 * Sec. 14. AS 18.67.130(b) is amended to read:

9 (b) Compensation may not be awarded if the victim

10 (1) [REPEALED

11 (2) REPEALED

12 (3)] violated a penal law of the state, which violation caused or contributed to the
13 victim's injuries or death; or

14 (2) in a claim for compensation for personal injury, [(4)] is injured as a result
15 of the operation of a motor vehicle, boat, or airplane unless the vehicle was used by the offender
16 while intoxicated or as a weapon in deliberate attempt to injure or kill the victim.

17 * Sec. 15. AS 18.67.130(c) is amended to read:

18 (c) In a claim for compensation for personal injury or death, compensation
19 [COMPENSATION] may not be awarded under this chapter in an amount in excess of \$25,000
20 per victim per incident. However, in the case of the death of a victim who has more than one
21 dependent eligible for compensation, the total compensation that may be awarded as a result of
22 that death may not exceed \$40,000. The board may prorate the total awarded among those
23 dependents according to relative need.

24 * Sec. 16. AS 18.67.130 is amended by adding a new subsection to read:

25 (e) Compensation for temporary or permanent loss of a motor vehicle may not be ordered
26 under this chapter if

27 (1) the person making the claim for compensation is or could be charged with a
28 criminal offense in connection with which the motor vehicle was seized;

29 (2) the motor vehicle is subject by law to forfeiture; or

30 (3) the motor vehicle is returned undamaged to the owner, or to a person
31 designated by the owner, within seven calendar days of the date it was seized.

1 * Sec. 17. AS 18.67 is amended by adding a new section to read:

2 Sec. 18.67.135. ACTION FOR INVERSE CONDEMNATION OR DAMAGE TO A
3 MOTOR VEHICLE. This chapter does not preclude a person whose motor vehicle is seized by
4 a law enforcement agency from instituting an inverse condemnation action or action for damage
5 done to the vehicle while in the custody of the law enforcement agency.

6 * Sec. 18. AS 18.67.140 is amended to read:

7 Sec. 18.67.140. RECOVERY FROM OFFENDER. When an order for the payment of
8 compensation for personal injury, [OR] death, or temporary or permanent loss of a motor
9 vehicle is made under this chapter, the board, upon payment of the amount of the order, is
10 subrogated to the cause of action of the applicant against the person responsible for the injury,
11 [OR] death, or loss of the motor vehicle and is entitled to bring an action against the person for
12 the amount of the damages sustained by the applicant. If an amount greater than that paid under
13 the order is recovered and collected in the action, the board shall pay the balance to the applicant.

14 * Sec. 19. AS 18.67.180 is amended to read:

15 Sec. 18.67.180. DEFINITIONS. In this chapter

16 (1) "board" means the Violent Crimes Compensation Board;

17 (2) "dependent" means a relative of a deceased victim, who was dependent upon
18 the victim's income or services at the time of the victim's death; children of a victim born after
19 a victim's death are included;

20 (3) "motor vehicle" means a device upon which or by which a person or
21 property is or may be transported, and that is propelled by an engine;

22 (4) "personal injury" means actual bodily harm;

23 (5) [(4)] "relative" means spouse, parent, grandparent, stepparent, natural born
24 child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's
25 parents;

26 (6) [(5)] "victim" means a person who is injured or killed by an incident or
27 offense specified in AS 18.67.101(a) or who suffers temporary or permanent loss of a motor
28 vehicle as specified in AS 18.67.101(b) [AS 18.67.101].

29 * Sec. 20. This Act takes effect July 1, 1992.

FISCAL NOTE

No. 1

Version: CSHB 341(TRA)

(H) Publish Date: 4/15/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: Compensation for loss of certain BRU: Violent Crimes Compensation Board

motor vehicles Component: Violent Crimes Compensation Board

Sponsor: Representative Parnell

Requestor: Representative Parnell COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	37.8	37.8	37.8	37.8	37.8	37.8
TRAVEL	3.0	3.0	3.0	3.0	3.0	3.0
CONTRACTUAL	110.8	110.8	110.8	110.8	110.8	110.8
SUPPLIES	8.2	8.2	8.2	8.2	8.2	8.2
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	169.8	159.8	159.8	159.8	159.8	159.8

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER PFD Fund	169.8	159.8	159.8	159.8	159.8	159.8
FUND SOURCE: 1050						
TOTAL	169.8	159.8	159.8	159.8	159.8	159.8

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Nola Capp Phone: 465-3040

Division: Violent Crimes Compensation Board Date: 3/17/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 3/17/92

DRAFT SS HB 341 will require the Violent Crimes Compensation Board to compensate owners of motor vehicles seized by law enforcement agencies as evidence in criminal cases. The amount of compensation would be based on an estimate of the vehicle's value at the time it is seized and the vehicle's expected useful life. The fiscal impact is anticipated to be as follows:

Personal Services: A new position would be needed to provide support to the two-person staff of the Board. Each owner would have to file an application and go through the same process as any other claimant for compensation. This includes processing and numbering each claim, entering this information on the computer, writing letters to claimants, law enforcement agencies, and other persons who may have an interest in the motor vehicle in question. Each claim is reviewed and when complete, is xeroxed for the Board members. After the Board meeting, letters must be written and sent certified mail telling the claimants of the decision of the Board. If the claimant does not agree with the decision of the Board, he or she may request a hearing. The complete file is xeroxed for the hearing officer and the hearing is transcribed verbatim. The Board anticipates an additional 250 claims per year under this bill, which would more than double the claims filed in a fiscal year.

Clerk Typist III, Range 8/A \$ 37.8
(See New Position Request Form)

Travel: By statute, all decisions on awards must be made by the Board. Because of the volume of claims that would be generated by this bill, it is estimated the number of Board meetings would increase from 4 meetings per year to 6 meetings per year.

2 Board meetings at \$1500.00 per meeting \$ 3.0

Contractual: Payments to vehicle owners are estimated by Alaska State Troopers and the Anchorage Police Department as follows:

Payments

Out of the estimated 250 additional claims a year, it is anticipated that 60 will be awarded. At an average value of \$10,000, and with an expected life of 96 months, the monthly value would be \$104
(60 vehicles x \$104 x 12 months) = \$ 74.8

VIOLENT CRIMES COMPENSATION BOARD
Fiscal Note analysis - DRAFT SSHB 341
Page 3 of 4

Hearings

By statute, each claimant has the right to a hearing if they disagree with the Board decision. Each hearing costs approximately \$1000 and it is estimated there would be an additional cost of 36 hearings based on 18 hearings per year at the current number of claims.

\$ 36.0

TOTAL CONTRACTUAL

\$110.8

Supplies: Estimated cost of office supplies
Estimated cost of new brochures and applications

\$ 4.0

\$ 4.2

TOTAL SUPPLIES

\$ 8.2

Equipment: Desk, chair, table, computer, printer, etc.

\$ 10.0

TOTAL

\$169.8

Notes:

- 1) Equipment is needed in the first year only.

CONFIDENTIAL

Position Title Clerk Typist III		Number of Positions 1	Range/Step 8/A	Bargaining Unit ASEA
Time Status PFT	Staff Months 12	Location Juneau	Election District	
Type of Expenditure		Justification		
Amount		Passage of this legislation will increase the workload of the Violent Crimes Compensation Board office staff.		
1	2	3		
Salary*	25.2		<p>This position will be needed to provide support to the two-person staff of the Board. Each owner requesting compensation would have to file an application and go through the same process as any other claimant for compensation. This includes processing and numbering each claim, entering this information on the computer, writing letters to claimants, law enforcement agencies, hospitals, doctors and employers verifying and documenting expenses. Each claim is reviewed and when complete, is xeroxed for the Board members. After the Board meeting, letters must be written and sent certified mail telling the claimants of the decision of the Board. If the claimant does not agree with the decision of the Board, they request a hearing. The complete file is xeroxed for the hearing officer and the hearing is transcribed verbatim. It is estimated this legislation would more than double the claims filed in a fiscal year.</p>	
Benefits*	12.6			
Premium Pay (Included in Above)				
Other				
Total Personal Services		37.8		
Travel		3.0		
Contractual		110.8		
Commodities		8.2		
Equipment		10.0		
Other				
Total Cost		169.8		
Funding Source For Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004			
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other		169.8		
* Personal Services Salary and Benefits Costs are from PACS calculations.				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety

BRU Violent Crimes Compensation Bd.

COMPONENT Violent Crimes Compensation Bd.

FY 93

Page 4 of 4

Revised Date



Official Business

Alaska State Legislature


HOUSE OF REPRESENTATIVES

Kevin "Pat" Parnell

University - Midtown, District 10

(907) 465-2647
State Capitol, Rm. 12S
Juneau, AK 99801-1182

To: Representative Mike Navarre, Co-Chair
Representative Eileen MacLean, Co-Chair
House Finance Committee

From: Representative Kevin "Pat" Parnell 

Date: April 25, 1992

Subject: Committee Scheduling for CSHB 341 (TRANS)

I would like to ask for committee scheduling date for CSHB 341 (TRANS), "An Act relating to compensation through the Violent Crimes Compensation Board for loss of certain motor vehicles in the custody of a law enforcement agency;" it was passed out of the House Judiciary Committee on Friday.

This bill would allow for the Violent Crimes Compensation Board to be able to determine compensation if an innocent bystander has a vehicle confiscated by a law enforcement agency for purposes of an investigation.

Many are aware of the situation that happened last year when a young gentleman in Anchorage was driving on the Glenn Highway when someone shot and killed his friend riding in the passenger seat. The vehicle was then impounded for evidence reasons. The car was not returned to the said individual for almost one year, in which he still had to make car payments, thus not allowing for the resources to purchase another car.

CSHB 341 (TRANS) would allow for those people who still need their vehicle for making a livelihood, to have the resources to not be affected by the impoundment of their vehicle for evidence purposes.

Thank you for your consideration in this matter.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

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SPONSOR STATEMENT

HOUSE BILL 341 "VEHICLE REIMBURSEMENT"

House Bill 341 came about as a result of a shooting on the Glenn Highway in Anchorage last year. This is where three young people were in a car and one of them shot the window out of another vehicle from the back, killing the passenger in the front seat.

The vehicle in which the passenger was riding, was then impounded as evidence. The owner was not a party to the incident and was an innocent bystander. He was not able to keep his car for use to and from work, or for any other purpose. The owner was still responsible for making car and insurance payments. Because of this, he was not able to afford another piece of transportation. Luckily for him, a group rallied and donated a car for his use.

