

**ALASKA LEGISLATURE**

**HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994**

**1014**

88

Sheila Peterson  
Department of Education

March 22, 1993  
Page 2

The problem, of course, is that currently there are no state procedures for a district-initiated hearing, although there is a procedure for a parent-initiated hearing. It is our view that the regulations as a whole clearly contemplate that states provide such a procedure. Without the procedure, § 300.506, permitting a public educational agency to initiate a hearing, would be meaningless.

HB 235, section 8, operates to fill the void that currently exists. It is not the only procedure that would satisfy the regulations, but it is a procedure that is consistent with the procedures for other administrative hearings in the state, and appears to provide safeguards to all parties involved, including a right of appeal.

I am attaching a copy of the July 1, 1991, regulations, as the copy you faxed us was from an earlier edition. The comment to § 300.506 mentions that a number of states have found mediation a successful step to have available prior to a formal hearing. Formal hearings tend to set up adversarial relationships that make it difficult for parties to work with each other in the future. To the extent that such tension can be avoided, it probably serves the educational interests of the child. I bring it to your attention as a possible compromise in the event that the differing views on this section necessitate a reworking of the bill as proposed.

Please feel free to call if we can be of further assistance.

JGL:jal:bap

Attachment

(2) May be presented as evidence at a hearing under this subpart regarding that child.

(d) *Requests for evaluations by hearing officers.* If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(e) *Agency criteria.* Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

(Authority: 20 U.S.C. 1415(b)(1)(A))

**§ 300.504 Prior notice; parent consent.**

(a) *Notice.* Written notice that meets the requirements of § 300.505 must be given to the parents of a child with a disability a reasonable time before the public agency—

(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

(2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(b) *Consent; procedures if a parent refuses consent.* (1) Parental consent must be obtained before—

(i) Conducting a preplacement evaluation; and

(ii) Initial placement of a child with a disability in a program providing special education and related services.

(2) If State law requires parental consent before a child with a disability is evaluated or initially provided special education and related services, State procedures govern the public agency in overriding a parent's refusal to consent.

(3) If there is no State law requiring consent before a child with a disability is evaluated or initially provided special education and related services, the public agency may use the hearing procedures in §§ 300.506–300.508 to determine if the child may be evaluated or initially provided special education and related services without parental consent. If it does so and the hearing officer upholds the agency, the agency may evaluate or initially provide special education and related services to the child without the parent's consent, subject to the parent's rights under §§ 300.510–300.513.

(c) *Additional State consent requirements.* In addition to the parental consent requirements described in paragraph (b) of this section, a State may require parental consent for other

services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

(d) *Limitation.* A public agency may not require parental consent as a condition of any benefit to the parent or the child except for the service or activity for which consent is required under paragraphs (b) or (c) of this section.

(Authority: 20 U.S.C. 1415(b)(1)(C), (D); 1412(2), (8))

*Note 1:* Any changes in a child's special education program after the initial placement are not subject to the parental consent requirements in paragraph (b)(1) of this section, but are subject to the prior notice requirement in paragraph (a) of this section and the IEP requirements of §§ 300.340–300.350.

*Note 2:* Paragraph (b)(2) of this section means that if State law requires parental consent before evaluation or before special education and related services are initially provided, and the parent refuses (or otherwise withholds) consent, State procedures, such as obtaining a court order authorizing the public agency to conduct the evaluation or provide the education and related services, must be followed.

If, however, there is no legal requirement for consent outside of these regulations, the public agency may use the due process procedures in §§ 300.506–300.508 to obtain a decision to allow the evaluation or services without parental consent. The agency must notify the parent of its actions, and the parent has appeal rights as well as rights at the hearing itself.

*Note 3:* If a State adopts a consent requirement in addition to those described in paragraph (b) of this section and consent is refused, paragraph (d) of this section requires that the public agency must nevertheless provide the services and activities that are not in dispute. For example, if a State requires parental consent to the provision of all services identified in an IEP and the parent refuses to consent to physical therapy services included in the IEP, the agency is not relieved of its obligation to implement those portions of the IEP to which the parent consents.

If the parent refuses to consent and the public agency determines that the service or activity in dispute is necessary to provide FAPE to the child, paragraph (c) of this section requires that the agency must implement its procedures to override the refusal. This section does not preclude the agency from reconsidering its proposal if it believes that circumstances warrant.

**§ 300.505 Content of notice.**

(a) The notice under § 300.504 must include—

(1) A full explanation of all of the procedural safeguards available to the

parents under § 300.500, §§ 300.502–300.515, and §§ 300.562–300.569;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

(4) A description of any other factors that are relevant to the agency's proposal or refusal.

(b) The notice must be—

(1) Written in language understandable to the general public; and

(2) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(c) If the native language or other mode of communication of the parent is not a written language, the SEA or LEA shall take steps to ensure—

(1) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(2) That the parent understands the content of the notice; and

(3) That there is written evidence that the requirements in paragraphs (c)(1) and (2) of this section have been met.

(Authority: 20 U.S.C. 1415(b)(1)(D))

**§ 300.506 Impartial due process hearing.**

(a) A parent or a public educational agency may initiate a hearing on any of the matters described in § 300.504(a)(1) and (2).

(b) The hearing must be conducted by the SEA or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the SEA.

(c) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if—

(1) The parent requests the information; or

(2) The parent or the agency initiates a hearing under this section.

(Authority: 20 U.S.C. 1415(b)(2))

*Note:* Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of children with disabilities, and

the provision of FAPE to those children. Mediations have been conducted by members of SEAs or LEA personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's rights under §§ 300.500-300.515.

**§ 300.507 Impartial hearing officer.**

(a) A hearing may not be conducted—

(1) By a person who is an employee of a public agency that is involved in the education or care of the child; or

(2) By any person having a personal or professional interest that would conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(c) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

(Authority: 20 U.S.C. 1414(b)(2))

**§ 300.508 Hearing rights.**

(a) Any party to a hearing has the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.

(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses.

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing.

(4) Obtain a written or electronic verbatim record of the hearing.

(5) Obtain written findings of fact and decisions. The public agency, after deleting any personally identifiable information, shall—

(i) Transmit those findings and decisions to the State advisory panel established under § 300.650; and

(ii) Make those findings and decisions available to the public.

(b) Parents involved in hearings must be given the right to—

(1) Have the child who is the subject of the hearing present; and

(2) Open the hearing to the public.

(Authority: 20 U.S.C. 1415(d))

**§ 300.509 Hearing decision; appeal.**

A decision made in a hearing conducted under § 300.506 is final,

unless a party to the hearing appeals the decision under § 300.510 or § 300.511.

(Authority: 20 U.S.C. 1415(c))

**§ 300.510 Administrative appeal; impartial review.**

(a) If the hearing is conducted by a public agency other than the SEA, any party aggrieved by the findings and decision in the hearing may appeal to the SEA.

(b) If there is an appeal, the SEA shall conduct an impartial review of the hearing. The official conducting the review shall:

(1) Examine the entire hearing record.

(2) Ensure that the procedures at the hearing were consistent with the requirements of due process.

(3) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in 300.508 apply.

(4) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official.

(5) Make an independent decision on completion of the review.

(6) Give a copy of written findings and the decision to the parties.

(c) The SEA, after deleting any personally identifiable information, shall—

(1) Transmit the findings and decisions referred to in paragraph (b)(6) of this section to the State advisory panel established under § 300.650; and

(2) Make those findings and decisions available to the public.

(d) The decision made by the reviewing official is final unless a party brings a civil action under § 300.511.

(Authority: 20 U.S.C. 1415(c), (d); H. R. Rep. No. 94-864, at p. 49 (1975))

**Note 1:** The SEA may conduct its review either directly or through another State agency acting on its behalf. However, the SEA remains responsible for the final decision on review.

**Note 2:** All parties have the right to continue to be represented by counsel at the State administrative review level, whether or not the reviewing official determines that a further hearing is necessary. If the reviewing official decides to hold a hearing to receive additional evidence, the other rights in § 300.508 relating to hearings also apply.

**§ 300.511 Civil action.**

Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under § 300.510, and any party aggrieved by the decision of a reviewing officer under § 300.510, has the right to bring a civil action under section 815(e)(2) of the Act. (Authority: 20 U.S.C. 1415)

**§ 300.512 Timeliness and convenience of hearings and reviews.**

(a) The public agency shall ensure that not later than 45 days after the receipt of a request for a hearing—

(1) A final decision is reached in the hearing; and

(2) A copy of the decision is mailed to each of the parties.

(b) The SEA shall ensure that not later than 30 days after the receipt of a request for a review—

(1) A final decision is reached in the review; and

(2) A copy of the decision is mailed to each of the parties.

(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

(d) Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.

(Authority: 20 U.S.C. 1415)

**§ 300.513 Child's status during proceedings.**

(a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Authority: 20 U.S.C. 1415(e)(3))

**Note:** Section 300.513 does not permit a child's placement to be changed during a complaint proceeding, unless the parents and agency agree otherwise. While the placement may not be changed, this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.

**§ 300.514 Surrogate parents.**

(a) *General.* Each public agency shall ensure that the rights of a child are protected when—

(1) No parent (as defined in § 300.13) can be identified;

(2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(3) The child is a ward of the State under the laws of that State.

(b) *Duty of public agency.* The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for

**MEMORANDUM****State of Alaska**

Department of Law

TO: Sheila Peterson  
Legislative Liaison  
Department of Education

DATE: March 23, 1993

FILE NO.:

TEL. NO: 465-3603

SUBJECT: HB 235

FROM:

*Jan Gregg Levy*  
Jan Gregg Levy  
Assistant Attorney General  
Human Services-Juneau

You have asked whether the children in need of aid statute, AS 47.10.010, provides a procedure for a district initiated hearing as authorized by 34 C.F.R. § 300.506(a). As I understand the question, a member of the public has advanced the view that the existence of the statute obviates the need for section 8 of HB 235. In our opinion, AS 47.10.010 does not provide the procedure required by the federal regulations.

34 C.F.R. § 300.506(a) provides that "[a] parent or a public educational agency may initiate a hearing on any of the matters described in § 300.504(a)(1) and (2)." Those sections include proposals and refusals to initiate an evaluation of a child. The law thus grants the right to a hearing. Section 8 of HB 235 sets out a procedure for such a hearing.

AS 47.10.010 is simply not a functional substitute for a hearing. It would be extremely unlikely that failure to consent to an evaluation would ever be enough to invoke the statute. Thus, the statute does not permit a district to exercise its right to a hearing as provided by federal regulation. The statute provides for a state court proceeding relating to minors who are found to be in need of aid. Examples of situations that qualify children being in need of the state's aid are those where the children have violated criminal laws, are absent from the home or physically abandoned, have suffered substantial physical harm, and have or are in danger of being sexually abused. AS 47.10.010(a)(2)(B) is the only paragraph that could even arguably be broad enough to bring failure to consent to a special education evaluation within its language. It applies where the child is in need of aid as a result of

the child being in need of medical treatment to cure, alleviate, or prevent substantial physical harm, or in need of treatment for mental harm as evidenced by failure to thrive, severe anxiety, depression, withdrawal, or untoward aggressive behavior or hostility toward others, and the

Sheila Peterson  
 Department of Education  
 HB 235

March 23, 1993  
 Page 2

child's parent, guardian, or custodian has knowingly failed to provide the treatment[.]

