

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2802

Ivy J. Frye

From: Tom Conley [prophet@ptialaska.net]
Sent: Sunday, March 06, 2005 12:28 PM
To: Sen. Lyda Green
Subject: CSHB 1

Dear Senator Green, I hope when CSHB 1 comes to the Senate Finance Committee on Wednesday March 9 that you can see your way clear to enhancing the Base Student Allocation. We are very appreciative of the Governor's initiative increasing the BSA to \$4880 and the House's move to up the BSA to \$4919.

Sadly, though the monies are significant, the erosion of purchasing power engendered by the TRS/PEKS fiasco and the increases in utilities, insurance, and the general cost of doing business still leave most districts in the red. Sitka is actually in better position than most, but even at \$4919 we will see only a \$35,000 increase in purchasing power over FY 04-05. Many of the larger districts will actually experience serious declines. We, like other districts around the state, had hoped that the generally more robust financial situation of the state exchequer would let us start to seriously address the mandates we have been given in regard to No Child Left Behind, Adequate Yearly Progress, and the High School Qualifying Exam. As it is we will be, at best, left at the point of stagnation.

Your help in getting the BSA increased to at least \$4995, or if you want to seriously promote education as a priority matter \$5120, would be much appreciated. Our kids and their parents are depending on you.

Thanks, Tom Conley, Sitka School Board

ivy J. Frye

From: Gary Lehnhart [lehnhart@gci.net]
Sent: Saturday, March 05, 2005 2:34 PM
To: Sen. Fred Dyson; Sen. Lyman Hoffman; Sen. Con Bunde; Sen. Bert Stedman; Sen. Gary Wilken; Sen. Donny Olson; Sen. Lyda Green
Cc: Governor@gov.state.ak.us
Subject: school funding

Dear Senate Finance Committee members,

I am a parent of four children in the Alaska public schools and I spend as much time as I can volunteering in the schools. I am painfully aware of many children who are not making it, who need more attention and support systems, smaller classrooms, more opportunities, more family outreach, art and cultural options. The basic needs have been determined, an amount that will simply allow all schools in Alaska to not have to make further cuts, as we've been continuously doing for years, but to begin to build in improvements. That amount, unanimously, is 5,120 BSA. I understand that hearts were heavy in the House Chambers because many, many legislators, across party isles, recognized that their vote for less than that was not doing well by Alaska children. We parents wait expectantly to see if you will amend this and meet the stated need. We are tired of our schools going down hill. It just doesn't make sense. Please raise the BSA to 5,120.

Thank you so much for your time and service on behalf of all of us, Nancy Lehnhart Juneau
(907)789-5421

Alaska Kids Count!

March 9, 2005

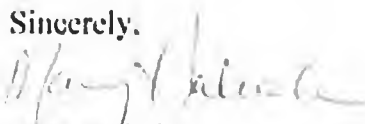
Senator Lyda Green
Co-Chair, House Finance Committee
State Capital
Juneau, Alaska 99801

Dear Senator Green,

Attached is a proposal from Alaska Kids Count, regarding increasing state funding for public schools. Alaska Kids Count is a nonpartisan network of parents, educators, and community members who are committed to making improvements to Alaska's schools.

We would request that when considering bills on education funding in the Senate Finance Committee that you also give serious consideration to the funding level suggested in this proposal. It is our hope that education funding will be significantly increased for the next fiscal year, in an effort to provide school districts with the financial resources to meet the needs of public school students of Alaska.

Sincerely,


Mary Hakala
Facilitator
Alaska Kids Count

Alaska Kids Count! Juneau

February 2005

Our Goals for Foundation and Local Funding for Public Schools

Juneau's class sizes continue to grow and as a result the quality of our children's education continues to erode. For example, Harborview School has a kindergarten class with 26 children, almost half of whom have special needs, and Auke Bay School has a third grade class with 30 children. As parents, we see the need for smaller class sizes and know how fewer children in a classroom allow teachers time for individual attention to meet each child's learning needs.

Alaska Kids Count supports reducing average class size to reach the Juneau School Board's published class size goals. These are modest ratios and do not reflect an ideal.

<u>Grades</u>	<u>Board Goal</u>	<u>Current Average Class Size</u>
K-2	20	K-5 combined at 25
3-5	25	
6-8	30	32
9-12	30	32

Alaska Kids Count also supports meeting specific instructional needs that affect the classroom such as special education and English as a Second Language, and matching requirements for independent Arts for Kids grant initiatives. These services directly impact the quality of education available to Juneau's students.

To meet these goals, *Alaska Kids Count* supports an increase in Foundation funding of approximately \$112 million statewide, \$50 million more than the Governor's proposed funding level. This would generate an increase of approximately \$1.8 million in state education funding for Juneau. It requires an estimated Base Student Allocation of \$5120.

The Governor's proposal is a \$62 million increase with \$38 million for retirement and \$24 million to compensate for inflation. Even assuming a \$900 thousand local contribution (to the "cap"), the Governor's proposal requires \$600 thousand in cuts to Juneau's schools. While *Alaska Kids Count* appreciates the Governor's proposal, we ask the Governor and the Legislature to do more for Alaskan students.

Our example is specific to Juneau, but is representative of other schools' needs.

It is time for improvement in Alaska's public schools. Alaska is a wealthy state and can afford good schools for our children.



March 9, 2005

Alaska Kids Count

Senate Finance Committee
State Capital
Juneau, Alaska 99811

Dear Senators,

Enclosed is testimony from a parent and English teacher at Juneau-Douglas High School. She is unable to attend the hearing today since she is teaching, and grading student work.

Please take a few moments out of your very busy day, to look at the magnitude of her job.

In the attached packet you will find the rubric, or guide, by which she evaluates each student composition. Two essays, from Juniors, are enclosed as examples of work submitted by students. These are two, out of ninety-nine papers she will evaluate for this one assignment.

Her conclusion: "I believe lowering class size through the hiring of additional teachers will have a dramatic impact on student performance. The results would be noticeable in both the graduation rate and passing rate on the High School Graduation Qualifying Exam."

Put yourself in her shoes, and review the student essays. Time yourself. Multiply that by ninety-nine. Then ask yourself if class size matters.

Thank you for your time.

Sincerely,

Mary Hakala, Coordinator
Alaska Kids Count!

First, let me say I love teaching English at Juneau-Douglas High School. I have been teaching for 17 years, at all grade levels. I have a Bachelor of English degree from the University of California, Davis, and a Master of Education degree from the University of Alaska, Southeast. According to federal guidelines, I am a Highly Qualified teacher.

My purpose is to provide information regarding my particular assignment at the high school. This year my English course load is comprised of five classes, whose enrollments are listed below:

Class	Grade Level	Number of Students
American Literature	11	31
American Literature	11	33
American Literature	11	35
Contemporary Literature	12	38
Introduction to Literature	09	20

You will notice the lower number of students in the freshman class; the English department made a conscious effort to keep class sizes lower for freshmen, who are adapting to high school culture. In an English class, 22 is a realistic number of students. Our pupil-teacher ratio in English classes at the high school is currently 31.5 to 1.

One way to see the impact of large class size is to consider the hours required to grade a set of essays for this class load. For the last set of 38 senior papers, I spent approximately thirty minutes evaluating each one, providing comments on ideas and content, sentence fluency, organization, grammar, and word choice. Additionally, I inserted editing marks and commentary, in order to provide helpful feedback to students. Given thirty minutes per paper, I spent an extra 19 hours outside of class time grading one set of senior essays.

Since our classes meet four days a week, once an essay is turned in, student work cannot simply stop. Students continue to turn in daily assignments, which are usually shorter, but still written in essay form. So for my current student load, I accept approximately 628 papers each week to grade. Students deserve my careful consideration of each one, but my time is limited.

Another consequence of huge classes is the overcrowded classroom. My room currently has 31 desks, which leaves seven seniors without a desk. We squeezed a table and chairs into the room in order to add seating. I can assure you, my classroom was not designed to hold 38 seventeen and eighteen-year-old students. We are elbow to elbow, with little room to move around. Discussions are difficult because not everyone can see the speakers. For small group work, students have to meet in the hall in order to hear each other.

I hope this information is helpful in giving you a picture of the effects of high pupil-teacher ratio at the high school. I believe lowering class size through the hiring of additional teachers will have a dramatic impact on student performance. The results would be noticeable in both the graduation rate and passing rate on the High School Graduation Qualifying Exam.

Carol Pratt
English Teacher
Juneau-Douglas High School

Essay Scoring Guide

	EXCEEDS STANDARD	MEETS STANDARD	IN PROGRESS
Ideas and Content	<ul style="list-style-type: none"> The writing is exceptionally clear, focused, and interesting. New insights and ideas hold the reader's attention. There is strong support for the thesis. 	<ul style="list-style-type: none"> Main ideas are clear Support is present though it may be limited or unclear 	<ul style="list-style-type: none"> Writing is unclear Minimal development of ideas
Organization	<ul style="list-style-type: none"> Overall strong order and structure Essay has a clear thesis statement and conclusion. Supporting points work well where they are placed Smooth and effective transitions 	<ul style="list-style-type: none"> Essay has an introduction with a thesis statement, a body with adequate support, and an effective conclusion. Adequate transitions 	<ul style="list-style-type: none"> Writing lacks a clear organizational structure Essay has an unclear or missing thesis statement, introduction, body, or conclusion. Transitions are ineffective or overused.
Word Choice	<ul style="list-style-type: none"> Words communicate the message in an exceptionally interesting, accurate, and natural way. The writer uses a rich, broad range of words that have been carefully chosen and thoughtfully placed. 	<ul style="list-style-type: none"> Word choices do not necessarily make the writing more lively and interesting, but they are functional. 	<ul style="list-style-type: none"> Words are flat, repeated, general, or vague
Conventions	<ul style="list-style-type: none"> The writer demonstrates mastery of a variety of standard conventions, even in complex and less common situations. Errors, if any, are not obvious or significant. 	<ul style="list-style-type: none"> Writer demonstrates competent handling of standard conventions. Errors do not confuse or change the meaning 	<ul style="list-style-type: none"> Errors distract and confuse the reader Writer demonstrates limited control of standard conventions Lack of control over simple sentences
Sentence Fluency	<ul style="list-style-type: none"> Sentences are consistently varied and fluent 	<ul style="list-style-type: none"> Sentences are somewhat varied, making oral reading easy Writer demonstrates strong control over simple sentences 	<ul style="list-style-type: none"> Sentences are choppy, awkward, rambling, or incomplete. Essay is difficult to follow or read aloud

Why Evolution?

In a massive number of instances the theory of evolution by natural selection contradicts the Bible. By doing this it opposes religions based on the Bible and makes major alterations to the interpretation of the Bible. However, the Theory of Evolution, by natural selection, is an extremely well supported scientific theory. Evolution by natural selection is an excellent explanation for how life came to exist as it presently does on Earth; there is evidence for it wherever you look in nature and there is no evidence against it.

Natural selection is a scientific theory that, in times of evolutionary pressure, describes how organisms that are better adapted to their environment will survive and those that are less adapted to their environment will over time die off and become extinct. It is important to remember that in natural selection survival refers to a species' ability to continue and not the survival of an individual of that species. A species being defined as a group of organisms that can, in nature, interbreed to produce a continuing line of offspring (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). It is also important to remember that an organism's adaptation to its environment refers to its ability to survive long enough to produce fertile offspring that will give rise to fertile offspring and not directly its own ability to live through environmental changes in other respects (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). For instance some of the most evolutionarily capable species are in the domains of bacteria and archaea. However, the majority of these species have very short life spans relative to many other organisms that are evolutionarily less capable, and these individual organisms

die off very quickly to environmental change relative to other organisms that are evolutionarily less capable. On the other hand, the populations, as a whole, of these species have an excellent ability to adapt to their environment and will survive environmental changes that most other organisms could not survive.

It is bacteria's and archaea's ability to survive environmental changes that lead to the diversity of organisms that we find in the world today. The entropic coming together of molecules in Earth's primordial atmosphere that gave rise to organic molecules which formed the first organisms over the first several billion years of Earth's history lead to all life on Earth (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). Through the adaptive radiation of these first prokaryotic organisms the domains of bacteria and archaea came into existence. These organisms came into existence in an extremely harsh environment, which most organisms today could not survive in (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). Organisms adapted to be able to survive the environment, filling those niches that were available to them. The most capable organisms survived most often and a multitude of species formed.

Amongst these organisms was a group of species called cyanobacteria, commonly known by the inaccurate name of blue-green algae (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). The cyanobacteria used H_2O , water, rather than H_2S , hydrogen sulfide, to reduce CO_2 , carbon dioxide, for energy (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). Over the next few billion years these organisms filled the Earth's atmosphere with O_2 , oxygen gas, which caused a mass extinction and a mass evolution of new organisms that used oxygen to reduce organic molecules for energy (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). These

organisms then diversified over the next few billion years into the organisms that exist today (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999).

This current view of evolution works according to natural selection. It also is supported by our current analyses of genetic similarity and differences, the same analyses that enable us to manipulate those organisms in existence to become new organisms, an example being Monsanto corn. Further more, it is supported by and supports our current understanding of genetics. The same genetic understanding we use in our modern medicine and understanding of disease. We also use this understanding of genetics in our agriculture, molecule biology, nutrition, and almost all, if not all, of our other biological fields. This theory of evolution by natural selection is the basis of biology and as such is indirectly the basis of America's economical growth since the beginning of the green revolution.

This theory of evolution by natural selection is not only supported in modern societies, but in nature as well. Wherever you look in nature there is evidence of evolution (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). You can follow paths of how one organism lead to another which led to another. A perfect example of this is seen in plasmodial slime molds, cellular slime molds, and multicellular organisms such as fungi and animals. Even though the genetic placement of some of these organisms is currently unknown they demonstrate an evolutionary path quite well. The plasmodial slime molds have a stage of life where they are a huge (for single celled organisms) unicellular organism with a multitude of nuclei (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). From there it is not hard to imagine how the cellular slime molds came into existence. Cellular slime molds can live independently

but can also come together and function as a single organism that is on the edge of being multicellular (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). Then there are multicellular organisms such as some less complex molds where the cells acting together as an organism differentiate and take on specific functions to keep the organism as a whole alive. This path, although quite possibly inaccurate, shows how one thing that provides an organism an advantage is carried on and modified to provide an organism with a greater advantage within its environment.