In this particular case, the gentleman was exposed to not having his vehicle for almost one year. It seems only fair that in cases where the owner of the vehicle is not charged with anything by the authorities, that if they need the vehicle for evidence, compensation should be forthcoming. For this and for further damage sustained to the vehicle.

"Violent Crimes Compensation Board" will allow people to file claims with the Board for reimbursement.



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

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SECTIONAL ANALYSIS FOR ^{CS} SSHB 341

Section 1. AS 12.36 is amended with a new section,
DISPOSITION OF RECOVERED OR SEIZED PROPERTY.

Sec. 12.36.070. NOTICE OF RIGHT OF COMPENSATION FOR LOSS OF MOTOR VEHICLE.

The law enforcement agency who seizes a motor vehicle for purpose of an investigation, shall notify the owner of the right to obtain compensation for the temporary or permanent loss of it.

Section 2. AS 18.67.010 VIOLENT CRIMES COMPENSATION BOARD [PURPOSE], is amended.

Places wording or whose motor vehicles are seized by law enforcement agencies, to give the "Violent Crimes Compensation Board the needed authority to hear these cases.

Section 3. AS 18.67.030(b) APPLICATION FOR COMPENSATION.

Has wording inserted that requires that a report of the condition of the vehicle in question, shall be submitted to the Board by the applicant, in the application process.

Section 4. AS 18.67.070, STANDARDS FOR COMPENSATION.

States that one of the standards for compensation is the loss of a motor vehicle. Also that the Board shall determine the amount of compensation payable for the loss, based on current value of car, and the expected usage of it.

The formula for usage is determined as value of car (V) divided by expected life (EL), yields monthly compensation (MC) owed $[v/el = mc]$.

Page 2 of 3
April 14, 1992
Sectional Analysis of SSHB 341

Section 5 - 8. AS 18.67.080 (a, b, c, & d) AWARDING COMPENSATION is amended.

Includes temporary or permanent loss of a motor vehicle[.]

Section 9. AS 18.67.101 INCIDENTS AND OFFENSES TO WHICH THIS CHAPTER APPLIES, is amended to include new subsection.

(b) Allows Violent Crimes Compensation Board to determine compensation for victims under this section. It is noted that the vehicle in question must be necessary to the conduct of the owner's trade or business. It is not considered to be necessary solely because the vehicle is driven between the owner's home and principal place of work.

Section 10 - 11. AS 18.67.110 (a & b) NATURE OF THE COMPENSATION is amended.

Places temporary or permanent loss of a motor vehicle into these sections.

Section 12. AS 18.67.115 is a new section, SPECIAL PROCEDURES FOR COMPENSATION LOSS OF A MOTOR VEHICLE.

If the board determines cost of vehicle is less than \$1000 dollars, it shall pay a lump sum to the victim.

Section 13 - 15. AS 18.67.130 (a, b, & c) LIMITATIONS ON AWARDING COMPENSATION is amended.

Includes temporary or permanent loss of a motor vehicle (a) and also including in a claim for compensation for personal injury or death, (b & c) to give them standing.

Section 16. AS 18.67.130 LIMITATIONS ON AWARDING COMPENSATION is amended with a new section.

States that compensation for this cannot be done if the person making the claim is or could be charged with the criminal offense for which the motor vehicle was seized.

Page 3 of 3
April 14, 1992
Sectional Analysis of SSHB 341

Section 17. AS 18.67.135 is amended with a new section, ACTION FOR INVERSE CONDEMNATION OR DAMAGE TO A MOTOR VEHICLE.

Section 18. AS 18.67.140, RECOVERY FROM OFFENDER, is amended.

Adds temporary or permanent loss of a motor vehicle, and loss of the motor vehicle to this section.

Section 19. AS 18.67.180, DEFINITIONS, is amended.

Includes definition "motor vehicle," and adds to the definition of "victim," to include temporary or permanent loss of a motor vehicle.

Section 20. Effective date is July 1, 1992.

MEMORANDUM

State of Alaska

TO: Shelby Stastny, Director
Office of Management and Budget
Office of The Governor

DATE: September 20, 1991

FILE NO: DIROFC/AMPOLBUD.2

TELEPHONE NO: 465-4322

FROM: *KB for*
Richard L. Burton, Commissioner
Department of Public Safety

SUBJECT: Department of Public Safety
Policy Budget

Submitted with this cover is the Department of Public Safety's proposed Policy Budget for the FY93-95 period. We have reviewed the level and mix of program services, the governmental role of each program, program authority, methods of service delivery, and funding options. We propose to increase revenues to the department to enable it to continue to provide essential public protection services.

Introduction

The most fundamental goal of the Department of Public Safety (DPS) is the protection of life and property. The major purpose of all DPS programs is to further the department's ability to meet this goal. Additionally, DPS operates programs which offer services that are among the most basic and traditional that state government provides.

The policy budget instructions directed agencies to look at a number of issues in terms of "right sizing" their agency through FY95. The department views all current programs as having significant value to the citizens of Alaska. In several instances, they are essential. The Department of Public Safety has been asked to "downsize" its operations by \$2.9 million. This amount, combined with 5% inflation, would amount to a 20% reduction in department services by 1995. The following summarizes some of the internal policy discussions we have had, and which led to the present budget proposal.

Should there be fewer troopers?

Alaska has the lowest ratio of state police to population served and geographic boundaries of any of the northwestern states. The rate of serious crimes in Alaska is increasing. From 1989 to 1990 violent crimes of murder, rape, robbery, and aggravated assault increased by 14.5%; property crimes of burglary, larceny, and motor vehicle theft were up by 45%; forcible rape increased by 49%. The number of trooper positions has been reduced by 50 positions since 1987. Other considerations include:

- o More than 50 suspected homicides remain unsolved;
- o 50 missing persons are reported monthly to AST's missing persons clearinghouse;
- o An average of 15 new sexual abuse/assault cases are investigated each month;
- o Alaska's annual marijuana crop is estimated to be worth \$15 million;

- o There are 200 reports of commercial marijuana growing in Alaska that AST has not yet been able to investigate;
- o In 1990, there were 98 traffic deaths, of which 46 were alcohol related;
- o In 1990, \$6.3 million in property was stolen, only \$2.1 million was recovered;
- o In 1990, 8,000 prisoners were transported;
- o 2,343 warrants were cleared by arrest; 13,191 warrants are currently backlogged.

Do we reduce the Division of Motor Vehicles?

This division has more public contact and visibility than any other state agency. Almost every Alaskan over the age of 16 has some contact with the division each year, either directly or indirectly. The division performs many public safety related functions, but it is usually rated on the level of service provided in the public offices.

With the loss of seasonal positions in FY92, peak waiting times in field offices have increased from 45-60 minutes to over two hours. A production measure used to gauge waiting times is that, on average, each employee is capable of processing up to 8,000 transactions per year. This workload equates to waiting periods of less than 30 minutes. We have achieved efficiency through automation and training. By comparison, in 1986 average transaction workloads of 6,200 produced one to two-hour waits. Now, with recent reductions, most larger offices have a workload of over 10,000 transactions per employee, which equates to the two-hour wait and more complaints.

Federal rulemaking is underway that will require program additions in state motor vehicle offices, with the loss of highway construction funds as a sanction for failure to comply. The division will likely be seeking budget increases to prevent the loss of some \$14,000,000 annually for each program where the state is in non-compliance (e.g., Commercial Drivers Licensing, Clean Air Act Amendments, International Registration Plan, Americans with Disabilities Act).

The division collects more than \$28,000,000 in General Funds annually; its present budget is \$7.1 million.

Do we reduce the Division of Fish & Wildlife Protection?

In 1983 the division's commissioned strength of 119 officers served a population of 497,600. In 1992, 88 commissioned officers serve a population of 550,000. This includes 1,923 licensed guides and transporters, 350,000 licensed sportfishermen, 115,000 licensed hunters, and 19,000 licensed trappers. The value of the 1989 seafood harvest is estimated at \$3 billion at the first wholesale level. Industry investment is estimated at \$4 billion.

Where we have been able to dedicate time to single large investigations we have been successful. One commercial crab case resulted in \$555,000 in penalties. The 1990 Bristol Bay fishery resulted in \$551,650 in fines and forfeitures. In 1990, \$961,631 in net fines and \$230,500 in civil penalties were ordered.

Do we reduce the Division of Fire Prevention?

There are an estimated \$2 billion worth of construction projects planned over the next two to three years that will require plan review. These include \$1 billion in north slope oil facilities, \$300 million in fisheries construction in Unalaska, the Point McIntyre oil field, a petro-chemical facility at Valdez, new coal facility in Sutton, and new gold mine facility in Fairbanks. Plan reviews are funded by program receipts, which fall under the definition of General Funds. These plan reviews will not be performed unless receive and expend authority is granted to this program.

The division is substantially backlogged in inspections of high priority facilities and lacks sufficient arson investigation capacity. These two functions are funded with General Funds. 25,000 hours of training was provided to the fire service in FY91. A major portion of training is funded from fees paid by agencies to attend these classes. These program receipts are classified as General Funds by OMB. These fees will not be received if these training courses are not conducted. In 1990, the Division conducted 797 plan reviews, 1632 inspections, 58 investigations, and 114 public education projects.

Should Highway Safety Planning be reduced?

The Alaska Highway Safety Planning Agency is a small (four-person) office. Its main function is the development and implementation of an annual Highway Safety Plan for Alaska. Federal law requires such a plan, approved by the National Highway Traffic Safety Administration. Failure to comply with this law would subject the State of Alaska to sanctions, including the loss of ten percent of the state's federal highway construction funds--approximately 14 million dollars.

This program contains \$164.0 in General Funds, and brings in an additional \$913.0 in federal funds. This program funds statewide highway safety projects. Examples include: alcohol prevention and education, the purchase of Intoximeter breath test instruments, traffic enforcement (Juneau, Anchorage, Nenana, MAT-SU, Fairbanks), trauma training and statistics, photologging of the state's roadways, seat belt use, and motor carrier safety.

Should Village Public Safety Officers be reduced?

In 1990 there were 14,000 calls for service to VPSOs, including search and rescue, assault, burglary, larceny, alcohol, weapons, motor vehicle, medical assistance, fire service, and domestic violence calls. The original concept of the VPSO program was to supplement troopers by placing a lower paid VPSO on-site as a first responder to emergencies. Without the VPSO program, more troopers, travel and equipment would be required to maintain the physical safety of village residents.

Should the Violent Crimes Compensation Board be reduced?

