

ALASKA LEGISLATURE

2529

HOUSE and SENATE FINANCE COMMITTEE FILES, 2003-2004

Thanks for your support of education and youth in the State of Alaska.

Respectfully and with kind regards,

Allan

J. Allan MacKinnon

life long Alaskan

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Subject: [Fwd: HB174-Proposed Closure of Correspondence]

Date: Thu, 03 Apr 2003 11:45:24 -0900

From: Bruce Weyhrauch <Representative_Bruce_Weyhrauch@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Ginny Austerman <Ginny_Austerman@legis.state.ak.us>

bill file please

Subject: HB174-Proposed Closure of Correspondence

Date: Thu, 3 Apr 2003 11:18:40 -0800

From: "Malmberg, Tatiana" <TMalmberg@wii.com>

To: "representative_bruce_veyhrauch@legis.state.ak.us" <representative_bruce_veyhrauch@legis.s
"representative_jim_holm@legis.state.ak.us" <representative_jim_holm@legis.state.ak.us>,
"representative_nancy_dahlstrom@legis.state.ak.us" <representative_nancy_dahlstrom@legis.st
"representative_bob_lynn@legis.state.ak.us" <representative_bob_lynn@legis.state.ak.us>,
"representative_paul_seaton@legis.state.ak.us" <representative_paul_seaton@legis.state.ak.us>,
"representative_ethan_berkowitz@legis.state.ak.us" <representative_ethan_berkowitz@legis.sta
"representative_max_gruenberg@legis.state.ak.us" <representative_max_gruenberg@legis.state

Dear House Committee on State Affairs:

It has come to my attention that the State of Alaska is seriously considering closing down the State's centralized correspondence program (Alyeska Central School) in order to remove the costs of what has been cited as "duplicative services" provided by district programs. I understand that this House Bill was recently referred to your committee.

As a former ACS student I am vehemently opposed to this legislation. I grew up on a remote homestead on Kodiak Island and was enrolled in ACS from the first grade through the ninth grade. I am now a college graduate and employed as a Senior Business Analyst in Portland, Oregon for one of the largest wood products companies in the world.

I know first hand the quality of education that ACS delivers and find it hard to believe that the State of Alaska is actually considering removing ACS as an option. ACS' services are far superior and certainly not "duplicative" of those services delivered by district correspondence programs. This is because ACS services have teachers accredited at every single grade level instead of the district programs which tend to have only a few teachers to administer curricula across several students and multiple grade levels. Additionally, ACS updates and develops their educational materials so that they are continuously delivering high quality educational services to their rural students. In fact, if I remember correctly, the district programs often utilize materials and lesson plans developed by ACS in their own programs.

Leaving correspondence to the district level is a horrific idea and will only result in chaos and a lower quality of education because there will be fewer teachers and less of a commitment to the districts rural students. Additionally it will be impossible to continuously update and develop new material with a smaller staff that is not trained and accredited at every grade for which they are responsible.

Please prevent this legislation from becoming law, thereby removing a

dependable and high quality educational choice
that currently exists for the State's rural residents.

Sincerely,

Tatiana Malmberg

Senior Analyst
Weyerhaeuser Company
Portland, OR
(503) 412-2043
Fax: (503) 273-5602

HB 174



Alaska State Legislature

**TESTIMONY AGAINST HB174: Closure of Alyeska Central School
House State Affairs Committee Hearing 4/8/03**

Please en
committe

ACS can provide high school programs for teacher aides, who need to become highly qualified under NCLB, which other correspondence programs cannot provide. DO NOT close Alyeska Central School. Only ACS has a faculty of teachers, who are already "highly qualified under No Child Left Behind (NCLB). Show our children that their future is a worthy investment and quality counts, School. ACS provides a quality program with accountability for students and parents, which other programs in the state could not match.

ACS provides for special needs students in a way that other correspondence schools can not do. In 1997 my daughter, who had just completed her sophomore year in our district's gifted and talented program, was in a near-fatal 4-wheeler accident, resulting in a severe traumatic brain injury that had damaged EVERY lobe of her brain. She suffered complete amnesia, with no memory of herself, her family, or the content of all the advanced coursework she had already completed at school. She spent three months in Providence Hospital in Anchorage where we began her arduous journey to regain HER life as she had known it. An advanced math student before was then learning addition and subtraction all over again. We had to take every subject and her music, learning them all over from the beginning and proceeding through them, step-by-step. ACS helped us do that providing her with the coursework for two basic science classes. She had scored in the 99%ile in both math and science prior to the accident! The quality hands-on materials they sent and quality lessons allowed her to regain her ability to return to Delta Junction High School, earning her diploma in 1999 and to go on to New York University as a Freshman the next Fall. This same young lady was honored by your Twentieth Alaska State Legislature as the grand prize winner of the Alaska Association of Bilingual Education Essay Contest! Without the quality materials and excellent staff support from ACS, this success story may not have had as happy an ending. Save a program that has been an Alaska success story for over 60 years! Please vote NO on HB174! Show our children that their future is a worthy investment. DO NOT close Alyeska Central School.

Signed:

**Jackie Nelson, President, Delta-Greely Education Support Personnel Assoc. DGESPA
Mother of 3
HC 60 Box 4180, Delta Junction, AK 99737
(907) 895-4217 <jackie@wildak.net>**

Alyeska CG

Subject: RE: HB 174, Correspondence Study

Date: Mon, 10 Mar 2003 22:50:26 -0900

From: Doris Robbins <d Robbins@gci.net>

To: Representative_Carl_Gatto@legis.state.ak.us, Representative_Paul_Seaton@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us,
Representative_Peggy_Wilson@legis.state.ak.us,
Representative_Les_Gara@legis.state.ak.us, Representative_Kelly_Wolf@legis.state.ak.us,
Representative_Mary_Kapsner@legis.state.ak.us,
Representative_Beth_Kerttula <Representative_Beth_Kerttula@legis.state.ak.us>,
Senator_Kim_Elton <Senator_Kim_Elton@legis.state.ak.us>,
Senator_Bruce_Weyhrauch <Representative_Bruce_Weyhrauch@legis.state.ak.us>

Representatives,

Did you know that Alyeska Central Correspondence is the only Alaska public school that meets the "Leave no child behind" standards? The school serves more than 1,000 students across the State from offices in the Goldbelt Building in Juneau. No extra rooms for students or desks, it is very economical. Reviewing the "Report Card for schools" on the State EED web site, it is the only correspondence program in Alaska that I could find which is accredited. Having used the school one year for my own children, I know first hand of the excellent work they do.

Also, study materials for correspondence are different than regular face-to-face lesson materials. Since it means running a separate program for correspondence students, I don't see how extra programs can be run from individual schools across the State and be economical or quality programs.

Alyeska reaches students by mail, telephone, and internet. They also have several on line classes for high school students. Teachers regularly communicate with students and parents and are available for help with homework. After learning about the plans for closing the school, I emailed some of the teachers last Sunday, expecting an answer no earlier than Monday. To my surprise, some of them were at work on Sunday and I received both a call and an email response.

Before this school is dismantled without knowing the facts, just to make an arbitrary cut in expenses, make sure you check it out. You may find that it is the best bargain around, and a role model for all of our schools. You don't have too far to go if you wanted to investigate it first hand.

Thank you for your consideration,

Doris Robbins
PO Box 21011
Juneau, AK 99802
(907) 364-3267

MAR 19 2003

Wolcott Family
5639 Fenwick Circle
Anchorage, Alaska 99516
907-346-2962 hm
907-346-3962 fx

To: Senator Davis, Senator Dyson, Senator Green, Senator Guess, Senator Wilken, Representative Coghill, Representative Cissna, Representative Gara, Representative Gatto, Representative Heinze, Representative Kapsner, Representative Seaton, Representative Wilson, Representative Wolf, Representative Rokeberg.

Thank you for the opportunity to testify yesterday (March 18, 2003). I have been listening to testimonies from different perspectives since testimonies began. What I got out of yesterday's meeting was that you are in need of more financial information and requested copies of our testimonies. In my research the attached is the most informative information I have seen. Currently, we are working on the comparisons of other programs to ACS, upon completion we will forward on to you. We are still waiting for several schools to call us back. We began this mission March 5th, 2003 (10 working days). What will our children do with this return phone call time frame? Please SAVE Alyeska Central School (ASC) Home School Program.

My testimony:

My name is Kym Wolcott. We are an Alaskan family born & raised. Currently we have two children enrolled in ACS, 7th and 8th grade.

Our experience with our local schools was a night mare. We were told on several occasions that they did not have time for our children due to the overcrowding and lack of staff (budget cuts). Upon repeated messages such as this, we started researching other options for our children's education. We found ACS to be the best resource for our family. Our family business takes us to many areas in Alaska. ACS allows our family the opportunity to be together and at the same time contribute to their education to the highest quality. At the time they were in the local school system they were receiving middle to low grades. Now due to ACS's quality education program they are receiving top notch grades.

On Saturday at the Anchorage Town Hall Meeting the Anchorage School District representatives were crying over lack of funding and additional budget cuts. Sending our children to Anchorage School District is not going to save the state money. Seems to us you would just be shifting the problem, not solving the problem.

The children actually enjoy learning now. These children are our future for Alaska. Please don't undermine this already effective educational opportunity. Let there be no child left behind. Please do not get rid of the ACS family.

1 of 4

1 OF 3

To: The Hess Committee

Reference: Request for Copy of Testimony and Questions sent to other 11 options mentioned in previous meetings.

Hi my name is Ryan Wolcott.

I am a 12 year old 7th grade student at Alyeska Central School along with my brother.

Our family business takes us to different places in Alaska.

ACS provides flexibility.

Prior to the possible closure of ACS my plan was to finish 7th grade in April and move right on to the next grade, completing the 8th grade by the end of summer or shortly they're after.

We contacted the Alaska Department of Education for the other 11 options mentioned in the other meetings.

March 20th we started making an email full of questions. Instantly upon emailing the 11, 6 were returned undeliverable. We had to call & get the correct email addresses. Then we tried again. As of today we have only received 3 responses.

1 answered our questions.

2 would not answer our questions and referred us to their web site.

This is very scary to think about. If we don't have support now what support will we have if ACS is no longer here for us?

No other program compares from my view.

Please save ACS!!!!

Thank you for the opportunity to testify.

2 of 3

* AS OF 3/30/03 no response
Kym Wolcot obviously they will not answer

From: Kym Wolcot [simplythebest@alaska.com]
Sent: Thursday, March 20, 2003 5:54 P.
To: 'Steven D. Musser'

2nd Attempt

Subject: RE: Information needed to choose a new school program for our children dueto ASC possible closure.
Please review our questions below. I don't want to waste your time or ours if this is not the program for us. This will help us in our search and narrow our choices. Upon narrowing our choices we will set up an appointment for further information &/or visits.