Another example of evolution, which is supported and not just demonstrative of an idea, is the classic example of the Galapagos Finches. The Galapagos Finches are the finches that live on the Galapagos Islands. Each species of these finches is well suited to its particular environment (Smith, Jonathan, 2005). They have adapted over generations to be able to survive and thrive within their environment. There are also other species of finches in South America and in other places in the world with climates more similar to the Galapagos Islands than South America. If the finches had been created placed there wouldn't it make more sense for them to be more similar to the finches in environments to their own than the finches in South America? Why bother with making finches that are suited to an environment that is basically the same as another environment, but have less in common with the finches in a similar environment than the finches that are on the neighboring continent in a different environment (Smith, Jonathan, 2005)? The finches that inhabit the Galapagos Islands are much more similar in appearance and genetically to the finches on the nearby main land of South America, than the finches in other parts of the world with climates that are basically the same. This wouldn't make much sense if all of the finches were created in their environment, however if the finches on the

Galapagos Islands came from those on the main land and then evolved to be able to survive in their new environment the similarity to the finches on the main land and the differences with the finches in other parts of the world would be explained (Smith, Jonathan, 2005).

Another example along the same lines is seen in the Guppies (*Poecilia reticulata*) in Trinidad, a Caribbean Island. Two populations of guppies that were originally almost identical are less than one-hundred meters apart, but they are separated by a waterfall. In one population the guppies are feed upon by a fish called a killifish, which preys predominately on small, juvenile guppies. In the other population the guppies are eaten by pike-cichlid, which primarily eats relatively large, sexually mature individuals. The guppies in the population exposed to the pike-cichlids have more offspring, reproduce at younger ages, and are smaller at maturity than the guppies that are exposed to the killifish (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). This demonstrates natural selection. Those guppies that were more suited to their environment survived to produce offspring more often than those that didn't and thus the population on average changed. As time continues to pass the two populations of guppies will gradually become more different from each other. If the two populations continue to remain separate they will continue to change in the same manner as they have so far. If enough time is allowed to pass and then the two populations were reintroduced to each other they would eventually have gotten to the point where they could no longer interbreed to produce viable offspring, either due to prezygotic barriers, such as gametic isolation, or postzygotic barriers, such as reduced hybrid viability. The two populations would become different species; they would have evolved due to natural selection.

A fourth piece of evidence for natural selection is found in the very existence of fungi, in particular the reproductive habits of fungi. Two lineages of the same species of fungi can go on for hundreds of generations dividing through mitosis to form identical clones of themselves. However, if the environment changes so that evolutionary pressure is applied to the fungi, for instance if the humidity in their environment changed, then the two lineages of fungi would suddenly undergo syngamy, the fusion of two gametes to form a zygote (Smith, Jonathan, 2005). This would cause new fungi that were genetically varied from each other and their parents, due to random recombination of the DNA, genetic material, by the process of meiosis (Smith, Jonathan, 2005). The range of variation would cause those fungi that were the most suited to the change in environmental conditions to survive and be able to reproduce again, while eliminating the fungi that were less suited to their environment. If this continued to happen over a multitude of generations the fungi that would result could no longer mate with the species of fungi from which they came. In the example of the humidity change the new fungi would eventually not be able to live in a climate with the humidity that the original species could live in and this would cause a prezygotic barrier that would stop there from being any possibility of the two different fungi mating in nature. The two fungi would be different species. The one fungus would have evolved by natural selection into a new species. The very existence of a sexual life cycle built specifically suited to allow survival of generations over other organisms by natural selection would be a tremendous advantage if natural selection was indeed the mechanism by which evolution occurs. The implementation of this reproductive life cycle by one of the most successful groups of organisms that currently exists on this planet is some of the most compelling evidence

that could possibly exist to support natural selection. Considering that two of the oldest, largest, and best adapted organisms on this planet are fungi that have been found in the United States, and that fungi are some of the most evolutionarily adapted organisms in existence, to say that they were not one the most successful organisms would be ridiculous (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). This is but a miniscule amount of the evidence for evolution by natural selection that's available in the world.

Given this colossal amount of evidence that supports evolution by natural selection for there to be as many people as there are that consider it to incorrect or false there must be some evidence against it? Right? Unfortunately, for those that would argue against the theory of evolution by natural selection, there currently is no evidence against it what so ever! Thousands of attempts to disprove evolution by natural selection have been made. None of them have yielded results that oppose evolution by natural selection and many have actually supported it in their failure to disprove it. Yet there are people in the world today, which live off of an economy based on information that supports natural selection and would be refuted if natural selection was to be refuted, who still believe evolution by natural selection to be a flawed concept.

There are very few arguments made against evolution. One of the main arguments against evolution is that it is just a theory (Campbell, Neil A., Jane B. Reece, Lawrence G. Mitchell, 1999). This argument is less than worthless. Evolution by natural selection is a scientific theory. In science a theory is as good as it gets (Smith, Jonathan, 2005). Sometimes theory can be incorrect, but most often as support for a theory increases the probability of that theory being incorrect decreases. Darwin's theory of

evolution by natural selection is one of the most supported theories in all of science! It is almost as well supported as Newton's theories of gravity and friction are supported! To say evolution is just a theory is a way to disprove it is about as ridiculous as saying everything in science is disproved because, at best, they are just theories. The reason for this argument is a general misconception that most people have due to the misuse of the word theory.

Most people consider a theory to be an educated guess, partially due to the misuse of the term in such things as Sherlock Homes and other mystery novels. An educated guess is actually a hypothesis, but for some reason, authors of these books decided to use the word *theory*, possibly because they thought that it sounded cooler. For whatever reason the general population usually considers a theory to be a hypothesis. In actuality a theory is an explanation of why something is the way that it is based on the entirety of available information that has something to do with the explanation.

If new information causes a problem with a theory the theory is modified so that it is compatible with the new information (Smith, Jonathan, 2005). If new information shows that a theory is exceptionally off the theory is done away with. This is why the current theory of evolution by natural selection is not just a guess it is the best explanation for why life is the way it is on the planet Earth that we have been able to come up with thus far!

In actuality the theory of evolution was immediately accepted, even by the Catholic Church (Smith, Jonathan, 2005). However, natural selection being the mechanism of evolution was not accepted by certain religious groups because it contradicted the Bible on several points. For one it contradicted the Bible on how long

the Earth had existed. Secondly, it contradicted all forms of life being made by god, also known as creationism. It also undermined the significance of humans and made us seem to be rather unremarkable. These are the main reasons that were given for opposition to the theory of evolution by natural selection, and with the given information, all opposition that has occurred has been, at best, exceedingly absurd.

There is one creationist view that the theory of evolution by natural selection does not contradict. At some point, the creation of the original matter of the universe is unexplained. The view that an all powerful being or force could have created this starting matter is currently unopposed by any commonly known hypothesis or scientific theory.

“Descended from the apes! My dear, let us hope that it is not true, but if it is, let us pray that it will not become generally known.” That was said by the wife of the Bishop of Worcester after she heard about the *Origin of Species*.’ (Horan, Patricia, 1979, page v). Ever since the publication of the *Origin of Species* by Charles Darwin in 1859 the theory of evolution by natural selection has had strong opposition from people including those in several religious groups. The opposition to this theory is due to it contradicting one of the most powerful and influential books ever written, the Bible. In a massive number of instances the theory of evolution by natural selection contradicts the Bible. By doing this it opposes religions based on the Bible and makes major alterations to the interpretation of the Bible. Creationism is more of a ledger of rules by which human beings are ethically and morally guided. It provides a certain level of comfort to know that there is an omniscient, omnipotent Being in charge of our worlds. However, the Theory of Evolution, by natural selection, is an extremely well supported scientific theory. Evolution by natural selection is an excellent explanation for how life came to

exist as it is presently does on Earth; there is evidence for it wherever you look in nature; and there is no evidence against it. Some might argue that while evolution is merely a theory, others might argue that creationism is at best, a good story for the ages.

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Capital Punishment is the most controversial form of criminal punishment. The United States is one of the last modernized countries that still executes its criminals. People are put to death and later found innocent of the same crime. It is a cruel and immoral method of punishment and the U.S. should stop using it as a form of sentencing criminals. The U.S. should ban all methods of capital punishment and substitute life in prison as the maximum sentence.

The risk of putting innocent people to death is very high. Since 1973, 102 have been acquitted of their charges, mainly because they were proven innocent by DNA. Just within the past four years, 17 people were found innocent after being sentenced to death. In Illinois, over a twenty-year period, they freed more people from death row than they executed. Today, police have opened at least 9 cases in that state in which they have found evidence that contradicts other evidence used to sentence people to death.

Malcolm Rent Johnson was sentenced to death by the state of Oklahoma in 2000. A year and a half after his execution, he was proven innocent. Johnson was convicted based on testimony of Oklahoma City police chemist Joyce Gilchrist who found that they blood type of Johnson matched sperm found in a 76-year-old woman's apartment who was killed in 1981. The Oklahoma City police reexamined the evidence and found that there was no sperm found at all. Oklahoma City police claim they simply have stretched the truth.

The practice of the death penalty is cruel and degrading. One method of the death penalty is electrocution, where the executioner sends a jolt between 500 and 2000 volts into a metal skullcap attached to the prisoners head. 11 states use the electric chair. The main method for the death penalty in the United States is by lethal injection. A prisoner is first drugged with an anesthetic that will put them to sleep. Then a paralyzing solution is injected to stop the breathing. Finally, a lethal dose of toxic agent is given and causes the inmate to go into cardiac arrest. Usually, the whole process of execution by lethal injection takes anywhere between 5 and 18 minutes to complete. The process of capital punishment is crueller as the original crime because it is completely premeditated.

The United States is one of the last civilized countries that still exercises capital punishment. The U.S. is also one of the few countries that executes mentally ill persons, persons with very low IQ, and murderers under the age of 18. Most modern developed nations have stopped executing prisoners and instead the most severe form of criminal punishment is a life sentence in prison. Recent polls show that there is an increase of people wanting life in prison as the maximum sentence.

Supporters of the death penalty argue that it is the best deterrent for murder. This only works when executions are carried out immediately. The idea of deterrence is supposed to encourage people not to kill. However, it sends a message that killing is okay. Studies show there is no unusual increase in murder in countries without the death penalty. Countries such as Sweden, the Netherlands, and Belgium have abolished the death penalty and have had no increase in murders. 112 countries have banned the death penalty. Life in prison works just as well as the death penalty in persuading a person not to commit a violent crime.

Supporters also claim the death penalty is a necessary form of retribution for terrible crimes. They say that people who have taken lives deserve to have their life taken. One supporter said, "If we fail to execute murderers, we have allowed the killing of a bunch of innocent victims." Life in prison is not allowing killings of innocent people but allowing the murderer to repay the damages to the family as well as be punished. Taking lives as a punishment lowers the social standards to the criminal and justifies what he or she did. The death penalty not only punishes the murderer, but his/her family and they too have a family member killed as a result.

Another position in favor of the death penalty is that it is a lot cheaper than to hold prisoners in jail for life. However, holding a person in jail is far cheaper over time than executing someone. The cost of executing someone is accumulated immediately, but the cost of life in prison is spread out over a longer period of time. For example, a million dollars today is a lot harder on the state than a million dollars that can be paid over a 40-year time period. Death penalty cases are clearly more expensive because of all of the appeals and cases being overturned. In America, only about 12% of the people sentenced to death are actually put to death. In Texas, the average cost of an execution costs about 3 times as much as 40 years in a maximum-security prison. Nearly every state that uses the death penalty spends millions extra per year on death penalty cases.

The death penalty is a brutal method of punishment and doesn't work any better than life in prison in regards to deterring crime. Every year people on death row are proven innocent and freed. It justifies the crime that a murderer commits and is more expensive than imprisonment. Executing a killer doesn't bring back the victim. The United States should stop practicing capital punishment altogether.

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NEA-ALASKA

Affiliated with the National Education Association

Bill Bjork's Testimony before Senate Finance March 9, 2005

Good Morning Co-Chair Wilken, Co-Chair Green and members of the Senate Finance Committee. For the record my name is Bill Bjork and I serve as President for the more than 12,500 members of NEA-Alaska.

To begin, let me say a hearty thank you and acknowledge the committee's efforts last year in providing our schools with funds to cover inflation, pay for the increases in the TRS/PERS contributions and \$27 million for instructional programs. The entire \$82 million was appreciated as it avoided the vast majority of proposed cuts to education in FY '05. Last year under a fragile budget situation, when there was an expected draw on the Constitutional Budget Reserve (CBR) you still found the courage to make a historic increase to K-12 education.

I also applaud the committee for allowing testimony from across Alaska to determine the needs of K-12 education across Alaska and the level of state funding to meet those needs. I am not going to spend a lot of time describing the funding needs. I will leave that to the parents, teachers, school employees, administrators and citizens, who have ably described those needs to other legislative bodies to date. Let it suffice to say that CSIB 1 (HESS) with a Base Student Allocation (BSA) of \$4,919 DOES NOT meet the needs of a single school district in Alaska.

As a matter of fact the statements by legislators to date have all acknowledged that \$4,919 IS NOT ADEQUATE and does not meet the needs of our schools for FY '06. It does cover the costs of the increase in TRS/PERS contributions. It does cover the cost of inflation. It does provide \$9 million for the classroom.. It does not avoid the PINK SLIPS being issued, which will result in the loss of gifted, young teachers to our classrooms. Thus, it does simply let us know early this year how bad the pain is going to be.