Presently this program is funded mainly by federal receipts and the proceeds of inmates' Permanent Fund dividends. There is only \$20.0 in General Funds in this budget.

Should the Council On Domestic Violence and Sexual Assault be reduced?

In 1990 the number of nights of shelter provided increased 36% (almost 50,000 nights of safety provided to 9,300 victims). The Alaska Court System's 1990 annual report shows a 27% increase in the District Court's domestic violence caseload. The Anchorage Municipal Prosecutor's Office reported a 44% increase in domestic violence crimes in that city during the last two years.

Alaska's rate of reported rapes (generally considered to be 10-25% of the actual number) is 1.5 times the national average, and rising. In nine of the last 13 years, Alaska has had the highest rate of reported rapes in the United States. Over the last three years the shelter programs have provided an average of 25% more shelter nights to 15% more victims, while absorbing nearly 15% in inflationary cost increases.

Should the Alaska Police Standards Council be reduced?

This program consists of two employees and the costs for maintenance of statewide police certification and training functions. The Council sets certification standards and conducts revocation hearings to decertify substandard officers. With the present national focus on police brutality, we need to step up efforts to improve the quality of police services in Alaska, not cut back on these safeguards.

Should Statewide Law Enforcement Support Programs be reduced?

These programs include the Crime Lab, Alaska Public Safety Information Network (APSIN), Alaska Criminal Records and Identification (R&I), and the Public Safety Academy. These programs support the statewide criminal justice community (which has a combined budget of more than \$300 million). These programs provide the forensic, technological, and information support, and the training required for an efficient and effective criminal justice system. In some instances, criminal cases are successfully prosecuted only because of the existence of these programs. Court costs are avoided when evidence proving guilt prompts the defendant to plead guilty rather than go to trial.

In FY91 over 400 autopsies in suspicious or criminal deaths were conducted at the Crime Lab. 4,200 DWI arrests were made based upon Intoximeter breath test results. Sophisticated forensic support services were provided in 3,310 criminal cases.

APSIN automates the collection of \$28 million in General Fund revenues, maintains essential law enforcement data (criminal histories, vehicle, license, and property records, wants and warrants, and officer activity), and allows access to the National Crime Information Center and the National Law Enforcement Telecommunications System.

R&I updates criminal histories, maintains central fingerprint files, connects with the Western Identification Network, is the sole state arrest fingerprint card contributor to the FBI, maintains and microfilms trooper case reports, and produces the annual publications Crime In Alaska and Fatal Accident Reports.

The Public Safety Academy trains Alaska State Trooper Recruits and Fish & Wildlife Protection Recruits, Village Public Safety Officers, State Park Rangers, Airport Police, Municipal Police, and provides in-service training for department personnel. Except for the Anchorage Police Department, every police department in the state uses the DPS Academy to train its new officers.

Should we reduce department management?

In 1982 there were 886 PFT and 91 PT positions in DPS, supervised by 44 commissioned and 23 civilian managers. In 1991 there were 820 PFT and 68 PT positions supervised by 21 commissioned and 20 civilian managers. During the FY79 to FY91 time frame, 13 programs totalling \$22 million with 57 positions were added to the department. With 36 fewer managers, 13 more programs to run, and after two early retirement programs, it would be irresponsible to reduce management any further.

Should the Department reduce Contract Jails?

The Contract Jails provide an estimated 29,000 nights of custody to 9,400 prisoners. The Contract Jails Component has received tentative approval to request a supplemental appropriation for FY92.

Summary

All DPS programs are busy and backlogged. Many programs have implemented alternate funding or identified efficiencies to preserve service levels, and all continue to look for ways to improve. Achieving further efficiencies that would compensate for a 20% budget reduction by FY95, when combined with growing workloads, is simply not feasible.

We currently contract for jail services, VPSO services, domestic violence shelters, and for DMV counter services through commission agents where cost-efficient. No cost-effective alternatives to the current methods of service delivery are known. If alternatives are identified, the department will work with executive, judicial, and legislative bodies to explore these alternatives.

In my view, the Department of Public Safety is not presently staffed to perform its primary duties to protect life and property. Making major reductions to this department's budget will require the highest level of policymaking, we need to talk across the table.

In fiscal year 1978, the number of positions in the Department represented 8.5 percent of all positions in the State operating budget. In fiscal year 1991, the Department's positions represented 4.9 percent of the State's total. Between FY78 and FY91 the total number of State employees almost doubled while state population increased by more than 37 percent or 150,000. The demand for police, fire, and motor vehicle services is heavily impacted by this major increase in population; Public Safety's position count has not kept pace.

It is my conclusion that the Department of Public Safety cannot sustain a reduction of 20% without completely eliminating whole programs. Because of the basic nature of all of our services, major policy issues are involved that I prefer to discuss in person with the Budget Development Group, the Governor, and the legislature prior to recommending the reductions needed for Public Safety to reach its OMB/DBG target for FY95.

The Department has proposed revenue raising measures that would more than offset the target reductions and maintain Public Safety programs. Alaska's fees for motor vehicle services are among the lowest in the nation. Doubling the fees currently charged would place Alaska near the national average and generate \$24 million in addition to the \$28 million already generated by DMV.

This policy budget is submitted as a high level plan, with the understanding that detailed budget analysis has yet to occur. The OMB Position Authorization Control System (PACS) was not updated to precisely cost out personal services. Detailed base budget numbers have not yet been provided to agencies. Accordingly, when detailed budget submissions are produced, some adjusting between components and BRUs will be necessary to implement the policy budget plan.

cc: Walter J. Hickel, Governor
Budget Development Group

Anchorage Daily News

Gerald E. Grilly, Publisher Howard Weaver, Editor



Michael Carey, Editorial Page Editor
Patrick Dougherty, Managing Editor

Katherine Fanning, Editor and Publisher, 1974 to 1983
Lawrence Fanning, Editor and Publisher, 1967 to 1971
Founded in 1946 by Norman C. Brown

Justice?

Innocent victims find indifference

Alaska, like the rest of the country, strives to have a law enforcement system in which justice is blind. For those accused of crimes, it's a noble and appropriate goal.

But as presently structured, the criminal justice system too often is blind to the plight of innocent victims and witnesses. All the attention focuses on uncovering suspects and proving their guilt or innocence. The needs of victims and witnesses are an afterthought.

Take the case of Eagle River resident Rob Chamberlain. He was driving his \$5,000 sports car when his passenger was shot and killed by another motorist. His car has been impounded as evidence until the suspect goes on trial. In the meantime, Mr. Chamberlain has to bum rides for his lengthy trip to work, while he's stuck paying for a car he cannot use.

In a system that cared about justice for innocent bystanders, there would be a simple process for helping people like Mr. Chamberlain. Society has a legitimate need to take his car for evidence. It's less clear why society should be allowed to take it without just compensation.

The violent crimes compensation board, welcome as it is, provides no relief here. The board does not compensate victims of property crimes. It cannot pay for economic losses that an investigation or prosecution inflicts on innocent witnesses.

One reason society doesn't do more for victims and witnesses is money. The \$600,000 a year Alaska spends on victims of violent crimes is barely enough to meet the demand. Helping innocent witnesses with their losses and expenses could cost considerably more.

But then, no one ever said justice is cheap.

Justice takes toll of innocent man

Driver of car impounded after highway killing must still pay

By SHEILA TOOMEY
Daily News reporter

The last time Rob Chamberlain saw his nifty red sports car it was surrounded by police and his friend lay dead in the front seat.

Chamberlain, 21, is the owner of the 1985 Toyota MR2 where Jeffrey Cain died, shot to death last month from another car at the Muldoon exit off the Glenn Highway. Chamberlain was driving that night, on his way to drop Cain off at Kentucky Fried Chicken, when a high-powered rifle bullet pierced the rear window and killed his friend instantly.

Chamberlain bought the car for \$5,000 three weeks before the shooting and, for a while, what happened to it was the least of his concerns. The police impounded it for their investigation, which he figured would take a few weeks, maybe even a month or two, and that seemed reasonable.

But now Chamberlain has been told he can't have the car until after the two men accused in Cain's death are tried — which

could be a year or more. That seems unreasonable, he said.

"I can't afford to make the payments and get another car."

Assistant District Attorney Steve Branchflower, who will be taking the case to trial, said he really has no choice but to keep the Toyota.

"You never know what kind of argument a defense attorney is going to make," Branchflower said. "I certainly don't want to heap any more inconvenience on the owner, but it's important in a case like this that we preserve until after the trial every piece of evidence. We have no way of telling today what might develop as an issue tomorrow."

Also, Branchflower said, jurors might ask to see the car. "My duty is to err on the side of caution."

In the face of death, the inconvenience of losing a car seems a small thing. But in the life of a real person, a young man who lives

Please see Back Page, TALES



HB 348

SENATE FINANCE COMMITTEE REPORT

DATE: 5/10/92

FURTHER:

DATE TURNED INTO OFFICE: 5-12-92

The Finance Committee considered CS FOR HOUSE BILL NO. 348 (STATE AFFAIRS)

"An Act relating to the provision of group life or group health insurance for state employees by means of self-insurance; relating to the administrative costs of providing group health or group life insurance for state employees; and permitting the state to purchase group health or group life insurance from certain organizations."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes DDA 1-27-92

fiscal notes _____

DO PASS:

[Signature]
Rick Helms (DO PASS)

OTHER RECOMMENDATIONS:

[Signature]
[Signature]

1. _____
Co-Chair: Signature/Recommendation

2. *[Signature]* *W. R.*
Co-Chair: Signature/Recommendation

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE
REPORTED OUT OF
SFC 5-12-92

No. 2
Bill Version: HB 348
(H) Publish Date: 2-26-92

Revision Date: _____
Title: An Act relating to group life and health insurance for State employees by means of self-insurance.
Sponsor: Rules Committee
Requestor: Governor

Department Affected: Administration
BRU: Risk Management
Component: Risk Management

COMPONENT SERIAL NO.

0	0	7	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: Donald J. Hitchcock
Division: Risk Management

Phone: 465-2180
Date: 12.11.91

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/27/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Cfc., & Impacted Agency(ies).

No. 2
HB 348

CONTINUATION OF FISCAL NOTE ANALYSIS
House Bill No. 348

This bill is enabling legislation to allow the State to self insure state employee medical and/or life insurance benefits. It is anticipated that any possible increased state administrative costs for such a program should be ~~more~~ than offset through increased income from cash flow and other cost savings. In other ~~words~~ a self insurance program would be implemented only if cost savings is possible.

