

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 856

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/1/92

FURTHER:

DATE TURNED INTO OFFICE: 5/5/92

The Finance Committee considered SENATE BILL NO. 153

"An Act relating to mental health; and amending Rule 3, Alaska Rules of Civil Procedure."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous SB 153 CS (Jud)
- 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 COLAW 4-14-92
- fiscal notes Court System 7.2 4-23-92

**DO PASS:**

Lee Adams  
[Signature]  
[Signature]

**OTHER RECOMMENDATIONS:**

Ken Kelly (No Rec)

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

2. [Signature]  
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill Version: SB 153

(S) Publish Date: 4-15-92

Revision Date: \_\_\_\_\_

Title: "An Act relating to mental health..."

Department Affected: Department of Law

BRU: Legal Services

Component: Operations

Sponsor: Senator Pourchot/By Request

Requestor: Senator Pourchot

COMPONENT SERIAL 

		9	3
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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						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Changes in SSB 153 JDW  
have no fiscal impact. This  
fiscal note is appropriate  
4-30-92 CLB  
date Comte Aide (initial)

For the reasons discussed in the attached letter of April 14, 1992, from Assistant Attorney General Elizabeth Shaw to Senator Pourchot, the Department is submitting a "zero" fiscal note.

Changes in SSB 153 HES  
have no fiscal impact. This  
fiscal note is appropriate.  
15 Apr 92 MAF  
date Comte Aide (initial)

Prepared by: Richard I. Peques, Director  
Division: Administrative Services  
Approved by Commissioner: Richard I. Peques / FOR  
Agency: Department of Law

Phon: \_\_\_\_\_  
Date: April 14, 1992  
Date: April 14, 1992

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

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

No. 2  
Bill Version: CSSB 153(JUD)  
(S) Publish Date: 5-1-92

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
Title: An Act relating to mental health BRU: Trial Courts  
Sponsor: Pourchot - Components: \_\_\_\_\_  
Requestor: \_\_\_\_\_ 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	7.2	7.2	7.2	7.2	7.2	7.2
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.2	7.2	7.2	7.2	7.2	7.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	7.2	7.2	7.2	7.2	7.2	7.2
FEDERAL FUNDS						
OTHER						
TOTAL	7.2	7.2	7.2	7.2	7.2	7.2


POSITIONS:

FULL-TIME						
PART-TIME	2.0	2.0	2.0	2.0	2.0	2.0
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
Division: Alaska Court System Date: 04/23/92

Approved by: Arthur H. Snowden, II, Administrative Director  Agency: Alaska Court System Date: 04/23/92

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

Alaska Court System  
Fiscal Analysis  
CS SB 153

The fiscal analysis is based on the assumption that this legislation will require an estimated 20 hearings a year. Each hearing is estimated to last 2 to 3 hours. Current court staff can not assume the additional burden of the hearings. The court will have to hire a part-time pro tem superior court judge and in-court clerk to fill in for current judges and staff who will handle the hearings.

Personal Services

<u>Classification</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tempore superior court judge, 1 month, PPT, Anchorage (assumes fully vested, retired judge)	\$2,013	\$1,641	\$3,654
In-Court Clerk, range 12B, 1 month, PPT, Anchorage	2,410	1,112	<u>3,522</u>
			<u>\$7,176</u>

CS FOR SENATE BILL NO. 153 (JUDICIARY)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/1/92  
Referred: Finance

Sponsor(s): SENATORS POURCHOT, Collins

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to mental health."

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

3 \* Section 1. AS 44.21.410(a) is amended by adding a new paragraph to read:

4 (8) provide visitors and guardians ad litem in proceedings under AS 47.30.839.

5 \* Sec. 2. AS 47.30.660 is amended by adding a new paragraph to read:

6 (15) set standards under which each designated treatment facility shall provide  
7 programs to meet patients' medical, psychological, social, vocational, educational, and  
8 recreational needs.

9 \* Sec. 3. AS 47.30.772 is amended to read:

10 Sec. 47.30.772. MEDICATION AND TREATMENT. An evaluation facility or [A]  
11 designated treatment facility may administer medication or other treatment to an involuntarily  
12 committed patient only in a manner that is consistent with the provisions of AS 47.30.825 -  
13 47.30.865.

14 \* Sec. 4. AS 47.30.800(b) is amended to read:

1 (b) Upon making the findings specified in (a) of this section, the provisions of  
2 AS 47.30.795(c) [AS 47.30.795(b)] relating to notice and AS 47.30.745 relating to hearing apply.

3 \* Sec. 5. AS 47.30.825(b) is amended to read:

4 (b) The patient and the following persons, at the request of the patient, are [A  
5 PATIENT, OR THE PATIENT'S COUNSEL, GUARDIAN, OR THE ADULT DESIGNATED  
6 IN ACCORDANCE WITH AS 47.30.725 IF THE PATIENT IS MENTALLY INCAPABLE OF  
7 PARTICIPATION, IS] entitled to participate in formulating the patient's individualized treatment  
8 plan and to participate in the evaluation process as much as possible, at minimum to the extent  
9 of requesting specific forms of therapy, inquiring why specific therapies are or are not included  
10 in the treatment program, and being informed as to the patient's present medical and  
11 psychological condition and prognosis: (1) the patient's counsel, (2) the patient's guardian,  
12 (3) a mental health professional previously engaged in the patient's care outside of the  
13 evaluation facility or designated treatment facility, (4) a representative of the patient's  
14 choice, and (5) the adult designated under AS 47.30.725. The mental health care  
15 professionals [TREATING PHYSICIAN] may not withhold any of the [THIS] information  
16 described in this subsection from the patient or from others if the patient has signed a waiver  
17 of confidentiality.

18 \* Sec. 6. AS 47.30.825(d) is amended to read:

19 (d) A locked quiet room, or other form of physical restraint, may not be used, except as  
20 provided in this subsection, unless a patient is likely to physically harm self or others unless  
21 restrained. The form of restraint used shall be that which is in the patient's best interest and  
22 which constitutes the least restrictive alternative available. When practicable, the patient shall  
23 be consulted as to the patient's preference among forms of adequate, medically advisable  
24 restraints including medication, and that preference shall be honored [CONSIDERED]. Nothing  
25 in this section is intended to limit the right of staff to use a quiet room at the patient's request  
26 or with the patient's knowing concurrence when considered in the best interests of the patient.  
27 Patients placed in a quiet room or other physical restraint shall be checked at least every 15  
28 minutes or more often if good medical practice so indicates. Patients in a quiet room must be  
29 visited by a staff member at least once every hour and must be given adequate food and drink  
30 and access to bathroom facilities. At no time may a patient be kept in a quiet room or other  
31 form of physical restraint against the patient's will longer than necessary to accomplish the

1 purposes set out in this subsection. All uses of a quiet room or other restraint shall be recorded  
2 in the patient's medical record, the information including but not limited to the reasons for its  
3 use, the duration of use, and the name of the authorizing staff member.

4 \* Sec. 7. AS 47.30.825(c) is repealed and reenacted to read:

5 (c) A patient who is capable of giving informed consent has the right to give and  
6 withhold consent to medication and treatment in all situations that do not involve a crisis or  
7 impending crisis as described in AS 47.30.838(a)(1). A facility shall follow the procedures  
8 required under AS 47.30.836 - 47.30.839 before administering psychotropic medication.

9 \* Sec. 8. AS 47.30 is amended by adding new sections to read:

10 Sec. 47.30.836. PSYCHOTROPIC MEDICATION IN NONEMERGENCIES. An  
11 evaluation facility or designated treatment facility may not administer psychotropic medication  
12 to a patient in a situation that does not involve a crisis under AS 47.30.838(a)(1) unless

13 (1) the patient has the capacity to give informed consent to the medication, as  
14 described in AS 47.30.837, and gives that consent; the facility shall document the consent in the  
15 patient's medical chart; or

16 (2) the patient is determined by a court to lack the capacity to give informed  
17 consent to the medication and the court approves use of the medication under AS 47.30.839.

18 Sec. 47.30.837. INFORMED CONSENT. (a) A patient has the capacity to give informed  
19 consent for purposes of AS 47.30.836 if the patient is competent to make mental health or  
20 medical treatment decisions and the consent is voluntary and informed.

21 (b) When seeking a patient's informed consent under this section, the evaluation facility  
22 or designated treatment facility shall give the patient information that is necessary for informed  
23 consent in a manner that ensures maximum possible comprehension by the patient.

24 (c) If an evaluation facility or designated treatment facility has provided to the patient  
25 the information necessary for the patient's consent to be informed and the patient voluntarily  
26 consents, the facility may administer psychotropic medication to the patient unless the facility  
27 has reason to believe that the patient is not competent to make medical or mental health treatment  
28 decisions. If the facility has reason to believe that the patient is not competent to make medical  
29 or mental health treatment decisions and the facility wishes to administer psychotropic medication  
30 to the patient, the facility shall follow the procedures of AS 47.30.839.

31 (d) In this section,

1 (1) "competent" means that the patient

2 (A) has the capacity to assimilate relevant facts and to appreciate and  
3 understand the patient's situation with regard to those facts, including the information  
4 described in (2) of this subsection;

5 (B) appreciates that the patient has a mental disorder or impairment, if the  
6 evidence so indicates; denial of a significantly disabling disorder or impairment, when  
7 faced with substantial evidence of its existence, constitutes evidence that the patient lacks  
8 the capability to make mental health treatment decisions;

9 (C) has the capacity to participate in treatment decisions by means of a  
10 rational thought process; and

11 (D) is able to articulate reasonable objections to using the offered  
12 medication;

13 (2) "informed" means that the evaluation facility or designated treatment facility  
14 has given the patient all information that is material to the patient's decision to give or withhold  
15 consent, including

16 (A) an explanation of the patient's diagnosis and prognosis, or their  
17 predominant symptoms, with and without the medication;

18 (B) information about the proposed medication, its purpose, the method  
19 of its administration, the recommended ranges of dosages, possible side effects and  
20 benefits, ways to treat side effects, and risks of other conditions, such as tardive  
21 dyskinesia;

22 (C) a review of the patient's history, including medication history and  
23 previous side effects from medication;

24 (D) an explanation of interactions with other drugs, including over-the-  
25 counter drugs, street drugs, and alcohol;

26 (E) information about alternative treatments and their risks, side effects,  
27 and benefits, including the risks of nontreatment; and

28 (F) a statement describing the patient's right to give or withhold consent  
29 to the administration of psychotropic medications in nonemergency situations, the  
30 procedure for withdrawing consent, and notification that a court may override the patient's  
31 refusal;

1 (3) "voluntary" means having genuine freedom of choice; a choice may be  
2 encouraged and remain voluntary, but consent obtained by using force, threats, or direct or  
3 indirect coercion is not voluntary.

4 Sec. 47.30.838. PSYCHOTROPIC MEDICATION IN EMERGENCIES. (a) Except as  
5 provided in (c) of this section, an evaluation facility or designated treatment facility may  
6 administer psychotropic medication to a patient without the patient's informed consent, regardless  
7 of whether the patient is capable of giving informed consent, only if

8 (1) there is a crisis situation, or an impending crisis situation, that requires  
9 immediate use of the medication to preserve the life of, or prevent significant physical harm to,  
10 the patient or another person, as determined by a licensed physician or a registered nurse; the  
11 behavior or condition of the patient giving rise to a crisis under this paragraph and the staff's  
12 response to the behavior or condition must be documented in the patient's medical record; the  
13 documentation must include an explanation of alternative responses to the crisis that were  
14 considered or attempted by the staff and why those responses were not sufficient; and

15 (2) the medication is ordered by a licensed physician; the order

16 (A) may be written or oral and may be received by telephone, facsimile  
17 machine, or in person;

18 (B) may include an initial dosage and may authorize additional, as needed,  
19 doses; if additional, as needed, doses are authorized, the order must specify the  
20 medication, the quantity of each authorized dose, the method of administering the  
21 medication, the maximum frequency of administration, the specific conditions under  
22 which the medication may be given, and the maximum amount of medication that may  
23 be administered to the patient in a 24-hour period;

24 (C) is valid for only 24 hours and may be renewed by a physician for a  
25 total of 72 hours, including the initial 24 hours, only after a personal assessment of the  
26 patient's status and a determination that there is still a crisis situation as described in (1)  
27 of this subsection; upon renewal of an order under this subparagraph, the facts supporting  
28 the renewal shall be written into the patient's medical record.

29 (b) When a patient is no longer in the crisis situation that lead to the use of psychotropic  
30 medication without consent under (a) of this section, an appropriate health care professional shall  
31 discuss the crisis with the patient, including precursors to the crisis, in order to increase the

1 patient's and the professional's understanding of the episode and to discuss prevention of future  
2 crises. The professional shall seek and consider the patient's recommendations for managing  
3 potential future crises.

4 (c) If crisis situations as described in (a)(1) of this section occur repeatedly, or if it  
5 appears that they may occur repeatedly, the evaluation facility or designated treatment facility  
6 may administer psychotropic medication during no more than three crisis periods without the  
7 patient's informed consent only with court approval under AS 47.30.839.

8 Sec. 47.30.839. COURT-ORDERED ADMINISTRATION OF MEDICATION. (a) An  
9 evaluation facility or designated treatment facility may use the procedures described in this  
10 section to obtain court approval of administration of psychotropic medication if

11 (1) there have been, or it appears that there will be, repeated crisis situations as  
12 described in AS 47.30.838(a)(1) and the facility wishes to use psychotropic medication in future  
13 crisis situations; or

14 (2) the facility wishes to use psychotropic medication in a noncrisis situation and  
15 has reason to believe the patient is incapable of giving informed consent.

