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DATE 11/19/80 BY 86/2

676 SC FILE NO. 52 - FILE NO. 58

676

March 12, 1980

Vern Williams
Route 6, Box 4143
Juneau, Alaska 99803

Honorable Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Senate
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

I would like to take this opportunity to respond to Senate Bills 443 and 459 forwarded to me from your office for comment.

SENATE BILL 443

I support the principle and the practice of allowing time at the beginning of the school day for students to Pledge Allegiance to the flag of the United States. This country provides its citizens with measureless benefits and opportunities. To take a few minutes each day for our students to focus on the flag that represents our nation is a good thing.


Specifically addressing the legislation, I would suggest that everything after "recitation" on line 15, be deleted and add following "recitation" on line 15 the phrase, "will not be required to participate." I don't think it is advisable to have them "express their non participation". Excusing them from participation is the intent.

SENATE BILL 459

I support this bill as presented. Our nation was founded on a strong faith in God. How students may personally interpret that is a matter of their own conscience. To provide the opportunity daily for students to reflect on their basic beliefs and feelings is immeasurably important to them and the society in general.

Thank you for providing me the opportunity to address myself to these two bills.

Sincerely,



Vern Williams



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

SERVICE-HANSHEW JUNIOR/SENIOR HIGH SCHOOL
5577 Abbott Road
Anchorage, Alaska 99507

March 11, 1980

State Senator Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V - State Capitol
Juneau, Alaska 99811

State Senator Bradley;

The School Board of the Anchorage School District presently has a policy which is identical to Sec. 14.03.135 of Senate Bill No. 443,

In this unit, Service-Hanshew, the pledge is given each morning by a School Government student, prior to the daily announcements.

Sincerely,

R. Arndt
Unit Administrator

RA:dc

cc: file



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

ROMIG JUNIOR HIGH SCHOOL
2500 Minnesota Drive
Anchorage, Ak 99503

March 10, 1980

Senator Brad Bradley
Chairman, Senate Commerce Committee
Pouch V
State Capitol
Juneau, AK 99811

Dear Senator Bradley:

In response to your letter of March 4, 1980 regarding ~~SB 443~~,
this school has been, for the past nine years, affording
exactly that which the proposed bill affords. I have no know-
ledge of any legislative policy or rule which prohibits
a public school that which the proposed bill affords.

Needless to say our recital of the Pledge of Allegiance
to the flag on a daily basis speaks for our belief in
the practice.

Respectfully,

W. E. Griffith
Assistant Principal

et

cc: Lily Nielsen



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

Chester Valley School
1750 Patterson Street
Anchorage, Alaska 99504

March 10, 1980

Senator Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

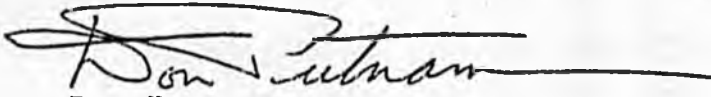
Dear Senator Bradley:

Thank you very much for sending me a copy of SB443.

It is traditional in the Anchorage Elementary Schools to recite the pledge of allegiance each morning. According to my son, it is an optional exercise in the junior highs, and I don't believe that it is done in the senior high schools. From my son's remarks, which he included in a prize winning essay on the flag (the contest was sponsored by the Anchorage Elks), participation is sporadic and the demeanor of the non-participating students substantially detracts from the meaningfulness of the ceremony.

I am not certain that legislating the pledge will make a more meaningful exercise in citizenship; I fear that it will provide a source of embarrassment for those students who cherish a deep love for the flag and what it stands for.

Sincerely,


Don Putnam, Principal

March 10, 1980

Brad Bradley
Chairman, Senate Commerce Committee
Pouch V State Capitol
Juneau, Alaska 99811

Dear Mr. Bradley:

In reference to Senate Bill No. 443: Line 15:

I have strong feelings regarding any teacher who does not wish to pledge allegiance to our country's flag. A teacher is looked up to by children who have in most cases not yet formed firmly the ideals which they will carry throughout life. A person with this attitude toward our country should not be allowed to teach. In fact, with some research, you will find cases where teachers were dismissed from their jobs due to this feeling.

Sincerely,



Max G. Hulse, Principal
Nunaka Valley School
P.O. Box 881
Eagle River, Ak. 99577

pws

*Just send to
Senator Bradley*

Introduced: 2/18/80
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 459

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to days in session in public schools."

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

8 * Section 1. AS 14.03.040 is amended to read:

9 Sec. 14.03.040. DAY IN SESSION. (a) Each day within the school
10 term is a day in session except Saturdays, Sundays, and days designated
11 as holidays by or according to AS 14.03.050. A school board may approve
12 Saturdays as a day in session. The day in session in every school shall
13 be at least four hours long, exclusive of intermissions, for the first,
14 second, and third grades and five hours, exclusive of intermissions, for
15 all other grades. The commissioner may approve a shorter day in session
16 for any grade. Except as provided in (b) of this section, the [THE]
17 period of the day in session shall be devoted to the instruction of
18 pupils or to study periods for the pupils.

19 (b) At the beginning of the first class of each school day in pub-
20 lic schools in session one minute of silence shall be observed for volun-
21 tary silent prayer, meditation, or reflection.

23 Dear Sir,

24 The above looks fine, especially

26 "b". I feel this part is a ^{big} step toward
27 improving our children's attitude in regard
28 to moral ~~attitude~~ thinking of behavior.

SB 459

29 Thanks,
Mary H. Hulse, Principal

Nunavut Valley



NORTH STAR ELEMENTARY
605 WEST FIREWEED LANE
ANCHORAGE, ALASKA 99503

ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska
99504

AREA CODE 907-333-9561

MARCH 12, 1980

SENATOR BRAD BRADLEY
POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811

DEAR SENATOR BRADLEY:

THANK YOU FOR YOUR LETTER CONCERNING SB443.

MY OWN PERSONAL VIEWPOINT IS QUITE SUPPORTIVE OF THIS BILL.
THE LANGUAGE IS CONCISE AND IT DOES LEAVE OPTIONS FOR PERSONS
OPPOSED. THE ANCHORAGE SCHOOL DISTRICT'S POSITION IS SPELLED
OUT IN ADMINISTRATIVE POLICY AND VERY CLOSELY PARALLELS THE
LANGUAGE OF YOUR BILL.

THANKS FOR YOUR CONTINUED EFFORTS ON BEHALF OF OUR STATE IN
GENERAL AND EDUCATION IN PARTICULAR.

SINCERELY,

GEORGE RAKOS
PRINCIPAL
NORTH STAR ELEMENTARY

GR:JT



ANCHORAGE
SCHOOL DISTRICT

Pouch 6-614 — Anchorage, Alaska

99502

AREA CODE 907-333-9561

Ursa Major Elementary School
454 Dyea Avenue
Fort Richardson, AK 99505
March 11, 1930

Mr. Brad Bradley
Alaska State Legislature
Senate Committee on Commerce
Pouch V
State Capital
Juneau, Alaska 99811

Dear Mr. Bradley,

I am not in favor of the last line of Senate Bill No. 443.

I feel that as Citizens of the United States, the least we can do is show respect to our flag. I agree that some students may remain silent, but I do not agree with their expressing nonparticipation.

Sincerely,

James G. Curley
Principal



Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business
March 4, 1980

TO WHOM IT MAY CONCERN

Dear Ladies and Gentlemen:

Enclosed is SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

I would appreciate your comments/position papers on this matter. If you recommend specific changes, in addition to general comments, I would prefer that they be keyed to page and line numbers.

If you know of other persons who have an interest in this legislation, please let me know so that I may get the benefit of comments from all knowledgeable and interested parties.

In consideration of a productive and expeditious session, I request that your comments/position paper be returned to me within 10 days from the date of this letter. This bill is presently before the Senate Judiciary Committee, chaired by Senator Robert Ziegler, and a hearing date has not yet been set; however, I would like your comments within the time frame mentioned above so that I may be prepared when Senator Ziegler's Committee hears this matter.

Thank you for your cooperation and assistance.

Sincerely,

Brad Bradley

Brad Bradley
Chairman, Senate Commerce Committee

BB:jss
Enclosure

Johnson
Box 60-Tri-Valley

Healy, AK 99743

I'm an elementary teacher. See this. Great to Johnson Tri-Valley



Hutchison Career Center

Fairbanks North Star Borough School District
3750 Geist Road
Fairbanks, AK 99701
(907) 479-2261

IVAN R. GILLESPIE
Director of Vocational Education

March 11, 1980

Alaska State Legislature
Committee on Commerce
Pouch V - State Capitol
Juneau, Alaska 99811

Attention: Senator Brad Bradley, Chairman
Senate Commerce Committee

Dear Senator Bradley:

Senate Bill No. 443 appears to be permissive legislation that would allow students and teachers an opportunity to recite the pledge of allegiance at the beginning of each school day.

I believe that it is important for the young people of our nation to develop a sense of patriotism and participate in these types of activities. I do not see the need for this type of permissive legislation, however, unless there is some law that would prohibit this.

If there is some type of legal restriction regarding the students and teachers participation in this type of activity, it is my feeling that this piece of legislation, as written, would allow their participation.

Thank you for making me aware of this piece of legislation.

Yours truly,

Ivan R. Gillespie
Ivan R. Gillespie, Director
VOCATIONAL EDUCATION

IRG:bn



WRANGELL

PUBLIC SCHOOLS

P. O. BOX 651

WRANGELL, ALASKA 99929

Telephone (907) 874-3395

ROBERT McCONNELL, Superintendent of Schools

GATEWAY TO THE STIKINE

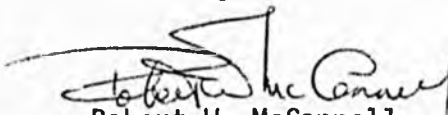
March 7, 1980

Honorable Brad Bradley, Senator
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

In responding to your letter of March 4, 1980, and SB443, I see no reason why anyone would complain about your legislation. I only wish, and I suppose my age shows, that everyone would perform the allegiance as we use to back when.