Potential benefits of a self insurance program would be elimination of certain insurance company charges; positive control of the insurance program which might include use of employee incentives to reduce costs; and increased competition from bidders for administration and/or aggregate loss (excess) insurance policies.

The present medical benefits program for active state employees costs the State approximately \$65,000,000. a year therefore cash flow and interest earnings may become an important fiscal consideration.

Possible problems due to a catastrophic increase in claims costs for any one year may be controlled through purchase of aggregate loss policies to pay excess costs either on an individual claim basis or in the aggregate.

Passage of this enabling legislation is fundamental to making all options available to the State in the administration and implementation of a cost effective group health and life benefits plan for its employees.

COMMITTEE COPY

CS FOR HOUSE BILL NO. 348 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/25/92
Referred: Judiciary

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the provision of group life or group health insurance for state
2 employees by means of self-insurance; relating to the administrative costs of providing
3 group health or group life insurance for state employees; and permitting the state to
4 purchase group health or group life insurance from certain organizations."

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

6 * Section 1. AS 39.30.090(a)(4) is amended to read:

7 (4) In procuring a policy of group health or group life insurance as provided
8 under this section or excess loss insurance as provided in AS 39.30.091, the [THE]
9 Department of Administration shall comply with the dual choice requirements of AS 21.86.310,
10 and shall obtain the insurance policy from an [ANY] insurer authorized to transact business in
11 the state under AS 21.09, a hospital or medical service corporation authorized to transact
12 business in this state under AS 21.87 [AND AS 21.90], or [FROM] a health maintenance
13 organization authorized to operate in this state under AS 21.86. An excess loss insurance policy
14 may be obtained from a life or disability insurer authorized to transact business in this state

1 under AS 21.09.

2 * Sec. 2. AS 39.30.090(a)(5) is amended to read:

3 (5) The Department of Administration shall make available bid specifications for
4 desired insurance benefits or for administration of benefit claims and payments to (A) all
5 insurance carriers authorized to transact business [LICENSED] in this [THE] state under
6 AS 21.09 and all hospital or medical service corporations authorized to transact business
7 under AS 21.87 who are [AND] qualified to provide the desired benefits; and (B) to insurance
8 carriers, hospital or medical service corporations, and third-party administrators licensed
9 to transact business in this state and qualified to provide administrative services. The
10 specifications shall be made available [ON OR BEFORE JULY 1, 1965, AND] at least once
11 every [SUCCEEDING] five years. The lowest responsible bid submitted by an insurance carrier,
12 hospital or medical service corporation, or third-party administrator with adequate servicing
13 facilities shall govern selection of a carrier, hospital or medical service corporation, or third-
14 party administrator under this section or the selection of an insurance carrier to provide
15 excess loss insurance as provided in AS 39.30.091.

16 * Sec. 3. AS 39.30 is amended by adding a new section to read:

17 Sec. 39.30.091. AUTHORIZATION FOR SELF-INSURANCE. Notwithstanding
18 AS 21.86.310 or AS 39.30.090, the Department of Administration may provide, by means of self-
19 insurance, one or more of the benefits listed in AS 39.30.090(a)(1) for state employees eligible
20 for the benefits by law or under a collective bargaining agreement. The department shall procure
21 any necessary excess loss insurance under AS 39.30.090.

22 * Sec. 4. AS 39.30.095(a) is amended to read:

23 (a) The commissioner of administration shall establish the group health and life benefits
24 fund as a special account in the general fund to provide for group life and health insurance under
25 AS 39.30.090 and 39.30.160 or for self-insurance arrangements under AS 39.30.091. The
26 commissioner shall maintain accounts and records for the fund. The fund consists of employer
27 contributions, employee contributions, appropriations from the legislature, and income earned on
28 investment of the fund as provided in (d) of this section.

29 * Sec. 5. AS 39.30.095(b) is amended to read:

30 (b) After obtaining the advice of an actuary, the commissioner of administration shall
31 determine the amount necessary to provide benefits under AS 39.30.090, 39.30.091, and

1 39.30.160 and shall set the rate of employer contribution and employee contribution, if any.
2 With money in the fund, the [THE] commissioner of administration shall pay premiums, [AND]
3 claims, and administrative costs required under [IN ACCORDANCE WITH] the insurance
4 policies in effect under AS 39.30.090 and 39.30.160, or required under self-insurance
5 arrangements in effect under AS 39.30.091 [WITH MONEY IN THE FUND].

6 * Sec. 6. AS 39.30.095(c) is amended to read:

7 (c) The commissioner of administration or the designee of the commissioner is
8 administrator of the fund. The commissioner may contract with

9 (1) an insurer authorized to transact business in this state under AS 21.09,
10 or a hospital or medical service corporation authorized to transact business in this state
11 under AS 21.87 [INSURANCE CARRIER] to reimburse the state for the cost of administering
12 group insurance provided under AS 39.30.090 and 39.30.160; and

13 (2) a life or disability insurer authorized to transact business in the state
14 under AS 21.09, a hospital or medical service corporation authorized to transact business
15 in this state under AS 21.87, or a third-party administrator licensed to transact business in
16 this state for the administration of benefit claims and payments under AS 39.30.091.

17 * Sec. 7. AS 39.30.095(d) is amended to read:

18 (d) If the commissioner of administration determines that there is more money in the
19 fund than the amount needed to pay premiums, [OR] benefits, and administrative costs for the
20 current fiscal year, the surplus, or so much of it as the commissioner of administration considers
21 advisable, may be invested by the commissioner of revenue in the same manner as retirement
22 funds are invested under AS 14.25.180.

CSHB 348(State Affairs)

This bill would authorize the the Administration to self-insure the health and life programs for State employees. Current law is not clear that self-insurance could be utilized by the State. The Attorney General has recommended this authorization. While the administration has no immediate plans to implement a self-insurance program, the bill is important in that it would provide another option that has cost saving potential.

Self-insurance has shown itself to be a cost saving mechanism for many entities. 34 of the 50 states now self-insure their health benefits and over 80% of large private sector firms utilize self-insurance. The administration has no estimates of how much might be saved through self-insurance and does not intend to proceed until that can be determined.

The bill also authorizes ancillary services of self-insurance such as the use of a third party administrator to pay claims and the purchase of excess loss insurance to protect the State in the event of catastrophic losses in the group plan.

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(11)

HOUSE COMMITTEE REPORT

Date Referred: February 14, 1992

FURTHER REFERRAL.

Date of Committee Action: 4/22/92

The FINANCE Committee considered:

SSHB 352

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352

NATIVE LANGUAGE EDUCATION

"An Act relating to a curriculum for Native language education; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CSHB 352 (FIN) the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note HFC 4/22/92

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Eileen P. Machean</u>	<input checked="" type="checkbox"/>	<u>George Jacobo Jr.</u>		<input checked="" type="checkbox"/>	
<u>Mike Yavane</u>		<u>Ron [unclear]</u>		<input checked="" type="checkbox"/>	
<u>Monica [unclear]</u>	<input checked="" type="checkbox"/>	<u>Roll E. [unclear]</u>		<input checked="" type="checkbox"/>	
<u>Jan Brown</u>	<input checked="" type="checkbox"/>				
<u>[unclear]</u>	<input checked="" type="checkbox"/>				
<u>Ronald J. Jan</u>	<input checked="" type="checkbox"/>				
<u>J. Wilmer</u>	<input checked="" type="checkbox"/>				

Mike Yavane EP. Machean
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 352 (FIN)

Revision Date: _____ Department Affected: EDUCATION
 Title: A CURRICULUM FOR NATIVE LANGUAGE BRU: K - 12 SUPPORT
EDUCATION Component: DATA MANAGEMENT
 Sponsor: REPRESENTATIVE LINCOLN
 Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY '98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen P. MacLean* Phone: 465-4833
Co-Chair Mike Navarro *Mike Navarro* Phone: 465-3779
 Division: House Finance Committee Date: 4/22/92

Approved by Commissioner: _____ Date: _____
 Agency: _____

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a curriculum for Native language education; and providing for an
2 effective date."

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

4 * Section 1. SHORT TITLE. This Act may be known as the Native Language Education Act.

5 * Sec. 2. FINDINGS. The legislature finds that

6 (1) Alaska's indigenous Native cultures and languages are unique, essential elements of
7 Alaska's heritage;

8 (2) Alaska's indigenous Native languages are an integral part of Alaska Native people's
9 culture and well-being;

10 (3) knowledge of one's indigenous language is important for the development of social
11 skills and self-esteem; it further contributes to the development of the individual, and the ability to
12 communicate;

13 (4) translations from a Native language into English result in the loss of context and
14 deprivation of the full range of social and cultural understanding necessary to function in the individual's

1 environment;

2 (5) when Native children are proficient in their primary indigenous language, they are
3 more likely to do better in school; they also develop a higher degree of proficiency in English;

4 (6) historically, Alaska Native children first learned their Native language in their homes
5 and communities but with the passing of Native elders and with a current generation of parents who are
6 not fluent in their Native language, younger generations are less knowledgeable about their language and
7 culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when
9 mainstream American missionaries enforced federal policies that forbade the use of Native languages,
10 punished children for speaking their own language, and urged parents to speak only English to their
11 children;

12 (8) the continuation of "no Native language" policies in federal, territorial, and state
13 school systems between 1910 and 1970 resulted in the loss of many Native languages;

14 (9) the fact that only two of the 20 Alaska Native languages are fluently spoken by
15 children today is an indicator of the impending extinction of Native languages;

16 (10) unless action is taken, by the year 2055 only five of the 20 Alaska Native languages
17 will be spoken by anyone, and soon thereafter the Native languages of Alaska may vanish.

18 * Sec. 3. AS 14.03.120(e) is amended to read:

19 (e) A district shall, by October 31 of each year, provide to the state board, and make
20 available to the public, a report on the performance of each public school and public school
21 students in the district. The report must be entitled "School District Report Card To The Public"
22 and must be prepared on a form prescribed by the department. The report must include

23 (1) the percent of district students in the top and bottom quarter of standardized
24 national achievement examinations; results under this paragraph shall be disclosed in a manner
25 that does not reveal the individual identities of students;

26 (2) the percent of students who are not promoted to the next grade;

27 (3) student, parent, and community member comments on the school's
28 performance;

29 (4) the annual percent change in enrollment and the percent of enrollment change
30 due to student transfers into and out of the district;

31 (5) attendance, retention, and graduation rates;

1 (6) the ways in which meaningful parent involvement in school performance was
2 achieved;

3 (7) if Native language education is provided, a summary and evaluation of
4 the curriculum described in AS 14.30.420;

5 (8) other indicators of school performance required by the state board; and

6 (9) [(8)] other indicators of school performance selected by the district.

