

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

1587 SHESS (HB 464 & HB 465) - HB 597 58

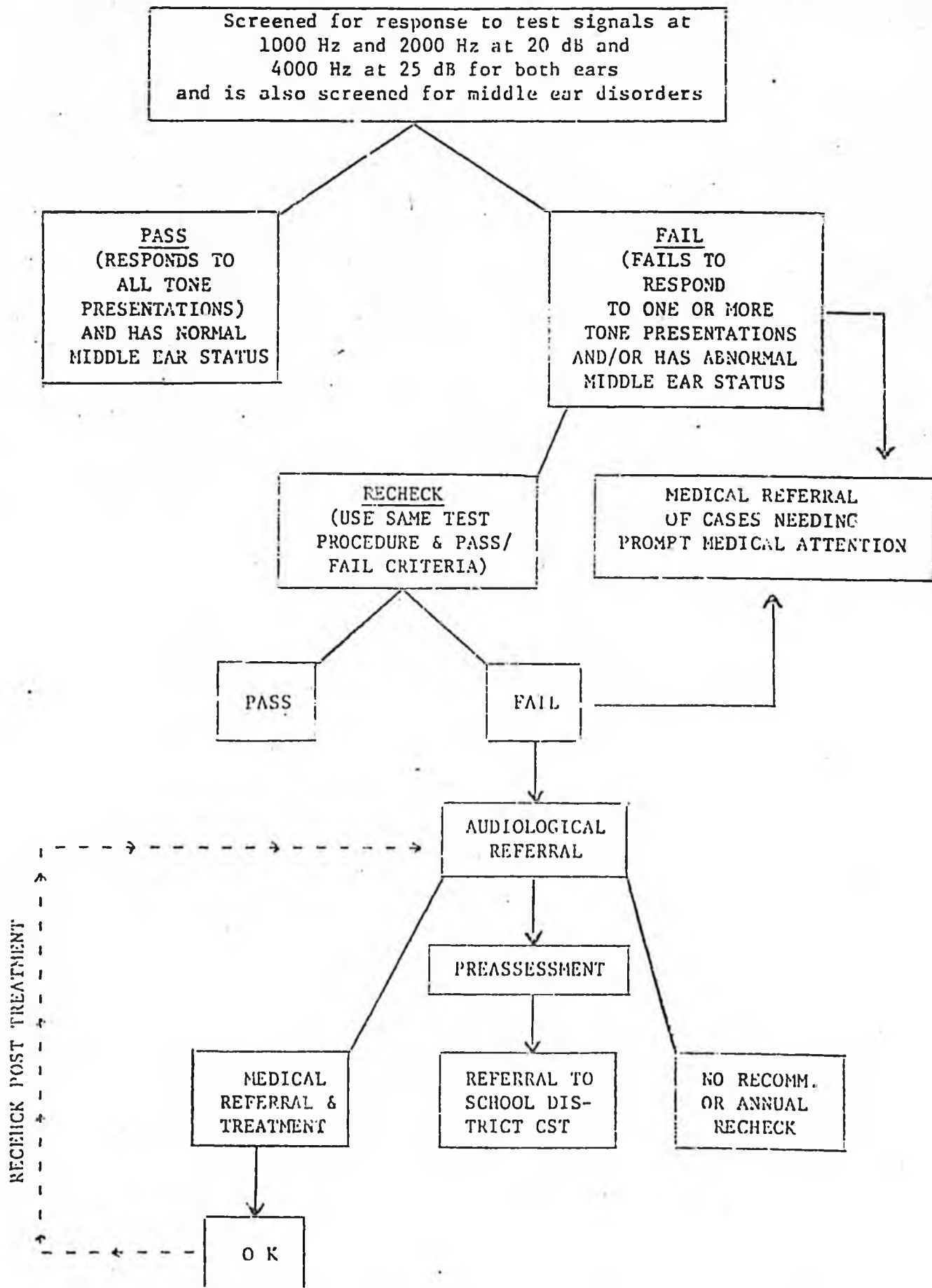
INDEX

If the preassessment process indicates that an educational assessment is advised, the student should be next referred to Special Education for Child Study Team evaluation. With the parents' permission, assessment of the child's educational needs may then take place. This can best be accomplished through the services of an educational assessment team made up of qualified professionals employed by the school system as is required by regulation. It should be emphasized that not all children defined as hearing impaired, above, will require complete educational assessment. Since the of mild hearing loss on educational performance has only recently become of interest to researchers, it is not possible to suggest the proportion of these children who will need special education services. The figure may be quite low. However, given the consequences of ignoring significant loss, all children at that hearing level and below should have the benefit of preassessment review.

It is important that the audiologist be actively involved in all phases of the educational assessment. This involvement should include the provision of support and consultation to other team members regarding appropriate methods for testing hearing-impaired children, and interpretation of test results.

The needs of some hearing-impaired children can be expected to be more extensive and more complex than those of other hearing-impaired children; however, there is a minimum amount of information which should be collected from and about all children who have been identified as being in need of educational assessment. Therefore, the first task of the Child Study Team should be to collect the baseline information which will enable the team members to answer the following questions:

1. What, if any, support services should be provided for this child?
2. What, if any, changes in educational programming should be made for this child?



* See pamphlet "Audiometric Screening-Procedures and Forms" available through the Communicative Disorders Program, Division of Public Health. for specific procedures.

4.0 RECORDKEEPING, REPORTING AND FORMS

A vital component of the hearing screening program is the recordkeeping and reporting process. The individual in each district who has been designated to coordinate hearing screening activities should also be responsible for recordkeeping and reporting as is stipulated below.

4.1 Confidentiality

Individual screening and testing records shall be confidential as required by district policy. The records shall be available to health agencies to assist in obtaining proper and necessary health and educational care.

4.2 The following forms should be used in the manner recommended below when conducting the hearing screening program.

4.2.1 Reporting observations

At the outset of each school year the information sheet Behavioral Characteristics of Hearing Impaired Children and the Student Observation Form should be distributed to each school in the district. The first sheet is meant to inform teachers of the types of behavior exhibited in the classroom which might indicate a hearing disorder. The second form comes in duplicate and is used for referring those students to the individual responsible for screening. A second copy is to be kept by the teacher for her records. Samples of these forms are in Appendix A.

4.2.2 Recording daily screening activities

The form Hearing Screening Worksheet should be used by the screener to record the daily screening activities. This form comes in duplicate, one to be retained in the screener's file and one to be sent to the individual who will be doing the audiologic follow-up on screening failures. Data from these forms will be used in the Annual Hearing Screening Report submitted at the end of each school year. A sample of the Hearing Screening Worksheet is in Appendix B.

4.2.3 Recording hearing threshold test results

The audiogram currently being used by the Communicative Disorders Program, Department of Health & Social Services is recommended for recording threshold hearing acuity. This form comes in 5 copies. Use of this form and its distribution is detailed on the back of the fifth copy. A sample form is in Appendix C.

4.2.4 Parent Notification of Needed Audiological or Medical Referral

When as a result of threshold testing and/or nursing evaluation it is determined that a complete audiological or medical evaluation is needed the parents should be notified by mail, telephone or by parent conference. Use of the "Recommendations of Audiological Evaluation" form or "Recommendation of Medical Evaluation" form is recommended in urban areas. These letters inform the parent of the reason for the referral and have a "tear off" portion with which the audiologist or doctor can report findings back to the school. The form is in duplicate, one copy to be kept by the referring party. In rural areas notifications will be most effective through parent conference. See form samples in Appendix D.

4.2.4.1 High frequency loss

When high frequency hearing loss has been detected by the audiological evaluation (not by screening alone) and the extent of loss is such that it presents no significant problem with regard to classroom communication the parents must be notified through parent conference or by sending the form Parent Notification of High Frequency Hearing Loss. A sample of this form is in Appendix D.

4.2.5 Exam Results and Recommendations

When the results of medical and/or audiological evaluations are returned to the coordinator of hearing screening, these results should become part of the individual's school health record and certainly should be considered if a child study team is reviewing the child's educational status. Findings should be brought to the attention of the teacher for application in the classroom when necessary.

4.2.6 School Health Records

School health records will exist in varying forms from district to district. Entry should be made in the health record whenever the child has failed screening and rescreening tests. The subsequent referral for medical and/or audiological evaluation should be traceable in the record.

4.2.7 Annual Report

During April or May of each year an annual report of hearing screening activities must be completed using the screeners' copy of the Screening Worksheet, Parents Referral Form, Parents Notification of High Frequency Hearing Loss, the audiologic tests and medical evaluation as sources of input. A sample of the Annual Hearing Screening Report is included in Appendix E. A copy of this report should also be sent to the Central Office of

Communicative Disorders Program
3401 East 42nd Avenue
Anchorage, Alaska 99504

5.1 PERSONNEL

State: Coordination and administration of hearing screening at a state level should be the responsibility of the Communicative Disorders Program, Department of Health & Social Services. The Communicative Disorders Program shall develop and conduct training programs, monitor compliance to standards, coordinate screening services performed by various agencies in the state, keep all state records and reports regarding hearing screening, and disseminate information about hearing screening.

Local: The implementation of hearing screening should be the responsibility of superintendent of the school district. The superintendent should designate the management or direction of the hearing screening program to a local health care provider such as a school nurse or public health nurse. This individual should be certified in hearing screening by the Communicative Disorders Program to assure that districts' standards and procedures for follow-up activities are known and followed.

Alaska school districts may employ or contract personnel for this purpose. The screening needs of some districts may be best served by establishing an agreement with the appropriate local public health nurse's office or a regional health agency. The supervisory consultative and clinical audiology services may be provided by the Communicative Disorders Program or on private contract. In managing the hearing screening program the local health care provider should perform the following duties:

- a) Arrange a screening schedule and notify all involved.
- b) Administer screenings and rescreenings.
- c) Notify parents of referrals.
- d) Follow-up on referrals.
- e) Complete recordkeeping and reporting.

The local health care provider may arrange for approved training for other individuals such as teachers, aides, volunteers (to be known as screeners) to administer the hearing screenings and rescreenings. School districts should make an effort to employ reasonable permanent screeners; persons who understand that they carry screening responsibility over a period of time and thereby have an opportunity to accumulate knowledge and develop necessary skills.

5.2 *Proposed Training and Certification of Screening Aides

It is recommended that the Alaska Communicative Disorders Program develop the curriculum for a training program for hearing screening aides and that this program also establish certification and recertification procedures for such personnel. Including the use of a competency based test. A minimum of 15 hours of training, including practicum is suggested for new screening team members.

A minimum of seven hours refresher training should be provided by or under the direction of an audiologist. Training procedures for hearing screening should be designed to provide personnel with basic knowledge of hearing and its effect on learning and communication, and with technical skills adequate to perform the screening task properly. Training should ensure that screening personnel develop competencies in:

1. Operation of the screening equipment.
2. Identification of improperly functioning equipment.
3. Instruction-giving.
4. Conditioning techniques.
5. Eliminating inappropriate cases.
6. Proper earphone placement.
7. Evaluating the reliability of responses.
8. Making pass/fail judgements.
9. Identifying the difficult-to-test child.
10. Follow-up procedures.
11. Accurate recording of data.

Additionally, training should include a competency based evaluation of the knowledge and skills acquired by the screening staff to ensure that staff members meet minimum competencies. Reevaluation should be done annually.

6.0 MATERIALS AND EQUIPMENT

Each local education agency should provide and make available for its hearing conservation program the following necessary equipment and materials:

6.1 Pure Tone Audiometers

The audiometric instrumental array shall be capable of performing at least the following procedures: hearing screening, pure tone air conduction threshold tests, bone conduction threshold tests and contralateral masking. It is recommended that effective masking procedure be utilized. All instruments should be calibrated to ANSI 1969 Standards.