Sincerely,



Robert W. McConnell
Superintendent

RWM:sk

CITY AND BOROUGH OF JUNEAU SCHOOL DISTRICT
P.O. BOX 808 • DOUGLAS, ALASKA 99824

March 13, 1980

Senator Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

I would like to take the opportunity to comment on SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

As an elementary principal I oppose SB 443 for the following reasons:

Local Preference It should be left to individual communities to decide through their school boards if they want to require that the opportunity to recite the pledge of allegiance be given to students each day.

Legislating Patriotism Senate Bill 443 no doubt is proposed in the hope it will help young people to feel more pride and love for their country. It is my experience that such obligatory recitations actually become meaningless and at times are resented by students. I encourage teachers to teach students about our country and our curriculum has been developed with special emphasis on learning about our state and country. It is intelligent patriotism that schools should be teaching.

Appropriateness Even with careful teaching, most young elementary students do not understand what they are saying when they recite the pledge of allegiance. Mandatory recitation often makes the exercise less meaningful.

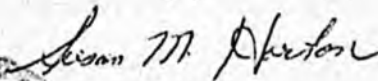
I want students to truly appreciate the freedoms and responsibilities our country has to offer. I want students to have a working knowledge of how our country was found and developed. I want students to understand why they should be proud and thankful

Senator Brad Bradley
page 2

they live in the United States of America. I do not want students being forced to participate in an exercise until it has meaning for them and they can relate the pledge to the greatness of our country.

It would be easy to justify passing this legislation because of the new wave of patriotism sweeping our country, but I think common sense should prevail rather than have our senators associate voting for this bill as being a good patriot.

Sincerely,



Susan M. Horton, Principal
Gastineau Community School



Introduced: 2/18/80
Referred: Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act affording students and teachers in the public
7 schools an opportunity to recite the pledge of alle-
8 giance at the beginning of each school day."

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

10 * Section 1. AS 14.03 is amended by adding a new section to read:

11 Sec. 14.03.135. PLEDGE OF ALLEGIANCE. An opportunity shall be
12 afforded students and teachers in the public schools to recite the
13 pledge of allegiance to the flag of the United States during the first
14 hour of each day in session during the school term. Students and
15 teachers who for any reason do not wish to participate in the recitation
16 of the pledge of allegiance may keep silent, remain seated, or express
17 their nonparticipation in any other way which does not materially dis-
18 rupt classwork or involve substantial disorder or invasion of the rights
19 of others.

20 3-12-80
21 I agree to the importance of teach-
22 ing patriotism and respect for flag,
23 country and long cherished traditions
24 that promote honor and self respect. I
25 have no qualms concerning the above
26 proposed Senate Bill # 443; however,
27 in order to enhance the duty, if not
28 the privilege of such patriotic partici-
29 pation, rather than making a ritual
which could, in time, create an aggra-
8B 443

vation, may I suggest that the Pledge be taken weekly, that is the first order of business Monday morning at any other appropriate time and place?

Incidentally, I have continued to do this over the years without dissent from my government and history students, particularly, when I take the time to explain why and then invite them to join with me!

Thank you and Good Luck!!

Respectfully,
William W. (Bill) Hatch
Teacher
Bristol Bay Borough
N.S. Naknek,

PALMER HIGH SCHOOL

BOX AB

PALMER, ALASKA 99645

LOCATED IN THE MATANUSKA VALLEY

PHONE (907) 745-3241



WILLIAM D. BUTLER
PRINCIPAL

JOE J. TRIDLE
ASSISTANT PRINCIPAL

March 12, 1980

Mr. Brad Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V
State Capitol
Juneau, Alaska 99811

RE: S.B. 443

Dear Mr. Bradley:

Thank you for the opportunity to comment on this piece of legislation as per your letter of March 4, 1980.

This bill would only serve to make a spectacle of a patriotic privilege. In effect, this bill would mandate a specific schedule in schools and not allow schools the right to decide how to observe the flag. Peer pressure on some students would not allow them the opportunity not to participate.

Let the people handle their patriotic participation in the American fashion, not as a dictate. I believe the courts have ruled that this activity cannot be mandated in schools. In actuality, this bill mandates the Pledge of Allegiance in a specific manner.

Therefore, please hold up any action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Butler".

Wm. D. Butler
Principal

cc: Robert Ziegler, Senate Judiciary Committee

WDB:cl

March 13, 1980

Re: SB 443

Senator Robert Ziegler
Chairman, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Ziegler:

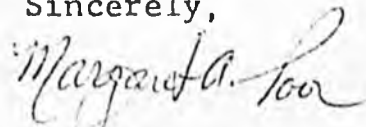
I am writing this letter to state my support for SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

One of the things I remember most as a child in elementary school is beginning each day with the pledge of allegiance. True, the first few years I did not fully understand what I was reciting, but I did have a feeling of pride and respect toward the American flag. When I was old enough to understand the words of the pledge, it was a definite asset to already have the pledge memorized, and my respect for the United States of America was intensified.

Fortunately, my two children have developed the same habit of reciting the pledge every morning and I have their teachers to thank for that, but not every child is afforded that opportunity. How sad it is, and what an embarrassment it is to our country when children of eleven, twelve and older do not even know the words to the pledge of allegiance to the country of which they are citizens. Hopefully, the passage of SB 443 will encourage more participation in the daily recitation of the pledge of allegiance.

Since SB 443 makes this opportunity available, and does not make the saying of the pledge obligatory to anyone I give it my wholehearted support.

Sincerely,



Margaret A. Poor
P. O. Box 176
Douglas, Alaska 99824

cc: ✓ Senator Brad Bradley
Senator Bill Ray



ANCHORAGE
SCHOOL DISTRICT

Pouch 6-614 - Anchorage, Alaska
99502

AREA CODE 907-333-9561

March 7, 1980

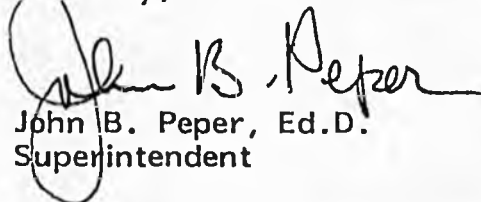
Honorable Brad Bradley
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

I believe that you might be interested in policy which is presently practiced in Anchorage School District. We certainly support the effort you would make under SB 443.

I appreciate your interest in this legislation. I hope you are also able to support our funding legislation.

Sincerely,



John B. Peper, Ed.D.
Superintendent

jm

BOARD OF MARINE PILOTS

Key to References

(Y) - (yellow cover) - State of Alaska Sunset Review, 1979.
Prepared by the Division of Occupational Licensing

(B) - (blue cover) - Division of Legislative Audit Performance
Review

(W) - (white cover) - Senate Commerce Committee Public Hearing
Testimony, December 10, 1979

1. Examinations - Statutory elimination of the Coast Guard exam as a prerequisite to the State Exam. Redundant.
(Y) - p 5, last paragraph; p 6, first paragraph
(B) - p 5, paragraph 4; p 7
(W) - p 2, paragraph 3; p 3, paragraph 1; p 4; p 5, paragraph 4
2. Increase the biennial license fee (presently \$200) and the application fee (presently \$10).
(Y) - p 3; p 11, paragraphs 2 and 3
(B) - p 25
(W) - page 16; page 18
3. Repeal Sec. 08.62.040 (2)(4) which gives the board the power to regulate pilotage fees. I suggest that this power be given to an existing regulation body, such as the ATC, which already has a rate structure within it.
(Y) - p 7, last paragraph; p 8
(B) - p 6; p 7, last paragraph; p 12
(W) - p 6 (Capt. Ed Murphy); p 28, paragraph 1; p 30
4. The Board of Marine Pilots should be continued. (How many years?)
(Y) - p 1
(B) - p 7, paragraph 2
(W) - p 2, paragraph p 6, paragraph 2
5. Repeal Sec. 08.62.110 (AS 30.10 was repealed in 1970) and the portion of Sec. 08.62.120 which states "A license issued under AS 30.10 lapses at the end of calendar year 1970."
(Y) - p 11; p 13 (obsolete)
6. AS 08.62.040(a)(3) - repeal vessels in section.
(a) The board shall:
(3) keep a register of licensed pilots, [vessels], operators, agents, and managers
(Y) - This is a suggestion by OL and Elaine Garrett may wish to comment on this. Evidently there is no way OL is able to keep a register on all vessels. They are performing this function for the Board of Marine Pilots.



TANANA JUNIOR HIGH SCHOOL
a part of the
Fairbanks North Star Borough School District
Trinor Gate Road Fairbanks, Alaska 99701

MARCH 12, 1980

BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE
POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811

RE: SB 443

I MOST CERTAINLY SUPPORT SB 443. IN FACT I WOULD SUGGEST THAT
A PERIOD BE PLACED AFTER THE WORD, SILENT, ON LINE 16 AND THE RE-
MAINDER OF LINES 16, 17 AND 18 BE DELETED.

ROBERT L. PUCKETT
PRINCIPAL

RLP:P



DR. BRYCE STALLARD
Superintendent of Schools

GUS ZADRA
Associate Superintendent

Brad Bradley, Chairman
Senate Commerce Committee
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

In response to your SB 443, I am unaware of any school district in Alaska or elsewhere that doesn't provide by School Board Policy or Regulation instruction of children in The Pledge of Allegiance and care of The American Flag. We in the schools have long been apprised of the rights of children/parents to not participate in this instruction/ceremony for religious and other reasons. All of this is to say that teachers and children have always had the opportunity to recite the pledge (or the right not to) since I started teaching 18 years ago.

I believe in patriotism and the school is the rightful arena to instruct/reinforce this concept. The Pledge however, is probably the least effective tool used to promote patriotism. I have never found a sixth grade child who couldn't recite the pledge. Likewise, I have never found a 6th grader who fully understood the meaning/significance of the pledge or who could define every word in it. In fact, it's the rare eighth grader who can distinguish the difference between a democracy and a republic. I will leave to you to judge the value of reciting daily something that has little, if any, meaning for a child.

While I would say your bill is not needed, should you proceed I suggest making it a general statement void of such particulars as "first hour", "each day", "keep silent", "remain seated", etc.

I appreciated being given the opportunity to respond to your proposed bill.

Sincerely yours,

Dale A. Durrwachter
Dale A. Durrwachter, Principal
Hunter Elementary School

DAD:teb

Introduced: 2/18/80
Referred: Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 443

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 schools an opportunity to recite the pledge of alle-
8 giance at the beginning of each school day."