16 (b) An evaluation facility or designated treatment facility may seek court approval for  
17 administration of psychotropic medication to a patient by filing a petition with the court,  
18 requesting a hearing on the capacity of the person to give informed consent.

19 (c) A patient who is the subject of a petition under (b) of this section is entitled to an  
20 attorney to represent the patient at the hearing. If the patient cannot afford an attorney, the court  
21 shall direct the Public Defender Agency to provide an attorney. The court may, upon request of  
22 the patient's attorney, direct the office of public advocacy to provide a guardian ad litem for the  
23 patient.

24 (d) Upon the filing of a petition under (b) of this section, the court shall direct the office  
25 of public advocacy to provide a visitor to assist the court in investigating the issue of whether  
26 the patient has the capacity to give or withhold informed consent to the administration of  
27 psychotropic medication. The visitor shall gather pertinent information and present it to the court  
28 in written or oral form at the hearing. The information must include documentation of the  
29 following:

30 (1) the patient's responses to a capacity assessment instrument administered at the  
31 request of the visitor;

1 (2) any expressed wishes of the patient regarding medication, including wishes  
2 that may have been expressed in a power of attorney, a living will, or oral statements of the  
3 patient, including conversations with relatives and friends that are significant persons in the  
4 patient's life as those conversations are remembered by the relatives and friends; oral statements  
5 of the patient should be accompanied by a description of the circumstances under which the  
6 patient made the statements, when possible.

7 (e) Within 72 hours after the filing of a petition under (b) of this section, the court shall  
8 hold a hearing to determine the patient's capacity to give or withhold informed consent as  
9 described in AS 47.30.857 and the patient's capacity to give or withhold informed consent at the  
10 time of previously expressed wishes regarding medication if previously expressed wishes are  
11 documented under (d)(2) of this section. The court shall consider all evidence presented at the  
12 hearing, including evidence presented by the guardian ad litem, the petitioner, the visitor, and the  
13 patient. The patient's attorney may cross-examine any witness, including the guardian ad litem  
14 and the visitor.

15 (f) If the court determines that the patient is competent to provide informed consent, the  
16 court shall order the facility to honor the patient's decision about the use of psychotropic  
17 medication.

18 (g) If the court determines that the patient is not competent to provide informed consent  
19 and, by clear and convincing evidence, was not competent to provide informed consent at the  
20 time of previously expressed wishes documented under (d)(2) of this section, the court shall  
21 approve the facility's proposed use of psychotropic medication. The court's approval under this  
22 subsection applies to the patient's initial period of commitment if the decision is made during that  
23 time period. If the decision is made during a period for which the initial commitment has been  
24 extended, the court's approval under this subsection applies to the period for which commitment  
25 is extended.

26 (h) If an evaluation facility or designated treatment facility wishes to continue the use  
27 of psychotropic medication without the patient's consent during a period of commitment that  
28 occurs after the period in which the court's approval was obtained, the facility shall file a request  
29 to continue the medication when it files the petition to continue the patient's commitment. The  
30 court that determines whether commitment shall continue shall also determine whether the patient  
31 continues to lack the capacity to give or withhold informed consent by following the procedures

1 described in (b) - (e) of this section. The reports prepared for a previous hearing under (e) of  
2 this section are admissible in the hearing held for purposes of this subsection, except that they  
3 must be updated by the visitor and the guardian ad litem.

4 (i) If a patient for whom a court has approved medication under this section regains  
5 competency at any time during the period of the patient's commitment and gives informed  
6 consent to the continuation of medication, the evaluation facility or designated treatment facility  
7 shall document the patient's consent in the patient's file in writing.

8 \* Sec. 9. AS 47.30.840(a) is amended to read:

9 (a) A person undergoing evaluation or treatment under AS 47.30.660 - 47.30.915

10 (1) may not be photographed without the person's consent and that of the person's  
11 guardian if a minor, except that the person may be photographed upon admission to a facility for  
12 identification and for administrative purposes of the facility; all photographs shall be confidential  
13 and may only be released by the facility to the patient or the patient's designee unless a court  
14 orders otherwise;

15 (2) at the time of admission to an evaluation or treatment facility, shall have  
16 reasonable precautions taken by the staff to inventory and safeguard the patient's personal  
17 property; a copy of the inventory signed by the staff member making it shall be given to the  
18 patient and made available to the patient's attorney and any other person authorized by the  
19 patient to inspect the document;

20 (3) shall have access to an individual storage space for the patient's private use  
21 while undergoing evaluation or treatment;

22 (4) shall be permitted to wear personal clothing, to keep and use personal  
23 possessions including toilet articles if they are not considered unsafe for the patient or other  
24 patients who might have access to them, and to keep and be allowed to spend a reasonable sum  
25 of the patient's own money for the patient's needs and comfort;

26 (5) shall be allowed to have visitors at reasonable times;

27 (6) shall have ready access to letter writing materials, including stamps, and have  
28 the right to send and receive unopened mail;

29 (7) shall have reasonable access to a telephone, both to make and receive  
30 confidential calls;

31 (8) has the right to be free of corporal punishment;

1 (9) has the right to reasonable opportunity for indoor and outdoor exercise and  
2 recreation;

3 (10) has the right, at any time, to have a telephone conversation with or be visited  
4 by an attorney;

5 (11) may not be retaliated against or subjected to any adverse change of  
6 conditions or treatment solely because of assertion of rights under this section.

7 \* Sec. 10. AS 47.30 is amended by adding a new section to read:

8 Sec. 47.30.847. PATIENTS' GRIEVANCE PROCEDURES. (a) A patient has the right  
9 to bring grievances about the patient's treatment, care, or rights to an impartial body within an  
10 evaluation facility or designated treatment facility.

11 (b) An evaluation facility and a designated treatment facility shall have a formal  
12 grievance procedure for patient grievances brought under (a) of this section. The facility shall  
13 inform each patient of the existence and contents of the grievance procedure.

14 (c) An evaluation facility and a designated treatment facility shall have a designated staff  
15 member who is trained in mental health consumer advocacy who will serve as an advocate, upon  
16 a patient's request, to assist the patient in bringing grievances or pursuing other redress for  
17 complaints concerning care, treatment, and rights.

18 \* Sec. 11. AS 47.30.850 is amended to read:

19 Sec. 47.30.850. EXPUNGING OR SEALING [EXPUNGEMENT OF] RECORDS.  
20 Following the discharge of a respondent from a treatment facility or the issuance of a court order  
21 denying a petition for commitment, the respondent may at any time move to have all court  
22 records pertaining to the proceedings expunged on condition that the respondent file a full release  
23 of all claims of whatever nature arising out of the proceedings and the statements and actions of  
24 persons and facilities in connection with the proceedings. Upon the filing of the motion and  
25 full release, the court shall order the court records either expunged or sealed, whichever  
26 the court considers appropriate under the circumstances.

27 \* Sec. 12. AS 47.30.825(e) is repealed.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(- 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

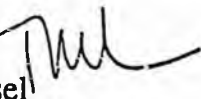
240 Main Street, Suite 500  
Juneau, Alaska 99801-2101

MEMORANDUM

April 21, 1992

**SUBJECT:** Sectional Summary for CSSB 153 (HES)

**TO:** Senator Rick Halford  
Attn: Jeff

**FROM:** Terri Lauterbach   
Legislative Counsel

You have asked for a sectional analysis for CSSB 153 (HES). In the absence of specific questions, this memo provides a summary of the bill. If you have questions not addressed by this memo, please let me know.

Section 1. Requires the office of public advocacy to provide visitors (investigators) in proceedings described in sec. 8 of the CS, which relates to administration of psychotropic medication to patients in mental treatment facilities.

Sec. 2. Requires the Department of Health and Social Services to set programmatic standards for treatment facilities.

Sec. 3. In conjunction with other changes in the CS, clarifies the conditions under which a treatment facility or evaluation facility may administer medication or other treatment to an involuntarily committed patient.

Sec. 4. Corrects a reference.

Sec. 5. Describes who must be involved in treatment decisions if requested by the patient.

Sec. 6. Strengthens patients' rights to have their treatment preferences honored.

Sec. 7. In conjunction with other changes in the CS, clarifies the conditions under which a facility may administer medication or other treatment to a patient.

Sec. 8. Enacts four new sections of law relating to the administration of psychotropic medication.

Sec. 47.30.836. Relates to nonemergency medication. Requires informed consent or a court order. A court order can only be issued if the patient lacks the capacity to consent.

Sec. 47.30.837. Describes the elements of informed consent.

Sec. 47.30.838. Relates to emergency situations. Limits the use of medication in an emergency before court approval is needed.

Sec. 47.30.839. Describes court procedures to be used when a patient seems to lack the capacity to consent to medication. In contrast to sec. 47.30.836, (a)(2) of this section indicates that a competent patient's refusal of medication could be overturned by a court. Sec. 47.30.836 indicates that a court gets involved only if the patient lacks capacity for informed consent. **This apparent inconsistency should be clarified in the bill.**

Sec. 9. Clarifies a patient's right to exercise and recreation.

Sec. 10. Establishes a patient's right to the availability of grievance procedures.

Sec. 11. Clarifies the duty of a court to order expungement of patients' records under certain conditions.

Sec. 12. Repeals a subsection about medication that is made superfluous by other changes in the CS.

TML:pl:gc  
92-275.plm

# MEMORANDUM

State of Alaska

Department of Law

TO: Margaret Lowe, Director  
Division of Mental Health and  
Developmental Disabilities

DATE: April 1, 1992

FILE NO.:

TEL. NO.: 465-3603

SUBJECT: SB 153

FROM: Elizabeth L. Shaw  
Assistant Attorney General  
Human Services Juneau

Here are my comments on the March 25, 1992 work draft of CS for SB 153( ). I am sending a copy of this memorandum to Senator Pourchot as well. I have not discussed these comments or my prior comments with the "working group" named by Senator Pourchot. I hope that the Department of Health and Social Services, Division of Mental Health and Developmental Disabilities has reviewed the proposed legislation and has made any comments you feel are appropriate.

Section 2: The addition of "an evaluation facility" raises questions. Does this provision apply to an evaluation facility holding a patient who has been committed for 30 days and is awaiting transfer to a designated treatment facility? Does it apply to a person in the process of being evaluated but not yet committed for 30 days?

Section 8: Proposed AS 47.30.839(e). The requirements that the court consider all evidence presented by the guardian ad litem, the visitor and the patient is both over broad and too limiting. The court will consider all admissible evidence. The court will also have to give equal consideration to admissible evidence presented by the persons seeking the medication order. The petitioner should be able to cross examine the visitor et al. The current wording could be used to argue that the petitioner has no part in the process after filing the petition and that only the visitor and the patient will present evidence.

ELS/bap

cc: Honorable Pat Pourchot ✓

# ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE,  
CO-CHAIR



Senator Pat Pourchot

ANCHORAGE  
P.O. BOX 104836  
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P.O. BOX V  
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## MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair  
Health, Education and Social Services Committee.

FROM: Senator Pat Pourchot.

DATE: April 7, 1992

SUBJECT: SB 153, An Act relating to mental health.

I respectfully request a hearing at the earliest possible date for SB 153, An Act relating to mental health. The purpose of the legislation is to clearly establish procedures for the protection of patient's rights in evaluation and treatment facilities.

Recently, we have been working closely with mental health advocates, the Alaska Mental Health Board, the Department of Law and the Department of Health and Social Services to make revisions to the original bill introduced last session. The most important additions have been in the area of safeguards and oversight on psychotropic medications.

You may recall that the State of Alaska has been involved in litigation over the issue of forced medication at API. The changes to this legislation incorporate the recommendations of the Involuntary Medication Task Force and should settle the legal issues raised in Branson v. State of Alaska.

My staff is preparing back up materials for committee members and the public. Please contact Dan Austin at 465-3879 if you have any questions.

TUESDAY, April 14, 1992

# Drugged patient wins jury ruling

## API to pay \$225,000 in 1987 case

BY SHEILA TOOMEY

UPI News reporter

A mentally ill woman, injured by a psychiatrist who administered her with a potent psychiatric drug that left her permanently disfigured, has won a \$225,000 jury verdict against the Alaska Psychiatric Institute.

The verdict, returned Friday in Anchorage Superior Court, comes as the legislature considers new rules governing forced medication of involuntarily committed patients, particularly the use of powerful anti-psychotic drugs, which can have serious side-effects.

In general, Alaska doctors

have a legal right to force-medicate patients who have been involuntarily committed.

Barbara Novelli, a 44-year-old Anchorage woman, suffers from bipolar disease, which is characterized by alternating cycles of depression and extreme mania. She has been treated for years with lithium carbonate, a mood "leveler" routinely used in such cases.

Lithium is not an antipsychotic drug and does not generally produce extreme side-effects.

But periodically, Novelli

Please see Page B-9, API

## API: Woman wins lawsuit against state hospital

Continued from Page B-1

would stop taking her lithium and deteriorate into an acute psychotic state, according to court records. The 1987 incident that the jury examined occurred during her sixth admission to API. At the time, API staff knew that the drug they gave her, an antipsychotic called Navane, caused her to have muscle spasms, including facial twitching and involuntary limb and trunk movements.