Thank you for your efforts,
Kym Wolcott

(907) 336-2378
5639 Fenwick Circle
Anchorage, Alaska 99516
simplythebest@alaska.com

IDEA Program Response

-----Original Message-----

From: Steven D. Musser [mailto:stevedm@ideafamilies.org]
Sent: Thursday, March 20, 2003 5:23 PM
To: Kym Wolcot
Subject: Re: Information needed to choose a new school program for our children dueto ASC possible closure.

Good Afternoon Kym,

My name is Steven D. Musser. I am the Director of the IDEA program and my office is located in Anchorage at 5600 "B" street. The building is on the corner of Potter & "C" Street and the local phone number is 562-4332.

With the expected closing of the Alyeska program I can understand your concern and I commend you in your search for a program to continue the education of your children. IDEA is a homeschool support program where we recognize the parent as the primary educator of their child. This past year our enrollment was at 3600 and we are here to stay. We are accredited through the Northwest Association of Schools and Colleges.

At the present time we are in the process of designing a program that would allow students from Alyeska to be part of IDEA. We do not see any challenges with this and I would highly recommend that you come over to our office for a visit. I am always available to meet with parents and I would be happy to show and talk with about our program and what we could do to help.

Steve

Kym Wolcot wrote:

As you are probably aware it is very possible that AlyeskaCentralSchool program will be closing as of June 30, 2003. Our children are currently finishing up the school year and would like to continue on with their education. If our school should close we are looking for a possible new program in the immediate future. Please let us know the following information at your earliest convenience.

What are your????Do you have:?????
Enrollment Requirements?

Teachers for every student per subject?

Direct/Immediate phone support for children and parents? Call back time?

Do you have Daily Road Map/Lesson Plans?

!!
LIST OF QUESTIONS !!

As you are probably aware it is very possible that Alyeska Central School program will be closing as of June 30, 2003. Our children are currently finishing up the school year and would like to continue on with their education. If our school should close we are looking for a possible new program in the immediate future. Please let us know the following information at your earliest convenience.

What are your????? Do you have???????

Enrollment Requirements?

Teachers for every student per subject?

Direct/Immediate phone support for children and parents? Call back time?

How are your daily lessons structured? Do you have Daily Road Map/Lesson Plans?

Library and Librarian?

Full Accreditation?

What type or vendor do you use for your curriculum?

What grades do you serve?

Dual enrollment?

Advanced courses available? Accredited?

Summer School Program? Accredited?

Parent Advisor Council?

Specialized Alaskan Courses?

Newsletter?

Online courses only?

Other Foreign languages – other than Spanish and French?

Services provided to special needs?

Webb site?

Gradebook access for parents and students?

Immediate teacher access via email?

Library access?

Links to additional educational Webb Sites?

State and Parent cost per student?

Extra curriculum activities?

Can you handle a surplus of applications?

Total teachers?

Total staff?

Are you in jeopardy of being closed in the near future?

Why should we choose your program over the others available?

Your help is greatly appreciated; this is a very big decision. We appreciate your immediate response.

Thanking you in advance,

Kym Wolcott

(907) 336-2379

5639 Fenwick Circle

Anchorage, Alaska 99516

simplythebest@alaska.com

3 of 3

In closing, I ask that you please carefully consider the proposed legislation and do your part in preventing it from becoming law. If you would like to discuss anything with me personally, please feel free to contact me at the information above or at the offices of Quinn Emanuel Urquhart Oliver & Hedges, LLP, (213) 443-3183 (direct line).

Sincerely,

A handwritten signature in cursive script, appearing to read "Mieke K. Malmberg".

Mieke K. Malmberg, Esq.

cc: Grace R. Malmberg, home teacher

Paula A. Williams
P.O. Box 770190
Eagle River, AK 99577

POSTAGE PAID

March 27, 2003

To: The Honorable John Harris
The Honorable Kevin Meyer
The Honorable Mike Hawker
The Honorable Bill Stoltze
The Honorable Eric Croft

~~The Honorable Bill Williams~~
The Honorable Richard Foster
The Honorable Mike Chenault
The Honorable Jim Whitaker

Let's close Harvard, or how about Princeton or West Point? They've been around for over 100 years. Since these institutions have been around for so long in the words of some they must be "obsolete, outdated, and a duplication of services". Alyeska Central School (ACS), the only state mandated homeschool program has been an institution in Alaska since 1939. ACS has graduated thousand of bush, rural, and more recently "city" kids. During the past 64 years ACS HAS changed with the times and needs of its students.

In the "old days" teachers visited students at their home, whether that required flying into the bush, taking a boat, or driving. Now, the students are serviced by e-mail, telephone, and thankfully, for those of us who live in the bush and have no "web" access, by "snail mail". ACS spearheaded a consortium of Alaska schools to offer on-line courses, and have 18 courses available on-line at this time, with more being developed.

ACS has taught students who have gone on to compete in the Olympics, received full scholarships to schools like Stanford, Harvard, Reid, and CA Polytech. This legacy of excellence continues at ACS in part because of the families who chose the high standards and reliability that ACS offers, and the staff and teachers who deliver this excellent educational opportunity.

Closing ACS will NOT save the state money. In fact, it will COST more money if ACS's 1,100 students lose their school of choice. Simplistically, each school in Alaska is given money from the state and federal government, the "Foundation Formula" for each student. Alyeska, along with all other correspondence programs, receive only 80% of those funds, compared to 100% funding for "brick & mortar" schools. When all of ACS students, some of them we have to assume will go to brick & mortar schools, leave ACS, those funds go with them. The money will still be spent, in some cases more money, still have to allocated for, but in this political shell game, not in one entity, ACS.

The Federal "No Child Left Behind" program, which requires that all teachers in about 12 core subjects have to be certified AND highly qualified in subject and content area in the developmental ages they are teaching goes into effect by 2005-2006 school year. At this point, in all correspondence schools, only ACS can meet those requirements. What will it cost our children and the people of the state when the other correspondence schools are threatened by closure by not being able to qualify?

What else will the state and these students lose with this closure? An extensive library, built up over the years where students without resources, or those who

have the need, can request books, newspaper articles, and web site information, will be shut down.

Alaska will lose the only state mandated correspondence program, which up until the threat of House Bill 174 and Senate Bill 107, has assured ALL Alaskan families there will always be a correspondence for those who need it, or chose it. One item on the long list of reasons many families chose ACS is this mandate. There have been many correspondence programs developed over the past few years, and we support their right to exist, they have grown out of the needs of different families needs and desires for teaching their students. But, if these other programs are not profitable, or for any other reason they see fit, they can choose to close at any time. (These programs will also lose the resource of purchasing ACS courses for their students.) ACS, and its state mandate assures the unique population of Alaska a quality education.

Alaska, our present and future students, will lose the only correspondence program where the teachers have written and developed the courses. ACS's courses are written for the Alaska home student. Most correspondence courses offer courses written and developed for classroom study, and definitely not with the quality, depth and consistency ACS teachers have built into their program. Because many of ACS's teachers have worked with correspondence students for so many years they have the expertise, understanding, and guidance to give families who need this support. These services and depth of understanding are especially appreciated by families who are new to correspondence schooling. Why would we ask another homeschool program to develop programs "like Alyeska's" when we already have the best?

According to the state's web site, Alaska will lose the only accredited correspondence program in the state. This accreditation is another on the list of many family's reasons for choosing ACS, and is a very valuable asset when these students apply for the college of their choice. Close ACS and you will create an unequal educational opportunities to those of us who live in the bush and do not have the choice of an accredited "brick & mortar" school.

Alaska and ALL its high school students will lose the only state run summer school program. This program was developed, not out of the exclusive need of ACS students, but out of the servicing of all Alaska students. This summer program is available to all Alaska students who, for one reason or another, need to make-up, or gain credits to be able to graduate. Last year 3,450 students from across the state took advantage of this program. Losing this program means many, many students will spend another semester at high school to make up a credit or two to graduate. At what cost to the state? At what cost to the student? Calculate the cost to a student and to the state, when the student, not having this option, chooses instead to just drop out.

Many ACS families have tried other programs in state, and out. Some families choose, for the individual needs of their children, to have their students in different correspondence programs. ACS families choose this school because it meets the needs of their students like no other school can.

My personal story is this. For the past 10 years my family of 6 have lived in a log cabin 40 miles away from the nearest road, store, school, or power supply; our nearest neighbor is 20 miles away. When my husband retired after 20 years in the Army we moved here to raise our children and run a small Alaskan family lodge, which our children play an active role in. After 2 years of trying other homeschools we found

Alyeska, and have been with them ever since. We have graduated our oldest, our daughter; our 3 boys, all in high school, because they have great aspirations for college, do not believe that at this time any of the current homeschool choices can give them the accreditation they need. So, they feel their only option is Nenana Student Living Center or Mt. Edgecomb. The cost for our family in not only losing our 3 children prematurely, but also losing their active participation in running our family business. The cost to the state is the difference -- per child- of Alyeska's formula of \$3,800 per child and Nenana or Mt. Edgecomb's \$15,000. **I ask again, WHY, if this is not a money saving move for Alaska - WHY is Alyeska Central School being taken away from our children?**

Respectfully,


Paula A. Williams

Paula A. Williams
P.O. Box 770190
Eagle River, AK 99577
(907)748-4141
March 28, 2003

To: The Honorable John Harris
The Honorable Kevin Meyer
The Honorable Mike Hawker
The Honorable Bill Stoltze
The Honorable Eric Croft
The Honorable Lyda Green
The Honorable Bettye Davis
The Honorable Con Bunde
The Honorable Ben Stevens
The Honorable Donny Olsen

The Honorable Bill Williams
The Honorable Richard Foster
The Honorable Mike Chenault
The Honorable Jim Whitaker
The Honorable Fred Dyson
The Honorable Gary Wilken
The Honorable Gretchen Guess
The Honorable Robin Taylor
The Honorable Lyman Hoffman

Action: House Hess Committee passed Bill 174 on to Finance Committee

Reaction:

I am frustrated and offended. I have listened to over 5 hours of testimony from parents, educators, and students across the state who oppose HB 174/SB107. Many of these people have spent countless hours writing letters, testifying, sitting in on house meetings, and making phone calls to "gather the troops". Some of us have never had the experience – or so strong a reason – to join a fight like this. A fight that I am beginning to believe was lost from the start.

