

**ALASKA LEGISLATURE**

**HOUSE and SENATE FINANCE COMMITTEE FILES,**

**1993-1994**

**964**

38

**HB**

**97**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 2, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/24/93 am

The FINANCE Committee considered:

HB 97

HOUSE BILL NO. 97

PARENTAL CARE FOR CHILD IN STATE CUSTODY

"An Act clarifying the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents; and providing for an effective date."

RECOMMENDATIONS:  the same title  
 be replaced with \_\_\_\_\_  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)


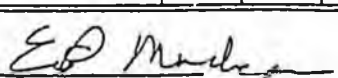
fiscal impact \_\_\_\_\_

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

zero fiscal note \_\_\_\_\_

zero fiscal note(s) DHSS 2/10/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Wiley Navarre</i> NAVARRE	<input checked="" type="checkbox"/>				
<i>Ronald J. Larson</i> Larson	<input checked="" type="checkbox"/>				
<i>Mark Hanley</i> Hanley	<input checked="" type="checkbox"/>				
<i>Terry Martin</i> martin	<input checked="" type="checkbox"/>				
<i>Scott R. Parrish</i> Parrish	<input checked="" type="checkbox"/>				
<i>Ben Grussendorf</i> grussendorf	<input checked="" type="checkbox"/>				
<i>Tom Therriault</i> THERRIAULT	<input checked="" type="checkbox"/>				
<i>Richard Foster</i> FOSTER	<input checked="" type="checkbox"/>				
<i>Tom Hoffmann</i> Hoffmann	<input checked="" type="checkbox"/>				
<i>Ed Maclean</i> Maclean	<input checked="" type="checkbox"/>				


  
 (D) CHAIRMAN'S SIGNATURE  
 Larson Maclean

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

N 1  
Bill Version: HR 97  
(H) Publish Date: 2/10/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
Title: "An act clarifying responsibilities for children in custody of department" BRU: Purchased Services  
Component: Foster Care  
Sponsor: House HESS for DHSS  
Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0252

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill is critical to the Division of Family and Youth Services. There will be no increased costs incurred if this bill passes, but there is a serious potential for a sizeable increase in foster care costs if it does not pass.

Prepared by: Deborah R. Wing, Director  
Division: Department of Health & Social Services  
Approved by Commissioner: Theodore A. Mala, MD, MPH  
Agency: Department of Health & Social Services

Phone: 465-3191  
Date: 02/02/93  
Date: 2/5/93

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**COMMITTEE COPY** For further distribution information call the Governor's Legislative Office

Back-up

HOUSE BILL 97

For An Act Entitled: "An Act clarifying the responsibilities for the Department of Health and Social Services and parents for children who are committed to the custody of the Department and are placed by the Department with the parents; and providing for an effective date"

Analysis/Program Impact

The Department of Health and Social Services strongly supports HB 97, which clarifies the responsibilities of the Department for children committed to its legal custody who continue to reside with the parent or parents. The Bill amends AS 47.10.084 (a) to expressly require a parent or parents to provide for the day to day care of their children if the children are residing with them when the state has legal custody as a result of child protection services purposes.

This bill was made necessary as a result of the Alaska Supreme Court ruling in the case of In re E.A.O., 816 P.2d 1352 (Alaska 1991), in which the court ruled that the current AS 47.10.084 requires the Department to pay for medical costs associated with the care of children, even though they live with their parents. The Department has never interpreted the statute in this manner in the past. Therefore, absent an amendment, the Department will incur substantial additional financial expenses for these medical costs and may also be exposed to legal suits to resolve the responsibility for other costs of child rearing, including food, shelter, and education, while a child is placed at home by the Department. The Department has not budgeted for these types of costs, and these cost would significantly impact our budget, as well as the Medicaid budget. Although the court did acknowledge a possible right of reimbursement from the parents, the collection would not be practical nor cost effective.

The bill provides for a retroactive effective date to August 30, 1991, the date that the court issued its ruling. A retroactive effective date is necessary to avoid the additional unbudgeted expenses and to resolve a legal question as to the Department's responsibilities for other expenses, such as shelter, which the court did not directly address in its decision.

Position Paper - H+SS

# POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

Position Paper  
page 2  
HB 97

Department's Position The Department of Health and Social Services urges the passage of this bill.

Recommended: Deborah R. Wing Date: 2/5/93  
Deborah R. Wing, Director  
Division of Family and Youth Services

Approved: Theodore A. Mala Date: 2/5/93  
Theodore A. Mala MD, MPH  
Commissioner  
Department of Health and Social Services

## MEMORANDUM

State of Alaska

Department of Law

TO: Elmer Lindstrom  
Department of Health and  
Social Services  
Juneau, Alaska

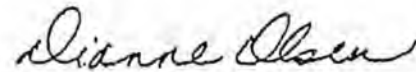
DATE: January 5, 1993

FILE NO.:

TEL NO: 269-5100

SUBJECT: Legislation

FROM:



Dianne Olsen  
Assistant Attorney General  
Human Services Section

Last year, the department introduced legislation to modify AS 47.10.084, which outlines the responsibilities of the department to children in its legal custody. The statute states that when the department has legal custody of a child, it has

the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child and the duty of providing the child with food, shelter, education, and medical care.

In the case of In the Matter of E.A.O., 816 P.2d 1352 (Alaska 1991), the department had argued that when children in state custody are placed by the department in the home of their parents, it is the parents who are responsible for such things as food, shelter, education, and medical care. The Alaska Supreme Court, on the basis of strict statutory construction, disagreed. Therefore, the legislation was introduced to modify the statute. Although the legislation did not pass last year, we urge the department to work toward getting it introduced and passed this year.

Since the E.A.O. decision, defense attorneys have been relying upon the decision to make requests for the Department of Health and Social Services to pay for various expenses of children and their families when those children are in the legal custody of the state. In Anchorage, defense attorneys have filed motions in at least two cases to require the department to pay for housing costs of children and their parents. The department has resolved those cases prior to a judicial ruling. In Kenai, a defense attorney used the decision to support a request that the department pay for unapproved counseling costs for a child. The department was willing to arrange for counseling at an agency with which it had a contract, but the parents arranged for the child to be in counseling with someone with whom it did not have a contract and for whom federal funds would have been unavailable.

# HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES

P.O. BOX V, JUNEAU 99811  
(907) 465-3759



HB 97

## CLARIFYING PARENTAL RESPONSIBILITIES

### FOR A CHILD IN STATE CUSTODY

HB 97 clarifies the responsibilities of the Department of Health and Social Services and parents for children who are committed to the custody of the department and are placed by the department with the parents.

The bill responds to an Alaska Supreme Court decision that will incur new and substantial costs to the state.

In the August 1991 decision in the case of In re E.A.O., the court reversed a lower court decision and ruled that the state must pay for the medical costs of a child in state custody even though the child lives with his or her parents.

Prior to this decision, the state interpreted the law to pay for medical care costs of children in physical custody of the state. Holding the state responsible for medical costs of children in its custody who are placed at home would result in less protection for these children and other children in need of aid.

The ramifications of this decision may also lead to the state's being held liable for other costs of child rearing such as food, shelter, and education.

HB 97 will free the state from the fiscal complications arising the August 1991 court decision.

Sponsor Statement

## MEMORANDUM

State of Alaska

Department of Law

TO: Elmer Lindstrom  
Department of Health and  
Social Services  
Juneau, Alaska

DATE: January 5, 1993

FILE NO.:

TEL NO.: 269-5100

SUBJECT: Legislation

FROM:

*Dianne Olsen*  
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Assistant Attorney General  
Human Services Section

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Since the E.A.O. decision, defense attorneys have been relying upon the decision to make requests for the Department of Health and Social Services to pay for various expenses of children and their families when those children are in the legal custody of the state. In Anchorage, defense attorneys have filed motions in at least two cases to require the department to pay for housing costs of children and their parents. The department has resolved those cases prior to a judicial ruling. In Kenai, a defense attorney used the decision to support a request that the department pay for unapproved counseling costs for a child. The department was willing to arrange for counseling at an agency with which it had a contract, but the parents arranged for the child to be in counseling with someone with whom it did not have a contract and for whom federal funds would have been unavailable.

Elmer Lindstrom

January 5, 1993

Page 2

Although there have not been a large number of cases where such requests have been made, it is clear that defense attorneys will continue to make the argument that the department is required to pay for food, shelter, housing, and medical care no matter where the child resides. For instance, if a child in the custody of the state lives at home and that child suffers an injury, the department is responsible for payment for the medical expenses. Because the child is not in foster care, the child is not likely to be eligible for medicaid funds. Therefore, the expenses will come from the department's limited budget.

Please let me know if there is any further information that would be helpful to you.

DO/jlb

# HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811  
(907) 465-3759

HB 97

## CLARIFYING PARENTAL RESPONSIBILITIES

### FOR A CHILD IN STATE CUSTODY

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Prior to this decision, the state interpreted the law to pay for medical care costs of children in physical custody of the state. Holding the state responsible for medical costs of children in its custody who are placed at home would result in less protection for these children and other children in need of aid.

The ramifications of this decision may also lead to the state's being held liable for other costs of child rearing such as food, shelter, and education.

HB 97 will free the state from the fiscal complications arising the August 1991 court decision.

Sponsor Statement

predisposition report will be available to them not less than 10 days before the disposition hearing.

(d) For purposes of this section "parents" means the natural or adoptive parents, and any legal guardian, relative, or other adult person with whom the child has resided and who has acted as a parent in providing for the child for a continuous period of time before this action. (§ 26 ch 63 SLA 1977; am § 17 ch 57 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 15, 1991, in subsection (a), inserted "a victim im- pact statement reporting the information set out in AS 12.55.022" and added the second sentence.

**Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities.**

#### NOTES TO DECISIONS

**Department's responsibility for medical costs.** — The department is responsible for the medical costs of children in its custody, whether the children are placed at home or in a foster home. L.O. v. State, 816 P.2d 1352 (Alaska Ct. App. 1991).

**Sec. 47.10.097. Fingerprinting of minors.** (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

(b) Fingerprint records taken under this section are not subject to AS 47.10.090. (§ 3 ch 121 SLA 1988; am § 1 ch 32 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 9, 1991, rewrote the section.

**Sec. 47.10.120. Support of minor.** (a) When a child in need of aid or a delinquent minor is committed under this chapter, the court shall, after giving the parent or legal guardian a reasonable opportunity to be heard, adjudge that the parent or guardian pay to the department in a manner that the court directs a sum that is based on the fee schedule adopted under AS 44.29.022 to cover in full or in part the maintenance and care of the child or minor.

(b) If a parent wilfully fails or refuses to pay the sum fixed, the parent may be proceeded against as provided by law in cases of family desertion and nonsupport.

(c) The sum collected from a parent under this section shall be directly credited to the general fund of the state.