Id. Even this language, however, requires a finding that the parents are withholding certain treatment. Failure to consent to an evaluation is not failure to provide treatment. Thus, this statute cannot be invoked to remedy failure to consent to a special education evaluation.

Even if the statute could be construed to cover such a case, it still would not operate to provide the hearing authorized by federal regulation. Federal regulation states that the "hearing must be conducted by the state educational agency or the public agency directly responsible for the education of the child." 34 C.F.R. § 300.506(b). Any hearing under AS 47.10.010 will be in state court, and not conducted by a public educational agency.

Finally, the usual remedy under the children in need of aid statute is additional evidence that this statute should not be invoked when parents refuse to consent to evaluation: the most common remedy is assumption of custody by the court -- removal of the child from the home. It is highly unlikely that such a result would be desired by any of the parties, and underscores why this state court proceeding is not a suitable vehicle for providing the hearing authorized by 34 C.F.R. § 300.506(a).

Thus, we are unpersuaded that the children in need of aid statute provides a hearing procedure that satisfies 34 C.F.R. § 300.506.

JGL/bap

Post-It™ brand fax transmittal memo 7871		# of pages: 2	
To: Sheila Peterson		From: Jan Levy	
Cc:		Cc:	
Dept: DOE		Phone #:	
Fax #:		Fax #:	
4156			



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

**DRAFT**

Ms. Myra Howe  
Director  
Office of Special and Supplemental  
Services  
Office of Special Education  
Alaska Department of education  
301 West 10th Street, Suite 200  
Juneau, Alaska 99801-1894

Dear Ms. Howe:

This is in response to your conversation with Chuck Laster during the week of February 14, 1993, at which time you posed questions regarding the Alaska Department of Education's (AKDE) conditional approval of its 1992-1994 State Plan. It is the understanding of the Office of Special Education Programs (OSEP) that AKDE has continued to have difficulty in completing the statutory and regulatory changes that were required as a condition of OSEP's approval of AKDE's 1992 State Plan.

In a letter from former AKDE State Director of the Office and Special and Supplemental Services, Jim Rich, to former OSEP Director, Judy Schrag, on June 1, 1992, Alaska House Bill 419 and Senate Bill 371 were tabled by the legislature. Mr. Rich assured OSEP that the legislation would be resubmitted when the legislature resumed in January of 1993. According to the information you shared with Mr. Laster in February, you are concerned that these Bills may again be tabled.

Although OSEP commends AKDE for its efforts to ensure that the required statutory and regulatory requirements be amended and included in its State Plan, OSEP must advise you that AKDE's upcoming 1994 grant award cannot be released until the required revisions to its 1992 State Plan have been completed. (See OSEP Memo 93-13, page 2, item B., dated March 12, 1993, copy attached.)

Please note the following excerpt from OSEP's letter of September 11, 1992 to Commissioner Gerald Covey:

As soon as possible, but not later than July 1, 1993, your agency must provide OSEP with copies of all amended State Plan documents, including the revised regulations that have been adopted by the State Board of Education, the revised statute that has been enacted by the State Legislature, and the required documents to the monitoring system.

Page 2 - Ms. Myra Howe

In addition, OSEP advised AKDE that:

Your State's Part B grant award for 1994 (i.e., the grant period beginning July 1, 1993) will be issued as funds become available for obligation at the Federal level, and if, in addition to meeting the conditions noted above, the following criteria are met:

- (1) The State meets the conditions of eligibility required under section 612 of the Act, including having in effect an approved Part B State Plan for the period of the FY 1994 award;
- (2) Your agency submits amendments to the Part B State Plan to conform to the changes required by P.L. 101-476 and P.L. 102-119 and those amendments are approved by OSEP; and
- (3) Your agency provides OSEP with copies of (a) all required certifications, including ED Form 80-0013, and (b) all required reports, including the Annual Data Report and Annual Performance Report.

I hope that this letter is responsive to your request for information regarding your 1994 grant award. Thank you for your continuing efforts to ensure the provision of quality educational services to children and youth with disabilities.

Sincerely,

Patricia J. Guard  
Acting Director  
Office of Special Education  
Programs

cc. Honorable Gerald Covey



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

March 12, 1993

Contact Person:  
Thomas B. Irvin  
Telephone: (202) 205-8825

OSEP 93-13

OSEP MEMORANDUM

TO : State Directors of Special Education

FROM : Patricia J. Guard, *Patricia J. Guard*  
Acting Director  
Office of Special Education Programs

SUBJECT: Reminder About Grant Requirements Under IDEA-Part B and  
the Preschool Grants Program for FY 1994 (i.e., the  
Grant Period Beginning July 1, 1993)

This memorandum is a brief follow-up to OSEP Memo 93-3, dated November 9, 1992 -- which set out the requirements your State must meet to receive grant awards for Fiscal Year (FY) 1994 under Part B of the Individuals with Disabilities Education Act (Act; Part B), and the Preschool Grants Program under section 619 of the Act. The purposes of the memorandum are (1) to remind you about the requirements in OSEP 93-3, and (2) to ask that you inform us, as appropriate, of the date(s) on which you will be submitting the various State Plan documents to the Office of Special Education Programs (OSEP).

A. New State Plan Requirements -- APPLICABLE TO ALL STATES

In order for your State to receive a grant under Part B for FY 1994, the State must (1) submit information demonstrating that it is meeting the new State Plan requirements that were added by the September 29, 1992, final Part B regulations, and (2) meet any other applicable provisions -- including the public participation requirements -- that apply. (See OSEP Memo 93-3 for specific information about the grant requirements for FY 1994.)

In meeting the new State Plan requirements, please follow the appropriate procedures, below, that apply to your State.

1. States Submitting New 3-year State Plans (i.e., Group I States).<sup>1</sup> If your State is submitting an FY 1994-96 State Plan, please address the new requirements added by the 9-29-92 final Part B regulations -- by incorporating the new material into each specific State Plan section that is covered by those requirements.
2. All Other States (i.e., those whose current Part B Plans remain in effect throughout FY 1994). If your State is in this category, please provide OSEP with ONLY the changes in your State Plan that have been made as a result of the 9-29-92 final Part B regulations.<sup>2</sup> Please do not re-submit the entire State Plan.

These changes may be typed on a single document -- with specific headings to identify the precise section of the plan that is being amended. Alternatively, each change may be included on a separate page(s), with specific identifying information to correspond to the specific section of the Plan that is being amended;

B. States with Conditionally Approved Plans

In addition to meeting the new requirements added by the September 29, 1992, final Part B regulations, any State that currently has a State Plan that was conditionally approved last year must also submit information demonstrating that it has met the conditions in its FY 1993 conditional approval letter. (As you know, a State's Part B grant award for FY 1994 cannot be issued until documentation is received that those conditions are met.)

C. Certification Forms and other Requirements

Please be sure to submit a signed copy of ED Form 80-0013 ("Certifications Regarding Lobbying; Debarment, Suspension and other Responsibility Matters; and Drug-Free Workplace

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<sup>1</sup> Group I States include AR, CA, DE, GA, HI, IN, KS, KY, LA, MD, MA, MN, NV, OH, OK, RI, SC, TX, WV, and CNMI, Guam, and Palau.

<sup>2</sup> If you have made any other changes in your State Plan since it was last approved, those changes also must be submitted to OSEP, and would be subject to public comment.

Requirements") with your State Plan documents. Also, if you have not already done so, please submit your State's Annual Data Report and Annual Performance Report.

D. Preschool Grants Application with Your State Plan Documents

If your State is submitting an FY 1994-96 State Plan, please submit your State's 3-year Preschool Grants Application with the State Plan documents identified above.

E. Public Participation Requirements

Please note that all States are required to meet the public participation requirements under Part B and General Education Provisions Act (GEPA) -- for any changes in State Plans required by the new Part B regulations, and for relevant changes that the State makes on its own. (See OSEP Memo 93-3, pages 2-3). Group I States that are submitting Preschool Grants Applications also must meet applicable public participation requirements.

F. Timelines

Your agency may submit the materials discussed above as soon as possible after the documents are final and the public participation requirements are met. However, in order to facilitate timely review, these materials must be received no later than Monday, May 3, 1993. If you will not be able to meet the above timeline, please let us know by Friday, April 2, 1993, the date that you will be submitting the State Plan materials from your State.

We look forward to receiving the information that is requested in this memorandum. In the meantime, if you have comments or questions about the memorandum, or if we can be helpful in meeting the various State Plan requirements in your State, please call your OSEP/DAS State contact.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCSCS HB 235 (STA)

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act relating to educational programs and services for children with disabilities..." BRU: Office of Public Advocacy  
 Component: Office of Public Advocacy  
 Sponsor: Bunde  
 Requestor: Senate State Affairs COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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**FUNDING:**

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

**POSITIONS**

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

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

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684  
 Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura Date: 4/20/93  
 Agency: Department of Administration

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**HB**

**237**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: May 14, 1991

FURTHER REFERRALS:

Date of Committee Action: 3/31/92

The FINANCE Committee considered:

HB 237

HOUSE BILL NO. 237

STATE LEASING OF NEW BUILDINGS

"An Act establishing certain criteria that must be considered when state agency leases involve the construction of new buildings."

**RECOMMENDATIONS:**

be replaced with CS HB 237 (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 DOA 3/27/92  
Leg. Affairs Agency 3/27/92  zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Cory Taylor</i> <i>Taylor</i>	<input checked="" type="checkbox"/>	<i>EP Muehan</i> <i>Muehan</i>		<input checked="" type="checkbox"/>	
<i>Ronald J. Larson</i> <i>Larson</i>	<input checked="" type="checkbox"/>	<i>Mike Navare</i> <i>Navare</i>		<input checked="" type="checkbox"/>	
<i>Mike Ulmer</i> <i>Ulmer</i>	<input checked="" type="checkbox"/>	<i>Mark Boyer</i> <i>Boyer</i>		<input checked="" type="checkbox"/>	
		<i>Lyn Brown</i> <i>Brown</i>		<input checked="" type="checkbox"/>	
		<i>Mike Koponen</i> <i>Koponen</i>		<input checked="" type="checkbox"/>	
		<del>_____</del>			
		<i>Darnes</i> <i>Darnes</i>		<input checked="" type="checkbox"/>	
		<i>Shup</i> <i>Shup</i>		<input checked="" type="checkbox"/>	
		<i>Phillips</i> <i>Phillips</i>		<input checked="" type="checkbox"/>	

*EP Muehan*  
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO: HB 237

Revision Date: \_\_\_\_\_  
Title: "An Act establishing certain criteria that must be considered when state agency leases involve..."  
Sponsor: House Transportation  
Requestor: House Finance

Department Affected: Legislative Affairs Agency  
BRU: All  
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
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)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

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

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

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director *Pamela Stoops* Phone: 465-3850  
Division: Administrative Services Date: 3/20/92

Approved By: Warren W. Endicott, Executive Director *Warren Endicott*  
Agency: Legislative Affairs Agency Date: 3/20/92

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

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB 237 (FIN)

DRAFT

Revision Date: \_\_\_\_\_ Department Affected: Administration  
 Title: Criteria to be considered when BRU: General Services  
State agency leases involve construction. Component: Purchasing  
 Sponsor: House State Affairs  
 Requestor: House Finance COMPONENT SERIAL NO. 

