

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

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SENATE FINANCE COMMITTEE

May 21, 1982

9:05 a.m.

SFC-82 #33, Side 1 (573-end)
 SFC-82 #33, Side 2 (000-411)

CALL TO ORDER

Co-chairman Ed Dankworth convened the meeting at approximately 9:05 a.m.

PRESENT

All committee members were present with the exception of Senators Eliason and Ferguson. Also attending were Senators Kerttula and Gilman; Allen Korhonen, Deputy Commissioner of Health & Social Services; Steve Hole, representing the Dept. of Education; John Autes, Deputy Commissioner of Dept. of Transportation; Ginny Chitwood, representing the Alaska Municipal League; Lee Sharp, Attorney for the City and Borough of Juneau; Bill Miles, representing the Anchorage School District; Fiscal Analyst Alison Fieger; and administrative assistant to Senate Finance Judy Johnston.

ROLL CALL

Co-chairman Dankworth called roll call for HB 274 (Finance) an (ACT RELATING TO SCHOOL CONSTRUCTION AND TRANSFERRING THE ADMINISTRATION OF THE SCHOOL CONSTRUCTION GRANT PROGRAM FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO THE DEPARTMENT OF EDUCATION) for presentation for discussion.

Senator Stimson directed committee attention to a proposed SCS for HB 274 (Finance) (AN ACT RELATING TO SCHOOL CONSTRUCTION AND TRANSFERRING THE ADMINISTRATION OF SCHOOL OR EDUCATION-RELATED FACILITY CONSTRUCTION FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO THE DEPARTMENT OF EDUCATION). Responding to questions from Co-chairman Dankworth concerning Section 3, Senator Stimson stated that the intention is to allow municipal, city or borough school districts, access to the Governor's capital budget. At present the only schools able to come to the legislature through the budgeting process are SGA's. This bill would develop a process whereby all school districts have access to the capital budget. The section is permissive in that a school district does not have to use this budgetary process, yet it is available should the district decide to take this route. Small school districts incapable of bonding need a process which allows them access to this budget.

Senator Stimson acknowledged that the Anchorage School District "has concerns" regarding the legislation. He added that he had attempted to address those concerns in the proposed SCS. He concluded, however, that the legislation could not be "stretched"

much further without doing disservice to other districts statewide.

John Bates and Steve Hole jointly appeared before committee. Mr. Hole advised that at this time the only access to the Governor's capital budget is through Chapter 2 of Title 14 which speaks specifically to REAA's. There is no statutory provision for municipalities to gain access to this budget for public school construction other than through Section 3 (the debt retirement section) of the proposed SCS. Any municipality, however, through its legislator can get into a capital budget. Districts cannot, however, get into the capital budget the Governor submits to the legislature.

Co-chairman Dankworth raised questions concerning priority ranking provisions contained on page 2 of the proposed bill. Mr. Hole responded that the ranking process gives the Department of Education a list of education construction projects based on critical need. When funding resources are limited, the most critical needs can be met first. Co-chairman Dankworth asked if the process would create a master statewide list of school construction needs. Mr. Hole responded that to the extent that school districts choose to submit requests under the bill a master list would be compiled. He added, however, that some REAA's and municipalities might not submit requests. As an example, Senator Sturgulewski stated that Anchorage, which just offered 170 million in bonds, would not need to be involved in a priority listing unless it chose to do so since it enjoys local autonomy in its bonding capability. Should Anchorage choose to become involved in the priority listing and seek state funding, it can do so. She attested to the fact that priority lists are viewed as guidelines and the political process generally takes over when projects are actually funded. There is nothing mandatory about the list. Senator Korttula advised that in his experience, political control goes to the urban areas. At that stage, priority lists never include rural areas. In effect, the list works against rural needs. Senator Sturgulewski stated that the Anchorage School Board is concerned that the list would have the opposite effect. Senator Stinson advised that ranking will be accomplished based strictly on educational criteria. Co-chairman Dankworth expressed concern that the priority list might encroach upon legislative authority to appropriate school funding. Mr. Hole responded that at the present time the Governor could prepare a priority listing. The Department feels extremely comfortable with the list since it gives the Department "clear legislative policy direction . . ." He acknowledged that the larger municipalities (Anchorage, Fairbanks, Mat-su) can take care of themselves. Actual need for the list is evidenced through the inability of Kenai, Kake, Klawock, Hooper, Galena--small communities--to gain access to the list for rural areas. Once the list is submitted to the legislature, the legislature does as it chooses. The list simply provides clear executive recommendations based on educational criteria.