We have given argument after argument against this bill; from excellence of the school to the fact that there are NO accredited correspondence choices other than Alyeska Central School (ACS), to the fact that this is NOT a money saving move for the state. The ONLY money saving part of this bill is closure of the summer school. So close the summer school and save 1.2 million; but, you DO NOT HAVE TO CLOSE ACS as a whole to do that. Realize, though, that for 3,450 students across the state last year ACS's summer school was their ONLY option. You are not just saving 1.2 million; you are closing the door to needy students around the state who need this option to graduate. You are also shutting out opportunities for students looking to accelerate their education. (In these instances, because they graduate early, these students are just using their allocated Foundation Formula funding in the summer and not "costing" the state extra money.)

I cannot believe that contentious, thinking people would pass HB174/SB107! I wonder if you had children who needed to take summer school, or who used ACS's year-round program how you would vote.

It has been said by Eddie James from DOE "This is not just about the money, it is a policy decision." If it is NOT about the money – then get it out of the Budget and take some time to look at this issue! How can you in all good conscience close a state mandated school with such history, excellence, and support in a few months – leaving all of its students floundering? Instead we hear comments like "If they are so interested in accreditation let them go to their local school district", this from another DOE representative. WHAT?

Why, if accreditation is NOT important for our students is it so important for the "brick&mortar" schools across the state AND so important that the rest of the country base their standards of excellence on it?

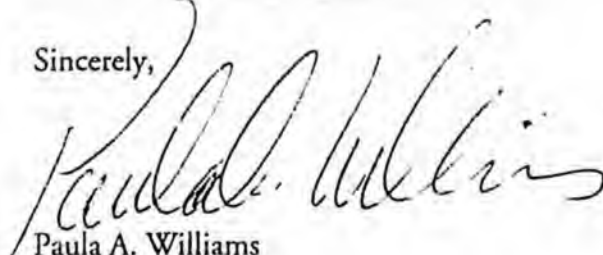
ACS was started before most of us were born; to service the needs of people like my family who live in the bush. We have no local schools. To receive accreditation that according to the rest of the United States my children REQUIRE for college, they will have to go to boarding schools – leaving our home – and our family run business. The need is still here, we are still here, we STILL need ACS.

And for all of our hearfelt arguments we get questions from committee members like "what do the teachers do between your phone calls?" This directed to a student who had just testified of spending hours a week on the phone to ACS teachers who helped her turn her high school career around. From ACS she received a level of caring, concern, and support she had not experienced her local school. We ~~hear~~ "We'll have other correspondence schools develop programs like these." WHY?? These programs are already in place, at no "loss" of money to the state – in ACS! Why should other correspondence schools change their curriculum? Obviously, it doesn't matter if they are accredited! A number of people feel some correspondence schools around the state exist to make their local school districts money – if they don't do that – they will cease to exist. They will not enroll students who come to them in the middle of the school year for courses – without cost, nor will they enroll part-time students. These are not lucrative deals for them, and since they have no mandate, they have no need to service these students. Teaching and educating our students should not be about making money. Just as HB174/SB107 is NOT about saving the state money.

We are all constituents. So are the 1,100 young people in this school; as the summer school students are, as their parents are, as are thousands of students and families who want to choose ACS next year and the year after and the year after that. I don't know how or when this bill was started – or should I say mandated – or by whom. I suggest ACS is a pawn in a political game. I am disgusted that people we chose to "represent" us are doing exactly the opposite.

Pass this bill and not only are you sending a loud and clear message to your constituents – "We don't care what the facts say or what you want us to do, we will do what we want", you are also choosing to follow a political agenda which will weaken our state's education system, hurt many young people and families AND work strongly in contrary to the federal ideal – No Child Left Behind!

Sincerely,



Paula A. Williams

P.O. Box 210672
Auke Bay, AK 99821
March 31, 2003

The Honorable Bill Williams
House of Representatives
Alaska State Capitol, Room 515
Juneau, AK 99801-1182

Dear Representative Williams,

My family is very distressed about the proposed closing of Alyeska Central School (House Bill 174) as it is our children's only educational option. We live on Shelter Island. Although our home is within the limits of the City and Borough of Juneau, we have no access to regular public school. We have schooled our children successfully for 5 years with the guidance of Alyeska Central School.

Alyeska Central School (ACS) is not a duplication of services by any other correspondence program offered in the state of Alaska. If any programs are redundant, they are the new (within the last 5 years) correspondence programs that have sprung up around the state. They offer no accreditation and less experience in the field.

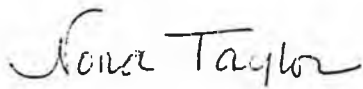
ACS is a unique educational resource and the best one offered to students in remote locations when no other school is available. No other program offers my children what ACS does. ACS offers Accreditation, Certified Teachers, and Curriculum written by Alaskan teachers for Alaskan students. It provides Lesson Plans, Teacher Support and Assessment for all its courses. The school offers an open schedule and a summer school, which allows our family to stay together and continue with our livelihood on Shelter Island. The school has a complete library that is connected to the Capital City Libraries of Juneau. This library is essential for research and providing a print rich environment for our children. Our children do not have Internet access for school use. Alyeska Central School also offers our children activities, such as the Battle of the Books and Geography Bee, which enable them to compete and engage with other children around the state and around the country. To children schooled in remote areas of Alaska this is invaluable.

The State of Alaska will not save money by closing ACS; to the contrary, more money will be required in the future to reinstate a program equal to the ability of ACS in order to ensure that no child is left behind. This school is mandated by the State of Alaska and rightly so. It exemplifies all that we in Alaska want for our children's education; outstanding curriculum, certified and caring teachers, home teacher support, student assessment and parental/home teacher involvement while understanding the needs of families living in remote areas of Alaska.

Home teaching is an awesome responsibility. It is a job I do not take lightly. My children's education by correspondence requires the dedication and the discipline of my entire family. I rely on the support and assessment by ACS to successfully school my children, and I will demand that an equal opportunity is made available to them should ACS be discontinued.

Please do not support this bill. Instead, support legislation that requires other distance education alternatives be brought to accreditation standards, and to provide support for the families using them. Give families a quality choice, by supporting ACS under the leadership of the new Administration.

Sincerely,

A handwritten signature in cursive script that reads "Nora Taylor". The signature is written in dark ink and is positioned above the printed name.

Nora Taylor

>530 E 46th Pl
>Anchorage AK, 99503
>907-563-5759

>
>03/21/03

>
>Dear Honorable Committee Members,

>
> On March 27th you will hold our hearts, our spirits, and our futures
>in your hands.

>We come to you as a family who has been enrolled at Alyeska Central
>School for three years. "When the Governor proposed closing our school as a
>cost savings measure on March 5th, we were in our second day of testing for the
>High School Qualifying Exit Exam, the Benchmarks, and the Terra Nova.
>Usually this is a fun time for all of us as we enjoy challenging ourselves
>academically, but this year was a different story. Although our parents and
>staff members tried to keep this news from us so it wouldn't affect us, as
>we pulled from the busing site, the word quickly spread and a cloud of doom
>fell over us all." Although I passed my HSQEE last year (on my first try),
>my brother Sean still had to take his Benchmarks, so the above quote is
>from him.

> We have attended the three meetings by the House of Education
>committee that sent their agenda for your consideration on March 27th. We went
>downtown to our legislative office and testified and listened to the
>countless testimony given by the students, parents, alumni, counselors, and
>teachers, that was offered to the House of Education committee on March 11,
>13, and the 18th. We were shocked that the proposition was passed on to
>your committee, as there was overwhelming testimony about the academic
>opportunities offered through ACS. One school counselor from Wrangell
>testified that he uses programs from ACS and that they are a vital part of
>their curriculum, he testified our school was a valuable tool for him as it
>saved "at risk children" and one's with special needs. Rick Currier has
>submitted a three page cost spread sheet (attached) supporting the proof
>that ACS is saving our state money and if your committee and our
>legislatures, or our Governor, close our school it will only be a burden on
>the state to place our children in any other hands.

>My Grandmother (home teacher) has called nine other correspondence
>sources and testified on March 13th, her findings: No other correspondence
>sources can match those available at ACS. Countless testimony from others
>supported those findings.

>ACS not only offers classes that other schools do not, but they offer
>more classes. An example of this is: in most schools, even those who pride
>themselves in offering many different World Language classes, do not offer
>more than two to five different choices. ACS offers over 20 different
>classes in 7 languages, including Spanish, Japanese, German, Norwegian,
>Russian, French, and Latin. That is an amazing variety, which you don't see
>very often, that I have never seen before. Students who learn these
>languages will benefit our future state economy, because they will be able
>to be that much more successful in whatever occupation that they choose
>when they get older.

>So remember when you vote on this bill that you are holding not only
>our futures in your hands, but you are also holding the future of Alaska.
>Vote no on bill 174

>Sincerely yours,
>Haylie Ruddell (ACS Student for 3 years)
>Sean Ruddell (ACS Student for 2 years)
>Victoria Martin (ACS Home Teacher for 3 years)

.. Kari Lott - I was a little upset that you would
adjust in the middle of my 3 minutes. Would it
have hurt anyone to wait 1-1/2 min?? after I waited
4 hrs on the phone... I was forced to skip much so
I hope you will read this thru for what I was
unable to say.

* Please make copies for the other committee members
testimony before House Education Committee 2/13/03

MAR 19 2003

to Chairman

My name is Nancy Richard. I live in... my son attended Haysville
High School. He graduated in 1998 and immediately entered a
school of fisheries.

Speaking from experience I can honestly say Haysville has a
program that goes beyond other schools that leads to cooperation,
self-wisdom in education by correspondence course from 10 years
of experience...

My son had not graduated by June 2000, I don't know what
he would have done... was about the students who will not
graduate till July and August with college plans set before.

His has survived and thrived since 1967 because they have
the unique background, skill and knowledge to adapt to each
student's individual needs through hands-on learning
experience, that in turn gives them students the necessary
tools, education and vital skills required to enter and succeed
in college. They write their own courses supplemented by text
books as there are none, use all math, written for
correspondence and have received awards for them. They have
the unique ability to write courses that enable some teachers to
integrate students from several grade levels into one class.

They have science programs developed to address the needs
of all of Haysville unique lifestyle as a student on a
fishing boat, a trapping, living subsistence, fishing, hunting,

urban, traveling or overladen.

My son was obsessed with marine life since age 6. Working with the school we developed marine life courses for him through 6th grade... one has become a permanent course. In high school they found him an out of state oceanography course.

This past summer he was accepted into the Rural Hawaii Honors Institute at UH where he completed a full semester of 3 regular courses in 6 weeks, earning 6 college credits, with a 3.80 GPA. The learning skills he gained at UH were really put to the test.

He is currently a straight A student at UH and has been allowed to take a post graduate course in marine research as a freshman because of the strong background they helped him to build.....