At issue was whether API ever tried to persuade Novelli to voluntarily resume her lithium doses or, instead, caused permanent injury by forcibly injecting her with a drug that she had good reason to refuse.

API Director Dr. Norwood Knight-Richardson said Monday that he was not surprised by the verdict.

"A lot of the issues around this (forced medica-

tion) are very, very difficult to understand," Knight-Richardson said.

The choice facing his staff, he said, was to leave Novelli in a deteriorating psychotic state, which, according to the court record included writhing on the floor and inappropriate sexual touching of other patients, or to bring her out of the psychosis and risk what they believed would be temporary side effects.

API staff claimed Novelli was offered lithium first and refused it, but there was no note to that effect in any hospital record, Knight-Richardson agreed.

Laurel Peterson, Novelli's attorney, said no such effort was made.

The hospital did not ask Novelli's family or friends to help persuade her to resume taking her lithium, he said, and they ignored specific warnings from her private psychiatrist not to use

an anti-psychotic.

API staff rushed to use an anti-psychotic, Peterson said, because it's the easiest way "to control a patient going through a psychotic episode." Such drugs "knock you on your butt ... make you mute and catatonic," he said.

Five years after being force-medicated, Novelli's twitching symptoms remain, and she needs six pain-killers a day, he said.

Jurors awarded her \$25,000 for medical expenses and \$200,000 for suffering and disfigurement. Novelli's illness makes her largely unemployable, so jurors did not compensate her for lost wages.

The state is currently the defendant in another lawsuit over forced medication, a class action brought by Advocacy Services of Alaska on behalf of all such patients. Jeff Jesse, an attorney for the agency, said the suit is

on hold while a task force tries to deal with the issue through legislation. A hearing is scheduled today at 8:30 a.m.

Proposed reforms would require that the magistrate who normally holds commitment hearings at API decide if forcing a patient to take a drug is in the patient's best interest. The real purpose of the reforms is to force API to spend more time trying to get patients "to buy into their treatment," Jesse said. "We don't want to burden the system with unnecessary hoop jumping."

The judge will almost always uphold the institution, he predicted, but doctors who know they might have to explain their decision to an impartial outsider will make more considered judgments. "They act too quickly if there aren't rules making them more accountable for what happens."

## SB 153, "An Act relating to mental health."

Senator Pat Pourchot

The legislation was introduced in the first session of the Seventeenth Legislature at the request of mental health services consumers and advocates. The purpose of this Act is to guarantee that patients will have appropriate representation in decisions pertaining to their treatment.

In 1987, a patient at the Alaska Psychiatric Institution brought suit against the state for not providing an opportunity to withhold informed consent to the administration of psychoactive medication. A state task force consisting of mental health professionals, advocates and attorneys met for a year and a half to respond to legal issues raised in Branson v. State of Alaska.

The draft CS presented to the Senate Health, Education and Social Services Committee is a revision of SB 153 incorporating the recommendations of the task force.

### SECTIONAL SUMMARY

**Sec. 1** The Department of Health and Social Services shall set standards under which each designated treatment facility will provide for the psychological, social, vocational, educational and recreational needs of the patient.

**Sec. 2** Requires all evaluation and designated treatment facilities to administer treatment and medication only in a manner consistent with the statutes.

**Sec. 3** A patient ordered to receive involuntary outpatient treatment may be required to undergo inpatient treatment when the provider of treatment determines that an appropriate facility will accept the patient and that the patient is mentally ill and likely to cause serious harm to themselves or others.

In that case, the following statutes relating to notice and hearing apply:

#### **AS 47.30.795 Involuntary outpatient care for committed persons**

(c) If during the commitment period the provider of outpatient care determines that the respondent can no longer be treated on an outpatient basis because the respondent is likely to cause harm to self or others or is gravely disabled, the provider shall give the respondent oral and written notice that the respondent must return to the treatment facility within 24 hours, with copies to the respondent's attorney and guardian, if any, the court, and the inpatient treatment facility. If the respondent fails to arrive at the treatment facility within 24 hours after receiving the notice, the professional person in charge may contact the appropriate peace officers who shall take the respondent into custody and transport the respondent to the facility. If it is determined by the professional person in charge to be necessary, a member of the treatment facility staff shall accompany the peace officers when they take the respondent into custody.

**Sec. 47.30.745. 90-day commitment hearing rights.** (a) A respondent subject to a petition for 90-day commitment has, in addition to the rights specified elsewhere in this chapter, or otherwise applicable, the rights enumerated in this section. Written notice of these rights shall be served on the respondent and the respondent's attorney and guardian, if any, and may be served on an adult designated by the respondent at the time the petition for 90-day commitment is served. An attempt shall be made by oral explanation to ensure that the respondent understands the rights enumerated in the notice. If the respondent does not understand English, the explanation shall be given in a language the respondent understands.

(b) Unless the respondent is released or is admitted voluntarily following the filing of a petition and before the hearing, the respondent is entitled to a judicial hearing within five judicial days of the filing of the petition as set out in AS 47.30.740(b) to determine if the respondent is mentally ill and as a result is likely to cause harm to self or others, or if the respondent is gravely disabled. If the respondent is admitted voluntarily following the filing of the petition, the voluntary admission constitutes a waiver of any hearing rights under AS 47.30.740 or under AS 47.30.685. If at any time during the respondent's voluntary admission under this subsection, the respondent submits to the facility a written request to leave, the professional person in charge may file with the court a petition for a 180-day commitment of the respondent under AS 47.30.770. The 180-day commitment hearing shall be scheduled for a date not later than 90 days after the respondent's voluntary admission.

(c) The respondent is entitled to a jury trial upon request filed with the court if the request is made at least two judicial days before the hearing. If the respondent requests a jury trial, the hearing may be continued for no more than 10 calendar days. The jury shall consist of six persons.

(d) If a jury trial is not requested, the court may still continue the hearing at the respondent's request for no more than 10 calendar days.

(e) The respondent has a right to retain an independent licensed physician or other mental health professional to examine the respondent and to testify on the respondent's behalf. Upon request by an indigent respondent, the court shall appoint an independent licensed physician or other mental health professional to examine the respondent and testify on the respondent's behalf. The court shall consider an indigent respondent's request for a specific physician or mental health professional. A motion for the appointment may be filed in court at any reasonable time before the hearing and shall be acted upon promptly. Reasonable fees and expenses for expert examiners shall be determined by the rules of court.

(f) The proceeding shall in all respects be in accord with constitutional guarantees of due process and, except as otherwise specifically provided in AS 47.30.700 — 47.30.915, the rules of evidence and procedure in civil proceedings.

(g) Until the court issues a final decision, the respondent shall continue to be treated at the treatment facility unless the petition for 90-day commitment is withdrawn. If a decision has not been made within 20 days of filing of the petition, not including extensions of time due to jury trial or other requests by the respondent, the respondent shall be released. (§ 1 ch 84 SLA 1981; am § 14 ch 142 SLA 1984)

**Sec. 4** Expands, at the request of the patient, those persons who may participate in formulating the patient's individualized treatment plan. In addition to the patient's counsel, guardian or designated adult, representatives may now include a mental health professional previously engaged in the patient's care outside of the evaluation or treatment facility and another representative of the patient's choice.

This section also stipulates that the mental health care professionals may not withhold any of the evaluation or treatment information from the patient or others if the the patient has signed a waiver of confidentiality.

**Sec. 5** Amends one sentence in AS 47.30.825(d) to read: "When practicable, the patient shall be consulted as to the patient's preference among forms of adequate, medically advisable restraints including medication, and that preference shall be honored (CONSIDERED)."

**Sec. 6** AS 47.30.825(c) is reenacted to provide that a patient capable of giving informed consent has the right to give or withhold that consent to medication and treatment when it is not a crisis or impending crisis situation as described in AS 47.30.838(a)(1):

**Sec. 47.30.838. PSYCHOTROPIC MEDICATION IN EMERGENCIES.** (a) Except as provided in (c) of this section, an evaluation facility or designated treatment facility may administer psychotropic medication to a patient without the patient's informed consent, regardless of whether the patient is capable of giving informed consent, only if

(1) there is a crisis situation, or an impending crisis situation, that requires immediate use of the medication to preserve the life of, or prevent significant physical harm to, the patient or another person, as determined by a licensed physician or a registered nurse; the behavior or condition of the patient giving rise to a crisis under this paragraph and the staff's response to the behavior or condition must be documented in the patient's medical record; the documentation must include an explanation of alternative responses to the crisis that were considered or attempted by the staff and why those responses were not sufficient; and

**Sec. 7** Adds four (AS 47.30.836-.839) new sections pertaining to PSYCHOTROPIC MEDICATIONS IN NON-EMERGENCIES, INFORMED CONSENT, PSYCHOTROPIC MEDICATIONS IN EMERGENCIES and COURT-ORDERED ADMINISTRATION OF MEDICATION.

**AS 47.30.836 PSYCHOTROPIC MEDICATION IN NON-EMERGENCIES:** Facilities may not administer psychotropic medication in a situation that does not involve a crisis without the patient's informed consent unless the court

determines that the patient lacks the capacity to give informed consent and the court approves use of the medication.

AS 47.30.837 INFORMED CONSENT: Defines informed consent for the purposes of the section and describes the facility's responsibility to provide necessary information for the patient's decision. "Competent," "voluntary," and "informed" are defined in detail.

AS 47.30.838 PSYCHOTROPIC MEDICATION IN EMERGENCIES: Describes "crisis" situation, who determines, and requires documentation and consideration of alternatives. Limits "crisis" period to 24 hours, requires that conditions, medication, dose and method of administration be specified. May extend to 3 "crisis" periods for a total of 72 hours. Requires post-"crisis" consultation and discussion with patient. Without court approval, psychotropic medications may not be administered without the patient's informed consent for more than 3 "crisis" periods.

AS 47.30.839 COURT-ORDERED ADMINISTRATION OF MEDICATION: Allows a facility to obtain court approval for the administration of psychotropic medication under specific circumstances and in a specified manner. The court must appoint a court visitor to help determine if the patient is capable of informed consent. Describes documentation the visitor must include in the report to the court. Requires hearing within 72 hours. The court determines the competency of the patient to give informed consent. If the court rules that the patient is incapable of informed consent, the court shall approve the proposed medication. This applies to the initial commitment period and is reconsidered if the facility files a petition to extend or continue commitment. If the patient becomes competent and gives informed consent, it shall be documented in writing in the patient's file.

**Sec. 8** AS 47.30.840(a)(9) is amended to read: "A person undergoing evaluation or treatment under AS 47.30.660-47.30.915 has the right to reasonable opportunity for indoor and outdoor exercise and recreation;

**Sec. 9** New section AS 47.30.847 PATIENT'S GRIEVANCE PROCEDURES: Establishes a patient's grievance procedure and requires each facility to designate a staff member trained in mental health consumer advocacy to serve as the patient's advocate, upon patient's request, in bringing grievances and pursuing redress.

**Sec. 10** Adds a final sentence to AS 47.30.850 EXPUNGEMENT OF RECORDS: Upon the filing of the motion and full release, the court shall order the court records expunged.

**Sec. 11** Repeals AS 47.30.825(e): "A patient has the right to be free from unnecessary or excessive medication. Psychotropic medication may be administered only on the order of a licensed physician when the physician determines that this medication is in the best interest of the patient or will prevent serious harm to others." Previous sections supercede.

## **SB 153, An Act relating to mental health**

Senator Pat Pourchot

Persons subject to evaluation and treatment for mental illness have a right to withhold their informed consent to treatment and medication in non-crisis situations if they are determined to have the capacity to give such consent.

Before a facility can administer psychotropic medication in a non-crisis or non-emergency against the patient's will, The facility must request a court hearing on the capacity of the person to give informed consent. The court must: 1. rule that the patient lacks the capacity to give informed consent, and 2. approve the medication.

The administration of psychotropic medications in emergency situations, without the patient's consent, is limited to three 24 hour periods or a total of 72 hours in the absence of court approval.

Patient's rights to third party representation, and access to recreational, vocational, educational and social opportunities are clearly established. Patients have the right to bring grievances before an impartial body within the facility. Facilities will designate a staff member to act as the patient's advocate in the grievance procedure.

The legislation was drafted at the request of the State Task Force on Involuntary Medication, comprised of public and private attorneys, mental health advocates and representatives of state and private institutions. The bill specifically addresses the legal issues raised in *Branson v. State of Alaska* (3AN 87-9988 CIV.) and is intended to protect the state from expensive future litigation and to ensure the rights of persons undergoing treatment for mental illness.

I'd like to draw the committee's attention to the news article in the packet from the Anchorage Daily News, April 14--A woman awarded \$225,000. for damages as a result of involuntary medication administered at API. This is exactly the type of liability and litigation this bill proposes to prevent.

### **HESS COMMITTEE AMENDMENTS**

Senate HESS Committee adopted two amendments offered by the sponsor:

1. Amended AS 44.21.410(a) to make it clear that "visitor" as described in the bill and appointed by the court, is the court visitor provided by the Office of Public Advocacy in the Dept. of Administration.
2. Amended Sec. 8 (page 7, ln. 9) to clarify that all evidence including that offered by the facility shall be considered at the court hearing to determine capacity to give informed consent.