Rather than talking about the needs of our schools, I will take the time to talk about the means to adequately fund our schools. To date the primary reason provided by legislators as to why CSIB 1 (HESS) is less than last year's efforts is that there is no revenue source. Such rationale bewilders me. It makes no sense to me that in a year in which we will have a surplus of over \$300 million and will not draw a penny from the CBR, we are saying we cannot do as well as we did last year when, in March, we were expecting to have at least a \$150 million draw on the CBR.

As Sen. Wilken has stated many times, every other state in the nation would be happy to have our "problem." We are the richest state in the nation. A more accurate statement might be that there is no political will to utilize the revenue sources we do have.

As a matter of fact several proposals for revenue sources are already in bill form and before this legislature. SB 88 and HB 143 provide the opportunity to draw from the CBR and the Earnings Reserve Account (ERA), which total over \$4.2 billion. To add an additional \$50 million to CSHB 1 (HESS) would only require a little over 1% of these reserves. Another option is the POMV approach contained in HJR 11 and SJR 8. This approach could generate monies far in excess of the \$78 million additional funds needed to reach NEA-Alaska's BSA recommendation of \$5,315. A third option is to use a portion of the FY '05 windfall funds. With Alaska North Slope crude a mere six cents from \$50.00 per barrel on March 7, the surplus is conservatively estimated at \$300 million with no draw from the CBR.

You are the experts as to the finances of the state and I am sure know of many other options available to establish a long-term fiscal plan for Alaska, which contains a funding solution to meet Alaska's constitutional mandate to K-12.

On behalf of 133,000 students and 12,500 teachers and education support professionals I implore you to look at the healthy financial situation and make a real commitment to address adequate funding in this budget. NEA-Alaska is recommending a BSA number of \$5,315. This level of funding would put about \$85 million into the classroom after meeting PERS/TRS and inflation.

Thank you for your time today and I would be happy to attempt to answer any questions.

EDUCATION FUNDING POSSIBILITIES FY '06

IMPACT ON CLASSROOM

	<u>BSA</u>	<u>Total New \$</u>	<u>TRS/PERS</u>	<u>Inflation</u>	<u>Classroom</u>
Last year	\$4,576	\$82 million	\$35 million	\$20 million	\$27 million
Gov. Murkowski	\$4,880	\$62 million	\$38 million	\$23 million	\$1 million
CSHB 1 (HESS)	\$4,919	\$70 million	\$38 million	\$23 million	\$9 million
School Board Assn	\$4,995	\$82 million	\$38 million	\$23 million	\$21 million
Kids Count	\$5,120	\$111 million	\$38 million	\$23 million	\$50 million
NEA-Alaska	\$5,315	\$148 million	\$38 million	\$23 million	\$87 million

In order to have a funding for classrooms to show a real positive trend upward the Total New \$ must be at least \$89 million. To achieve adequacy by the date set by No Child Left Behind the Total New \$ must be at least \$111 million and closer to \$148 million.

March 8, 2005

Dear Senate Finance Committee Members,

My name is Andrea Story, I am a Mother of two in the Alaska Public School system. I am a Member of the Juneau School Board and I am a Member of Alaska Kids Count!

I am testifying today in support of increasing the Student Base Allocation to 5,120. The current amount of the Student Base Allocation is 4,919, that means 300,000 dollars in cuts to the Juneau School district. This also assumes the City will fund to the new CAP, which is a 900,000 dollar increase. If they do not, it will mean more cuts. Juneau traditionally funds to the Cap. 43 percent of our education budget is paid by the City.

As a School Board member I watch closely your decision on what to appropriate to public education. As you know the Legislature appropriates, the School Boards allocates. I can tell you that as a School Board member I find this a difficult process. For instance in Juneau, since I've been on the Board parents are advocating for lower class sizes, that was one of the main reasons I ran for the Board, to lower class sizes. In the budget process last year the Board to balance the budget planned to cut three bus routes whose students live 1.5 miles or closer to school. The Board listened to parents testifying about safety concerns and how they worry for their 5, 6, 7 year olds safety as they walk 1.5 miles to school. We received 2 petitions signed by over 140 parents requesting that their bus service not be cut. We funded the buses at the expense of being able to lower class sizes in three primary classrooms. I see how there are tough choices to make. Right now the budget shows a 300,000 in cut, which we passed by reducing the 3 school bus routes that we funded last year and reducing the 3 Dropout Counselor positions.

As a new Board Member, I hear that education does receive a huge amount of money, it is the 2nd largest expenditure for our state. So I ask myself, "Our School Boards asking for too much money for our schools?" I went looking for sources comparing what other states are doing. I know it is a big expense to all states. I know children are

expensive to educate. I went to Education Week, which is a non-profit organization based in Washington D.C. who's purpose is to raise the level of the public and professionals information on issues concerning education. For the last nine years they have done a State – by- State Report card. This year's report card, which is adjusted for regional cost differences rates Alaska 30th out of 50 in the amount of money spent on education (www.edweek.org) This tells me that Alaska is below average in the amount of money our state spends on education. It tells me that is not unreasonable for School Boards and principals and parents to be asking for more money in the Student Base Allocation.

In Juneau our school site councils have put an unfunded critical needs list together for if we had increased funding. It shows what is wanted, the amount it costs, and the additional foundation formula amount needed to get that service. For example to enhance graduation success which helps meet NCLB requirements, an English as a Second Language Teacher costs 61,000, that is an increase of 8 dollars. Summer School Support is 75,000 dollars an increase of 10 dollars to the foundation, the 3 Dropout Counselors cost 172,000 and increase of 23 dollars to the foundation. To reinstate the buses it would be 33 dollars.

Funds are also needed to enrich the basic educational program. Lowering class size in Juneau to Board policy costs 978,000 or 128 dollars in additional foundation formula. My point is, every dollar amount that the Legislature increases the foundation formula, that has a direct benefit to resources available to the school districts you represent across the state. My point is also that School Boards struggle with what to fund as there are many unfunded critical needs.

I urge you to appropriate a Student Base Allocation of 5,120.
Thank you for listening.

Andrea Story
12069 Cross Street
Juneau 99801
(907)789 - 4292

Juniata School District

1/24/2005

UNFUNDED CRITICAL NEEDS LIST

Enhance grad. rates

Add'l
Foundation
Needed

Reinstate Selected Reductions

2.0 FTE SpedEd Aides	\$55,720	\$7
3.0 FTE Dropout Prevention Positions	\$172,761	\$23
1.0 Montessori	\$53,295	\$7

5.0 FTE Special Education Aides	\$151,335	\$20
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1.0 FTE Special Education Teacher	\$61,822	\$8
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1.0 ESL/ELL Teacher	\$61,822	\$8
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Decrease PTR to Board Policy Target	\$978,000	\$128
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Summer School Support	\$75,000	\$10
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Textbooks

Elementary LA Textbooks	\$130,260	\$17
Voc Ed Textbooks	\$40,000	\$5
Fine Arts Textbooks*	\$35,000	\$5
Tech Textbooks	\$25,000	\$3

Tech Coordinator	\$89,540	\$12
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Technology Upgrades	\$1,400,000	\$184
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Increase Sub Pay	\$150,000	\$20
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Yaakoosge' Upgrade/Relocation	\$85,000	\$11
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Reinstate Buses (within 1.5 miles)	\$250,000	\$33
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Budget Reserve	\$400,000	\$52
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TOTALS

ASSOCIATION OF ALASKA SCHOOL BOARDS

Advocates for Alaska's Youth

February 8, 2005

Statement by the Association of Alaska School Boards on Foundation Formula Funding

Carl Rose, executive director of AASB, issued the following statement today in testimony to the House Special Committee on Education:

Thank you for the opportunity to testify today. Our 52 member school districts have a huge stake in the legislation before you. Nothing less than the future of our children, and the future of our state, will be shaped by the decisions the 24th Alaska Legislature makes in regards to education funding.

In late January, the AASB teleconferenced with our five largest districts to discuss the accelerated timetable the Legislature has established for considering the state operating budget. School districts appreciate the willingness of the Legislature to consider education funding early in the session. As a consequence, we need to establish our positions and make them known to the Legislature in a significantly shortened timeframe.

After discussions with our largest districts, AASB believes that the foundation formula increased proposed by the administration, while much appreciated as a starting point, simply won't provide the level of state support most of them require in fiscal year 2006. Our organization believes the precedent established last year, when the Legislature provided an increase of \$82.5 million in foundation funding, should guide this year's deliberations on the formula.

(more)

Using that yardstick, AASB urges the Legislature to increase the base student allocation to \$4,995 and appropriate an additional \$85 million in basic state support for K-12 education.

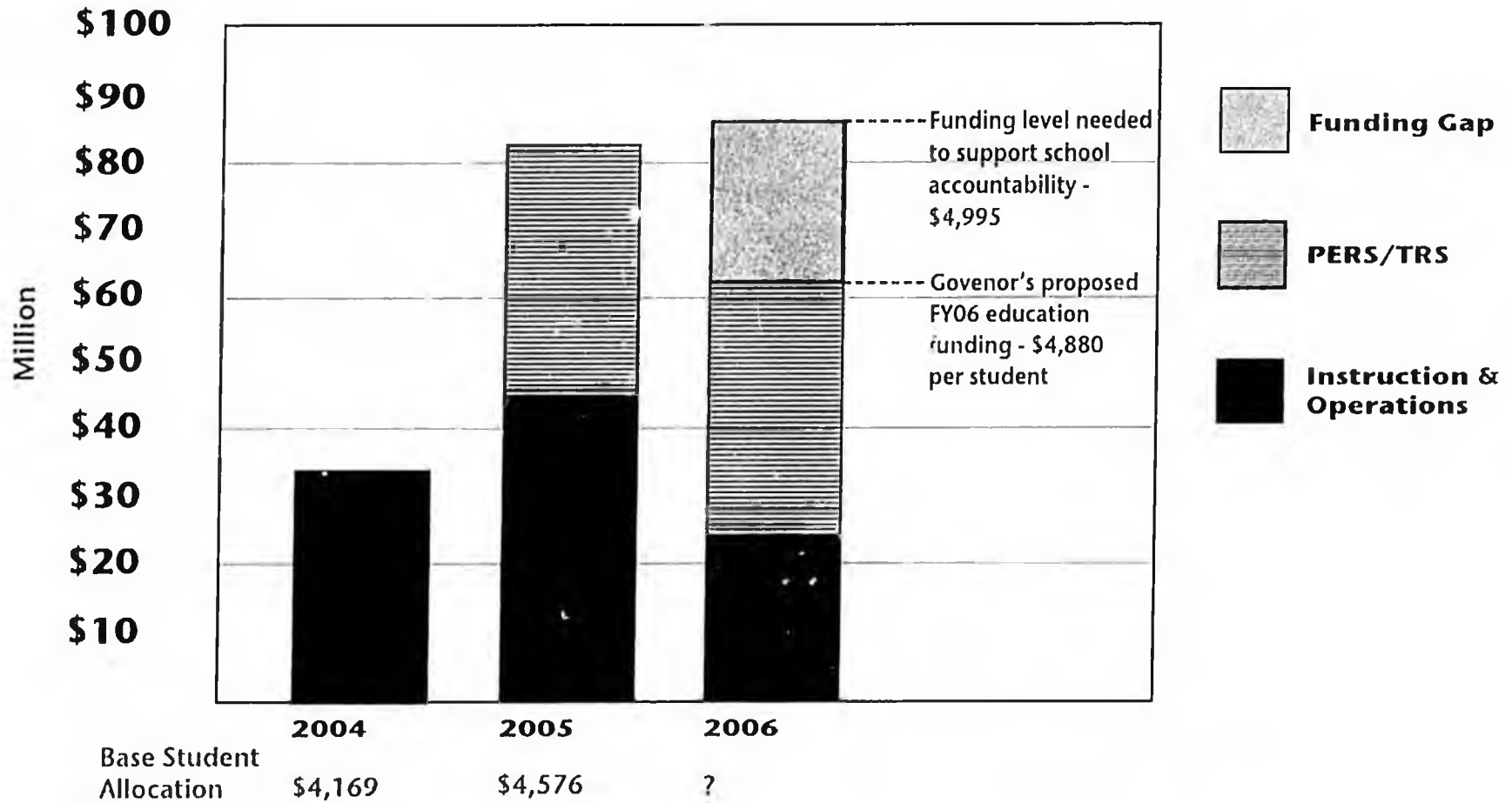
That is the minimum level of state support that is required by most of our school districts across the state. This increase is less than some teachers and parents support, but it is more than the administration has offered to date.

As you know, much of that extra state support will never reach the classroom. Because of requirements for funding increased retirement costs, \$38 million is earmarked for the PERS/TRS systems and \$47 million would go towards instruction and operations. (Note graphs that accompany this testimony).