(d) [*Repealed, § 28 ch 90 SLA 1991.*] (§ 13 art I ch 145 SLA 1957; am § 1 ch 31 SLA 1959; am § 1 ch 141 SLA 1959; am § 23 ch 63 SLA 1977; am §§ 88, 89 ch 138 SLA 1986; am § 28 ch 90 SLA 1991)

**Sec. 47.10.084. Legal custody, guardianship, and residual parental rights and responsibilities.** (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1) to the department or released under AS 47.10.080(b)(2) or (3) or (c)(2) to the child's parents, guardian, or other suitable person, a relationship of legal custody exists. This relationship imposes on the department and its authorized agents or the parents, guardian, or other suitable person the responsibility of physical care and control of the child, the determination of where and with whom the child shall live, the right and duty to protect, train and discipline the child, and the duty of providing the child with food, shelter, education, and medical care. These obligations are subject to any residual parental rights and responsibilities and rights and responsibilities of a guardian if one has been appointed. When parental rights have been terminated, or there are no living parents and no guardian has been appointed, the responsibilities of legal custody include those in (b) and (c) of this section. The department or person having legal custody of the child may delegate any of the responsibilities under this section, except authority to consent to marriage, adoption, and military enlistment may not be delegated. For purposes of this chapter a person in charge of a placement setting is an agent of the department.

(b) When a guardian is appointed for the child, the court shall specify in its order the rights and responsibilities of the guardian. The guardian may be removed only by court order. The rights and responsibilities may include, but are not limited to, having the right and responsibility of reasonable visitation, consenting to marriage, consenting to military enlistment, consenting to major medical treatment, obtaining representation for the child in legal actions, and making decisions of legal or financial significance concerning the child.

(c) When there has been transfer of legal custody or appointment of a guardian and parental rights have not been terminated by court decree, the parents shall have residual rights and responsibilities. These residual rights and responsibilities of the parent include, but are not limited to, the right and responsibility of reasonable visitation, consent to adoption, consent to marriage, consent to military enlistment, consent to major medical treatment except in cases of emergency or cases falling under AS 09.65.100, and the responsibility for support, except if by court order any residual right and responsibility has been delegated to a guardian under (b) of this section. (§ 26 ch 63 SLA 1977)

NOTES TO DECISIONS

The phrase "reasonable visitation" in subsection (c) does not imply an absolute right to visitation; this section should be read in conjunction with the

rest of the chapter to allow parental visits to be barred when the visits are not in the best interests of the child. *K.T.E. v. State*, 689 P.2d 472 (Alaska 1984).

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197

**HB**

**101**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: February 15, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/22/93

The FINANCE Committee considered:

HB 101

HOUSE BILL NO. 101

NATIONAL ELECTRICAL CODE

"An Act relating to the adoption of the National Electrical Code and the National Electrical Safety Code."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

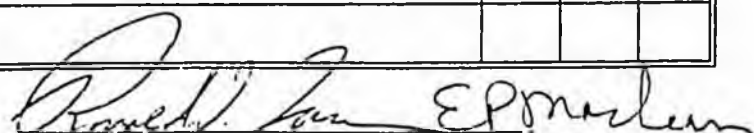
fiscal impact \_\_\_\_\_

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

zero fiscal note \_\_\_\_\_

zero fiscal note(s) LABOR DOB 2/15/93

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. Mesleard</i>	✓				
<i>Ronald J. Larson</i>	X				
<i>Mark Rankin</i>	X				
<i>Sean P. Parull</i>	X				
<i>Ben Sommers</i>	X				
<i>Tommy H. ...</i>	t				
<i>Tom ...</i>	✓				
<i>Steve ...</i>	✓				
<i>Jay Brown</i>	✓				
<i>Richard ...</i>	X				

  
 CHAIRMAN'S SIGNATURE

# FISCAL NOTE

No. 1  
 Bill Version: HB 101  
 (H) Publish Date: 2/15/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: Adopting National Electrical Code  
 Sponsor: House Labor & Commerce  
 Requestor: House Labor & Commerce

Department Affected: Labor  
 ERU: Labor Standards & Safety  
 Component: Mechanical Inspection  
 COMPONENT SERIAL NO. 336

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS/CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald Studv, CSP, Director Phone: 465-5003  
 Division: Labor Standards & Safety Date: 2/2/93  
 Approved by Commissioner: Charles W. Mahlen  
 Agency: Department of Labor Date: 2/2/93

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182  
(907) 465-4954



## SPONSOR STATEMENT HOUSE BILL 101 NATIONAL ELECTRICAL CODE

House Bill 101 was requested by the International Brotherhood of Electrical Workers to assure the state's adoption of the minimum electrical safety standards for the state as set by the American National Standards Institute.

The National Electrical Code and the National Electrical Safety Code are reviewed by the American National Standards Institute every three years. These codes constitute the minimum electrical safety standards for the state and are adopted through revising AS 18.60.580. House Bill 101 will eliminate the need for new legislation every three years, a costly and time-consuming exercise, by allowing the Department of Labor to adopt, by regulation, the most recent codes to constitute the minimum electrical safety standards of the state. This bill also provides for the 1993 published edition of the National Electrical Safety Code and the National Electrical Code to constitute the minimum electrical safety standards for Alaska until such time as the Department of Labor can adopt these by regulation.

In addition to the I.B.E.W., House Bill 101 has the support of the Department of Labor and carries a zero fiscal note.

**BILL NO:** HOUSE BILL NO. 101


**DATE:** February 11, 1993

**TITLE:** Adopting National Electrical Code

**CONTACT:** Arbe Williams  
465-2700

House Bill No. 101, proposes to allow the department to adopt by regulation the most recent national electrical code or national electrical safety code. The bill also adopts the 1993 published edition of the National Electrical Code and the 1993 published edition of the National Electrical Safety Code in the interim.

The Department of Labor supports House Bill No. 101.

  
\_\_\_\_\_  
Charles W. Mahlen  
Commissioner

Date: 2/11/93

**POSITION PAPER/Department of Labor**

**HB**

**102**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: February 19, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/1/93

The FINANCE Committee considered:

HB 102

HOUSE BILL NO. 102

PANEL MEMBERS ON AK LABOR REL. AGENCY

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 102 (FIN)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

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

zero fiscal note HFC

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

SIGNING DO PASS	DP	OTIHER RECOMMENDATIONS	DNP	NR	AM
<i>Edson P. Maclean</i> Maclean ✓					
<i>Ronald J. Larson</i> Larson X	X				
<i>Mark Hanley</i> Hanley Y	Y				
<i>Sean R. Parnell</i> Parnell X	X				
<i>Bar Grussendorf</i> Grussendorf X	X				
<i>Mike Navarre</i> Navarre X	X				
<i>Tom Brown</i> Brown ✓	✓				
<i>Gene Theriault</i> Theriault X	X				

*Ronald J. Larson*  
 CHAIRMAN'S SIGNATURE  
 Larson Maclean



# STATE OF ALASKA

## DEPARTMENT OF LABOR

### OFFICE OF THE COMMISSIONER

LLR 1-4  
X LLR 1-1  
WALTER J. HICKEL, GOVERNOR

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700

FAX: (907) 465-2784

February 22, 1993

The Honorable Ron Larson  
Co-Chair, Finance Committee  
Alaska State House of Representatives  
State Capitol, Room 502  
Juneau, AK 99801-1182

Dear Representative Larson:

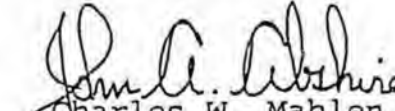
House Bill No. 102 which proposes to expand the membership of the Alaska Labor Relations Agency and provide a \$100 per day honorarium for board members was introduced and referred to the House Labor & Commerce Committee on January 29, 1993. The bill was considered by the House Labor & Commerce Committee on February 19, 1993 and referred to the Finance Committee. I am requesting that the bill be scheduled for a hearing before the House Finance Committee.

The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board. The bill would also provide a payment of \$100 per day to compensate board members for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

A fiscal note and position paper from the Department of Labor and a copy of the bill are enclosed for your information. If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Thank you for your consideration of my request to schedule House Bill No. 102 for a hearing before the House Finance Committee.

Sincerely,

  
Charles W. Mahlen  
Commissioner

Enclosures

BILL NO: HOUSE BILL NO. 102

DATE: February 8, 1993

TITLE: Panel Members on Alaska Labor Relations Agency  
CONTACT: Arbe Williams  
465-2700

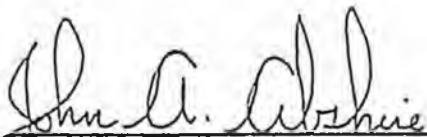
House Bill No. 102, proposes to expand the membership of the Alaska Labor Relations Agency. The bill would also provide compensation of \$100 per day per board member for each day spent in meetings or on authorized official business related to board duties.

The bill would expand the membership of the board from three members to six members. Two members would have a management background, two members would have a labor background and two members would be from the general public. The governor would designate a chair from the public members of the board.

Continuing with the current workload, the three current board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

The bill would also provide a payment of \$100 per day to compensate board members for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

The Department of Labor supports House Bill No. 102.

  
\_\_\_\_\_  
Charles W. Mahlen  
Commissioner

Date: 2/8/93

**POSITION PAPER/Department of Labor**

# FISCAL NOTE

No. 1

Bill Version: HB 102

(H) Publish Date: 2/19/93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

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

Title: Panel Members on Ak. Labor

Rel. Agency

Sponsor: House Labor & Commerce

Requestor: House Labor & Commerce

Department Affected: Labor

BRU: Commissioner's Office

Component: \_\_\_\_\_

Alaska Labor Relations Agency

COMPONENT SERIAL NO. 1200

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL	12.8	12.8	12.8	12.8	12.8	12.8
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

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

REVENUE FUND SOURCE:						
-------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	12.8	12.8	12.8	12.8	12.8	12.8
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>	<b>12.8</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

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

(see attached)

Prepared by: Jan DeYoung, Hearing Examiner

Phone: 269-4895

Division: Alaska Labor Relations Agency

Date: 2/2/93

Approved by Commissioner: Charles W. Manien

Agency: Department of Labor

Date: 2/2/93

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**COMMITTEE COPY**

Fiscal Note Analysis for  
Panel Members on Ak. Labor Rel. Agency

This bill would expand the membership of the Alaska Labor Relations Agency Board and would provide an honorarium for board members.

The increase in board size from three to six members is necessitated by the workload of the agency. At the current rate the board members will be meeting 40 or more days per year. This is a heavy workload. As a result the agency has had difficulty obtaining a quorum (two members present) and on several occasions the agency has had to reschedule hearings. Rescheduling is an inconvenience and costly to the parties involved, particularly when counsel has been retained or the representative has had to travel. Expanding the board will expedite the hearings of the agency and avoid rescheduling meetings.

The honorarium would be \$100.00 per day per board member for each day spent in meetings or on authorized official business related to board duties. This payment would compensate members for time away from their regular employment and reimburse them for expenses incurred to attend a board meeting.

The department has used board activity for calendar year 1992 to estimate the cost of providing this honorarium. The computations are as follows:

No. of Meetings	No. of Hearings	No. of Members	Member Days
8		6	48
	25	3	75
5		1	5
		Total Days	128
		Honorarium	x \$100
		Estimated Cost	\$12,800

Open Meeting Act meetings would require the attendance of all members (or a quorum of four) and administrative hearings would require the attendance of a three member panel (or a quorum of two). Single member meetings are usually between the chair and the agency's administrator but could also involve a member's attendance at a conference.