Senator Stimson requested that Messrs. Bates and Hole address transfer provisions of the bill. John Bates stated that at present the Dept. of Transportation handles REAA construction grants. Mr. Bates added that last year's funding for this function was RSA'd to the Dept. of Education. DOT now wishes to formalize the process by transferring the grant process to DOE in order that REAA's will not have to deal with both departments. This transfer relates to the granting process only. The four REAA's still requesting the state to build projects for them would continue to work with DOT for construction of their projects.

Senator Kerttula asked Senator Sackett if he (Sackett) was satisfied that REAA's are better cared for under the proposed bill. Senator Sackett responded, "Yes."

Directing committee attention to Page 1, Line 19 of the proposed draft, Senator Stimson advised that Senator Ferguson had requested the date be changed from July 1, 1978 to July 1, 1982. Mr. Bates advised that DOT has no problem with the date change. Senator Stimson moved to make the change. Senator Gilman advised that the prior date relates to the time when DOE began regulating payments on a square foot per student basis. Some school districts built facilities which are not eligible for repayment. If the date is changed to 1982, any school built after July 1, 1978, which does not meet department approval, would be "grandfathered in" and repaid. Mr. Hole advised that no loophole is created by the date change since Department regulations remain in effect under either date. Regulations affecting entitlement at the time of construction remain in effect. Senator Stimson stated that the request for the date change came from Senator Ferguson at the request of one of his constituents. Co-chairman Dankworth suggested that in Senator Ferguson's absence the change not be made, and Senator Ferguson given the latitude of offering such an amendment on the senate floor.

Senator Stimson moved for adoption of the following technical amendments:

Page 3, Line 4, delete "ordinance" and insert "resolution."

Page 4, Line 2, delete "three" and insert "two."

No objection to the foregoing amendments having been raised, they were adopted.

Referring to Section 3, Senator Kerttula asked if local districts (from their own resources) must contribute toward school construction projects. Do they definitely have to pay their 10% raised from local tax levies? Senator Stimson advised of his understanding that such a requirement is not absolutely clear in the proposed bill. Steve Hole advised of his understanding that there is nothing in the proposed bill or Title 43 to guarantee that what is contributed by the municipality comes from a local tax. Co-chairman Dankworth suggested adding language requiring

that no more than 30% of the project could be constructed with state funds. Senator Gilman attested to difficulties involved in tracing the source of municipal moneys. Steve Hole advised that the Department's concern is not who pays the 10% but rather limitation on "Taj Mahal" construction. Department regulations stipulate that the state will pay a portion of construction costs based on the number of students and the square footage needed to provide for them. A school district could build a 100,000 square foot school, but if the student population only entitled the district to 20,000 square feet, the state would only participate up to and authorize reimbursement for 20,000 square feet.

Senator Gilman noted that the bonding capacity of individual municipalities also limits the size of school construction. The more school bonds sold, the less available for sewer and water and other needs. This serves as an internal limitation on oversized construction.

Senator Sturgulewski suggested that the committee not attempt to address the foregoing in the current session. The legislature has discussed revenue sharing and municipal assistance. One of the intents in the municipal assistance program is to use state money to reduce local taxes. Local taxes included debt service.

Bill Miles, representing the Anchorage School Board, next appeared before committee. He stated that Anchorage has concerns regarding the proposed statewide master list. Nothing currently prohibits the Administration from creating such a list should it choose to do so. The proposed bill adds another layer of bureaucracy with which districts must comply. Additionally, creation of a statewide list based on standardized criteria, reduces the legislature's ability to fund projects not on the list. A future governor may be heavily handed and use the list to cut legislative projects. Anchorage finds itself in a "Catch-22" position. If the district requests a particular project be put on the list, more than likely, because of evaluation criteria, it will appear very low on the list. If the district does not request that the project be put on the list, when negotiations begin concerning school projects to be funded, the district will be left out because it's not listed.