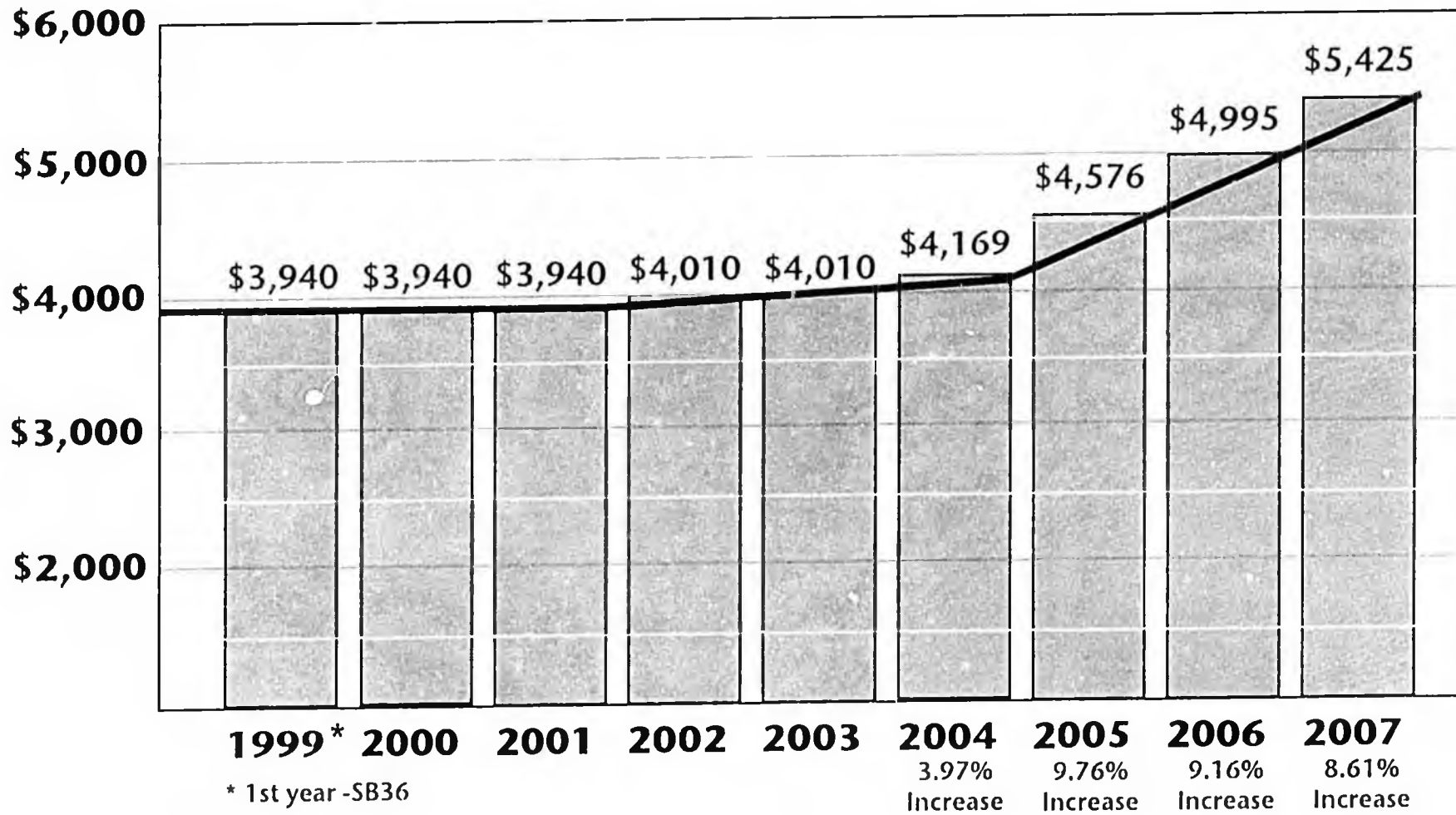
AASB believes that when the Legislature examines the need for increasing the foundation formula for K-12 education, you will see that this is a good investment in the future of Alaska. Certainly, the public will support you in making this investment happen.

Thank you.

Proposed School Funding



Base Student Allocation 1999-2007



3/9/05



Alaska Kids Count!

Who are we?

Alaska Kids Count! is a nonpartisan network of parents, educators and community members concerned about the quality of public education in Alaska and committed to making a positive contribution to improve Alaska's schools. It is a grassroots, volunteer effort.

The network's primary goal is to increase State funding to provide the resources needed to offer a high quality education to students in Alaska.

The network provides individuals with the tools and information needed to effectively voice concerns to state and local decision makers. Information is shared primarily through email. Participants are encouraged to attend legislative hearings, write letters to elected officials and newspapers, make phone calls and distribute information on education issues and pending legislation.

Our guiding principles:

- * Parents, voicing their individual and collective concerns, are a powerful and effective lobby.
- * Advocacy will be most effective if it is done collaboratively with parents, educators and organizations from across the state.
- * It is the State's constitutional obligation to provide a free K-12 public education. It is the Legislature's responsibility to determine the means of funding it.
- * To be effective, we must be persistent.

Alaska Kids Count! originated in January 2004 in response to parent concerns about diminishing resources and opportunities in Juneau's public schools. We have evolved into a statewide organization with contacts across the state, with our base of operation in Juneau.

To learn more about Alaska Kids Count! write to williwaw@earthlink.net or visit our web site at www.AlaskaKidsCount.org.

Alaska Kids Count! Steering Committee
Mary Hakala, Mike Sigler, Mike Ford and Andi Story
January 2005

Alaska Kids Count!

2005 Legislative Goals

* *Increase Foundation funding:*

Decrease Class Size, to increase student-teacher contact time
and

Improve instructional quality

* *Encourage parents' participation in the legislative process* and involvement in decisions impacting the quality of education in Alaska's public schools.

* *Provide adequate funding for safe & efficient transportation of students to and from school.*

How can you become involved?

* *Contact your Legislators.* To find out who your Legislators are, and how to contact them, go to the legislative web site, www.legis.state.ak.us, or call a Legislative Information Office (LIO), located in many of Alaska's cities. Juneau's LIO number is 907-465-4648.

* *Become a participant in the Alaska Kids Count! network.* Email us at williwaw@earthlink.net. We will provide you with information and ideas on how to effectively voice your opinion.

SENATE FINANCE COMMITTEE

SIGN-IN

HB 1-INCREASE AMT OF BASE STUDENT ALLOCATION

NAME: CARL ROSE Subject/Bill No: CSHB1
Co./Dept./Title: AASB Phone: 586-1083
Address: 1111 9th St Juneau Alaska Zip: 99801
Do you wish to testify? Yes No Respond To Questions

NAME: LARRY SCANDLING Subject/Bill No: CSHB1
Co./Dept./Title: Principal Yakoo AIHS Phone: 586 5742
Address: 10014 Crazy Horse Dr. Zip: 99801
Do you wish to testify? Yes No Respond To Questions

NAME: Theresa Rodriguez Subject/Bill No: CSHB1
Co./Dept./Title: Student, YK AIHS Phone: See above
Address: See above Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: Pete Swanson Subject/Bill No: CSHB1
Co./Dept./Title: Principal, McNeil Cymon EL (PBI) Phone: 235-8181
Address: 52188 East End Road, Homer Zip: 99603
Do you wish to testify? Yes No Respond To Questions

NAME: Leslie Campbell Subject/Bill No: CSHB 1
Co./Dept./Title: Principal Anne Wren Elem Phone: (907) 451-7500
Address: 1501 Hampstead Ave. Zip: 99701
Fairbanks, AK.
Do you wish to testify? Yes No Respond To Questions

NAME: Principal PJ Ford Slack Subject/Bill No: ↓
Co./Dept./Title: North Pole High School Phone: 488 3761
Address: 6001 NPHS Blvd Zip: 99501
Do you wish to testify? Yes No Respond To Questions

NAME: Mike Ford Subject/Bill No: HB 1
Co./Dept./Title: AK Kids Count Phone: 780-6460
Address: 4487 Hillcrest Ave Zip: 99501
Do you wish to testify? Yes No Respond To Questions

NAME: Erica Kludt - Painter Subject/Bill No: HB 1
Co./Dept./Title: Principal, Stedman Elem. Phone: 772-4786
Address: Box 289, Petersburg AK Zip: 99833
Do you wish to testify? Yes No Respond To Questions

NAME: Lisa Prince - Smith Subject/Bill No: HB 1
Co./Dept./Title: Principal Wonder Park Elem Phone: 337 7512
Address: 5100 E 4th Ave Anchorage Zip: 99508
Do you wish to testify? Yes No Respond To Questions

NAME: Sheila Judge Hall Subject/Bill No: _____

Co./Dept./Title: Principal - Campbell Elem. Phone: _____

Address: Anchorage Zip: _____

Do you wish to testify? ___ Yes No ___ Respond To Questions

NAME: Leslie Vandergaw Subject/Bill No: _____

Co./Dept./Title: Principal - Anch. Sch. Dist. Phone: 742-8411

Address: _____ Zip: _____

Do you wish to testify? ___ Yes ___ No ___ Respond To Questions

NAME: Ruth Michalscheck Subject/Bill No: _____

Co./Dept./Title: Principal A.S.D. Phone: _____

Address: Anchorage Zip: _____

Do you wish to testify? ___ Yes No ___ Respond To Questions

NAME: Mike Sigler Subject/Bill No: Education Funding

Co./Dept./Title: Alaska Kids Count Phone: 780-6359

Address: Juneau Zip: _____

Do you wish to testify? ___ Yes No ___ Respond To Questions

NAME: Tatianna Simhuber Subject/Bill No: Edu Funding

Co./Dept./Title: Yakos Alternative HS Phone: _____

Address: Juneau Zip: _____

Do you wish to testify? Yes ___ No ___ Respond To Questions

NAME: Andi Story Subject/Bill No: 1
Co./Dept./Title: Member Juneau School Board Member Alaska Kids Count
Address: 12069 Cross St. Juneau Phone: 782 4292
Zip: 99901
Do you wish to testify? Yes No Respond To Questions

NAME: Mary Hakala Subject/Bill No: HB1
Co./Dept./Title: Alaska Kids Count! Phone: 780 4640
Address: 1606 Laurie Lane Juneau Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: BETH CHARNOV Subject/Bill No: 1
Co./Dept./Title: Member Alaska Kids Count Phone: 236 2210
Address: 250 Ocean Hwy, Juneau, AK Zip: 99901
Do you wish to testify? Yes No Respond To Questions

NAME: Barbara Nagengast Subject/Bill No: HB1
Co./Dept./Title: PK Assoc of Elem Principals Phone: 742 5450
Address: Spring Hill Elem
4911 Lake Chris Pkwy Zip: 99907
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

S I G N - I N

HB 1-INCREASE AMT OF BASE STUDENT ALLOCATION

NAME: Kristen Romanello Subject/Bill No: HB 1
Co./Dept./Title: Parent Phone: 463-7942
Address: 1014 Brown Dr. St. Zip: 91901

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

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

HB 1

NAME: Amy SKILBRED Subject/Bill No: CSHB 1

Co./Dept./Title: parent Phone: 780-4649

Address: 4477 Abby Way, Tuncann Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: John Pothast Subject/Bill No: HB 1

Co./Dept./Title: Principal (H.S.) Phone: 262-8551

Address: Box 2717 Soldotna Zip: 99669

Do you wish to testify? Yes No Respond To Questions

NAME: Denise Greene-Wilkinson Subject/Bill No: HB 1

Co./Dept./Title: Principal (K-12) Phone: 742-8700

Address: Polaris K-12 1444 Bowling Rd - Anchorage Zip: 99507

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

7

HFIN

FILE

HOUSE COMMITTEE REPC 1

(11)

Date Referred to Committee: March 9, 2005

FURTHER REFERRALS:

Date of Committee Action: 4/22/05

The FINANCE Committee considered:

HB 7

HOUSE BILL NO. 7

UNEMPLOYMENT COMPENSATION BENEFITS

"An Act relating to the calculation and payment of unemployment compensation benefits; and providing for an effective date."

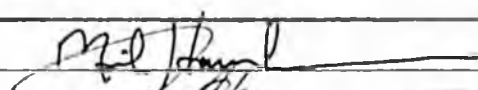
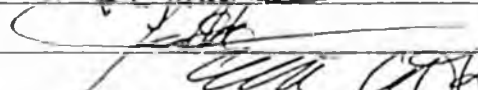



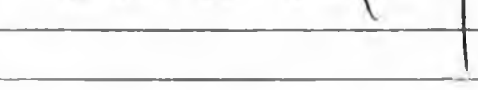
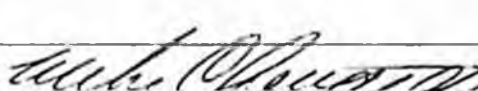
Recommends it be replaced with HCS or CS for HB 7 (FIN)
 For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DEG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW</u> FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DOA		✓		
Labor				✓

<u>PREVIOUS</u> FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DOA	#2	✓		

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Hawker	★			
	Holms	X			
	CROFT	✓			
	STARTER	✓			
	Soule	✓			
	Kelly	✓			
Chair: 	Chausse	X			

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 7(L&C)
(H) Publish Date: 3/9/05

Revision Date/Time (Note if correction): _____ Dept. Affected: All
Title An Act relating to the calculation and RDU Various
payment of unemployment compensation Component Various
Sponsor Crawford, Guttenberg, Gara
Requester _____ Component No. Various

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	225.0	470.0	525.0	575.0	625.0	675.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	225.0	470.0	525.0	575.0	625.0	675.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)*	225.0	470.0	525.0	575.0	625.0	675.0
TOTAL	225.0	470.0	525.0	575.0	625.0	675.0

*The fund source is shown as "other" because it encompasses all funding sources that pay for payroll.

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has a fiscal impact on the employer charge paid by all state agencies using the working reserves for unemployment insurance. The fiscal note calculations are based on a 3-year average of actual usage reimbursed to the unemployment program (\$3,815,035 in FY 2002 - FY 2004). Fiscal note assumes that 33% of the State's former employees would be eligible for new maximum benefit amount. It excludes the impact of the benefit increase on the University of Alaska.

Fiscal note is prepared as information only, not as support for appropriation. Working reserve rates are calculated annually in August for the next fiscal year's budget preparation. This benefit increase would not affect the FY 2006 rates which have already been factored into the FY 2006 budget, but it would increase the amount the state as an employer reimburses the unemployment program beginning January 1, 2006 (half of FY 2006) and raise budgeted rates beginning in FY 2007.

Prepared by: Kim Garner Phone 465-3435
Division: Division of Finance Date/Time 2/17/05 2:06 PM
Approved by: Michael Tibbles, Deputy Commissioner Date 2/17/2005
Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 7 (L&C)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Statewide
Title An Act relating to the calculation and RDU Statewide
payment of unemployment compensation Component Statewide
Sponsor Crawford, Gultenberg, Gara
Requester _____ Component No. Statewide

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	225.0	450.0	450.0	450.0	450.0	450.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	225.0	450.0	450.0	450.0	450.0	450.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)*	225.0	450.0	450.0	450.0	450.0	450.0
TOTAL	225.0	450.0	450.0	450.0	450.0	450.0

*The fund source is shown as "other" because it encompasses all funding sources that pay for payroll.