An effective date of July 1, 1993 is assumed.

**HB**

**102**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/14/93

FURTHER:

DATE TURNED INTO OFFICE: 4-26-93

The Finance Committee considered CS FOR HOUSE BILL NO. 102(FIN)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous 5 CS CSHB 102 (L.C.)
- 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**

Department	Date	Zero	Fiscal
DOLabor	4-17-93	<del>0</del>	

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

Steve Keri  
George Brown  
Tim Kelly  
Best Map  
 1. Mark Do pass  
 Co-Chair: Signature/Recommendation

**OTHER RECOMMENDATIONS:**

No Res J. V. Kottala  
 2. True/Deane - 10/20/93  
 Co-Chair: Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO : SCSCSHB 102 (L&C)

Revision Date: \_\_\_\_\_  
 Title: Panel Members on Ak. Labor  
Rel. Agency  
 Sponsor: House Labor & Commerce  
 Requestor: Senate Finance

Department Affected: Labor  
 BRU: Commissioner's Office  
 Component: Alaska Labor Relations Agency  
 COMPONENT SERIAL NO. 1200

**EXPENDITURES/REVENUES:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
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 FUND SOURCE:						
----------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
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						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jan DeYoung, Hearing Examiner Phone: 269-4895  
 Division: Alaska Labor Relations Agency Date: 4/17/93

Approved by Commissioner: Charles W. Mahlen  
 Agency: Department of Labor Date: 4/17/93

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Back-up

# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182

(907) 465-4954



House Bill 102, Alaska Labor Relations Agency

Departmental contact:           Arbe Williams, Department of Labor  
465-2700

Administration personnel who testified:

Jan De Young, Administrator  
Alaska Labor Relations Agency  
269-4895

HOUSE JOURNAL

554

March 5, 1993

HB 102

HOUSE BILL NO. 102

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

with the: Journal Page

L&C RPT 3DP 2NR	388
-FISCAL NOTE (LABOR) 2/19/93	388
FIN RPT CS(FIN) 8DP	504
-ZERO FISCAL NOTE (IL.FIN/LABOR) 3/2/93	504

Representative Phillips moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 102(FIN)  
(same title)

There being no objection, it was so ordered.

Representative Phillips moved and asked unanimous consent that CSHB 102(FIN) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSHB 102(FIN) was read the third time.

The question being: "Shall CSHB 102(FIN) pass the House?" The roll was taken with the following result:

CSHB 102(FIN)  
Third Reading  
Final Passage

YEAS: 35 NAYS: 0 EXCUSED: 4 ABSENT: 1

Yeas: Barnes, Brice, Brown, Bunde, Carney, Davidson, Davies, B.Davis, G.Davis, Foster, Grussendorf, Hanley, Hoffman, Hudson, James, Kott, Larson, Mackie, MacLean, Martin, Moses, Mulder, Nicholia, Nordlund, Olberg, Parnell, Phillips, Porter, Sanders, Sitton, Therriault, Toohey, Ulmer, Vezey, Willis

HOUSE JOURNAL

March 5, 1993

555

HB 102

Excused: Green, Menard, Navarre, Williams

Absent: Finkelstein

And so, CSHB 102(FIN) passed the House.

Representative Phillips moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 102(FIN) was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Phillips moved and asked unanimous consent that the House approve the citation on the calendar. There being no objection, the following citation was approved and sent to enrolling:

Honoring - Earl and Mimi Mayo on . . . th Anniversary of the How  
How Restaurant  
By Representatives Mulder, Kott, B.Davis, Hanley, Martin, Menard, Navarre, Nicholia, Sanders, Willis; Senators Kelly, Phillips

UNFINISHED BUSINESS

Representative Phillips moved and asked unanimous consent that the following members be excused from a call of the House as noted:

Representative Bunde - from 3:00 p.m., March 19 to 9:00 p.m., plane time, March 21, 1993; and from 3:00 p.m., April 8 to 9:00 p.m., plane time, April 11 1993

Representative Mackie - from 6:00 a.m., March 18 to 5:00 p.m., March 21, 1993

Representative Sanders - from 6:05 p.m., March 19 to 8:45 p.m., plane time, March 21, 1993

Representative Ulmer - from 10:20 a.m. to 5:25 p.m., March 13, 1993

# FISCAL NOTE

No. 2  
 Bill Version CSHB 102 (FTN)  
 (H) Publish Date: 3/2/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>LABOR</u>
Title: <u>Panel Members on AK. Labor</u>	BRU: <u>Commissioner's Office</u>
	Component: <u>Alaska Labor Relations Agency</u>
Sponsor: <u>House Labor &amp; Commerce</u>	
Requestor: <u>HOUSE FINANCE COMMITTEE</u>	COMPONENT SERIAL NO. <u>1200</u>

Expenditures/Revenues:	(Thousands of Dollars)					
OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING:	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

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

Prepared by: <u>Representative Ron Larson, Co-Chair</u>	Phone: <u>465-3878</u>
Division: <u>House Finance Committee</u>	Date: <u>3/01/93</u>
Approved by Commissioner: _____	Date: _____
Agency: _____	

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# HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE

STATE CAPITOL, JUNEAU, AK 99801-1182  
(907) 465-4954



MEMORANDUM

March 12, 1993

TO: Senator Tim Kelly, Chair  
Senate Labor and Commerce Committee

FROM: Representative Bill Hudson, Chair  
House Labor and Commerce Committee

SUBJECT: Request for Hearing

Committee Substitute for House Bill 102 (Finance) an Act relating to the Alaska Labor Relations Agency, has been referred to your committee. This is to request that you schedule HB 102 for a hearing at your earliest convenience.

CSHB 102 (Fin) proposes to expand the membership of the Alaska Labor Relations Agency. The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board.

The Alaska Labor Relations Agency has had difficulty in obtaining a quorum and on several occasions the agency has had to reschedule hearings. Rescheduling is an inconvenience and costly to the parties involved, particularly when counsel has been retained or the representative has had to travel. Expanding the board will expedite the hearings of the agency and avoid rescheduling meetings.

The bill has a zero fiscal note and the support of the Department of Labor.

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF LABOR**

**OFFICE OF THE COMMISSIONER**

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700

FAX: (907) 465-2784

March 4, 1993

The Honorable Carl Moses  
Chair, Rules Committee  
Alaska State House of Representatives  
State Capitol, Room 204  
Juneau, AK 99801-1192

Dear Representative Moses:

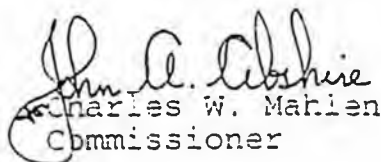
Committee Substitute for House Bill No. 102 (Finance) which proposes to expand the membership of the Alaska Labor Relations Agency was passed out of the House Finance Committee on March 1, 1993. I am requesting that the bill be scheduled for a vote.

The bill would expand the membership of the board from three members to six members and the governor would designate a chair from the public members of the board.

A fiscal note and position paper from the Department of Labor and a copy of the bill are enclosed for your information. If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams.

Thank you for your consideration of my request to schedule Committee Substitute for House Bill No. 102 (Finance).

Sincerely,

  
Charles W. Mahien  
Commissioner

Enclosures

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO : CSHB 102(FIN)

Revision Date: \_\_\_\_\_  
 Title: Panel Members on Ak. Labor  
Rel. Agency  
 Sponsor: House Labor & Commerce  
 Requestor: House Rules

Department Affected: Labor  
 BRU: Commissioner's Office  
 Component: \_\_\_\_\_  
Alaska Labor Relations Agency  
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jan DeYoung, Hearing Examiner Phone: 259-4895  
 Division: Alaska Labor Relations Agency Date: 3/4/93  
 Approved by Commissioner: Charles W. Manien  
 Agency: Department of Labor Date: 3/4/93

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WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF LABOR**

**OFFICE OF THE COMMISSIONER**

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700

FAX: (907) 465-2784

February 8, 1993

The Honorable Bill Hudson  
Chair, Labor & Commerce Committee  
State House of Representatives  
State Capitol, Room 108  
Juneau, AK 99801-1182

Dear Representative Hudson:

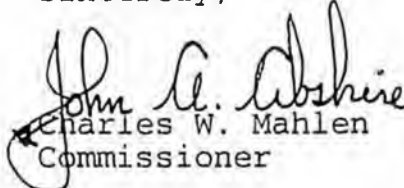
House Bill No. 102, relating to expanding the membership of the Alaska Labor Relations Agency Board and to providing an honorarium for board members, was introduced and referred to the House Labor and Commerce Committee on January 29, 1993. I am requesting that the bill be scheduled for a hearing.

The legislation would expand the membership of the board from three members to six members. Continuing with the current workload, the board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

The bill would also provide compensation of \$100 per day per board member for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

If you would like additional information concerning this legislation, please do not hesitate to contact my Special Assistant, Arbe Williams. Thank you for your consideration of my request to schedule House Bill No. 102 for a hearing before the House Labor and Commerce Committee.

Sincerely,

  
Charles W. Mahlen  
Commissioner

**BILL NO:** HOUSE BILL NO. 102

**DATE:** February 8, 1993

**TITLE:** Panel Members on Alaska Labor Relations Agency  
**CONTACT:** Arbe Williams  
465-2700

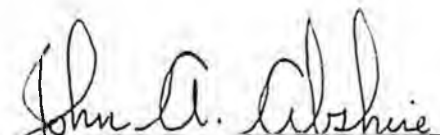
House Bill No. 102, proposes to expand the membership of the Alaska Labor Relations Agency. The bill would also provide compensation of \$100 per day per board member for each day spent in meetings or on authorized official business related to board duties.

The bill would expand the membership of the board from three members to six members. Two members would have a management background, two members would have a labor background and two members would be from the general public. The governor would designate a chair from the public members of the board.

Continuing with the current workload, the three current board members would be sitting 40 or more days per year. This is a heavy workload and the Alaska Labor Relations Agency has had difficulty obtaining a quorum. Expanding the board will expedite the agency's administrative hearings.

The bill would also provide a payment of \$100 per day to compensate board members for each day spent in meetings or on authorized official business related to board duties. A fiscal note for 12.8 thousand dollars has been submitted to reflect anticipated expenditures.

The Department of Labor supports House Bill No. 102.