7 * Sec. 4. AS 14.30 is amended by adding a new section to read:

8 Sec. 14.30.420. NATIVE LANGUAGE EDUCATION. (a) A school board in a district
9 in which a majority of the students are Alaska Natives may establish a local Native language
10 curriculum advisory board for each school in the district in which a majority of the students are
11 Alaska Natives. If the local Native language curriculum advisory board recommends the
12 establishment of a Native language education curriculum for a school, the school board may
13 initiate and conduct a Native language education curriculum for grades K through 12 at that
14 school. The program must include Native languages traditionally spoken in the community in
15 which the school is located. Each school board conducting a program of Native language
16 education may implement the program as a part of regular classroom studies and shall utilize

17 (1) certified instructors or instructors who have knowledge and adequate training
18 in teaching the Native language of the community in which the school is located;

19 (2) to the extent possible

20 (A) instructors and instructional materials available through the University
21 of Alaska; and

22 (B) audio-visual, computer and satellite technology.

23 (b) In this section,

24 (1) "district" has the meaning given in AS 14.17.250;

25 (2) "Native" means a person of one-fourth degree or more Alaskan Indian,
26 Eskimo, or Aleut blood.

27 * Sec. 5. This Act takes effect July 1, 1994.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 352

Revision Date: 2-11-92
Title: A Curriculum for Native Language Education
Sponsor: Representative Lincoln
Requestor: (H) HESS

Department Affected: Education
BRU: K-12 Support
Component: Data Management

COMPONENT SERIAL NO.

1	2	4	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	22,500	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	22,500	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	22,500	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	22,500	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

See attachment

Prepared by: Mike Maher
Division: Commissioner's Office

Phone: 465-2800
Date: 2-11-92

Approved by Commissioner: 
Agency: Education

Date: 2-11-92

HESS

FISCAL NOTE FOR HB 352

Cost to the Department:

The Department estimates a contractual cost of \$22,500. This cost will cover two items required in Section 3. AS 14.03.120 (e) (7).

\$20,000. is to develop an evaluation model, and \$2,500. is to redo the Implementation Guide for District Report Cards to accommodate changes.

Costs to School Districts:

Although HB 352 poses no significant increased cost to the Department of Education, it will pose a cost to each school district which conducts a Native language education program for grades K-12. The Department staff estimates a cost of \$60,000. per school site not currently served, to implement a Native Language curriculum. Of this amount, we assume that 1/3 would cover the staff salary, 1/3 would cover staff development and 1/3 would cover the cost of curriculum and materials development.

Many districts and sites currently have Native language instruction programs as described in their approved Bilingual Plans of Service. Based on our review of schools where more than 50% of the student population is Alaska Native, we have determined that at least 63 such school sites do not provide any kind of Native language program at this time. At the cost of \$60,000 per site, total cost, statewide, would come to \$3,780,000.

14715011E

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

HESS Committee, Co-Chair
Resources Committee, Vice-Chair

Budget Subcommittees
Health and Social Services
Revenue

P.O. Box V
Juneau, Alaska 99811

Phone: (907) 465-3732

FAX: (907) 465-2652



MEMORANDUM

Alatna
Allakaket
Aniak
Anvik
Arctic Village
Beaver
Bettles
Birch Creek
Chalkyitsik
Chuathbaluk
Crooked Creek
Evansville
Fort Yukon
Galena
Grayling
Holy Cross
Hughes
Huslia
Kalskag
Kaltag
Koyukuk
Lake Minchumina
Lime Village
Lower Kalskag
Manley Hot Springs
Marshall
McGrath
Minto
Mountain Village
Nikolai
Nulato
Pilot Station
Pitkas Point
Rampart
Red Devil
Ruby
Russian Mission
Shageluk
Sleetmute
St. Mary's
Stevens Village
Stony River
Takotna
Tanana
Telida
Tuluksak
Tyonek
Venetie
Wiseman

TO: Representative Eileen MacLean, Co-Chair
Representative Mike Navarre, Co-Chair
House Finance Committee

FROM: Representative Georgianna Lincoln *georg*

DATE: February 21, 1992

RE: CSSH B 352 ()
Native Language Education Act

CSSH B 352() asks schools where a majority of the students are Alaska Natives, to teach the language that is traditional within the community when a local Native curriculum advisory committee has so recommended. It elevates the status of Native language by incorporating it into the school curriculum and asking that it be taught by certified or trained instructors. It allows for the delivery of language instruction by existing satellite instruction or other distance delivery technology, including computer programs and audio distance delivery. It provides for an effective date of July 1, 1994.

The HESS Committee softened the mandate portion of the bill to provide for **local** Native language curriculum advisory committees who would be charged with evaluating the need for language education in their school. School districts would be required to implement the Native language education curriculum only after a local advisory board has made a recommendation to do so.

The blank CS rewords Section 4 (a) in response to concerns that the language wasn't clear in directing that the Native language curriculum advisory committees should be established in each village where the majority of students are Alaska Natives. It also extends the effective date one year, to July 1, 1994, to allow districts additional time to comply.

Many of Alaska's Native languages are on the brink of extinction. Linguists tell us that unless corrective action is taken soon, by the year 2055--not very long from now--at least 15, and possibly 18, Native languages will be lost. Eyak, the Athabaskan language of a people who thrived for 3,500 years along the Gulf of Alaska, has one remaining Native speaker; she is 73 years old. Dr. Michael Krauss, professor of linguistics at the University of Alaska Fairbanks predicts that "short of a miracle or radical social change" we will lose 15, and possibly 18, of our 20 Native languages by the year 2055.

Sadly, the loss of Alaska Native languages is rooted in anti-Native language educational policies promoted by American missionaries and educators around the turn of the century. Schools played a critical role in efforts to assimilate Alaska Natives into the Western/Anglo religion, language and culture; in fact, children were punished for speaking their Native language.

Schools cannot, nor should they, carry the burden of Native language preservation alone. Parents, extended family members, and communities have important roles as well. In many villages, however, many of those tools are lost. We must have our schools involved and committed to teaching and preserving our Native languages. Presently, our schools are teaching Spanish, Russian, and Japanese to our children. Many who have the capability to extent their programs to include Native languages have not.

As a complement to this bill, Senator Murkowski is working with Congress to secure federal funding to help preserve Alaska's Native languages. S. 1595, the "Alaska Native Languages Preservation and Enhancement Act of 1991" has passed the Senate and is awaiting House action. It will provide \$2.5 million per year for five years, to assist in Native language preservation and education efforts in Alaska.

HB 352 is supported by the Alaska Federation of Natives, the White House Conference on Indian Education, the Denakkanaaga Elders Conference, the Tanana Chiefs Conference, Bristol Bay Area Health Corporation, and the Association of Village Council Presidents, the Interior Education Council, the Village Participation Conference, the Rural Alaska Community Action Program, and by numerous village corporations and associations.

Sectional Analysis

CSSSHB 352 ()

Sec. 1. Short Title: Native Language Education Act

Sec. 2. Findings.

Sec. 3. Amends School District Report Card statute to include summary and evaluation of Native language education, if provided by the district.

Sec. 4 (a). Adds a new section to Educational Programs statute related to Native Language Education.

A local Native language curriculum advisory board would be established for each school where a majority of the students are Alaska Native.

Upon recommendation of the local Native language curriculum advisory board, the district would be required to teach Native language in the schools, grades K-12.

Directs school boards to utilize certified instructors or individuals with knowledge and training in teaching the language, and to the extent possible, instructors and materials available through the University and satellite technologies.

Sec. 4(b). Defines "Native" Alaskan for the purposes of this bill, to be a person with one-fourth degree or more Alaska Indian, Eskimo or Aleut blood.

Sec. 5. Effective date: July 1, 1994.

Alaska Federation of Natives, Inc.

ALASKA FEDERATION OF NATIVES
TESTIMONY ON HB 352 - NATIVE LANGUAGES BILL
ALASKA STATE HOUSE OF REPRESENTATIVES
HESS COMMITTEE - FEBRUARY 13, 1992

REPRESENTATIVE LINCOLN, REPRESENTATIVE CARNEY AND MEMBERS OF
THE HESS COMMITTEE:

GOOD MORNING, MY NAME IS DOROTHY LARSON, EXECUTIVE VICE
PRESIDENT OF THE ALASKA FEDERATION OF NATIVES TO SPEAK IN
SUPPORT OF HB352, THE NATIVE LANGUAGE BILL.

[THE ALASKA FEDERATION OF NATIVES AT ITS FEBRUARY 6 BOARD]
[MEETING HELD IN JUNEAU REAFFIRMED ITS SUPPORT FOR HB352.]
THE ALASKA FEDERATION OF NATIVES ASSEMBLED IN CONVENTION IN
OCTOBER 1991 PASSED RESOLUTION 91-86 SUPPORTING HB352 AND
URGING ITS PASSAGE. OTHER RESOLUTIONS SUBMITTED BY THE AFN
ELDERS AND AFN YOUTH CONFERENCES TO THE AFN CONVENTION
PASSED THE CONVENTION CONCERNING THE TEACHING,
REVITALIZATION AND MAINTENANCE OF ALASKA NATIVE LANGUAGES IN
THE SCHOOL CURRICULUM. I WILL FORWARD THOSE RESOLUTIONS TO
YOU WITH A COPY OF AFN'S WRITTEN TESTIMONY.

THE AFN MEMBERSHIP IS IN SUPPORT OF ANY AND ALL EFFORTS TO
IMPROVE THE QUALITY OF EDUCATION IN ALL AREAS THAT WILL
ENHANCE THE ACHIEVEMENT AND SUCCESS OF ALASKA NATIVE
STUDENTS.

WE ARE SUPPORTIVE OF THE VERY RECENT REPORTS TO THE PRESIDENT OF THE UNITED STATES, THE US DEPARTMENT OF EDUCATION FROM THE INDIAN NATIONS AT RISK TASK FORCE, GOAL #2 TO MAINTAIN NATIVE LANGUAGES AND CULTURES - BY THE YEAR 2000 ALL SCHOOLS WILL OFFER NATIVE STUDENTS THE OPPORTUNITY TO MAINTAIN AND DEVELOP THEIR TRIBAL LANGUAGES AND WILL CREATE A MULTICULTURAL ENVIRONMENT THAT ENHANCES THE MANY CULTURES REPRESENTED IN THE SCHOOL.