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12 afforded students and teachers in the public schools to recite the
13 pledge of allegiance to the flag of the United States during the first
14 hour of each day in session during the school term. Students and
15 teachers who for any reason do not wish to participate in the recitation
16 of the pledge of allegiance may keep silent, remain seated, or express
17 their nonparticipation in any other way which does not materially dis-
18 rupt classwork or involve substantial disorder or invasion of the rights
19 of others.

20
21 3/13/80

22 Non-participants of the pledge of allegiance should stand
23 quietly, while the others are reciting the pledge.

24 Woodriver Elementary School

25 1 Mile Chena Pump Road
26 Fairbanks, AK
27 99701

Juanita K. Johnson (Interim)

28
29



Alaska State Legislature

Senate

Committee on Commerce

Official Business

March 4, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

William Benson, Principal
University Park School
Box 1250
Fairbanks, AK 99707

Dear Mr. Benson:

Enclosed is SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

I would appreciate your comments/position papers on this matter. If you recommend specific changes, in addition to general comments, I would prefer that they be keyed to page and line numbers.

If you know of other persons who have an interest in this legislation, please let me know so that I may get the benefit of comments from all knowledgeable and interested parties.

In consideration of a productive and expeditious session, I request that your comments/position paper be returned to me within 10 days from the date of this letter. This bill is presently before the Senate Judiciary Committee, chaired by Senator Robert Ziegler, and a hearing date has not yet been set; however, I would like your comments within the time frame mentioned above so that I may be prepared when Senator Ziegler's Committee hears this matter.

Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in cursive script that reads "Brad".

Brad Bradley
Chairman, Senate Commerce Committee

BB:jss
Enclosure



Alaska State Legislature

Senate

Committee on Commerce

Official Business
March 4, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

TO WHOM IT MAY CONCERN

Dear Ladies and Gentlemen:

Enclosed is SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

I would appreciate your comments/position papers on this matter. If you recommend specific changes, in addition to general comments, I would prefer that they be keyed to page and line numbers.

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Thank you for your cooperation and assistance.

Sincerely,

Brad Bradley

Brad Bradley
Chairman, Senate Commerce Committee

BB:jss
Enclosure

Sounds Great!
Cliff Schell
Principal
Kulbuck School
Bethel Alaska
198559



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

Rogers Park Elementary School
1400 E. Northern Lights Blvd.
Anchorage, Alaska 99504

March 14, 1980

Senator Brad Bradley
Fouch V
Juneau, Alaska 99811

Dear Senator Bradley,

I appreciate your contacting me in regard to my opinion on SB 443, "An Act affording students and teachers in the public schools an opportunity to recite the pledge of allegiance at the beginning of each school day."

Our Anchorage School Board has afforded this opportunity to every student through established board policy. I feel it is most appropriate to handle this at the local level rather than legislate it by the state. If this is a major problem in Alaska, perhaps it should be more appropriately addressed through the Department of Education or the state school board.

I would not favor this specific state legislation as I believe the responsibility lies with the local school board.

Sincerely,

Marilyn S. Barnett, Principal

MSB:jls

We, the undersigned administrators, teachers, staff and parents of the Klawock City School District, support SB 443, "An Act affording students and teachers an opportunity to recite the pledge of allegiance at the beginning of each school day.

<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>POSITION</u>
<u>WILLIAM SUSS</u>	<u>William Suss</u>	<u>SUPERINTENDENT</u>
<u>Clara G. Peratrovich</u>	<u>Clara G Peratrovich</u>	<u>Indian Ed. Instu</u>
<u>Ruth A. Rowan</u>	<u>Ruth A. Rowan</u>	<u>Teacher</u>
<u>JOANNE DICKERSON</u>	<u>Joanne Dickerson</u>	<u>Teacher's Aide</u>
<u>Margaret Kennedy</u>	<u>Margaret Kennedy</u>	<u>Teacher Aide</u>
<u>SALLY A SKAN</u>	<u>Sally A. Skan</u>	<u>Teacher-Aide</u>
<u>Martha L. Thomas</u>	<u>Martha Thomas</u>	<u>Teacher-Aide</u>
<u>BLITHE A. BAKER</u>	<u>Blithe A. Baker</u>	<u>Bookkeeper/grant writer</u>
<u>MALINDA MERRELL</u>	<u>Malinda Merrill</u>	<u>Teacher</u>
<u>Dina Swenson</u>	<u>Dina Swenson</u>	<u>teacher</u>
<u>Nelda Lynch</u>	<u>Nelda Lynch</u>	<u>teacher</u>
<u>Jackie Woods</u>	<u>Jackie Woods</u>	<u>teacher - aide</u>

Klawock City School DISTRICT

PO Box 9 Klawock, AK 99925



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

Inlet View School
1219 N Street
Anchorage, Alaska 99501

March 14, 1980

Senator Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V - State Capitol
Juneau, Alaska 99811

Senator Bradley:

Your legislative proposals, SB 459 and the amendment to SB 443, are of considerable interest to those of us who work in public schools. Thank you for soliciting our comments. However, both proposals are objectionable in that they appear to be restrictive bills designed to legislate such things as patriotism, religion, and morality. They may be appropriate as local policies, which are developed at the school board level and reflect community standards. In fact SB 459 is already ASD policy.

NO

Thank you for giving me an opportunity to respond.

Sincerely,

Norma Frick

Norma J. Frick
Principal

Inlet View

Copper River School District

Superintendent's Office
Box 108
Glennallen, Alaska 99588
(907) 822-3234

Copper Center
Gakona
Glennallen
Kenny Lake
Pitkin

March 18, 1980

The Honorable Brad Bradley
Alaska State Senate
Pouch V
Juneau, Alaska 99811

RE: Senate Bill 443

Dear Senator Bradley:

In response to your letter of March 4 received on March 13 concerning subject bill, I am in favor of the intent of your legislation. I think we are in a critical time of our nation and we need to develop a more acute awareness of our heritage and overcome some of the complacency and derision given toward patriotic endeavors.

I do have some reservations, however, on the latter part of line 16 and lines 17, 18 and 19. I am concerned about how students might "express their nonparticipation" in any other way which does not materially disrupt class work or involve substantial disorder or invasion of the rights of others. It would seem to me that a period after seated would be appropriate. It would prevent unnecessary judgements which the teacher of the classroom might make. I offer that suggestion to you realizing that my judgement is probably no better than yours.

I thank you for your concern in this matter.

Sincerely,



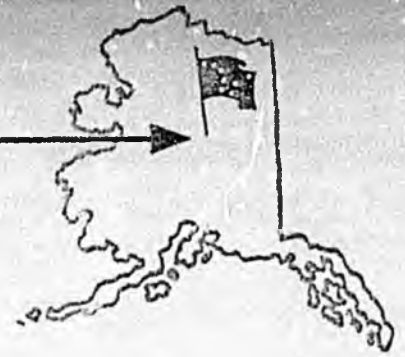
Dr. Alfred Krinke, Superintendent
Copper River School District

AK:pm

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P. O. Box 1250, Fairbanks, Alaska 99707

(907) 456-7934



DR. BRYCE STALLARD
Superintendent of Schools

GUS ZADRA
Associate Superintendent

CHARLES A. LOWRY
Assistant Superintendent

March 19, 1980

The Honorable Brad Bradley
Chairman, Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

In reference to your letters of March 4 concerning Bills 443 and 459, it is the position of this Board that the subjects of these Bills can be better addressed at the local level and, therefore, we do not favor their passage.

Thank you for the courtesy of your inquiry.

Respectfully yours,

FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

A handwritten signature in cursive script, which appears to read "H. O. Williams", is written over the printed name of the sender.

H. O. Williams
President
Board of Education

HOW/plh

Kiana High School
Kiana, Alaska 99749

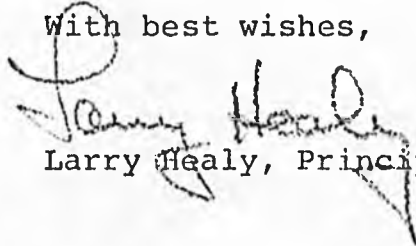
March 14, 1980

Brad Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V State Capitol
Juneau, Alaska 99811

Brad:

I am in support of Senate Bill 443 and it is my understanding that
it is equally well supported among the teaching staff in the Kiana
Schools.

With best wishes,


Larry Healy, Principal

LH/anr



ANCHORAGE
SCHOOL DISTRICT

4600 DeBarr Avenue - Anchorage, Alaska

99504

AREA CODE 907-333-9561

March 17, 1980

Senator Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Pouch V - State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

I appreciate the opportunity to express my opinion on
SB 443. I would like to see lines 16-19 changed to read as
follows: of the pledge of allegiance may stand and remain
silent or may be excused from the class during this time.

Again, thanks for the opportunity to express my opinion.

Sincerely,

Penny Potter, Principal
Huffman Elementary School

PP:mlp



DIMOND MEARS SECONDARY SCHOOL
Richard N. Mize, Unit Administrator
2909 W. 88th Ave.
Anchorage, Alaska 99502

ANCHORAGE
SCHOOL DISTRICT
4600 DeBarr Avenue - Anchorage, Alaska
99504
AREA CODE 907-333-9561

March 20, 1980

Brad Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

Since you have asked, I will comment on both SB443 and SB459. I appreciate your interest in our comments and the service you are rendering by making us aware of some of the legislation that could affect us as administrators in the schools. Please be aware that my comments represent only my own personal thinking and not necessarily the school in which I work, the district for which I work, or any association of which I am a member or officer.

SB 443

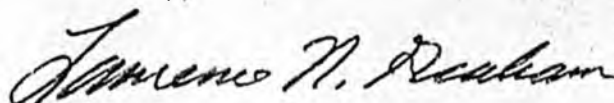
This bill is very similar to a mandated practice in schools in the Anchorage School District. We have been following this procedure for the past four or five years. I, personally, am highly in favor. One problem we have noted, however, is that by repeating the pledge every day, the effect is often lost. In other words, rote repetition tends to become no more than that without any thinking or appreciation for what is being said or pledged. Our students, over the years since we started this practice, have suggested it would be more effective if we used the Pledge of Allegiance every other day, twice each week, or once each week. Nevertheless, we follow the procedure now, and I feel we are setting an example in forms of patriotism and appreciation for the United States of America by doing so.