Mr. Miles suggested that Commissioner Lind's proposed study of operational expenses of school districts be expanded to include methods of capital appropriation.

Benny Critwood, representing the Alaska Municipal League, next appeared before committee, advising that while the Municipal League did not request provisions relating to a master list, it does not object to such language. Municipal school districts other than Anchorage do not view the list as a threat. Larger school districts which have bonding capacity are willing to put up their 10% share and comply with procedures in Section 3, whereby the district bonds and is then reimbursed by the state. Smaller school districts which do not have bonding capacity would have another opportunity to obtain funding under the proposed

legislation. Mrs. Chitwood advised that she had spoken with "some people from Anchorage" and determined that the position represented by Mr. Miles is not unanimous.

Senator Stimson directed committee attention to the fiscal note for \$13460.4 dated April 1, 1982. Senator Gilman stated that although the fiscal note was prepared before the municipalities actually sold their bonds and represents Department estimates of bond payments, actual sale costs to this date result in essentially the same figures as listed on the note. Total costs will not be known until all bonds have closed (approximately July 15). Although there may be need for adjustment or proration over the first year, Senator Gilman recommended the committee adopt the Department fiscal note. Senator Sturgulewski moved for adoption of the April 1, 1982, fiscal note.

Senator Stimson moved for passage of the proposed SOS for CSRS 272 (Finance) with individual recommendations and the April 1, 1982, fiscal note. Upon a show of hands, the bill passed from committee--all members present signing to pass.

ADJOURNMENT

There being no further matters to come before committee at this time, Co-Chairman Dankworth announced that the committee would convene at 2:00 p.m. to consider HR 142 (the Senate Budget). The meeting was adjourned at approximately 10:00 a.m.

SAC-42 W33, Side 1 (877-000)
SAC-2 W33, Side 2 (001-411)

SENATE FINANCE COMMITTEE

April 6, 1982

9:35 a.m.

(Recorder malfunction, no recording for this meeting.)

CALL TO ORDER

Co-chairman Don Bennett convened the meeting at approximately 9:35 a.m.

PRESENT.

All committee members were present. Also attending were Steve Hole from the Department of Education; Vern Roberts, Finance Director for the Matanuska-Susitna Borough; Lee Sharp, Attorney for the City and Borough of Juneau; Ginny Chitwood representing the Alaska Municipal League; Ron Lind, Deputy Commissioner of the Department of Transportation, Administration; John Bates, Deputy Commissioner of the Department of Transportation, Planning & Programming; Bob Cooksey, Representing NEA/Alaska, Inc.; Fiscal Analysts Elmer Lindstrom and Alison Elgee; administrative assistants to Senate Finance Judy Johnston and David Rogers, and representatives from the press.

SB 772

Co-chairman Bennett moved that SB 772 (ACT MAKING A SPECIAL APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES FOR CONSTRUCTION OF A PLANT QUARANTINE STATION AT THE PLANT MATERIALS CENTER (AS US:22) OPERATED IN COOPERATION WITH THE INSTITUTE OF AGRICULTURAL SCIENCES) be brought on for discussion. He directed committee attention to backup material provided by Senator Keritulu.

Senator Ferguson moved that a zero fiscal note be attached to the bill. No objection to the new fiscal note having been voiced, it was approved for attachment.

Co-chairman Dankworth moved that SB 772 pass from committee with individual recommendations. No objection having been raised, SB 772 passed from Senate Finance--all members present signing do pass with the exception of Senators Dankworth and Stimson who signed no recommendation.

Hb 279

Co-chairman Bennett moved that CSRB 279(Fin)3m (AN ACT RELATING TO SCHOOL CONSTRUCTION AND TRANSFERRING THE ADMINISTRATION OF THE SCHOOL CONSTRUCTION GRANT PROGRAM FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO THE DEPARTMENT OF EDUCATION) be brought on for discussion.