6	0		
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EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Arne McCord, Director *Arne McCord* Phone: 465-2250  
 Division: General Services Date: March 26, 1992  
 Approved by Commissioner: Nancy Bear Usef *Nancy Bear Usef*  
 Agency: Administration Date: 3/27/92

Back-up

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

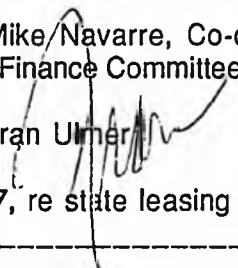


### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

March 2, 1992

TO: Rep. Mike Navarre, Co-chair  
House Finance Committee

FROM: Rep. Fran Ulmer 

RE: HB 237, re state leasing of new buildings

---

I would like to request a hearing for HB 237, relating to state leasing of new buildings, before the House Finance Committee. This bill received considerable favorable comment when it was introduced by the House Transportation Committee last session and I believe it holds significant benefits for the state. I hope the Finance Committee will have the opportunity to review this legislation soon.

Thank you for your consideration of this request.



A SOMEWHAT BRIEFER VERSION OF THE FOLLOWING ARTICLE WAS RECENTLY PUBLISHED IN THE DECEMBER ISSUE OF THE ALASKA PROFESSIONAL DESIGN COUNCIL NEWSLETTER.



# Alaska Designs

Volume 12, No. 11, December 1989

The Official Newsletter of the Alaska Professional Design Council

## Acquisition of State Facilities Via Capital Lease

by Jack Wolever, AIA

Given current political and economic environments, most state agencies find it almost impossible to obtain funding for needed facilities through capital appropriations. The conventional process of constructing new state buildings -- an appropriation from the legislature, selection of architects and engineers, programming and design, competitive bids, and construction -- is simply no longer accessible to most state agencies because of economic or political constraints.

Several state agencies have turned to the capital lease process as a means of acquiring new facilities. These facilities are designed, constructed, financed, and often operated and maintained by the successful bidder. The building is essentially purchased by the agency on the "installment plan" utilizing funds from the agency operating budget. At the conclusion of the term of the lease, the facility ownership usually reverts to the state, often after payment of a final lump sum amount to the bidder. The capital lease process is made possible because many agencies have accommodated space needs over the years through rental of increasing amounts of office space which is frequently scattered throughout a community. Consolidation of rental space and agency functions increase the buying power and the efficiency of the agency -- powerful arguments for capital lease facility acquisition.

It is critical, however, that those individuals responsible for facility acquisition and management ensure that buildings acquired via capital lease are good investments for the state. Buildings which are functionally unreliable or unsuccessful are frustrating to the personnel who utilize them. Buildings which are poorly designed and constructed are expensive to operate and maintain and can have such a short useful life span that they are of little value at the conclusion of the term of lease when ownership is transferred to the state. It is the responsibility of an agency's facilities management group to ensure that such problems do not compromise the acquisition of a new building.

A publication entitled Design/Build/Bid Considerations for Participants was prepared in 1986 by an ad-hoc committee of Alaskan architects, engineers, contractors, and facility planning experts to inform public sector building owners about the process of acquiring facilities through design/build/bid. The process described differs from the capital lease process currently utilized by the state in several very important areas.

Critical to the success of a design/build/bid project is preparation of a detailed facility program describing the functional needs of the agency, and performance specifications describing a minimum level of quality for building components and systems. Equally important is preparation of a format for evaluating bidder's proposals in order to obtain from each bidder a design for the best possible building that can be provided within the limits defined by the performance specifications and the project budget.

Having participated in numerous design/build/bid public works projects in Alaska and California, it has been my experience that a consultant with experience in preparing D/B/B RFPs is needed to prepare the program, performance specifications, and evaluation format. With regard to evaluation of proposals, this typically involves both objective judgements, such as awarding points for exceeding minimum energy performance standards, and subjective judgements, such as awarding points for quality of architectural design and site planning functionality. Project cost can be dealt with by either establishing a price to be paid and allowing the bidders to provide the best facility achievable within that constraint, or by allowing the cost to be another variable in the evaluation format.

State agencies that are normally in the business of leasing facilities lack the professional expertise required to prepare a D/B/B RFP, and lack that same expertise required to evaluate a D/B/B proposal with regard to both technical criteria and design criteria. The State Department of Administration is the entity that has been responsible for capital lease building acquisitions for other state agencies. The DOA track record has been dismal, producing buildings which are largely unsuccessful because of failings in the RFP utilized by DOA. The community of Juneau has seen protests sent directly from the planning commission to the Governor about conspicuous failures of capital lease building projects initiated by the DOA's Division of General Services and Supplies which is unable to differentiate between a D/B/B project and an ordinary lease for office space. Therefore, it is necessary for the Alaskan consulting community to acquire the expertise to provide state agencies with the services needed to organize and execute a successful D/B/B project.

In summary, the capital lease process is currently the only practical means available to most state agencies for obtaining new facilities. In order to ensure that agency funds are invested in a responsible manner, it is imperative that state agencies utilize a process structured to produce buildings that are functionally responsive to the needs of the occupants, are economical to operate and maintain, and are humane and productive environments for the individuals who work there. In

addition, those building projects must complement and enhance the community in which they are placed -- the buildings must be good neighbors rather than centers of controversy over planning and design issues. It is incumbent on the Alaskan design community to recognize the need for D/B/B services and to be able to provide those services to state agencies. It is incumbent on the state to recognize the failings of its' process and its' products, and to obtain the necessary expertise required to develop successful capital lease building projects.

# STATE OF ALASKA

## DEPARTMENT OF ADMINISTRATION

DIVISION OF GENERAL SERVICES AND SUPPLY

January 22, 1991

LK. 123, SLA 70  
WALTER J. HICKEL, GOVERNOR

P.O. BOX C  
JUNEAU, ALASKA 99811-0210  
PHONE: (907) 465-2250

The Honorable Richard I. "Dick" Eliason  
Senate President  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

RE: Report SCS CSHCR 52

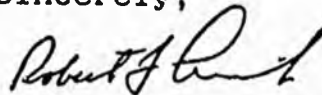
Dear Senator Eliason:

The referenced Resolution created the State Lease Task Force and asked it to provide findings and recommendations. The Task Force met twice and held extensive discussions on the topics addressed in the Resolution. The Task Force's report and recommendations are addressed in the enclosed recommendation. Nine members agreed with the recommendation, two disagreed and two had no recommendation.

### Members of the State Lease Task Force

Al Adams	Senate Representative
Richard S. Armstrong	RSA Engineering
Keith Gerken	DOT&PF Representative
Rick Halford	Senate Representative
Gene Kubina	House Representative
Robert J. Link	DOA Representative
Gerald Myers	GDM, Inc.
Randy Phillips	House Representative
Barbara Sheinberg	Local Gov. Representative
William M. Smith	Tryck, Nyman & Hayes
William C. Thomas	Local Gov. Representative
Paul Voelckers	MRV Architects
Jack Wolever	University Representative

Sincerely,



Robert J. Link  
Acting Chair  
State Lease Task Force

tlc  
losure

- Task Force Report -

TELECOPIER NUMBER 465-2189

STATE LEASE TASK FORCE  
RECOMMENDED  
MAJOR SPACE ACQUISITION POLICY

---

Whereas this Task Force recognizes the need for providing space at a reasonable life cycle cost and quality, particularly in large space acquisition projects, and whereas existing space is not always available to fit the State's need properly;

We therefore recommend that the Legislature and Governor build, own and finance any space needs in excess of 10,000 square feet or any space needed for more than 10 years, unless existing space is available at lease rates competitive with the life cycle costs of State-owned facilities.

If after analysis the State chooses not to build and own, and proceeds with a lease process that causes new construction, the Department of Administration shall address in the lease criteria life cycle costs, function, indoor environment, public convenience, planning design, appearance and location in addition to lease costs.

These criteria shall be addressed in a competitive sealed proposal process for lease space. The relative significance for each criterion shall be identified, and the process for award clearly established. The evaluation committee shall include qualified individuals reflecting appropriate experience and/or professional training.

Agree       Disagree       No Recommendation

Richard S. Armstrong      1.4.96  
Signature      Date

Comments:

DRAFT

January 8, 1990

TO: All Interested Parties

FROM:

RE: Proposed Legislation Concerning the Procurement of Certain  
State Leases

### Background

Because of difficulties and delays encountered in the capital budget process, many state agencies have turned to the capital lease process as a means of acquiring badly needed new facilities. These facilities are designed, constructed, financed, and often operated and maintained by the successful bidder. The building is essentially purchased by the state on the "installment plan" utilizing funds from the agency's operating budget. At the conclusion of the term of the lease, which may be 20 years or more, ownership of the facility usually reverts to the state, often after payment of a final lump sum amount to the bidder.

The capital lease process is made possible because many agencies have accommodated space needs over the years through rental of increasing amounts of office space which is frequently scattered throughout a community. Consolidation of rental space and agency functions increase the buying power and the efficiency of the agency, and when a large block of space can replace many scattered leases for little or no operating cost penalty the agency proceeds with construction of a new building through a capital lease agreement.

### The Problems

The capital lease process, which involves commissioning the design and construction of new state facilities, operates with virtually none of the controls normally placed on development of new public facilities. Contract documents are routinely prepared by staff lacking professional expertise. The contracts are treated as simple lease agreements, which are not suitable documents for contracts resulting in construction of new buildings that ultimately become state property.

Capital lease agreements currently in use do not protect the state from making bad investments in poor quality buildings. The leases are normally awarded only on the basis of lowest rental cost. There are no mechanisms in the process to ensure that the facilities acquired are functionally responsive to the needs of

the agency, are economical to operate and maintain, or are productive and humane environments for the individuals who work there. In short, there is no means to ensure that agency funds are invested in a responsible manner.

#### The Proposed Legislative Solution

Buildings which are functionally unsuccessful or unreliable will not solve an agency's space problems. Buildings which are poorly designed and constructed are expensive to operate and maintain and can have such a short useful life span that they are of little value at the conclusion of the term of lease when ownership is transferred to the state. Legislation is needed to ensure that new facilities commissioned by the state through the capital lease process result in good investments for the state and for the communities in which the facilities are constructed.