## SENATE JUDICIARY AMENDMENTS

1. Per request of the task force, page 7, ln. 9 and ln.16 are amended to indicate that previously expressed wishes of the patient (found in living will, power of attny, etc.) are followed **unless** there is 'clear and convincing evidence' that the patient was not competent at the time they expressed their wishes.
2. Per Leg. Legal Services memo of 4/21, page 6, ln. 13-15 amended by deleting (2). It is now clear that court procedures can not be used to override wishes of patient with capacity to give informed consent. Amendment, Leg. Legal Sectional and memo attached.
3. Two changes requested by Alaska Court System to further clarify that **guardians ad litem** and **attorneys** appointed by the court are provided by the Office of Public Advocacy and the Public Defender respectively.
4. Incorporated in the Judiciary Committee CS, changes to Sec. 11 amend AS 47.30.850 to allow expungement or **sealing** of court records pertaining to commitment proceedings. The court has the discretion of whether to fully expunge or seal. This confirms current court practice.

# ALASKA MENTAL HEALTH BOARD

Walter J. Hickel, Governor  
State of Alaska

431 N. Franklin Street  
Juneau, Alaska 99801  
(907)465-3071

April 22, 1992

Senator Rick Halford, Chair  
Senate Judiciary Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Senator Halford,

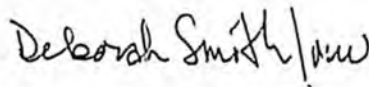
I am unfortunately unable to attend the hearing on CSSB 153 scheduled for April 23, 1992.

The Alaska Mental Health Board has worked with Advocacy Services of Alaska, with consumers of mental health services and with the Division of Mental Health and Developmental Disabilities in revising SB 153.

The Alaska Mental Health Board met and discussed this legislation and has taken a formal position in support of the Committee Substitute for SB 153. The Board feels that the legislation is necessary to protect patient rights in evaluation and treatment institutions, to insure good treatment and the right to refuse treatment .

I appreciate the opportunity to convey to you and your committee the Alaska Mental Health Board's support for CS SB 153.

Sincerely,



Deborah Smith,  
Executive Director

## SB 153, An Act relating to mental health.

### TESTIMONY

Scheduled for May 4, 1992

JEFF JESSE, ADVOCACY ALASKA, will testify in favor of SB 153.

MARGARET LOWE, Director, H&SS Division of Mental Health and Developmental Disabilities. Dr. Lowe is out of town at the Russian and Alaskan Joint Conference on Native Health. Dr. Lowe testified strongly in favor of SB 153 in Senate HESS Committee on April 14, 1992. A representative of the Department will be available.

DEBRA SMITH, Executive Director, Alaska Mental Health Board. Ms. Smith will testify in favor of SB 153. Attached is a letter of support from Ms. Smith, dated April 22, 1992.

ELIZABETH SHAW, Department of Law. Ms. Shaw, a member of the Task Force on Involuntary Medication, is on annual leave. In her absence, the Department does not have an alternative witness. Attached is a memo from Ms. Shaw relating to SB 153, dated April 1.

The 4/1 memo lists 2 concerns: 1. The question of including "evaluation facilities." For the purposes of SB 153, which is to provide a legal procedure for the determination of a patient's capacity to give informed consent to treatment and medication, it is important to include evaluation facilities. Evaluation facilities can hold a patient for 30 days or longer. In emergency or crisis situations, the patient's informed consent or court approval is not required for a period totaling 72 hours. After that time the court must approve the administration of psychotropic medications.

2. Ms. Shaw's concerns in Sec. 8 were addressed in the HESS Committee Substitute by amending the section to make it clear that all evidence, including that offered by the facility or petitioner shall be considered (page 7., ln. 11).

On April 30, Ms. Shaw testified for the Department of Law on SB 153, then being heard in the Senate Judiciary Committee. She spoke to additional revisions made to the bill at the suggestion of the Committee Chairman. Section 11, Expungement of Records, has been revised to provide for the alternative of sealing the records, at the discretion of the court. Ms. Shaw testified that the Department of Law sees no particular legal problems with the bill and takes no official position on the legislation. The Department provided a zero fiscal note on April 14 (in committee packet with cover memo).

**SB 155**

SENATE FINANCE COMMITTEE REPORT

DATE: 3/22/91

FURTHER:

Died in SFC.

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered SENATE BILL NO. 155

"An Act making an appropriation to the Alaska marine highway system vessel replacement fund; and providing for an effective date."

and recommended:

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_

[ ] same title  
[ ] new title  
[ ] technical title change (HB only)

[ ] attached amendment(s)  
[ ] \_\_\_\_\_ letter of intent adopted

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

[ ] fiscal note(s) Dept/Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] fiscal note(s) Dept/Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] appropriation no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
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1. \_\_\_\_\_ 2. \_\_\_\_\_  
Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

DATE: 3/1/91

FURTHER: Finance

Date of 5-Day Notice: 3/7/91  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-21-91

Transportation Committee considered SB 155

Appropriation to the Alaska marine highway system vessel replacement fund; efd.

*+ reports it be as per*

and recommended:

[ ] replace with \_\_\_\_\_ CS *SP*  same title  
[ ] attached amendment(s) [ ] new title

[ ] \_\_\_\_\_ letter of intent adopted

do pass

[ ] do not pass

[ ] no recommendation

individual recommendations

[ ] further referral to \_\_\_\_\_

*Approp. No FM*

ATTACHES NEW FISCAL NOTE(S):

[ ] fiscal note(s) \_\_\_\_\_ Dept/Date  
\_\_\_\_\_  
\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_ Dept/Date  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

[ ] Governor's bill w/fiscal note

SIGNING DO PASS:

*[Signature]*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

*Don't Study No Rec*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]* DO PASS  
Chair: Signature and Recommendation  
*ruud*

## SENATE BILL NO. 155

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS ELIASON, Jones, Menard, Duncan, Kerttula, Zharoff

Introduced: 3/1/91

Referred: Transportation and Finance

Funding Information: General Fund \$45,000,000

Other Funds -0-

\$45,000,000

## A BILL

## FOR AN ACT ENTITLED

1 "An Act making an appropriation to the Alaska marine highway system vessel replacement  
2 fund; and providing for an effective date."

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

4 \* Section 1. The sum of \$45,000,000 is appropriated from the general fund to the Alaska marine  
5 highway system vessel replacement fund (AS 37.05.550).

6 \* Sec. 2. This Act takes effect July 1, 1991.

ALASKA STATE LEGISLATURE  
SENATE BILL NO. 155

HISTORY IN THE SENATE

1991  
3/1

Read first time and referred to:  
Transportation and Finance

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3/22

TKA RPT( ) CS 2 DP 1 NR \_\_\_ DNP \_\_\_ AM  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 FN \_\_\_ OFN NO APPROV To Finance

\_\_\_ RPT( ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 FN \_\_\_ OFN \_\_\_ To \_\_\_

\_\_\_ RPT( ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 FN \_\_\_ OFN \_\_\_ To \_\_\_

\_\_\_ Rules Calendar( ) CS \_\_\_ AM \_\_\_ Other \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 FN \_\_\_ OFN \_\_\_

Read second time

\_\_\_ CS Adopted ( ) \_\_\_ New Title \_\_\_  
 Amended \_\_\_ Advanced \_\_\_

Read third time

\_\_\_ Letter of Intent adopted  
 \_\_\_ Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reconsideration  
 Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reported correctly engrossed  
 Signed by President, to House

---

Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

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\_\_\_ RPT CS( ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

\_\_\_ RPT CS( ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

\_\_\_ RPT CS( ) \_\_\_ New Title \_\_\_  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN \_\_\_

Read second time  
 CS( ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reconsideration  
 Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reported correctly engrossed, signed by the Speaker  
 and returned to the Senate

---

Chief Clerk of the House

**SENATE-HOUSE HISTORY Continued**

19

Received from the House

Version: \_\_\_\_\_

Concur in House amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
 \_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Failed to concur in House amendment, ask House recede

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

House failed to / receded from amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

CC appointed by Senate \_\_\_\_\_ Chair

CC appointed by House \_\_\_\_\_ Chair

(S) Granted Limited Powers of Free Conference

(H) Granted Limited Powers of Free Conference

19

(S) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
 \_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

(H) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
 \_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

To enrolling

Received from enrolling

Sent to Governor

\_\_\_\_\_ By Governor

Chapter Number \_\_\_\_\_

Filed with Lieutenant Governor

3-14-91  
S (Trans)  
FIL



*Department of Transportation  
and Public Facilities*

# POSITION PAPER

BILL NO: SB 155

APPROVED: *J. J. Jurgin*

TITLE: An Act making an appropriation to the Alaska Marine Highway System Vessel Replacement Fund; and providing for an effective date. DATE: March 13, 1991

In early 1990, the Alaska Marine Highway System commissioned a survey of the fleet in order to determine the level of investment necessary to maintain the ships in good condition over the next 15 years. The preliminary results show a demand for investment funds in excess of the historical allocation of federal funds. The capitalization of the vessel replacement fund will create an alternative funding source for the fleet, which will allow the Alaska Marine Highway System to continue to meet its mission of providing basic marine transportation to the coastal communities of the state. The Department of Transportation and Public Facilities supports the legislation.

The Alaska Marine Highway System Vessel Replacement Fund was created in 1990 for the purpose of financing the replacement and refurbishment of Alaska Marine Highway System vessels. The Alaska Marine Highway System consists of 8 vessels ranging in age from 14 to 28 years. Each vessel requires periodic refurbishment in order to maintain a safe and adequate level of service. This refurbishment includes all components of the vessels, including hotel and public areas, as well as major mechanical systems. In the last several years, vessel refurbishment projects have been primarily financed with federal highway funds. The system's share of FHWA funds received by the state has been approximately \$9 million a year.

SB 155

**SB 164**

SENATE FINANCE COMMITTEE REPORT

DATE: /91

FURTHER:

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered SENATE BILL NO. 164 "An Act establishing a community service education program."

*Died in JFC.*

and recommended:

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_

[ ] same title  
[ ] new title  
[ ] technical title change (HB only)

[ ] attached amendment(s)  
[ ] \_\_\_\_\_ letter of intent adopted

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S): Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] appropriation-no fiscal note

SIGNING DO PASS:

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

APPROVES PREVIOUS:

Dept/Date:

[ ] fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

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

1. \_\_\_\_\_ 2. \_\_\_\_\_  
Co-Chairs: Signatures and Recommendations

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

DATE: 3/6/91

FURTHER: Finance

Date of 5-Day Notice: 3-28-91  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 16 Apr 91

HESS Committee considered SB 164

Establishing a community service education program.

and a majority of the committee recommends it be replaced with

and recommended:

- replace with \_\_\_\_\_ CS SB 164 (HES)  same title
- attached amendment(s) and do pass  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

Fiscal Note

ATTACHES NEW FISCAL NOTE(S):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> fiscal note(s) <u>DoEd 3/13/91</u> | <input type="checkbox"/> zero fiscal note(s) _____ |
| _____  | _____  |
| _____  | _____  |

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_

*Paul Frank*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Dorcas Shugart* Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: SB 164 (HES)

(S) Publish Date: 4/12/91

Revision Date: \_\_\_\_\_ Department Affect... \_\_\_\_\_  
 Title: Establishing a Community BRU: K-12 Support, Education Program Support  
Service Education Program Component: Foundation, Basic Education  
 Sponsor: Menard  
 Requestor: Menard COMPONENT SERIAL NO. 

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0	5.8	5.8	5.8	5.8	5.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>15.0</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	15.0	5.8	5.8	5.8	5.8	5.8
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>15.0</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

Changes in SB 164 (YES) have no fiscal impact. This fiscal note is appropriate.

11/16/91 date MAFouse Comte Aide (initial)

ANALYSIS: (Attach a separate page if necessary.)  
 This fiscal analysis does not reflect the increased costs to school districts in implementing SB 164. These costs must be absorbed within a district's Foundation allocation.

Prepared By: Mary Hakala Phone: 465-2800  
 Division: Commissioner's Office Date: 3/13/91  
 Approved by Commissioner: Acting Commissioner, Steve Hole  
 Agency: Education Date: 3/13/91

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

Fiscal Note Analysis

SB 164: Establishing a community service education program

March 13, 1991

Page 2

SB 164 calls for the development of community service programs in each school district and directs the Department of Education to provide adequate funding and appropriate staff development activities for education personnel participating in a community service program.

The recommended strategy is training resource teachers from each district to develop and implement community service programs appropriate for their students and community. It is anticipated that training could be most efficiently provided through the Alaska Staff Development Network Summer Academies held in Anchorage, Fairbanks and Juneau each June. District teams would receive 5 days of training in designing an appropriate community service program for their district and would be trained to train colleagues to implement a community service program in each of their district's high schools. The Department will work with districts to design a community service trainer's guide that will be provided to district teams at the summer academies.

Proposed Budget	<u>FY92</u>	<u>FY93-97</u>
Training workshops (Anchorage, Fairbanks and Juneau); in FY93 and subsequent years, follow-up training and training for new employees will be offered.	9,000	4,500
Materials development	3,500	-0-
Printing and duplication	2,500	1,300
Total	<u>15,000</u>	<u>5,800</u>

**CS FOR SENATE BILL NO. 164 (HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 4/17/91**

**Referred: Finance**

**Sponsor(s): SENATOR MENARD**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act establishing a community service education program; and providing for an  
2 effective date."

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

4 \* **Section 1. PURPOSE.** The purpose of this Act is to promote the development of community  
5 service programs in each school district in the state and through community service programs to allow  
6 young people to participate in responsible and meaningful community service. Community service  
7 programs may include participation in child care services, care for the elderly and disabled, literacy  
8 programs, recycling and other waste reduction efforts, training in emergency services, or other services  
9 that are required in the community.