SB 459

This one bothers me for several reasons. First, assuming passage of SB 443 (or in our district it's with or without SB 443), we are already starting with the Pledge of Allegiance. This minute of silence adds to the time we are not able to spend in the instructional program. Second, on a regular basis, I believe the moment of silence would be very difficult to enforce. Silence in a school building with 2,500 students and 150 employees is almost impossible, even if everyone is attempting to cooperate. It seems to me that unless there is total silence, the atmosphere we are trying to create is not possible to reach. Third, as a devout and practicing Christian, I believe wholeheartedly in the power of prayer. I resent, however, the state telling me when I should pray. I can appreciate the thought, but I don't need a specified period of silence to pray. I pray regularly, and I know God hears me, but I don't need the state to tell me when to talk to Him.

Fourth, all of us occasionally need a little time to ourselves to reflect, but I do not see that happening because a law says we will do it every morning. When I need to sit back and reflect I need more than a minute and I need to do it when I feel the need, not on a prescribed schedule. Fifth, meditation for the non-meditator does not happen because we say it will. This is also related to enforcement, but I can see a real problem with attempting to discipline a student who snickers or is a little noisy during the silent minute. We have enough problems without attempting to talk to parents or students who see this as just another attempt to promote prayers in school and they want no part of it. I'm willing to spend my time and effort in meetings, due process hearings, or court sessions, if necessary, with those students and parents who have violated the law or the rights of others attempting to get the most they can from our educational process. I am not as willing to spend that kind of time with a student who violates the state mandated right of others to have silence. In other words, I see many either intentionally or unintentionally being disruptive during this moment of silence, and I, as a principal, have no desire to determine whether or not it was intentional or what sort of discipline should be levied.

Sincerely,



Laurence N. Graham, Principal
Diamond-Mears Secondary School

/mb



HYDABURG CITY SCHOOL

HYDABURG, ALASKA, PRINCE OF WALES ISLAND 99922

March 24, 1980

Senator Brad Bradley
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

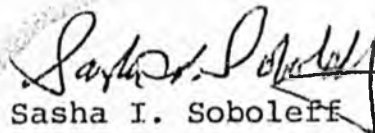
Dear Senator Bradley:

I am writing in reference to SB-443 titled, "...opportunity to recite the Pledge of allegiance...."

While I realize that particular language may be the stumbling block to the successful passage of this bill, may I state that in total, the reciting of this pledge would strengthen our educational curriculum via recognizing the numerous free opportunities we enjoy in America. One might choose to reword the pledge, but I believe this would be difficult if not impossible to successfully facilitate.

Again, I favor passage of this particular bill.

Sincerely,


Sasha I. Soboleff
Supt. of Schools

SIS:de

cc: Sen. Robert Ziegler
Sen. M.E. Dankworth
Sen. Don Bennett

4/13/80

EDMUND KRYSZTOUSKI
503 E. Northern Lights Bl
Anchorage, AK
99503

Honorable Brad Bradley
Pouch U. State Capitol
Juneau, Alaska 99811

Dear Mr. Bradley,

I support S.B. 443 with all
my heart. Hope it will pass. I would
also like to see prayer in public schools
in the same manner as S.B. 443

Don't you like letters that are
short and to the point?

Sincerely,

Edmund Krzyszowski

Answered
4/17



ALASKA CONGRESS OF PARENTS AND TEACHERS

A BRANCH OF THE NATIONAL CONGRESS OF PARENTS AND TEACHERS

May 15, 1980

Senator Brad Bradley
Pouch V
Juneau, Ak 99801

Dear Senator Bradley;

Thank you for the opportunity to comment on SB 459 and SB 443. I apologize for the delay in answering. The Alaska PTA has never addressed either issue in a formal meeting. Therefore, without doing some research, I could not have given an answer that would include more than my personal belief.

We have just completed a survey of the PTA's in the Fairbanks area. We had a response from 78 parents and teachers. The response for SB 443 was a whopping 100% in favor of passage.

Also, 100% of the people surveyed voted yes for passage of SB 459.

It would indicate to us that both of these bills have a broad base of support in the Fairbanks area.

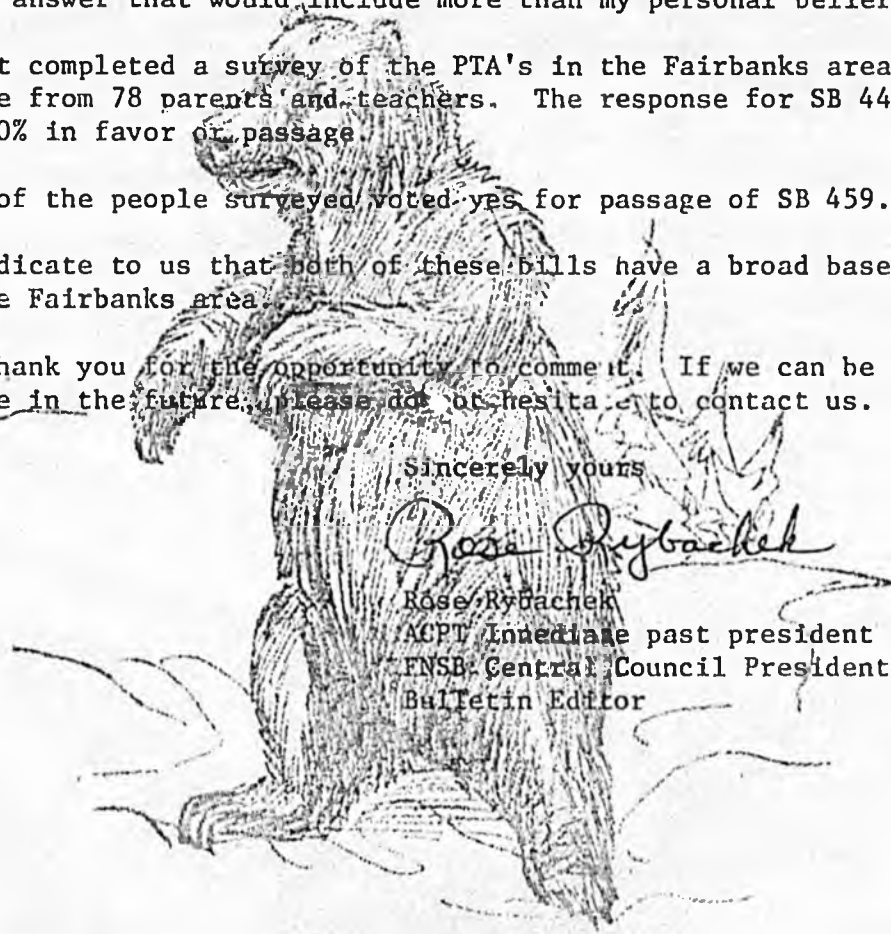
Again, we thank you for the opportunity to comment. If we can be of any assistance in the future, please do not hesitate to contact us.

Sincerely yours



Rose Rybachek

Rose Rybachek
ACPT Immediate past president
FNSB Central Council President
Bulletin Editor



SB

489

w/SB 989
JAY HAMMOND, GOVERNOR

DEPARTMENT OF EDUCATION

ALASKA PUBLIC BROADCASTING COMMISSION

400 GAMBELL ST., SUITE 302
ANCHORAGE, ALASKA 99501
272-9418 • 277-1636

March 10, 1980

CERTIFIED NO. 419843

Representative Joyce Munson
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Joyce:

Please accept this letter as my comments regarding Senate Bill 509/House Bill ~~934~~. I will limit my comments in this communication to the effect this proposed legislation, SB509/HB934, has on public broadcasting. In this letter I will provide you with A) My Understanding of the Legislation, and B) Comments, as follows: 1) General, 2) Structure, 3) Insulation, 4) Language/Intent, and 5) Options.

A) MY UNDERSTANDING OF THE LEGISLATION:

In the proposed legislation, the Department of Commerce and Economic Development will expand, becoming the Department of Commerce and Economic Development, and Telecommunications. Article II of the proposed bills sets up two telecommunications divisions administered by a deputy commissioner. This deputy commissioner is appointed by the governor and in turn appoints division directors.

Under this legislation, a Policy Board is to be established; its purpose being to advise the Division of Public Telecommunications Services on the planning and implementation of educational and health-related systems. This new legislation also absorbs the functions of the Alaska Public Broadcasting Commission and repeals its statutory authority.

B) COMMENTS:

- 1) General: It would appear that an aggregation of various state agencies engaged in telecommunications endeavors would best serve the public through increased efficiency and accountability. There can be no question that a mature telecommunications system in the State of Alaska will do much to enhance the quality of life. What we must bear in mind in seeking to restructure our telecommunications system is to analyze its successes as well as its shortcomings. We must be careful in fashioning any new entity so as not to fall party to "throwing the baby out with the bath water", as it were.

C o n t

Joyce Munson, Representative
March 10, 1980
Page 2

A thorough analysis of each agency, which is sought to be placed in the aggregate, outlining its positive and negative aspects in serving the public, should be prerequisite to this legislation.

- 2) Structure: This new agency, in my opinion, suffers from a weak management structure with regard to the successful operation of public broadcasting. At present, a nine-member citizen commission, appointed by the Governor, provides the coordination, as well as legal and technical support for public broadcasting stations. This Commission also provides coordination and management functions for the Satellite Television Project. The Commission members serve without pay, and employ an executive director who serves at the pleasure of the Commission. In addition, an engineer, satellite coordinator, administrative assistant, secretary, and satellite technicians work for the Public Broadcasting Commission.

Under SB509/HB934, the Commission's functions would be absorbed by the Department of Public Telecommunications. All policy decisions would be vested in the deputy commissioner of the Department of Commerce and Economic Development and Telecommunications, with advice from the director of the Department of Public Telecommunications.