The state procurement code already has in effect provisions which regulate the use of competitive sealed proposals for procurement of the design and construction of new facilities under AS 36.30.200(c). Under this existing legislation a bidder's proposals can be evaluated on the basis of many criteria, including price. This provides the means for evaluating a capital lease proposal with regard to functionality, aesthetics, long term maintenance costs, etc.

The objectives of the attached proposed legislation are to: require that AS 36.30.200 be applied to capital lease projects; set out the minimum criteria to be considered when evaluating competitive sealed proposals for capital lease projects.

This proposed legislation can be expected to have the added benefit of minimizing the controversy which often surrounds poorly designed facilities commissioned by the state, such as the "Plywood Palace" and the recent Department of Environmental Conservation office building, both located in Juneau. The concept behind this legislation has been endorsed by the Alaska Professional Design Council, the Alaska Chapter of the American Institute of Architects, the Juneau Planning Commission, (others who sign on as supporters)..

There are related issues such as the application of the Little Miller Act which mandates payment of minimum wage rates on all public construction projects. This particular issue is anticipated to be covered in a separate piece of legislation. Other issues such as Alaska Bidders Preference and Alaska Product Preference may surface during the session. While these are all serious concerns that will likely need to be addressed, the core of this proposed legislation is related to ensuring that state funds are responsibly invested.

end

July 24, 1989

MAYOR BRUCE BOTELHO  
SENATOR JIM DUNCAN  
REPRESENTATIVE FRAN ULMER  
REPRESENTATIVE BILL HUDSON

Dear Friends,

I am concerned about the apparent lack of coordination between the state and the community with regard to planning and construction of new state facilities. It is my assumption that all state agencies submit annually a capital development plan which indicates current space utilization, projected growth, and proposed remodeling and new construction for a five to ten year period. However, it is not clear to me where or even if that information is being collected, nor is it clear what plans those agencies located in Juneau have to implement the development of new facilities.

A single agency within the state should be responsible for coordinating with the CBJ Planning Department and for planning for the accommodation of state facilities. Land use planning to ensure that state facilities are developed in a logical and orderly manner, integrated into the physical fabric of our community, should be among the highest priorities of both state and community planners. The state, in concert with the CBJ, should be preparing a master plan for development in the capital city, and the state should be budgeting funds annually for land acquisition in a manner consistent with that plan.

The pattern established with regard to capital leases in lieu of constructing permanent facilities works against the community both in the near term and the long term. I realize that it is the path of least resistance in terms of making available badly needed space for state agencies. There is, however, no coherence in siting the facilities with regard to a master plan for public facilities, no logic in relationships to other public facilities, no controls on the planning or design, and the end result is another Plywood Palace. These leased facilities, even though they may ultimately be owned by the state, do not make a contribution to the physical presence of state government in Juneau. These types of facilities can only be considered temporary, and the issue of where to build permanent institutional quality facilities - Juneau or Anchorage - will still eventually have to be addressed. They work against efforts to establish the air of permanence of the state government presence in Juneau.

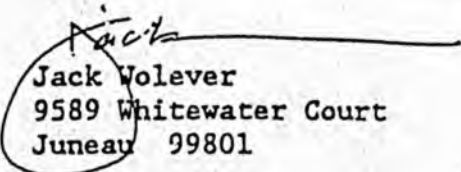
The capital lease process is also a poor investment for the agency itself. These facilities are typically not of institutional quality, are more expensive to operate and maintain, and have a relatively short life span. They offer few of the amenities that an institutional facility is expected to provide. The only arguments in favor of capital lease facilities are that they avoid getting mired in political arguments over location, which would surely occur if the facilities were in the high profile capital budget, and they are good investments for those few developers in Juneau who can cash in on the leases.

I believe that a joint CBJ/State task force should be formed of our city planners and state planners who can speak to and coordinate the planning for all state agencies in Juneau. The charge to that task force would be defining the near and long term facility and land needs of the state, and integrating permanent facilities into the community within the framework of a Master Plan for State Capital Facilities. An oversight organization, perhaps the local planning commission, would be responsible for ensuring that the plan is implemented by developing appropriate controls.

Treading lightly around these issues will not make them go away. Juneau must begin aggressively promoting, and planning to accommodate, permanent state facilities. An enormous amount of money was expended planning for a fictional capital city in Wasilla. Since the capital move vote, the only effort toward masterplanning - a state building at the Juneau Motors site - was scuttled. Should the state acquire the old Capital School site? How can we consolidate space leases spread throughout the community when they begin to run out? Who in state government is addressing these issues?

Until a comprehensive state/city planning process is implemented, this community will continue to be victimized by make-shift solutions to critical agency space shortages. If Juneau does not take steps to physically accommodate state government, and does not actively promote permanent facilities for state agencies, we will eventually become the capital in name only, if that.

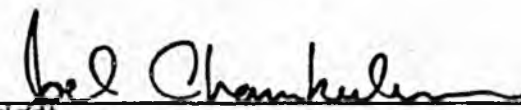
Sincerely,

  
Jack Wolever  
9589 Whitewater Court  
Juneau 99801

**RESOLUTION  
STATE BUILDING LEASE PROCEDURES**

- Whereas, the Alaska Chapter of the American Institute of Architects promotes quality design and construction practices throughout the State, and
- Whereas, the Department of Administration, other State agencies and other political subdivisions for the State of Alaska have been procuring new building space through a process which solicits bids for lease space normally resulting in new construction, and
- Whereas, the contractor with the lowest lease price and cheapest cost will be the successful bidder for such State space, and
- Whereas, this process is not required to consider the quality of building design, site design, regional planning, construction quality, or operation and maintenance costs, and
- Whereas, such omission harms the long term interest of the State and the affected communities because of the low quality design, planning and construction which inevitably occurs,
- Therefore, be it resolved that the Alaska Chapter of the American Institute of Architects, strongly urges that the Governor's Office and Department of Administration revise this bid process to include qualitative criteria for design, site planning, interior amenity, and maintenance and operation costs so that the State agencies and communities affected receive building projects with acceptable design and construction quality.

Unanimously adopted this date, November 10, 1989.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary



ALASKA CHAPTER  
THE AMERICAN INSTITUTE OF ARCHITECTS  
P.C. BOX 10-3563 • ANCHORAGE, ALASKA 99510

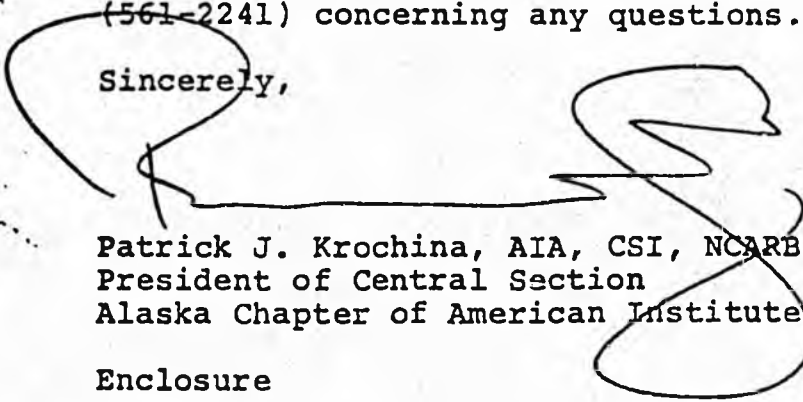
DATE: February 8, 1990  
TO: State of Alaska Legislature  
FROM: American Institute of Architects  
Alaska Chapter

Representing Alaska Architects practicing throughout the state we have a major concern over the current procurement policies evolving with various state agencies forced to expand or replace their physical plants; namely the Capital Lease Process. We recognize that there are certain immediate financial advantages with this process, however, history has shown there are serious disadvantages that each State Dept. should be aware of.

Attached are a few documents pointing at these issues both in Juneau and Anchorage as well as a preliminary draft. Also attached is a report compiled by A/E, Contractors & Owners about the Design/Build/Bid Process which relates to the Capital Lease Process.

Please review and call any of our Board of Directors or myself (561-2241) concerning any questions.

Sincerely,



Patrick J. Krochina, AIA, CSI, NCARB  
President of Central Section  
Alaska Chapter of American Institute of Architects

Enclosure

- Architects Position -

**H B**

**2 3 9**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)  
Date Referred: April 2, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/8/93

The FINANCE Committee considered:

HB 239

HOUSE BILL NO. 239

RAFFLE OR AUCTION OF BIG GAME PERMITS

"An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 239 (Res)  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): (Dep)

APPROVES PREVIOUS: (Dep/Date)

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

fiscal note(s) FRG 4/2/93

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

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Larson</i>	X				
<i>Richard J. Foster</i>	X	<i>Mark Hanley</i>		X	
		<i>Larry Martin</i>	X		
		<i>Sean P. Farrell</i>		X	
		<i>Gene Theoriault</i>		X	
		<i>Eileen P. MacLean</i>		✓	

*Eileen P. MacLean*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSHB 239(RES)

Revision Date: 5/31/93

Department Affected: Fish and Game

Title: Raffle or Auction of Big Game Permits

BRU: Wildlife Conservation

Component: Wildlife Conservation

Sponsor: Representative Bunde

Requestor: House Resources

COMPONENT SERIAL NO. 0473

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE: 1024	25.0	25.0	50.0	50.0	100.0	100.0
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	1.0	0.0	1.0	0.0	1.0	0.0
<b>TOTAL</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>	<b>1.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current year (FY93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)

See attached page for assumptions used in revenue fund source estimates.

Prepared By: Wayne Regina *WRK for WR* Phone: 465-4190

Division: Wildlife Conservation Date: March 31, 1993

Approved by Commissioner: *[Signature]*

Agency: Department of Fish and Game Date: 3/31/93

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

**Assumptions:**Operating Expenditures:

Approximately \$1.0 in contracting, advertising, and postage costs would be spent biennially to establish, develop, and provide opportunities for qualified organizations to participate in the program.

Revenue:

The department anticipates that the Fish & Game Fund will earn between 25.0 and 100.0 annually from the auction/raffle of big game hunting permits, depending on the number of permits offered, state of the economy, other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit currently raffled in support of the Alaska Fish & Wildlife Safeguard program earns the F&G Fund between 15.0 and 20.0 per annum. The auction of bighorn sheep permits in different western states has raised amounts varying between 20.0 and 250.0. Permits for other species (e.g., moose, bison, deer, elk, antelope) have earned from 3.0 to 16.0 at auction.

Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we expect that as the program develops and becomes well-known, the long-term potential for revenue will increase.

Back-up



House of Representatives

Sponsor Statement

HB 239

"An Act Relating to Raffles and Auctions of Certain  
Permits to Take Big Game; Providing For an Effective Date"

Section 1 (a) of this bill repeals and reenacts AS 16.05.343. Its contents are unchanged.