THE WHITE HOUSE CONFERENCE ON INDIAN EDUCATION WHICH MET JUST 3 WEEKS AGO INCLUDE VERY SPECIFIC RECOMMENDATIONS CONCERNING THE TEACHING, REVITALIZATION, MAINTENANCE AND INCLUSION OF NATIVE LANGUAGES IN THE SCHOOL CURRICULUM. THOSE RECOMMENDATIONS INCLUDE LANGUAGE AND CULTURAL PRESERVATION AND THAT THIS BE ONE OF THE NATION'S HIGHEST EDUCATIONAL PRIORITIES. ALSO, THAT 6 CREDITS OF NATIVE STUDIES BE REQUIRED COURSE OF STUDY FOR TEACHER RECERTIFICATION. THIS WAS ALSO A RECOMMENDATION OF THE ALASKA WHCIE.

THE ALASKA WHITE HOUSE CONFERENCE ON INDIAN EDUCATION MET IN SEPTEMBER 1991 SUPPORTING ALASKA NATIVE LANGUAGE, CULTURE AND HISTORY STUDIES FOR ALASKAN SCHOOLS. THIS GROUP OF OVER 70 PEOPLE OF WHICH ALL BUT ABOUT 5 OR 6 PEOPLE WERE ALASKA NATIVE, INCLUDED PARENTS, SCHOOL BOARD MEMBERS, TEACHERS, COUNSELOR AND ADMINISTRATORS, UNIVERSITY FACULTY, TRIBAL

LEADERS AND OTHERS. I WILL ALSO INCLUDE COPIES OF THE INDIAN NATIONS AT RISK REPORT AND THE ALASKA WHITE HOUSE CONFERENCE ON INDIAN EDUCATION REPORT.

ONE OF THE GOALS OF THE ALASKA WHITE HOUSE CONFERENCE ON INDIAN EDUCATION WAS THAT BY THE YEAR 1994, ALL SCHOOLS WILL OFFER NATIVE/INDIAN STUDENTS THE OPPORTUNITY TO MAINTAIN AND DEVELOP THEIR TRIBAL LANGUAGES AND CREATE A MULTICULTURAL ENVIRONMENT THAT ENHANCES THE MANY CULTURES REPRESENTED IN SCHOOL. INCLUDED IN THAT GOAL WERE RECOMMENDATIONS THAT PARENTS ALSO BE TAUGHT NATIVE LANGUAGES; THAT CURRICULUM MUST BE DEVELOPED; LOCAL SCHOOL DISTRICTS NEED TO SUPPORT TEACHING NATIVE LANGUAGES IN THE SCHOOLS; ALTERNATIVE CERTIFICATION PROGRAMS FOR TEACHERS NEED TO BE IMPLEMENTED IN NATIVE LANGUAGES TO HELP TO START LANGUAGE PROGRAMS; EARLY CHILDHOOD PROGRAMS NEED TO INCLUDE TEACHING NATIVE LANGUAGES. OTHER RECOMMENDATIONS ARE TO TREAT NATIVE LANGUAGES WITH THE SAME STATUS OF FOREIGN LANGUAGES IN THE SCHOOLS.

THE ALASKA FEDERATION OF NATIVES GIVES EDUCATION A VERY HIGH PRIORITY ON ITS LIST OF GOALS FOR THE 1990'S. AFN BELIEVES THAT INCORPORATION OF NATIVE LANGUAGES AND NATIVE STUDIES MUST BE INCLUDED IN THE CURRICULUM TO ASSIST THE EDUCATIONAL SYSTEM IN MAKING CHANGES IN THE ACHIEVEMENT AND SUCCESS FOR ALASKA NATIVE STUDENTS, WHO AS A GROUP MUST ACHIEVE PARITY WITH OTHER STUDENTS IN ALASKA. WE LIVE IN A MULTICULTURAL

WORLD, LET'S INCLUDE ALASKA NATIVE LANGUAGES AND STUDIES AS PART OF OUR SCHOOL CURRICULUM, IT WILL ENHANCE MULTICULTURAL AWARENESS AND UNDERSTANDING OF ALASKA'S FIRST PEOPLE.

SUPPORT FOR NATIVE LANGUAGE TEACHING, MAINTENANCE, AND REVITALIZATION COMES FROM A GRASS ROOTS LEVEL, DEMONSTRATED BY ALASKA NATIVE YOUTH, ELDERS, PARENTS AND COMMUNITY MEMBERS. SCHOOL POLICY MAKERS, ADMINISTRATORS AT THE LOCAL, REGIONAL, AND STATE LEVELS MUST EXPLORE AVENUES AND SUPPORT THE TEACHING AND STUDY OF ALASKA NATIVE LANGUAGES IN THE SCHOOLS.

AFN BELIEVES PARTNERSHIPS WITHIN THE EDUCATION COMMUNITIES NEED TO BE FORGED - WITHIN THE PUBLIC SCHOOL SYSTEM, THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY SYSTEM.

THANK YOU FOR THE OPPORTUNITY TO OFFER AFN'S TESTIMONY THAT SUPPORTING THE TEACHING OF NATIVE LANGUAGES IN OUR SCHOOLS.



DIOCESE OF JUNEAU

OFFICE OF THE BISHOP

419 SIXTH STREET
JUNEAU, ALASKA 99801
TELEPHONE 907/586-2227

March 2, 1992

The Honorable Mike Navarre
Box V
Juneau, Alaska 99801

Dear Representative Navarre,

I am writing this letter in support of SB 421 sponsored by Senator Hoffman. There is a particular appropriateness to this Bill in view of the fact that this year we celebrate the 500th Anniversary of Columbus's voyage to America. The linguistic, cultural and artistic traditions of our Native peoples are a heritage that can enrich and ennoble all of us.

However, due to the deprivation and discrimination Native peoples have been subjected to, there is a special need to assist them in retaining their traditions. Language is at the heart of a peoples' identity. It is essential that our society do everything it can to foster and preserve the languages of our Native peoples.

I therefore urge you to support SB 421.

Sincerely yours,

+Michael H. Kenny
Bishop of Juneau

Alaska State Legislature



Mike Navarre
Co-Chair
(907) 465-3706

Eileen MacLean
Co-Chair
(907) 465-3722

INTERIM ADDRESS
34824 S. Tornsky Beach Rd.
Soldotna, Alaska 99669
(907) 261-7842

INTERIM ADDRESS
P.O. Box 290
Barrow, Alaska 99723
(907) 852-7111

House of Representatives
Committee on Finance
P.O. Box V, Juneau, Alaska 99811

March 13, 1992

+Michael H. Kenny
Bishop of Juneau
Diocese of Juneau
419 Sixth Street
Juneau, AK 99801

Dear Bishop Kenny:

Thank you very much for writing in support of SB 421, an act relating to a curriculum for Native language education.

I have shared your letter with the other members of the House Finance Committee so that they are aware of your support when this bill is scheduled for a hearing.

Sincerely,

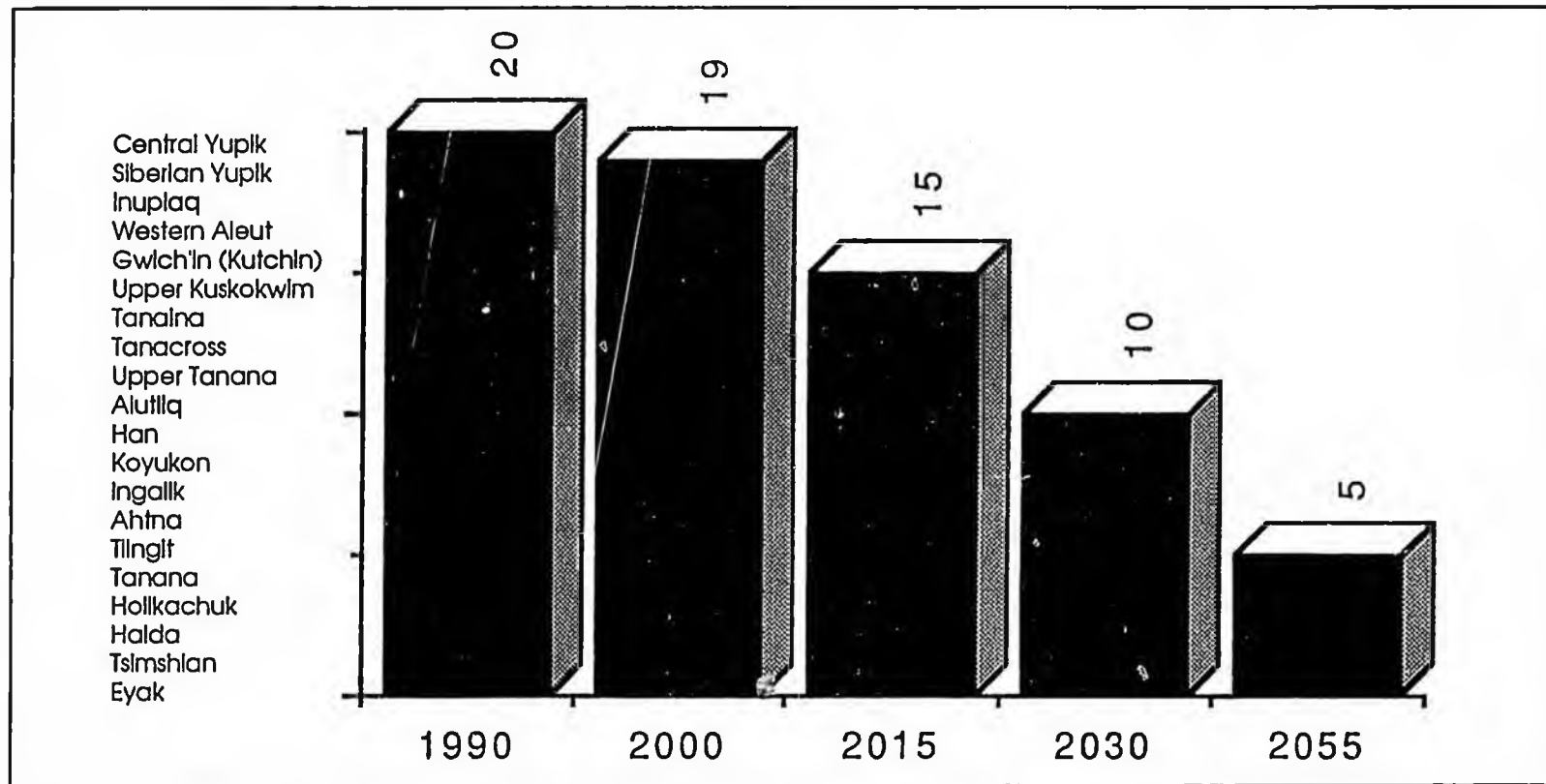
A handwritten signature in cursive script, appearing to read "Mike Navarre".