10 \* **Sec. 2.** AS 14.03.120(e) is amended to read:

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

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

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

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

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

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

10 (6) the ways in which meaningful parent involvement in school performance was  
11 achieved;

12 (7) a summary and evaluation of the community service program required  
13 under AS 14.30.380;

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

15 (9) [(8)] other indicators of school performance selected by the district.

16 \* Sec. 3. AS 14.07.165 is amended to read:

17 Sec. 14.07.165. DUTIES. The board shall adopt

18 (1) statewide goals and require each governing body to adopt written goals that  
19 are consistent with local needs;

20 (2) regulations regarding the application for and award of grants under  
21 AS 14.03.125;

22 (3) guidelines for a state-wide community service program required under  
23 AS 14.30.380.

24 \* Sec. 4. AS 14.16.050(a)(4) is amended to read:

25 (4) requirements relating to students and educational programs:

26 (A) AS 14.30.180 - 14.30.350 (relating to educational services for  
27 exceptional children);

28 (B) AS 14.30.360 - 14.30.370 (establishing health education program  
29 standards);

30 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and bicultural  
31 education);

1 (D) AS 14.30.380 - 14.30.385 (relating to community service program).

2 \* Sec. 5. AS 14.30. is amended by adding new sections to read:

3 ARTICLE 4A. COMMUNITY SERVICE PROGRAM.

4 Sec. 14.30.380. REQUIRED COMMUNITY SERVICE PROGRAM. Under guidelines  
5 developed by the board, each governing body shall include a program in community service as  
6 an elective part of the curriculum for grades 10 through 12. A program of community service  
7 must include

8 (1) adequate orientation, training, and supervision of participants;

9 (2) an emphasis on educational challenges by placing participants in new roles  
10 and environments that require personal responsibility and decision making;

11 (3) an opportunity for a participant to reflect and comment on, or write about, the  
12 participant's community service experiences;

13 (4) activities to recognize the accomplishments of outstanding participants.

14 Sec. 14.30.385. STAFF DEVELOPMENT PROGRAMS. As part of their program for  
15 staff development, the department and governing bodies shall provide adequate funding and  
16 appropriate staff development activities for education personnel participating in a community  
17 service program.

18 \* Sec. 6. This Act takes effect January 1, 1992.

## SENATE BILL NO. 164

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR MENARD

Introduced: 3/6/91  
Referred: HES and Finance

## A BILL

## FOR AN ACT ENTITLED

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4 (3) student, parent, and community member comments on the school's  
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8 (5) attendance, retention, and graduation rates;

9 (6) the ways in which meaningful parent involvement in school performance was  
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11 (7) a summary and evaluation of the community service program required  
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27 (B) AS 14.30.360 - 14.30.370 (establishing health education program  
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29 (C) AS 14.30.400 - 14.30.410 (relating to bilingual and bicultural  
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16 service program.

ALASKA STATE LEGISLATURE  
SENATE BILL NO. 164

HISTORY IN THE SENATE

1991  
3/6  
4/17

Read first time and referred to:  
Hess, FIN.

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RPT(  ) CS 4 DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 FN \_\_\_ OFN \_\_\_ To SENATE

\_\_\_ RPT( \_\_\_ ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 \_\_\_ New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_ To \_\_\_

\_\_\_ RPT( \_\_\_ ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM \_\_\_  
 \_\_\_ New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_ To \_\_\_

\_\_\_ Rules Calendar( \_\_\_ ) CS \_\_\_ AM \_\_\_ Other \_\_\_  
 \_\_\_ New Title \_\_\_ Same Title \_\_\_ Previous FN \_\_\_  
 \_\_\_ FN \_\_\_ OFN \_\_\_

Read second time

\_\_\_ CS Adopted ( \_\_\_ ) \_\_\_ New Title \_\_\_  
 \_\_\_ Amended \_\_\_ Advanced \_\_\_

Read third time

\_\_\_ Letter of Intent adopted  
 \_\_\_ Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reconsideration  
 Reconsideration not taken up

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

Reported correctly engrossed  
 Signed by President, to House

---

Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

---

\_\_\_ RPT CS( ) \_\_\_ New Title  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN

\_\_\_ RPT CS( ) \_\_\_ New Title  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN

\_\_\_ RPT CS( ) \_\_\_ New Title  
 \_\_\_ DP \_\_\_ DNP \_\_\_ NR \_\_\_ AM  
 \_\_\_ FN \_\_\_ OFN \_\_\_ Previous FN

Read second time  
 CS( ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reconsideration  
 Reconsideration not taken up

PASSED ON RECON. EFD Same \_\_\_ or  
 Yeas Yeas  
 Nays Nays  
 Excused Excused  
 Absent Absent

\_\_\_ Intent adopted

Reported correctly engrossed, signed by the Speaker  
 and returned to the Senate

---

Chief Clerk of the House

SENATE-HOUSE HISTORY Continued

19

Received from the House

Version: \_\_\_\_\_

Concur in House amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Failed to concur in House amendment, ask House recede

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

House failed to / receded from amendment

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

CC appointed by Senate \_\_\_\_\_ Chair

CC appointed by House \_\_\_\_\_ Chair

(S) Granted Limited Powers of Free Conference

(H) Granted Limited Powers of Free Conference

19

(S) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

(H) Adopted CC Rpt \_\_\_\_\_

Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

To enrolling

Received from enrolling

Sent to Governor

\_\_\_\_\_ By Governor

Chapter Number \_\_\_\_\_

Filed with Lieutenant Governor



# Alaska State Legislature

Senator Curt Menard



While in  
Session:  
P.O. Box V  
Juneau, Alaska  
99811  
(907)465-2679

Interim:  
165 E. Parks  
Highway  
Wasilla, Alaska  
99687  
(907)373-2878

Senate  
District  
E

## SPONSOR STATEMENT:

SB 164 - "An Act establishing a community service education program"

Participation in community service at a young age is a cornerstone of good citizenship. SB 164 encourages volunteer participation by requiring a community service program as an elective part of the curriculum for grades 10 through 12.

Advocates of school based community service classes emphasize the character-building potential of service, its power to promote basic democratic values and to develop patterns of responsible behavior. Additionally it encourages academic learning to be tested and applied in real life.

The federal government recognized the importance of community service education when Congress enacted the National and Community Service Act in October 1990. The act will be funded with \$56 million for FY 91, \$95.5 million for FY 92 and \$105 million for FY 93. SCR 14 directs the state to apply for the federal grant funds available to assist states and school districts in developing community service programs.

This legislation focuses on youth potential, youth strength, youth participation and contributions. Your support is greatly appreciated.

WE SUPPORT



MADE IN  
ALASKA

# Alaska State Legislature

Legislative Research Agency



P.O. Box Y  
Juneau, AK 99811-3100  
Phone: (907) 165-3991  
Fax: (907) 163-3351

January 21, 1991

## MEMORANDUM

TO: Senator Curt Menard

FROM: Linda J. Snow *L. J. Snow*  
Legislative Analyst

RE: High School Courses Focused on Community Service Education  
Research Request 91.093

You asked this office for background information about community service education, so-called "service learning" programs in public high schools. You also asked for information about the National and Community Service Act of 1990 (HR 4330) and sample legislation from other states.

### Background Information

Attachment A is a publication of the National Center on Effective Secondary Schools, University of Wisconsin-Madison, entitled *High School Community Service: A Review of Research and Programs*. This paper is an excellent background source of information about service learning and discusses current legislation, supporting agencies, the prevalence of service learning programs in schools, models for school-based programs, and the outcomes of these programs. Throughout the paper, existing research on the subject is summarized, and a good historical background of the philosophy of service learning is provided.

### State Legislation and Other Implementing Authority

We obtained information from several states in which schools offer service learning programs. Little state legislation regarding service learning has been passed. Nationwide, many school programs have been implemented through policy statements or recommendations by the state school board, school districts, and individual schools. Attachment B contains some examples of passed and proposed state legislation, school board policy statements, and recommendations. (Additional information on state programs is also available in the University of Wisconsin paper, Attachment A.)

A sample of state legislative activity, as well as other state and local government action regarding service learning follows.

Senator Menard  
January 21, 1991  
Page 2

#### California

California SB 2147, which allows public schools to establish pilot service learning projects, was passed but was not funded. Proposed California legislation (AB 2389) would establish and fund service learning programs in public schools which would offer credit to participating students. The corresponding California State Board of Education policy statement on service learning is also included.

#### Massachusetts

Senate Bill 282 was passed in Massachusetts in 1989. This bill provides school-based community service opportunities for all public high schools. According to advocate Jay Davis of the Thomas Jefferson Forum,<sup>1</sup> the original bill would have mandated high school student participation in community service activities. This mandate was deleted from the legislation that passed. Mr. Davis reported that Massachusetts has ten private agencies working with high schools now, and although the programs are working well from the grass roots level, a mandate from the state level would strengthen the system. They will try to pass mandating legislation again next year.

#### Michigan

Michigan SB 578 (passed in 1988) requires 40 hours of community service for high school graduation, and offers credit for community service beyond the 40-hour requirement.

#### Minnesota

State legislation in Minnesota allows school districts to offer service learning opportunities with the option to grant participants credit toward graduation. Participation is optional, and funding in a particular district comes from a special tax levied in that district. Also included is a corresponding Minnesota State Board of Education rule change.

#### Oregon

Oregon HB 3293 (passed in 1989) requires the State Department of Education to establish guidelines for a service learning program in Oregon public schools. The program is not mandatory, but participants are given credit towards graduation. Two other bills attached provide for the establishment and funding

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<sup>1</sup>The Thomas Jefferson Forum is a nonprofit organization that engages in high school based community services.

Senator Menard  
January 21, 1991  
Page 3

of community service volunteer corps, including an Oregon Youth Conservation Corps.

#### Other State and Local Government Action

Attachment B also contains state board of education policy statements, recommendations, or guidelines from Maryland, Kentucky and Pennsylvania, as well as a report from the Wisconsin Commission on Schools in the 21st Century. Included also are briefs and legal documents from a Pennsylvania lawsuit brought by two sets of parents against their local school district and specific teachers. This suit addresses some common concerns of those who oppose service learning. The lawsuit was dismissed for failure to state a claim upon which relief could be granted.

#### The National and Community Service Act of 1990 (HR 4330 and S.1430)

Attached is a copy of the conference committee report on the National and Community Service Act of 1990 (Attachment C). The focus of this recently passed federal legislation is renewing the ethic of civic responsibility in the U.S. through volunteer service. Title I, Subtitle B, (Serve-America: The Community Service, Schools and Service-Learning Act of 1990) creates a school-based service learning program which is partially funded by the federal government. Grants are available for state governments in partnership with local education agencies, nonprofit corporations, private-for-profit corporations, or private schools. To qualify for federal funding, the programs must include:

- teacher training;
- development of service-learning curricula;
- formation of local partnerships;
- development of a research and evaluation program to determine the effects of service learning on students and community;
- establishment of an outreach program to involve the broadest mix of community-based nonprofit organizations possible; and
- integration of service learning into academic curricula.

If a state decides not to participate in a grant through this subtitle, the grants can go directly to local school districts, schools or organizations that apply. The state must provide local grantees with training and technical assistance. States also must give special consideration to projects that offer school credit to participants. Subtitle E, Part II (Governors' Innovative Service Programs) of the same act provides grants for the creation of innovative volunteer and community service programs.

This act will be funded with \$56 million for FY 91, \$95.5 million for FY 92, and \$105 million for FY 93. At least 30 percent of this amount is available for grants under Subtitle B. The federal share of these matching funds will

Senator Menard  
January 21, 1991  
Page 4

be 90 percent the first year, 80 percent the second year, and 70 percent for the third year of operation, according to a specific allotment formula.<sup>2</sup> State contribution may be in cash or in kind. State use of federal funds is restricted to:

- not more than five percent for administrative costs;
- not more than ten percent to build capacity through training and curriculum development;
- not less than 60 percent to operate school-based service learning programs;
- not less than 15 percent to operate community-based service learning programs; and
- not more than ten percent for adult volunteer and partnership programs.

#### Private Support Organizations

Across the nation, many private organizations help establish and fund service learning programs. Youth Service America, the National Youth Leadership Conference, and the Thomas Jefferson Forum are three of many. The National Association of Secondary School Principals, the Council of Chief State School Officers and others do not provide funding, but advocate and support service learning in public schools. Representatives of these and other organizations are listed in Attachment E.

ACTION, a part of the federal domestic volunteer agency produces a national directory for student community service programs which is attached to this memo (Attachment D). In Juneau, the Southeast Regional Resource Center currently operates programs in 14 southeast Alaska communities in which high school and college students provide tutoring for adults in need of literacy and life skills training, and graduate equivalency diplomas (GED's).<sup>3</sup>

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<sup>2</sup>One percent of the fund is reserved for specified American territories and Native American Tribes, 50 percent of the remainder shall be allotted to each state in the same ratio as the state's school-age population to the school-age population of all the states. The other 50 percent of the remainder shall be distributed to states at the same ratio as allocations to the state for the previous fiscal year under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 to such allocations to all states.

<sup>3</sup>See page 61 of *Learning to Care: National Directory of Student Community Service Programs*, Attachment D.