6.2 Impedance Audiometers

Instruments for acoustic impedance/imittance screening shall have as a minimum the capability for tympanometry. Manufacturers specifications for equipment selected for use shall meet the recommendations for air pump system, air pressure range, probe tone frequency, frequency level or acoustic reflex eliciting tone. All instruments selected for use within the program will have the same measurement units. Desirable additional features are 1) the ability to test acoustic reflex and 2) pure tone threshold and screening capability.

6.3 Calibration

Audiometers shall be calibrated to current ANSI specifications initially, (ANSI-S3, 6-1969), and recalibrated as needed, at least annually. Daily listening checks shall be performed to determine that audiometers are grossly in calibration and that no defects exist in major components. First level calibration may be provided by the Communicative Disorders Program, Department of Health & Social Services. Contact this program for further information.

6.4 Equipment Costs and Vendors

Pure Tone Audiometers

<u>BRAND</u>	<u>MDL</u>	<u>CAPABILITIES</u>	<u>PRICE</u>	<u>FOB</u>	<u>VENDOR</u>
BLTONE	110	air, bone, narrow bnd masking, (plus case)*	875	CHGO	CORVEK*
MAICO	MA20	air, bone, white noise masking	690	DNVR	TRACOU** STICS
AUDTONE	AUIS	air, bone, white noise masking	585	DNVR	"

Impedance

<u>BRAND</u>	<u>MDL</u>	<u>CAPABILITIES</u>	<u>PRICE</u>	<u>FOB</u>	<u>VENDOR</u>
MIDSEN	ZS76	ipsilateral reflex pure tone	1,925	N.Y.	CORVEK*
GRSN STDLR	1722	ipsilateral reflex hard copy (plus case)	1,750	MASS	GS FACTORY***
" "	1725	ipsilateral & contra- lateral plus P/T tstng	1,750	"	" " ***
TELEDYNE	TA3D	contralateral reflex, pure tone	1,850est.		PROMED****
AMRCAN ELECTRO MEDICS	85AR	ipsilateral reflex hard copy	1,990	DNVR	TRACOJ** STICS
"	85AR	ipsilateral reflex hard copy pure tone	2,390	DNVR.	" **
AMPLAD	702	ipsilateral auto- matically obtained	2,550	"	" **
"	707	ipsilateral naurally obtained	2,045	"	" **

* Corvek Medical Company
2210 North 45th Avenue
Seattle, Washington 98102

(206) 634-1901

** Tracoustics
8041 West 1-70
Arvada, Colorado 80002

(303) 422-9003

*** Grason-Stadler
573 Great Road
P. O. Box 5
Littleton, Massachusetts 01460

(617) 486-3514

**** ProMed
P. O. Box 1150
Bothell, Washington 98011

(206) 488-0330

*This listing of vendors and equipment does not constitute an endorsement but is the result of a review of instrumentation suppliers who also provide maintenance and repair capability. The survey was done in 1979 so prices and models may not be current.

A P P E N D I X A

FINDING THE HARD-OF-HEARING CHILD

For Teachers & Nurses

1. OBSERVABLE BEHAVIORS

- (a) Continual inattention and lack of interest in general conversation, retardation or poor grades.
- (b) Failure to respond when called upon.
- (c) Getting directions wrong or not at all.
- (d) Constant mistakes in carrying out directions and in answering questions.
- (e) Repeatedly asking "What did you say?"
- (f) Bewildered expression when directions are being given to class.
- (g) Habitual turning of head to bring "best" ear nearer the speaker.
- (h) Speech symptoms - letter substitutions or omissions, poor voice quality.
- (i) Undue restlessness and evidence of strained nerves; weary and exhausted before day is half over.
- (j) Draws away from the group and shows a tendency to play alone or to become morose and resentful, avoids people.

2. MEDICAL HISTORY OF:

- (a) Ear disease, pain, discharge, operation, medical treatment.
- (b) Noises in the ear, such as roaring or buzzing.
- (c) Disease such as: meningitis, scarlet fever, measles, frequent or severe colds, or chronic mouth-breathers.

NOTE: Any cases in these categories should be reported to the school nurse for the annual hearing test.

APPENDIX B

APPENDIX C

OGC	DELETE/ADD/CO	REGION	COMMUNITY	CLIENT NUMBER
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NAME (LAST, FIRST, MIDDLE INITIAL) _____
Community of Residence/Parent's Name/Phone Number

1. WHITE 2. ALASKAN INDIAN 3. ESKIMO 4. ALEUT 5. MIXED NATIVE 6. BLACK 7. OTHER 8. NOT STATED
Not Stated

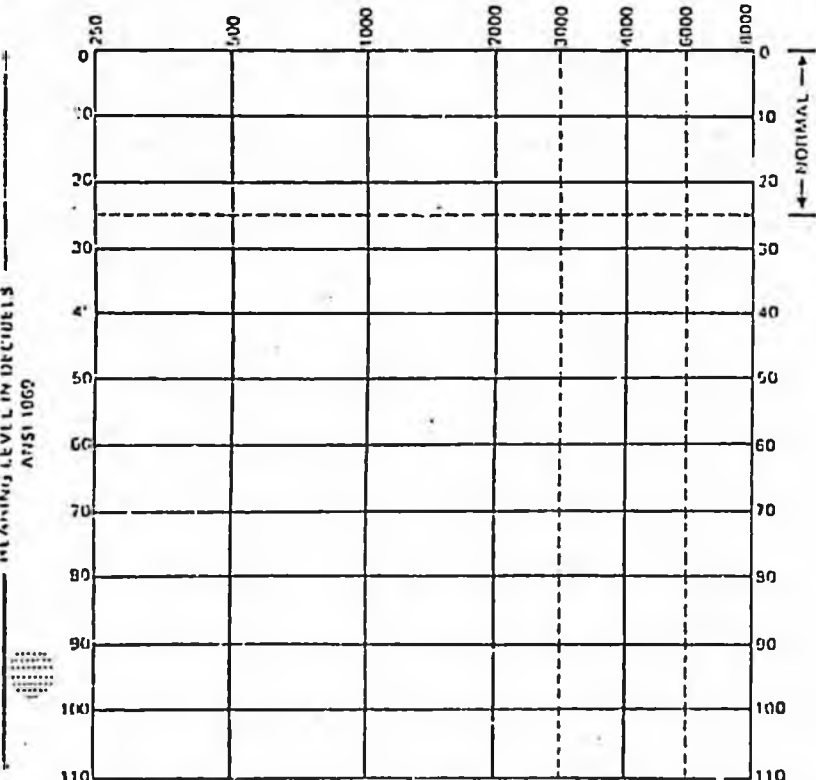
COMMUNITY OF SCHOOL _____ CODE _____ GRADE _____ TESTER _____
41.49 50.51

DATE OF AUDIOGRAM _____ Mo / Day / Yr. TEST VALIDITY 1. GOOD 2. FAIR 3. POOR

REFERRAL SOURCE _____ D.O.B. _____
51 52 53 54 55 56

DISCIPLINE: 1. SPEECH & HEARING AIDE 2. AUDIOLOGIST 3. PHN 4. OTHER
 TESTING SITE 1. FIELD 2. SOUNDPROOF ROOM

RELEASE OF INFORMATION OBTAINED 1. YES 2. NO



SPEECH AUDIOMETRY							
Right	SRT		PS		MCL	TOL	STENGER
	Mask	SL	Mask	SL			
Left							
SF							

AUDIOGRAM KEY	RED	BLUE	NO RESPONSE	
	R	L	R	L
Air Conduction	O—O	X—X	∅	∅
Bone Conduction	C—C]—]	∅	∅

I authorize the release of the results of this evaluation concerning the above person to the agencies circled below and the use of this information in the State Department of Health and Social Services records.

Date _____ Signature _____

<p>RELEASE INFORMATION TO:</p> <p>A. Community Health Aide</p> <p>B. Public Health Nurse</p> <p>C. Service Unit Hospital</p> <p>D. Private M.D.</p> <p>E. School</p> <p>F. ANMC - ENT</p> <p>G. Com. Dis. Program/ Sec. Family Health</p> <p>H. Div. of Voc. Rehab.</p> <p>I. Other _____</p>	<p>AUDIOLOGIC RECOMMENDATIONS</p> <p>A. Nurse Protection</p> <p>B. H.A. Eval.</p> <p>C. Speech Eval.</p> <p>D. Educational Assessment</p> <p>E. Rehab. Counseling</p> <p>F. Preferential Seating</p> <p>G. Developmental Eval.</p> <p>H. Special Tests</p> <p>I. Repeat Audio</p>	<p>MEDICAL REFERRAL TO: (Circle no more than three letters.)</p> <p>A. Community Health Aide</p> <p>B. Public Health Nurse</p> <p>C. Service Unit Hospital</p> <p>D. ENT - IHS</p> <p>E. Private M.D.</p> <p>F. Private ENT</p>
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MASKING LEVELS	
A:C	
H:C	

FOR AUDIOLOGIST USE ONLY					
EAR	TYPE	LEVEL	MISC	HEARING AID	IMPEDANCE
					Type Retes
R	CMSFI ⁶⁵	NBLMSP ⁶⁶	67	EBGA ⁶⁸ GPF ⁶⁹	20 31 71
L	CMSFI ⁷²	NBLMSP ⁷⁴	75	EBGA ⁷⁶ GPF ⁷⁷	18 75 82

RELEVANT HISTORY & COMMENTS _____

PRE OP - POST OP EVALUATIONS (Circle only one number per ear.)

106 107	
R	L
1. 1. Pre Op: < 1 week prior	
2. 2. Post Op: < 1 year	
3. 3. Post Op: 1 to 3 years	
4. 4. Post Op: > 3 years	

APPENDIX D

(FORM FOR URBAN USE ONLY)

As a result of hearing screening tests at school we believe your child should have:

a complete hearing examination by an audiologist

a medical examination

Please give this form to the person who examines your child to complete and have them return it to school.

AUDIOLOGY EXAMINATION
(Fill in form or attach copy of audiogram)

		HEARING LEVELS						IMPEDANCE/IMMITTANCE		
		250	500	1000	2000	4000	8000	EAR	TYPE	REFLEX
R	air	/	/	/	/	/	/			
	bone	/	/	/	/	/	/			
L	air	/	/	/	/	/	/			
	bone	/	/	/	/	/	/			

FINDINGS: Right _____ Left _____

- RECOMMENDATIONS: (Circle letter)
- | | | |
|---------------------|----------------------|-----------------|
| A. Noise protection | E. Rehab. Counseling | I. Repeat audio |
| B. Hearing aid eval | F. Preferntl scating | Date _____ |
| C. Speech eval | G. Developmtl eval | J. Other _____ |
| D. Educ. assessment | H. Special tests | _____ |

Audiologist _____
Address _____
Date _____

RETURN TO:

PHYSICIANS EXAMINATION

EARS
Canals Right _____ T.M. & Middle Ear Right _____
Left _____ Left _____

NOSE

THROAT

Examiner _____
Address _____
Date _____

RETURN TO:

PARENT NOTIFICATION OF HIGH FREQUENCY HEARING LOSS

_____ SCHOOL DISTRICT

To the parents of: _____ Date of Birth _____

School: _____ Date _____

Your child appears to have some degree of high tone hearing loss in _____ ear(s). This type of hearing loss is commonly caused by noise. Some of these loud sounds are gunshots, loud mechanical noises such as; aircraft, snow machines, high volume rock music, etc. Continued exposure to loud noises can further decrease hearing ability.

Ears may be protected from some of these loud sounds by using ear plugs or wearing ear muffs. You may wish to discuss this problem and the use of hearing protection devices with the school nurse or Public Health Nurse.

We would recommend that your child have a hearing test each [?] year to insure that there has been no change in hearing. This may be done at the school by the school nurse.