Representative Mike Navarre, Co-Chair
House Finance Committee

cc: House Finance Committee w/encl.

MN:lsg

Languages in Peril



Not allowing for miracles, Eyak will probably not survive this century; Alaska Tsimshian, Alaska Halda, Hollkachuk, and Tanana will probably be extinct by 2015; and Tlingit, Ahtna, Ingallik, Koyukon and Han will probably be extinct by 2030. Furthermore, Alutiiq, Upper Tanana, Tanacross, Tanaina and Upper Kuskokwim have an extremely doubtful future . . . not allowing for miracles or other radical changes, they will probably be extinct within a lifetime, by about 2055. By that year, then, probably only five of the twenty Alaska languages will still be spoken . . . Western Aleut . . . Kutchin . . . Inupiaq . . . Central Alaska Yupik and Siberian Yupik . . .

Dr. Michael Krauss
Alaska Native Languages: Past, Present and Future
Alaska Native Language Center Research Papers - 1980
University of Alaska Fairbanks

PLEASE MICROFILM TOP PAGE ONLY

HB 352

SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/92

FURTHER: *rule* *OR*

DATE TURNED INTO OFFICE: 5/11/92

The Finance Committee considered CS SSB 352 (FINANCE) am

"An Act relating to a curriculum for Native language education; and providing for an effective date."

may replace

and recommends:

replace with S CS CS SSB 352 (FINANCE) same title
or adopt previous CS new title
 attaches amendment(s) technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

P HD & FAV

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes EDUCATION 5.1 4-30-92

DO PASS:

[Signatures]

OTHER RECOMMENDATIONS:

1. *[Signature]*
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 2

Bill Version CSSSHB352(FIN)am

(S) Publish Date: 5-1-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 4-29-92

Department Affected: Education

Title: An Act relating to curriculum for Native Language Education.

BRU: K-12 Support

Sponsor: Representative Lincoln

Component: Data Management

Requestor: (S) HESS

COMPONENT SERIAL NO.

1	2	4	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL	5.1	0	0	0	0	0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	5.1	0	0	0	0	0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	5.1	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	5.1	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.) Even though this bill has been amended, the Department of Education will still incur implementation costs. A standard reporting format will be developed to meet the requirements of the law. This format will specify the information that must be reported and the form in which the information must appear. To develop this format a team of Alaskans will meet over a two day time period in Anchorage to review alternatives and reach consensus on a reporting model. See attached.

Prepared by: Mike Maher
Division: Commissioner's Office

Phone: 465-2800
Date: 4-30-92

Approved by Commissioner: 
Agency: Education

Jerry Covey
Date: 4-30-92

Fiscal Note
CS for SS for HB 352
(Finance) Amended

To keep costs at a minimum, travel costs will be shared with participating school districts. The state share of the travel costs incurred by this bill is \$3,600. The department will pay travel costs for its own staff who will attend this meeting by holding the meeting at a time when staff will be in Anchorage. The department will attempt to obtain free services from an external consultant with outstanding skills in bilingual program evaluation through networking with regional and national bilingual networks. It is anticipated that the only costs to be borne by the department will be travel costs for the consultant. These travel costs will not exceed \$1,500.

Costs associated with redesigning and reprinting materials currently used by the department for implementing the Report Card Legislation will be borne by the department by delaying the revision and reprinting of materials until after its planned for evaluation cycle.

Total costs: \$5,100.

Costs to School Districts:

In addition, HB 352 may pose a cost to school districts. At the least, districts will have to incur the cost of conducting meetings of the Native Language Curriculum Advisory Boards to discuss the feasibility of implementing a Native Language curriculum. This cost will vary among districts according to the composition and location of the group. For those districts which chose to implement such a program, K-12, the Department estimates an additional implementation cost of \$60,000 per site.

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Program Support Bill Number CS for SS for HB 352
(Finance) Amended

Bill Title An Act relating to curriculum for Native Language Education.

Sponsor Representative Lincoln

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

In concept the Department of Education supports this bill. While we support and encourage Native language programs, we believe that it is inappropriate for the state to mandate that schools with a majority of Alaska Native students must have Native language advisory committees.

This is a decision best made at the local level.

APPROVED:

Director Ed Westlund Division Educational Program Support

Signature *Mal Melton for EW* Date 4-30-92

Commissioner/Deputy Jerry Covev/Karen R. Crane

Signature *Karen R. Crane* Date 4-30-92

SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 352 (FINANCE)**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY THE SENATE FINANCE COMMITTEE**

Offered: 5/12/92

Referred: Rules

Sponsor(s): REPRESENTATIVES LINCOLN, Ellis, B.Davis, Mackie, Koponen, Kubina, Ivan, Gruenberg, Leman, Donley, Finkelstein, Ulmer, Bruckman

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to a curriculum for Native language education; and providing for an
2 effective date."

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

4 * Section 1. SHORT TITLE. This Act may be known as the Native Language Education Act.

5 * Sec. 2. FINDINGS. The legislature finds that

6 (1) Alaska's indigenous Native cultures and languages are unique, essential elements of
7 Alaska's heritage;

8 (2) Alaska's indigenous Native languages are an integral part of Alaska Native people's
9 culture and well being;

10 (3) knowledge of one's indigenous language is important for the development of social
11 skills and self-esteem; it further contributes to the development of the individual, and the ability to
12 communicate;

13 (4) translations from a Native language into English result in the loss of context and
14 deprivation of the full range of social and cultural understanding necessary to function in the individual's

1 environment;

2 (5) when Native children are proficient in their primary indigenous language, they are
3 more likely to do better in school; they also develop a higher degree of proficiency in English;

4 (6) historically, Alaska Native children first learned their Native language in their homes
5 and communities but with the passing of Native elders and with a current generation of parents who are
6 not fluent in their Native language, younger generations are less knowledgeable about their language and
7 culture;

8 (7) the loss of indigenous Native languages dates back to the late 1800's when
9 mainstream American missionaries enforced federal policies that forbade the use of Native languages,
10 punished children for speaking their own language, and urged parents to speak only English to their
11 children;

12 (8) the continuation of "no Native language" policies in federal, territorial, and state
13 school systems between 1910 and 1970 resulted in the loss of many Native languages;

14 (9) the fact that only two of the 20 Alaska Native languages are fluently spoken by
15 children today is an indicator of the impending extinction of Native languages;

16 (10) unless action is taken, by the year 2055 only five of the 20 Alaska Native languages
17 will be spoken by anyone, and soon thereafter the Native languages of Alaska may vanish.

18 * Sec. 3. AS 14.03.120(e) is amended to read:

19 (e) A district shall, by October 31 of each year, provide to the state board, and make
20 available to the public, a report on the performance of each public school and public school
21 students in the district. The report must be entitled "School District Report Card To The Public"
22 and must be prepared on a form prescribed by the department. The report must include

23 (1) the percent of district students in the top and bottom quarter of standardized
24 national achievement examinations; results under this paragraph shall be disclosed in a manner
25 that does not reveal the individual identities of students;

26 (2) the percent of students who are not promoted to the next grade;

27 (3) student, parent, and community member comments on the school's
28 performance;

29 (4) the annual percent change in enrollment and the percent of enrollment change
30 due to student transfers into and out of the district;

31 (5) attendance, retention, and graduation rates;

1 (6) the ways in which meaningful parent involvement in school performance was
2 achieved;

3 (7) if Native language education is provided, a summary and evaluation of
4 the curriculum described in AS 14.30.420;

5 (8) other indicators of school performance required by the state board; and

6 (9) [(8)] other indicators of school performance selected by the district.

7 * Sec. 4. AS 14.30 is amended by adding a new section to read:

8 Sec. 14.30.420. NATIVE LANGUAGE EDUCATION. (a) A school board in a district
9 in which a majority of the students are Alaska Natives may establish a local Native language
10 curriculum advisory board for each school in the district in which a majority of the students are
11 Alaska Natives. A school board in a municipality may also establish a local Native language
12 curriculum advisory committee. If the local Native language curriculum advisory board
13 recommends the establishment of a Native language education curriculum for a school, the school
14 board may initiate and conduct a Native language education curriculum for grades K through 12
15 at that school. The program must include Native languages traditionally spoken in the
16 community in which the school is located. Each school board conducting a program of Native
17 language education may implement the program as a part of regular classroom studies and shall
18 utilize

19 (1) certified instructors or instructors who have knowledge and adequate training
20 in teaching the Native language of the community in which the school is located;

21 (2) to the extent possible

22 (A) instructors and instructional materials available through the University
23 of Alaska; and

24 (B) audio-visual, computer and satellite technology.

25 (b) In this section,

26 (1) "district" has the meaning given in AS 14.17.250;

27 (2) "Native" means a person of one-fourth degree or more Alaskan Indian,
28 Eskimo, or Aleut blood.

29 * Sec. 5. This Act takes effect July 1, 1993.

STATE OF ALASKA
1992 LEGISLATIVE SES. JN

No. 2
Bill Version: CSSSHB 352 (FIN)
(H) Publish Date: 4-23-92

Revision Date: _____ Department Affected: EDUCATION
Title: A CURRICULUM FOR NATIVE LANGUAGE BRU: K - 12 SUPPORT
EDUCATION Component: DATA MANAGEMENT
Sponsor: REPRESENTATIVE LINCOLN
Requestor: HOUSE FINANCE COMMITTEE COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Eileen MacLean *Eileen MacLean* Phone: 465-4813
Co-Chair Mike Navarre *Mike Navarre* Phone: 465-3779
Division: House Finance Committee Date: 4/22/92

Approved by Commissioner: _____ Date: _____
Agency: _____

POSITION PAPER: DEPARTMENT OF EDUCATION

Division Educational Program Support Bill Number CS for SS for HB 352
(Finance) Amended

Bill Title An Act relating to curriculum for Native Language Education.

Sponsor Representative Lincoln

Position Statement: Explain briefly what the bill does, its impacts and Department's position, i.e., a) support, b) do not support, c) neutral or d) oppose.

In concept the Department of Education supports this bill. While we support and encourage Native language programs, we believe that it is inappropriate for the state to mandate that schools with a majority of Alaska Native students must have Native language advisory committees.