  
\_\_\_\_\_  
Charles W. Mahlen  
Commissioner

Date: 2/8/93

**POSITION PAPER/Department of Labor**

# SENATE COMMITTEE REPORT

DATE: 3/8/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 4/14/93

L&C Committee considered CS FOR HOUSE BILL NO. 102(FIN)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

and recommends:

- replace with SENATE CS HB 102 (L&C)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

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

- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
-5 DOL - Comm OFF.	3/1	2	

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

[Signature]  
[Signature]  
J. E. Salo

OTHER RECOMMENDATIONS:

[Signature] - WR  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Tim Kelly - D. Pass

# HOUSE COMMITTEE REPORT

(11)

Date Referred: February 19, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/1/93

The FINANCE Committee considered:

HB 102

HOUSE BILL NO. 102

PANEL MEMBERS ON AK LABOR REL. AGENCY

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_

CS HB 102 (FIN)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

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

zero fiscal note HFC

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Edson P. Maclean</i> Maclean ✓					
<i>Ronald T. Larson</i> Larson X	X				
<i>Mark Hanley</i> Hanley Y	Y				
<i>Sean P. Parnell</i> Parnell X	X				
<i>Ben Grussendorf</i> Grussendorf X	X				
<i>Mike Navarre</i> Navarre X	X				
<i>Tom Brown</i> Brown ✓	✓				
<i>Therria</i> Therria X	X				

*Ronald T. Larson*  
 CHAIRMAN'S SIGNATURE  
 Larson

*Maclean*  
 Maclean

# HOUSE COMMITTEE REPORT

2/19

Finance

(7)  
Date Referred: January 29, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/18/93

The LABOR AND COMMERCE Committee considered:

HB 102

HOUSE BILL NO. 102

PANEL MEMBERS ON AK LABOR REL. AGENCY

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title  
 [ ] have attached amendments(s)  
 do pass  
 [ ] do not pass  
 [ ] no recommendations  
 [ ] individual recommendations  
 [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact Labor

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

[ ] zero fiscal note \_\_\_\_\_

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Brian S. Porter</u>		<u>Porter</u>		✓	
<u>Joe Linton</u> <span style="float: right;">Sutton</span>	✓	<u>Green</u>		✓	
<u>B.R. Williams</u> <span style="float: right;">Williams</span>	c				
<u>Bill Hudson</u> <span style="float: right;">Hudson</span>	✓				

Bill Hudson Hudson  
 CHAIRMAN'S SIGNATURE

# DEPARTMENT OF LABOR

## *SECTIONAL ANALYSIS*

### Senate Committee Substitute for Committee Substitute for House Bill 102(L&C)

"An Act relating to the Alaska Labor Relations Agency; and providing for an effective date."

#### **Section 1**

Adds three board members to the existing three-member board of the Alaska Labor Relations Agency to increase the number of board members available to hear cases and to decrease the members' individual workloads.

#### **Section 2**

Adjusts for the increase in the number of board members by increasing the number of board members who may belong to a single political party from two to three.

#### **Section 3**

Provides that the governor appoint the chair from the two public board members.

Provides that a panel of three members appointed by the chair and consisting of one representative each from management, labor, and the general public would hear a particular case. A member from one panel could substitute for the corresponding member of the other panel if the need arose.

#### **Section 4**

Adjusts for the increase in the number of board members to provide that a quorum is two members of a panel for the consideration of cases and four members of the full board for the transaction of business other than hearings.

#### **Section 5**

Repeals the provision which provides for the board members to elect the chair.

#### **Section 6**

Provides a transition section to permit the Agency to operate under the pre-amendment rules until the governor appoints and the legislature confirms the additional members.

#### **Section 7**

Provides for an effective date of July 1, 1993.

APR 21 1993

## MEMORANDUM

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Arbe Williams	From Jan DeYoung	
Co.	Co.	
Dept.	Phone # 269-4893	
Fax #	Fax # 269-4898	

TO: Arbe Williams  
Special Assistant  
Commissioner's Office

DATE: April 20, 1993

FILE NO:

TELEPHONE NO: 269-4895

FROM: Jan Hart DeYoung  
Administrator/Hearing Examiner  
Alaska Labor Relations Agency

SUBJECT: Committee Substitute  
for House Bill 102

The Alaska Labor Relations Agency administers the Public Employment Relations Act and the railroad labor relations laws. It is the neutral dispute resolution mechanism for disagreements between government employers and labor organizations that are not decided in arbitration. For example, the Agency receives petitions from labor organizations to represent units of government employees. It receives petitions to decertify labor organizations from government employees no longer desirous of representation. These representations proceedings can include hearings before the present board of three members and elections conducted by the Agency's staff of four employees. The Agency must resolve any disputes on the appropriate boundaries of the bargaining units. Often this involves hearings on disputes between the State and one or more labor organizations on which positions belong in which bargaining unit or whether positions should be excluded from bargaining altogether. The largest share of the Agency's workload is made up of unfair labor practice charges. These charges frequently arise when the parties bargain the collective bargaining agreement. It can also involve discrimination or interference with rights protected under the Public Employment Relations Act or the railroad labor laws. Charges of unfair labor practice violations must first be investigated before hearing. The Agency's staff investigator does investigate each charge to determine whether probable cause supports it. If probable cause supports the charge it is referred for hearing before a hearing examiner and the members of the board.

As public budgets shrink tensions increase between labor organizations and government employers. In Alaska, this has resulted in an increase in the workload of the Alaska Labor Relations Agency. In 1992 the Agency's workload increased 67 percent. One result of that workload increase is a very heavy burden on the time of the volunteers who serve as the three board members of the Agency. Those board members were asked to attend 8 business meetings and 25 scheduled hearings in 1992. Thirty-three days is a large commitment for a volunteer. In addition, each board member must spend time in preparation for the hearing and in

Page 2  
Memo/Williams  
April 20, 1993

consideration of proposed decisions and deliberations after the hearing. The uncompensated workload of the board members can be a hardship to the member. In addition, it makes it difficult for the Agency to attract volunteers to serve on the board. Moreover, when a hearing is scheduled, if more than one board member cannot appear, the Agency cannot obtain the quorum required for hearing. In 1992, the Agency postponed two hearings because it was not able to provide a quorum. Such postponements can be an expense for the participants in the hearing who often obtain counsel to represent them. In addition, it delays decision on the labor dispute raised before the Agency. Delays in decisions of labor disputes can disrupt labor relations for that employer.

The increase in the number of board members is intended to allow the sharing of the workload. The bill anticipates that two three-member panels will sit in hearings. The board would consist of two members each from labor, management, and the general public. Thus, at any given time a board member would at least in theory be available to substitute for another board member. It would also split the caseload, providing a more reasonable workload for these volunteers.

These measures are intended to assist the Agency in managing its increasing caseload. Whether that caseload will continue to increase depends on factors not within the Agency's ability to predict or control. Some of the increase in workload is attributed to the fact the State of Alaska is in bargaining with its major bargaining unit representatives. It is hoped that some of the increase will level off when agreements are reached. However, this is by no means certain.

The costs associated with increasing the board are negligible. The board members do not receive any per diem costs if they do not travel. The board's present policy is to hear cases from their place of residence, which for the current board members is Anchorage. The Agency has purchased teleconference equipment to permit remote site participation in hearings and made this purchase to reduce travel expenses. However, board members who travel do receive State per diem and their transportation costs are covered. Unless present policy changes, however, an increase in the size of the board will not increase travel expenses because any remote site board members could or would participate by the Agency's teleconferencing system.

File:		13FC	CG
Comr.	<i>Adm</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Deputy	<i>SC</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sp Asst	<i>BJD</i>	<input checked="" type="checkbox"/>	
Info Off.			<input checked="" type="checkbox"/>
Adm Asst		<input checked="" type="checkbox"/>	
Int Aud			
ASD			
ESC			
LRA			
LS & S			
WC			

ALASKA LABOR RELATIONS AGENCY

1992 Annual Report

Submitted February 1993  
(In accordance with AS 23.05.370<sup>1</sup>)

Alaska Labor Relations Board

B. Gil Johnson, Chairman  
James W. Elliott, Board Member  
Darrell Smith, Board Member

Office:

3301 Eagle Street, Suite 208  
P.O. Box 107026  
Anchorage, Alaska 99510-7026  
(907) 269-4895  
Fax: 269-4898

1993  
Commissioner

Staff:

Jan Hart DeYoung, Administrator/Hearing Examiner  
  
Jean Ward, Hearing Officer  
Margie Yadlosky, Administrative Assistant  
Norma Wren, Clerk

HIGHLIGHTS

The agency administers the Public Employment Relations Act (PERA) for the state, municipalities, and public schools and the state's railroad labor relations laws for the Alaska Railroad Corporation. It considers petitions for certification as

<sup>1</sup> AS 23.05.370 (a) provides in part:

The agency shall . . . prepare and submit to the governor and the legislature an annual report on labor relations problems it has encountered during the previous year, including recommendations for legislative action.

A. Representation Petitions (AS 23.40.100; AS 42.40.750)

Representation petitions are filed by labor organizations and employers to initiate a secret ballot election for certification or decertification of an employee representative for collective bargaining. Less frequently a petition is filed to advise the agency that the employer and labor organization have consented to representation of a particular unit of employees. Notification of consent to recognition does not require any action by the agency. Most petitioners seek an election. Before an election can be conducted, any objections to the election or the composition of the bargaining unit must be resolved. Often a hearing before the agency is needed. Petitions for representation of a municipal bargaining unit frequently require examination of the validity of a municipality's rejection of PERA under the opt out clause in the legislation adopting PERA, section 4, ch. 113, SLA 1972. Employer objections to the unit that the labor organization seeks to represent also are common. The agency conducts the election, rules on any objections or challenges to the conduct of the election, and certifies the results.

Petitions filed	10	
State	2	(Alaska Energy Authority & University)
Municipalities	4	(1 dismissal due to city opt out, 1 certified election, and 2 elections to be conducted in 1993)
Schools Districts	4	(4 elections certified)
Hearings conducted	6	
Elections conducted	8	

B. Strike Petitions (AS 23.40.200; 2 AAC 10.270; AS 42.40.850)

Public employees under PERA are divided into three classes, depending on their right to strike. Under PERA the agency hears disputes about strike classifications and it conducts strike vote elections upon receipt of a strike vote petition and determination of impasse. In the case of public schools, submission to advisory arbitration is required before the agency can conduct a strike vote election. Under the railroad labor relations laws, the agency does not conduct the strike vote election, but it does have a role in monitoring impasse procedures.

The agency recently adopted 8 AAC 97.300, not yet effective, that would provide for labor organizations to conduct strike votes. The agency would have a role in monitoring procedures.

D. Unfair Labor Practice Charges (AS 23.40.100; AS 42.40.760)

Employers, employee representatives, and individual employees may file unfair labor practice charges against labor organizations and employers. Charges against employers can include retaliation for union membership or exercise of employee rights, coercion, domination or interference with organization, and bad faith bargaining. Charges against unions can cover coercion, bad faith bargaining, dues disputes, and interference with the employer's selection of its representative.

The agency's experience in 1992 continues to be that charges arise most often during or leading up to contract bargaining. Charges this year include charges concerning the state's transfer of the personnel officers outside of the bargaining unit, the state's consolidation of the Alaska State Housing Authority and the Alaska Housing Finance Corporation and the effect on former ASHA employees, the state's implementation of a drug testing program for Alaska Marine Highway employees, the state's plan to change employee health benefits in early 1993, and a dispute between two factions of the Marine Engineers Beneficial Association. Charges have also included duty of fair representation charges filed by unit members against labor organizations.