Health Screener: _____

School: _____

APPENDIX E

PLEASE SUBMIT REFERALS
 ARE COMPLETED BUT PRIOR TO
 SUMMER VACATION

CENTRAL OFFICE
 3401 East 42nd Avenue
 Anchorage, Alaska 99504

ANNUAL HEARING SCREENING REPORT

SCHOOL _____ DISTRICT _____ TESTER _____ DISCIPLINE _____
 ADDRESS _____ CITY _____ AVERAGE ENROLLMENT _____

GRADE	Number Screened		# of Failures on Each Test After Screening		Total Refrd For Med. Evaluation	Received Medical Evaluation	Medical Ref. Not Completed	Total Refrd for Audiology	Received Audiology Evaluation	Audiology Ref: Not Yet. Completed
	Pure Tone	Impedance	Pure Tone	Impedance						
PreSch										
Pre-Ed										
K										
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
TOTAL										

Please use reverse side for comments about any phase of your hearing program. They are always welcome.
 Shaded areas are recommended for annual screening.

A P P E N D I X F

APPENDIX F

The following are position descriptions of principal parties who should be involved in the establishment and management of a hearing conservation program including screening efforts. It should be noted that the position of hearing screening aide is not an existing entity at the time of this writing but is proposed by the Vision-Hearing Screening Committee of the Governor's Council for the Handicapped and Gifted. The hearing screening aide position may also assume responsibility for vision screening in the schools thus becoming a Vision-Hearing Screening Aide.

A goal recommended by that committee was that within a five year period that screening aides be providing uniform screening coverage in schools in all areas of Alaska. The accomplishment of this goal will be dependent upon administrative action and fiscal resources.

A. Audiologist

The audiologist shall supervise screening programs, provide diagnostic evaluation of pupils having hearing impairments, and participate in planning and providing special education and/or rehabilitation programs and services for them. In order to perform these duties effectively the audiologist must:

Observe the policies and procedures established by these guidelines including use of standard forms and reporting procedures.

Possess knowledge in the normal development of language and speech and the nature and causes of hearing impairments.

Possess a mastery of diagnostic skills, procedures, techniques, and instrumentation in order to assess and analyze the nature and severity of hearing impairments.

Possess an understanding and mastery of management techniques in providing services and supervising paraprofessionals.

Be effective in working in an interdisciplinary approach.

It is required that the audiologist possess a Certificate of Clinical Competence in Audiology or its equivalent.

B. Hearing Screening Aide (Proposed)

A hearing screening aide shall provide hearing screening and other specific activities as assigned by a supervising audiologist. The major function of the hearing screening aide is to conduct pure tone air conduction screening and impedance screening assessments. The hearing screening aide may also provide pure tone threshold evaluations if done under the supervision of an audiologist. It should be noted that a hearing screening aide shall not interpret test findings or counsel clients regarding the implications of any hearing loss identified except as directed to do so by the supervising audiologist.

It is recommended that the hearing screening aide be certified by the Division of Public Health as having completed the training course required by the Department of Health & Social Services. This certification should be renewed every three years.

The primary duties of the hearing screening aide shall be:

To administer individual hearing screening assessments to pupils in assigned schools.

Under the supervision of an audiologist, to assist in administering pure tone air conduction threshold assessments to all pupils who do not pass the screening tests.

Refer any questions from a teacher, nurse, parent, or administrator pertaining to specific hearing results to the supervising audiologist.

Assume the responsibility for records and reports as locally determined and in compliance with the guidelines presented in Section 4.

When appropriate, to discuss with the supervising audiologist the testing situation (noise encountered, disturbances, etc.) and test procedures (frequencies involved, hearing level, etc.) for a pupil. Diagnostic and prognostic interpretations are the responsibility of the supervising audiologist.

To perform only the duties of a hearing screening aide as outlined by these instructions and such other duties not in conflict with these standards as may be established by the local school district.

C. Other Health Care Personnel

Physicians Assistants, Speech Pathologists, Nurses, and Nurse Practitioners who have completed the necessary training requirements and adhere to the guidelines presented in this document may also provide hearing testing services in the schools to aid in their primary management of the hearing impaired. Services provided in areas of primary care other than hearing testing should be in compliance with the standards for these positions.

A P P E N D I X G

Majority Opinion:

We favor impedance screening because:

1. It is the most reliable way to identify children with otitis media and monitor this condition to see if referral to a physician is necessary. Pure-tone screening alone frequently misses cases needing identification and treatment.

2. In addition to the medical implications, the educational and communicative implications to this type of hearing loss in children needs to be considered. Children, especially preschool and early elementary age, who are identified through impedance screening and subsequent impedance rechecks to have chronic, reoccurring middle ear pathology frequently can be treated successfully. Many of these children, especially after P.E. tubes have been inserted, show considerable academic/language growth. Parents and teachers of these children often notice immediate improvement in attention span, articulation, receptive and expressive language and the auditory skills needed to succeed in school.

Submitted by Anne Rogers,

RECEIVED
SEP 5 1968

COMMUNITY COLLEGE OF CALIFORNIA
SANTA ANA
SANTA ANA, CALIF.

VISION-HEARING SCREENING COMMITTEE

Minority report on the issue of mandatory impedance/

impittance screening for all preschoolers, K, 1, 2 and 3rd grade:

Requirement of use of this screening technique statewide at this point in time is premature when viewed from the standpoint of documented medical and educational research, from the standpoint of medical management and from the standpoint of technologic and manpower requirements to accomplish this task.

Dr. David Spence
Mr. Tom Buckner

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

POSITION PAPER

HB 464 and HB 465

"Acts relating to vision and hearing examinations in public schools and providing special appropriations..."

OVERVIEW

Periodic examination of school children to detect hearing impairment and vision abnormalities has long been considered a valuable and cost effective preventive health measure. Simple tests can effectively and efficiently screen large numbers of children at minimal cost in order to identify those children who are in need of further corrective medical or remedial intervention. Early identification of hearing and vision abnormalities is critical in order to provide an opportunity for each child to minimize his learning experience.

The initiation of periodic vision and hearing examination of school children has been uniformly supported by the Departments of Education and Health & Social Services, local school districts, public health nurses, Native Corporations, the Governor's Council on the Gifted and Handicapped, and the private medical community. In spite of this widespread support, no uniform program currently exists in the State of Alaska. Recent reports by the Governor's Council on the Gifted and Handicapped and by a Blue Ribbon Committee on Otitis Media and Hearing Impairment strongly recommend legislation to establish a comprehensive program to provide for periodic vision and hearing examination of school children.

With the dramatic rise in health costs in Alaska and in the United States, efforts are increasingly being directed to preventive services and to the use, where possible, of non-medical personnel. Screening examinations which can identify children with hearing impairment or vision abnormalities can be performed effectively, rapidly, and inexpensively by appropriately trained lay personnel. Children who fail the initial screening examination are then referred for further evaluation, diagnosis, treatment, and remediation. A cost-effective program relies upon the use of trained lay personnel. The proposed legislation will allow vision and hearing tests to be performed by lay people who are appropriately trained to conduct the examinations. Periodic screening of all children in Alaska schools will allow for early intervention so that children with readily identifiable and readily treatable impairments can be identified. Children with chronic or permanent impairments will be offered remedial educational programs.

The Department of Health and Social Services will have the responsibility to provide training and certification for persons doing vision and hearing screening and to assist with the needed referral and follow-up services. During its April 22, 1981, regular meeting, the State Board of Education voted unanimously to support the concept of HB-464 and to recommend that Section 2 of HB-465 be amended by making the appropriation to the Department of Health and Social Services rather than the Department of Education.

DISCUSSION

The Department of Health and Social Services attempted to implement this same program by regulation under AS 14.30.065-120. However, the public hearing on that proposal pointed out the need for a statute of this nature, because of the requirement for a physician or nurse to do the examination under existing statute.

In addition to HB 464, p. 1, line 16 of "... .. and Social Services shall set standards for performance of vision and hearing screening, shall train and" and the addition to p. 1, line 14, of "... .. and at regular intervals as specified by regulation [considered advisable] by the" would improve the ability of the State to ensure a quality program.

This legislation will enable the screening activities to be conducted in a comprehensive and coordinated fashion, combining the support services of both health and education agencies.

POSITION: With the proposed amendment, the departments support these bills.

Approved by: *Alan D. Bair*
Commissioner of Health
and Social Services

Approved by: *William H. ...*
Commissioner of
Education

Date: *4/28/81*

Date: *5/1/81*

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 464
Title An Act relating to vision and hearing screening in public schools
Requested by Commissioner's Office Date 2/9/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Health/Public Health
BRU, Program, Or Subprogram(s) Affected Child and Family Health
(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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	43,250	47,575	52,332	57,565	63,321
200 TRAVEL	0	20,000	22,000	15,000	15,000	15,000
300 CONTRACTUAL	0	5,000	4,000	4,000	4,000	4,000
400 COMMODITIES	0	4,000	4,000	4,000	4,000	4,000
500 EQUIPMENT	0	4,209	3,000	2,000	1,500	1,500
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	76,459	80,575	77,332	82,065	87,821

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	76,459	80,575	77,332	82,065	87,821
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	1	1	1	1	1	1
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

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

This fiscal note reflects the associated cost of a Public Health Nurse III, Range 18, Vision Health Consultant who will train nurses and para-professionals in vision screening skills and in management of the referral and follow-up of children found to be abnormal. This position will be located in Anchorage to minimize the extensive statewide travel requirements. Clerical support can be provided by continued funding of the Communicative Disorders Program, since there are features of hearing and vision screening activities that overlap.

SEE ATTACHMENT

IV. DATE 2/9/82 PREPARED BY David A. Spence, M.D.
AGENCY Dept. of Health & Social Services
Original: Legislative Finance PHONE 465-3100
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

Jcc

*Add 1650 Students
for private
Schools*

100 Personal Services		
Salary and benefits, Range 18, Anchorage		43,250
200 Travel		
In-state: 20 week long trips to regional centers throughout Alaska -		
Typical trip - Anchorage/Ft. Yukon/Anchorage		
Airfare	\$286	
Per diem X 5	450	
	<u>\$736</u>	
Average trip= \$800 X 20 trips =		16,000
Out of State		
Vision consultant travel to National Assoc. of Blind annual meeting on screening in New York		1,450
Hearing consultant to national meeting of hearing screening consultants - ex. Chicago		1,250
Guest speaker at an Alaska education meeting to emphasize importance of screening to educators		1,300
TOTAL		20,000
300 Contractual		
Office space 150 sq. ft. X \$1.00/sq. ft	1,800	
telephones and teleconference	1,000	
printing of materials, manuals	2,200	
TOTAL		5,000
400 Commodities		
Purchase of training materials, films, screening supplies, office supplies		5,000
500 Equipment		
Office furniture - desk, chairs, files	1,500	
Puretone audiometer	909	
Slide and film projector and other audio-visual equipment - vision testing equipment	1,800	
TOTAL		4,209

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT

northern alaska health resources association, inc.

February 08, 1982

The Honorable Mike Bierne, Chairman
House HESS Committee
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Bierne:

We are writing in support of HB 464, An Act Relating to Vision and Hearing Examinations in Public Schools, and of HB 465, An Act Making Special Appropriations for a Vision and Hearing Screening Program. Both these bills are scheduled to be heard by your Committee this Friday, February 12.

As you may know, the Northern Alaska Health Resources Association (NAHRA) is the health systems agency for northern Alaska. NAHRA operates under a philosophy that prevention or early detection and intervention in health problems are factors important in maintaining good health among Alaskans. We feel that HB 464 provides a significant step in this direction.

NAHRA has formulated numerous goals and objectives in areas of health screening. Of particular relevance to HB 464 are the following:

1. Northern Alaska should experience an annual reduction in the prevalence of untreated eye disease and refractive error by 10% less than the reported number for the preceding year.
2. Northern Alaska should work toward a reduction in the incidence of uncorrected hearing loss resulting from otitis media, upper respiratory infections, and environmental influences.

We feel HB 464 will help in accomplishing these goals, and that the State does have a role to play in screening and prevention of vision and hearing problems, especially among school-aged populations.