He is not unique. I attended the past 4 Academic Decadations and saw the brilliant, teams they build each year. In 2001, a student from a small island in southeast, won 7 medals and was later offered a full scholarship to Stanford. They also won the Super Quiz, their main event, over all 30 schools competing and took 2nd place in the large school div, competing against all the largest schools in Hawaii. In 2002 they again took 2nd place for large schools, winning and by only a few points coming close to being runner up for National competition. The team also won numerous medals. The following year won 6 gold medals and a silver. We had, and hope to have, high hopes for them for next year. Their opportunity starts in 7th grade. This kind of achievement is a direct reflection of the

school, and it's teachers. Bur-Valley has been the only Navaho school attending .

I have known parents who left HLB for Calvert or Borough programs because they were not so demanding, and rigorous.

Parents and students continue to choose HLB because of its academic excellence. I cannot emphasize this enough. They deserve to continue to have this option. You cannot say you value a good education for HLL or Navaho children and then close the door on a program like this. Many rural and remote students will literally be left behind.

Schools statewide can purchase courses from HLB to replace ones hit by budget cuts. One more valuable service to the state.

Navaho is a priceless treasure that deserves to be appreciated, respected and conscious to be maintained by State LHM. In ending I can only say

my use

how can it be that budgets are balanced
on the backs of children and the elderly
those no were our beginning and those
who are our future

in, 200

how do you make children understand
that their school is irrelevant,
and their education is only equated

in dollars.

My God

How can they say that a school
older than the state itself
that is the embodiment of the old saying
"Age is Wisdom" faces extinction

My God

What kind of future can we hope to have
when we are so blind
to the precious gifts we have
and hold in our hands

We need your help Lord
amen.

Mary Alice McKeen
212 West 9th Street
Juneau, Alaska 99801
March 17, 2003

Representative Carl Gatto
Chair, Special Committee on Education
Re: House Bill 174 *via fax 465-2381*

Dear Representative Gatto,

I have two children currently in the Alaska schools and one who graduated last year. My daughter who graduated last year graduated from Alyeska Central Correspondence School. I think correspondence school is a valuable option for parents to have. It is different from support for parents who are home schooling their children, which I have also done. Therefore, I hope your Committee takes a hard look at House Bill 174. I think the State should not lose the correspondence option for parents and students in this State.

Thank you for your and the Committee's work.

Sincerely,

Mary Alice McKeen
Mary Alice McKeen

Please distribute to the other Committee members. Thanks.

TO: State of Alaska
House Education Services Committee
ATTN: Representative Peggy Wilson, Chair

March 14, 2003

FROM: Phoebe Blackwell
Yukon Island
PO Box 2454
Homer, AK 99603

NOTE: I would like this testimony entered into public record.

I am the mother of a 15-year-old Autistic child (Asperger's Syndrome) who is enrolled in Alyeska Central School (ACS). We recently received notice that there is a proposal to close ACS. We are frankly horrified. Our son was enrolled at the beginning of this school year in ACS and for the first time in his life is on grade level in his schooling and achieving a B+ average. This would not be possible without ACS. In addition, due to other health issues in our family we travel to and from Alaska and the only way his schooling is still accommodated is through ACS.

My husband and I have five children. Within Alaskan schools our score is 1 success, 4 failures. Our oldest daughter did fine in the Anchorage School District. The next 4 kids (all boys) have the following record: Our 25 year old ended up in SAVE, our 22 year old made it with a 3.8 gpa to his senior year then barely graduated. Our 18 year old got a GED from the Alaska Military Youth Academy. The last of the four is our 15 year old. Not a great average!

The teachers and counselors at ACS have been wonderful. This is one of the most beneficial programs in Alaska, I myself was homeschooled on Yukon Island in Kachemak Bay, Alaska some 30+ years ago. Please don't take away this viable alternative for kids who just do not do well in the regular schools of Alaska. I believe removal of this program would be a detriment to the future of Alaska.

Sincerely,


Phoebe Blackwell

P.S. With No Lab Fees, No Athletic Fees, NO Office Staff, No Luncheon I cannot believe putting these kids back into a district school would be cheaper than ACS.





Willow Springs Center

A Residential Treatment Center For Children and Adolescents
890 Edison Way
Reno, NV 89502
(775) 858-3303
FAX: (775) 858-4585

August 16, 2001

ATTENTION: SERGEANT BREWER – FAX No. (907) 580-2180

Re: Christopher Czokra

This is a letter supporting the medical necessity of Mr. and Mrs. Donald Blackwell being in Reno for transition family therapy and the discharge of Mrs. Blackwell's 13-year-old son, Christopher Czokra from 8 months of residential psychiatric treatment at Willow Springs Center. Issues about discharge planning, family structure, stabilization, and coping strategies and support are crucial in Chris making a successful return to his family and community. His present Axis I psychiatric diagnoses are:

1. Impulsive control disorder
2. Pervasive developmental disorder, atypical
3. Attention Deficit Disorder, mixed.

He has done quite well in the treatment program and is on no psychotropic medication.

Thank you.

A handwritten signature in black ink, appearing to read "L. Nussbaum".

Larry Nussbaum, M.D.
Medical Director
Willow Springs Center

LN/b

Hello,

I am Becky Crabtree, an alternative education teacher in Barrow.

One of my jobs in the North Slope Borough School District is to coordinate correspondence classes for students throughout the district.

We began a district affiliation with Alyeska Central School last March. Since that time, over 50 North Slope students in six remote villages in grade levels 1-12 have enrolled in one or more classes. A wide variety of classes are available to our students who do not have access to higher level language classes or other elective offerings, to those who choose to study at home, and to those who need a class at a time when some of our small schools can't schedule it. Imagine, in the tiny village of Nuiqsut, we have a student learning Basic Electronics and another taking Photography, classes that the local school district cannot offer. These students have in-depth support for their studies from ACS.

Our students NEED ACS and the accredited opportunities it provides.

The proposal to close it has driven me to search for other options for the North Slope. After looking at the alternatives I am convinced that ACS provides the best academic support, and most varied classes off-line and on-line for the students of the North Slope.

Please consider the needs of our North Slope rural students as you study this bill.

Thank you.

-Becky Crabtree

Subject: [Fwd: Testimony Daniel Knudson Concerning HB 174 purposed closer of ACS]

Date: Tue, 25 Mar 2003 14:43:07 -0900

From: Carl Gatto <Representative_Carl_Gatto@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Cody Rice <Cody_Rice@legis.state.ak.us>

Subject: Testimony Daniel Knudson Concerning HB 174 purposed closer of ACS

Date: Tue, 25 Mar 2003 18:06:28 EST

From: Terrymcdt@aol.com

To: Representative_Carl_Gatto@legis.state.ak.us

Dear Representative Carl Gatto

My name is Daniel Knudson I testified via teleconference in favor of keeping Alyeska Central School open when this bill was last heard in the special committee on Education. When this bill (HB174) was last heard it was requested that I send in a written copy of my testimony. Here below is a copy of the testimony as it was meant to be read.

Thank You For Your Time
Life Long Alaskan Daniel Knudson

My name is Daniel Knudson. I am a senior at Alyeska Central School and have been attending the program for the last three years. Before attending Alyeska Central, I went to both public and private schools. I have also taken classes from the University of Alaska. In all of my academic experience, I have never participated in such a well organized, challenging and enlightening program. Why did I chose to go to Alyeska over the public and private schools offered in my area? Because I was afraid, not of the growing violence in schools or that I would fail the curriculum, for I have always had good grades, but I was afraid that I wasn't learning anything. Sure I got good grades and yes I did well on the standardized tests, but I never felt like I was receiving the education I needed. Later, when I began to think about my future, I could not get over the doubt in my mind that when I graduated, these schools would not have prepared me for the next stage in life. Then I became a student of Alyeska Central and found stimulating classes, supportive teachers and interesting topics that challenged my intelligence. The self-reliance and self-initiative that is required to succeed at Alyeska teaches the youth of this State how to think for themselves, organize their own schedules, and to follow the facts. This will give them an advantage as the future entrepreneurs of Alaska.

Alyeska's year-round courses allow students to study at their own pace and, if for some reason they should have to stop for a time, Alyeska allows those students to continue while out of state or to stop in the middle of the semester and begin again where they left off. I was able to use this advantage last year when my father was diagnosed with cancer. We had to leave the state for several months. If I had been attending another school, I would have had to retake that semester of school, putting off my high school graduation for another year. This year round flexible schedule does not only benefit the students of ACS but also students from schools around the state. Those students that need just one more credit to graduate can take a class over the summer and finish before college starts. Students who want to participate in a class that is full or not offered at their school can receive that class through ACS.

Alyeska is a complete, effective, and accredited academic institution, which has been effectively educating the youth of Alaska since 1939. Alaska's future depends on a well educated youth and Alyeska has demonstrated for the last 64 years that it is one of the best educational programs in Alaska. And if Alyeska is allowed to continue, it will carry on its mission of help the youth of the state achieve academic excellence. And I believe Alyeska Central School will be instrumental in building an Alaska that is one of growth and prosperity.

March 25, 2003

To HESS Committee members:

Re: HB 174 – Closure of Alyeska Central School

Due to limited phone access the following testimony has been called in.

From: Sharon McEwen, Gold Creek, via Talkeetna, Alaska 99676

We live north of Talkeetna off of the railroad. We receive mail every other week. Have two daughters attending Alyeska Central School via snail mail. The school has been wonderful. We have been nine years with Alyeska. My oldest daughter began with Alyeska when she was in kindergarten and she is now in 8th grade. I also have a younger daughter in the program. Like teachers, think they are wonderful.

Not sure if they (other correspondence programs) will have a mail program available. We have no e-mail or other access. Only have a radiophone that doesn't always work all that well.