Senator Stimson directed committee attention to a proposed SCS for Hb 279 (Finance) (ACT RELATING TO SCHOOL CONSTRUCTION AND

TRANSFERRING THE ADMINISTRATION OF SCHOOL OR EDUCATION-RELATED FACILITY CONSTRUCTION FROM THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES TO THE DEPARTMENT OF EDUCATION), a Sectional Analysis of the committee substitute, and a new fiscal note dated April 1, 1982. He advised that the proposed substitute would accomplish three things:

1. Transfer responsibility for administration of school construction grants from DOT to DOE.
2. Provide mechanism whereby all REAA and municipal school district project may be included in the governor's capital budget.
3. Increase the percentage of reimbursement to municipalities for school construction to 90% and reduce the two-year lag on payment of reimbursement.

Vern Roberts, Finance Director for the Matanuska-Susitna Borough, next appeared before committee, speaking in support of the proposed Committee Substitute. He advised of current problems at the municipal level due to the "saw tooth" pattern of fluctuating tax collection and the two year lag on state reimbursement for school construction costs. He advised that an increase in the percentage of reimbursement is not so important as elimination of the two-year delay in reimbursement.

Sinny Chitwood, representing the Alaska Municipal League next appeared before committee, stating that the legislation would have minimal fiscal impact to the state since it basically represents a shift of reimbursement payments from one year to another. The state currently reimburses 80% of school construction costs two years after the money was expended. The subject legislation would raise reimbursement to 90% and provide for current year repayment.

Mrs. Chitwood advised that the proposed committee substitute provides adequate protection against "builders of Taj Mahals" since approval by DOE is required prior to reimbursement to a municipality.

Mrs. Chitwood concluded her remarks by advising that current-year reimbursement to municipalities would eliminate the "bulge" now plaguing tax levies.

Lee Sharp, Attorney for the City and Borough of Juneau, next appeared before committee. He stated that of all legislation under consideration during the current session, none is more significant and important to municipalities than the proposed committee substitute. He advised that given the problems surrounding the issuance of bonds, and the saw tooth mill rate, in approximately two and a half years the City and Borough of Juneau will require a 5.5 mill tax increase in order to service its school bonds. Moving reimbursement for school construction

costs to current year status will assist in providing stability to tax levies.

Steve Hole, representing the Department of Education, next appeared before committee, advising that Section 1 through 7 and 9 were included in the Governor's bill. He next gave a brief section-by-section analysis of the proposed substitute:

Section 1 and 2 describe responsibilities of the Department of Education with respect to review of construction plans, determination and approval of eligibility for state aid, and administration of construction grants.

Section 3 includes city and borough school districts in the hierarchy of school construction projects in the Governor's budget. It also provides for DOE to administer grants currently handled by DOT.

Section 4 contains cleanup language for Chapter 8.

Sections 5, 6, and 7 are amendments to DOT's statutes which reflect the shift in administrative responsibilities from DOT to DOE.

Section 8 is the only section having financial impact since it raises the reimbursement percentage from 80 to 90% and eliminates the two year lag in reimbursements.

Section 9 amends Title 43, limiting uses to which debt retirement appropriations can be made.

Section 10 repeals AS 14.29.151 and 43.18.100(b)(2) relating to REAA school construction projects.

Responding to concerns expressed by Senator Dankworth that removing control of design and construction of school projects from DOT might lead to cost overruns due to lack of local expertise, Mr. Hole advised that the bill provides for certification that local individuals are qualified to perform the work. In addition, the work must conform to state requirements, or construction funds will not be released. Following construction, an audit is performed to ensure that funds were spent for the purposes intended.

Referring to \$13 million in cost overruns on the Lower Kuskokwim School, Co-chairman Dankworth asked if the state is financially liable for such costs. Mr. Hole responded that since REAA's have no ability to generate revenue, cost overruns "come back to the state." This situation will not change under the proposed legislation. Municipalities, however, represent a different situation--one to which Mr. Hole did not wish to speak.