Susan M. Leitch
1792 Evergreen Avenue
Juneau, Alaska 99801

12 February 1982

Representative Mike Berne, Chairman
House H.E.S.S. Committee

Dear Mr. Chairman:

I appreciate the opportunity to express my support for HP 464 and 465 providing for statewide hearing and vision screening of all public school children. I am a speech/language pathologist employed in a school in Juneau. I have previously worked in this same capacity in Montana and for the Department of Health in Canada. In 1975 I authored a book on the speech and language development of children. Today I represent not only myself but the Alaska Speech, Language, and Hearing Association.

Adequate vision and hearing are the two most important prerequisites for the development of a child's communication skills and his learning through the educational process. The finest educational programs and the best of teachers are not going to be able to communicate information that would be assimilated by a child with an untreated vision or hearing handicap. One of our first educational goals should be to initiate a standardized vision and hearing screening program. This will not only save children from school failure and the extenuating problems but could drastically reduce special education costs through early identification and prevention of learning problems. Legislators may wonder what percentage of the school population may be identified by screening. Information compiled in the last three years on 50,000 school children tested as part of the H.E.A.R. screening program (hearing only) found 16.7% of all children tested needed further hearing evaluations and follow-up. This is a significant proportion of the school population, and it does not include those with possible vision handicaps.

Finally, it is our opinion that for a statewide vision and hearing screening program to be effective, it must have established standardized requirements and guidelines and be conducted by trained screeners in both urban and rural school districts alike. This will necessitate additional funding to school districts to adequately carry out the program. The Alaska Speech, Language, and Hearing Association strongly supports the initiation of a vision and hearing screening program and the funding to carry out such a program.

Thank you for your time and consideration.

Sincerely yours,

Susan M. Leitch
Susan M. Leitch, M.A., CCC-sj.



Rep. Don Clocksin, Chairman
465-3797

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

Date: May 20, 1981

To: House HESS Committee Members

Fr: Rep. Don Clocksin, Chair
House HESS Committee

Re: HB 464 - Vision and Hearing Examinations in Public Schools

I requested that staff work with the Department of Health and Social Services to come up with a committee substitute for HB 464 - relating to vision and hearing examinations in public schools.

You will recall that the Committee wanted to incorporate vision and hearing examinations as part of the required physical examination for children entering school. Section 1 of the attached CS accomplishes this task.

Additionally, the Committee wanted trained lay people to be able to administer the exams. Section 2 accomplishes this.

CS FOR HOUSE BILL NO. 464 (HESS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act relating to vision and hearing examinations in public schools; and providing for an effective date."

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

* Section 1. AS 14.30.070(a) is amended to read:

(a) The governing body of each school district shall provide for and require a physical examination of every child attending school in the district. The physical examination includes, but is not limited to, vision and hearing examinations. The examination shall be made when the child enters school or, in an area where no physician resides, as soon thereafter as is practicable, and thereafter at regular intervals considered advisable by the governing body of the district.

* Section 2. AS 14.30.070(c) is amended to read:

(c) Physical examinations shall be made by a competent physician, except that if the services of a physician cannot be obtained or if authorized by the Commissioner of Health and Social Services examinations may be made by a nurse. VISION AND HEARING EXAMINATIONS REQUIRED UNDER AS 14.30.070(a) SHALL BE MADE BY A COMPETENT INDIVIDUAL AUTHORIZED BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES TO PERFORM SUCH TESTS.

* Section 3. AS 14.30.070 is amended by adding new subsections to read:

(e) The Department of Health and Social Services shall train and certify public health nurses and school district employees and volunteers to conduct hearing and vision screening tests, assist with referral and follow-up of children needing professional examination or treatment, and assist with maintenance and repair of screening equipment.

(f) The Department of Health and Social Services shall pay school districts for vision and hearing screening examinations. Payment shall be based on the cost per child for each examination.

* Section 4. This Act takes effect July 1, 1981.



new beginnings

Psychological Services

4501 #1 Arctic Blvd.
Anchorage, Alaska 99503
(907) 276-6927

May 4, 1981

Mr. Donald E. Clocksin
House of Representatives
Pouch V, State Capitol
Juneau, Alaska 99811

Honorable Representative Clocksin:

This is an urgent plea to move HB 464 out of committee with the following amendments:

1) Section 1 (a) Eliminate the last of the final sentence after the word 'intervals', so that the sentence reads: "The examination shall be made when the child enters school or as soon thereafter as it is practicable, and at regular intervals."

This leaves leeway for negotiations between the school district and the Department of Health, not just left to the discretion of the school district.

2) Section 1 (b) Add the words 'and volunteers' to the first sentence between the words 'employees' and 'to', so that the sentence reads: "The Department of Health and Social Service shall train and certify public health nurses, school district employees and volunteers to conduct hearing and vision screening tests, assist with referral and follow-up of children needing professional examination or treatment, and assist with maintenance and repair of screening equipment."

This allows trained aides to help with this screening. Some bush districts would not be able to carry out this screening with their available personnel and would have the option of using trained lay persons.

3) Section 1 (c). Add to the end of the last sentence 'upon verification of DHSS of completion of screening of vision and hearing.', so that the last sentence reads: "Payment shall be based on the cost per child for each examination upon verification to the Department of Health and Social Service of completion of screening of vision and hearing."

Answer -

*How many -
nurses -*

Student Nurses - Village aids training -

JAMES H. PATTERSON, M.D.

Diseases and Surgery of the Eye
Subspeciality Pediatric Ophthalmology
3500 LATOUCHE
ANCHORAGE, ALASKA 99504

Telephone 907: 274-2252

GINNE

April 14, 1981

Rep. Don Clocksin, Chairman
HESS Committee
Pouch V
Juneau, Alaska 99811

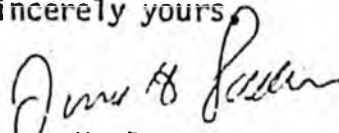
Dear Rep. Clocksin:

I am very much in support of HB 464 and HB 465 regarding vision and hearing screening programs. If correctable visual disorders are to be effectively treated they must be discovered in the early visual formative years, that is between birth and ages 8 or 9 years. Vision screening is an absolute must, as it is the first and most vital step in the treatment of visual problems.

I feel that these bills can be strengthened by stating the frequency of testing as well as the specific screening tests to be employed. The wording and context should be that of the policies of the Department of HESS and the Governors Council on Visual and Auditory Impaired. Some provision also needs to be added to allow volunteers to be trained and to serve as screening personnel. The results of all screening should be reported to a central data base so that meaningful data can be accumulated.

I would like to offer my services to you and your committee. It would be an honor to assist in establishing such a worthwhile program for the children in the state of Alaska. Enclosed is a copy of the booklet that I have prepared to assist those persons around the state who are performing such examinations. The goals and expectations as well as methods of screening programs are dealt with in great detail.

Sincerely yours,



James H. Patterson M.D.

JHP:plz
cc: Rep. Sam Cotton

This would be a needed incentive to have reports sent to DHSS so proper follow-up aid could be established to help those children who have been found to be in need of further service. It would be unwise to make payment until the screening was completed to assure the work had actually been done.

I would also urge the passage of HB 465 as it stands to fund the above bill.

Sincerely,

A handwritten signature in cursive script that reads "Margery L. Robinson".

Margery L. Robinson, Ed.D.
Psychologist
Alaska License #AA0135



NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

Don Oberg, President

JUNEAU OFFICE
147 S. FRANKLIN, #207
JUNEAU, ALASKA 99801
PHONE: (907) 586-3090

ANCHORAGE REGIONAL OFFICE
1411 WEST 33rd
ANCHORAGE, ALASKA 99503
PHONE: (907) 274-0536

FAIRBANKS REGIONAL OFFICE
825 COLLEGE ROAD
FAIRBANKS, ALASKA 99701
PHONE: (907) 456-4435

Carolyn Doggett
Past President
Box 4-862
Anchorage, Alaska 99509

Jean Krauss
President Elect
Box 1019
Wasilla, Alaska 99687

Bill Potter
NEA State Director
177 Behrends Avenue
Juneau, Alaska 99801

Bob McGregor
Region I Director
Box 1043
Sitka, Alaska 99835

Nickl Shelton
Region I Director
Box 101
Hoonah, Alaska 99829

Graham Ward
Region II Director
Box 23
Glennallen, Alaska 99588

Frank Parker
Region III Director
Box 2533
Kodiak, Alaska 99615

Jean Robb
Region IV Director
Box 193
Kotzebue, Alaska 99752

Gayle Harbo
Region V Director
Box 80522
Fairbanks, Alaska 99701

Pat Abney
Region VI Director
Box 461 SRA
Anchorage, Alaska 99507

Lee Wilson
Region VI Director
SRA Box 845
Anchorage, Alaska 99502

Lori Sears
Region VI Director
SRA Box 381B
Anchorage, Alaska 99507

Hal Rohlfman
Region VI Director
2735 Kobuk Circle
Anchorage, Alaska 99504

Virgie King
Director at Large
4010 Birch Way
Fairbanks, Alaska 99701

February 9, 1982

Honorable Michael F. Beirne
House of Representatives
Pouch V
Juneau, Alaska 99811

RE: HB 464 and HB 465

Dear Mike,

NEA-Alaska is in support of HB 464 and HB 465.

We believe hearing and vision screening made early in a child's educational career will greatly help diagnose potential learning handicaps of certain children thus enabling corrective measures.

Thank you for your consideration of this very serious issue.

Sincerely,

Don Oberg
President

DO:tr

JAMES H. PATTERSON, M.D.
A Professional Corporation
Subspecialty Pediatric Ophthalmology
3500 LA TOUCHE
ANCHORAGE, ALASKA 99504

February 4, 1982

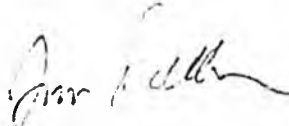
Representative Mike Beirne
Pouch V
Juneau, Alaska 99811

Dear Mike:

I understand that the vision screening legislation is coming up before your committee shortly with House Bill 464 and 465. I think that this vision screening legislation represents a good start in strengthening our present programs. It surely is in Alaska's best interest to detect eye anomalies at an early age when the chances of effective treatment and cure are much more likely.

I would be more than happy to answer any questions that you or your committee members might have concerning vision and I would earnestly solicit your support for this legislation.

Sincerely yours,



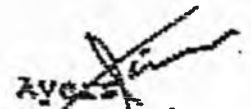
James H. Patterson M.D.

Community Action Program, Inc.

• P.O. Box 3-3908, Anchorage, Alaska 99501 • (907) 279-2511

TO: Legislative Affairs

DATE: February 11, 1982

FROM: Jim Ayers 
Executive Director

SUBJECT: HB 454 and 465

Please telecopy this letter to the following people:

Senator Terry Stinson
Representative Terry Martin
Representative Bette M. Cato
Representative Hugh Malone
Representative Sally Smith
Representative Michael F. Bierne

Thank you for providing this service. An original letter has also been sent.

It is my understanding that you intend to hold a hearing on House Bill 464 and 465 on Friday, February 12th. We appreciate this opportunity to comment. We applaud the efforts of Representative Zharoff in addressing the needs of children of Alaska. Our concern in this particular legislation (i.e., 464 and 465) is that we are once again excluding pre-school children.

We must begin to consider the needs of young children, if we are truly committed to prevention rather than management by crisis. I would like to know specifically if there has been input from Dr. Middaugh, the state epidemiologist, on this matter. The state had a Blue Ribbon Committee on hearing screening and ear disease a year ago. It was a very involved, hard-working committee that developed and produced a very elaborate report and recommendation regarding hearing screenings. It would benefit the HESS Committee of both Houses to review that Blue Ribbon Committee report and consider the recommendations therein and make appropriate amendments.