Section 1 (b) would allow the Department of Fish and Game to issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The auction or raffle would be conducted by a qualified organization that may retain no more than ten percent of the auction or raffle profits. The remaining amount will be deposited into the Fish and Game fund under AS 16.05.100.

The person who receives a permit shall receive a complimentary hunting license which will bear the inscription "Governor's license" and a big game tag. It is required that the person who receives the permit, license or tag must act in accordance with applicable law.

There are at least 11 Western states that have within their statutes provisions for auctioning or raffling big game harvest permits. The positive impact on their budgets has been significant.

In light of Department of Fish and Game budget cuts, the additional revenue injected into the fund will enable the Department to continue delivering programs that are integral to the Department's success.



House of Representatives

MEMORANDUM

To: Representative Ron Larson  
Representative Eileen MacLean  
Co-Chairs House Finance Committee

From Representative Con Bunde

Date: April 1, 1993

Re: House Bill 239 - relating to raffles and auctions of certain permits to take big game; and providing for an effective date.

-----  
I would like to request the upon referral that House Bill 239, be be scheduled for a hearing at your earliest convenience.

Section (b) of the bill allows the Department of Fish and Game to issue, through a competitive auction or raffle, up to two permits for the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The auction or raffle will be conducted by a qualified organization that may retain no more that 10 percent of the profits. The remaining amount will be directly deposited into the fish and game fund under AS 16.05.100.

In light of the budget cuts to the Division of Wildlife, the additional revenue injected into the fund will enable the Division to continue to deliver programs that are integral the the Department's success. In addition, these funds are a step in the right direction for the Division to become somewhat self-sustained.

If you have any questions please feel free to contact Jenny of my staff at x4843.

### States That Have Game Permits Auctioned or Ruffled

Nevada, Montana, Arizona, Utah, North Dakota, Texas, Idaho, California.

		Sheep	Moose	Goat	Elk	Buffalo
Nevada	1981-1993	\$549,552			\$12,000'93	
Montana	1986-1993	\$789,000	\$35,000			
Arizona	1984-1993	\$742,000			\$79,250	\$2,100
Wyoming	1983-1993	\$540,000	\$10,000			
Utah	1980-1993	\$296,500	\$30,356		\$23,187	\$6,500
North Dakota	1986-1993	\$209,000				
Idaho	1988-1993	\$216,000				
California	1987-1993	\$409,000			\$20,000 '93	
Colorado	1989-1993	\$195,000		\$45,000		
New Mexico	1990-1993	\$238,000				
Oregon	1987-1993	\$215,000				

These numbers are from various sources including: Wildlife Conservation, Foundation For North American Wild Sheep, Safari Club International and the Rocky Mountain Elk Foundation. The dollar amounts listed are an approximation of the actual amount received by the states. The amounts approximated are believed to be quite a bit lower than the actual totals.

Example of a State that auctions the permits to several types of species.

Arizona                      \$1,169,000 since 1984      Average per year \$129,777  
     Antelope, Elk, Buffalo, Mule Deer, Bear and Sheep

## Organizations That Auction or Raffle Big Game Permits

### Foundation for North American Wild Sheep

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### Safari Club International

Wyoming	Sheep Permit	1990	\$36,000
	Mountain Moose	1990	\$10,000
	Sheep Permit	1991	\$24,500

The Safari Club has been auctioning and raffling permits for many years. Only data from recent years was available.

### Rocky Mountain Elk Foundation

Nevada	Elk Tag	1993	\$12,000
California	Elk Tag	1993	\$20,000
Arizona	Elk Tag	1993	\$42,000

The Rocky Mountain has been auctioning and raffling permits for many years. Only data from recent years was available.

**HB**

**239**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/2/94

FURTHER:

DATE TURNED INTO OFFICE: 5-3-94

The Finance Co. considered CS FOR HOUSE BILL NO. 239(RES) am

"An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date."

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)

or  adopt previous 5 CS CS HB 239 (RES)

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

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
DEFG	12/20/93	1.0	opt
		25.0	NO.

Appropriation No Fiscal Note

**DO PASS:**

[Signature]  
[Signature]  
[Signature]  
[Signature]

**OTHER RECOMMENDATIONS:**

[Signature]

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

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

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. 2  
Bill Version: CSHB 239 (Res) am  
(S) Publish Date: 5-3-94

Revision Date: 12/17/93  
Title: An Act relating to raffles and auctions of certain permits to take big game  
Sponsor: Representative Bunde  
Requestor: House Resources

Dept. Affected: Fish and Game  
BRU: Wildlife Conservation  
Component: Wildlife Conservation  
COMPONENT SERIAL NO. 0473

**Expenditures/Revenues**

(Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	0.0	1.0	0.0	1.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	1.0	0.0	1.0	0.0	1.0	0.0
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES (1024)</b>	25.0	25.0	50.0	50.0	100.0	100.0

**FUND SOURCE**

(Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (1024 Fish & Game Fund)	1.0	0.0	1.0	0.0	1.0	0.0
<b>TOTAL</b>	1.0	0.0	1.0	0.0	1.0	0.0

Estimate of any current year (FY 94) cost: \$ 0.0

**POSITIONS**

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

See attached page for assumptions used in revenue fund source estimates.

Changes in SCS CSHB 239 (RES) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

5/3/94  
date                      Comte Aide (initial)

Prepared By: Wayne Regelin, Deputy Director  
Division: Wildlife Conservation  
Approved by Commissioner: [Signature]  
Agency: Alaska Department of Fish and Game

Phone: 465-4190  
Date: 12/17/93  
Date: 12/20/93

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## FISCAL ANALYSIS OF HB 239

Page 2 of 2

## Assumptions:

Operating Expenditures:

Approximately \$1.0 in contracting, advertising, and postage costs would be spent biennially to establish, develop, and provide opportunities for qualified organizations to participate in the program.

Revenue:

The department anticipates that the Fish & Game Fund will earn between 25.0 and 100.0 annually from the auction/raffle of big game hunting permits, depending on the number of permits offered, state of the economy, other variables.

Anticipated earnings are based on experience of other states and raffle of the Delta bison permit. The single Delta bison permit currently raffled in support of the Alaska Fish & Wildlife Safeguard program earns the F&G Fund between 15.0 and 20.0 per annum. The auction of bighorn sheep permits in different western states has raised amounts ranging from 20.0 to 250.0. Permits for other species (e.g., moose, bison, deer, elk, antelope) have earned from 3.0 to 16.0 at auction.

Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we expect that as the program develops and becomes established, the long-term potential for revenue will increase.

Back-up

House of Representatives

**MEMORANDUM**

DATE: January 27, 1994

TO: Senator Drue Pearce  
Senator Steve Frank  
Co-Chairman Senate Finance Committee

FROM: Representative Con Bunde  
Co-Chair House Health Education & Social Services Committee

RE: Committee hearing for HB 239

HB 239, "An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date." is currently in the Senate Finance Committee. This memo is a request to schedule a committee hearing for HB 239 at your earliest possible convenience.

HB 239 will allow the Department of Fish and game to issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The auction or raffle would be conducted by a qualified organization that may retain no more than ten percent of the auction or raffle profits. The remaining amount will be deposited into the Fish and Game fund.

There are at least 11 Western states that have within their statutes provisions for auctioning or raffling big game harvest permits. The positive impact on their budgets has been significant.

This bill will produce revenue that will enable the Department of Fish and Game to continue providing programs vital to the their success.

Thank you for your cooperation with this proposed legislation. If you have any questions or concerns please do not hesitate to call my office.



House of Representatives

Sponsor Statement

HB 239

"An Act Relating to Raffles and Auctions of Certain  
Permits to Take Big Game; Providing For an Effective Date"

Section 1 (a) of this bill repeals and reenacts AS 16.05.343. Its contents are unchanged.

Section 1 (b) would allow the Department of Fish and Game to issue, through a competitive auction or raffle, up to two harvest permits each year for each of the following species: Dall sheep, bison, musk ox, brown or grizzly bear, moose, caribou, and wolf. The auction or raffle would be conducted by a qualified organization that may retain no more than ten percent of the auction or raffle profits. The remaining amount will be deposited into the Fish and Game fund under AS 16.05.100.

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There are at least 11 Western states that have within their statutes provisions for auctioning or raffling big game harvest permits. The positive impact on their budgets has been significant.

In light of Department of Fish and Game budget cuts, the additional revenue injected into the fund will enable the Department to continue delivering programs that are integral to the Department's success.

### States That Have Game Permits Auctioned or Ruffled

Nevada, Montana, Arizona, Utah, North Dakota, Texas, Idaho, California.

		Sheep	Moose	Goat	Elk	Buffalo
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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER CSHB 239 (RES)	SPONSOR Representative Bunde
SHORT TITLE OF BILL Auction or Raffle of Big Game Permits			
DEPARTMENT POSITION Support			
PREPARED BY Wayne Regelin <i>WR</i>	DATE 4/6/93	<i>[Signature]</i>	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL none	CONSTITUENT GROUPS AFFECTED BY BILL hunters, wildlife viewers, all persons who benefit from wildlife management programs
ORGANIZATIONAL SUPPORT FOR BILL unknown	ORGANIZATIONAL OPPOSITION TO BILL none known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This bill would allow the department to raffle or auction up to two permits annually to take selected big game species. The raffle or auction would be conducted by the department or a qualified organization. Up to ten percent of the profits from the raffle or auction could be retained by the organization with the balance deposited into the Fish and Game Fund. Persons receiving permits under this Act would be eligible to receive a complimentary hunting license and big game tag.

ANALYSIS OF BILL/PROGRAM EFFECTS

Similar raffles/auctions in other western states have raised millions of dollars for state wildlife management programs. Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we anticipate that the long-term potential for generating revenue for wildlife management will be substantial. Revenues raised will help create a stable funding base for the Division of Wildlife Conservation and help the department maintain existing research and management programs in the face of declining appropriations to the operating budget.

Permits issued under this bill will not diminish hunting opportunities for resident hunters and will not have adverse Biological impacts on any wildlife population.

AMENDMENTS PROPOSED

None

DEPARTMENT OF FISH AND GAME  
POSITION PAPER

Bill No: CSRS 219 (RES)

Sponsor: Representative Bunde

Division: wildlife Conservation

Bill Title: An Act relating to raffles and auctions of certain permits to take big game; and providing for an effective date.

Department Position: Support

Background/Legislative Intent: This bill would allow the department to raffle or auction up to two permits annually to take selected big game species. The raffle or auction would be conducted by the department or a qualified organization. Up to ten percent of the profits from the raffle or auction could be retained by the organization with the balance deposited into the Fish and Game Fund. Persons receiving permits under this Act would be eligible to receive a complimentary hunting license and big game tag.

Analysis of Bill/Program Effects: Similar raffles/auctions in other western states have raised millions of dollars for state wildlife management programs. Because of the possibilities Alaska has to offer in the way of hunting opportunity and combination hunts, we anticipate that the long-term potential for generating revenue for wildlife management will be substantial. Revenues raised will help create a stable funding base for the Division of Wildlife Conservation and help the department maintain existing research and management programs in the face of declining appropriations to the operating budget.