Charges that arise while a contract is in effect often can be deferred to the parties' dispute resolution procedures in the contract's grievance arbitration clause. After an investigation concludes in a finding of probable cause and an attempt is made at conciliation, the charge is referred for hearing before the board members.

Charges filed	56
State	37
Municipalities	5
Public Schools	12
Railroad	2
Investigations	55
Notices of Accusation	33
Dismissals (no probable cause)	15
Charges that went to hearing	11
Deferrals to arbitration	5
Settled or withdrawn	42

3. Inlandboatmen's Union of the Pacific v. State of Alaska, Decision & Order No. 141 (Aug. 7, 1992): An employer can commit an unfair labor practice by implementing a change to a condition of employment in a collective bargaining agreement without first negotiating to impasse. A labor organization can waive the right to bargain by failing to respond to an employer's notice of a prospective change.
4. Fairbanks Fire Fighters Ass'n Local 1324, IAFF v. City of Fairbanks, Decision & Order No. 142 (Aug. 7, 1992): When enforcing a collective bargaining agreement under AS 23.40.210, the Alaska Labor Relations Agency will not substitute for the arbitrator under the agreement's grievance arbitration clause. Instead, it will enforce the agreement by compelling arbitration under the grievance arbitration clause in the agreement.
5. Alaska Public Employees Ass'n & Alaska State Employees Ass'n v. State of Alaska, Decision & Order No. 143 (Sept. 16, 1992): Adult field probation officers and juvenile probation officers are employees whose services may not be interrupted for even the shortest time under AS 23.40.200(a) and, therefore, are class 1 employees denied the right to strike under AS 23.40.200(d) but entitled to arbitration under AS 23.40.200(b).
6. State of Alaska v. Public Employees Local 71, Decision & Order No. 144 (Oct. 1, 1992): The food service manager at the Valdez Harborview Developmental Center shares a community of interest with the Labor, Trades and Crafts unit rather than the supervisory unit because the position does not meet the requirements for supervisor in 2 AAC 10.220(b)(3).
7. International Brotherhood of Electrical Workers v. Thomas Bay Power Authority, Decision & Order No. 145 (Nov. 25, 1992): Acting to reject the Public Employment Relations Act more than one year after a local government had the capacity to reject it is untimely and ineffective.
8. Alaska Public Employees Ass'n v. Ketchikan Gateway Borough, Decision & Order No. 146 (Nov. 25, 1992): After assuming an areawide power over parks and recreation from the City of Ketchikan, the Ketchikan Gateway Borough succeeded to the City's bargaining representative and its collective bargaining agreement for the term of the agreement. This unit of parks and recreation department employees is appropriate under AS 23.40.090.
9. State of Alaska v. Alaska Public Employees Ass'n, Decision & Order No. 147 (Nov. 25, 1992): The environmental conservation manager at the facility construction and operation office of the Department of Environmental Conservation in Juneau shares a community of interest with the general government unit rather than the supervisory unit because the position does not meet the requirements for supervisor in 2 AAC 10.220(b)(3).

#### IV. Legislation

The agency proposed legislation for consideration by the Governor. Two proposals are under consideration. The first proposal would increase the number of board members to six and provide that the board sit in panels of three members when hearing cases. The reason for the proposal is board member workload. It also would provide for payment to board members of an honorarium in the amount of \$100.00 per day spent in the conduct of agency business. House bill 102, incorporating this proposal, was introduced on January 29, 1993.

A second proposal is a housekeeping proposal. It would amend the railroad's impasse procedures in AS 42.40.850. AS 42.40.850 requires that a mediator involved in a contract bargaining impasse must later serve as the arbitrator in interest arbitration if a striking bargaining unit is compelled to return to work and thus entitled to interest arbitration. The Federal Mediation and Conciliation Services last year provided mediation services and training for railroad management and labor representatives. FMCS policy prevents mediators from serving as arbitrators. The agency has proposed legislation to remove the requirement that the person serving as the mediator also serve as the arbitrator if labor and management require interest arbitration services. It would also amend AS 23.40.225 and AS 42.40.880, which provide for an exemption from union membership and dues obligations on the basis of religious convictions. Staff of the Alaska Human Rights Commission and a recent case indicate that the existing law may be unconstitutional. Wilson v. NLRB, 920 F.2d 1282, 135 L.R.R.M.(BNA) 3177 (6th Cir. 1990). The agency is seeking the assistance of the Office of the Attorney General for a proposal of a religious exemption consistent with recent cases interpreting the federal and state constitutions.

#### V. Budget

Fiscal year	1991	1992	1993
TOTAL	309.4	309.8	307.5
Personnel	195.7	231.5	243
Travel	32.5	29.2	25.2
Contractual	70.3	41.6	31.8
Supplies	2.7	2.7	2.7
Equipment	7.2	4.8	4.8

# FISCAL NOTE

No. 2  
 Bill Version CSHB 102 (FTN)  
 (H) Publish Date: 3/2/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date:		Dept. Affected:	LABOR
Title:	Panel Members on AK. Labor	BRU:	Commissioner's Office
	Rel. Agency	Component:	Alaska Labor Relations Agency
Sponsor:	House Labor & Commerce		
Requestor:	HOUSE FINANCE COMMITTEE	COMPONENT SERIAL NO.	1200

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ \_\_\_\_\_

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

Changes in Part CSHB 102 (LTC) have no fiscal impact. This fiscal note is appropriate.

4/14/93 JPF  
 date                      Copye Aide (initial)

Prepared by: Representative Ron Larson, Co-Chair Phone: 465-3878  
Representative Eileen MacLean, Co-Chair Phone: 465-4222  
 Division: House Finance Committee Date: 3/01/93

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

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**НВВ**

**106**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: April 19, 1993

FURTHER REFERRALS:

Date of Committee Action: 2/17/94

The FINANCE Committee considered:

HB 106

HOUSE BILL NO. 106

EDUCATION TECHNOLOGY PROGRAM

"An Act establishing the Alaska education technology program; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 106 (Fin)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact 2 - DOE 1 - REV

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

zero fiscal note \_\_\_\_\_

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Kay Brown</i>	<input checked="" type="checkbox"/>	<i>EP Machean</i>		<input checked="" type="checkbox"/>	
<i>Mike Savage</i>	<input checked="" type="checkbox"/>	<i>Arnold Tan</i>		<input checked="" type="checkbox"/>	
<i>Richard Doherty</i>	<input checked="" type="checkbox"/>	<i>Sean Powell</i>		<input checked="" type="checkbox"/>	
<i>Tom Hylleberg</i>	<input checked="" type="checkbox"/>	<i>Terry Martin</i>		<input checked="" type="checkbox"/>	

*EP Machean*  
CHAIRMAN'S SIGNATURE

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. H.B 106

Revision Date: \_\_\_\_\_ Dept. Affected: Education  
 Title: An act establishing the Alaska BRU: Libraries, Archives & Museums  
Education Technology Program Component: Library operations  
 Sponsor: Rep. Kay Brown  
 Requestor: Rep. Kay Brown COMPONENT SERIAL NO. 208

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	34.7	34.7	34.7	34.7	34.7	34.7
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	25.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	.3	.3	.3	.3	.3	.3
EQUIPMENT	9.0	1.0	1.0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>74.0</b>	<b>44.0</b>	<b>44.0</b>	<b>43.0</b>	<b>43.0</b>	<b>43.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.0	44.0	44.0	43.0	43.0	43.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>74.0</b>	<b>44.0</b>	<b>44.0</b>	<b>43.0</b>	<b>43.0</b>	<b>43.0</b>

Estimate of any current year (FY94) cost: \$ \_\_\_\_\_

**POSITIONS**

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

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

This fiscal note does not assume the administrative cost necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared by: Karen R. Crane  
 Division: Libraries, Archives & Museums  
 Approved by Commissioner: Jerry Covey  
 Agency: Education

Phone: 465-2910  
 Date: 12/6/93  
 Date: \_\_\_\_\_

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSHB 106 (HES)

Revision Date: \_\_\_\_\_ Dept. Affected: Revenue  
 Title: An Act establishing the Alaska education technology program BRU: Revenue Operations  
 Component: Treasury  
 Sponsor: Representatives Brown, Ulmer, Davidson  
 Requestor: House Finance COMPONENT SERIAL NO. 121

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	5.0	5.0	5.0	5.0	5.0	5.0
TRAVEL						
CONTRACTUAL	20.0	20.0	20.0	20.0	20.0	20.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	25.0	25.0	25.0	25.0	25.0	25.0
<b>TOTAL</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>	<b>25.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

The \$25.0 expenditure in total operating costs is the basic fixed personal service and contractual cost for an investment portfolio managed by the Treasury Division. Contractual costs would consist of external investment management, accounting and custodial services. Future cost increases are dependent on the asset growth of the portfolio from contributions and market gains. Variable expenses of 0.2% of the assets under management in excess of \$12.5 million can be estimated.

Prepared by: Laraine L. Derr *Laraine L. Derr* Phone: 465-4880  
 Division: Treasury Date: January 14, 1994  
 Approved by Commissioner: Darrel J. Rexwinkel *Darrel J. Rexwinkel* Date: January 14, 1994  
 Agency: Revenue

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# FISCAL NOTE

STATE OF ALASKA

BILL NO. H.B. 106

1994 LEGISLATIVE SESSION

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

Department Affected: Education

Title: An act establishing the Alaska Education Technology program

BRU: Educational Program Support

Component: Basic Education

Sponsor: Representative Kay Brown

Requestor: Representative Kay Brown

COMPONENT SERIAL NO. \_\_\_\_\_ 171

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	86.5	86.5	86.5	86.5	86.5	86.5
TRAVEL	6.3	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	21.5	14.3	14.3	14.3	14.3	14.3
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT	18.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>132.8</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	132.8	111.3	111.3	111.3	111.3	111.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>132.8</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>	<b>111.3</b>

**POSITIONS:**

FULL-TIME	1.5	1.5	1.5	1.5	1.5	1.5
PART-TIME						
TEMPORARY						

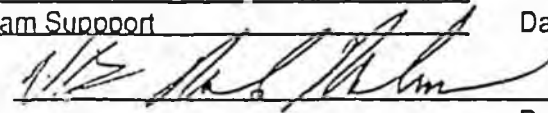
Estimate of current year (FY94) impact: \$ None

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

This fiscal note does not assume the administrative costs necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared by: Cathy Carney  
 Division: Educational Program Support

Phone: 465-8718  
 Date: February 15, 1994

Approved by Commissioner:   
 Agency: Education

Jerry Covey  
 Date: February 15, 1994

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## FY95

### Personal Services

#### 1 full-time Education Specialist II, Range 21: \$70.1

##### Primary Responsibilities:

Promote the development of district/site plans for appropriate use of technology-assisted learning, and provide assistance in securing the necessary training and other resources to carry out these plans.

Coordinate the use of educational technology within the Department's existing curriculum, vocational, and restructuring projects.

Coordinate and expand existing public and private, district and state-level services which impact K-12 educational telecommunications, including STAR schools, the University of Alaska computer network, Livenet, and rural Alaska television

#### 1 half-time Clerk Typist III, Range 8 (5): \$16.4

##### Primary responsibilities:

Clerical support for Education Specialist in working with school districts and planning for use of education technologies in the classroom.