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has a fiscal impact on the employer charge paid by all state agencies using the working reserves for unemployment insurance. The fiscal note calculations are based on a 3-year average of actual usage reimbursed to the unemployment program (\$3,815,035 in FY 2002 - FY 2004). Fiscal note assumes that 33% of the State's former employees would be eligible for new maximum benefit amount. It excludes the impact of the benefit increase on the University of Alaska.

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Prepared by: Kim Garner, Director Phone 465-3435
Division Division of Finance Date/Time 3/10/05 3:40 PM
Approved by: Mike Tibbles, Deputy Commissioner Date 3/10/2005
Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB007CS-DOLWD-UI-03-08-05
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Department: Labor and Workforce Development
Title: Unemployment Compensation Benefits RDU: Employment Security
Component: Unemployment Insurance
Sponsor: Representatives Crawford, Guttenberg
Requester: House L&C Component Number: 2276

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL 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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: None
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation increases the maximum unemployment insurance compensation weekly benefit amount (WBA) from \$248.00 to \$336.00 in calendar year 2006.

Costs associated with implementing changes to the WBA will be absorbed through routine resources. There is no fiscal impact to the department as a result of this legislation.

Prepared by: Thomas W. Nelson, Director Phone: 465-5933
Division: Employment Security Division Date/Time: 3/8/05 1:00 PM
Approved by: Greg O'Claray, Commissioner Date: 3/8/2005
Agency: Department of Labor and Workforce Development

4/22/05

Failed
4-3

Amendment #

TO: CS HB 7 (L&C)

offered by Rep.

page 6, line 24

Section. 2. Insert the following:

Sec 2. AS 23.20.379 Voluntary quit, discharge for misconduct, and refusal of work. (a) An insured worker is disqualified for waiting-week credit or benefits for the first week in which the insured worker is unemployed and for the next 11 weeks of unemployment following that week if the insured worker

(1) left the insured worker's last suitable work voluntarily without good cause ; or

(2) was discharged for misconduct connected with the insured worker's last work

(b) An insured worker is disqualified for waiting-week credit of benefits for a week and the next 11 weeks of unemployment following that week if, for that week, the insured worker fails without good cause.

Renumber and replace Section 2 the effective date clause accordingly

Sec. 3

4/22/05

Amendment

2

OFFERED IN HOUSE FINANCE
TO: HB 7

BY REPRESENTATIVE KELLY

Page 6, Lines 5-22:

Delete all material.

Adopted

Page 6, line 23:

Delete: 37,750

Insert: ~~33,000~~

33,250

Delete: 336

Insert: 300

Alaska State Legislature
House of Representatives



Representative Harry Crawford -- District 21
Representative David Guttenberg -- District 8

SPONSOR STATEMENT FOR HB 7

House Bill 7 would increase the maximum weekly benefit available through unemployment insurance from \$248 to \$336. Future unemployment benefit amounts would be indexed to Alaska's average weekly wage; adjustments would be automatic and synchronized with the state's economy.

Alaska's economy includes many seasonal industries and current benefits fall short in helping families cover living expenses during periods of unemployment. Alaska's maximum weekly unemployment insurance benefit of \$248, which would only be available to individuals with an annual income exceeding \$38,000, is the fourth lowest in the nation. Increasing the maximum weekly benefit is not only long overdue, it is essential in alleviating skill shortages by ensuring Alaskan workers and their families survive periods of unemployment.

The current maximum weekly benefit amount of \$248 is only 35% of Alaska's average weekly wage, the third lowest state in the country. Other western states provide a much higher percentage of average weekly earnings in their maximum weekly benefit amount: Washington, 67%; Hawaii, 66%; Oregon, 63%; and Idaho, 59%. Using Alaska's average weekly earnings as the basis for calculating future unemployment insurance benefits will not only provide greater flexibility, it will also make certain the benefits accurately reflect the state's economy. The maximum weekly benefit amount would be indexed to the average weekly wage in the state for the preceding fiscal year, and benefits would not exceed 50% of the average weekly wage.

Retaining a well-trained Alaskan workforce is essential for a strong economy. Providing an overdue increase in the weekly benefit amount is necessary to keep Alaska's workers in Alaska. Linking the method for future benefit calculations to average weekly earnings will ensure any changes are in concert with Alaska's economy.

We urge your support of HB 7.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 9, 2005

SUBJECT: Sectional summary HB 7, (Work Order No. 24-LS0016A)

TO: Representative Harry Crawford
Attn: Heather Beaty

FROM: Barbara R. Craver *BRC*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. This section amends the table which sets the weekly benefit amount for unemployment compensation benefits by adding base period wages up to \$37,750.

Section 2. This section, regarding the number of weeks for which a person can receive unemployment benefits, is made applicable to persons eligible under subsection (h) of the same section, which is added by section 3 of this bill.

Section 3. New subsections are added to AS 23.20.350 (amount of benefits.)

Subsection (h) provides a mechanism to increase the ceiling for unemployment benefits based on an annual calculation of the average weekly wage.

Subsection (i) provides for the public process for establishing new weekly benefits.

Subsection (j) requires the commissioner of labor and workforce development to notify the governor if the average weekly wage decreases as described.

Subsection (k) sets how the average weekly wage is determined for the year.

Section 4. Allows the department to get started on regulations before the act takes effect.

Section 5. Makes section 4 effective as soon as the bill is passed.

Representative Harry Crawford

February 9, 2005

Page 2

Section 6. Provides an effective date of January 1, 2006.

If I may be of further assistance, please advise.

BRC:med

05-089.med

Alaska Department of Labor and Workforce Development Responses to House
Labor and Commerce Committee Hearing Regarding
House Bill 7-Unemployment Insurance Benefits-
February 23, 2005 Hearing

Q: What is the mission of the Unemployment Insurance (UI) Program?

A: As authorized in AS 23.20.005 and AS 23.20.010, Alaska's Unemployment Insurance Program is intended to lighten the burden on unemployed individuals and to maintain purchasing power as a factor in stabilizing the economy of the state during periods of high unemployment. Alaska's Unemployment Insurance Program is part of a nationwide employment security program and provides for meeting the requirements of Title III of the Social Security Act and the requirements of 26 U.S.C. 3303 and 3304 (Federal Unemployment Tax Act, Internal Revenue Code).

Q: What was the time span between when the weekly benefit amount was \$212.00 and when it was raised to \$248.00?

A: The maximum weekly benefit amount was \$212.00 beginning October 1, 1990 until it was raised on January 1, 1997 to \$248.

Q: What about inflation during this time period?

A: The cost of living in Alaska increased 61.4% between 1984 and 2004, during the same time period Alaska's maximum weekly benefit amount increased by 32%.

See Tables 1, 2 and 3 for detailed history

Q: What is the percentage of UI claimants that collect the maximum weekly benefit amount?

A: 31% received the maximum weekly benefit amount in calendar year (CY) 2004.

Q: Is the duration of weeks claimed relative to the weekly benefit amount paid to an individual?

A: The average number of weeks paid during CY 2004 to individuals receiving the maximum weekly benefit amount of \$248 was 11.81.

The average number of weeks paid to individuals receiving the middle weekly benefit amount of \$190 was 12.43. The average number of weeks paid to individuals receiving a relatively low weekly benefit amount of \$94 was 12.49.

Q: What is the amount of regular UI benefits payments by industry?

A: See Table 4.

Q: What is the average weekly wage compared to the average weekly benefit amount?

A: Alaska Figures:

In CY 2003 the average weekly wage was \$706.49, while the average weekly benefit amount paid to unemployed individuals was \$193.04. These figures reflect an average wage replacement of 27.3%.

A: National Figures:

In CY 2003 the average weekly wage was \$716.44, while the average weekly benefit amount paid to unemployed individuals was \$261.67. These figures reflect an average of wage replacement of 36.5%.

For a comparison of all states average weekly benefits as a percentage of average weekly earnings in CY 2003; see Table 5

The percentage of wage replacement in Alaska drops as the weekly benefit amount increases.

An individual earning \$6,999.00 per year, with an average weekly wage of \$134.60, is eligible for a UI benefit of \$90.00 per week, resulting in a 67% wage replacement.

An individual earning \$19,499.00 per year, with an average weekly wage of \$374.88, is eligible for a UI benefit of \$190.00 per week, resulting in a 51% wage replacement.

An individual earning \$26,699.00 per year, with an average weekly wage of \$514.41, is eligible for a UI benefit of \$248.00 per week, resulting in a 49% wage replacement.

An individual earning \$37,749.00 per year, with an average weekly wage of \$725.95, is eligible for a UI benefit of \$248.00 per week, resulting in a 35% wage replacement.

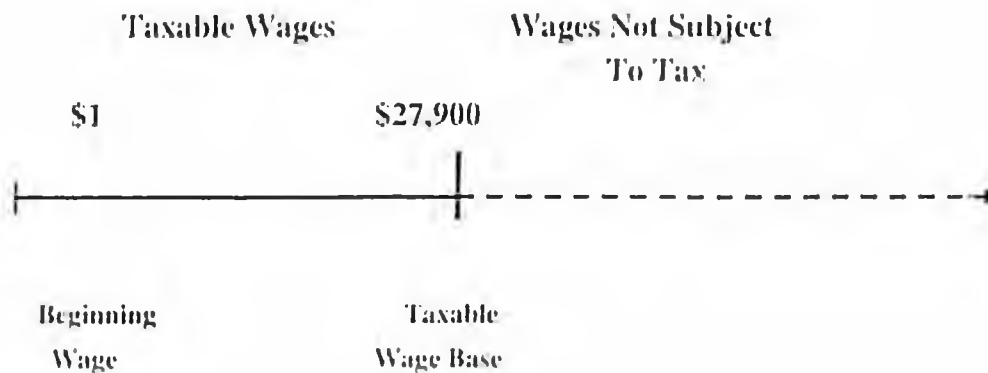
An individual earning \$47,000.00 per year, with an average weekly wage of \$903.85, is eligible for a UI benefit of \$248 per week, resulting in a 28% wage replacement.

Q: What is the cost to employers if the maximum weekly benefit amount is raised to \$336?

A: The estimated maximum increased cost to employers with an average tax rate would be \$64 per employee, per year.

See Table 6 for detailed tax increase estimates.

The amount of each worker's wage subject to UI taxation is called the taxable wage base. The taxable wage base is defined as 75 percent of the statewide average annual earnings of workers covered by the UI program. The Alaska taxable wage base for 2005 is \$27,900.



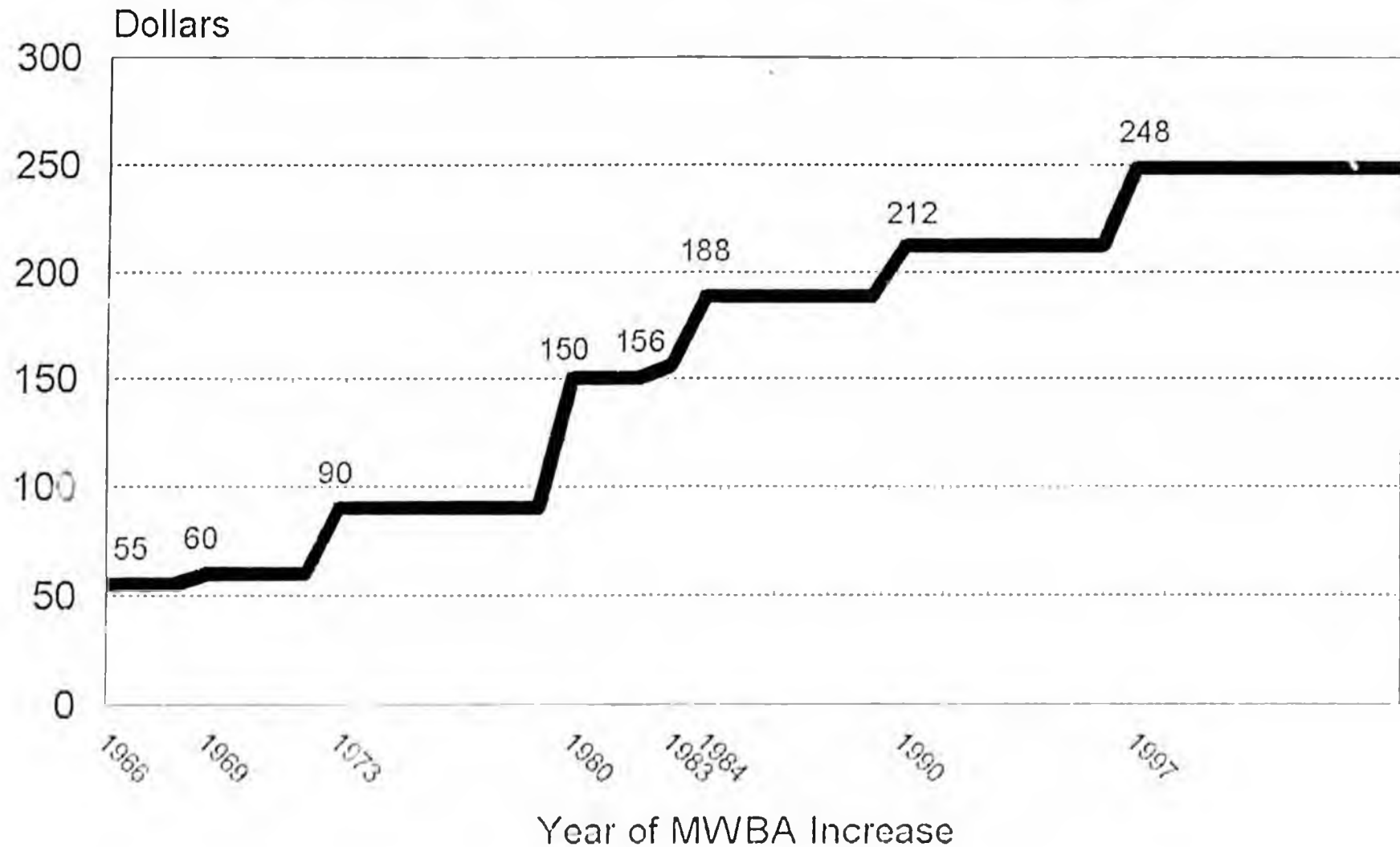
- The highest tax (excluding the penalty rate) on an employee's salary of \$25,000 per year would be \$930.
- The average tax for the same salary would be \$582.50 per year.
- An employer paying the lowest tax rate would pay \$250 per year.