This is a precedent that is being established here. It is beginning to allow our cumbersome bureaucracies to work together in addressing some important needs of the young child. I believe that it is imperative that we do this in a positive and professional manner. I would conclude with imploring your assistance in getting the state to realize that young children between the ages of 0 and 5 are human beings with needs and should be included in this type of legislation.

Recommendations:

- 1) That children enrolled in Head Start programs be included:

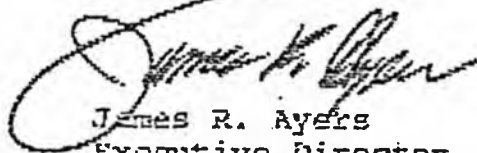
i.e., Bill 464, line 13

...when the child enters school "or Head Start"... or

- 2) That the full recommendations of the Blue Ribbon Committee be reviewed.

Please contact me if you have any comments or questions.

Sincerely,



James R. Ayers
Executive Director

cc: Senator Terry Stinson
Representative Terry Martin
Representative Bette M. Cato
Representative Hugh Malone
Representative Sally Smith



GOVERNOR'S COUNCIL FOR THE HANDICAPPED AND GIFTED

UNIVERSITY PLAZA OFFICES WEST • SUITE C • 600 UNIVERSITY AVENUE • FAIRBANKS, ALASKA 99701
PHONE (907) 479-6507

June 5, 1981

RECEIVED

JUN 9 1981

Section of Family Health
Juneau, Alaska

Representative Don Clocksin
Chairman, House HESS Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Representative Clocksin,

The Council has reviewed a rough draft of a proposed Committee Substitute for HB 464 regarding hearing and vision screening of school children. Our suggested revisions to the proposed committee substitute are attached.

The Council established a Vision and Hearing Screening Committee in 1979. This committee, comprised of physicians, nurses, vision and hearing specialists, representatives of the Department of Health and Social Services and Department of Education, school superintendents, teachers, and Head Start personnel, surveyed present screening practices in the state and developed proposed standards and guidelines for vision and hearing screening.

The committee found that screening practices varied greatly, that personnel conducting the screening were not necessarily trained to conduct screening and that screening procedures and equipment were inadequate to routinely detect vision and hearing problems which resulted in educational problems. The committee verified the fact that screening results were often not communicated to classroom teachers or to parents, and that needed re-screening and referral for medical examination and treatment was done rather haphazardly.

The committee therefore recommended that the Council and the Department of Health and Social Services seek legislation requiring screening of all school-age children in accordance with standards and guidelines approved by the Department.

Since screening may be done properly by individuals who have received two days of special training, and since only seven school districts in the state have school nurses, the committee recommended that the Department of Health and Social Services institute a training and certification program for screening personnel or volunteers. Based on cost figures from other states, it was determined that screening program costs would be \$3 per screening event per child. It was also determined that a successful program includes the services of a vision/hearing screening specialist to train and certify local personnel, assist with referral and follow-up of children who fail the screening, and assist with purchase, maintenance and repair of screening equipment.

The Council believes that the screening programs which will result from passage of HB464 or from the proposed committee substitute will benefit all Alaskan children and reduce educational failure resulting from vision and hearing difficulties which can be treated successfully if they are detected early.

SUGGESTED COMMITTEE SUBSTITUTE LANGUAGE FOR HOUSE HESS

VISION/HEARING SCREENING

FROM: Governor's Council for the Handicapped and Gifted

DATE: June 5, 1981

COUNCIL POSITION: Because of the likelihood that amendment to the present school physical examination law may result in airing of controversies and inadequacies of the present law, A.S. 14.30.070, and because the Council believes that screening should not be confused with physical examinations, the Council would prefer addition of a new section on screening as proposed in the original HB 464.

If the HESS Committee chooses to amend AS 14.30.070 rather than add a new section, the Council would suggest consideration of the following language:

SEC. 14.30.070. Physical examination required. (a) The governing body of each school district shall provide for and require a physical examination of every child attending school in the district. The physical examination includes but is not limited to hearing and vision screening. The examination shall be made when the child enters school, or in areas where no physician resides, as soon thereafter as is practicable, and thereafter at regular intervals.

(b) The Department of Health and Social Services may require the district to conduct additional physical examinations which it considers necessary, and may reimburse the district for additional examinations on the basis and to the extent the commissioner of health and social services prescribes by regulation.

(c) Examinations shall be made by a competent physician, except that if the services of a physician cannot be obtained or if authorized by the commissioner of health and social services, examinations may be made by a nurse. Hearing and vision screening may be conducted by someone other than a physician as authorized by the commissioner of the department of health and social services.

(d) The Department of Health and Social Services shall train and certify Public Health Nurses and school district employees and volunteers to conduct hearing and vision screening, assist with referral and follow-up of children needing professional examinations or treatment, and assist with maintenance and repair of screening equipment.

(e) The Department of Health and Social Services shall pay school districts for hearing and vision screening conducted in accordance with regulations promulgated under A.S. 14.30.065. Payment shall be based on a rate per child for each screening as determined by the Department of Health and Social Services.

4. This act takes effect July 1, 1981.

A copy of the Vision and Hearing Screening report and recommended standards/guidelines will be sent to you under separate cover. Please contact me if you need additional information.

We appreciate your careful work on this proposed legislation. We have enjoyed working with you and members of your staff this legislative session and look forward to working with you in the future.

Sincerely,

John Nuttall

John Nuttall
Chairman-elect
Legislative Committee Chairperson

cc: Representative Zharoff

bcc: D. Behr
D. Spence
D. Canterbury
J. Brodie

ALASKA FEDERATION OF NATIVES, INC.

Integrity, Pride in Heritage, Progress

LETTER OF CERTIFICATION

This is to certify that the Alaska Federation of Natives Human Resources Committee reviewed SCS CS HB 809, providing expanded functions for Dental Hygenists, and unanimously passed a motion to support this Legislation.

This action took place at a regular meeting of the Alaska Federation of Natives Human Resources Committee held in Juneau, Alaska, April 4, 1978.

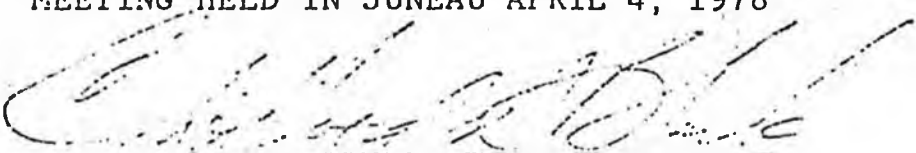
We strongly urge the Legislature to support this Bill when it comes to a floor vote.

Attempts to ammend this Bill may be made to allow for general supervision in only the rural areas of Alaska. It is imperative that general supervision be retained for the urban and rural areas of Alaska

CERTIFIED AS A TRUE AND CORRECT COPY

REFLECTING THE MINUTES OF THE AFN/HRC

MEETING HELD IN JUNEAU APRIL 4, 1978


Clifford A. Black
Executive Vice President

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

H

B

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0

bill unconstitutional
even if passed

CSHB 510

3896

Dave Walker

maybe challenged
in court for
violated sig-sub-

violates
single-subject
rule

("Prisons/Prisoners")
could be
the subject?



amending bill should be accompanied by a bill appropriating the additional amount for airport purposes. See, for example, ch. 69, SLA 1979.

Revenue bonds for other projects are authorized in bills proposing temporary law only. See, for example, the University of Alaska revenue bonds authorized in ch. 56, SLA 1961; ch. 43, SLA 1963; ch. 109, SLA 1965; and ch. 111, SLA 1969.

To date, a standard form for revenue bond authorizations has not been developed. In drafting revenue bond authorizations, the draftsman will note that the temporary law examples listed above require some simplification if they are to be adapted to current drafting standards.

CHAPTER 5. DRAFTING CONSIDERATIONS RAISED BY ALASKA CONSTITUTIONAL PROVISIONS

Please refer to appropriate annotations to the Alaska Constitution in the first volume of the Alaska Statutes.

- A. "Every bill shall be confined to one subject...."
(Article II, sec. 13, Constitution of the State of Alaska)

The purpose of the "one-subject rule"

"is to prevent the inclusion of incongruous and unrelated matters in the same bill in order to get support for it which the separate subjects might not separately command, and to guard against inadvertence, stealth and fraud in legislation." Suber v. Alaska State Bond Committee, 413 P.2d 546. (See, also, Gellert v. State, 522 P.2d 1120, 1124 (1974) (Fitzgerald, J., dissenting))

The draftsman has a basic and important responsibility to confine each bill to one subject within the meaning of the Alaska Constitution. The interpretations of the rule by the Alaska Supreme Court are helpful in this regard. In Gellert v. State, 522 P.2d 1120 (1974), the court established as a general principle that

"All that is necessary is that the Act should embrace some one general subject...merely that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject." (at 1123 quoting Johnson v. Harrison, 41 Minn. 575 (1891))

This proposition that the one-subject rule is satisfied if the Act embraces one general subject is reiterated in North Slope Borough v. Sohio Petroleum Corp., 585 P.2d 534, 545 (1978). For a further discussion of the application of the one-subject rule in Alaska, see Short v. State, Opn. No. 1938, ___ P.2d ___ (1979).

Appropriation bills and bills "codifying, revising and rearranging existing laws" are exempt from the one-subject rule (art. 11, sec. 13, Alaska Constitution).

Sections in a bill which repeal existing law are not exempt from the one-subject rule; that is, a repealing provision in a bill must be germane to the general subject of the bill in order to satisfy the one-subject rule. See generally 1A Sutherland, Statutory Construction, sec. 23.06 n. 2 (4th ed. 1972).

- B. "The subject of each bill shall be expressed in the title."
(Article 11, sec. 13, Constitution of the State of Alaska (third sentence))

The purpose of this provision of the constitution is to require that the title of a bill give reasonable notice of the subject of the bill to the members of the legislature and to the public. See 1A Sutherland, Statutory Construction, sec. 18.02 (4th ed. 1972). It is the responsibility of the draftsman to assure compliance with this requirement. Although the provision is usually liberally construed, its application is not to be ignored as inconsequential.

The Alaska Supreme Court has not interpreted the constitutional title provision. However, in 1948 the District Court of Alaska gave a liberal construction to a similar provision in the Organic Act under which the Territory of Alaska was governed:

"It is universally held that the title of an Act which is attacked for a violation of this constitutional provision shall be construed liberally for the purpose of upholding the law, if practicable, so as not to embarrass the Legislature by a construction unnecessary to the accomplishment of the beneficial purposes for which it was enacted." (Griffin v. Sheldon, 11 Alaska 607, 615 (1948) quoting from Wickersham v. Smith, 7 Alaska 522, 543 (1927))

This interpretation is in line with the liberal construction given similar provisions in the constitution of other states. See 1A Sutherland, Statutory Construction, sec. 1804 (4th ed. 1972)*

- C. "Bills for appropriations shall be confined to appropriations."
(Article 11, sec. 13, Constitution of the State of Alaska, (second sentence))

Although appropriation bills are exempted from the one-subject rule, the constitution provides that they must be confined to appropriations. Substantive provisions may not be incorporated into or attached to an appropriation bill. The purpose of the provision is to prevent the attachment of unrelated riders to appropriation bills. (For examples of riders considered valid and invalid by the Department of Law, see "Review of Riders on FY 80 General Appropriation Bill", House-Senate Joint Final Supplement, 1979, p. 14.)

*For an example of current construction of a similar provision, see Steffan v. Stanley, 350 N.E.2d 886, 889 (Ill. App. 1976) where the Illinois Court of Appeals held that the title "An Act to revise the law in relation to husband and wife" was adequate to cover provisions dealing with interspousal immunity.