Senator Menard  
January 21, 1991  
Page 5

### Elements of a Program

We contacted representatives of national support agencies, and state, local and school board policy-making bodies who have implemented, supported or advocated service learning programs. All of these advocates were quite enthusiastic about their programs and the effects on youth and the community. They all offered assistance to people in Alaska who were interested in promoting a school-based service learning program. A list of these people is provided in Attachment E.

Several of our contacts commented that the way the program is structured is important to its success. They point out that the three essential elements of the program are teacher training, student recognition, and student reflection. Taking the knowledge obtained through community service and tying it back into the curriculum is both the key and the problem. Teachers are taught to instill knowledge, not to determine what knowledge a child has learned elsewhere and fit it into the pattern of his coursework. In these instances, teachers must leave traditional teaching roles and become more like coaches. Training is essential in order for the teachers to understand and incorporate this new role.

Once teachers are prepared to assist students in this type of learning, it is essential to allow reflective time after community service experiences in which students may examine what they have learned and how it fits into the rest of their scholastic program. This can be done by such methods as writing essays, giving oral reports, and keeping journals.

In researching this subject, our office has received, and is still receiving, packets of information from people we contacted. We have included as Attachment F copies of the cover sheets of papers, articles, guidelines, and curricula plans. These additional sources are available at our office.

I hope this information is useful to you. If we can be of further assistance, please do not hesitate to contact us.

Attachments

**NATIONAL  
CENTER  
ON  
EFFECTIVE  
SECONDARY  
SCHOOLS**

*University of Wisconsin-Madison  
Wisconsin Center for Education Research  
1025 W. Johnson St.  
Madison, WI 53706  
(608) 263-7575*

**HIGH SCHOOL COMMUNITY SERVICE:  
A REVIEW OF RESEARCH AND PROGRAMS**

**Dian Conrad  
University of Minnesota and Hopkins (MN) Public Schools  
and  
Diane Hedin  
University of Minnesota**

**December 1989**

## EXECUTIVE SUMMARY

### HIGH SCHOOL COMMUNITY SERVICE: A REVIEW OF RESEARCH AND PROGRAMS

On any given day, in communities all across the United States, young people are leaving school--to clean up neighborhoods, visit nursing homes, educate children about drugs, serve at soup kitchens, register voters and, in a myriad other ways, provide service to their communities. For these young people, and the teachers who encourage them, school is not just a place where one comes to learn, but also a place which provides important resources to those in need. It is not a new idea, but one which is enjoying a resurgence of interest among educators, policymakers, and young people themselves. The purpose of this paper is to review current policies and practices concerning school-based community service, summarize research findings on the impact of service, and outline some critical issues confronting educational researchers, policymakers and practitioners.

Efforts to encourage youth community service take place on many levels and have taken many forms. On the national policy level, the primary emphasis has been (thus far without success) to create a national service corps which would encourage or compel community service by post-secondary youth. Youth service corps of this nature are already operating in fifteen states and in a number of metropolitan areas such as New York and San Francisco. In the past five years, several state governments and state boards of education have enacted policies to encourage participation by school-aged youth as well. Two states, Maryland and Minnesota, even require schools to offer formal opportunities for students to become involved in community service.

Quite independent of any external prodding, a large number of schools, of all kinds and in all parts of the country, have programs which engage students in providing service. The most current data available is from the mid-1980s, at which time about 27% of all high schools (or 5,400 of them) offered community service programs. All types of high schools offer them, with non-public schools more likely to do so than public ones. Based on 1984 estimates, about 6.6% of high school students (or about 900,000) are involved in school-based community service programs--and it appears that this rate of participation has held reasonably constant over the past ten or over twenty years.

Teachers and administrators have devised a rich variety of ways to involve their students in service activities. The most common means is through co-curricular school clubs and through special school events like holiday food drives. Some high schools offer elective credit for service activities and some, most commonly Catholic and independent schools, include service among their graduation requirements. In some schools, service is performed as an extension or lab component or a regular class; in yet others service, with a supporting seminar, is the central activity of an academic course. More rarely, service has been integrated into the total school's, or even district's curriculum.

Arguments for including community service in the curriculum have appeared in educational reform literature since at least the turn of the century. Some advocates of the

# COMMUNITY EDUCATION AND COMMUNITY SERVICE: MAKING THE CONNECTION

Community education is a philosophy as well as a program. Because it is connected to the community, it offers educators a structured way to reach out, to share facilities, resources, ideas, and responsibility for the education of everybody in the community. Through partnerships with individuals and with public and private agencies and organizations, community education opens up new worlds for educators and students alike, and helps young people see connections between living and learning. The aim of community education is to offer everyone in the community a chance for a better life through expanded educational opportunity.

**COMMUNITY EDUCATION** extends the concept of public education beyond the traditional K-12 program of "schooling" and views everyone in the community as both teacher and learner.

**COMMUNITY EDUCATION** requires participation and values diversity; community educators regularly consult with broadly representative community groups and have faith in the ultimate good judgment of the community.

**COMMUNITY EDUCATION** is not limited by traditional school schedules.

**COMMUNITY EDUCATION** promotes interagency cooperation for the purposes of avoiding duplication, saving money, and sharing responsibility and expertise.

**COMMUNITY EDUCATION** respects responsive, open, nontraditional educational methods, including experiential learning.

**COMMUNITY EDUCATION** acknowledges that communities as well as schools educate.

## COMMUNITY EDUCATION & COMMUNITY SERVICE IN THE STATES

**MINNESOTA:** state funding specifies community education as administrator of youth programs. In Minnesota, 279 out of 435 school districts (representing 90 percent of the state's population) have levied for youth service.

**COLORADO:** Colorado Association for Community Education joined Colorado Youth Service Association to work for a comprehensive youth service model in the state.

**IOWA:** Governor's committee on citizen and youth service included community educators.

**KENTUCKY:** state-level community educators planned two days of community service training in preparation for launching community education-led pilot programs in three school districts.

**OHIO:** state-level Chapter 2 funds have been channeled through community education to help establish pilot youth service programs; three community education grants will demonstrate the development and expansion of community youth service through community education.

**WASHINGTON AND WISCONSIN:** community educators are involved in new state-level efforts to advance community service learning.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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Quite independent of any external prodding, a large number of schools, of all kinds and in all parts of the country, have programs which engage students in providing service. The most current data available is from the mid-1980s, at which time about 27% of all high schools (or 5,400 of them) offered community service programs. All types of high schools offer them, with non-public schools more likely to do so than public ones. Based on 1984 estimates, about 6.6% of high school students (or about 900,000) are involved in school-based community service programs--and it appears that this rate of participation has held reasonably constant over the past ten or even twenty years.

Teachers and administrators have devised a rich variety of ways to involve their students in service activities. The most common means is through co-curricular school clubs and through special school events like holiday food drives. Some high schools offer elective credit for service activities and some, most commonly Catholic and independent schools, include service among their graduation requirements. In some schools, service is performed as an extension or lab component or a regular class; in yet others service, with a supporting seminar, is the central activity of an academic course. More rarely, service has been integrated into the total school's, or even district's curriculum.

Arguments for including community service in the curriculum have appeared in educational reform literature since at least the turn of the century. Some advocates of the

practice emphasize the character-building potential of service, its power to promote basic democratic values and to develop patterns of responsible behavior. Others stress the potential of service to vitalize education by stressing that it encourages--even forces--academic learning to be tested and applied in the crucible of real experience. Despite differing points of emphasis, there is general agreement that well-designed programs can have a positive effect on the social, psychological and intellectual development of participants in ways detailed in this review.

The degree to which the hypothesized effects of service are realized in practice has been examined through both quantitative and qualitative research studies of varying degrees of precision and sophistication. The most consistent findings from quantitative studies are a heightened sense of personal and social responsibility, more positive attitudes toward adults and toward those served, enhanced self-esteem, growth in moral and ego development, more complex patterns of thought, and greater theoretical sophistication than has heretofore been the case.

The idea that schools should promote the involvement of youth in service to the community has a rich tradition in American education and figures prominently in present discussions of the purpose and practice of schools. How it will fare amidst competing pressures for other educational "goods," and what the consequences would be of its becoming a common feature of school practice remain to be seen. However, that school-based community service merits further trial and testimony is strongly supported by both research evidence and by the testimony of participants.

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*"Teenagers can go through 12 years of formal schooling without becoming socially engaged, without spending time with older people who may be lonely, helping a child who has not yet learned how to read, cleaning up the litter on the street, or even rendering some useful service to the school itself. And this life of detachment occurs at the very time students are deciding who they are and where they fit."*

Ernest L. Boyer, President, Carnegie Foundation for the Advancement of Teaching

*Combining Service and Learning.* Kendall (ed.). A three-volume (1180 pp.) collection of excellent materials; 90 organizations contributed. National Society for Internships and Experiential Education, 3509 Haworth Drive, Suite 207, Raleigh, NC 27609; (919) 787-3263. \$99.00.

*Community Service Handbook and Teacher Guide.* Constitutional Rights Foundation, address above.

*Community Service Programs in Independent Schools.* National Association of Independent Schools, 18 Tremont St., Boston, MA 02108; (617) 723-6900. \$13.50.

*Enriching Learning Through Service.* A teacher's guide. Project Service Leadership, 2034 NE 104th, Seattle, WA 98125; (206) 524-1434.

*Environmental Service-Leadership Packet.* Available from National Youth Leadership Council, 1910 West County Road B, Roseville, MN 55113; (612) 631-3672. \$7.50.

*Growing Hope: Sourcebook on Integrating Youth Service into the School Curriculum.* Willits and Kielsmeier (eds.). National Youth Leadership Council, address above. \$37.50.

*Youth Service: A Guidebook for Developing and Operating Effective Programs.* Hedin and Conrad. Independent Sector, 1828 L Street NW, Suite 1201, Washington, DC 20036; (202) 223-8100. \$15.00

*Links: Developing Youth Service Collaborations between Schools and Colleges/Universities.* Kielsmeier and Langseth. National Youth Leadership Council, address above. \$7.50.

*Maryland Student Service Alliance: Instructional Framework.* Maryland Department of Education, 200 W. Baltimore, Baltimore, MD 21201. Curriculum Guide, \$20.00; Handbook, \$5.00.

*A Policy Blueprint for Youth Service to Educationally At-Risk Children.* Also, *A Policy Blueprint for Youth Service to the Elderly.* Youth Service America, address above. \$4.00 each.

*Reaching Out: School-Based Community Service Programs.* National Crime Prevention Council, 1700 K Street NW, 2nd Floor, Washington, DC 20006; (202) 466-6272. \$15.00

*SerVermont and the USA—Students in Community Service: How To—Why To.* Parsons. SerVermont, P. O. Box 516, Chester, VT 05143. \$6.00

*Youth Development/Youth Service: The Minnesota Experience (Packet).* National Youth Leadership Council, address above. \$12.00.

#### ◆ OTHER PUBLICATIONS ◆

Boyer, Ernest L. *High School: A Report on Secondary Education in America.* New York: Harper Colophon Books, 1983.

Conrad, Daniel, and Hedin, Diane. *High School Community Service: A Review of Research and Practice.* Wisconsin Center for Education Research, University of Wisconsin, 1025 West Johnson Street, Madison, WI 53706.

Harrison, Charles. *Student Service, The New Carnegie Unit.* Carnegie Foundation for the Advancement of Teaching. Lawrenceville, NJ: Princeton University Press, 1987.

Kraft, Richard & Kielsmeier, James (Eds.). *Experiential Education and the Schools.* Denver: Association for Experiential Education, 1985.

#### ◆ SPECIAL REPORTS ◆

*Community Service: A Resource Guide for States.* 1989. National Governors' Association, 444 N. Capitol Street NW, Washington, DC 20001; (202) 624-5300.

*Helping Youth To Serve: Issues for State Policy Makers.* National Association of State Boards of Education, 1012 Cameron Street, Alexandria, VA 22314; (703) 684-4000.

Reports available from the William T. Grant Foundation Commission on Youth and America's Future, 1001 Connecticut Avenue NW, Suite 301, Washington, DC 20036:

*The Forgotten Half: Pathways to Success for America's Youth and Young Families.* \$5.00.

*Facts and Faith: A Status Report on Youth Service.* Lewis; Commentary. Kendall. \$5.00.

*The Bridge: Cooperative Education for All High School Students.* Parsons; Commentary. Gray, Lynn, Lewis, Wooldridge. \$10.00.

*Communities and Adolescents: An Exploration of Reciprocal Supports.* Wynn, Richman, Rubenstein, and Littell, with Britt and Yoken; Commentary. Hedin and Erickson. \$10.00.

- Perform music, theater, dance, puppetry, and other arts for young children or for senior citizens.
- Produce newsletters, newspapers, cable TV programs, etc., as part of a public information campaign.
- Staff youth hotlines or other public information phone lines.
- Help run Special Olympics and other events for the mentally or physically handicapped.
- Read to blind people. Assist others with disabilities.
- Help run recreation or outdoor education programs for younger children.
- Increase public awareness of recycling; collect recyclables.
- Plant trees, shrubs, flowers.
- Conduct research for nonprofit organizations.
- Construct special equipment such as wheelchair ramps for disabled people.
- Assist non-English speakers and low-income people with tax forms, applications, and other paperwork.
- Provide companionship for hospital patients, prisoners, or nursing home residents.
- Design parks or other public spaces.
- Paint murals in downtown areas.
- Coach younger athletes in a sport.
- Create cards or gifts for senior citizens.

SOURCE: Adapted from an idea list developed by Rich Willits of the National Youth Leadership Council.