Please do not close the Alyeska Central School. Thank you

HB

174

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 15 2003
SENATE FINANCE
COMMITTEE

DATE: 5/10/03

FURTHER:

DATE TURNED
IN TO OFFICE: 15 May 2003

Finance Committee considered CS FOR HOUSE BILL NO. 174(FIN) am

HB 174 CORRESPONDENCE STUDY

"An Act relating to the state centralized correspondence study program, to funding for educational programs that occur primarily outside school facilities, and to the duties of school boards of borough and city school districts and regional educational attendance areas; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Education - Filgeskd Cntr	4/10/03	4,339.0		#3
Education - Foundation Plan	3/5/03	(1,170.3)		#2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
COCHAIR:				
COCHAIR: <i>[Signature]</i>	✓			

MAY 15 2003

SENATE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 174
(H) Publish Date: 3/10/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
Title An Act relating to the state centralized BRU K-12 Support
correspondence study program and to the duties of school... Component Foundation Program
Sponsor _____
Requester _____ Component No. 141

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	(1,170.3)					
Miscellaneous						
TOTAL OPERATING	(1,170.3)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(1,170.3)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	(1,170.3)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This amendment eliminates summer school counts for the Alyeska Centralized Correspondence program. The above numbers are based on the FY03 counts.
 FY03 Summer School ADM 364.84
 Correspondence Funding Level 80%
 Adjusted ADM 291.88
 Based Student Allocation \$4,010
 Summer School Funding \$1,170,349

Prepared by: Eddy Jeans, School Finance Manager Phone _____
Division Education and Early Development Date/Time 3/5/03 8:57 AM
Approved by: _____ Date 3/5/2003
Agency Education and Early Development

ITTEE COPY

MAY 15 2003

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 174(STA)
(H) Publish Date: 4/25/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Education & Early Development
Title: An Act relating to the state centralized BRU: Alyeska Central School
correspondence study program and the duties of schools... Component: Alyeska Central School
Sponsor: House Rules Committee
Requester: Governor Component No.: 2106

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	2,809.3	(2,809.3)				
Travel	55.0	(55.0)				
Contractual	538.3	(538.3)				
Supplies	918.4	(918.4)				
Equipment	18.0	(18.0)				
Land & Structures	0.0					
Grants & Claims	0.0					
Miscellaneous	0.0					
TOTAL OPERATING	4,339.0	(4,339.0)	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1007 Inter Agency/Program Receipts	3,839.0	(3,839.0)				
1156 Receipt services	500.0	(500.0)				
Other (Specify Type--Do not abbreviate)						
TOTAL	4,339.0	(4,339.0)	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	21	-21				
Part-time	26	-26				
Temporary	1	-1				

ANALYSIS: (Attach a separate page if necessary)

CS HB174(STA) will eliminate Alyeska Central School the statewide correspondence program operated by the state beginning with the 2004-2005 school year. This bill will repeal summer school funding for Alyeska Central School beginning with the 2003-2004 school year.

Prepared by: Eddy Jeans, School Finance Manager
Division: Education and Early Development
Approved by: _____
Agency: Education and Early Development

Phone 465-8679
Date/Time 4/23/03 4:47 PM
Date 4/23/2003



FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001
JUNEAU, ALASKA 99811-0001
(907) 465-3500
FAX (907) 465-3532
WWW.GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 5, 2003

The Honorable Pete Kott
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Kott:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill eliminating the Alyeska Central School program (ACS), the state's correspondence program.

Alyeska was once the state's only correspondence program offering education services to students statewide. The school began operations in 1939 offering programs to students living in remote areas with no local schools. However, there are 12 school districts currently offering statewide correspondence services to Alaska's school age residents.

The district-operated statewide correspondence programs offer a variety of education delivery methods. Educational delivery models include US postal, Internet and family developed programs supported by district staff.

Eliminating the ACS program will eliminate the duplicative services currently being provided by school districts enrolling and serving correspondence students statewide. The Department of Education and Early Development will help ACS students and families identify the appropriate educational services and assist them in moving to other programs to ensure no child is left behind.

I urge your prompt and favorable action on this measure.

Sincerely,

Frank H. Murkowski
Governor

SENATE FINANCE COMMITTEE

SIGN-IN

HB 174- CORRESPONDENCE STUDY

NAME: Jeanne^e Foy Subject/Bill No: _____

Co./Dept./Title: ACS Teacher Phone: 463-6751

Address: 511 W. 10th Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: Cecilia Muller Subject/Bill No: _____

Co./Dept./Title: ACSEA Phone: 364-2216

Address: PO Box 22627 Zip: 99802

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

HB 174- CORRESPONDENCE STUDY

NAME: Jeanne Foy Subject/Bill No: _____
Co./Dept./Title: ACS Teacher Phone: 463-6751
Address: 511 W. 10th Zip: 99801
Do you wish to testify? Yes No Respond To Questions

NAME: Cecilia Miller Subject/Bill No: _____
Co./Dept./Title: ACSEA Phone: 361-2216
Address: PO Box 22627 Zip: 99802
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

HB

187

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 187
(H) Publish Date: 3/31/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: An Act extending the termination BRU: Spill Prevention and Response
date of the Board of Storage Tank Assistance Component: Contaminated Sites
Sponsor: House Rules by request of LBA
Requester: House Resources Component No.: 2386

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	11.2	11.2	11.2	11.2	11.2	0.0
Contractual	40.2	40.2	40.2	40.2	40.2	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	51.4	51.4	51.4	51.4	51.4	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1079 (Undergr. Stor. Tk. Revol. Loan Fund)	51.4	51.4	51.4	51.4	51.4	0.0
TOTAL	51.4	51.4	51.4	51.4	51.4	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

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)

This bill would extend the termination date of the Board of Storage Tank Assistance (BOSTA) for four years. Currently the Department expends \$51,400 per year in contractual money for BOSTA-related expenses and travel. It is assumed this level of annual funding would continue through the extension period which expires June 30, 2008.

Prepared by: Larry Dietrick, Director Phone 465-5250
Division: Spill Prevention and Response Date/Time 3/24/03 3:30 PM
Approved by: Kurt Frednksson - Deputy Commissioner Date 3/24/2003
Agency: Dept. of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 187
(H) Publish Date: 3/31/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: An Act extending the termination BRU: Spill Prevention and Response
date of the Board of Storage Tank Assistance Component: Contaminated Sites
Sponsor: House Rules by request of LBA
Requester: House Resources Component No.: 2386

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	11.2	11.2	11.2	11.2	11.2	0.0
Contractual	40.2	40.2	40.2	40.2	40.2	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	51.4	51.4	51.4	51.4	51.4	0.0

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

CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1079 (Undergr. Stor. Tk. Revol. Loan Fund)	51.4	51.4	51.4	51.4	51.4	0.0
TOTAL	51.4	51.4	51.4	51.4	51.4	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

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)

This bill would extend the termination date of the Board of Storage Tank Assistance (BOSTA) for four years. Currently the Department expends \$51,400 per year in contractual money for BOSTA-related expenses and travel. It is assumed this level of annual funding would continue through the extension period which expires June 30, 2008.

Prepared by: Larry Dietrick, Director Phone 465-5250
Division: Spill Prevention and Response Date/Time 3/24/03 3:30 PM
Approved by: Kurt Fredriksson - Deputy Commissioner Date 3/24/2003
Agency: Dept. of Environmental Conservation



Legislative Budget & Audit Committee

Representative Ralph Samuels, Chair

Sponsor Statement for House Bill 187 Extend Board of Storage Tank Assistance

Under AS 46.03.010(18), the Board of Storage Tank Assistance will sunset on June 30, 2003 unless the Legislature acts to extend the board. House Bill 187 would extend the board to June 30, 2007.

The board (BSTA) was created in 1990 to help the owners and operators of underground storage tanks (UST's) comply with state and federal regulations enacted in response to nationwide concern over possible contamination of drinking water from leaking tanks. These new regulations covered areas including the design, construction and installation of new tanks, and tightened standards for the retrofitting of existing tanks.

Board members have extensive UST knowledge and experience, allowing the board to act as a valuable liaison between the Department of Environmental Conservation and UST owner/operators. BSTA helped the DEC draft reasonable regulations and has helped owner/operators interpret and comply with regulations, saving the State the cost of seizing and cleaning up contaminated sites caused by non-compliance.

The DEC provides financial assistance to UST owner/operators, previously through grant programs, and now through a revolving loan fund, the Storage Tank Assistance Loan Fund. BSTA has been instrumental in mediating disputes between DEC and UST owner/operators over financial assistance determinations and allowable costs, helping avoid the need for formal appeals in some cases.

The Board of Storage Tank Assistance has a proven value, and it is in the best interest of UST owner/operators, the State and the general public to extend the board's sunset date for four years.

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Audit Report



DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
BOARD OF STORAGE TANK ASSISTANCE
SUNSET REVIEW

October 15, 2002



Audit Control Number:

18-20020-02

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

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October 15, 2002

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION BOARD OF STORAGE TANK ASSISTANCE SUNSET REVIEW

October 15, 2002

Audit Control Number

18-20020-02

This audit was conducted under the requirements of Alaska Statutes 44.66.050 and the authority of AS 24.20.271 (1). In the report, we assess the operations and performance of the Board of Storage Tank Assistance utilizing the criteria set out in AS 44.66.050(c). This statutory criteria is intended to be used to assess whether the activities of a given board, commission, council, agency, or program is effectively meeting a demonstrated public need. Currently under AS 44.66.010(18), the board is scheduled for termination on June 30, 2003. The board would be allowed one year in which to conclude its administrative operations. We recommend that the legislature extend the board until June 30, 2007.

The audit was conducted in accordance with generally accepted government auditing standards and the criteria set out in AS 44.66.050(c). Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Board of Storage Tank Assistance. As required by AS 44.66.050(a), the legislative committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 44.66.010(18) requires that the board will terminate on June 30, 2003, and will have one year from that date to conclude its administrative operations.

Objectives

Our specific audit objectives were:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the interest of the public. In assessing the operations and performance of the board, we utilized the criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the board.

Scope and Methodology

The scope of our review included all activities of the board since our last review two years ago. We reviewed the board's activities to determine whether they have been in the public interest, and whether they have been in compliance with Alaska statutes and regulations.

In order to address our audit objectives, we reviewed the following:

- Applicable section of Alaska's statutes and regulations.
- Budget documents, session laws and other legislative information relating to the board operations.
- Transcribed minutes of board meetings.
- Internal reports and documents prepared by the board and the Department of Environmental Conservation (DEC).
- Grant and loan files of recipients of financial assistance.
- Financial information on the State's accounting system.
- Office of the Ombudsman closed case files.

- Prior audits.

We conducted interviews with the following:

- Board members and the board's executive director.
- DEC Staff.
- Owners and operators of underground petroleum storage tanks.

In addition we attended the June 27, 2002, meeting of the board. We observed the proceedings and the interaction of the board with the public.

ORGANIZATION AND FUNCTION

In 1990 the legislature established a process to provide both technical and financial assistance to owners and operators of underground storage tanks (USTs). It was determined that such assistance was necessary for UST owners to comply with both current and prospective federal and state requirements related to various structural specifications of their tanks. The 1990 legislature also provided for the cleanup of existing leaks and prevention of future leaks associated with USTs in order to protect the public from contamination of drinking water and to protect the environment.

The comprehensive 1990 legislation established the Board of Storage Tank Assistance. The board works in conjunction with the State's Department of Environmental Conservation (DEC) to carry out the various requirements of the UST statutes. The board and DEC are involved in the making of regulations pertaining to USTs. DEC is responsible for UST program administration, including the financial assistance subprogram.