MEMORANDUM

State of Alaska

TO: Deborah Behr
Special Assistant
Commissioner's Office
Department of Health and
Social Services


DATE: May 11, 1981

FILE NO: J-66-737-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: CSHB 510 (HESS) am -- Board
of Parole

By: 
Arthur H. Peterson
Assistant Attorney General

This morning, by telephone, you asked whether it would be appropriate to amend this bill by adding two sections that would amend provisions pertaining to confinement of prisoners (AS 33.30.060(a)) and the prisoner work furlough program (AS 33.30.250(c)). The bill currently contains two sections, the first providing for continuation of the state Board of Parole until June 30, 1982, and the second requiring the board to determine whether there was unjustified disparity in sentencing and to consider that factor when reviewing the eligibility of a prisoner for parole.

Without discussing the merits of the particular amendments your department has proposed, it is the Department of Law's conclusion that the addition of those amendments to this bill would not violate the Alaska Constitution.

The constitutional provision involved is art. 2, sec. 13 which requires every bill to be confined to one subject and requires that subject to be expressed in the bill's title. Under the Alaska Supreme Court's reasoning in Gellert v. State, 522 P.2d 1120 (1974), and North Slope Borough v. Sohio Petroleum Corporation, 585 P.2d 534 (1978), the "single subject" could be considered to be any of the following, for example: "prisoners," "treatment of prisoners," "confinement and release of prisoners," "reintegration of prisoners into the community." The title of the present bill could be modified slightly as indicated below.

An additional factor that must be taken into consideration is AS 44.66.050(e)'s provision that "No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill." This means that, in dealing with "sunsetting" agencies, a bill to continue the agency may only provide for continuing one

May 11, 1981

agency or program at a time. Because of the exigencies of time, I have not made a thorough search for the legislative intent behind AS 44.66.050(e), but the language of that provisions does not foreclose dealing with other programs that are not involved in the sunset process, so long as the constitutional requirements are met. That is the case here. The Board of Parole is scheduled for sunset, and this bill would continue its existence; but your proposed provisions on confinement and work furlough are not involved in the sunset process even though they clearly relate to the handling of prisoners.

To meet both the constitutional and statutory requirements, something like the following bill title should suffice: "An act relating to the state Board of Parole; continuing the existence of the board and amending the law relating to the board's responsibilities and to prisoner confinement and release; and providing for an effective date." The underlined language shows the change from the wording of the title now in CSHB 510 (HESS) am.

WLC:wjp:AHP

cc: Daniel W. Hickey
Chief Prosecutor
Department of Law

David Walker
Co-revisor of Statutes
Legislative Affairs Agency

5-11-81

Charlie,

Pessie Bell is going to try to get
HB 510 (Parole Board) amended in Senate
Rules and wants to know if you
agree, in light of the attached
memo.

Ruby

No - EP

MEMORANDUM

State of Alaska

TO: Deborah Behr
Special Assistant
Commissioner's Office
Department of Health and
Social Services


DATE: May 11, 1981

FILE NO: J-66-737-81

TELEPHONE NO: 465-3600

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: CSHB 510 (HESS) am -- Board
of Parole

By: 
Arthur H. Peterson
Assistant Attorney General

This morning, by telephone, you asked whether it would be appropriate to amend this bill by adding two sections that would amend provisions pertaining to confinement of prisoners (AS 33.30.060(a)) and the prisoner work furlough program (AS 33.30.250(c)). The bill currently contains two sections, the first providing for continuation of the state Board of Parole until June 30, 1982, and the second requiring the board to determine whether there was unjustified disparity in sentencing and to consider that factor when reviewing the eligibility of a prisoner for parole.

Without discussing the merits of the particular amendments your department has proposed, it is the Department of Law's conclusion that the addition of those amendments to this bill would not violate the Alaska Constitution.

The constitutional provision involved is art. 2, sec. 13 which requires every bill to be confined to one subject and requires that subject to be expressed in the bill's title. Under the Alaska Supreme Court's reasoning in Gellert v. State, 522 P.2d 1120 (1974), and North Slope Borough v. Sohio Petroleum Corporation, 585 P.2d 534 (1978), the "single subject" could be considered to be any of the following, for example: "prisoners," "treatment of prisoners," "confinement and release of prisoners," "reintegration of prisoners into the community." The title of the present bill could be modified slightly as indicated below.

An additional factor that must be taken into consideration is AS 44.66.050(e)'s provision that "No more than one board, commission, or agency program shall be continued or reestablished in any legislative bill, and the board, commission, or agency program shall be mentioned in the title of the bill." This means that, in dealing with "sunsetted" agencies, a bill to continue the agency may only provide for continuing one

agency or program at a time. Because of the exigencies of time, I have not made a thorough search for the legislative intent behind AS 44.66.050(e), but the language of that provisions does not foreclose dealing with other programs that are not involved in the sunset process, so long as the constitutional requirements are met. That is the case here. The Board of Parole is scheduled for sunset, and this bill would continue its existence; but your proposed provisions on confinement and work furlough are not involved in the sunset process even though they clearly relate to the handling of prisoners.

To meet both the constitutional and statutory requirements, something like the following bill title should suffice: "An act relating to the state Board of Parole; continuing the existence of the board and amending the law relating to the board's responsibilities and to prisoner confinement and release; and providing for an effective date." The underlined language shows the change from the wording of the title now in CSHB 510 (HESS) am.

WLC:wjp:AHP

cc: Daniel W. Hickey
Chief Prosecutor
Department of Law

David Walker
Co-revisor of Statutes
Legislative Affairs Agency

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 7, 1981

SUBJECT: SCS CSHB 510 (HESS)

TO: Senate Health, Education and
Social Services Committee
Attn: Rocky Plotnick-Weller, A.A.

FROM: David T. Walker *DTW*
Co-Revisor of Statutes

This is to confirm our discussion this morning.

I have attached the committee substitute as you requested it. Article II, section 13 of our constitution requires that "every bill shall be confined to one subject . . ." and that "the subject of each bill shall be expressed in the title". It is my opinion that the changes requested by the committee cause the bill to violate those requirements. If the issue is raised in some challenge of the legislation and the Supreme Court agrees with my analysis, it will invalidate every change in the law made by the bill.

DTW:ijb

Enclosure

POSITION PAPER

CS for House Bill No. 510 (HESS)am

"An Act relating to the State Board of Parole; continuing the existence of the board and amending the law relating to the board's responsibilities; and providing for an effective date."

A. Parole System

CS HB 510 (HESS)am would continue the current Parole Board for one year to allow the Legislature and Governor time to study various alternatives to the current parole system.

The Parole Board went through sunset audit in 1979 and extensive hearings were held in the House throughout the 1980 legislative session. A bill continuing and modifying the Parole Board was passed from the House late in the session but sufficient time was not available for it to be acted upon in the Senate.

Pursuant to the sunset statute, the Parole Board expired on June 30, 1980, and is currently in its one-year phase-out period. Unless legislation is enacted by June 30, 1981, the Parole Board will not remain in existence.

The State Constitution requires that there be a parole system in Alaska. The administration has written a bill, HB 293, that would abolish the Parole Board and replace it with furloughs and good time, and this department still supports that alternative as a parole system. However, this complex bill is still in its first committee of referral. CS HB 510 (HESS)am is a reasonable bill that will allow time to carefully study alternative means of establishing a parole system.

The bill also makes an addition to the current statute requiring the parole board to consider whether there was unjustified disparity in the sentence imposed upon the prisoner in relation to other similar sentences. The Department recognizes the concern of the Legislature in removing unjustified disparity in the criminal justice process. Section II of this bill should not impose an additional fiscal burden to the Department, and we recognize its value to the criminal justice system.

B. Furlough Programs

The Division of Adult Corrections has had a work furlough program since 1969 and since 1971 has been utilizing halfway houses under contract as work furlough centers. By operating the program from work furlough centers rather than from the prison setting, the problem of work furlough participants being placed under pressure to bring in contraband is avoided. There are other advantages as well. Work furlough in Alaska has functioned successfully.

The emphasis on development of community-based alternatives to imprisonment for appropriate offenders began during the mid-1960's and has become an important component of progressive corrections programs throughout the country. The rationale for work furloughs is based on the belief that after a term of conventional imprisonment, the offender is in need of a period of structured reintegration into the community. Work furlough and utilization of furloughs for other appropriate purposes serve the best interest of the public by enabling the Division of Adult Corrections to avoid releasing prisoners directly to the community without adequate preparation.

Aside from the rehabilitative value, work release centers benefit the state by reducing the need for construction. The Alaska correctional system is presently experiencing an upsurge in prisoner population. All institutions are filled to capacity and there are presently 194 prisoners housed in the Federal Bureau of Prisons system outside of Alaska. Although we are expanding our correctional facilities, it will be two or three years before we can return those prisoners to Alaska.

Work release centers serve to help alleviate our critical bed space need. Presently, we have 39 prisoners in halfway house programs and expect to increase that number to 75 in FY '82. If these 75 persons were to be required to return to a prison at the end of the workday, rather than a halfway house, as is the current practice, the State would be required to build a new prison to accommodate the increase in prison population. Currently, construction costs per prison bed are in excess of \$135,000 in Alaska.

The Attorney General's office has advised us that there are ambiguities in the statutes authorizing furloughs. These ambiguities should be corrected if our continued use of contract halfway houses is to be on firm legal ground. Because the work furlough centers have become significant components of our overall program, it is extremely important that clarifying legislation be passed.

Specifically, the language changes need to accomplish this are:

1. Modify A.S. 33.30.250 (c) regarding work furloughs to read:

(c) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in a facility approved by the commissioner. [THE JAIL UNLESS THE COURT DIRECTS OTHERWISE.]

2. Modify A.S. 33.30.060 (a) regarding contracting for confinement and care of prisoners to read:

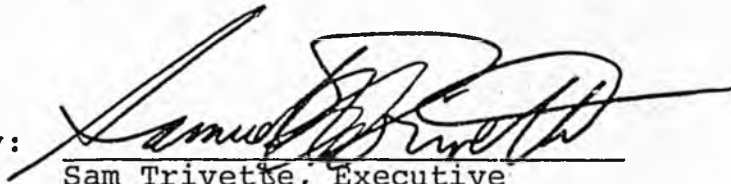
(a) The commissioner shall determine the availability of state prison facilities suitable for the detention and confinement of persons held under authority of state law. If the commissioner determines that suitable state prison facilities are not available, he may enter into an agreement with appropriate public or private agencies [THE PROPER AUTHORITIES OF THE UNITED STATES, ANOTHER STATE, OR POLITICAL SUBDIVISION OF THIS STATE] to provide programs for the reformation, rehabilitation, and treatment of prisoners. Prison facilities made available to the commissioner by agreement may be in this state, or in any other state, territory or possession of the United States. A privately operated facility made available under this section may be used to involve prisoners in programs and not primarily for confinement. The commissioner shall not enter into an agreement with an authority unable to provide the degree or kind of safekeeping, care and subsistence required by the law of this state, and the rules and regulations adopted by the commissioner.

C. Recommendations

The Department supports passage of this legislation and requests that the bill be modified to address furlough concerns.

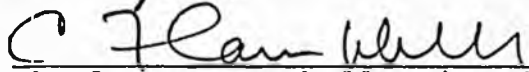
POSITION PAPER/Department of Health & Social Services

Recommended by:


Sam Trivette, Executive
Director, Alaska Parole Board

Date:

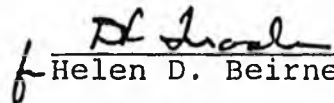
May 5, 1981


Charles F. Campbell, Director
Division of Adult Corrections

Date:

5-5-81

Approved by:


Helen D. Beirne, Commissioner

Date:

5/6/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. C.S. House Bill No. 510 (HESS) am
Title An Act continuing the existence of the State Board of Parole
Requested by Clocksinn and Martin Date April 17, 1981

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services
Program Category Affected Offender Confinement, Reformation & Supervision
BRU, Program, or Subprogram(s) Affected Adult Confinement, Probation & Community Prog.
(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

There would be no impact on the Division of Adult Corrections as a result of this proposed legislation as it would continue the Board of Parole for one additional year with no further changes.