Q: What is the history of tax rates over the past 20 years?

A: See Table 7

Table 1

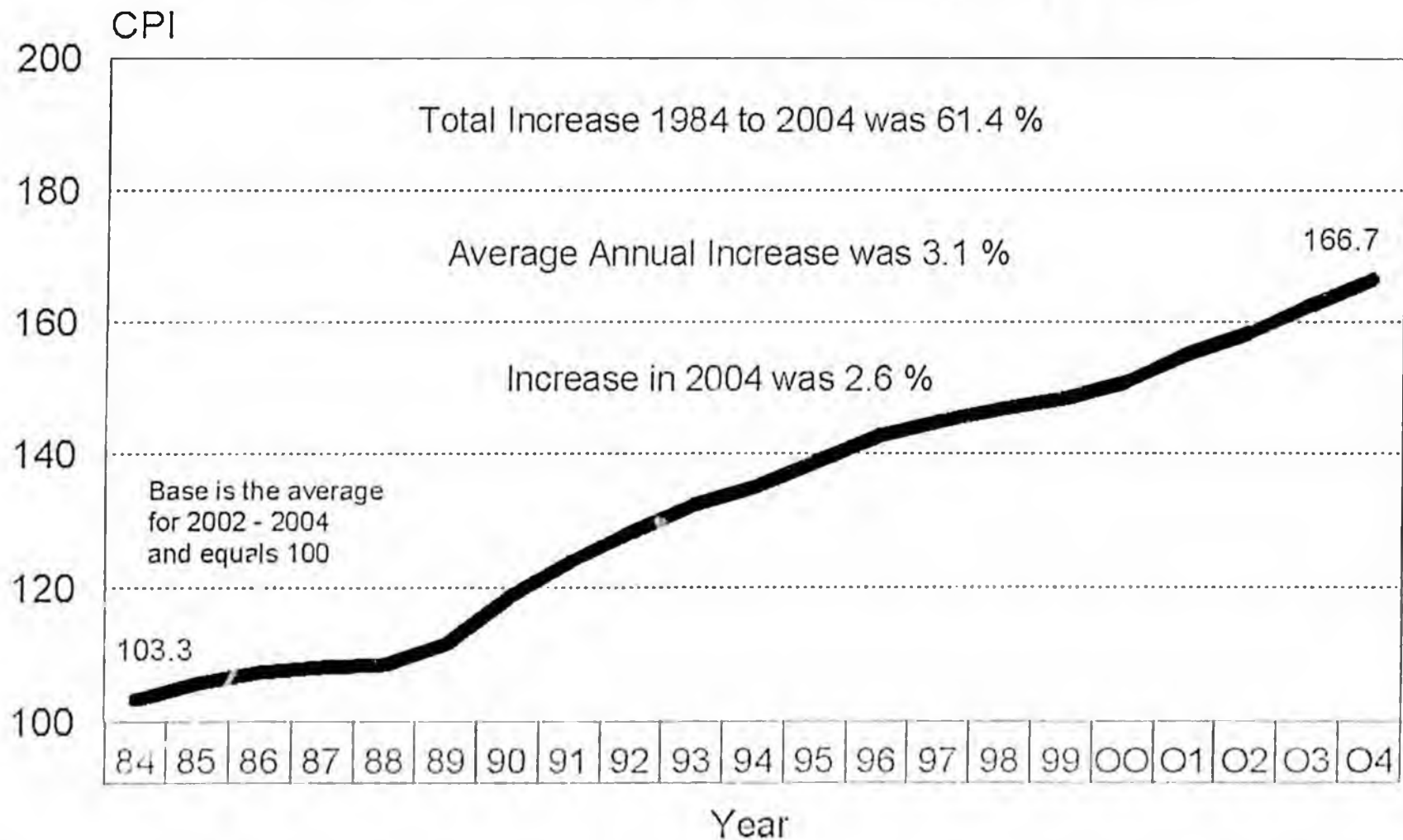
U.I. Maximum Weekly Benefit Amount History from 1966 to 2005



Source: Alaska Department of Labor & Workforce Development Feb. 28, 2005

Table 2

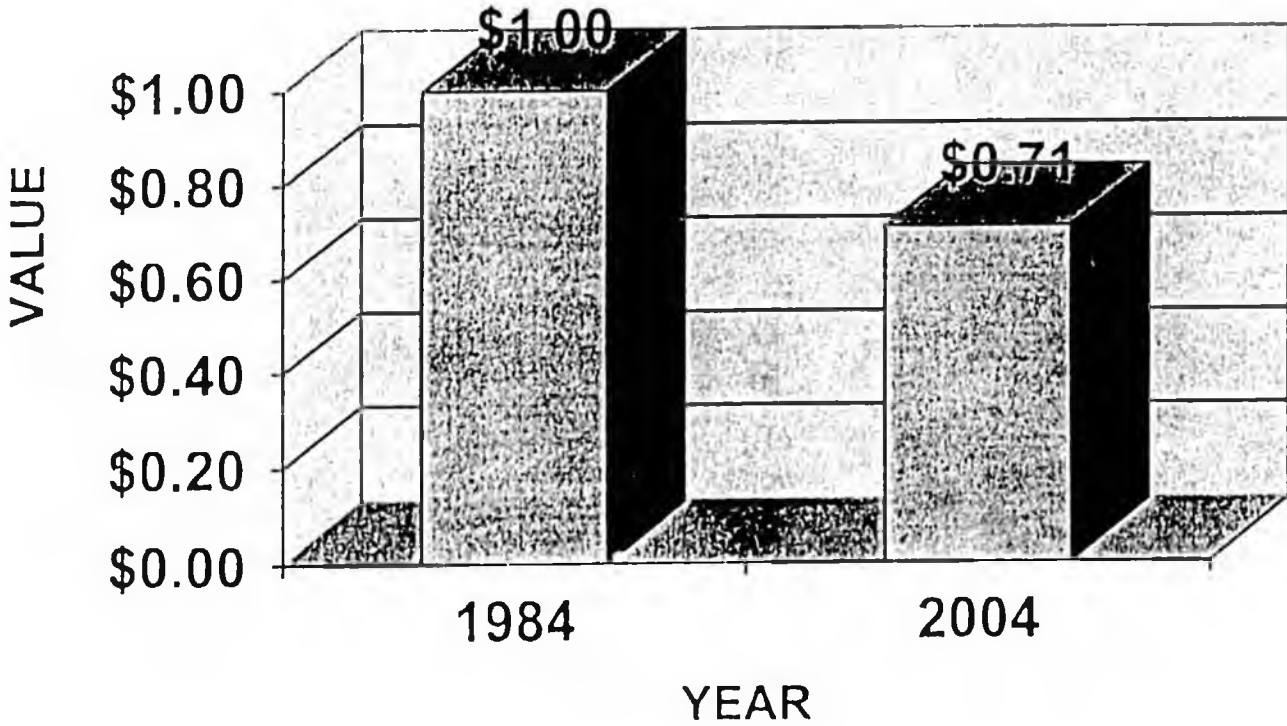
Growth of the Anchorage CPI-U Alaska's Cost of Living Index



Prepared by: Alaska Department of Labor & Workforce Development
 Source: US Department of Labor, Bureau of Labor Statistics

Rev. Feb. 28, 2005

Table 3 - The Purchasing Power of One Unemployment Insurance Dollar



Source: Alaska Dept. of Labor and Workforce Development

Feb. 28, 2005

Table 4
UI Regular Benefit Payments (Taxable and Reimbursable)
by Industry - Intrastate & Interstate Total, 2004

Industry	Benefits Paid
Agri, Forestry, Fish & Hunt	\$1,724,135
Mining	7,440,978
Utilities	714,617
Construction	22,351,487
Manufacturing	13,999,656
Wholesale Trade	2,246,594
Retail Trade	12,219,039
Transportation & Warehouse	8,839,046
Information	1,842,206
Fiance & Insurance	2,968,727
Real Estate, Rentals & Leasing	2,689,402
Prof & Tech Services	3,578,003
Mgmt of Companies	77,402
Admin & Waste Services	5,369,975
Educational Services	3,735,049
Health Care & Social Assistance	9,532,509
Arts, Entertainment & Recreation	1,190,154
Accommodations & Food Services	9,515,780
Other Services, except PA	4,622,915
Public Administration	11,851,103
Unclassified	1,451,926
Totals (incl. unclass.)	\$127,960,703

Source: Alaska Department of Labor and Workforce Development

Feb. 28, 2005

Table 5
Average Weekly Benefits (Regular UI) as a Percentage of
Average Weekly Earnings (Covered Employment), 2003

State	(\$) Benefit Amount	Rank	(\$) Weekly Earnings	Rank	AWBA as % of Earnings	Rank
Alabama	175.84	49	607.10	33	29.0	48
ALASKA	193.04	48	706.49	16	27.3	49
Arizona	173.26	51	667.35	23	26.0	50
Arkansas	228.90	36	548.78	46	41.7	12
California	246.37	28	814.85	6	30.2	45
Colorado	307.68	7	741.42	12	41.5	13
Connecticut	286.19	10	928.40	2	30.8	44
Delaware	235.46	32	785.99	7	30.0	46
Dist. of Columbia	258.43	21	1071.88	1	24.1	51
Florida	225.02	37	637.34	30	35.3	36
Georgia	243.43	29	695.47	19	35.0	38
Hawaii	312.21	5	627.95	31	49.7	1
Idaho	231.77	33	543.32	47	42.7	8
Illinois	280.94	11	776.02	8	36.2	34
Indiana	263.44	16	637.63	29	41.3	15
Iowa	260.12	18	586.42	37	44.4	5
Kansas	275.99	13	598.77	35	46.1	2
Kentucky	249.62	27	606.94	34	41.1	17
Louisiana	194.93	47	584.39	39	33.4	40
Maine	231.13	34	581.31	40	39.8	22
Maryland	252.14	24	754.51	9	33.4	39
Massachusetts	356.58	1	887.76	5	40.2	19
Michigan	290.52	9	753.56	10	38.6	26
Minnesota	322.15	4	739.36	13	43.6	7
Mississippi	173.43	50	520.98	49	33.3	41
Missouri	205.62	44	643.67	25	31.9	43
Montana	201.91	46	503.49	51	40.1	20
Nebraska	216.16	40	578.45	41	37.4	31
Nevada	236.29	31	674.56	21	35.0	37
New Hampshire	258.60	19	713.18	15	36.3	33
New Jersey	333.67	2	887.83	4	37.6	29
New Mexico	210.63	41	563.53	43	37.4	30
New York	271.55	14	907.12	3	29.9	47
North Carolina	236.33	22	640.33	26	40.3	18
North Dakota	222.30	38	523.41	48	42.5	9
Ohio	252.04	25	670.38	22	37.6	28
Oklahoma	229.45	35	557.31	44	41.2	16
Oregon	258.45	20	655.97	24	39.4	23
Pennsylvania	291.84	8	705.67	17	41.4	14
Rhode Island	308.78	6	690.70	20	44.7	4
South Carolina	210.05	43	585.68	38	35.9	35
South Dakota	201.96	45	512.86	50	39.4	24
Tennessee	210.24	42	638.02	28	33.0	42
Texas	260.80	17	705.25	18	37.0	32
Utah	269.38	15	587.28	36	45.9	3
Vermont	255.08	23	610.57	32	41.8	11
Virginia	276.09	12	721.69	14	38.3	27
Washington	324.40	3	743.01	11	43.7	6
West Virginia	219.87	39	549.32	45	40.0	21
Wisconsin	251.69	26	640.05	27	39.3	25
Wyoming	238.07	30	565.93	42	42.1	10
United States	261.67		710.44		36.5	

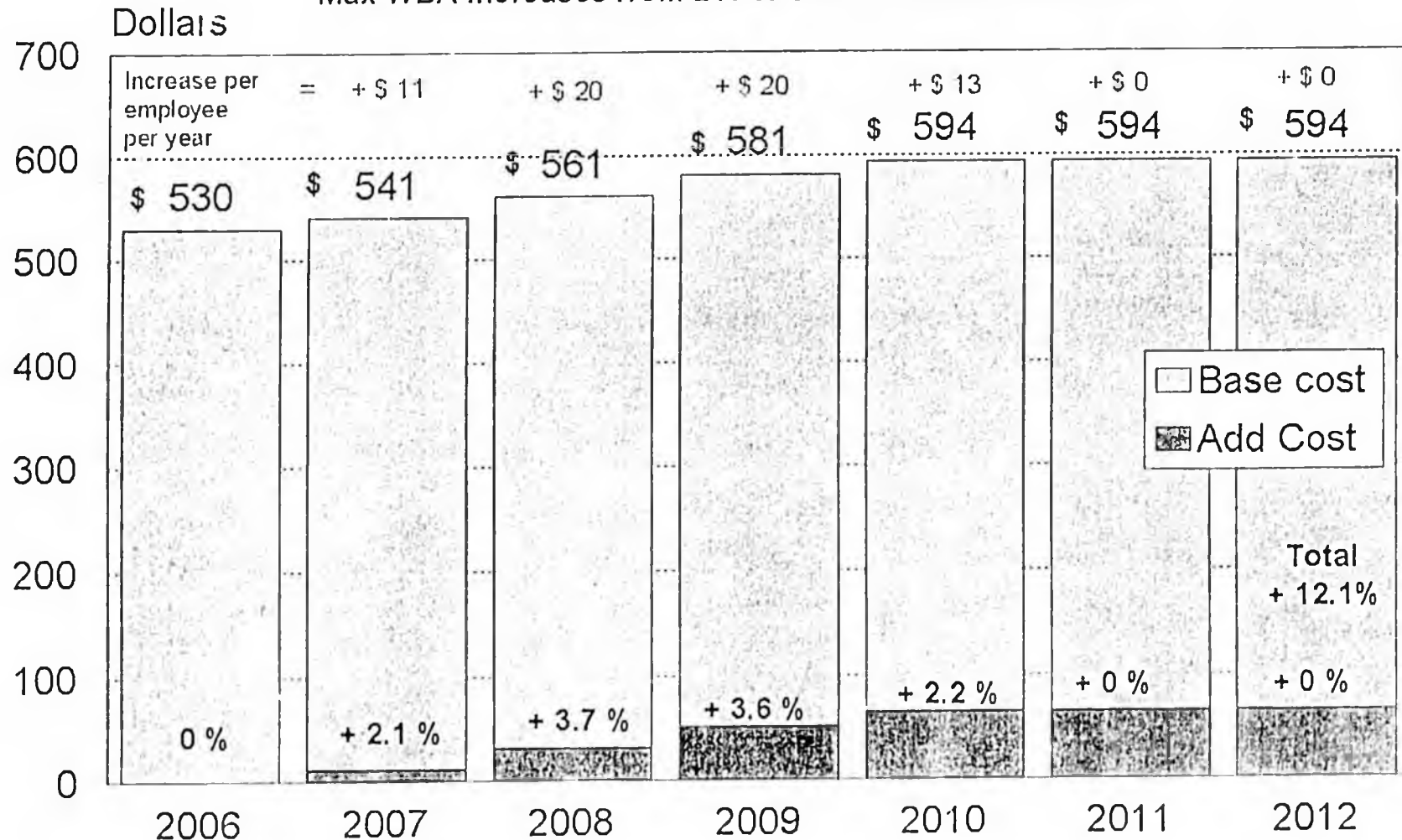
Note: U.S. Data include Puerto Rico and the Virgin Islands.