This type of vertical management structure provides for neither public comment nor participation. Further, a vertical matrix, such as the one proposed in SB509/HB934, does not provide for the continuity necessary for the efficient functioning of a public broadcasting system. It would seem that, since the Governor appoints the commissioner, who in turn appoints the deputy commissioner, who in turn appoints directors, when the gubernatorial change occurs, a "domino" effect would be felt throughout the agency. It is important for the health of the public broadcasting system to provide for stability and continuity.

SB509/HB934 also provides for a public telecommunications Advisory Board, Section 44.33.511, Paragraph (a). This Board has neither authority nor purpose. It seems to be, at best, a cosmetic trapping of the proposed legislation. Boards, such as the one proposed, without a real policy function or the ability to act upon public input, should be eliminated.

- 3) Insulation: The proposed management structure for Public Broadcasting, under SB509/HB934, strips away the insulation afforded to public stations by the Commission. It has been recognized on a national level, as well as for the past ten years, here, in Alaska, that public broadcasting must be free from political influence. This is accomplished, in Alaska, by having each station hold its own license and providing state funding for those stations through the Public Broadcasting

Joyce Munson, Representative
March 10, 1980
Page 3

Commission.

Under the proposed legislation, the deputy commissioner of the Department of Commerce, Economic Development and Telecommunications could directly affect the climate at a public broadcasting facility. It is important that public stations keep the kind of insulation provided them presently under the aegis of the Alaska Public Broadcasting Commission.

- 4) Language: The powers of the Department of Public Telecommunications are quite broad. This Department would be responsible for the coordination and support of all public broadcasting functions in the State, including, but not limited to financing and engineering. (See Section 44.33.509(b)(2)).

By providing such broad powers to this agency, which is vertically controlled, the State of Alaska walks dangerously close to the line of usurping licensee prerogative as mandated in the Communications Act of 1934. A clarification of this paragraph is absolutely essential so as not to get the State of Alaska embroiled in censoring public broadcasting's programming and, more importantly, in contravening federal law.

The Department of Public Telecommunications also is to provide technical assistance and direction in the development and production of all educational and public telecommunications materials, without taking responsibility for the content of such programming. (Section 44.33.509(b)(1)). The language in the paragraph raises a number of questions:

- 1) Is it the intent of the State of Alaska to go into the television and radio production business?
- 2) How is it possible for the State of Alaska to relinquish responsibility for the content of programming for which it provides assistance, direction, development and production?
- 3) Given the broad authority of this new agency, will the Department of Public Telecommunications seek to mandate the play of programming that it produces by public radio and television stations?
- 4) Given the language in Paragraphs 1 and 2, is it the intent of the legislature to seek state ownership of public broadcasting facilities?

C o n t

Joyce Munson, Representative
March 10, 1980
Page 4

- 5) Options: It would seem that the Public Broadcasting Commission could be easily moved under any new department seeking to aggregate the functions of telecommunications in the State of Alaska.

Since the legislation and administration of the Commission are already in place and in operation, a legislative amendment to the Enabling Act of the Commission could easily be effected, moving it under the proposed Department of Commerce, Economic Development and Telecommunications. A move of this type would insure the integrity of Public Broadcasting, as well as foster a more efficient and innovative approach to telecommunications issues facing us.

Another option, which might be considered, would be to fashion a new agency with the same goals and intent articulated in SB509/HB934 as a commission or a department with a publicly appointed board.

I hope this letter has succeeded in providing you with my comments and thoughts on SB509/HB934. I have offered them in a positive and constructive light. Please call upon me if I may provide you with additional information regarding this letter. I look forward to working with you during this most exciting time for telecommunications in Alaska.

Sincerely,



Stowell R. Johnstone,
Chairman
APBC

SRJ:MFP:blh

cc: The Honorable Jay S. Hammond, Governor
All Legislators
APBC Members
All Stations

Wave Referral
House working on Bill

Introduced: 2/18/80
Referred: Commerce and
Finance

1 IN THE SENATE

BY HOHMAN

2 SENATE BILL NO. 489

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a communications service agency."

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

8 * Section 1. AS 42 is amended by adding a new chapter to read:

9 CHAPTER 23. COMMUNICATIONS SERVICE AGENCY.

10 Sec. 42.23.010. COMMUNICATIONS SERVICE AGENCY. There is estab-
11 lished in the Office of the Governor the communications service agency.

12 Sec. 42.23.020. DIRECTOR. The agency is administered by a direc-
13 tor who is appointed by and serves at the pleasure of the governor.

14 Sec. 42.23.030. PERSONNEL. The director shall employ the per-
15 sonnel necessary to carry out the provisions of this chapter.

16 Sec. 42.23.040. POWERS AND DUTIES OF THE DIRECTOR. (a) The direc-
17 tor shall

18 (1) supervise and administer the activities of the agency;

19 (2) advise the governor on matters of comprehensive state
20 planning for telecommunications services;

21 (3) make an annual report to the governor of the activities
22 of the agency.

23 (b) The director may

24 (1) with the written concurrence of the governor, enter into
25 contracts and subcontracts on behalf of the state to carry out the
26 provisions of this chapter;

27 (2) act for the state in the initiation, investigation,
28 evaluation of or participation in any program related to the purposes of
29 the agency which involves more than one government or governmental unit;

1 (3) on behalf of the state, accept and expend gifts or grants
2 made to the state with the approval of the governor if the gifts or
3 grants were made for the purposes of furthering the objectives of the
4 agency.

5 Sec. 42.23.050. FUNCTIONS AND DUTIES OF THE AGENCY. (a) The
6 agency shall

7 (1) coordinate and supervise the existing state programs in
8 telecommunications;

9 (2) cooperate with public utilities and private enterprises
10 to provide effective telecommunications to all residents of the state;

11 (3) provide technical assistance to the governor and the
12 legislature in identifying long range goals and objectives for the state
13 and its political subdivisions in the field of telecommunications;

14 (4) prepare and maintain a state comprehensive telecommunica-
15 tions development plan;

16 (5) provide information and assistance to state agencies to
17 promote governmental coordination and unity in the preparation of agency
18 plans and programs involving the use of telecommunications;

19 (6) review planning within state government as may be neces-
20 sary for receipt of federal, state or other funds;

21 (7) participate with other countries, provinces, states or
22 subdivisions of these international or interstate planning, and assist
23 Alaska's local governments, governmental conferences and councils, in
24 planning and coordinating their activities relating to telecommunica-
25 tions;

26 (8) encourage educational and research programs that further
27 the development of effective telecommunications; and

28 (9) serve as a clearinghouse for information, data, and other
29 materials which may be helpful or necessary to federal, state or local

1 governmental agencies in the development of telecommunication systems.

2 (b) The agency shall, in carrying out its functions, consult with
3 local, regional, state and federal officials, private groups and indi-
4 viduals, and with officials, of other countries, provinces and states,
5 and may hold public hear' s to obtain information for the purpose of
6 carrying out the provisi. of this chapter.

7 (c) The division shall

8 (1) coordinate its services and activities with those of
9 other state departments and agencies to the fullest extent possible to
10 avoid duplication;

11 (2) prepare an integrated annual report on telecommunications
12 in the state and submit it to the governor for incorporation into his
13 report to the legislature;

14 (3) cooperate with the University of Alaska and other appro-
15 priate public and private institutions in research and investigations.

16 Sec. 42.23.060. AGENCY MAY ACCEPT GRANTS AND OTHER AID. The
17 agency may apply for and receive from the federal government, its
18 agencies, or from other public or private sources, gifts, grants or
19 other aids available for its purposes.

20 Sec. 42.23.070. DEFINITIONS. In this chapter

21 (1) "agency" means the communications service agency;

22 (2) "director" means the director of the communications
23 service agency; and

24 (3) "telecommunications" means the transmission and reception
25 of messages, impressions, pictures and signals by means of electricity,
26 electromagnetic waves and any other kind of energy, force variations or
27 impulses whether conveyed by cable, wire, radiated through space, or
28 transmitted through other media within a specified area or between
29 designated points.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DEPUTY COMMISSIONER — ADMINISTRATION

POUCH Z
JUNEAU, ALASKA 99811

March 11, 1980

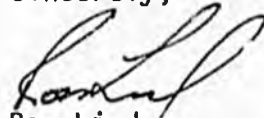
Brad Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bradley:

We have reviewed Senate Bill 489 and reached the conclusion that the new division would simply expand on the role now assigned to the Division of Policy Development and Planning and therefore not materially affect the operations within the Department of Transportation & Public Facilities. Therefore, our position on this bill is one of neutrality.

I have contacted the Governor's Office and understand that they are providing you with further comments, as well as a fiscal note.

Sincerely,



Ron Lind
Deputy Commissioner

STATE OF ALASKA

JAY S. HAMMOND
GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

POUCH F--ALASKA OFFICE BUILDING
JUNEAU 99811

March 12, 1980

The Honorable Brad Bradley
Chairman
Senate Commerce Committee
Pouch V
State Capitol
Juneau, AK 99811

Dear Senator Bradley:

In reference to Senate Bill 489, the Department of Education supports the consolidation of telecommunications services provided by state government, since the improved efficiency of technical assistance, system development, and support service to telecommunications users would enhance the Department's ability to effectively implement telecommunications technology for the state's schools.

In any reorganization of telecommunications services, however, system planning and development of systems exclusively serving schools, as well as the development of courseware or program content, must ultimately be the responsibility of and accountable to the policies of the State Board of Education, on behalf of all public schools in the state.

In our opinion, no fiscal note is required save that which would be necessary for the internal operations of the proposed agency.

Sincerely,



Marshall L. Lind
Commissioner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF MILITARY AFFAIRS

ALASKA DIVISION OF EMERGENCY SERVICES

1306 EAST 4TH AVENUE
ANCHORAGE - 99501

March 10, 1980

The Honorable Brad Bradley
Alaska State Senate
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

In reference to your letter regarding Senate Bill 489, let me assure you we are supportive to efforts that improve overall telecommunications within the State.

As you are aware communications are generally taxed to their limits during emergencies; therefore this office is vitally interested in any improvement in this field. This office has long been an advocate of centralizing telecommunication functions into a single responsive agency. We believe that improved services and many economies in State agencies expenditures could be realized by approaching telecommunications requirements on a total system approach rather than piecemeal by individual departments as it has been in the past.

We also fully realize that this proposed Agency will go beyond purely State office requirements and will fulfill study needs concerning advances in public and international telecommunications as well.