### ***TYPES OF COMMUNITY SERVICE PROGRAMS***

1. **Club or co-curricular activity.** School typically provides only faculty advisor, minimal resources. Club activities, which ordinarily take place after school hours, may develop youth leadership skills, since programs are typically run by students. Fifteen percent of all U. S. high schools report having this option. Future Homemakers, Future Farmers of America, Key Club are examples.
2. **Volunteer clearinghouse.** Students learn about volunteer opportunities through a school-based bureau staffed by faculty member. Student and advisor check out placement, negotiate contract to carry out service, conduct follow-up, and review placement. Work is usually done during students' free periods or after school.
3. **Credit.** Awarded for performing a specified number of hours of service. May be elective or required; may sometimes be substituted for some other credit (e. g., social studies).
4. **Laboratory for existing course.** Schools may add community service without changing curriculum or school structure, or doing any staff development. Students give course content a "reality test" through experience in the community. Typically, service takes two hours per week during course, performed during or after school hours. May replace term paper or research project.
5. **Community service class.** Combines 3 and 4 above. Community service, the central focus of the course, is combined with classroom experience that provides information, skills, and assistance in interpretation of volunteer experience. Role of the teacher is to make sure the community service experience is educational.
6. **Community service as a schoolwide focus.** In this rare model, community service permeates the curriculum and is viewed as a key educational principle affecting all students.

Dan Conrad and Diane Hedin. *Youth Service: A Guidebook for Developing and Operating Effective Programs* (1982).

## CHECKLIST OF COMMUNITY SERVICE IDEAS

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Act as "big buddies" to younger children.</li> <li><input type="checkbox"/> Help run Red Cross blood drive.</li> <li><input type="checkbox"/> Organize youth leadership training events.</li> <li><input type="checkbox"/> Serve on advisory committees and decision-making boards.</li> <li><input type="checkbox"/> Help build houses, parks, playgrounds, nature trails, other public facilities and structures.</li> <li><input type="checkbox"/> Collect clothes, food, and toys for charitable organizations.</li> <li><input type="checkbox"/> Enhance wildlife habitats.</li> <li><input type="checkbox"/> Teach community education classes in computers, performing arts, etc.</li> <li><input type="checkbox"/> With appropriate training, give emergency medical aid, fight forest fires, build dikes.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Conduct oral history research and other local history projects. Present the information to the community through books and videos or by acting out historical events.</li> <li><input type="checkbox"/> Cook for soup kitchens or community dinners.</li> <li><input type="checkbox"/> Help the staff of battered women's shelters and other emergency shelters.</li> <li><input type="checkbox"/> Care for young children in day care centers and other facilities.</li> <li><input type="checkbox"/> Conduct environmental research on acid rain, water quality, etc.</li> <li><input type="checkbox"/> Clean up rivers, lakes, and parks and otherwise beautify the community.</li> <li><input type="checkbox"/> Raise money for charitable projects.</li> <li><input type="checkbox"/> Develop and maintain community gardens.</li> <li><input type="checkbox"/> Phone or visit homebound people; run errands for them.</li> <li><input type="checkbox"/> Paint houses, check smoke detectors, put up storm windows, rake leaves, move heavy items, etc., for senior citizens or disabled people who live alone.</li> <li><input type="checkbox"/> Deliver Meals on Wheels or distribute government commodities, toys, and other goods to people in need.</li> <li><input type="checkbox"/> Orient new students to the school.</li> <li><input type="checkbox"/> Help register voters.</li> <li><input type="checkbox"/> Tutor students of all ages who are having trouble with their classes.</li> <li><input type="checkbox"/> With training, help resolve conflicts among peers or younger students.</li> <li><input type="checkbox"/> Learn how to fix bicycles or small engines in order to help others who can't afford simple repairs.</li> <li><input type="checkbox"/> Lead youth groups such as Camp Fire, YMCA, YWCA, 4-H, Boy Scouts, Girl Scouts, Junior Achievement, Jack and Jill, ethnic groups, and others.</li> <li><input type="checkbox"/> Distribute voter registration information.</li> <li><input type="checkbox"/> Bring information about health issues, current events, public safety, social and environmental issues, academic and other subjects to young people and the general public through the arts, videos, lectures, articles, or experiential activities.</li> </ul> |
|---|--|

**REFLECTION: What Does It Mean?**

Almost every expert on youth service emphasizes that a good program provides opportunities for reflection, for thinking about what service means. Wayne Meisel of COOL puts it this way: "Students who work in soup kitchens want to understand the reasons behind hunger and homelessness."

Opportunities for reflection come before, during, and after service, and take a variety of forms:

- Preparing for service through study, research.
- Keeping a journal during service.
- Preparing an annotated photo album.
- Making notes based on observations, or in response to a specific assignment.
- Preparing a presentation for others.
- Developing advice for future volunteers.
- Writing a research paper.
- Planning a celebratory closing event.
- Completing a written evaluation.
- Leading a group discussion on the experience.

## SAMPLE COMMUNITY SERVICE PROGRAMS

Eighth graders in the OASES (Occupational and Academic Skills for Employment of Students) program in Pittsburgh designed and built a playhouse for blind children and a wheelchair ramp for a recent amputee.

Through the City Squares program at Lawrence High School in Boston, the Department of Public Works has assigned students squares within the city which they care for and beautify.

Social studies classes in Springfield, Massachusetts, organized a consumer resource center, published a guidebook to consumer services, and served as a clearinghouse for consumer complaints. Youth service in Springfield is "an expectation, not a requirement," according to consultant Carol Kinsley. "Every building is required to organize" for service.

Youth Community Service (YCS) in Los Angeles, developed by the Congressional Rights Foundation and now adopted by the school district, lets interested sophomores, juniors, and seniors (about 800 last year) sign up for community projects as part of a community service class or as an extracurricular activity sponsored by a teacher and two community mentors. Students in YCS conduct needs assessments and draft proposals for projects that respond to identified community needs. Among their projects, students host an annual picnic for battered and abused children; assist in literacy programs; volunteer with the Red Cross; tutor in latchkey programs; paint over graffiti; lead aerobics classes for seniors; and plant trees.

A school librarian in Vermont encouraged her media club to put together an A-to-Z primer for the town's preschoolers; everything in the primer was based on local places and happenings.

*"Youth Service is a win-win proposition: it adds new resources to the community while enriching the minds, hearts and lives of those who serve."*

*—Dan Conrad in All The Difference*

Teacher-led junior high groups in Minnesota and in Vermont located all the county social service agencies that were willing and able to help teenage clients. The students produced a booklet that was distributed to all junior high students in the county. Students who produced the booklet learned interviewing and analytic skills, word processing, and graphics design.

Senior citizens and handicapped adults in several Vermont towns call the local school to ask for help with house and yard chores. Jobs are assigned to student volunteers on Saturdays.

High school students who participate in Youth Service Charleston in South Carolina gather and deliver Wood for Warmth, free firewood for low-income families, and help staff Special Olympics.

Tucson, Arizona, elementary students host "The Pleasure of Your Company," a weekly luncheon for seniors at which young and old interact. Elementary students also participate in pen-pal, adopt-a-senior, and Grandparents' Day programs.

A community involvement class in Hopkins High School, Minnetonka, Minnesota conducts food drives, carries out peer tutoring, and repairs items for senior citizens in shop class, among many other activities.

In Vermont, a science teacher had a class study why so many elm trees had died and involved students in the planting of a new strain of Liberty Elm seedlings; community groups indicated where they would most like to have the new trees planted.

Brookline High School students who work at the Boston Food Bank in Jamaica Plain were amazed at the amount of food they were able to salvage from incorrectly packaged or damaged but edible goods that supermarkets cannot sell; the salvaged food is distributed to the needy.

The Valued Youth Partnership (VYP) program in Edgewood and South San Antonio Independent School Districts in Texas pays dropout-prone students to be tutors to younger students. The tutors also get school credit. Most service programs don't pay, but VYP administrators say the money helps students' families and serves as an incentive to students who might otherwise quit school to take jobs.

## GETTING STARTED

### **BE A BROKER!**

Bring school and community together to plan a community service program.

- Develop, probably in cooperation with an agency such as United Way, a resource directory or annotated list of all youth service opportunities in the community.
- Offer to help teachers match students with service opportunities outside the school.
- Invite representatives of a variety of community and youth agencies to serve on an advisory committee. Encourage them to help identify youth service opportunities.
- Work with adult service clubs to extend service opportunities to young people.
- Arrange service opportunities for faculty and staff, either as a way of preparing for youth service or as an independent, ongoing activity.
- Coordinate the efforts of schools, youth-serving agencies, and nonprofit groups and agencies that use youth volunteers by:
  1. Identifying resource persons.
  2. Involving all parties in planning community-wide youth service activities and programs.
  3. Coordinating a community agency fair, so that young people can find out what opportunities are available for service.
  4. Arranging visits to host sites.
  5. Negotiating contracts between students and agencies.
  6. Planning recognition ceremonies for youth engaged in service.

### **BE A FACILITATOR!**

Coordinate community service opportunities within the school.

- Convene meetings to initiate or expand service opportunities.
- Identify all resources (money and personnel) currently being used for service activities—youth development, drug abuse education and prevention, vocational clubs. Identify additional resources that are needed. Investigate availability of local, state, and federal start-up funds. Check out in-kind support from corporations and agencies.
- Establish a process for providing mini-grants to teachers who have ideas for classroom service learning activities.
- Sponsor, or cosponsor with others, workshops and seminars on how to use youth service activities to accomplish specific academic objectives (e.g., how to teach a social studies citizenship unit through community service; how to apply scientific knowledge to local environmental projects).
- Sponsor leadership workshops or other training opportunities for students.
- Link with other school districts for inservice sharing of what others are doing in youth community service.
- Add youth service programs and projects to after-school and summer community education programs.
- Plan forums involving youth and adults in discussion of key issues in youth service: should credit be given; should service be a requirement for graduation; is experienced-based youth service an effective learning method; what kinds of skills are needed for various types of service, etc.

- Initiate a youth community service class.
- Plan with other interested persons and agencies one of the community awareness activities suggested in this planning packet.

SOURCE: Mary Jo Richardson, Youth Development Coordinator, Community Education, Minnesota Department of Education.

### **HOW TO DEVELOP COMMUNITY SERVICE PROJECT IDEAS:**

- Conduct a community needs assessment.
- Ask for student and adult input.
- Read newspapers.
- Contact volunteer organizations and service clubs, religious groups, day care centers, senior centers.
- Let students identify their own skills and interests and build project ideas around them. Publish a directory of possible student contributions for distribution to community agencies.
- Brainstorm project ideas with students, teachers, parents, other community members. Invite the mayor, city manager, social worker, or other community leader to lead the brainstorming session.

SOURCE: Carolyn Berger Kaye, Director, Youth Leadership Programs, Constitutional Rights Foundation, Los Angeles.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CS SB164 (HES)

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: Establishing a Community Service Education Program BRU: Educational Program Support  
 Component: Office of Basic Education  
 Sponsor: Menard  
 Requestor: (S) Finance COMPONENT SERIAL NO. 

1	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						
TRAVEL						
CONTRACTUAL	15.0	5.8	5.8	5.8	5.8	5.8
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>15.0</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>
<b>CAPITAL</b>						

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	15.0	5.8	5.8	5.8	5.8	5.8
FEDERAL FUNDS						
OTHER FUND SOURCE:						
<b>TOTAL</b>	<b>15.0</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>	<b>5.8</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**  
 This fiscal analysis does not reflect the increased cost to school districts in implementing SB 164. These costs must be absorbed within a district's foundation allocation.

Prepared By: Mike Maher Phone: 465-2800  
 Division: Commissioner's Office Date: 1/27/92  
 Approved by Commissioner: Jerry Covey, Commissioner *[Signature]*  
 Agency: Education Date: 1/27/92

SB 164

Fiscal Note Analysis

CS SB164 (HES): Establishing a community service education program

January 27, 1992

Page 2

CS SB 164 (HES) calls for the development of community service programs in each school district and directs the Department of Education to provide adequate funding and appropriate staff development activities for education personnel participating in a community service program.

The recommended strategy is training resource teachers from each district to develop and implement community service programs appropriate for their students and community. It is anticipated that training could be most efficiently provided through the Alaska Staff Development Network Summer Academies held in Anchorage, Fairbanks and Juneau each June. District teams would receive 5 days of training in designing an appropriate community service program for their district and would be trained to train colleagues to implement a community service program in each of their district's high schools. The Department will work with districts to design a community service trainer's guide that will be provided to district teams at the summer academies.