The financial assistance program offers grants and loans to owners and operators to clean up their facilities. The Storage Tank Assistance Fund (STAF)¹ was established to fund the program. Appropriations are made to STAF from the Oil and Hazardous Substance Release Prevention and Response Fund (Prevention Account), tank registration receipts, and from the principle and interest of loan repayments.

Board Responsibilities

The board's primary statutory functions are to:

1. Adopt regulations to be used by DEC in determining which costs are eligible for financial assistance.
2. Adopt regulations to be used by DEC to rank (prioritize) applications for financial assistance.
3. Resolve disputes that might arise when DEC determines that a UST owner or operator is not eligible for assistance, determine that costs are ineligible, or assign a rank with which an owner or operator does not agree.
4. Approve regulations specifying allowable technologies for testing, containment and cleanup, or corrective action prior to being adopted by DEC.
5. Review regulations proposed by DEC that set a standard for the level of a containment that is allowed to remain in soil or groundwater after cleanup of a release from, or associated with, a UST.

¹ Chapter 41, SLA 2002 changed the Storage Tank Assistance Fund to the Underground Storage Tank Revolving Loan Fund (USTRLF).

6. Issue non-binding recommendations in disputes that might arise when DEC does not issue a "non further action letter"² for sites that have completed cleanup actions.

Additional responsibilities are assigned to the board under 18 AAC 78. The board allocates funds appropriated to the STAF for the financial assistance program. Also, the board is responsible for the establishment of a point system to rank eligible applicants.

Board Membership

Under the requirements of AS 46.03.360, the seven member board consists of the commissioner of DEC or their designee, and six individuals selected to represent various groups concerned about, and affected by, UST regulation and oversight. The other six include:

- A registered engineer who is knowledgeable in installing, upgrading, repairing, or closing USTs.
- A general contractor, who is knowledgeable in installing, upgrading, repairing, or closing USTs.
- Two owners or operators of a UST, at least one of whom does not own or operate more than 10 USTs.
- A member of the insurance industry.
- A public member who does not have a financial interest in replacing, upgrading, closing, testing, or cleaning up releases from USTs.

All members are appointed by the governor to serve staggered four-year terms. Board members serve without compensation, but are entitled to per diem and travel expenses.

DEC Responsibilities

DEC's Division of Spill Prevention and Response administers the financial assistance program. Statutes and regulations require DEC to:

1. Receive, review, and approve applications and other required documentation for financial assistance.

² No further action letter is a term referring to a formal determination by DEC that a contaminated site has been successfully remediated, and accordingly no further action is necessary. Such determinations are often vital for an owner/operator to obtain financing or to sell their property.

Board of Storage Tank Assistance (as of July 31, 2002)
Judy Chadwick, Chair Representative of insurance industry
Larry Dietrick Designee of the commissioner of DEC
Robert Haines Tank Contractor
Steve Johnson Registered Engineer
Roger Starr Tank Owner
Jim Weymiller Tank Owner
Vacant Public Member
John Barnett Executive Director

2. Priority rank applicants using a scoring system developed by the board.
3. Distribute and monitor grant and loan awards. Loans will also involve approval and servicing by the Department of Community and Economic Development's Division of Investments.
4. Manage the Underground Storage Tank Revolving Loan Fund³.

³ Prior to Chapter 41, SLA 2002 this fund was referred to as the Storage Tank Assistance Fund (STAF).

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BACKGROUND INFORMATION

In 1990 the legislature created a program to provide both financial and technical advisory assistance to the owners and operators of underground petroleum storage tanks (USTs). The assistance was to help UST owners and operators comply with current and prospective state and federal regulations. These regulatory requirements address numerous design and operational aspects of USTs.

Underground tanks are typically used to store petroleum and other potentially hazardous substances. As tanks age, leaks invariably develop which allow stored substances to seep into the surrounding soil. This leakage can contaminate the groundwater, which in turn could contaminate a drinking water source and create a hazard to public health.

The U.S. Congress directed the Environmental Protection Agency to develop regulations for the design, construction, and installation of new tanks. Additionally, new, stricter standards were established for the retrofitting of existing tanks. Such tanks were required to be upgraded to provide for leak detection, corrosion prevention, and spill and overflow protection by December 22, 1998.

Additionally, UST owners were required to demonstrate they are capable of assuming financial responsibility for the costs involved in taking corrective action and cleaning up releases from their tanks. Such financial responsibility extends to covering third party loss and bodily injury. Most UST owners are required to demonstrate \$1 million of financial responsibility per occurrence, and \$1 million aggregate. Failure to meet the requirements may result in large fines.

Recent legislation has significantly changed the UST loan and grant programs

In 2002 the legislature made significant changes to the remaining loan and grant programs (Exhibit 1, page 10 Summary of UST Financial Assistance Programs). Chapter 41 SLA 2002 (Senate Bill 153) repealed the upgrade and closure grant program effective June 30, 2002, however no applicants remained on the ranking list when the program was closed. This legislation also repealed the cleanup grant program effective June 30, 2004. According to testimony from DEC and the board, all remaining cleanup grantees that apply for a grant are projected to be funded by the 2004 repeal date.

One of the largest changes brought on by Chapter 41 SLA 2002 was the conversion of the Storage Tank Assistance Fund into a revolving loan fund, and thereby the cleanup loan program (created in 1999) into a revolving loan program. Additionally, a net-worth based eligibility requirement was placed on the cleanup loan program which effectively limits the loan program to medium to small "Mom and Pop" operations. To be eligible, an owner or operator can not have been eligible for self-insurance (per federal regulations⁴) at any time on or after July 1, 2002.

⁴ Code of Federal Regulations 40 CFR 280.95.

Demand for cleanup loan program still unknown

Approximately fifty-seven owners/operators have expressed interest in the cleanup loan program. A few cleanup loan packets have been provided to owners/operators, but no loan packets have been completed and returned as of yet. There have been a few no-interest⁵ loans issued in relation to the cleanup grant program.

While the demand for the cleanup loan program is still unknown, some board members and staff believe that once the cleanup grant program is repealed on June 30, 2004, there will be an increased interest in the cleanup loan program. This increased interest is expected because owners/operators will be either at their grant cap of \$250,000, not applied for a cleanup grant, and/or have not been able to complete cleanup before the cleanup grant program was repealed. For these individuals, the only remaining assistance option for site cleanup is a loan through the cleanup loan program.

Tank owners/operators and board members have indicated that banks will not loan money for the cleanup of contaminated sites, mainly because a loan default would result in the bank owning the contaminated site and being responsible for completing the cleanup.

The board's continued role in the UST program

Since creation (Chapter 96 SLA 1990), the board has been active in the drafting of regulations, developing financial assistance, grantee ranking requirements, and hearing appeals related to the UST financial assistance program. However, with the pending repeal of the cleanup grant program in 2004, and the current minimal demand for the cleanup loan program, the board's workload has decreased in recent years. This is evidenced by the decrease in the number of yearly board meetings.

Although the workload for the board has decreased in recent years, the board continues to be active in the writing of regulations due to legislative changes to the financial assistance program. The board also continues to review UST cleanup regulations written by DEC to assure the regulations are reasonable, and not more stringent than federal UST regulations.

If the loan program experiences the expected influx of applicants after the grant program is repealed, the board will be involved in resolving eligible cost issues and fine-tuning cleanup loan regulations. This will most likely involve hearing appeals related to eligible cleanup loan costs, and possibly even cleanup loan ranking issues if the loan applications exceed the available funds in the Underground Storage Tank Revolving Loan Fund (USTRLF).

The board, through its make up, has extensive UST knowledge and experience. Over the years this resource has not only been used by tank owners and operators in the understanding

⁵ Chapter 70, SLA 1999 limited cleanup grants to \$250,000 and required owners/operators to pay 10% of cleanup costs out of pocket, up to a limit of \$25,000. However, an owner/operator could get a no-interest loan for their out-of-pocket portion.

of UST regulations, but also by DEC in the writing and editing of UST regulations. The board uses its knowledge of USTs to make sure regulations are reasonable and fit within the intent of state statutes and EPA regulations.

Over the life of the board, a relationship of trust and respect has formed between tank owners, the board and DEC. This trust has been built on the board's professionalism and ability to handle disputes effectively and efficiently.

Funding for the board comes from the Underground Storage Tank Revolving Loan Fund

The funding for the board comes from the Underground Storage Tank Revolving Loan Fund (USTRLF), which consists of legislative appropriations of funds from three sources:

1. Oil and Hazardous Substance Release Prevention and Response Fund (Prevention Account) These are monies collected from a three cents per barrel oil tax. This account also funds other programs besides the USTRLF.
2. Tank Registration fees In FY 02 the State collected approximately \$61,000 in tank registration fees from UST owners and operators.
3. Cleanup loans These monies consist of the principal and interest from cleanup loan repayments in addition to income earned on money in the fund.

The board's budget and tank fees have remained fairly constant during FY 01 and FY 02

The board substantially reduced its costs from approximately \$100,000 in FY 00, to a budget of just under \$52,000 in FY 01 and FY 02. This is largely due to the privatization of the board's executive director position in FY 00, and the overall reduction in workload for the board. A breakdown of the STAF revenues and expenditures for FY 02 is included in Appendix A.

Tank owners/operators consider the board funded with their tank registration fees

The Alaska Underground Tank Owners and Operators (AUTOO) association believe their annual tank fees (\$61,000 in FY 02) pay for the board and therefore, so long as they continue paying tank fees, the board should also continue to be in existence. However, given potential future reductions in the board's workload, they may need to meet less often.

The Alaska Constitution prohibits dedicating revenues; therefore, annual tank fees can not be restricted to funding the board. As noted above, there are three main funding sources for the Storage Tank Assistance Fund. No one particular funding source can be identified as strictly funding board activities.