Permits issued under this bill will not diminish hunting opportunities for resident hunters and will not have adverse biological impacts on any wildlife population.

Amendments Proposed: None.

Dr.   
Commissioner's Signature

Date 4/17/93

**HB**

**244**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/6/93

The FINANCE Committee considered:

HB 244

HOUSE BILL NO. 244

APPROP: SINGLE/DUAL SITE SCHOOLS

"An Act making a special appropriation for additional district support for kindergarten, primary, and secondary education programs; 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)

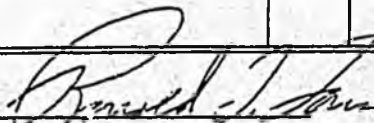
[ ] fiscal impact \_\_\_\_\_

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

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

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

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard [Signature]	*	Richard J. Larson		X	
		Mark Hanley		X	
		Yancy Martin		✓	
		Alan Parnell		X	
		Ben Grussendorf		X	
		Lay Brown		✓	
		Gene Theriault		X	

  
 CHAIRMAN'S SIGNATURE

Back-up

# Alaska State Legislature



Representative William K. Williams

During Session:  
State Capitol  
Juneau, AK 99801-1182  
(907) 465-3424  
Fax (907) 465-3793

In Ketchikan:  
352 Front Street  
Ketchikan, AK 99901  
(907) 247-4672  
Fax (907) 225-8546

Committees:  
House Resources,  
Chairman  
Community &  
Regional Affairs  
Labor & Commerce

March 19, 1993

## SPONSOR STATEMENT by REP. W. K. WILLIAMS on

HOUSE BILL 244, "An Act making a special appropriation for additional district support for kindergarten, primary, and secondary education programs and providing for an effective date."

I introduced House Bill 244 on March 19 with the goal of insuring that all of the single site-school districts in Alaska will be dealt with in the same manner, and receive the additional support they require in FY 94 to offset the inequities in the state's school foundation funding formula.

The House of Representatives approved funding for the state's single-site districts in the House-passed version of the education budget, CSHB 45(Fin). The Senate's version of the legislation, SCS CSHB 45(Fin), excluded nine of these districts. The Senate's version of the education budget was approved by the Legislature and now awaits the Governor's signature.

The Legislature, in enacting SCS CSHB 45(Fin), approved funding for eleven of the twenty single-site districts in the state. The purpose of House Bill 244 is to provide the needed additional support to the remaining nine single-site districts. The dollar amounts are based on FY 93 actual enrollment, the same basis used to determine the level of funding for the single-site districts included in the measure enacted by the Legislature. The House's version of HB 45 had computed dollar amounts based on FY 94 projected enrollment.

I believe that the Legislature should move swiftly to correct this situation.

Nine single-site school districts were excluded from SCS CSHB 45(Fin)

This summary indicates the resulting impact on each of the nine school districts. The information was provided by the affected school districts.

**GALENA** **\$139,080**

(168 students) Last year Galena lost 5.5 teacher positions and half of an administrative position because the district's budget was cut by \$427,000. This reduction will mean an additional 8% cut and the potential loss of 3 teacher positions. The loss of teachers will result in a 20% increase in pupil/teacher ratio. This means a loss of \$1,172 per ADM.

**HOONAH** **\$125,660**

(239 students) The superintendent John Antonnen has stated that this reduction combined with a reduction in tuition funds by DOE will amount to a \$200,000 total cut to Hoonah School District, or \$750 per student resulting in the loss of 5 classified and 2 certificated positions as well as substantial reductions in classroom equipment and supplies.

**HYDABURG** **\$103,090**

(120 students) This amounts to a budget cut of 8%, loss of 2 teachers from a staff of 12, loss of 2-3 classified positions, combination of the 2nd and 3rd grade classes and the loss of 6 classes in the high school curriculum, and a reduction of \$890 per ADM.

**KAKE** **\$134,200**

(181 students) A 16% reduction to the Kake School District budget would be required to absorb this reduction. This translates into the layoff of three teachers, a 2% increase in pupil/teacher ratio; a reduction of \$757 per ADM; and loss of the music, art, and high school language arts program.

**KLAWOCK** **\$147,010**

(207 students) A 10.67% cut to the school district's FY 94 budget would be required to absorb this reduction. Three teachers would have to be eliminated: 17.65% of the staff. The student/teacher ratio would increase by 30% and state revenue to the district would be cut \$735 per ADM.

**PELICAN** **\$57,950**

(46 students) This cut amounts to 8% of Pelican's budget. Over the past three years, the district has utilized \$230,000 in its reserve funds which are now depleted. The reduction would involve the loss of 1

*Impact on the nine school districts excluded from SCS CSHB 45(Fin)*

teacher and a half time special education aide. It will increase pupil teacher ratio by 20% and reduce the district's budget by \$1238 per student. Effects of the reduction include: a 63% cut in the community school program; drastic reduction in the student extra-curricular programs; minimized special education contracted services, elimination of staff/board and administration professional development programs.

**SKAGWAY**                      **\$124,440**

(160 total students) The reduction would amount to 9% of the district's budget. It will cause the loss of 1 teacher, increase class size by 15% and delete the counseling program, the foreign language program, the Close Up program, the junior high school athletic program, and the drown proofing program for elementary students.

**TANANA**                      **\$115,900**

(99 students) This is a cut of 10% of the district's budget, and would mean the loss of a 4th and 5th grade teacher, a secondary math and science teacher, and the kindergarten teacher.

**YAKUTAT**                      **\$118,950**

(130 students) Larry Ecklund, who is the Superintendent and Principal, says that this cut amounts to 7% in his budget from last year. Given conservative cost of living adjustment at 2%, he estimates he will be down 9% next year from the current year which will mean the loss of two teachers, reduction of support staff, fewer classroom supplies and materials as well as restructuring of the curriculum.



ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •  
326 Fourth St., Suite 404 Juneau, AK 99801-1101 (907) 586-9702 FAX (907) 586-5879

## POSITION STATEMENT

### HOUSE BILL NO. 244

#### **"AN ACT MAKING A SPECIAL APPROPRIATION FOR ADDITIONAL DISTRICT SUPPORT FOR KINDERGARTEN, PRIMARY, AND SECONDARY EDUCATION PROGRAMS; AND PROVIDING FOR AN EFFECTIVE DATE."**

The Alaska Council of School Administrators supports HB 244 and encourages the full legislature to pass this legislation as soon as possible. We extend our appreciation to the prime sponsor and it's co-sponsors for introducing this legislation in a timely fashion.

We are all aware of the political reasoning for these nine districts being left out of the legislation recently passed and waiting for action by the governor. These nine districts are in need of this supplemental appropriation. For these districts, forward funding is not as important as the full funding they would have received.

This issue has been with us since 1987. The elimination of these districts continues to emphasize the need for a permanent resolution to the issue of equitable funding for all districts so legislators will not have to deal with this special appropriation on a yearly basis and those effected districts will not have to continue to approach the legislature for special funding.

Again, The Alaska Council of School Administrators urges this committee to take quick action of HB 244 and continue to support the legislation as it moves from committee to committee and onto the floor of the House.

Stephen McPhetres  
Executive Director

SINGLE SITE SCHOOL DISTRICT CONSORTIUM  
985 KSD WAY  
CHEVAK, ALASKA 99563  
858-7713

March 22, 1993

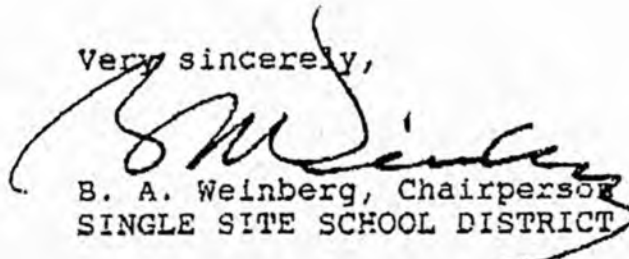
Honorable Bill Williams  
Alaska House of Representatives  
State Capital, Mail Stop 3100  
Juneau, Alaska 99801-1182

Dear Representative Williams:

On behalf of the Single Site School District Consortium, I want to encourage the House HESS Committee to include in HB 244 supplemental funding for the nine single-site districts deleted from the original House version of HB45. Since the current foundation program was enacted, the Legislature has recognized the inherent inequity that exists relative to smaller single-site districts. It is very important that all twenty-one smaller single-site districts receive supplemental funding on an equitable basis.

Hopefully, there will be future legislation curing this problem by amending the foundation formula in such a way as to provide equity for single-site districts. If this were to occur, it would eliminate the need for the Legislature to wrestle with this matter on an annual basis. In the meantime, we trust that there will be efforts to ensure supplemental funding for the nine single-site districts deleted from HB45.

Very sincerely,



B. A. Weinberg, Chairperson  
SINGLE SITE SCHOOL DISTRICT CONSORTIUM

U R G E N T M E S S A G E

SINGLE SITE SCHOOL DISTRICT CONSORTIUM  
985 KSD WAY  
CHEVAK, ALASKA 99563

March 16, 1993

Members, Alaska House of Representatives  
Alaska State Capital  
Juneau, Alaska 99801-1182

Re: CSHB45(Fin)

Dear Representative:

Yesterday the Senate passed out CSHB45(Fin) which includes supplemental funding for twelve of the twenty-one smaller single-funding-community school districts. Unfortunately, however, nine single-site districts were omitted.

Since the current Foundation Program has been in effect, there has been recognition that an inequity existed relative to smaller single-site districts. The Legislature has addressed this inequity through additional funding outside the Foundation Program. Although the affected district's would have preferred an amendment to the Foundation Program to resolve this issue, we do appreciate the recognition of the inequity through supplemental funding.

Last year the Legislature provided supplemental funding for all of the smaller single-site districts. The House passed HB45 by a vote of thirty-six to zero with supplemental funding for all of the twenty-one smaller single-site districts. We believe that supplemental funding for all of these districts is fair and necessary until such time as the inequity affecting single-site districts can be addressed through appropriate amendments to the Foundation Program.

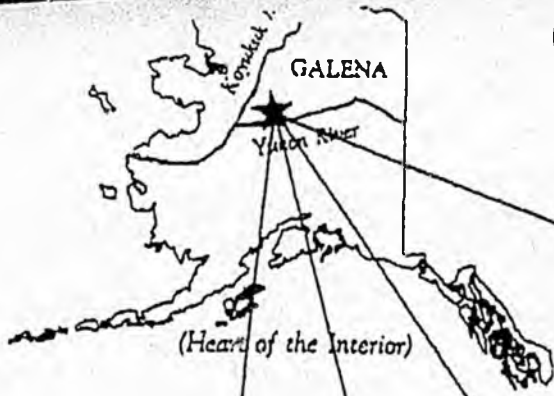
It is not clear to us why the Senate deleted nine districts from the version of the bill passed by the House. However, we believe that these deletions will only serve to punish children in the affected districts, and these districts and the children they serve include some of the poorest in the state. Therefore, we urge you not to concur with the Senate version and to support conference committee action to ensure supplemental funding for all twenty-one of the smaller single-site districts as was the desire of the House when originally addressing this bill.