### Travel

Travel for committee members to meet and develop recommendations for the Department on state-wide education technology implementation (8 members for one 3-day meeting, with \$500 average transportation cost, and \$285 for per diem): \$6.3

### Contractual

Phone, postage, photocopying: \$5.3

Professional service contracts: survey of educational technology resources: \$15.0

Audioconferencing with school districts and follow-up meetings with committee: \$1.2

### Supplies

Publications, memberships, training materials: \$.5

### Equipment

Two computer terminals for word processing, electronic mail system, grant management (spreadsheet) functions:  $\$8.0 \times 2 = \$16.0$

Desks and other office equipment:  $\$1.0 \times 2 = \$2.0$

## FY96-00

### Personal Services

Same as FY95

### Travel

Department of Education technical assistance, facilitating training: \$10.0

### Contractual

Phone, postage, photocopying: \$5.3

Professional service contracts: publications, training, planning workshops: \$7.0

Audioconferencing with school districts: \$2.0

### Supplies

Publications, memberships, training materials: \$.5

### Equipment

None

Back-up

2/7/94

## CSHB 106 (HES)

### Education Technology Program

#### Sponsor Statement

Alaska must prepare its children to compete in the global marketplace. The computer revolution that has transformed the way industry and government conduct business is creating new demands on America's educational system. Mastery of computers is now required for virtually all occupations, regardless of whether they are technical, professional, entry-level or executive-level. It is required for technological competitiveness.

Expanding the use of technology in classrooms is an important aspect of education reform. Because teachers and students will not learn the desired skills without ongoing, intensive access to technology, state support is needed to help districts acquire needed hardware, instructional software and other technologies for library and classroom use.

Educational leaders agree that access to computers and networks can aid in the instruction of numerous subjects. Classroom access to telecommunication networks enables cost-effective use of "distance delivery" techniques, expanded access to libraries, and cooperative projects among schools.

Please see the attached article by Charles R. McClure, which presents a good overview of these issues. McClure writes in "Network Literacy in an Electronic Society: An Educational Disconnect?" [from *The Knowledge Economy, The Nature of Information in the 21st Century, 1993-1994*, annual review of the Institute for Information Studies.] that

pro-active information policies and education are needed to improve literacy and to narrow the widening gap between the richest and poorest segments of society. "This challenge is one that we cannot ignore. If we fail to act, fail to accept this challenge, the various segments of our society will become increasingly disconnected and intolerant of each other."

Access to education technology resources varies in schools throughout the state. Some schools are far behind.

### Summary of bill

Briefly, the bill would:

- establish the **Alaska Education Technology Program** in the Department of Education. The program must include
  - (1) **technical assistance** to districts, schools and libraries for the purpose of planning for, purchasing, using and evaluating the results of education technology;
  - (2) **training** for teachers and other employees in the use of education technology;
  - (3) a plan for **coordinating and expanding existing networks** for educational uses.
  
- establish the **Alaska Education Technology Fund**; the commissioner of Revenue is the treasurer of the fund.

The **purpose of the fund** is to (1) enhance the quality and equity of education at public elementary and secondary schools by **providing a portion of the money needed to purchase and maintain education technology** in classrooms; (2) provide **training** in the use of education technology to help students achieve student performance standards; and (3) provide **access to networks** for public schools.

- require a **local match for funding** on a sliding scale formula.

The requirements for an application are outlined in detail. Before a grant is awarded a **school must prepare a comprehensive plan** explaining how it will use the technology to improve student performance, how it will train teachers and other instructional personnel in curriculum application and implementation, and how it will evaluate program.

- establish an **Education Technology Committee**, consisting of the director of the division of libraries, archive and museums and seven members appointed by the Governor. The seven include four educators with demonstrated education technology experience from districts of varying sizes; one university and one DOE employee with demonstrated experience; and one employee of the Department of Administration with telecommunications expertise.

- require the committee to develop appropriate guidelines to ensure an **equitable distribution of funds** over a five-year period.

- amend the "school report card" requirement to include a report on "uses of education technology by classroom teachers that have improved student performance and the results of periodic evaluations of education technology" acquired under the Alaska Education Technology Fund program.
- require the DOE to conduct, before accepting applications for funds
  - (1) a **survey of education technology resources** in public schools and libraries in the state; and
  - (2) **statewide planning and grant writing seminars** available to all public schools, districts and libraries.

### Funding

To fully implement the program described in the bill, a substantial financial commitment in the neighborhood of **\$50 million is needed.**

HB 107 proposes that the program be funded over a five-year period partly from General Obligation bonds approved by the voters:

- \*\$40 million from G.O. bonds, and
- \*\$5 million to 10 million from the General Fund to cover non-bondable costs such as teacher training (up to \$2 million GF per year).

HB 107 has not yet received a hearing in the House HESS Committee.

### Fiscal notes

In addition to these "big picture" costs, several fiscal notes accompany HB 106 (in thousands):

- Department of Education
 

Basic Education	\$132.8 (first year; future amounts decline)
Libraries, Archives & Museums	\$74.0 (first year; future amounts decline)

Funding for these fiscal notes would enable the department to initiate the program.

Most resources initially would be devoted to

- \***statewide survey** of technological status in schools and libraries;
- \*participation in development of structure and policies governing education **networks** (example, Satellite Interconnection Project);
- \*assessment of opportunities to **implement technology** in Alaska schools **more cost effectively**. (Examples -- investigate methods to obtain lower rates through bulk purchasing arrangements from

hardware and software vendors; explore ways to enable more sharing of training and network resources).

\*assistance to local libraries, schools and districts with **development of plans** for purchase and use of educational software, materials and equipment; retrofit of buildings; training; and technical support.

Even a small amount of state support could be effective in supporting school districts, which are at varying stages of technological development and commitment. Teachers also have varying amounts of technological skill and interest. A training/technical support network could be effective in meeting diverse needs in this environment.

•Department of Revenue  
Treasury Revenue Operations      \$25.0

It is my understanding that these costs would not arise until bonds are sold or funds are appropriated to the Alaska Education Technology Fund.

### Summary

Alaska's current fiscal condition demands that we rethink the value of all state programs. Implementing an effective education technology initiative is worthwhile, even when compared to the value of existing programs it would displace.

We must push forward in the search for an education system that is equitable, relevant, and effective. All Alaska students must have access to information technology resources and networks. Establishing a state education technology program through HB 106 is a logical, cost-effective next step.

January 26, 1994

## SECTIONAL ANALYSIS

### CSHB 106(HES)

#### An Act Establishing the Education Technology Program

##### Section 1

Findings and Purpose.

##### Section 2

The "School District Report Card To The Public" requirement in AS 14.03.120(e) is amended to include a report on "uses of education technology by classroom teachers that have improved student performance and the results of periodic evaluations of education technology acquired" under the program established in this bill.

##### Section 3

The Alaska Education Technology Program is created in the Department of Education. The department will offer technical assistance to schools and publicly funded libraries in planning, purchasing, using and evaluating results of education technology. The department will provide training to school and library employees in the use of education technology. The department will develop a plan for coordinating and expanding the use of existing networks and investigating the development of new networks for educational uses.

The Alaska Education Technology Fund is established in the Department of Education. Proceeds of the fund will be used to provide a portion of the money needed to purchase, install, and maintain education technology for use in Alaska public and secondary school classrooms, provide training for teachers and other instructional personnel in the use of the technology, provide network access for public schools and publicly funded libraries through the University of Alaska computer network or other means, and provide a portion of the money needed to purchase computer and resource sharing systems for public libraries.

The fund consists of legislative appropriations to the fund and public or private donations made for the purpose of the fund. The Commissioner of Revenue is designated as treasurer of the fund.

The items that must be included in an application to fund a project or grant are specified for schools and libraries. Before a grant or project is awarded a **school must prepare a comprehensive plan** explaining how it will use the technology to improve student performance, how it will train teachers and other instructional personnel in curriculum application and implementation, and how it will evaluate program. Publicly funded libraries must provide a plan explaining how the project will improve the services of the library or access to resource sharing and how it will provide ongoing training for library personnel in the effective use of education technology.

Money in the fund that consists of proceeds from the sale of G.O. bonds may not be awarded as a grant. The state board shall adopt regulations that allow a school district, a public school, or a publicly funded library to obtain education technology under a permit or lease with the department; this provision will enable the department to purchase equipment with G.O. bond monies and then allow the equipment to be used by a school, district or library under a lease or permit. Grants can be awarded for training (G.O. bond funds cannot be used for training).

The Department of Education shall include in its annual report a report on the projects receiving education technology funding.

**A school district or publicly funded library must provide a share of the project cost** in accordance with a formula specified in AS 14.30.820 (b) and (c). The duties of the Commissioner of Revenue with respect to the fund are outlined.

**An Education Technology Grant Committee** is created consisting of seven members appointed by the governor and the director of the Division of Libraries, Archives and Museums. The seven include four educators with demonstrated education technology experience from districts of varying sizes; one university and one DOE employee with demonstrated experience; and one employee of the Department of Administration with telecommunications expertise.

The Committee shall review and approve project and grant requests using specified criteria.

The committee shall develop appropriate guidelines to ensure an equitable distribution of project and grant funds over a five-year period.

Members of the Committee serve without compensation but are entitled to receive per diem and travel expenses.

Terms are defined.

#### Section 4

Before accepting project or grant applications, the Department of Education shall conduct a survey of existing education technology resources. The department also shall conduct statewide education technology planning and grant writing seminars available to all public schools, school districts and publicly funded libraries.

#### Section 5

Sunset clause. The Alaska Education Technology Program established by this legislation is repealed June 30, 2000.

#### Section 6

Effective date.



REPRESENTED BY: JOSTENS LEARNING / ALASKA, INC.  
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March 9, 1993

The Hon. Cynthia Toohey, Co-Chair, and  
The Hon. Con Bunde, Co-Chair  
House Health, Education and Social Services Committee  
via fax 465-2278

Dear Ms. Toohey and Mr. Bunde:

I am writing in support of HB 106, Education Technology and HB 107, Bonding which I understand you will hear tomorrow.

As is stated in the bill's Findings and Purpose: "education technology has the potential to improve the academic performance of students..."

It most certainly does, and if through the assistance provided by this legislation school districts select good instructional software and available staff development, it has been demonstrated time and again that our kids will show meaningful learning improvement. On request I will be glad to provide you with dozens of pertinent reports from school districts across the country and now similar reports from a few of Alaska's school districts are available.

This bill's reference to improved academic performance as an objective should encourage student use of computers and other technology in ways in which you and I do not work with these machines.

Basically, you and I use computers as tools; we have, for the most part, already acquired our basic communication skills and have less need of the very sophisticated core subject integrated instructional software on the market today.

Students need access to both. If it were merely a case of exposing students to basic computer use as is common in the workplace, such could be fully accomplished in the final semester of high school and this bill would be unnecessary.

I very much hope that you will work towards a favorable vote in House HESS. Thank you.