Exhibit 1

Summary of UST Financial Assistance Programs				
Program	Description	Eligible Costs	Net Worth/Payment Limitations as of 7/1/99	Assistance Provided
Tank Tightness Testing & Site Assessment Incentive Program	Repealed Effective July 1, 1999	Provided funds directly to the owner/operator specifically to reimburse costs for tank tightness test or site assessments to determine if there had been a release of petroleum.	Not Applicable	Repealed Effective July 1, 1999 By Ch.70 SLA99
Reimbursement Program	Repealed Effective July 1, 1999	Provided reimbursement of the costs of risk assessment, containment, cleanup, corrective action, upgrade or closure activities on or after December 22, 1988 and before September 5, 1990.	Not Applicable	Repealed Effective July 1, 1999 By Ch. 70 SLA99
Tank Upgrade & Closure Grant Program	Repealed Effective July 1, 2002	Provided funds directly to the owner/operator specifically to cover costs of removal, upgrade, or replacement of UST system.	The tangible net worth of both owner and operator were limited to \$250,000 each. Grant payments under this program could not exceed a total of \$250,000 for the same owner or operator. When combined with tank cleanup or tank upgrade/closure grants and loans to same owner/operator, payments cannot exceed \$500,000.	Repealed Effective July 1, 2002 By Ch. 41 SLA02
Tank Cleanup Grant Program	Program active Application period sunset June 30, 1994. Funds currently allocated to the program through FY 03 Repeal of Program set for July 1, 2004 By Ch. 41 SLA 02	Provides funds directly to the owner/operator specifically to cover costs of risk assessment, containment, corrective action, and cleanup.	The tangible net worth of both owner and operator limited to \$1 million or less each. Grant payments under this program may not exceed \$250,000 less then 10% for owner/operator's deductible (not to exceed \$25,000). When combined with a grant payment under the tank upgrade and closure program, payment may not exceed \$250,000. When combined with tank cleanup or tank upgrade/closure grants to same owner or operator, payments cannot exceed \$500,000.	Up to \$250,000 and owner/operator is responsible for 10% of total cleanup costs (not to exceed \$25,000) which is excluded from the grant. A tank cleanup loan for no interest is available for this deduction.
Tank Cleanup Loan Program	Program active. Application period sunset June 30, 1994. Funds currently allocated to the program through FY 03	Provides funds directly to the owner/operator from a revolving loan fund, specifically to cover costs of risk assessment, containment, corrective action, and cleanup.	The owner can not have been eligible for self insurance under 40CFR280.95 any time on or after July 1, 2002. Loans when combined with grants to same owner or operator may not exceed \$500,000. When combined with tank cleanup or tank upgrade/closure grants and loans to same owner/operator, payments cannot exceed \$500,000.	An owner/operator may borrow up to \$500,000 for cleanup at a rate equal to the 12th Federal Reserve District Discount rate as of Jan. 1 of the year in which the loan is approved plus one-half percentage point.

REPORT CONCLUSIONS

In our opinion, the Board of Storage Tank Assistance (BSTA) should be reestablished. The board plays a significant role in promoting compliance throughout the State with regulations and specifications for underground storage tanks (USTs). Such compliance is important in promoting public health in that it protects underground drinking water supplies from pollution, and provides funding necessary to remediate pollution caused by leaking USTs owned and operated by private sector interests.

As an independent board, BSTA has been instrumental in mediating disputes between the Department of Environmental Conservation (DEC) and UST owners/operators. The board appeal procedures are currently more streamlined and efficient than DEC's procedures for hearing appeals, and consequently, less expensive for the State as well as for tank owners/operators. In addition, the board has been afforded the ability to be more creative and flexible in resolving issues based on the intent of the law, rather than strict adherence to regulation. This has allowed the board to apply "common sense" to appeal rulings in instances where DEC felt they were bound by the letter of the law.

During FY 01 and FY 02, the board heard two official appeals which were related to eligible cleanup grant costs. In one appeal, the board upheld DEC's denial of some disputed cleanup costs and overturned DEC's denial of others. In the second appeal, the board upheld DEC's denial of the disputed cleanup costs, but identified and corrected DEC's misinterpretation of the cleanup grant cap ceiling.

The board's executive director and chair person have been on the board since its creation in the early 1990s. Additionally, the engineer, contractor, and large tank owner seats have been held by the same individuals since the early to mid 1990s. Through the member's tenure and professional knowledge, they provide a valuable resource to not only tank owners and operators, but also to DEC at little cost to the State.

As a trusted intermediary with tank owners and operators, the board has been able to facilitate the cooperation of tank owners and operators with DEC regulations. This has been accomplished in part through the resolving of disputes and concerns on an informal basis, before they are elevated to appeal status. Facilitating compliance with DEC regulations assists in achieving the overall public policy objective, bringing UST owners/operators into compliance with regulations.

The board actively participates in the making of statutes and regulations pertaining to USTs. The board is statutorily required to adopt regulations to be used by DEC to administer the UST financial assistance program. The board reviews all DEC regulation proposals related to USTs. The board also acts as an information conduit to tank owners/operators, providing regulation explanations in terms understandable to the particular owner/operator. Without the board, these questions would fall on DEC, resulting in an increased workload for DEC employees and possibly higher costs for the State.

The board has extensive support from the UST tank owner and operator community. AUTOO has, and continues to express a fervent need to maintain BSTA.

Overall, BSTA has enhanced cooperation between tank owners/operators and DEC. The board continues to promote compliance with underground storage tank regulations and (ultimately) a safer environment through:

- Its role in hearing appeals.
- Writing financial assistance regulations.
- Reviewing and approving UST regulations.
- Being a trusted intermediary and information conduit between DEC and tank owners/operators.

In addition, the board's contribution to tank owners/operators compliance with regulations and the financial assistance program, have prevented the State from having to take over UST sites. As a result, the State has been saved from the costs of cleaning up contaminated sites.

BSTA can facilitate a smooth transition between the repeal of the cleanup grant program on June 30, 2004, and the fine-tuning of cleanup loan regulations and procedures. After these events, the only board roles left will be the hearing of disputes related to "no further action" letters, and UST regulation review and approval. At such time the continued justification for the board would be questionable.

The board is currently experiencing a downturn in activity. However, the termination of the cleanup grant program, coupled with the implementation of the new loan program, should result in an increase in activity in future years. Given the expectation of future activity, and the institutional knowledge of the board, we recommend the legislature extend the board's termination date until June 30, 2007.

ANALYSIS OF PUBLIC NEED

The following analyses of board activities relate to the public need factors defined in AS 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission or program has operated in the public interest.

Board Resolves Disputes

One of the board's statutory duties is to hear appeals from owners and operators who disagree with DEC's financial assistance determinations. The board had adopted regulations on the appeal process. Once an appeal is requested, regulations require a hearing to be held at the next scheduled board meeting, and a decision to be issued within ten days.

The board is in compliance with regulations. The board heard two appeals in the last two years. Both of these were related to eligibility of cleanup costs. In one appeal, the board ruling provided satisfaction to both DEC and the appellant by allowing some of the costs, and upholding the disallowance of other disputed costs.

In the second appeal, the board upheld DEC's disallowance of the disputed costs. Through the appeal process, the board was made aware of an issue which effected many grantees. DEC was considering the cleanup grant cap to effectively be \$225,000 (\$250,000 less \$25,000 out-of-pocket costs). The board disagreed, and stated that the statute indicated that \$250,000 in grant funds should be available. While the board disallowed the costs being disputed, they made available additional grant funds for other allowable cleanup costs of the appellant.

According to the board, it has worked with multiple UST owners and operators who have disagreed with DEC's actions, but due to the board's intervention, did not request an appeal. Often an explanation or clarification of procedures by the board's executive director has eliminated the need for a formal appeal. The executive director estimates that approximately four to five potential appeals were averted in the prior year.

Information provided to interested parties

The board utilizes several mediums to ensure that owners and operators are informed of federal and state regulations.

- The board, when applicable, contributes articles to DEC's newsletter *Alaska Tank News*. Articles address board activities or changes in regulations or policies. This newsletter is distributed to tank owners and operators, and is available on DEC's website.

- The board provides public notices of all its meetings, and invites the public to participate and comment on any aspect of the UST program. Public attendance at board meetings is intermittent, but when the public (tank owners/operators) do come to the meetings, they are given priority, and the meeting agenda is adjusted to best facilitate any comments they wish to make. In the past two years there have been instances where tank owners/operators or engineering consultants have attended meetings to voice concerns about various aspects of the UST program. In each case, the board took action to address the concerns raised by the public.
- The board's executive director has made himself available to take questions or listen to complaints. According to the board's executive director, the majority of questions concern UST regulations or UST financial assistance programs.

Board Attendance

We reviewed board attendance records for the current board members. With the exception of one member who has not attended a meeting in the last two years, we found that board meetings are generally well attended. The board is currently working on having this member replaced.

Review of DEC UST Regulations

One of the board's statutory responsibilities is to approve regulations specifying allowable technologies for testing, containment and cleanup, or corrective action prior to being adopted by DEC. The board has the additional responsibility of reviewing regulations proposed by DEC that set a standard for the level of contamination that is allowed to remain in soil or groundwater after cleanup of a release from, or associated with a UST.

In the last two years the board has participated in the review of proposed changes to UST regulations written by DEC. The new regulations are currently undergoing review at the Department of Law, and will be reviewed again by the board and approved before they can be adopted by DEC.

Determine the extent to which the operations of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices, which it has adopted, and any other matter including budgetary, resource, and personnel matters.

Appropriations are made to the Underground Storage Tank Revolving Loan Fund (USTRLF) to provide assistance to owners and operators of USTs. Although the DEC manages the fund, the board is responsible for allocating funds to the financial assistance programs.

Each year in its June meeting, the board discusses funding. DEC informs the board of the final number of ranked projects for each financial assistance program. The board then allocates funding between the different financial assistance programs. Because of the current lack of activity in the cleanup loan program, the only program with ranked projects is the

cleanup grant program. However, the board has reserved money in the USTRLF to fund cleanup loans with the anticipation that a number of cleanup loans will be requested once the cleanup grant program is repealed in 2004.

Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

The board has actively participated in statutory changes regarding USTs. In the past two years there have been two major pieces of legislation affecting the UST assistance program and the board. In both cases the board, through its executive director, was present to provide input and testimony regarding these bills.

Chapter 41, SLA 2002:

- repealed the upgrade and closure grant program,
- set a repeal date of June 30, 2004 for the cleanup grant program,
- converted the Storage Tank Assistance Fund into the Underground Storage Tank Revolving Loan Fund (loans can only be issued for cleanup activities), and
- placed a financial based eligibility requirement on the cleanup loan program, which stated that if an owner/operator was eligible for self insurance under Federal Regulations, they were not eligible for a cleanup loan.

Chapter 106, SLA 2002 extended the board's sunset date from June 30, 2001, to June 30, 2003.

Determine the extent to which the board, commission or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of services, economy of service, and availability of services that it has provided.

Activities of the board are discussed at meetings that are open to the public. All meetings are announced in newspapers in the three largest cities in the State. The announcement includes a brief summary of the major issues that will be discussed.

The announcement also states that "*the public is invited to attend and comment on any portion of the underground storage tank program.*" The board welcomes and encourages public participation in its meetings.

Determine the extent to which the board has encouraged public participation in the making of its regulations and decisions.

During the last two years the board has not made any changes to its regulations. However, given the changes to the financial assistance programs by Chapter 41, SLA 2002, the board will need to rewrite its UST financial assistance regulations over the next year. If the changes

are substantial, this may require the holding of public hearings to gather public comment on the proposed changes to the UST financial assistance regulations.