The Honorable Brad Bradley

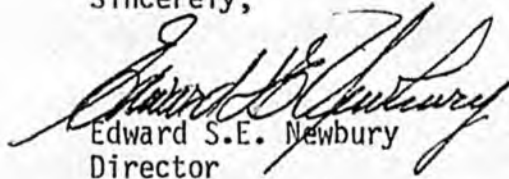
Page 2

March 10, 1980

In this regard, we see a need for an agency to act as a clearing house for such things as advances in technology, eg., emergency 911 functions for the local telephone communities. Going beyond this, micro computer technology is opening a whole range of telecommunications advances coupled with the telephone. In the future, computer driven emergency messages could automatically alert fire, ambulance and police to emergencies in progress. Electronic mailing, voting, and polling is also possible in the future, thereby better serving the public and private telecommunications needs.

In summary, this Division feels that advances in telecommunications is expanding at an exponential rate and there is a definite need for a Communications Service Agency to advise the Governor on comprehensive State planning for telecommunications. Fiscal requirements should logically be addressed after definite scope and magnitude of the endeavor is defined.

Sincerely,



Edward S.E. Newbury
Director

ESEN:LIT:so

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

March 18, 1980

Honorable Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Bradley:

In response to your letter of March 1, 1980, this Department:

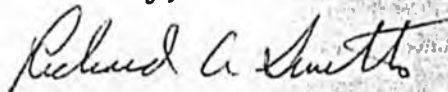
Favors SJR 49 and the establishment of a consular office

Favors management of ASHA lease space (SB 491) being identified to the Department of Administration. We, as you know, manage most lease space for the State.

Take no position on SB 489 and an act establishing a communication service agency.

There will be no material fiscal impact on this Department from any of the above legislation.

Sincerely,



Richard A. Smith
Deputy Commissioner
Administrative Management

RAS/mjc
cc: Keith Specking

POSITION PAPER

SENATE BILL NO. 489

An Act establishing a communications service agency."

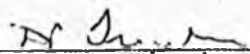
Senate Bill No. 489 would establish in the Office of the Governor a communications service agency to plan and coordinate a statewide program of telecommunications and provide technical assistance to the Governor, the Legislature, state agencies and local agencies in the field of telecommunications.

The Department of Health & Social Services endorses the concept of this bill. It appears likely that telecommunications will play an increasingly important role in the State, and coordination of the planning and implementation of the development of such a system will be required.

Within this Department, the Emergency Medical Services Section is already deeply involved in the development and use of telecommunications networks, and coordinates its activities with those of the Department of Transportation and Public Facilities and the Department of Public Safety. We foresee a greatly expanded role for telecommunications in public information and education programs conducted by several of the divisions within this Department.

A central planning and coordinating agency in State government would be a distinct advantage to this Department. It may be appropriate, though, to investigate placement in a line agency rather than in the Office of the Governor.

Recommended by:


Dean F. Tirador, M.D.
Director, Division
of Public Health

Date:

3/21/80

Approved by:


Helen D. Beirne
Commissioner

Date:

3/24/80

Telecommunications Needs as Identified by the
Alaska Department of Health & Social Services

Emergency Medical Services

The emergency medical services program has three or four primary concerns with respect to telecommunications. In cities and towns there should be a single access telephone number (such as 911) for all emergency services. Most major towns and cities in Alaska, except Juneau, already have "911" systems in operation.

The second major concern is for adequate ambulance to hospital communications. This is extremely important since many ambulance personnel are now trained in advanced procedures, including starting IV's, which require physician consultation and approval. Many major highways in Alaska still lack the necessary microwave or VHF repeater links to enable ambulances in remote rural areas to communicate with hospital personnel.

Another consideration for the highway system is to make sure that there are adequate numbers of trained CB monitors, such as members of the REACT organization, so people without access to a telephone can call for emergency assistance on their CB radios.

A final major concern is for reliable village health clinic to hospital and hospital to hospital communications throughout the state. Community health aides in villages and mid-level practitioners rely upon village clinic to hospital communications for daily doctor's calls and to arrange medevacs or other assistance during medical emergencies.

At present, 57 villages rely upon small earth satellite stations for clinic to hospital communications. Due to the high cost of these dedicated links (approximately \$1200 per month) the U.S. Public Health Service is unable to afford to implement this system in other villages. Furthermore, the reliability of many of these small earth satellite stations has been very poor, with many of them being out of order for several days or more at a time.

Over 100 other village health clinics rely upon HF single band radios, which have poor propagation in high latitudes and consequently are often not reliable either.

If the satellite system could be improved and expanded, it could have other potential uses besides reliable point to point voice communications. With one or two way visual and two way audio transmission capabilities, continuing education programs could be transmitted to remote hospitals throughout the state.

With expansion of television reception in villages, health education programs could be aired to rural and bush residents.

Office of Alcoholism and Drug Abuse

The Office of Alcoholism and Drug Abuse sees a need for an automated management information system with terminals at each treatment facility and at the main office in Juneau. These treatment facilities are located in Fairbanks, Kotzebue, Nome, Unalaska, Bethel, Dillingham, McGrath, Tok, Seward, Kenai, Yakutat, Juneau, Sitka, Ketchikan, Palmer, Hoonah, Petersburg and Wrangell.

They also would like to have video reception capabilities at each site with satellite based transmitting from Anchorage for training of local program staff.

Office of Aging

The Office of Aging would like to see a statewide toll free hot line established for a centralized information & referral system, which would be properly staffed with adequately trained personnel.

Division of Public Assistance

The Division of Public Assistance reports that it needs direct computer terminal lines to each of its 19 district offices, with a 5 second turn around time. At present, it has terminals in Anchorage, Juneau, Ketchikan and Fairbanks. All except the Fairbanks terminal are presently in good working order.

The other district offices are currently located in Petersburg, Sitka, Valdez, Kodiak, Palmer, Kenai, Dillingham, Bethel, Aniak, Mountain Village, Unalakleet, Galena, Nome, Kotzebue, and Fort Yukon. In the future, offices may be opened in Barrow, Wasilla, Wrangell, Seward, Tok, and the Aleutians.

Public Assistance also needs the capacity to transmit checks and other documents to district offices.

Division of Mental Health & Development Disabilities

The Division of Mental Health & Development Disabilities would like to have one way video and two way audio transmitting and receiving capabilities at Alaska Psychiatric Institute in Anchorage and at Harborview Developmental Center in Valdez. This would be useful for conducting continuing education programs for staff.

Other potential Department of Health & Social Services uses of Telecommunications

Satellite TV through its capability to reach rural and urban communities statewide, can play a vital role in providing a vehicle for the dissemination of educational and public information in both health and social service topics.

If transmission costs are reasonable, one-way video could be used by various Health & Social Services divisions and/or special offices as part of their activities to deliver educational packages for training or public information and to provide statewide public exposure to health & social service issues being discussed by a group in one location. It may also provide an opportunity for more regional unification of state programs and committees.

Additional telecommunications subsystems which could offer the Department Divisions an opportunity for improving its delivery of services include:

- Centralization of client records with instant access.
- Education of specific consumers and field based providers, i.e. food stamp and public assistance field offices.
- Conferencing - state task force committees meeting on a specific issue.

Subsystems most likely to be used for the above are two-way radio telecopies, computer systems, teleconferencing and video conferencing. Ultimate usage of any of these subsystems could lead to the saving in both time and money by reducing travel.

Expanding the teleconferencing network to more sites would enhance its usability and practicality greatly.

For the most part, the needs outlined here have not been addressed in the State FY 1981 Budget.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 489
 Title "An Act establishing a communications service agency."
 Requested by _____ Date 3/13/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Division of Public Health
 BRU, Program, or Subprogram(s) Affected Emergency Medical Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

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

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Department foresees no additional expenses as a result of this bill.

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) _____

Prepared by A. Glick Date: 3/13/80
 Division/Office: P. H. Administration
 Department of Health & Social Services

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CAPITAL INVESTMENT REALTY
P.O. Box 7076
KETCHIKAN, ALASKA 99901

March 26, 1980

The Honorable W. E. Bradley
Chairman, Commerce Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator:

Re: Senate Bill #518
"An Act Relating to the
regulation of real estate
brokers and salesman"

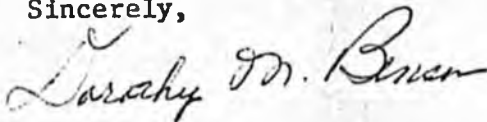
I am writing because the above bill is discriminatory to people desiring to obtain a Real Estate Broker or Real Estate Salesman License who live in rural areas.

Presently the real estate courses are given in Anchorage and Fairbanks and a three day stay-over in either of these cities is very restrictive to us in Southeastern or any of the people living in other communities.

However, I am in favor of the educational requirements but would stress that they be offered in all communities either through correspondence courses or through the local community colleges. This should be addressed in the above numbered bill.

Your consideration of this addition to the bill will be appreciated.

Sincerely,



Dorothy M. Benson
Assoc. Broker

CAPITAL INVESTMENT REALTY
P.O. Box 7076
KETCHIKAN, ALASKA 99901

March 26, 1980

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Chairman, Commerce Committee
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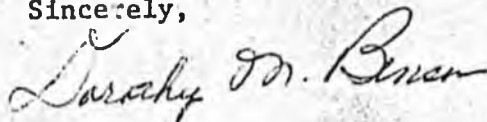
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Sincerely,



Dorothy M. Benson
Assoc. Broker

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K—STATE CAPITOL
JUNEAU, ALASKA 99811

465-3674

March 25, 1980

Honorable Brad Bradley
Chairman, Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Re: Senate Bill 518 (Real Estate Commission) ✓

Dear Senator Bradley:

This is in response to your request for comments on Senate Bill 518.

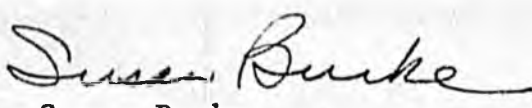
The Department of Law has no position on the substance of this bill. As a technical matter, however, I would like to suggest that it is not entirely clear what the "educational requirements" are that are referred to at page 1, line 23; page 2, lines 17 and 18, and page 3, lines 6 and 7. There are at present no statutorily mandated educational requirements for real estate brokers, assistant brokers, or salespersons. The proposed amendment to AS 08.88.091 in section 1 of the bill requires the commission to establish clinics, meetings, courses, and so forth, but neither the amendment nor any existing provisions of AS 08.88 appears to authorize the commission to require persons seeking licenses to attend them.