IV. DATE May 5, 1981 PREPARED BY Roger C. Lange
AGENCY Division of Adult Corrections, DH&S
PHONE 465-3376

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) M&B Approval William Bennett Date 5/6/81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. C.S. House Bill No. 510 (HESS)am
 Title An Act Continuing the Existence of the State Board of Parole
 Requested by Representatives, Clocksin and Martin Date April 17, 1981

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Offender Confinement, Reformation & Supervision
 BRU, Program, or Subprogram(s) Affected Adult Confinement, Probation & Community Prog.
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

There would be no impact on the Parole Board as a result of this proposed legislation as it would result in the continuation of the Board for one additional year with no significant changes.

IV. DATE April 22, 1981 PREPARED BY Samuel H. Trivette
 AGENCY Parole Board Dept. H&SS
 PHONE 465-3384
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) 11. 1981 M&B Approval 11. 1981 Date 5/6/81

H B

532



ALASKA BAR ASSOCIATION

P.O. BOX 279, ANCHORAGE, ALASKA 99510, (907) 272-7469

FAMILY LAW SECTION

RE: HB 532 (RULES)
MONDAY CALENDAR
FEB 22, 1982

February 3, 1982

EXECUTIVE COMMITTEE

CHAIRPERSON

John E. Reese
920 W. 6th Avenue
Anchorage, Alaska 99501
(907) 276-5231

Senator Tim Kelly
and Chairman, Senate Rules Committee
Pouch V
Juneau, AK 99811

MEMBERS

Judith J. Bazeley
Anchorage

Max F. Gruenberg, Jr.
Anchorage

William D. Hitchcock
Anchorage

Timothy M. Lynch
Anchorage

BOARD LIAISON

Harold M. Brown
Ketchikan

Re: HB 532, "An Act Providing for the
Visitation Rights to Grandparents"

Dear Senator Kelly:

I am writing on behalf of the Family Law Section of the Alaska Bar Association, which urges that AS 09.55.205 be amended to provide for an award of visitation rights to grandparents and other persons in the court's discretion. This will broaden the power of the court to award visitation to persons such as brothers and sisters, stepparents, aunts and uncles, etc. We support the above bill, but believe it is too narrow, being limited to grandparents. We would like to amend it to include "other persons" in the court's discretion.

Enclosed please find a copy of the present bill and our proposed amendment. The amendment would be simple, merely changing the title and adding the phrase "or any other persons" after "grandparents" on line 17 of page 1.

Enclosed also please find a reprint from the Family Law Reporter showing the recent trend around the country concerning this type of legislation. In Hawaii, Ohio, Virginia, Utah and Washington, any person or relative who has an interest in the welfare of the child may obtain visitation privileges if the court determines it is in the child's best interests. Our proposed legislation will do exactly that.

We would request that the Senate Rules Committee amend the bill accordingly. I would be willing to testify or submit any other evidence on behalf of the Alaska Bar Association Family Law Section if you so desire. We are also prepared to assist in obtaining the House's concurrence in this amendment.

MARRIAGE — REMARRIAGE — DURATION — MAINTENANCE

If a husband and wife divorce, remarry each other, and divorce again, the second marriage is to be viewed as a "continuation" of the first for the purpose of determining the amount of maintenance to be awarded, the Missouri Court of Appeals, Eastern District, decides. "Where, as here, children were born of the marriage and the wife was the homemaker, the financial, social and employment

status of the parties has been influenced by the totality of their relationship," the court says, so the total number of years of marriage should be considered. Although the issue had not previously been decided in Missouri, the court notes, courts in Iowa, Alabama, Montana, and California have considered the issue "tangentially" and have viewed both marriages as one for maintenance purposes. (*Toomey v. Toomey*; Mo CtApp EDist, 6/16/81)

IN THE LEGISLATURES



TRENDS IN GRANDPARENT THIRD-PARTY VISITATION RIGHTS LEGISLATION

Most states should have enacted legislation by year's end.

As the nation's divorce rate has climbed, the issue of grandparents' visitation rights has grown in importance. Out of concern for maintaining family relationships that can provide emotional security for the children of divorced parents, most states over the last decade have considered legislation to establish procedures by which grandparents and other family members can petition for visitation rights.

Prior to 1979, only a dozen or so states had enacted such statutes. The courts were given authority to grant grandparents visitation if it was determined to be in the best interests of the children of divorced parents. In some states the law included rights for grandparents who wanted access to the children of a deceased child.

In 1979 and 1980, at least 18 additional states passed laws on the point, bringing to 34 the number of jurisdictions in which grandparents were provided specific rights.

In 1981, the legislatures of seven more states took up the issue. In Indiana and Maryland, bills already have been signed into law. In Nebraska, a bill (HB 503) was killed in the Senate. Alaska, Mississippi, and South Carolina, where bills were introduced this term, may enact laws before adjournment. By the end of this year, grandparents' visitation laws may be on the books in as many as 40 states.

The legislation comes in all forms — from broad provisions that include not only grandparents but also other persons or relatives, to narrow laws that provide standing only when a parent is deceased. Some statutes allow a grandparent's petition only during a divorce proceeding, while others permit a hearing at any time after divorce.

In Hawaii, Ohio, Virginia, Utah, and Washington, any person or relative who has an interest in the welfare of the child may obtain visitation privileges if the court determines it is in the child's best interests.

In Alabama, Arkansas, Florida, New Hampshire, and West Virginia, the grandparents may be heard only in the context of a divorce or custody proceeding. But in most other states the petition may be heard anytime after separation or divorce. An Indiana law specifies that a grandparent may petition if the child is in the custody of foster parents.

Whether adoption of the child by a stepparent or a third party cuts off a grandparent's visitation rights has been addressed in only a few states. In Montana and New Mexico, for example, the statute specifically denies rights to the grandparents after adoption, unless the adoptive parent is a stepparent or a grandparent. In most other states the law on this point is unclear. However, in Missouri and Oklahoma, bills that make it clear that adoption does not terminate a grandparent's right to visitation are pending. And in Oregon, a bill under study provides that if a stepparent is the adoptive parent, adoption does not cut off grandparent visitation.

Two facts become evident after a survey of the state law on visitation rights for grandparents. First, it is easier to list the states where there is no law enacted or pending. These are Arizona, Kentucky, Maine, Massachusetts, Nebraska, North Dakota, South Dakota, Vermont, and Wyoming.

Second, in states where some grandparent visitation law is already in force, the trend appears to be to extend the law to include other relatives (such as great-grandparents, stepparents, half-brothers and half-sisters, or to include any interested person in the statute) and to broaden the court's jurisdiction to consider the petition at any time.

REPORTS, PROPOSALS AND RULINGS

NEW JERSEY SUPREME COURT ISSUES DIVORCE PRACTICE REPORT

Committee recommends greater use of enforcement mechanisms, speedier custody dispute resolution, aid to pro se litigants, and use of settlement techniques.

The New Jersey Supreme Court has released the Final Report of its Supreme Court Committee on Matrimonial

Litigation. The report is the culmination of a two-year, extensive effort to review all aspects of matrimonial practice. The Committee, chaired by Associate Justice Morris Pashman, pursued the goal of transforming "doing justice" in family controversies from an object of cynicism to a more legitimate expectation."

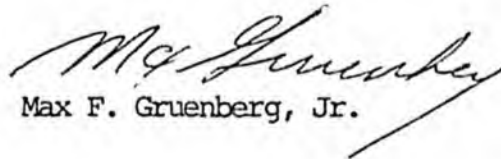
The report covers a wide range of subjects dealing with divorce. Most notable are its emphasis on the importance of enforcement; its recommendations concerning the

Senator Tim Kelly
and Chairman, Senate Rules Committee
Re: HB 532
February 3, 1982
Page 2

When the Family Law Section took up this proposed amendment, we were frankly unaware that any such bill had been introduced in the Legislature or that it has been passed by the House and was awaiting final action in Senate Rules. It is for this reason that we are asking Senate Rules to make this amendment. I am unaware of any objection to this amendment and would urge your favorable consideration of it.

Thank you very much. I would appreciate knowing whether the above amendment is acceptable to you.

Cordially,


Max F. Gruenberg, Jr.

MFG/mt
Encls.

cc: Senator Mike Colletta
Senator Ed Dankworth
Senator Frank Ferguson
Senator Vic Fischer
Senator J. Kertula
Senator Charles Parr
Senator Pat Rodey
Senator Terry Stimson
Senator Arlis Sturgulewski
Senator Robert Ziegler
Representative Michael Beirne, Attn: Jody Sutherland
Representative Don Clocksin
Representative Mike Miller
John Reese, Chairman, Family Law Committee
William Hitchcock, Standing Master, Alaska Court System
Judith Basely, Member, Family Law Committee

POSITION PAPER

HOUSE BILL NO. 532

"An Act providing for the award of visitation rights to grandparents."

House Bill No. 532 adds to the section on visitation rights in judgments for custody during divorce or legal separation actions by providing that grandparents be allowed visitation rights. The fact that parents choose to divorce each other should not automatically preclude the child from visiting grandparents who love a child and can give him emotional support. Sometimes the conflict between parents serves to cut off a child from his grandparents; this may not be in the best interests of the child.

The Department of Health and Social Services is, therefore, supportive of House Bill No. 532.

RECOMMENDED BY: John R. Pugh
John R. Pugh, Director
Division of Family and
Youth Services

DATE: 5/6/81

APPROVED BY: Helen D. Beirne
Helen D. Beirne
Commissioner

DATE: 5-11-81

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 532
 Title "An Act providing for the award of visitation rights to grandparents."
 Requested by Miller and Clocksin Date 4/24/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Various

(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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
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-
	-0-	-0-	-0-	-0-	-0-	-0-
	-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)

House Bill No. 532 has no fiscal impact on the Department of Health and Social Services.

IV. DATE 4/30/81 PREPARED BY John R. Pugh, Director
 AGENCY Division of Family and Youth Services

Original: Legislative Finance PHONE 465-3170

cc: Budget and Management

Prime Sponsor (First Legislator Named) Miller and Clocksin M&S Approval Miller and Clocksin Date 4/24/81

May 29, 1981

Mr. Chairman and members of the committee. My name is Emma Borbridge. I am a resident of Juneau and a grandmother. I appreciate the opportunity to be able to appear before this committee to make a few comments in support of House Bill NO 532. I would also like to take this opportunity to thank the Senate Committee on Health Education and Social Services for scheduling this hearing on House Bill 532 relative to grandparents and their visitation rights.

The relationship between grandparents and their grandchildren is a very special and unique one. During the early years of childhood, the world has a certain beauty when seen through the eyes of a small child. That beauty is seen and understood better by grandchildren and grandparents who see it together. Many people such as me are among the unfortunate who never knew their grandparents. My grandparents died before I was born, but I liked hearing about them from my mother and father. My image of them is very special and heartwarming. In today's world with the divorce rate at an all-time high, young children are often left to be cared for by their grandparents. In providing care for the child the grandparents once again become involved in the beautiful world of a small child. There is love and affection in a stable environment. One day without warning a parent may decide to exercise custodial right and take the child away from that stable and secure home. In many instances the child is not allowed to visit his or her grandparents. The child is confused and doesn't understand. It is a wrenching experience for the grandparents. It leaves scars that cannot be seen. The physical, emotional, mental, religious, and social well-being of a child can best be met if a normal and healthy grandchild-grandparent relationship can be maintained. In view of the high divorce rate in our state there is a greater need for grandparents to be involved in helping to maintain a continued and stable environment during the child's early growth.

There are pressures in our society that threaten the stability and continuity of the family unit. These same pressures damage the relationship of parents and their children. Now, these conditions are interfering with the life-line that the young and the old hold onto. The stability in the life of a child is strengthened when family ties are strong.

The Native people believe in the concept of the importance of the extended family in which the grandmother and grandfather love and guide the grandchildren in their growth and teach them who they are and from where they came. The role of the parents and grandparents is complementary and has deep roots in our culture. The continuing relationship of the grandchildren, the parents and the grandparents should not be allowed to become a casualty of the stresses being experienced by the family unit.