Determine the efficiency with which public inquires or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of the ombudsman have been processed and resolved.

From discussions with DEC and board staff, and a review of the ombudsman's closed case files, we determined that no complaints have been filed against any activities of the board.

Determine the extent to which the board regulates entry into an occupation or profession and whether it has presented qualified applicants to serve the public.

Since the board does not regulate any occupation or profession, this criterion is not applicable to the activities of the board.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board to its own activities and the area of activity or interest.

Nothing has come to our attention to indicate that the board has not complied with state personnel practices.

Determine the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the board to better serve the interest of the public and to comply with the factors enumerated in this subsection.

Seeking appointments for vacant and chronically absent board seats

The public member's seat on the board has been vacant for over a year. It is not in the board's power to appoint a new public member, however they should continue to seek an appointment from the governor's office for this seat.

Additionally, one board member has not attended a board meeting in the last two years. The board has begun the process of seeking this member's resignation so a new member can be appointed.

We agree with the board's actions concerning these board seats and recommend they continue.

Appendix A
Schedule of Revenues and Expenditures
(unaudited)

FY02 Storage Tank Assistance Fund

Fund Balance, July 1, 2001	\$ 5,271,500
Revenues	
Transfer from Oil and Hazardous Substance Release Prevention and Response Fund, Prevention Account	\$ 2,181,700
Federal Grants in Aid	577,000
Interagency Receipts	246,400
FY01 UST Tank Fees Transferred to STAF in FY02	69,000
FY02 UST Tank Fees	42,700 ¹
Other	<u>9,200</u>
Total Revenues	<u>\$ 3,126,000</u>
Expenditures	
DEC Expenditures	1,745,000
Financial Assistance Grants	1,297,700
Board Costs:	
Executive Director Contract	40,200 ²
Travel	1,800 ³
Travel-Related Per Diem	<u>400 ⁴</u>
Total Expenditures	<u>\$ 3,085,100</u>
Fund Balance, June 30, 2002	\$ 5,312,400

¹ As of June 30, 2002 approximately \$18,000 in FY 02 UST tank fees had not been transferred to the fund.

² Executive director is responsible for paying for his own travel, the public noticing of meetings, etc.

³ Includes only travel-related costs for non-state employee board members.

⁴ Includes only travel-related per diem for non-state employee board members.

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STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION DIVISION OF SPILL PREVENTION AND RESPONSE

410 Willoughby Ave., Ste 303
Juneau, AK 99801-1795
PHONE: (907) 465-5275
FAX: (907) 465-5244
<http://www.state.ak.us/dec/home.htm>

December 2, 2002

RECEIVED

DEC 04 2002

LEGISLATIVE AUDIT

Ms. Pat Davidson, CPA
Legislative Auditor
Alaska State Legislature
P. O. Box 113300
Juneau, AK 99801-3300

Dear Ms. Davidson:

Thank you for the opportunity to review the preliminary audit report for the Board of Storage Tank Assistance.

We have reviewed the draft transmitted by your November 14, 2002 letter and have no further comments. Your consideration of our earlier comments is appreciated.

Please let me know if you need any other information or if we can provide any assistance.

Sincerely,



Larry Dietrick
Director

cc: Kurt Fredriksson, DEC, Acting Commissioner
Steve Bainbridge, Contaminated Sites Program Manager
John Barnett, Board of Storage Tank Assistance
Laura Beason, DEC, Finance Officer

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Board of Storage Tank Assistance

c/o Capital Resolve
P.O. Box 240651, Douglas, AK 99824
(907) 364-2514 (Support Office)
(907) 364-2518 (Facsimile)
aresolve@gci.net

RECEIVED

DEC 04 2002

LEGISLATIVE AUDIT

December 3, 2002

Pat Davidson, Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska 99811-3300

Subject: Preliminary Audit Report, Board of Storage Tank Assistance. Sunset Review

Greetings,

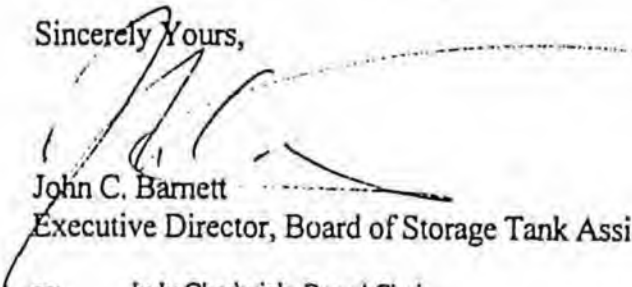
On behalf of the Board of Storage Tank Assistance, I would like to thank you for allowing us to respond to your findings and recommendations expressed in the Preliminary Audit Report, Board of Storage Tank Assistance, Sunset Review, dated October 15, 2002.

The Board concurs with all findings and recommendations and fully supports extending the Board termination date until June 30, 2007. The regulated community will not feel the changes resulting from the passage of SB 128 in 1999 and SB 153 in 2002 until the termination of the grant program in 2004 when the loan program becomes the sole source for cleanup funds. It will be important to tank owners and operators that the Board be available to mediate disputes and to "fine-tune" the regulations.

It is also extremely important that the Board remain in place to provide oversight to proposed DEC regulations that historically have initially not considered the economic impact to Alaska businesses and their employees. With the Board's private sector composition, the Board has the skill and ability to insure that the financial burdens resulting from new DEC regulations are manageable while still protecting the public safety, health and the environment.

If you should require additional information, please do not hesitate to contact me at (907) 364-2514. You may also contact the Board Chair, Judy Chadwick, at (907) 276-5617.

Sincerely Yours,


John C. Barnett
Executive Director, Board of Storage Tank Assistance

cc: Judy Chadwick, Board Chair

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HB

187

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED DATE
APR 29 2003
SENATE FINANCE
COMMITTEE

DATE: 4/22/03

FURTHER:

DATE TURNED
IN TO OFFICE: 29 April 2003

Finance Committee considered

HOUSE BILL NO. 187

HB 187 EXTEND BOARD OF STORAGE TANK ASSISTANCE

"An Act extending the termination date of the Board of Storage Tank Assistance; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DEC	3/24/03	51.4		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	No REC	AMEND
<i>Adrian W. Pappas</i>	✓			
<i>James C. ...</i>	✓			
<i>L.D. ...</i>	✓			
<i>Ben ...</i>	✓			
COCHAIR: <i>Lynne ...</i>	✓			
COCHAIR: <i>...</i>	✓			

APR 28 2003

SENATE FINANCE COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 187
(H) Publish Date: 3/31/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title An Act extending the termination BRU Spill Prevention and Response
date of the Board of Storage Tank Assistance Component Contaminated Sites
Sponsor House Rules by request of LBA
Requester House Resources Component No. 2386

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	11.2	11.2	11.2	11.2	11.2	0.0
Contractual	40.2	40.2	40.2	40.2	40.2	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	51.4	51.4	51.4	51.4	51.4	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1079 (Undergr. Stor. Tk. Revol. Loan Fund)	51.4	51.4	51.4	51.4	51.4	0.0
TOTAL	51.4	51.4	51.4	51.4	51.4	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

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)

This bill would extend the termination date of the Board of Storage Tank Assistance (BOSTA) for four years. Currently the Department expends \$51,400 per year in contractual money for BOSTA-related expenses and travel. It is assumed this level of annual funding would continue through the extension period which expires June 30, 2008.

Prepared by: Larry Dietrick, Director
Division: Spill Prevention and Response
Approved by: Kurt Fredriksson - Deputy Commissioner
Agency: Dept. of Environmental Conservation

Phone 465-5250
Date/Time 3/24/03 3:30 PM
Date 3/24/2003

LEGISLATIVE BUDGET & AUDIT COMMITTEE

REPRESENTATIVE RALPH SAMUELS, CHAIR

Sponsor Statement for Senate Bill 164 Extend Board of Storage Tank Assistance

Under AS 46.03.010(18), the Board of Storage Tank Assistance will sunset on June 30, 2003 unless the Legislature acts to extend the board. Senate Bill 164 would extend the board to June 30, 2007.

The board (BSTA) was created in 1990 to help the owners and operators of underground storage tanks (UST's) comply with state and federal regulations enacted in response to nationwide concern over possible contamination of drinking water from leaking tanks. These new regulations covered areas including the design, construction and installation of new tanks, and tightened standards for the retrofitting of existing tanks.

Board members have extensive UST knowledge and experience, allowing the board to act as a valuable liaison between the Department of Environmental Conservation and UST owner/operators. BSTA helped the DEC draft reasonable regulations and has helped owner/operators interpret and comply with regulations, saving the State the cost of seizing and cleaning up contaminated sites caused by non-compliance.

The DEC provides financial assistance to UST owner/operators, previously through grant programs, and now through a revolving loan fund, the Storage Tank Assistance Loan Fund. BSTA has been instrumental in mediating disputes between DEC and UST owner/operators over financial assistance determinations and allowable costs, helping avoid the need for formal appeals in some cases.

The Board of Storage Tank Assistance has a proven value, and it is in the best interest of UST owner/operators, the State and the general public to extend the board's sunset date for four years.

Email: Representative_Ralph_Samuels@legis.state.ak.us

Session: Alaska State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-2095 Fax: (907) 465-3810
Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0240 Fax: (907) 269-0242

Audit Report

DEPARTMENT OF ENVIRONMENTAL
CONSERVATION
BOARD OF STORAGE TANK ASSISTANCE
SUNSET REVIEW

October 15, 2002



Audit Control Number:

18-20020-02

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from the Senate and two from the House. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$6 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed as mandated by Alaska Statutes or at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in Juneau, Anchorage, or at our web site <http://www.legis.state.ak.us/legaud/web/default.htm>.

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Senator Dave Donley
Senator Lyman Hoffman
Senator Randy Phillips
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Senator Gary Wilken (alternate)

Representative Hugh Fate, Vice Chair
Representative John Harris
Representative Reggie Joule
Representative Ken Lancaster
Representative Eldon Mulder
Representative Bill Williams (alternate)
Representative John Davies (alternate)

DIVISION OF LEGISLATIVE AUDIT

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Legislative Auditor

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SENATE FINANCE COMMITTEE

SIGN-IN

HB 187-EXTEND BOARD OF STORAGE TANK ASSISTANCE

NAME: JOHN BARNETT Subject/Bill No: HB 187
Co./Dept./Title: EXECUTIVE DIRECTOR, BOARD OF STORAGE TANKS Phone: 364-2514
Address: P.O. Box 240651 DOUGLAS AK Zip: 99824
Do you wish to testify? Yes No Respond To Questions

NAME: Pat Davidson Subject/Bill No: SB 187
Co./Dept./Title: Leg Audit Phone: 3465-3830
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