Very sincerely,



B. A. Weinberg, Chairperson.

SINGLE SITE SCHOOL DISTRICT CONSORTIUM



# GALENA CITY SCHOOL DISTRICT

GALENA, ALASKA 99741  
PHONE (907) 656-1205

SUPERINTENDE  
OFFICE

March 11, 1993

Dear Wanda Cooksey:

Please find below the information requested in regards to the loss of our single site money which has been \$150,000 in past years!

- 1) The single site money makes up 8% of our budget.
- 2) The program impact will be great it is hard to predict what will be cut. We cut \$423,000 last year.
- 3) The \$150,000 will more than likely result in the loss of three teaching positions.
- 4) This reduction in staff will result in a 20% increase in the teacher student ratio.
- 5) This loss will result in a \$1,172 loss per ADM.

I hope this information helps, we really need the funds!

Sincerely,

William L. Miller, Superintendent

/elb

# Hoonah Public Schools

P.O. Box 157

(907) 945-3611

Hoonah, Alaska 99829

March 10, 1993

The Honorable Rick Halford  
Alaska State Senate  
State Capital, Room 111  
Juneau, AK 99601-1122

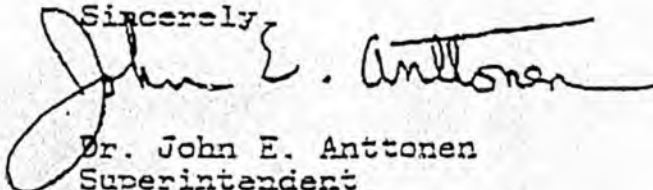
Dear Senator Halford:

The action by the Senate Finance Committee to eliminate Hoonah and eight other Single Site school districts from Single Site Funding is a decision which will critically impact the ability of Hoonah School District to offer a quality education program.

Between the reduction of tuition funds by the Department of Education and the elimination of Single Site Funding, our district will lose approximately \$200,000.00. This translates to a loss of education funding of approximately \$750 per child. There is no way that our district can afford such a reduction in funds without serious negative impact, including elimination of five classified positions, two certificated positions, and substantial reduction in classroom equipment and supplies.

I urge you to put aside political issues and respond in the interest of children. Please restore Single Site Funding to Hoonah, Kake, Klawock, Pelican, Galena, Hydaburg, Skagway, Tanana, and Yakutat.

Sincerely,



Dr. John E. Anttonen  
Superintendent

JEA/cb

*Hydaburg*

March 10, 1993

Loss of budget \$70  
Loss of 6 sec. Classes  
Loss of 1 teacher (16% of staff)  
Loss of Com 2-3 Class. fund  
Ratio 1-10 to 1-12 but  
increase, etc  
Two Combined elem. Classes  
2nd 3rd 4th 5th  
\$890 per Adm reduction

Senator Jim Duncan  
Alaska Senate  
P.O. Box V  
Juneau, Alaska

Dear Senator Duncan:

We were shocked to hear that nine districts had been removed from the single site section of CSHB 45 by the Finance Committee. There does not seem to be any rationale given, other than a vague reference to forest receipts. Forest receipts have only been received by districts for two years, and although we received a substantial amount of money last year, we were only allocated \$47,401 this year, and the city withheld \$5,000 of that. To use forest service receipts as a basis for dropping our districts is unfair. These funds illustrate a great deal, and many municipalities withhold portions of the funds, which results in a large discrepancy between funds allocated by the state, and the actual money received by the districts.

We have been fighting the inequity of the single site funding issue since 1990. Three studies have shown that an inequity exists, and we hoped that we could finally resolve the problem. The unfortunate thing is that people seem to be thinking of this as a matter of money, and ignoring the fact that we are talking about children. If we do not receive the single site monies, we will be forced to cut two teachers from our staff of twelve. We will also have to reduce our support staff by two to three positions. The result will be a combined second and third grade classroom, and the loss of six classes in the high school curriculum. Many of the districts cut are among the poorest in the state, and their programs will be devastated. We do not have frill type programs, we will have to increase class sizes and drop core classes. Kids are going to be hurt!

Our students need your support. Please vote to put the nine districts back into the bill. Don't let our kids become victims.

Sincerely,

Christine Tolson  
President  
Hydaburg Board of Education

Bob Price  
President  
Hydaburg Education Assoc.

# Kake City School District

P.O. BOX 450  
KAKE, ALASKA 99630  
(907) 785-3741

MEMO

TO: Wanda Cooksey

FROM: Larry Stout  
Superintendent of Schools

DATE: March 10, 1983

% of our budget will be reduced by 18%

Program impact of the loss: music, art, high school language arts  
person which would weaken the program two elementary teachers

# teachers and staff to be laid off: 3 teachers

% increase in pupil teacher ratio: 2%

\$ per ADM reduction: \$757.00

# KLAWOCK CITY SCHOOL DISTRICT

MORRIS D. VEHRERS  
Superintendent

P. O. Box 9  
Klawock, Alaska 99925  
907-755-2228

March 10, 1993

Senator Robin Taylor  
ALASKA STATE SENATE  
Capital, Room 30  
Juneau, AK 99801-1182

Dear Senator Taylor,

This letter is being written by the Klawock City School District Board in response to the actions of the Senate Finance Committee to leave out nine Districts from Single Site Funding. The impact of this decision on our District would be as follows:

HB 45 Proposed Single Site Funding	\$147,010
FY 94 Estimated Foundation Funding	\$1,370,959
Single Site Funding Percentage of Total	10.67%

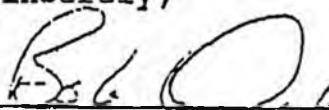
Program impact: Options are limited.  
However, this funding cut translated to 3  
teachers or 17.65% of our total staff.

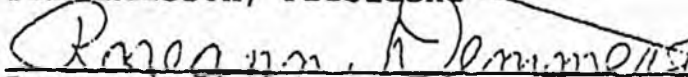
A 17.65% cut in staff would increase our  
student/teacher ratio by over 30%

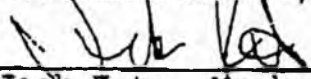
This action would cut our state revenue per  
ADM by \$735.

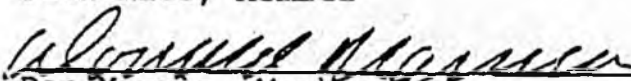
This action would result in the most damaging impact on  
quality education ever experienced by our District. We urge you  
to place the education of children ahead of political issues.

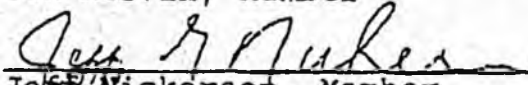
Sincerely,

  
\_\_\_\_\_  
Bob Anderson, President

  
\_\_\_\_\_  
Roseann Demmert, Vice-President

  
\_\_\_\_\_  
Jack Kato, Member

  
\_\_\_\_\_  
Don Marvin, Member

  
\_\_\_\_\_  
Jeff Nickerson, Member

Pelican - 735 - 2263

463-3043

## Memorandum

To: Wanda Cooksey

From: Bill Borfka, Superintendent *Bill*  
Pelican School District

Date: March 11, 1993

Subject: Single Site Funding

---

Having utilized \$230,000 in District reserves over the past 3 years to balance the budget our fund balance is zero. In developing our FY-94 budget we were projecting a deficit of \$55,000. Loss of single site funding would increase this figure to \$113,600. We are in a panic!

A quick outline of information requested:

- > loss of SS funding would result in an 8% decrease in revenues
- > program impact due to loss of SS funding:

Pre-School program eliminated

Community Education program 63% cut

Distance Education 100%

Board/Administration/Staff professional development - eliminated

Student travel - all: academic / extra-curricular drastically curtailed

special education contracted services minimized

- > Loss of teachers / staff: 1 certified FTE = 16% reduction  
.50 classified FTE (teachers aide/special education)
- > 20% increase in pupil teacher ratio
- > \$1,238 per ADM reduction

Please Note - We do not see any increase in revenue as a result of Forest Service receipts. This is a benefit to the City and used in lieu of their local contribution.

HELP - serious situation. What more can we do?

Thanks, Wanda!

# SKAGWAY CITY SCHOOL

P.O. Box 497 • Skagway, Alaska 99840 • (907) 983-2960

March 10, 1993

Senator Fred Zharoff  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Zharoff:

The Skagway City School District will be cut to the bone if CS HB 45 is passed.

Our district for years has run a tight budgeted program. At this time with the single dual site funds, we maintain one administrator and 14 teachers.

With the passage of SC HB 45, the Skagway City School District will have to cut:

- Two teachers
- Counseling program
- Star Schools (foreign language)
- Drown proofing for elementary students
- Junior high athletic program
- Cut funding to Close Up
- Class sizes increase by 15%
- We will lose 9% of our district budget

As an educator, I do not understand why the Skagway students should be held hostage to state politics.

Sincerely,

*Bill Hopkins*  
Bill Hopkins  
Superintendent

BH:dk

cc: Senate Finance Committee

Tanana, Alaska

Wednesday

March 10, 1993

Representative Irene Nicholla  
House of Representatives  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Nicholla:

I never in my wildest dreams thought I would be writing a letter such as this to you, but we urgently need your help. What the Senate Majority Caucus did today to the children of nine Alaska school districts is the legislative equivalent of child abuse and neglect. As you know, these districts are among the very poorest in the state, desperately needing single site funding, and yet, in what can only be described as the most calculated, unconscionable exhibition of transparently partisan politics, eleven senators chose to send a message to the poor and disadvantaged of Alaska that the senate was going to make sure that they got poorer; eleven senators chose to tell the children of nine districts that they didn't matter; eleven senators chose to shatter the dream of an equal education for the children of Bush Alaska; and eleven senators chose to tell the people in those communities that if their legislators were not in the majority, then the children of those communities would be made to suffer.

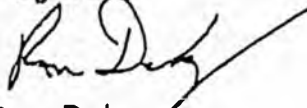
Representative Nicholla, why would these eleven senators do this to any children, much less those who are disadvantaged? Don't they realize that in many of these communities most of the children come from homes that have no running water or indoor plumbing at all, where there is not even the modicum of conveniences the majority of Alaska's children enjoy, and where the term "children at risk" means about 60% of the population? And now these eleven senators want to take away the remaining few things in which these disadvantaged children take pride? Have these eleven senators no conscience at all?

For our school district, cutting our single site appropriation means cutting \$122,400 or 10% of our entire budget. We don't have a forest to tax or an oil well; we are a poor community with no tax base. A 10% cut means we either cut teachers, about 2.5 FTE's, or we cut programs--either way, we hurt already disadvantaged kids! I'm sure you noticed how many of the single sites belonging to the eleven senators were not only funded, but also had tax bases to help with funding in the first place. These eleven senators should be ashamed!