Sincerely,  
Jostens Learning/Alaska, Inc.

Rob Lapham  
President



# NETWORK LITERACY IN AN ELECTRONIC SOCIETY: AN EDUCATIONAL DISCONNECT?

*Charles R. McClure*

School of Information Studies  
Syracuse University

We're all connected by communications miracles. It's the people, still fumbling with the Switch Hook Flash who are stuck in the Stone Age

*Gleick, 1993, p. 26*

The skills required to use the switch hook flash on one's telephone pale in comparison to the skills and knowledge that are needed to use resources and services in the evolving National Information Infrastructure (NII) and the Internet/National Research and Education Network (NREN). While some people begin and others expand and refine their network skills and competencies, the vast majority of the public has no skills related to using these new communications technologies and many live in fear of a passing thunderstorm that might force them to relearn (again) how to reset the LCD time displays on their VCR or microwave.

There is an educational disconnect between the rapidly developing communications technologies and information resources available to the public, and the public's ability to use these resources. An elite few, typically academics, researchers, technology enthusiasts, and "network junkies," are network literate. While the gap between these network literate "cyberonauts" and those who are not continues to widen, the education system continues to be largely oblivious. Individuals in this emerging electronic society primarily learn on their own to be productive in and empowered by this new environment, or they are left behind.

Significant changes in the communications infrastructure are affecting the very fabric of society. Information technologies in telecommunications, cable television, wireless satellite transmissions, the Internet/NREN, and others now provide an incredible and seemingly endless array of information resources and services. Experts knowledgeable about these technologies tell us that future uses and applications are limited only by one's imagination ("The Info Highway," 1993). Network literacy, the ability to identify, access, and use electronic information from the network, will be a critical skill for tomorrow's citizens if they wish to be productive and effective in both their personal and professional lives.

The NII, an amorphous term for the collection of these information technologies and the infrastructure that supports them, appears to be taking shape (U.S. Congress, 1993a). We are moving toward establishing a ubiquitous electronic network that connects different information technologies to endless streams of digital data throughout the country and the world. Indeed, the "network" is an evolving term that includes these various computer, telecommunications, cable TV, and other technologies.

Meanwhile, the telephone, telecommunications, and cable television companies are battling for the rights (and the profits) for wiring individual homes into a massive array of information providers, resources, and services (Stix, 1993). But while the battle for connecting individual homes to this evolving information infrastructure is still developing, it is clear that the Internet/NREN already provides a great deal of connectivity throughout the country and will have a significant impact on society. Indeed, the "networked society" is already taking shape.

While the technology developments related to networking are significant and draw much attention, there is also an infrastructure that supports these technologies. The nontechnological aspects of the infrastructure include the human resources, political, and social processes; organizational support; and the tools (both physical and attitudinal) that people need to use the new technologies. The technological infrastructure that supports the Internet/NREN continues to grow at a much faster rate than our knowledge about how to use the network—to say nothing of the switch hook flash—the network's impacts, its uses, and its effects on organizations and individuals.

Despite the traditional role of libraries in providing a range of information resources and services to the public, federal policy and planning have been inadequate to assist libraries transition to the networked environment. Nor has there been adequate planning or assistance to the public in learning how to use and access these electronic resources. Making these resources available to the public, learning how to communicate and use the network, and ensuring network literacy among the population are critical to the success of the NREN and to the people in the networked society.

In our fascination with the new information technologies, we have given inadequate attention to how society will migrate to this networked environment. Will the networked society result in excluding a range of services and opportunities to those who are unable, for whatever reason, to move to the networked environment? Who will be responsible for educating people to use the networking technologies and take advantage of the wealth of resources currently available and yet to be developed? How will the public participate in decision making about technology applications that will affect the fabric of their society if they are network illiterate?

The purpose of this paper is to explore educational and societal issues related to network literacy. How we address and resolve these issues will have a significant impact on how society evolves, how notions of literacy and a literate society evolve, and the degree to which social equity can be enhanced in this country. The country must develop strategies to develop the Internet/NREN as a vehicle for (1) "reconnecting" different segments in our society, (2) promoting a network literate population to ensure a social equity, and (3) enhancing the role of libraries and the education community to accomplish these objectives.

### NETWORKED INFORMATION RESOURCES AND SERVICES

The term *networked information* applies to a vast range of electronic information and services now available through the Internet. It is not the purpose of this paper to review the extent and nature of these resources and services since others (LeQuey, 1993; Krol, 1992) already have done so. There are thousands of discussion groups; data bases and

sources to access information from governments, commercial providers, and other individuals; sophisticated scientific applications; books and journals in digital format; electronic card catalogs of many libraries throughout the world; weather reports and restaurant guides; and much, much more.

Information that has been networked, i.e., made accessible via one of the over thousands of worldwide networks comprising the Internet, puts new dimensions on the impacts and uses of information (see following section). But uses and applications of the Internet have gone far beyond ordinary electronic mail (e-mail). To cope with the vast amounts of information available over the network new communication techniques and information resource discovery tools are available and being used (Brett, 1992), including:

- *Listservs and discussion groups:* Users who share a common interest in a particular topic can subscribe to a "listserv," where a message posted to that list will be sent automatically to everyone subscribing to that list. There are thousands of such lists on every conceivable topic imaginable. For example, there is a PUBLIB listserv in which individuals exchange information related to public library activities. Someone can post a note to such a listserv and immediately have it sent to thousands of other people interested in that topic.
- *File Transfer Protocol (FTP):* Individuals and organizations have placed vast amounts of information on file servers at many different sites around the world; using FTP, users can log in to a remote computer system, identify a particular file, and retrieve that file directly into their computer. For example, a file containing *Alice in Wonderland* at Project Gutenberg can be FTP'd to an individual's personal computer to be read whenever desired.
- *Telnetting:* Once an address is known for a particular data base, the user can log in to a remote data base and search that data base for information; for example, users from around the world can log in to a data base at the Library of Congress and determine the current status of legislation.

- *Gophers:* This technique identifies files on the Internet by keyword searching, connects the user to the desired file, and the identified file then can be searched and downloaded (if desired) directly into their computer. For example, within a gopher program, users might search on the term *environmental pollution* locating 12 different data bases covering that particular topic, users can select one they wish to search and be seamlessly connected to that data base.
- *Wide Area Information Server (WAIS):* A WAIS is similar to a gopher in that both identify and access remote data bases; a WAIS, however, ranks the likelihood that a particular data base has the information one needs and can do full-text searching of multiple data bases.

These, of course, are only some of the services and techniques that people can use to identify, access, search, and obtain a wealth of information over the Internet. Krol (1992) and Kochmer and Northwest Net (1993) are two of the best guides currently available for how to use and search the Internet.

This environment promotes a very pluralistic albeit constantly changing and chaotic approach for accessing and using information in a networked setting. And while there is still much need for more user-friendly programs and services over the network, and while some of the issues related to privacy, intellectual property rights, pricing of services, and acceptable use of the Internet (to name but a few) remain thorny and contentious, growth and use of the Internet proceeds exponentially.

For example, one recently developed service is called AskERIC, which is an Internet-based question-answering service for teachers, library media specialists, and the education community. It is supported by the Department of Education through the ERIC Clearinghouse at Syracuse University ("AskERIC: ERIC and the Internet Continued," 1993). By sending an e-mail message over the Internet with the request for information to <askeric@eric.syr.edu> users can obtain a response, usually within 24 hours, about virtually anything related to education. In addition, the librarian answering the question at the ERIC Clearinghouse may direct the user to additional Internet resources,

provide digital information from the ERIC data base, or attach a range of additional information in his/her electronic response to the user.

The impacts of having access to and use of the Internet are extensive. One business executive (Levin, 1993) commented:

The Internet gave us the power to do something significant and the ability to do it quickly. In business terms its a first-quarter success. We can work quickly with experts around the world and we can get rapid feedback on early revisions. It improves our customer support, which increases our income from sales.

Another example of impact comes from a television manager in Omaha, Nebraska (Stix, 1993, p. 105):

My daughter was scheduled for surgery in October of 1991 for correction of scoliosis (curvature of the spine). In late summer of that year, I decided it was important to learn more about scoliosis. A library catalogue search over the Internet led me to discover that another daughter had symptoms that could mean our family was affected by a serious hereditary disorder. . . . I used a specialized Internet service, WAIS, that let me search multiple databases. The bibliographies led me to physicians who knew how to diagnose and treat it. *The Internet may have saved my daughter's life!* [author's emphasis].

Health care delivery over the evolving NII is another area where rapid changes will occur. The Consumer Interest Research Institute concluded that (1993, pp. 12-15):

Powerful new information technology applications are emerging which can make home based health care surprisingly effective:

- *Computer-based medical records.* Computer based medical records are a "foundation technology" that will make possible a wide range of new applications. They will record and store patient information including patient problems, test results, orders submitted, treatment plans, X-rays and other images.

- *Health information and communication systems.* Easy consumer access to health information will be crucial for making a disease prevention/health promotion strategy work. Consumers will have greater health information available to them at home including clinical advice about specific diseases, information on their own conditions, access to their own medical records, disease prevention/health promotion information geared to their individual health status, etc.
- *Diagnostic and therapeutic expert consultation.* By 1995, expert systems are likely to be used increasingly on physicians' workstations for consultation and quality control. . . . In the late 1990s they will be linked to the electronic medical record and knowledge bases that will advise the practitioner on the logic and medical literature supporting specific decisions.

These experiences and visions—as well as thousands of other "success stories"—dot the Internet landscape. The new communication techniques and the resources and services available over the Internet will continue to change the way we work and live. Those not connected or unable to use the Internet, however, may find themselves increasingly disadvantaged in the workplace, in dealing with daily issues, in being an informed citizen, and in living a quality life.

#### A POLICY PERSPECTIVE ON THE INTERNET/NREN AND LITERACY

Although the intent of this paper is not to provide a policy analysis of the Internet/NREN and of literacy, it is interesting to juxtapose a brief overview of these two areas. There have been few efforts to consider relationships between these two policy areas. Yet the successful development of the NII will require both a new expanded information policy system and network literacy throughout society.

#### *Internet/NREN Background*

The Internet is a currently existing, operational network of networks. The NREN is a program, a concept, and a vision of an intercon-

nected future. The Internet was not created at a single point in time but has been an evolving structure since the late 1960s. The term NREN is often used as shorthand for a ubiquitous, national network connecting computers, people, data bases, digital libraries, and a host of other resources residing on the network.

Projects underwritten by the Defense Advanced Research Projects Agency (DARPA) in the mid- to late 1960s resulted in the ARPANet, an experimental packet-switched computer network that began in 1969. ARPANet provided both operational functionality as well as an opportunity for further research into advanced networking technologies. The Transmission Control Protocol/Internet Protocol (TCP/IP) emerged from the research in the ARPANet environment. These protocols allowed the concept of the Internet, a network of interconnected computer networks of all sizes—from local area networks (LANs) to wide area networks (WANs) to become a reality. Lynch and Preston (1990) and McClure, et al. (1991) provide overviews and history of the Internet.