I am not aware of what problems may have prompted the need for this bill, so perhaps I am missing something.

The bill would have no fiscal impact on this department.

Sincerely yours,

AVRUM M. GROSS
ATTORNEY GENERAL

By: 
Susan Burke
Assistant Attorney General

S B

5 3 5

Alphy Morris 3795
Sen. Finance

Introduced: 3/27/80
Referred: Commerce, Community &
Regional Affairs and Finance

1 IN THE SENATE BY THE COMMERCE COMMITTEE

2 SENATE BILL NO. 535

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a Task Force on Fire Prevention
7 and Control; and providing for an effective date."

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

9 * Section 1. TASK FORCE ON FIRE PREVENTION AND CONTROL. The Alaska Task
10 Force on Fire Prevention and Control is established in the Department of
11 Community and Regional Affairs.

12 * Sec. 2. MEMBERSHIP. (a) The Alaska Task Force on Fire Prevention and
13 Control consists of nine members appointed by the governor, without regard to
14 political affiliation, to be selected as follows:

15 (1) one member from the Alaska State Firefighters Association from
16 a list of nominees provided by the association;

17 (2) one member from the International Association of Firefighters
18 from a list of nominees provided by the association;

19 (3) one member from the Alaska Fire Chiefs Association from a list
20 of nominees provided by the association;

21 (4) one member representative of the insurance industry;

22 (5) a contractor or architect licensed under AS 08.18;

23 (6) a commissioner or executive officer of a regional native
24 housing authority created under AS 18.55.996;

25 (7) an educator from the state public school system;

26 (8) one public member; and

27 (9) one member representative of the Alaska Municipal League from
28 a list of nominees provided by the league.

29 (b) There shall be at least one member from each judicial district.

1 * Sec. 3. OBJECTIVES. The objectives of the task force are to

2 (1) identify and provide a detailed account of the fire loss
3 problem in the state, including causal factors;

4 (2) identify and define the present roles and relationships of the
5 agencies in the state which are involved in fire protection activities at the
6 local, regional, state and federal levels;

7 (3) recommend organizational or operational modifications to
8 improve the effectiveness of the state's fire protection system;

9 (4) provide documentation that will assist all government agencies
10 and fire fighting services in effectively meeting their fire protection
11 responsibilities.

12 * Sec. 4. CHAIRMAN. The members of the Task Force on Fire Prevention and
13 Control shall elect a chairman from the membership of the task force.

14 * Sec. 5. PROJECT DIRECTOR. The Task Force on Fire Prevention and Con-
15 trol shall hire an executive director to function as an impartial investi-
16 gator and project director. The executive director shall be under the direc-
17 tion of the chairman and may, with the approval of the chairman, employ
18 additional staff as necessary.

19 * Sec. 6. MEETINGS AND HEARINGS. The Task Force on Fire Prevention and
20 Control shall meet at least once every three months. The first meeting shall
21 be held not later than 60 days following the appointment of the nine members
22 to the task force. Public hearings and meetings shall be held in areas of
23 the state that are representative of its urban and rural fire protection
24 problems.

25 * Sec. 7. COMPENSATION. The members of the Task Force on Fire Prevention
26 and Control serve without compensation but are entitled to per diem and
27 travel expenses authorized by law for boards and commissions.

28 * Sec. 8. DUTIES. The Task Force on Fire Prevention and Control shall

29 (1) request and review information concerning the causes and

1 nature of fire losses in the state;

2 (2) hold public hearings and meetings to determine the extent of
3 public awareness of existing fire protection systems;

4 (3) study the activities of the various fire protection agencies
5 in the state;

6 (4) submit an annual report with recommendations for the improve-
7 ment of fire prevention and control in the state to the governor and the
8 legislature; the first annual report shall be submitted by January 1, 1982;
9 and

10 (5) by January 1, 1984, submit to the governor and the legislature
11 its final report which shall identify those interim report recommendations
12 which have been implemented, evaluate the practical effects of the implemen-
13 tation of the recommendations, and make further recommendations on the im-
14 provement of fire prevention and control.

15 * Sec. 9. This Act terminates on June 30, 1984.

16 * Sec. 10. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

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A state focused fire prevention and control master plan is needed and indicated. The task force could and should be the catalyst for this direly needed effort if this legislation is passed.

For additional background material, including the scope of the issue, attached is a copy of A Prospectus of Alaska's Fire Protection (January 4, 1980), a report furnished to Governor Hammond by Mr. Thomas W. Monk, Legislative Chairman, Alaska State Firefighters Association.

SB

554



Official Business

Alaska State Legislature

Senate

Committee on Resources

Pouch V
State Capitol
Juneau, Alaska 99811

May 13, 1980

Christian:

Here is a copy of the legal analysis of SB 554. It is quite obvious that there may be problems with this measure should it be decided that it come to the floor of Resources.

If there are any questions that you wish to throw at me, feel free to do so.

Jay

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 13, 1980

SUBJECT: Analysis of legal problems connected with
Senate Bill 554
(Work Order Number 8552)

TO: Senator Bill Sumner
Chairman, Senate Resources Committee

FROM: Tamara Brandt Cook *TBC*
Legislative Counsel

You have asked me to research legal problems which may be involved with Senate Bill 554, "An Act authorizing the commissioner of the Department of Natural Resources to lease state land for industrial development." This bill presents several separate legal issues.

Section 38.05.072(b)(2) requires that a lessee of government land under this act shall agree that at least 75 percent of the persons employed by the lessee shall be state residents. The United States Supreme Court has held that a resident of one state is entitled to travel to another state for purposes of employment free from discriminatory restrictions in favor of state residents. Ward v. Maryland, 20 L.Ed. 449 (1871). More recently, it has held that unless there is a substantial reason for the discrimination, disparity of treatment between residents and nonresidents is precluded by the Privileges and Immunities Clause. A "substantial reason" for discrimination does not exist unless nonresidents constitute a peculiar source of evil and a "reasonable relationship" must exist between the danger posed by nonresidents and the discrimination practiced against them. Toomer v. Witsell, 334 U. S. 385, 192 L.Ed. 1460, 68 S. Ct. 1156 (1948).

In applying this criteria, the Supreme Court overturned the Alaska Hire statute, which provided that residents be given preference over nonresidents for employment in the state oil and gas industry. The purpose of the Alaska Hire statute

was to relieve the uniquely high unemployment rate of the state, but the Court found that nonresidents were not a source of this evil since the record indicated that unemployment was a particular problem of unskilled Alaskans and Alaskans in remote areas, so that the high unemployment rate was not principally due to the influx of nonresidents seeking employment. Furthermore, the Court held that the statute was not reasonably related to the evil sought to be corrected because the preference was granted to all Alaskans regardless of their employment status instead of to only unemployed Alaskans. Hicklin v. Orbeck, 437 U. S. 518, 57 L.Ed.2d 397, 98 S. Ct. 9482 (1978). Arguably, the purpose of this act is to attract new industry to the state in order to stimulate the economy in general, rather than principally to provide jobs. However, even under such a broad interpretation of the purpose, there is little doubt that the section requiring the employment of a percentage of state residents comes squarely under the reasoning enunciated in Hicklin v. Orbeck, supra. It violates the Privileges and Immunities Clause of Article IV, section 2 of the U.S. Constitution and may also run afoul of the Equal Protection Clause of the Fourteenth Amendment; and, if a lessee were an industry which was involved in interstate commerce, the provision could run afoul of the Commerce Clause as well.

The lease of state land for industrial development under terms which would presumably be very attractive and, therefore, favorable to a lessee could run into trouble under Article IX, section 6 of the Alaska Constitution which provides:

No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose. (Emphasis added).

While this act only provides for leases of state land, a lease certainly is a transfer of property rights and would be scrutinized under this section. Section 38.05.072(b) provides that a lessee may be charged no rent or real property taxes, clearly a potential transfer of public property also. While this act could be subject to attack, I feel that it would probably survive a challenge based upon this provision of the constitution. "Public purpose" is a term of great imprecision (DeArmond v. Alaska State Development Corporation, 376 P2d 717 (Alaska 1962)), and the

legislature has broad discretion to choose the means to affect a public purpose, which the courts will not interfere with unless the means chosen are arbitrary and without any reasonable basis in fact. Suber v. Alaska State Bond Committee, 414 P.2d 546 (Alaska 1966). It has been held that legislation directed towards improving the economic climate of the state serves a legitimate purpose (Walker v. Alaska State Mortgage Association, 416 P.2d 245, (1966)) and that efforts to attract local industry also serve a public purpose (Wright v. City of Palmer, 468 P.2d 326 (Alaska 1970)). The purposes behind this act, to attract industry and to stimulate the economy, are similar and would likely be upheld as public purposes.

Lastly, there seems to be a potential constitutional "separation of powers" problem inherent in this act. Just as one branch of government may not infringe upon the power of another branch of government, there are limits imposed upon the extent to which one branch of government may delegate its power to another branch of government. The rule is that so long as a policy is laid down and a standard for the exercise of the power is established by statute, no unconstitutional delegation of legislative power is involved in leaving to selected governmental instrumentalities the making of rules and the determination of facts to which the policy is to apply. Schechter v. United States, 55 S. Ct. 37, 97 A. L. R. 947 (1935). The power to tax is essentially a legislative function and the legislature is authorized to grant tax exemptions. City of Nome v. Block No. H, Lots 5, 6 & 7, 502 P.2d 124 (Alaska 1972). AS 38.05.072(b) provides that the commissioner, evidently at his sole discretion, may agree that no real property taxes will be assessed against a lessee. Since the act contains no standards for the exercise of the power to exempt from taxation, it can be argued that this provision is an unconstitutional delegation of legislative power. Although there are no Alaska cases directly on point, the separation of powers doctrine is recognized in Alaska (Bradner v. Hammond, 553 P.2d 1 (Alaska 1976)), and other states have recognized limits on the delegation of state legislative power under the "separation of powers" doctrine. Cities Service Gas Company v. Witt, 500 P.2d 288 (Okla. 1972); Citizens v. Smith, 396 P.2d 677 (Nev. 1964); Spokane County v. Valu-Mart, Inc., 419 P.2d 993 (Wash. 1966). Article II, section 1 of the Alaska Constitution provides that the legislative power is vested in the

Senator Bill Sumner
Page 4
May 13, 1980

legislature, so it appears under the Schechter rule that the legislature would have to set standards before it could delegate the power to grant a tax exemption to the executive branch of government. This act does not comply with that requirement.