Proposed Budget	<u>FY93</u>	<u>FY94-98</u>
Training workshops (Anchorage, Fairbanks, and Juneau); in FY94 and Subsequent years, follow-up training and training for new employees will be offered.	9,000	4,500
Materials development	3,500	-0-
Printing and duplication	2,500	1,300
Total	<u>15,000</u>	<u>5,800</u>

**PLEASE MICROFILM TOP PAGE ONLY.**

**DOCUMENTS WHICH HAVE NOT BEEN FILMED BUT ARE  
AVAILABLE IN THE ORIGINAL FILE INCLUDE:**

**CORRESPONDENCE AND STATEMENTS OF SUPPORT FOR SB 164  
FROM:**

- 1. COMMUNITY SCHOOLS, SITKA SCHOOL DISTRICT  
4/22/91**
- 2. PAMELA J. GEARY, ALASKA STATE PTA, 4/03/91**
- 3. NEA-ALASKA, 3/15/91**

**SB 165**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/5/91

FURTHER:

DATE TURNED INTO OFFICE: 5-1-91

The Finance Committee considered SENATE BILL NO. 165

"An Act relating to acquisition of vessels of the Alaska marine highway system having the capacity to assist in responding to spills of oil and hazardous substances."

and recommended:

replace with \_\_\_\_\_ CS SB 165 (Trans)  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_  new title  
 attached amendment(s) \_\_\_\_\_  technical title change (HB only)  
 \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) Dept/Date: DOTPE 4/1/91  
Cap. 500.0

zero fiscal note(s) 3/15/91  
DEC 0

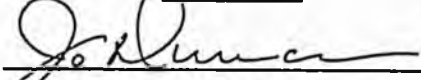
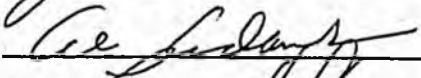
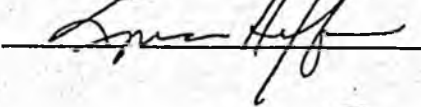
appropriation-no fiscal note

APPROVES PREVIOUS:

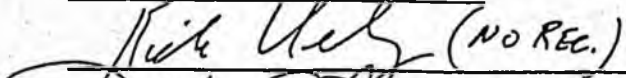
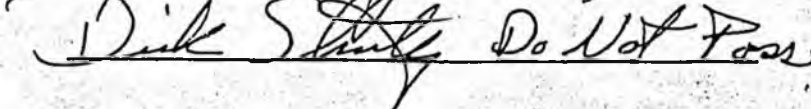
fiscal note(s) Dept/Date: \_\_\_\_\_

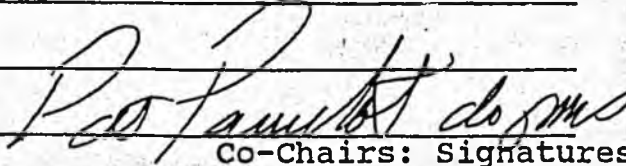
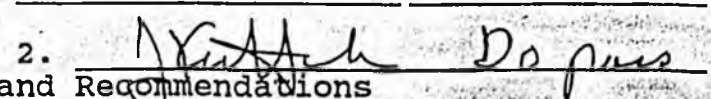
zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

1.  2.  Do pass

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 165

Revision Date: \_\_\_\_\_  
Title: AMHS vessels with  
Spill response capabilities  
Sponsor: Senator Jay Kerttula  
Requestor: \_\_\_\_\_

Department Affected: DEC  
BRU: Environmental Quality  
Component: EQ Projects

COMPONENT SERIAL NO. 

1	1	0	1	1	6
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Janice Adair  
Division: Commissioner's Office

Phone: 465-2600  
Date: \_\_\_\_\_

Approved by Commissioner: *Michael J. Sullivan*  
Agency: Dept. of Environmental Conservation

Date: 3/12/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor

Changes in CS SB 165 (Trans)  
have no fiscal impact. This  
fiscal note is appropriate.

Rev. 10/90

5-1-91 AL  
date Comte Aide (initial)

FISCAL NOTE

Revision Date: Title: Ferries with Oil Spill Response Ability

Department Affected: DOT&PF  
BRU:

Sponsor: Requestor:

Component: Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
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
<b>TOTAL OPERATING:</b>	0	0	0	0	0	0

CAPITAL	500.0	14,500.0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	500.0	14,500.0*	0	0	0	0
<b>TOTAL FUNDING:</b>	500.0	14,500.0	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)

In FY92, \$0.5 million would be appropriated from the oil and hazardous response fund to the Alaska Marine Highway System for preliminary engineering to develop plans for both a new vessel and modifications to one or more vessels currently in the fleet. In FY93, \$14.5 million would be appropriated to the AMHS Vessel Replacement Fund to finance new ship construction and/or modifications to one or more vessels of the fleet. \*The actual cost may be less depending on final results of reconnaissance and engineering.

Prepared by: John Halterman

Phone: 465-3900

Division: Alaska Marine Highway System

Date: April 1, 1991

Approved by Commissioner:   
Frank G. Furpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: April 1, 1991

Distribution By Preparer: Legislative Finance, Legislative Sponsor, Requestor, OMB, Impacted Agency(ies).

**CS FOR SENATE BILL NO. 165 (TRANSPORTATION)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE TRANSPORTATION COMMITTEE**

**Offered: 4/5/91**

**Referred: Finance**

**Sponsor(s): SENATORS KERTTULA, Menard, Duncan**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to acquisition of vessels of the Alaska marine highway system having  
2 the capacity to assist in responding to spills of oil and hazardous substances."

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

4 \* **Section 1.** AS 19.65 is amended by adding a new section in article 1 to read:

5       Sec. 19.65.025. **VESSEL DESIGN AND CONSTRUCTION.** Under the authority  
6 provided in AS 44.42.020(a)(1) to plan, design, construct, and maintain modes of transportation,  
7 the commissioner of transportation and public facilities shall, subject to legislative appropriation  
8 for the purpose, plan, design, and retrofit or construct vessels of the Alaska marine highway  
9 system that, in addition to providing the freight and passenger services customarily provided by  
10 the state's marine highway vessels, have the capability to assist in responding to, containing, and  
11 cleaning up spills of oil and hazardous substances into the marine waters of the state.

12 \* **Sec. 2.** AS 46.08.005 is amended to read:

13       Sec. 46.08.005. **PURPOSE.** The legislature finds and declares that the release of oil or  
14 hazardous substances into the environment presents a real and substantial threat to the public

1 health and welfare, to the environment, and to the economy of the state. The legislature therefore  
2 concludes that it is in the best interest of the state and its citizens to provide a readily available  
3 fund for the payment of the expenses incurred by the Department of Environmental Conservation  
4 and the Department of Transportation and Public Facilities in the protection of the  
5 environment of the state from the release of oil or hazardous substances.

6 \* Sec. 3. AS 46.08.010(c) is amended to read:

7 (c) The fund shall be used for actual expenses incurred under AS 46.08.040. Except as  
8 provided in AS 46.08.040(d)(2), the [THE] fund may not be used for capital improvements.

9 \* Sec. 4. AS 46.08.040(c) is amended to read:

10 (c) Notwithstanding other provisions of this section, money from the fund may not be  
11 used for a purpose specified in (a)(2) - (7) and (d)(2) of this section unless money is [FUNDS  
12 ARE] available from an appropriation made specifically for that purpose.

13 \* Sec. 5. AS 46.08.040(d) is amended to read:

14 (d) Upon a request from

15 (1) the Alaska Legislative Council, the commissioner shall use money from the  
16 fund to reimburse the Alaska Legislative Council for expenditures that it makes for the operation  
17 of the Citizens' Oversight Council on Oil and Other Hazardous Substances, established under  
18 AS 24.20.600; and

19 (2) the commissioner of transportation and public facilities, the commissioner  
20 shall transfer money from the fund to the Department of Transportation and Public  
21 Facilities to pay for the construction or refurbishment of one or more vessels of the Alaska  
22 marine highway system that have the capability to assist in responding to spills of oil and  
23 hazardous substances; in expending money in the fund whose use for vessels of the marine  
24 highway system is authorized by AS 19.65.025 and this paragraph, the commissioner shall  
25 give priority to construction of one or more new vessels that have the characteristics  
26 required by this paragraph.



Official Business

# Alaska State Legislature

Senate

Committee on Finance

Pouch V  
State Capitol  
Juneau, Alaska 99811

APR 23 1991

## MEMORANDUM

**TO:** Sen. Pouchot, Co-Chairman  
Senate Finance  
Committee

**RE:** Senate Bill 165-  
Oil Spill Res-  
ponse Ferries

**FR:** Senator Kerttula

**D:** April 22, 1991

A handwritten signature in black ink, appearing to be "Pouchot".

I would appreciate the scheduling of Senate Bill 165. Senate Bill 165 has a dual purpose -- to add to Alaska's oil spill response capability and to provide for funding of vessels to replace the Alaska Marine Highway System's aging fleet.

Senate Bill 165 provides for the construction of these vessels from the fund established by five-cents a barrel surcharge on North Slope crude which I sponsored, and which was approved by the legislature following the Exxon Valdez disaster. This bill will allow the state to use funds from this oil spill account to build a new breed of vessels which will be outfitted not only for passenger and cargo service, but for oil spill response as well. A new ocean-certified ferry could be built under provisions of this bill designed to deploy containment booms, house workers, serve as a communications and command center, store cleanup materials and perform other cleanup duties.

I believe that construction of ferries with oil spill response capabilities is an eminently suitable use of the oil spill response fund and urge favorable consideration of this bill.

JK:kh



*Department of Transportation  
and Public Facilities*

# POSITION PAPER

BILL NO: SB 165

APPROVED:

A handwritten signature in cursive, appearing to read "Jay Duggin", written over a horizontal line.

TITLE: Ferries with Oil Spill Response Ability DATE: April 1, 1991

Senate Bill 165 authorizes the Commissioner of the Department of Transportation and Public Facilities, subject to legislative appropriation, to either design and construct a vessel of the Alaska Marine Highway System which is capable of assisting in the clean-up of spills of oil and hazardous substances into the marine waters of the state. Alternatively, the legislation would also allow the modification of existing vessels in the fleet to achieve the same purpose. The discussion below outlines in general terms the operational and spill response capabilities which would be considered in designing a new vessel, or modifying existing vessels, which would meet the needs contemplated in the legislation.

The legislation also authorizes the payment of partial expenses required to keep vessels in operation so as to be available to respond to a release of oil or hazardous substances. It is estimated that the annual operating and overhaul costs of this vessel, chargeable to the fund, would be approximately \$500 thousand dollars. These expenses would be for annual training, as well as overhaul of the spill response equipment. The direct expenses incurred in responding to a spill would also be paid by the fund. A new or modified vessel is not expected to be in service until after fiscal year 1997.

## General Requirements

All Alaska Marine Highway System vessels must have unrestricted highway vehicle and passenger carrying capacity - as the highway function is the basic mission of the Alaska Marine Highway System. The vessel must provide safe, comfortable accommodations for passengers,

*For Further Information contact Katy McHugh at 465-3900.*

BILL NO: SB 165

DATE: April 1, 1991

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with reasonable priced meals and lodging. The vessel must be family oriented, with special accommodations for children and for the physically challenged. The Alaska Marine Highway System must further provide passengers the benefit of riding a vessel with excellent safety equipment for fire fighting and damage control, including a state of the art sprinkler system throughout the vessel, and an enclosed method of safely evacuating the vessel in case of emergency.

Should a new vessel be constructed, regulatory concerns dictate that it must be American flagged, inspected by the U.S. Coast Guard, and operated by American crews. A vessel must be designed for a 50 or 60 year life, through the use of planned refurbishments. It is not contemplated that all or even 50% of the costs of a new vessel would be allocated to the fund. The State would defray most costs through other means.

#### **Southwest System Specific Requirements**

The S.W. System must be serviced by a vessel that is ocean rated and must be able to transit the Gulf of Alaska year round. This vessel must have a vehicle transfer system that will enable it to service docks with no transfer ramps, and have a stern car door. The vessel length is constrained to a length no greater than 400 ft, due to the confined harbors it must serve; preferably the length should be no greater than 380 ft.

#### **Southeast System Specific Requirements**

The S.E. Mainline System is optimally served by a vessel with a forward car door, at main deck height. All other S.E. needs are met by the general and S.W. requirements.

#### **Oil Spill Response Requirements**

Members of the legislature and the public have identified the importance of the state having an emergency response capability for containing, and cleaning up oil spills as a result of the Exxon Valdez experience. Therefore, a new mainline vessel or modified vessel from the existing fleet should be able to respond to the oil spills in the following capacities:

BILL NO: SB 165

DATE: April 1, 1991

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- A. Communication/Command Center
- B. Work/Machine Shop for Equipment Repair
- C. Room and Board for Spill Response Team
- D. Helicopter Support
- E. Boom Deployment
- F. Loading/Storage Spill Response Material
- G. Storage of Liquids, Dispersant/Oil
- H. Training Center

### **New Vessel Description**

The list of mission requirements above, and the conceptual design work done for the Tustumena replacement project in 1982, provides enough data to assemble the major characteristics of a mainline vessel that would meet the above requirements.

A new vessel would be a steel displacement vessel, 380 feet in length by 65 feet in beam, designed and constructed in the United States. The vessel would carry approximately 450 people, 75 standard vehicles, and 100 berths. The vessel would be diesel-powered with twin controllable pitch propellers. Propulsion machinery would be augmented by the addition of bow thrusters and fin stabilizers. This vessel should have a large vehicle elevator/transfer system located near the stern. This vessel would also have a stern door and stern ramp, and a crane above the stern door for handling the rescue boat and emergency stores or gear. Emergency evacuation would occur through covered lifeboats, boarded from inside the boat deck. The vessel would have a sprinkler system throughout.

A new mainline vessel would be well suited to oil spill response efforts, as it could respond anywhere in the Pacific Ocean in a matter of days. The bridge of the vessel would have the necessary electronic gear to act as a control/command center. The vessel would have the unique ability to travel to any dock and load containerized vans full of response gear, without assistance. The vessel's machine shop, adequate working space, and accommodations would be available for use by the clean-up crew. The aft upper-most deck could support a helicopter pad. The stern ramp would