Sources: Alaska Department of Labor and Workforce Development

Feb. 28, 2005

Table 6
Estimated Max Cost per Worker for Average Employer
(4 years to reach cost of the proposal)

Max WBA Increases from 248 to 336 effective Jan 01 2006

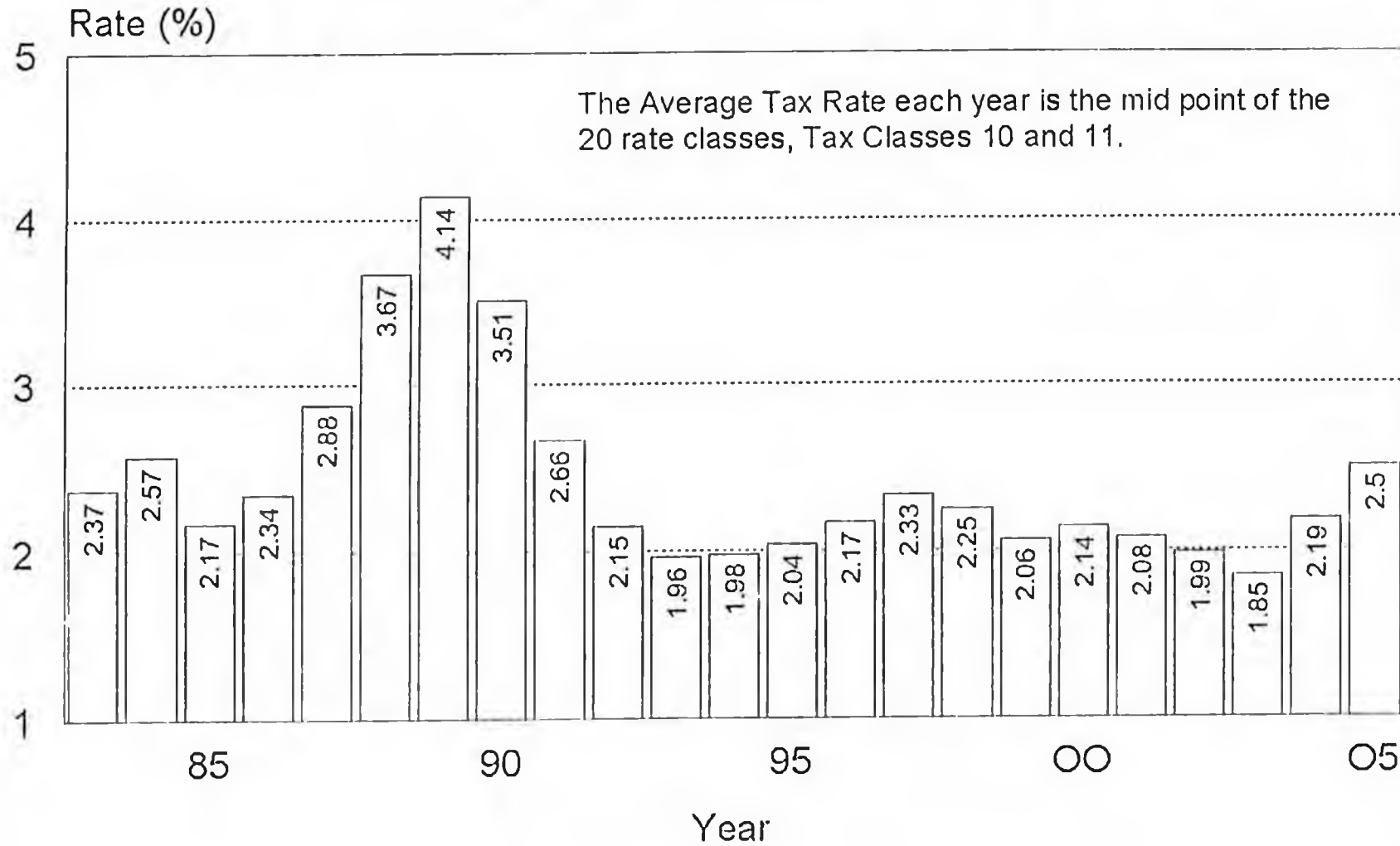


Note: Average Employer = Tax Classes 10 & 11

Source: Alaska Department of Labor & Workforce Development

Rev Feb. 28, 2005

Table 7 Alaska UI Average Tax Rates from 1983 to the Present



Source: Alaska Department of Labor & Workforce Development Feb. 28, 2005

HB

12

HFIN

FILE

CS FOR HOUSE BILL NO. 12(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, LYNN, GARDNER AND MCGUIRE, Ramras, Gara, Elkins

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to driver's licenses and to televisions, monitors, portable computers.
2 and similar devices in motor vehicles; and providing for an effective date."

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

4 * Section 1. AS 28.35 is amended by adding a new section to read:

5 Sec. 28.35.161. Driving a motor vehicle with a television, monitor, or
6 similar device operating; unlawful installation of television, monitor, or similar
7 device. (a) A person commits the crime of driving with a screen operating if

8 (1) the person is driving the motor vehicle;

9 (2) the vehicle has a television, video monitor, portable computer, or
10 any other similar means to create a visual display visible to the person while the
11 person is driving the motor vehicle; and

12 (3) the monitor or visual display is operating while the person is
13 driving.

14 (b) A person may not install or alter equipment described in (a)(2) of this

1 section that allows the display to be visible to the driver while the driver is driving the
2 motor vehicle.

3 (c) Subsections (a) and (b) of this section do not apply to

4 (1) portable cellular telephones; or

5 (2) equipment that displays only

6 (A) audio equipment information, functions, and controls;

7 (B) vehicle information or controls related to speed, fuel level,
8 battery charge, and other vehicle safety or equipment information;

9 (C) navigation or global positioning;

10 (D) maps; or

11 (E) visual information to enhance or supplement the driver's
12 view forward, behind, or to the sides of the motor vehicle for the purpose of
13 maneuvering the vehicle.

14 (d) Subsections (a) and (b) of this section do not apply to equipment installed
15 in an authorized emergency vehicle or to a motor vehicle providing emergency road
16 service or roadside assistance.

17 e) It is an affirmative defense to a prosecution under (b) of this section that
18 the equipment installed or altered also includes a device that, when the motor vehicle
19 is being driven, disables the equipment for all uses except those described in (c) of this
20 section.

21 (f) A person who violates (a) of this section is guilty of

22 (1) a class A misdemeanor, unless any of the circumstances described
23 in (2) - (4) of this subsection apply;

24 (2) a class C felony if the person's driving causes physical injury to
25 another person;

26 (3) a class B felony if the person's driving causes serious physical
27 injury to another person;

28 (4) a class A felony if the person's driving causes the death of another
29 person.

30 (g) A person who violates (b) of this section is guilty of a class A
31 misdemeanor.

1 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 DIRECTION TO DIVISION OF MOTOR VEHICLES. The division of motor
4 vehicles shall supply to each person issued a new, duplicate, or temporary driver's license
5 information about the requirements and restrictions being added by sec. 1 of this Act. This
6 requirement shall continue until the information is included in the driver's manual that is
7 published from time to time by division of motor vehicles.

8 * Sec. 3. This Act takes effect September 1, 2006.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 12(JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An act relating to televisions, monitors, portable RDU: Legal and Advocacy Services
computers, and similar devices in motor.... Component: Office of Public Advocacy
Sponsor: Representative Gruenberg
Requester: (H) Finance Component No.: 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill, if enacted, would make it a criminal offense for a driver to be viewing a visual display such as a television or portable computer while driving. This legislation, if enacted, will have a de minimus fiscal impact on the Office of Public Advocacy.

Prepared by: Joshua P. Fink, Director Phone: 907 269-3500
Division: Office of Public Advocacy Date/Time: 2/8/06 at 6:30 p.m.
Approved by: Mike Tibbles, Deputy Commissioner Date: _____
Agency: Administration

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB12-LAW-CJL-2-6-0
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to televisions, monitors, portable RDU CRIMINAL
computers, and similar devices in motor vehicles;..." Component Criminal Justice Litigation
Sponsor Representative Gruenberg
Requester House Finance Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 28.35 prohibiting watching a television receiver, a video monitor or the like while driving a motor vehicle. The bill similarly prohibits the installation of televisions or monitors or the like in such a way that they can be viewed by the driver of the vehicle unless there is a locking device that blocks power to the unit while the motor vehicle is in motion. The bill excepts vehicle information display, cellular phones, GPS, mapping display, or equipment intended to enhance the driver's view forward, behind or to either side of the motor vehicle. The bill does not apply to emergency vehicles. The bill also classifies offenses of this law in accordance with damage or harm caused by the violation.

The Department of Law does not anticipate that there will be many new prosecutions arising out of passage of this legislation, and thus does not anticipate a fiscal impact

Prepared by Kathryn Daughhetelee, Director Phone 465-3673
Division Administrative Services Division Date/Time 2/6/06 4:46 PM
Approved by Kathryn Daughhetelee for David Marquez, Attorney General Date 2/6/2006
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB12(JUD)-DPS-AST-2-7-06
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: "An Act relating to televisions, monitors, portable RDU Alaska State Troopers
computers, and similar devices in motor vehicles..." Component: AST Detachments
Sponsor: Representative Gruenberg
Requester: House Finance Committee Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
Passage of this legislation will have no fiscal impact on the Department of Public Safety.

This bill will prohibit the driver of a motor vehicle from watching a television receiver, video monitor, TV video screen, or similar device for viewing television or video signals while operating the motor vehicle. It also prohibits the installation of these devices so that they can be viewed by the driver of a motor vehicle while the vehicle is in motion. The bill does allow the following equipment; a vehicle information display; a GPS display; a mapping display; and a display used to enhance a drivers view forward, behind, or to the side of the vehicle.

Prepared by: Lieutenant James Helgoe Phone: 907-269-4532
Division: Alaska State Troopers Date/Time: 2/7/06 8:37 AM
Approved by: Commissioner William Tandeske Date: 2/7/2006
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB012CS(JUD)-DPS-CRI-2-24-06
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title "An Act relating to televisions, monitors, portable RDU Statewide Support
computers, and similar devices in motor vehicles.." Component Alaska Criminal Records and
Identification
Sponsor Representative Gruenberg Component No. 1190
Requester House Finance Committee

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

ANALYSIS: (attach a separate page if necessary)

This Act creates a new AS 28.35.16 (a) to prohibit operating of a motor vehicle while watching a television or monitor; (b) prohibits installing a television or monitor viewable by the driver without an interlock; (c) exempts vehicle information, GPS, map, or maneuvering displays, and equipment with an interlock; (d) exempts emergency or assistance vehicles; (e) and (f) provide the penalties. A violation of AS 28.35.16(a) may be an A misdemeanor or an A, B, or C felony, depending on the facts.

Passage of this legislation will not have a fiscal impact on the Department of Public Safety.

Prepared by: Director David Schade
Division: Statewide Services
Approved by: Commissioner William Tandeske
Agency: Department of Public Safety

Phone: 907-269-0202
Date/Time: 2/24/06 3:14 PM
Date: 2/24/2006

Alaska State Legislature

House of Representatives

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Alaska State Capitol
Juneau, AK 99801-1182
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Representative Max Gruenberg

Sponsor Statement and Sectional Analysis

HB 12 (JUD) – Televisions and Monitors in Motor Vehicles

The purpose of the bill is to prevent operators of motor vehicles from watching television, video, and any other programming by making it a crime. Furthermore the bill makes it a crime to install a device capable of being viewed while the vehicle is in operation.

Sectional analysis

Section 1 amends AS 28.35 by adding a new section as follows:

Paragraph (a) sets forth the general rule that a person shall not drive a motor vehicle while watching television or video. The elements of the crime of "driving with a screen operating" are enumerated.

Paragraph (b) prohibits installing or altering a video display in a motor vehicle that can be viewed by the driver while the vehicle is moving. This paragraph goes on to provide for specified means of disabling the equipment lawfully.

Paragraph (c) provides specific exemptions to the general rule including cell phones and equipment that is in the nature of aides to navigation or operation.

Paragraph (d) makes it clear that the bill is not intended to cover equipment installed in an emergency vehicle or motor vehicle providing emergency service or roadside assistance.