In the mid- to late 1980s, the National Science Foundation (NSF) funded several supercomputer sites to serve as national supercomputer resources and developed a high-speed backbone network (NSFNet) to connect them. This initiated the second phase in national network development. NSF also coordinated a tiered structure of interconnected computer networks by funding the establishment of regional, or mid-level, networks. These regional networks interconnected educational and research organizations, institutions, and their individual computer networks, and they provided access and connection to the NSFNet backbone. The NSFNet backbone is one of several federally funded backbone networks, connected together through the Internet.

The Internet is not only a United States computer network but a truly global network, connecting an estimated 12-14 million users on thousands of networks. In recent years, the Internet has shown tremendous growth in number of users, networks connected, and traffic. Rutkowski (1993) details this tremendous growth and predicts that exponential growth of the Internet, in terms of users, connected networks, network hosts and registrations, and traffic will continue for the foreseeable future.

Now in the early 1990s, the Internet is in another transitional stage. The NSF has been reducing its subsidies to the regional networks in recent years and is guiding the Internet toward privatization and com-

mercialization. Privatization means that the federal government will no longer directly subsidize network services and connections. Commercialization will allow the lifting of current restrictions on traffic flowing over the network and acceptable use of the network will not be limited to network traffic supporting research and education. The direction and character of the moves toward privatization and commercialization have sparked widespread debate within the networking community (DeLoughry, 1993).

As a federally funded, multiagency initiative, the principal goals of the NREN program are: establishing a gigabit network for the research and education community and fostering its use; developing advanced networking technologies and accelerating their deployment; stimulating the availability, at a reasonable cost, of the required services from the private sector; and serving as a catalyst for the early deployment of a high-speed general purpose digital communications infrastructure for the nation. Despite these goals, the NREN means different things to different people. The policy debates will continue, but network literacy issues have yet to be raised and receive adequate attention.

#### *Current and Proposed Internet Policy Instruments*

The High Performance Computing Act of 1991 (P.L. 102-194) authorized the creation of a National Research and Education Network. After several years of legislative action, the Act was signed into law in December 1991. McClure, et al. (1991), provide a comprehensive legislative history of the Act and related legislative initiatives. In the Act, the NREN is one of several components in a high-performance computing and communications program. In the fiscal 1993 proposed budget for the high performance computing program by the Office of Science and Technology, only 15 percent of the funds are allocated to the NREN. The majority of the funds are targeted at the high-performance computing systems and the advanced software technology and algorithms components.

Section 102 of the Act describes the NREN, and section (b) specifically discusses "access" to the network:

Federal agencies and departments shall work with private network service providers, State and local agencies, libraries, educational institutions and organizations, and others, as ap-

appropriate, in order to ensure that the researchers, educators, and students have access, as appropriate, to the Network. The Network is to provide users with appropriate access to high-performance computing systems, electronic information resources, other research facilities, and libraries. The Network shall provide access, to the extent practicable, to electronic information resources maintained by libraries, research facilities, publishers, and affiliated organizations.

While public access is prominently mentioned in this section, the sense of this section is severely compromised by phrases such as "as appropriate," "with appropriate," and "to the extent possible."

The Clinton administration has expressed commitment to advancing the information infrastructure and increased deployment of information technology in the cause of education, research, and national competitiveness. A February 1993 policy statement states (Clinton and Gore, 1993):

Public investment will be provided to support technology that can increase the productivity of learning and teaching in formal school settings, in industrial training, and even at home. New information technologies can give teachers more power in the classroom and create a new range of employment opportunities. Schools can themselves become high-performance workplaces [p. 14].

Regarding the importance of "Information Superhighways":

Access to the Internet and developing high-speed National Research and Educational [sic.] Network (NREN) will be expanded to connect university campuses, community colleges, and K-12 schools to a high-speed communications network providing a broad range of information resources. Support will be provided for equipment allowing local networks in these learning institutions access to the network along with support for developing of high performance software capable of taking advantage of the emerging hardware capabilities [p. 35].

The policy paper goes on to discuss the importance of using the new information technologies and the national network for enhanced economic competitiveness; making a range of government information and services available to the network; and expanding access to the NREN.

In spring 1993, Representative Boucher (Virginia) introduced H.R. 1757, the High Performance Computing and High Speed Networking Applications Act. The bill was renamed the National Information Infrastructure Act of 1993 when it passed the House in summer 1993. Section 2 (3) states:

High performance computing and high-speed networking have the potential to expand dramatically access to information in many fields, including education, libraries, government information dissemination, and health care, if adequate resources are devoted to the research and development activities needed to do so.

Section 2 (5) states:

The Federal Government should ensure that the applications achieved through research and development efforts such as the High-Performance Computing Program directly benefit *all Americans* [author's emphasis].

And Section 305 (b) states that the program will:

train teachers, students, librarians, and state and local government personnel in the use of computer networks and the Internet. Training programs for librarians shall be designed to provide skills and training materials needed by librarians to instruct the public in the use of hardware and software for accessing and using computer networks and the Internet.

This bill is important since it includes language supporting training issues for networking, extending the role of libraries and the education community in developing and operating the national network, and promoting the development of networking applications and demonstration projects. The bill recognizes the importance of helping individuals

to move into the networked society successfully. As of August 1993 the bill has passed the House and awaits Senate action.

### *Literacy Policy Perspectives*

Policy instruments related to literacy have evolved from a number of agencies and initiatives. For example, the Adult Education Act (P.L. 89-750) promotes the development of a range of basic literacy programs to adults; the Library Services and Construction Act (P.L. 88-269) provides for Department of Education grants to states for public library services such as literacy programs; the Omnibus Trade and Competitiveness Act of 1988 (P.L. 100-148) amends the Adult Education Act to provide literacy programs and amends the Education for Economic Security Act to authorize mathematics and science education programs.

In general, however, these initiatives provide support and funding for the individual states to create and run a range of "literacy" programs. It is unclear how successful these efforts have been. Some have argued that there is no accountability from the states regarding these programs and that the results have been mixed at best (Bishop, 1991). Moreover, these efforts typically concentrate on (1) improving adult reading skills, (2) promoting math and science education, and (3) job training—not on network literacy or information problem solving skills.

For example, one of the National Education Goals that resulted from the meeting between President Bush and the state governors in 1992 (U.S. Department of Education, 1992), was that by the year 2000:

Every adult will be literate and have the knowledge and skills necessary to compete in a world economy and exercise the rights and responsibilities of citizenship.

Currently, it is estimated that there are some 30 million functionally illiterate Americans in this country. Thus, how this goal will be accomplished is unclear. How these adults will be "literate" in a networked society and what might constitute such literacy is also unclear.

Probably the most important recent policy instrument related to literacy is P.L. 102-73, The National Literacy Act of 1991. A major thrust of this law is its creation of the National Institute for Literacy. Section 102 (3) states:

A national institute for literacy would (a) provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and (b) facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

The Institute can also award action grants to be given to volunteer groups that provide literacy training. Because the Institute is still in its infancy, it is unclear how successful it will be in dealing with the plethora of literacy problems and policies.

Literacy policy and support at the federal level is uneven, at best. Recently, in spring 1993, the Clinton administration proposed the elimination of \$8 million in literacy projects from the Library Services and Construction Act, Title VI. For fiscal year 1993, that program accounted for some 250 awards, administered by state and public libraries. In the overall scheme of the U.S. federal budget, \$8 million may be trivial. But in terms of support for dealing with literacy issues, \$8 million is significant.

In perhaps the best recent analysis of policy issues related to literacy, the U.S. Office of Technology Assessment (1993, pp. 127-28) concluded:

The Federal response to the problem of adult illiteracy consists of many categorical programs—at least 29, perhaps many more, depending on the definition used—that in some way aid adult literacy and basic skills education. Although the individual programs have solid records of accomplishment, together they create a Federal role that is complicated, fragmented and insufficient, and which, by its very nature, works against development of a coordinated Federal adult literacy policy.

Federal policy instruments related to literacy issues are limited to a very traditional interpretation of "literacy." Overall, the literacy policy framework can be best described as one that has been given much rhetoric but has received very limited direct support.

### *Assessment*

Until the Clinton administration, the federal policy framework for creating the Internet/NREN has emphasized the development of new

networking technologies and creating a "level playing field" for the private sector to develop the network. Inadequate policy exists supporting public-sector uses of the Internet/NREN. The library and education community had minimal input and impact on developing the NREN plan. The policy framework has promoted the use of the Internet/NREN among researchers and scientists working primarily on "grand challenges" rather than developing it as a "public right" to which all citizens are entitled. This may change with Clinton administration policy initiatives and the introduction of H.R. 1757 in March 1993.

Moreover, development of the Internet/NREN is uneven. Gigabit transmission speeds are being developed while the typical American classroom has no telephone line to connect to the network; some individuals have free (often subsidized) use of the Internet and others must pay significant fees; the gulf between network literacy and illiteracy continues to widen; and overall, large segments of the population appear likely to be bypassed as the networked society evolves. How society will migrate to this networked environment is unclear.

Interestingly, the Department of Education has limited involvement in the deployment and planning of the NREN or the NII. Despite some recent activities for promoting literacy and the passage of P.L. 102-173, there is only beginning understanding of literacy in an electronic age or for the networked society. Inadequate thought appears to have been given to the educational roles of national networking or how the network could be used to enhance the country's educational institutions.

Federal policy related to literacy is very decentralized and dependent, to some degree, on a host of private initiatives and local efforts—all largely uncoordinated. In addition, literacy policy is best characterized as developing basic reading and writing skills. Moreover, "OTA finds that technology is not a central consideration for most literacy programs" (Office of Technology Assessment, 1993, p. 15). Literacy in terms of information literacy, information problem solving skills, or network literacy are not considered in the existing policy framework.

Apparently, the belief is that public uses of the network will occur naturally with little or no federal, state, and local planning and support. Either the private sector will provide for public uses and educational applications, or the library and education community will marshal the resources needed to move the population into the networked environ-

ment. *Somehow, someone or some institution* will assist the country to move to the networked environment and provide access to information resources, services, and holdings in an electronic format.

### INFORMATION IN A NETWORKED ENVIRONMENT

There is considerable discussion and debate about what networked information is, how its access or lack of access affects a range of societal activities, and how information can be best managed to improve societal productivity. Generally, information is considered as data or signals that affect the uncertainty state of an individual. That is, for something to be considered as information it must either make the individual more or less uncertain about a particular situation or phenomenon (Whittemore and Yovits, 1973, p. 222).

As a resource, information is unique in that it has a number of characteristics that separate it from traditional types of resources (adapted from Yurow, 1981, p. 54):

- the information is not used up by being used.
- the information can be possessed by many persons simultaneously,
- it is difficult to prevent persons who wish to do so from possessing particular parts of information or acquiring information without paying for it,
- the value of information for a particular consumer often cannot be determined until the information is disclosed to that user,
- information can become obsolete, but it cannot be depleted,
- frequent use of information does not wear it out, and
- the technical units of measurement of information, e.g., bits, packets, etc., lack meaning and fail to carry meaning for the consumers of that information.