When these senators took the oath of office to protect and defend the constitution of Alaska, it was to protect and defend it for all Alaskans, not just those in their constituency. **For these eleven senators to willfully attack defenseless children based upon who the children's legislators are, is clearly the legislative equivalent of child abuse and neglect.** Those of us in Bush Alaska will do anything we can to help you answer this abhorrent behavior which is completely unbecoming the office these eleven hold.

Finally, Representative Nicholia, please forgive me for being so blunt, but like you I cannot allow anyone to harm the children I serve or any other children in Alaska, for that matter. Isn't it sad that those eleven senators don't feel the same? Thank you for continuing to be a strong advocate for kids!

Regards,

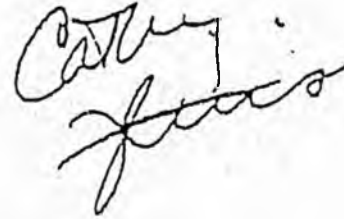


Ron DeLay  
Teacher & Superintendent  
Tanana City School

DATE: MARCH 10, 1993

TO: Senators Adams, Duncan, Donley, Ellis, Frank, Halford, Jacko, Kelly, Kortulla, Leman, Lincoln, Little, Miller, Pearce, Phillips, Rieger, Salo, Sharp, Taylor, and Zharoff

FROM: Cathy Filiris, Tanana City School  
District Board of Education President



RE: SCSCSHB45 (FIN)

Dear Senators,

As a single site district in rural Alaska, we are extremely outraged and upset by the Senate Majority's actions today in cutting our district from the single site supplemental in SCSCSHB45 (FIN) for what appears to be purely arbitrary, personal, and partisan political reasons. Essentially, you are holding our children hostage to your own internal politics with no justifiable rationale. You may have been elected from one district, but when you took the oath of office, you swore to uphold the constitution and advocate for the best interests of all the people of Alaska, especially the children.

The supplemental of \$122,000 comprises 10% of our budget. We would have to cut 2.5 FTE in our professional staff increasing not only the pupil-teacher ratio but the difficulty in providing an adequate basic K-12 education to all of our students. With no relief for reducing staff by program rather than seniority, we would have to RIF our 4th-5th grade teacher, our secondary math and science teacher, and our kindergarten teacher. At present, we now provide 6 world class years of math, language arts, and science to 100% of our secondary kids. Why would you even consider cutting back the funds for educating predominantly rural, native kids who are already disadvantaged in so many ways? We can't even make up the difference in the funding as we have very little tax base or local economy. We have already been held at the same amount of state funding since 1986 with no increases or inflation proofing and additionally, we have had to beg for the extra amount that it takes to run a small school district every year.

We urge you to set aside your petty personal politics, act responsibly for all of the children at all of the single site districts in Alaska, and pass the Single Site Supplemental funding for all of the districts.

Tanana City School District

RECEIVED MAR 10 1993

**YAKUTAT SCHOOL DISTRICT**  
CITY AND BOROUGH OF YAKUTAT

Larry Eklund Superintendent

P.O. BOX 429 • YAKUTAT, ALASKA 99629 • (907) 784-3317

March 10, 1993

Dear Senator Zharoff:

The Yakutat School District and other single site school districts have been trying to reach some equality in the foundation formula for some time. The legislature has responded favorably to this issue in the past. The Senate finance committee today dropped Galena, Hydaburg, Hoonah, Kake, Klawock, Pelican, Skagway, Tanana, as well as Yakutat from the list to receive funding for FY94. This would be tragic for our school district and the quality of education for our students.

Currently, Yakutat School District has an elementary school building and a secondary school building. This District is run by one administrator who serves as the principals and superintendent. The number of programs that we have available for our students is minimal. We have reduced operating costs by tapping into a waste heat system, reduced maintenance costs for grounds and the parking lot, not purchasing much needed equipment, and maximizing staff use. The question would be "CUT WHAT?"

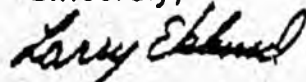
No single site supplemental funding would mean a reduction in our budget of 7%. Based on extremely conservative estimates we have had a cost of living increase of 2%. These two items combined would have a net effect of a 9% reduction in budgetary potential.

This could mean a reduction of 2 teachers, fewer supplies and materials while trying to restructure our curriculum, or reduction of support staff.

Why are we penalizing the students of the Yakutat School District by decreasing programs and opportunities to such a low level? We are supposed to be improving education, but this move would certainly not do anything for equality of education in Alaska. This money or equivalent funding is crucial to Yakutat.

If this is indeed a political game, please do not use the education of children as the pawns.

Sincerely;



Larry Eklund - supt.

**HB**

**249**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/93

FURTHER:

DATE TURNED INTO OFFICE: 5-3-93

The Finance Committee considered CS SSB 249(STA) am

"An Act reestablishing the Board of Electrical Examiners and extending the termination date of the Board of Mechanical Examiners; relating to electrical and mechanical administrators; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)  
 or  adopt previous 3 CS CS SSB 249(LTC)  
 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
DOL	5-2-93		(5.9)

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
#3 DOLabor	4-27-93		118.6

Appropriation No Fiscal Note

**DO PASS:**

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

**OTHER RECOMMENDATIONS:**

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

1. Bob Shays  
Co-Chair: Signature/Recommendation

2. Tom Kelly  
Co-Chair: Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO : SCS CSSSHB 249 (L&C)

Revision Date: \_\_\_\_\_  
 Title: Electrical/Mechanical Tradespersons  
 Sponsor: Representative G. Davis  
 Requestor: Senate Labor & Commerce

Department Affected: Labor  
 BRU: Labor Standards & Safety  
 Component: Mechanical Inspection

COMPONENT SERIAL NO. 346

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	32.7	32.7				
TRAVEL	35.2	35.2				
CONTRACTUAL	39.6	39.6				
SUPPLIES	7.6	7.6				
EQUIPMENT	3.5					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>118.6</b>	<b>115.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>	167.6 PR #1005	167.6 PR #1005				
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt	118.6	115.1				
1007 I/A Receipts						
Other						
<b>TOTAL</b>	<b>118.6</b>	<b>115.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME	1.0	1.0				
PART-TIME						
TEMPORARY						

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

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

(see attached)

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003  
 Division: Labor Standards & Safety Date: 4/27/93

Approved by Commissioner: Charles W. Mahlen  
 Agency: Department of Labor Date: 4/27/93

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Fiscal Note Analysis for  
Electrical/Mechanical Tradespersons

This bill would place responsibility with the Mechanical Inspection component of the Department of Labor for licensing, enforcement, and oversight of the Electrical Examiners Board which sunsetted June 30, 1992 and of the Mechanical Examiners Board which is due to sunset June 30, 1993.

Licenses for electrical and mechanical administrators would be issued and enforced under the department's Certificates of Fitness program. A full time position would be established to provide clerical and administrative support to the program.

A Clerk Typist III position would be established to provide clerical support necessary to the operation of the program. Duties would include: implementation of a computerized photo-identification licensing system to issue licenses and collect & maintain records of fees; issue and receive certificate of fitness application forms; assist with testing applicants; and answer routine questions from the public.

Travel funds would be required for board members to meet and to allow investigators to travel to work sites to investigate alleged violations. Also included is funding for a Hearing Officer to travel between Juneau, Anchorage, and Fairbanks to conduct hearings and appeals.

Additional contractual and commodity expenses would also be incurred by the position for phones, space, vehicle lease, office supplies, and other normal position costs. In addition funds for program costs such as mass mailings to licensees, forms production and mailing, third party testing services, and legal support have been included. Also, one time contractual funding for computer programming to integrate the licensing functions into the departments licensing system is also required.

Equipment needed would be a personal computer, telephone, desk, and chair. This would be a one time cost.

Revenue from testing and licensing is expected to fund these program costs. The revenue estimates are:

	<u>per year</u>
Electrical Administrators - 616 licenses x \$250.00 biennial fee =	\$77,000
Mechanical Administrators - 605 licenses x \$250.00 biennial fee =	\$75,625
Examination - 150 applications x 2 categories x \$50.00 fee =	\$15,000

Total estimated revenue = \$167,625.00

An immediate effective date is assumed.

Position Title <b>Clerk Typist III</b>		No. of Positions <b>1</b>	Range/Step <b>8 A</b>	Barg. Unit <b>GGU</b>
Time Status <b>Full Time</b>	Staff Months <b>12</b>	Location <b>Anchorage</b>		Election District <b>7</b>
Type of Expenditure		Amount		
Salary	<b>\$21,996</b>	Justification  <p>This position will provide clerical and administrative support necessary to the operation of the program. Duties will include: collect and maintain records of fees; issue and receive application forms; issuing licenses; and answer routine questions from the public.</p> <p>Contractual costs include postage, phone, space rent, and other per employee costs.</p> <p>Commodities cover normal office supplies for this position.</p> <p>Equipment is for a personal computer, desk and chair and is a one time cost.</p>		
Benefits	<b>10,679</b>			
Premium Pay				
Other				
Total Personal Services		<b>\$32,675</b>		
Travel				
Contractual		<b>2,000</b>		
Commodities		<b>500</b>		
Equipment		<b>3,500</b>		
Other				
Total Cost		<b>\$38,675</b>		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1007			
GF Program Receipts	1005	<b>38,675</b>		
Other				

**Request For  
New Position**

Agency Labor  
BRU Labor Standards & Safety  
Component Mechanical Inspection

Page 3 of 3  
Revised Date

**FY 94**

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SCSHCS HB 249

Revision Date: \_\_\_\_\_  
Title: An Act relating to persons whose occupations involve  
electrical or mechanical . . .  
Sponsor: Representative G. Davis  
Requestor: House Labor & Commerce

Department Affected: Commerce and Economic Development  
BRU: Occupational Licensing  
Component: Operations  
COMPONENT SERIAL NO. 1844

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL	(3.9)					
CONTRACTUAL	(2.0)					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	(5.9)	0	0	0	0	0

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

REVENUE FUND SOURCE:	(67.0)	0	0	0	0	0
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	(5.9)					
1006 GF/MHTIA						
OTHER						
TOTAL	(5.9)	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY 95) impact: None

ANALYSIS: (Attach a separate page if necessary.) SCSHCS HB 249 repeals AS 08.40 pertaining to the licensing of electrical and mechanical administrators, and creates certification for these professions under the Certificate of Fitness program in the Department of Labor. Funding of \$5.9 GF/PR was authorized with creation of licensing for mechanical administrators. This fiscal note addresses the reduction of that authorization. Presently, there is no licensing program in existence for electrical administrators.

Prepared by: Jennifer Strickler, Administrative Officer  
Division: Occupational Licensing

Phone: 465-2144  
Date: 5/2/93

Approved by Commissioner: Paul Fuhs  
Agency: Commerce and Economic Development

Date: 5/2/93

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