Paragraph (e) establishes an affirmative defense so long as proper equipment is installed.

Paragraph (f) prescribes the types of crimes that a person who is in violation of the law will face under various circumstances including injury and death of another.

A person who violates the law is guilty of a

- (1) class A misdemeanor;
- (2) class C felony if as a result of that violation another person suffers a physical injury;
- (3) class B felony if as a result of that violation another person suffers a serious physical injury;
- (4) class A felony if as a result of that violation another person suffers death.

Paragraph (g) prescribes the crime and punishment of a person who installs equipment in violation of the law.

Section 2 of the bill sets forth an effective date of September 1, 2005.

House Bill 12 (JUD)

The following is a brief explanation of changes from original version of the above referenced bill:

- The most recent version of the bill has significant input from the Department of Law and changes the nature of the crime from "driving while watching" to "driving with a screen operating."
- The most recent version provides for an affirmative defense so long as prescribed disabling device is installed.
- The Judiciary version provides for additional exemptions in the way of cell phones. It also more clearly describes what is meant by vehicle information and controls.
- One of the misdemeanor violations originally was limited to a fine. This was changed in the most recent version.
- The most recent version has an effective date of September 1, 2005.

**Suggested Language for Legislation
Concerning In-Vehicle Video**

- (a) A person may not operate a motor vehicle if a television receiver, a video monitor, or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications, is located in the motor vehicle at any point forward of the back of the driver's seat, or is visible to the driver while operating the motor vehicle.
- (1) Section (a) does not apply to the following equipment when installed in a motor vehicle:
- (i) A vehicle information display;
 - (ii) A navigation or global positioning display;
 - (iii) A visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of low-speed maneuvering of the vehicle;
 - (iv) A television receiver, video monitor, television or video screen or any other similar means of visually displaying a television broadcast or video signal, if that equipment has a device that, when the motor vehicle is being driven, disables the equipment for all uses except as a visual display as described in paragraphs (i)–(iii).
- (b) A person may not install in a motor vehicle a television receiver, a video monitor, or a television or video screen capable of displaying a television broadcast or video signal that produces entertainment or business applications at any point forward of the back of the driver's seat, or that is visible to the driver while operating the motor vehicle.

As introduced, H.B. 12 closely follows the model supported by CEA. One issue the committee might wish to consider is whether the last sentence in Section (b) of the H.B. 12 is redundant given the preferred language in Section (c)(5). In addition, the reference to "remove power" in Section (b) might be too proscriptive.

House State Affairs Committee
March 16, 2005
Page 3

Thank you again for the opportunity to provide the views of the consumer electronics industry regarding H.B. 12, and please let us know if you or the Committee have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Johnson", with a long horizontal flourish extending to the right.

Douglas Johnson
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By Fax and Mail

February 28, 2005

Representative Max Gruenberg
Representative Bob Lynn
Representative Berta Gardner
Representative Lesil McGuire
State Capitol
Juneau, Alaska 99801

Re: HB 12

Dear Representatives:

On behalf of State Farm Insurance Companies, I would like to express State Farm's support of HB 12, "An Act relating to televisions and monitors in motor vehicles." If there is any information we can provide to you, please let me know.

Sincerely,



Sheldon E. Winters

SEW/caf

RepsGruenberg,Lynn,Gardner-McGuire.wpd

Sarah Hook

From: egglogg [egglogg@alaska.net]
Sent: Friday, March 04, 2005 11:04 AM
To: Sarah Hook
Subject: HB 12

Thank you and Representative Gruenberg for e-mailing me a copy of HB 12 which I understand will be introduced for hearing before the Judiciary Committee tomorrow morning. I will be unable to personally testify before the Committee tomorrow but I would appreciate having my written testimony read into the record.

Thank you for the opportunity to comment on HB 12 and thanks to the sponsors of this bill. Its introduction and hopeful passage should save lives of our friends, family, neighbors, co-workers, other community members and visitors to our state and serve as a useful deterrent to thoughtless and grossly negligent use of the stated devices. The bill centers legal responsibility on those persons and businesses that are in the best position to avoid harm to the public.

Over two years ago, close friends were killed in an accident that devastated family, friends, co-workers in what was alleged to have been a driver watching a DVD. This vehicle purportedly crossed over into our friends' driving lane snuffing out their lives and devastating all who knew and loved them. I sat through much of a very high profile trial in which the driver was charged with the murder of my friends. The jury acquitted that driver because of reasonable doubt as to his guilt.

I believe the outcome of that trial might have been very different had the Alaska State Troopers investigating at the accident scene and the Alaska Crime Lab had better training on how to determine whether the DVD was engaged and playing at the vehicles' impact. As the State Crime lab apparently cut or disabled the battery, it could not be forensically determined whether the DVD was engaged on impact. I believe in addition to HB12's passage, this Legislature should appropriate sufficient public safety funding to better ensure proper field and crime lab training to deal with collecting evidence with this relatively new technology so that spoliation of critical evidence is far less likely to occur.

Thank you for your thoughtful consideration and hopeful positive reporting out of this bill from your Committee.

Respectfully,

Russell A. Nogg
515 Fredricks Drive
Anchorage, Alaska 99504
(907) 276-6040 or (907) 337- 6851



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Anchorage Daily News

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DVD unit plays role in Kenai crash case

MURDER TRIAL: Prosecutors say driver was watching a movie.

By TATABOLINE BRANT
Anchorage Daily News

(Published: July 23, 2004)

KENAI -- Was Erwin Jamie Petterson Jr. watching a movie while driving his truck two years ago when he slammed head-on into a Jeep on the Seward Highway in a fiery wreck that killed two people?

And even if the state can prove the 29-year-old Kenai man was watching the movie "Road Trip" on his in-dash DVD player while driving at highway speeds -- an allegation Petterson denies -- does such behavior constitute "an extreme indifference to the value of human life," deserving of a minimum 10-year prison sentence?

Those are a few of the questions surrounding a murder trial that began this week in Kenai and is said by industry experts and lawyers to be the first case in the country in which a DVD player is implicated in a fatal wreck resulting in the driver being charged with murder. The questions and trial assume even more importance given that more and more vehicle owners are installing players and monitors in their vehicles, according to figures from the Consumer Electronics Association.

In opening statements Thursday in front of Superior Court Judge Charles Cranston, prosecutors attributed the accident to Petterson's driving behavior. The defense claimed there are other explanations for the wreck.

Robert and Donna Weiser, 60 and 56, died in the Seward Highway crash, which occurred near Bertha Creek on the sunny afternoon of Oct. 12, 2002.

The couple, from Anchorage, had been on their way to the Kenai Peninsula for a weekend getaway. The state medical examiner believes both died on impact. Donna was pulled from the wreckage before it went up in flames. Robert was not.

Petterson, who has had three speeding tickets since 1991, and his passenger were hospitalized but recovered. Their air bags deployed, and troopers say they were wearing seat belts. Drugs and alcohol were not factors, authorities say.

Petterson, a carpenter with no criminal history who will turn 30 next month, is charged with second-degree murder. He has denied he was watching the comedy when he and the Weisers collided. He told troopers he had reached for a soda in the seconds before the crash.

"It was an accident," he told the Daily News last summer. "I get to live with this the rest of my life. ... It haunts me."

Petterson's attorney, Chuck Robinson, said during opening statements Thursday in Kenai Superior Court that his client was listening to a CD, not watching a movie, when the crash

occurred. Troopers found the music disc "Head to Toe" in the same dash unit where they found the DVD, he said.

He contended that the state also failed to pursue a key witness in the case until just last month. The man will testify that he saw Robert Weiser's Jeep "unsafely, imprudently and erratically pass other vehicles on the road," Robinson said.

"This case is about a tragic auto accident," Robinson said, "not murder."

Prosecutor June Stein told jurors she has witnesses who would testify to Petterson's erratic driving behavior the day of the accident, as well as a woman who claims Petterson's passenger told her that when the accident happened, he and Petterson "were zoned out watching a DVD."

While she didn't bring it up Thursday, the state has contended in court documents that Petterson ignored manufacturer's warnings in installing the DVD player so it would play while the car was moving. A Sony PlayStation II was also installed in the vehicle.

Robinson said Petterson plans to testify later in the trial that, while his in-dash system may have been capable of being operated while driven and viewed by the driver at the same time, it was not operated at the time of this accident.

"You will also find out that the installation of a DVD player in an automobile in Alaska is not illegal, even if it's installed where the driver can see it."

Alaska laws prohibit televisions within view of the driver in vehicles but do not address DVD players.

Emotions run strong on both sides of the case. The Weisers are survived by two grown sons, who have been devastated by the loss. For the past two years, David Weiser, a mortgage broker, has saved a message from his mom on his cell phone so it won't expire. In an interview last week, he said he hopes Petterson "sees the inside of a jail cell."

Petterson's friends and family have rallied to his side since his May 2003 arrest, holding dances and rummage sales to raise money for his defense. One couple put up the deed to their house to get him released on bail.

As the two sides face off, legal and electronics industry officials are keeping close tabs.

"If Erwin Petterson is convicted, I would expect to see more indictments like this," said Jack King, a spokesman for the National Association of Criminal Defense Lawyers. "And if it's upheld on appeal, I would expect to see more indictments for all sorts of distractions."

Petterson, fit and tan with short blond hair and braces, started the opening day of his murder trial ironing his shirt at home, according to his family. He ate a Hot Pocket and then headed to the Kenai courthouse. The trial began at 8:30 a.m.

"He's really nervous about this," said his dad, Jim Petterson.

Inside the courtroom, Petterson sat at a dark wood table between Robinson and his other attorney, Eric Derleth. Prosecutor June Stein sat at a table opposite them, with four large black binders before her.

The Weiser family sat behind Stein in the audience. Petterson's father, aunt, grandmother and two close friends sat in the audience behind his table, dressed casually in jeans. The tension between the two parties was palpable.

Three people testified Thursday: the Weisers' daughter-in-law, the state's chief medical

examiner Franc Fallico and trooper Paul Randall, who responded to the crash.

Robert and Donna Weiser moved to Alaska in the 1970s, according to their daughter-in-law, Bethany. Donna worked at Health South, Robert as a procurement officer for the National Park Service. Both loved to spend time with their granddaughters, ages 6 and 4. The license plate on their Jeep read "GRNPAA."

The pair headed south the day of the wreck to stay at the Kenai Princess Lodge. Randall, who was stationed in Cooper Landing at the time, told the court he was notified of the crash around 1:30 p.m.

Randall said when he got to the scene, he found a vehicle on fire in a ditch, a white truck off to the same side of the road and a body lying on the pavement with a blanket over it.

Petterson and his passenger were sitting in a woman's van, he said. Both men were "very shook up," he said, and appeared to have injuries.

Medical professionals and firefighters came from all directions. Petterson and Douglas were taken to the hospital, the Weisers to the morgue.

Troopers towed the cars and took numerous photos. Stein showed about two dozen of the images to jurors Thursday.

The photos showed a Jeep that burned to its frame and a white pickup that looked as if a bear had clawed off its front, revealing the engine.

Fallico told the jurors he believed the Weisers both died on impact, before the fire.

On cross-examination, Fallico confirmed that a small amount of Depakene, an epilepsy medicine, was found in Robert Weiser's body.

Fallico said the substance had nothing to do with the accident, but Derleth, the defense attorney, said during a recess he thought it might.

Derleth said Weiser was taking the drug to prevent migranes and suggested a medical emergency on Weiser's part might have caused the crash. He said the defense hopes to bring up Weiser's medical history in more detail later but is waiting for a ruling by the judge.

David Weiser said during a recess outside the courtroom that the defense is grasping at straws. "It's like they find fertilizer at your house and try to arrest you for blowing up a courthouse," he said.

The story of the wreck and the alleged involvement of a DVD player has garnered national attention. Spokespersons from the Consumer Electronics Association and the National Association of Criminal Defense Lawyers say they have never heard of a similar case.

Petterson is charged under two second-degree murder theories -- one that he knowingly did something that was certain to cause serious harm to another person and the other that his actions showed extreme indifference to human life.

King, with the national defense lawyers association, said he thinks the state is going to have a difficult time proving either.

"Having a friend put an apple on top of her head and shooting it -- that shows extreme indifference," he said. Trying to elude police by driving through a playground full of kids -- that's extreme indifference, he said.

Robinson called the charges excessive. He suspected the state was trying to send the message that it doesn't want people to drive and watch movies.

The trial is expected to take three weeks.

Reporter Tataboline Brant can be reached at tbrant@adn.com or 257-4321.

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ANCHORAGE'S MOST WIDELY-READ WEEKLY NEWSPAPER

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COVER STORY

None for the road

As more and more motorists get in-dash DVD players, the state gears up to try driver Erwin "Jamie" Petterson Jr. for murder in a fatal wreck. Among other things, he is charged with watching a movie while driving.

By Tony Hopfinger



On December 8, Erwin "Jamie" Petterson Jr. is due to be tried for murder for allegedly causing the deaths of two motorists while driving under the influence of the frat-boy comedy "Road Trip." That's the movie the state says was playing on the DVD player on the dashboard of Petterson's pickup truck when the wreck happened last fall on the Seward Highway. Motorists on cell phones have become a grudging part of most people's driving experience, but as the Petterson case shows, a new technological threat may be emerging on the roads: drivers zoning out in front of TV screens.

Televisions in cars are nothing new. Vans have had them in the backseat for decades. In the 1950s, car shows had futuristic exhibits of automobiles driving themselves as motorists watched TV, read or slept. Many of the cars of today have computer navigation systems and some have TVs; backseat DVD players and televisions are rapidly becoming the norm in SUVs and mini-vans. Just as we still have not seen personal jet-packs, cars do not yet drive themselves, yet some are apparently so confident in their multi-tasking abilities that they are watching movies while driving.

Those who install DVD players in dashboards are supplementing young men rigging big speakers and groovy stereos in their cars. Costing more than a thousand bucks, the DVD players are a coveted, macho investment, like