Responding to a question from Senator Ferguson concerning construction management contracts and costs, Mr. Hole directed committee attention to Page 3, Line 24 of the committee

substitute, advising that that section limits (in terms of the size of the school construction project) the amount that can be spent for management. Senator Ferguson attested to the importance of such a provision, since management contracts have previously gone to individuals with "no construction ability."

Responding to questions from Senator Sackett comparing sections of the House version of the bill with the proposed committee substitute, Mr. Hole advised that concern was expressed that the House version gave DOE too much control over municipalities, and that the Department might preempt municipal ability to construct schools, interfere with approval of plans and placement in the Governor's capital budget, and the issuance of grants.

Section 2 limits Department involvement to REAA's and relates to grant administration rather than construction oversight. John Bates, Deputy Commissioner of the Department of Transportation appeared before committee advising that approximately 4 REAA's currently construct projects through DOT while remaining REAA's construct their own. Mr. Hole advised that responsibility for administering construction grants is being transferred to DOE rather than being placed back in DOT.

Senator Sackett again raised questions concerning the difference between House and Senate committee substitute language, advising that House language appears to transfer construction responsibilities from DOT to DOE. Mr. Hole responded that the intent was to limit DOE involvement to grant administration rather than the "actual nail pounding construction"--that remains with DOT. Mr. Bates concurred, advising that the intent was to transfer administrative not construction authority.

Senator Sackett advised that he had no problem transferring it all to DOE. He next raised question concerning the two fiscal notes in the file, asking what had caused the increase from the earlier note of \$5.1 to the recent note of \$13.4. Mr. Hole explained that the recent note is based on current entitlements under Title 43. Since the bill would eliminate the two year lag in reimbursement costs, the Department sought information on proposed bond sales for school construction from the Alaska Municipal League. The earlier fiscal note does not take into account FY 82 bond sales, assumes elimination of the Cigarette Tax offset, and does not take into account elimination of the two year lag in reimbursement. Mr. Hole added that the earlier (January) fiscal note represents a "guess" at the financial impact of the bill while the later (April) note is based on firmer figures.

Co-chairman Danworth raised questions concerning design and construction of state schools in terms of what types of construction state grants would and would not cover. Mr. Hole responded that the same formula is applied to both REAA and municipal schools. Chapter 31 of DOE regulations determines eligibility. When asked if the regulations favor one type of school over another, Mr. Hole responded that determination of

entitlement is "as uniform as it can be." The Department does not treat schools of like size differently in rural areas than it does in municipalities.

Directing committee attention to Page 7, Section 9, Mr. Hole read a sampling of construction items which are not reimbursable under state grants. While residential construction, hockey rinks, and Olympic-sized pools would not be eligible for state aid, schools can construct a reasonable-sized pool for teaching water safety.

Co-chairman Dankworth requested that he be furnished a copy of the formula used for determining eligibility. Mr. Hole responded that he would do so, emphasizing that the Department uses the same formula for municipalities and REAA's alike. The only difference between the two entities is that municipalities can go elsewhere for funding, while REAA's must rely on the state.

Senator Stimson asked that Mr. Hole speak to provisions allowing municipalities access to the Governor's capital budget. Mr. Hole advised that under present language contained in Title 14, only REAA school construction is eligible for inclusion. The proposed committee substitute would allow any school district, municipality or REAA to submit a request for school construction to the Department. The Department would then prioritize the list, and transmit the requests to the Governor along with the priority list. The Governor would decide which projects should be funded in the capital budget, and the legislature could add or subtract as it deems necessary. For the first time, however, the legislature would have before it a list of all school projects that have been requested. The above process would especially accommodate school districts which do not have "the horsepower" to lobby the legislature for a special appropriation for school funding (e.g. Hoonah, Klukwan).

When asked by Senator Dankworth if there is currently anything which prevents the Governor from including a new school for Anchorage in his budget, Mr. Hole responded, "No, but this would establish a process for him to do so. Right now there is only a process for REAA's."