This is a decision best made at the local level.

APPROVED:

Director Ed Westlund Division Educational Program Support

Signature *Ed Westlund for CW* Date 4-30-92

Commissioner/Deputy Jerry Covey/Karen R. Crane

Signature *Karen R. Crane* Date 4-30-92

ALASKA STATE LEGISLATURE

Representative Georgianna Lincoln

HESS Committee, Co-Chair
Resources Committee, Vice-Chair

Budget Subcommittees
Health and Social Services
Revenue



P.O. Box V
Juneau, Alaska 99811

Phone: (907) 465-3732
FAX: (907) 465-2652

MEMORANDUM

- Alatna
- Allakaket
- Aniak
- Anvik
- Arctic Village
- Beaver
- Bettles
- Birch Creek
- Chalkyitsik
- Chuathbaluk
- Crooked Creek
- Evansville
- Fort Yukon
- Galena
- Grayling
- Holy Cross
- Hughes
- Huslia
- Kalskag
- Kaltag
- Koyukuk
- Lake Minchumina
- Lime Village
- Lower Kalskag
- Manley Hot Springs
- Marshall
- McGrath
- Minto
- Mountain Village
- Nikolai
- Nulato
- Pilot Station
- Pitkas Point
- Rampart
- Red Devil
- Ruby
- Russian Mission
- Shageluk
- Sleetmute
- St. Mary's
- Stevens Village
- Stony River
- Takotna
- Tanana
- Telida
- Tuluksak
- Tyonek
- Venetie
- Wiseman

TO: Senator Jay Kerttula, Co-Chair
Senator Pat Pourchot, Co-Chair
Senate Finance Committee

FROM: Representative Georgianna Lincoln *geom*

DATE: May 4, 1992

RE: CSSSHB 352 (FIN) AM
Native Language Education Act

CSSSHB 352 (FIN) AM provides that schools where a majority of the students are Alaska Natives may teach the language that is traditional within the community. A local Native curriculum advisory committee would be **selected by the school board** to review and make recommendations about the teaching of the Native language. It further provides that the Native language **may** be incorporated into the school curriculum and taught by certified or trained instructors. The bill allows for the delivery of language instruction by existing satellite instruction or other distance delivery technology, including computer programs and audio distance delivery. The effective date of this legislation is July 1, 1993.

Many of Alaska's Native languages are on the brink of extinction. Linguists tell us that unless corrective action is taken soon, by the year 2055--not very long from now--at least 15, and possibly 18, Native languages will be lost. Eyak, the Athabaskan language of a people who thrived for 3,500 years along the Gulf of Alaska, has one remaining Native speaker; she is 73 years old. Dr. Michael Krauss, professor of linguistics at the University of Alaska Fairbanks predicts that "short of a miracle or radical social change" we will lose 15, and possibly 18, of our 20 Native languages by the year 2055.

Sadly, the loss of Alaska Native languages is rooted in anti-Native language educational policies promoted by American missionaries and educators around the turn of the century. Schools played a critical role in efforts to

May 4, 1992
Page 2

assimilate Alaska Natives into the Western/Anglo religion, language and culture; in fact, children were punished for speaking their Native language.

Schools cannot, nor should they, carry the burden of Native language preservation alone. Parents, extended family members, and communities have important roles as well. In many villages, however, many of those tools are lost. We must have our schools involved and committed to teaching and preserving our Native languages. Presently, our schools are teaching Spanish, Russian, and Japanese to our children. Many who have the capability to extend their programs to include Native languages have not.

As a complement to this bill, Senator Murkowski is working with Congress to secure federal funding to help preserve Alaska's Native languages. S. 1595, the "Alaska Native Languages Preservation and Enhancement Act of 1991" has passed the Senate and is awaiting House action. It will provide \$2.5 million per year for five years, to assist in Native language preservation and education efforts in Alaska.

HB 352 has received strong support from the Alaska Federation of Natives, the White House Conference on Indian Education, the Denakkanaaga Elders Conference, the Tanana Chiefs Conference, Bristol Bay Area Health Corporation, and the Association of Village Council Presidents, the Interior Education Council, the Village Participation Conference, the Rural Alaska Community Action Program, and by numerous village corporations and associations.

Sectional Analysis

CSSSHB 352 (FIN) am

- Sec. 1. Short Title: Native Language Education Act
- Sec. 2. Findings.
- Sec. 3. Amends School District Report Card statute to include summary and evaluation of Native language education, if provided by the district.
- Sec. 4 (a). Adds a new section to Educational Programs statute related to Native Language Education.

A local Native language curriculum **advisory** board would be established for each school where a majority of the students are Alaska Native.

A school board in a municipality may also establish a local Native language curriculum advisory committee.

Upon recommendation of the local Native language curriculum advisory board, the district **may** teach Native language in the schools, grades K-12.

Directs school boards to utilize certified instructors or individuals with knowledge and training in teaching the language, and **to the extent possible**, instructors and materials available through the University and satellite technologies when Native language education program is implemented.

- Sec. 4(b). Defines "Native" Alaskan for the purposes of this bill, to be a person with one-fourth degree or more Alaska Indian, Eskimo or Aleut blood.
- Sec. 5. Effective date: July 1, 1993.



Administrative
& Support Offices
P.O. Box 00309
Nenana, Alaska 99760

Fred L. Lau
Superintendent

(907) 832-5594

BY FAX TRANSMISSION

April 30, 1992

Senator Arliss Sturgulewski
Chair, Senate HESS Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Sturgulewski and Members
of the Senate HESS Committee:

Please accept this letter in opposition to CSSSHB 352 (FIN) am, regarding the Native language education. It should be noted that as a school board we are not opposed to the teaching or the preservation of any minority languages, especially those in Alaska. Our objection has always been the way in which this bill by-passes the school district, ignores the constituents who elected the school board, and implies that the Board and District are unable to or do not fully represent their constituents.

The superintendent, administration and publicly elected board members have a responsibility that forces them to balance wants, desires and needs against the realities of budgets and funding. To take away their purpose by mandating the creation of another board, absent any fiscal responsibility, is a disservice to the School Board and the District.

It may be possible that the committee does not understand the full impact of rural concerns and procedures. Once the advisory boards are formed by mandate, they will recommend that Native languages be provided because that is what they were appointed to do. This will be without regard to local funding sources and will have a financial impact on the district even though the programs are not mandated by law. If you think you are not mandating, you do not understand how closely rural communities and districts affect each other.

As I am sure you are aware, each rural district has an elected school board and each rural school in REAA districts have local advisory boards in place. In our district local advisory boards allocate funds for local programs. They presently have the power to provide funds for language programs. Those communities that want language programs already have the power to put them in place.

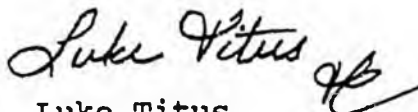
We strongly believe that our Board is composed of competent people who represent the constituents of our district.

There is no need for another mandated board or program. If you pass this bill in its present form, you will have chosen to ignore the consequences of this mandate and will have undermined the duly elected members of our school board and advisory school boards.

We respectfully request that you change the word shall in line 9, page 3 of the bill to may.

Thank you for this opportunity to respond.

Sincerely,



Luke Titus
Board Chairperson
Yukon Koyukuk School District

ASSOCIATION OF ALASKA SCHOOL BOARDS

316 West 11th Street, Juneau, Alaska 99801-1510 • Tel. (907) 586-1083 • Fax (907) 586-2995

Advocates for Alaska's Youth

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Hydaburg

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Delta-Greely

EXECUTIVE DIRECTOR
Carl F.N. Rose

HB 352

Curriculum for Native Language

Support for local options

The Association of Alaska School Boards (AASB) is sensitive to the concerns addressed in HB 352 and supports the concept of allowing districts to implement a curriculum for Native language, but is greatly concerned over the impact of mandating such programs.

The Association of Alaska School Boards is on record as supporting a bonafide postsecondary education certification program in the area of Alaska Native Language & Culture to provide opportunities for Alaskan students to pursue a career in teaching, and to provide students in the classroom with the opportunity to explore Alaska's rich Native Culture. (AASB Resolution 92-29)

Support for funding of HB 352

In light of the five-year moratorium on education funding increases, AASB has consistently urged the Legislature to refrain from mandating educational programs without providing commensurate funding to implement them. Mandating programs without funding—and the additional requirements and costs associated with implementing new programs—have the effect of promoting one program at the expense of another (by diverting funds from one program into another).

2/12/92

Northwest Arctic Borough School District
BOX 51
KOTZESUE, ALASKA 99752
(907) 442-3472

NGATAK	_____	_____	_____
KVALINA	_____	_____	_____
KOTZEBUE	_____	_____	_____
DEERNO	_____	_____	_____
BUCKLAND	_____	_____	_____

RESOLUTION 92-006
RE: House Bill 352/Senate Bill 421

Whereas, the House and Senate are considering legislation entitled "A Native Language Education Act", and;

Whereas, the current draft of the legislation does not provide funding for implementation of the act, and;

Whereas, the legislation mandates the establishment of additional advisory committees, reporting, and expanded instructional programs, and;

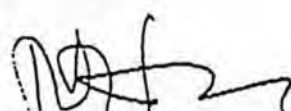
Whereas, the Northwest Arctic Borough School District is already governed by a Board of elected public representatives;

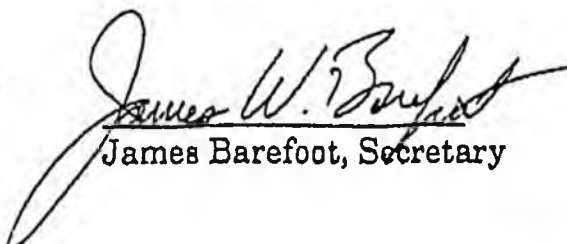
Therefore be it resolved, that the Northwest Arctic Borough School District Board of Education will be able to support House Bill 352 and Senate Bill 421 only if the following revisions are included in the legislation:

- Funding to implement programs is attached to the bill
- Public Boards of Education, rather than newly created advisory boards, would be responsible for determining bilingual program needs
- The scope of the bilingual programs would be determined locally rather than mandated by the state

Adopted February 27, 1992 at a duly convened regular meeting of the Northwest Arctic Borough Board of Education at which a quorum was present and voting.

ATTEST:


Pete Schaeffer, President


James Barefoot, Secretary

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To John Sackett	From Ed Gannon
Co.	Co. NWABSD
Dept.	Phone # 442-3472
Fax # 463-6773	Fax # 442-3858

HB 355