If you have any further questions, please contact me.

TBC:ljb

SB

585

Introduced: 5/13/80
Referred: Commerce and
Finance

BY THE RULES COMMITTEE
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 585

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to review of public need for regula-
7 tion of occupations."

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

9 * Section 1. AS 08.03 is amended by adding new sections to read:

10 CHAPTER 03. TERMINATION, CONTINUATION AND REESTABLISHMENT
11 OF REGULATORY BOARDS, AND EVALUATION OF NEED FOR REGULATION.

12 ARTICLE 2. EVALUATION OF NEED FOR REGULATION.

13 Sec. 08.03.040. EVALUATION OF NEED FOR REGULATION OF AN OCCUPATION.

14 (a) Upon the ^{written} request of practitioners of ^{an} ~~an~~ occupation or members of
15 the public, the department shall evaluate an occupation which is not
16 regulated under this title to determine whether the occupation should be
17 regulated.

18 (b) At the discretion of the commissioner, the department may
19 evaluate an occupation which is not regulated under this title to deter-
20 mine whether the occupation should be regulated.

21 Sec. 08.03.050. HEARINGS. As part of an evaluation of an occupa-
22 tion, the department shall hold hearings and invite practitioners of the
23 occupation and members of the public to comment. If persons engaged in
24 an occupation are seeking to be regulated, the department shall request
25 the following information from them:

26 (1) a definition of the problems which create a need for
27 regulation of the occupation;

28 (2) the nature of potential harm to the public if the occupa-
29 tion is not regulated;

1 (3) the extent to which there is a threat or existing harm to
2 the public health, safety, or economic well-being;

3 (4) the extent to which consumers of services provided by the
4 occupation will benefit from a method of regulation which identifies
5 competent practitioners of the occupation;

6 (5) the extent to which the occupation calls for independent
7 judgment and the exercise of special skills or training which makes it
8 difficult for consumers to determine the quality of service being offered
9 by particular practitioners;

10 (6) the extent to which practitioners of the occupation are
11 currently supervised through existing law or regulation;

12 (7) efforts made by practitioners of the occupation to deal
13 with the problem which create a need for regulation of the occupation
14 and the results of the efforts;

15 (8) alternatives to regulation;

16 (9) the extent to which regulation is expected to restrict
17 entry into the occupation;

18 (10) whether the occupation is regulated in other jurisdic-
19 tions;

20 (11) the extent to which the problems present in the occupa-
21 tion can reasonably be expected to be eliminated by regulation; and

22 (12) the system of regulation proposed.

23 Sec. 08.03.060. REPORTS. After the completion of an evaluation
24 under AS 08.03.040, the department shall submit to the presiding officers
25 of both houses of the legislature a report containing

26 (1) findings as to whether

27 (A) regulation of an occupation is needed to protect the
28 public health, safety, and welfare;

29 (B) high standards of professional competence are cur-

1 rently upheld by practitioners of an occupation;

2 (C) the public is generally able to determine the compe-
3 tence of practitioners of an occupation;

4 (D) professional associations currently provide adequate
5 protection against incompetent practitioners;

6 (E) existing laws and regulations are adequate to protect
7 the public from incompetent practitioners;

8 (F) practitioners of an occupation perform a service
9 which may affect third parties relying on expert skill and train-
10 ing; and

11 (G) characteristics of an occupation make it impractical
12 to regulate;

13 (2) summation of hearings conducted and comments presented;

14 (3) alternatives to regulation considered, including possible
15 statutory changes;

16 (4) recommendations, including details of any proposed system
17 of regulation.

18 Sec. 08.03.070. RECOMMENDATIONS. (a) Before the department may
19 recommend that an occupation be regulated under this title, it must
20 determine that

21 (1) the unregulated practice of the occupation can harm or
22 endanger the public health, safety and welfare and that the potential
23 for harm is not remote;

24 (2) the occupation has qualities that distinguish it from
25 other unregulated occupations and which make regulation appropriate;

26 (3) the public will benefit from regulation of the occupa-
27 tion; and

28 (4) the public cannot be protected from incompetent practi-
29 tioners of the occupation by other means.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1980

Ms. Lois Cook
Department of Commerce
and Economic Development
Pouch D, Mail Stop 0800
Juneau, AK 99811

Dear Ms. Cook:

Enclosed is SENATE BILL 585.

I would appreciate your comments/position papers on this SENATE BILL to include a fiscal note, if appropriate. If you decide that a fiscal note is not required, please make such a statement in your reply. If your Department recommends specific changes, in addition to general comments, I would prefer that they be keyed to page and line numbers.

If you know of other departments or agencies that have an interest in this legislation, please let me know so that I may get the benefit of comments from all knowledgeable and interested parties.

In consideration of a productive and expeditious session, we request that your comments/position be returned to the Senate Commerce Committee within 10 days.

Sincerely,

A handwritten signature in cursive script that reads "Brad Bradley".

Brad Bradley
Chairman
Senate Commerce Committee

BB/jss
Enclosure

cc: David Creekman, Information Officer

May 13, 1980

Letter of Intent.

Senator Clem Tillion, President
Alaska State Legislature

Terry Gardiner, Speaker
Alaska State Legislature

Mr. Speaker:
Mr. President:

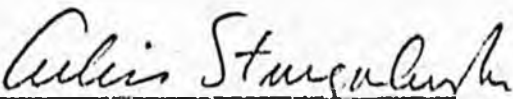
During the research of the Free Conference Committee into the hearings, audits, and history of the health and health related boards and from discussions with representatives of the administration, board members and legislators, it became increasingly clear to the Committee that additional screening processes might insure that professions which sought regulation were, indeed, needing of regulation through establishment of boards, licensing, and practice acts. It was felt by the Committee that screening of professions and development of substantive answers to a wide variety of questions about professions seeking regulation was advisable and would best be handled through the executive branch of government for action by the legislature.

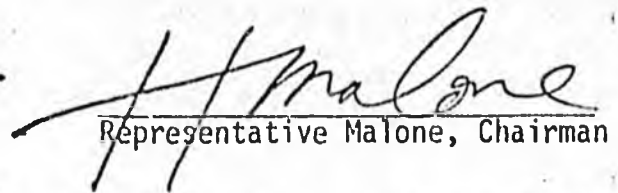
Therefore, the Free Conference Committee had legislation drafted which establishes such a systematic review of professions seeking regulation. The Committee wishes to make clear that in signing this letter there is no endorsement or approval of this particular bill, as there have been no hearings on this bill. Rather, the Committee feels strongly that the concept needs to be available to the public and circulated, and the public should have an opportunity to respond to legislators regarding this concept between now and the next legislative session.

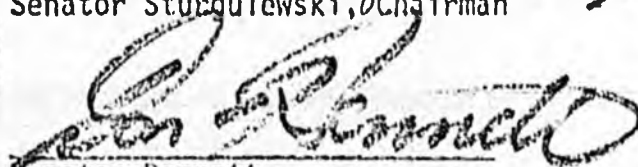
The Free Conference Committee requests that the Rules Committees of the House and of the Senate introduce this legislation so that it may be publically available for discussion, hearing and eventual action.

Senate Members:

House Members


Senator Sturgulewski, Chairman


Representative Malone, Chairman


Senator Bennett


Representative Osterback


Senator Fahrenkamp


Representative Bettisworth

SB

587

COMMITTEE REPORT

SENATE

FURTHER:

Date: June 3, 1980

Mr. President:

The Committee on COMMERCE has had SB 587

relating to professional geologists

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 587 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

~~_____~~

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tun Kelly - No Pass

Paul Bradley
CHAIRMAN
No Pass

*Jim McCaslin
Brown*

February 28, 1980

MEMORANDUM

TO: Richard A. Bradley
Legislative Counsel
Legislative Affairs Agency

FROM: Rep. Fred Brown

Thank you for your memo of February 26, regarding this strange requirement of a "professional geologist."

Apparently because of the federal requirements involving certain coal mining and reclamation activities, the states may (is this your conclusion?) be required to have some method of designating "professional geologists."

In this age of Sunset, obviously, I am not interested in creating a brand new board with wide-ranging activities. While you are drafting a bill, please come up with the absolute bare minimum action required by the State in defining a professional geologist that you believe would meet the federal requirement.

Thank you very much for your attention to this matter.

FE:kfw

bcc: Dr. Jim McCaslin Brown

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1980

SUBJECT: Professional Geologists
(Work Order Number 7353)

TO: Representative Fred E. Brown

FROM: Richard A. Bradley
Legislative Counsel 

I have your memorandum of February 12, 1980, which I received February 21st.

On receipt of your memorandum, I read Public Law 95 - 87 again and finally discovered the phrase "professional geologist." It appears at 91 Stat. 476, in sec. 507(b)(14) of the bill. In context, the language requires that applications for "surface coal mining and reclamation permits" meet a number of requirements. Among the requirements, at paragraph (b)(14), the applicant is required to provide

"cross section maps or plans of the land to be affected including actual area to be mined, prepared by or under the direction of and certified by a qualified registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture. . . ." (Emphasis added.)

The phrase is not defined in P.L. 95 - 87 and, by implication, the states are free to provide a definition.

Based on the information in the AIPG newsletter, I located the Indiana law that was said to be enacted responsive to P.L. 95 - 87. See Indiana Statutes 25-17.5-1-1 - 25-17.5-1-9, attached. That law gives the certification responsibility to the Department of Natural Resources. While I assume that in Indiana, as in Alaska, that department may more likely have geologists on its staff, there is no need to give DNR professional certification responsibility. I suggest that Commerce receive the responsibility.