HB 532 is a positive step in the right direction

H

B

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COMMITTEE REPORT
SENATE

3/1/82

FURTHER: None

Date: 4-7-82

Mr. President: HEALTH, EDUCATION &
SOCIAL SERVICES
The Committee on _____ has had HB 597 am
sale of food

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 _____ 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:

[Handwritten signatures]

[Handwritten signature]
CHAIRMAN

I would recommend that DOT/PF and DNR,
Dir. of Parks coordinate on planning for a
complete - parking area - work ramp at the
terminus of the road and insure that funding
is available not only for construction but also
maintenance. This is feasible on this
proposal and the Public testimony should be
submitted to the Legislature for a final decision
on whether to continue or not,
Under these circumstances I would recommend
a road use permit be issued for construction,
However, if an adequate terminus permit can

We agreed upon on if the Legislature feels the
the project is not in the best interests of the
public then I would recommend denial of
the permit.

MEMORANDUM

3-19-82

TO LUSTIN ~~SPARTAN~~ SAUPT

FROM Mike TINKER

Section

- 270. Fluid dairy products
- 280. Flour, corn meal, and hominy grits
- 282. Bulk deliveries sold in terms of weight and delivered by vehicle
- 288. Furnace and stove oil

Section

- 290. Coal, coke, and charcoal
- 300. Textile products
- 310. Berries and small fruits
- 320. Construction of contracts

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Sec. 45.75.190. Method of sale of commodities. (a) Commodities in liquid form may be sold only by liquid measure or by weight. Except as otherwise provided in this chapter, commodities not in liquid form may be sold only by weight, by measure of length or area, or by count. However, liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if the method gives accurate information as to the quantity of commodity sold.

(b) The provisions of this section do not apply to

- (1) commodities when sold for immediate consumption on the premises where sold;
- (2) vegetables when sold by the head or bunch;
- (3) commodities in containers standardized by a law of this state or by federal law;
- (4) berries and small fruits when sold by dry measure in accordance with AS 45.75.310;
- (5) commodities in package form when there exists a general consumer usage to express the quantity in some other manner;
- (6) concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, and crushed stone, when sold by cubic measure; or
- (7) unprocessed vegetable and animal fertilizer sold by cubic measure.

(c) The director may issue reasonable regulations necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative. (§ 22 ch 101 SLA 1961)

Am. Jur. 2d reference. — 67 Am. Jur. 2d, Sales, § 1 et seq.

Delete
§.310
Sec. 45.75.200. Declarations of quantity and origin on packages. (a) Except as otherwise provided in this chapter, a commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce shall bear on the outside of the package a definite, plain, and conspicuous declaration of

- (1) the net quantity of the contents in terms of weight, measure, or count;
- (2) in the case of a package kept, offered, or exposed for sale, or sold in a place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; and

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(3) the identity of the commodity in the package unless it can easily be identified through the wrapper.

(b) In the declaration required under (a)(1) of this section the qualifying term "when packed" or other words of similar import, or a term qualifying a unit of weight, measure, or count such as for example "jumbo," "giant," "full," and the like that tends to exaggerate the amount of commodity in a package, may not be used.

(c) Under (a)(1) of this section the director shall, by regulation, establish (1) reasonable variations or tolerances to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (2) exemption as to small packages, and (3) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at the time of sale to the consumer. (§ 23 ch 101 SLA 1961; am § 2 ch 78 SLA 1969)

add → d.
Sec. 45.75.210. Declarations of unit price on random packages. In addition to the declarations required by AS 45.75.200, a commodity in package form, which is one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count. (§ 24 ch 101 SLA 1961)

Sec. 45.75.220. Misleading packages. No commodity in package form may be so wrapped, or put in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container may not fall below the reasonable standard of fill which the director prescribes for the commodity. (§ 25 ch 101 SLA 1961)

Sec. 45.75.225. Advertising packages for sale. (a) When a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with the statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package.

(b) When the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that is required to appear first and without parentheses on the package need appear in the advertisement.

(c) There may not be included as part of the declaration required by this section such qualifying terms as "when packed," "minimum," "not less than," or other terms of similar import nor terms qualifying a unit or weight, measure, or count such as "jumbo," "giant," "full," which

tend to exaggerate the amount of commodity in the package. (§ 3 ch 78 SLA 1969)

Cross reference. — As to unlawful acts and practices with regard to advertising, see AS 45.50.471.

Sec. 45.75.230. Misrepresentation of price. When a commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, and the price shall not be represented in a manner calculated or tending to mislead or deceive an actual or prospective purchaser. When an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents. (§ 27 ch 101 SLA 1961)

Sec. 45.75.240. Meat, poultry, and sea food. (a) Except as provided in (b) of this section, meat, meat products, poultry, and sea food except shellfish, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by weight. When meat, poultry, or sea food is combined with or associated with some other food element to form either a distinctive food product or a food combination, the food product or combination shall be offered or exposed for sale and sold by weight. The quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

(b) This section does not apply to meat, meat products, poultry or sea food which is for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal not to be consumed on the premises where sold. (§ 28 ch 101 SLA 1961; am § 4 ch 78 SLA 1969)

Original Deleted
→ **Sec. 45.75.250. Bread.** Each loaf of bread and each unit of a twin or multiple loaf made or procured for sale, kept, offered, exposed for sale, or sold, whether or not the bread is wrapped or sliced, shall weigh one-half pound, one pound, one and one-half pounds, or a multiple of one pound, avoirdupois weight, within reasonable variations or tolerances established by regulation by the director. This section does not apply to biscuits, buns, or rolls, weighing four ounces or less, or to stale bread sold and expressly represented at the time of sale as such. The marking provisions of AS 45.75.200 do not apply to unwrapped loaves of bread. (§ 29 ch 101 SLA 1961)

Delete
→ **Sec. 45.75.260. Butter, oleomargarine, and margarine.** Butter, oleomargarine, and margarine shall be offered and exposed for sale and

sold by weight and only in units of one-fourth pound, one-half pound, one pound, or multiples of one pound, avoirdupois weight. (§ 30 ch 101 SLA 1961)

Delete →

Sec. 45.75.270. Fluid dairy products. Fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, 10 fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two and one-half gallon, or multiples of one gallon. However, packages in units of less than one gill are permitted. (§ 31 ch 101 SLA 1961; am § 5 ch 78 SLA 1969) ←

Delete →

Sec. 45.75.280. Flour, corn meal, and hominy grits. When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of 2, 5, 10, 25, 50, or 100 pounds, avoirdupois weight. However, packages in units of less than two pounds or more than 100 pounds are permitted. (§ 32 ch 101 SLA 1961; am § 6 ch 78 SLA 1969) ←

Sec. 45.75.282. Bulk deliveries sold in terms of weight and delivered by vehicle. (a) When a vehicle delivers to an individual purchaser a commodity in bulk, and it is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket which shall clearly state in ink or by means of other indelible marking equipment, and equal in clarity to type or printing

- (1) the name and address of the vendor,
- (2) the name and address of the purchaser, and
- (3) the net weight of the delivery expressed in pounds, and if the net weight is derived from determinations of gross and tare weights, these weights shall also be stated in terms of pounds.

(b) One of the tickets provided for in (a) of this section shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or surrendered, on demand, to the director, or the deputy director, or an inspector, or a sealer, or a deputy sealer, who, if he wants to retain it as evidence, shall issue a weight slip in place of it.

(c) If the purchaser carries away his purchase, the vendor is required only to give him at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him (§ 7 ch 78 SLA 1969)

Sec. 45.75.288. Furnace and stove oil. (a) Furnace and stove oil shall be sold by liquid measure or by net weight. When a delivery of liquid fuel is made in non-package form and in an amount greater than 10 gallons if the sale is by liquid measure, 100 pounds or greater if the

sale is by weight, the purchaser shall receive from the vendor a delivery ticket or written statement which clearly states in ink or by means of other indelible marking equipment equal in clarity to type or printing

- (1) the name and address of the vendor;
- (2) the name and address of the purchaser;
- (3) the identity of the type of fuel delivered;
- (4) the price per gallon or per pound of the fuel delivered;
- (5) if a sale is by liquid measure, the liquid volume of the delivery, together with any meter readings from which the liquid volume was computed, expressed in terms of the gallon and its binary or decimal subdivisions; and
- (6) if a sale by weight, the net weight of the delivery, together with any weighing scale readings from which the net weight was computed, expressed in terms of tons or pounds avoirdupois. (§ 8 ch 78 SLA 1969)

Sec. 45.75.290. Coal, coke, and charcoal. (a) Coal, coke, and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there are clearly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds.

(b) One of the tickets provided for under (a) of this section shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director, or the deputy director or an inspector, or a sealer or deputy sealer, who, if he desires to retain it as evidence, shall issue a weight slip in place of it for delivery to the purchaser. If the purchaser carries away his purchase, the vendor is required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him. (§ 33 ch 101 SLA 1961)

Sec. 45.75.300. Textile products. It is unlawful to keep for the purpose of sale, offer or expose for sale, or sell textile yard goods put up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for wholesale or retail sale, unless the bolt or roll, or other unit, is definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight, in terms of avoirdupois pounds or ounces, subject to the following limitations and requirements:

- (1) a unit of twine or cordage may be marked to show its net measure in terms of feet; readywound bobbins not sold separately are not required to be individually marked, but the package containing the bobbins shall be marked to show the number of bobbins contained in

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it and the net weight or measure of the thread on each bobbin; a unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting, or embroidery thread or yarn, except nylon hand-knitting yarn, that is not composed in whole or in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other holder; a retail unit of a textile product sold only for household use consisting of a package containing two or more similar individual units that are not sold separately shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but this does not apply where the individual units are separately marked; a unit of yarn, composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of the yarn, except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed 50 yards, may be marked to show its linear measure only;

(2) the marking required by this section shall in all cases be in combination with the name and place of business of the manufacturer, packer, or distributor of the product, or a trademark, symbol, brand, or other mark that identifies the manufacturer, packer, or distributor;

(3) reasonable tolerances shall be permitted, and these shall be included in regulations for the enforcement of this section that are issued by the director;

(4) this section does not apply to the following textile products when sold at wholesale in bulk by net weight: cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and yarns that are to be industrially converted into end-use products. (§ 34 ch 101 SLA 1961)

Delete
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Sec. 45.75.310. Berries and small fruits. Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half dry pint, one dry pint, or one dry quart. The marking provisions of AS 45.75.200 do not apply to these containers. (§ 35 ch 101 SLA 1961)

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Sec. 45.75.320. Construction of contracts. Fractional parts of a unit of weight or measure mean like fractional parts of the value of the unit as prescribed or defined in AS 45.75.010 and 45.75.390(1), and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement. (§ 36 ch 101 SLA 1961)

Article 4. Enforcement.

Section

- 330. Injunction
- 340. Presumptive evidence
- 350. Validity of prosecutions

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. HB 597 am
 Title An Act relating to the sale of food
 Requested by _____ Date _____

II. FISCAL DETAIL
 Agency Affected Commerce and Economic Development
 Program Category Affected Consumer Protection
 BRU, Program, Or Subprogram(s) Affected Weights and Measures
 (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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						
POSITIONS	0	0	0	0	0	0

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						
	0	0	0	0	0	0

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

IV. DATE 4/7/82 PREPARED BY Joseph Swanson
 AGENCY Weights and Measures
 Original: Legislative Finance PHONE 345-3886
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

HB 597

Sale of Food

- Makes a greater variety of products and product sizes available to Alaskan consumers
- Reduces unnecessary regulation on business and allows for more efficient operations (by allowing more cost effective purchasing practices)
- This legislation does not eliminate the requirement that ~~products~~ *manufactures* disclose the weight and measure of the contents of the packaged product or that such weight and measure be printed on the package.