John Bates advised that DOT has been working with DOE since 1977 or 1978 on REAA grant programs. The process in the past has required REAA's to switch back and forth between the two departments in the course of obtaining plan approval, eligibility determination, and grant distribution. School construction must be on state property and in accordance with state statutes. Over the past five years increasing numbers of REAA's have asked "to do their own buildings" (DOT only constructs one or two REAA schools per year). In order to make the grant process more efficient, administration of grants is being transferred to DOE.

When asked by Senator Stimson if there is a method to "tighten up grant programs" in order to deal with REAA cost overruns, Mr. Bates responded that, aside from the state, there is no one else to whom REAA's can turn when cost overruns occur. Grants can be

safeguarded by disbursing only certain amounts at progressive stages of construction. Most claims, however, result in supplemental appropriations through the legislature. DOT makes sure plans are as good as possible and attempts to see that, administratively, construction programs do not "get into trouble." Further oversight by the Department would require additional staff. Mr. Bates advised that aside from one REAA currently involved in litigation, overruns have not been "that much out of line" given the difficulties and expenses of rural construction.

When asked about Department costs in providing oversight, Mr. Bates responded that at present the Department takes 3%. One percent is given to DOE and the other two percent provides for administration of the project.

Co-chairman Bennett advised that SCS for CSRB 279 (Finance) would be returned to committee files for further discussion at a later time.

ADJOURNMENT

There being no further matters to come before committee at this time, the meeting was adjourned at approximately 9:35 a.m.

Recorder malfunction, no tape for this meeting.

AN ACT

Relating to school construction and transferring the administration of school or education-related facility construction from the Department of Transportation and Public Facilities to the Department of Education; and providing for an effective date.

* Section 1. AS 14.07.020(11) is amended to read:

(11) review plans for construction of [AND] new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction project begun after July 1, 1978; for the purposes of this paragraph, "plans" include [A "PLAN" INCLUDES] educational specifications, schematic designs, and final contract documents;

* Sec. 2. AS 14.07.020 is amended by adding a new paragraph to read:

(13) administer the grants awarded under AS 14.07.190.

* Sec. 3. AS 14.07 is amended by adding new sections to read:

ARTICLE 3. CONSTRUCTION, REHABILITATION, AND IMPROVEMENT
OF SCHOOLS AND EDUCATION-RELATED FACILITIES.

Sec. 14.07.180. RECOMMENDATIONS AND EVALUATIONS OF PROJECTS. (a) The assembly or council of a municipality that is a school district or a regional school board may submit a request to the department for a school or education-related facility construction, rehabilitation, or

1 improvement project together with a report evaluating the condition of
2 school or education-related facilities in the municipality or regional
3 educational attendance area and a determination of the need for the
4 project.

5 (b) With regard to projects requested under (a) of this section
6 the department shall

7 (1) rank each project in the order of priority that serves
8 the best interests of the state;

9 (2) prepare an estimate of the amount of money needed to
10 finance each project approved by the department and recommend to the
11 governor appropriations for projects to be included in the budget sub-
12 mitted to the legislature;

13 (3) provide the governor with a copy of the report of the
14 assembly, council, or regional school board that requested each project
15 approved by the department;

16 (4) provide to the legislature within the first 10 days of
17 each regular session a summary of the projects requested by each
18 assembly, council, or regional school board.

19 (c) In establishing priorities among requested projects the depart-
20 ment shall evaluate at least the following factors:

21 (1) priorities assigned by the assembly, council, or school
22 board to the projects requested;

23 (2) emergency requirements;

24 (3) the number of students without classrooms spaces;

25 (4) new local elementary or secondary programs;

26 (5) existing regional, community, and school facilities and
27 the condition of the facilities;

28 (6) the economic and social stability of the municipality or
29 region.

(d) The provisions of this section do not affect a municipality's
eligibility for reimbursement under AS 43.18.100.

Sec. 14.07.190. ASSUMPTION OF RESPONSIBILITIES. (a) The assembly
or council of a municipality that is a school district or a regional
school board may, by resolution or majority vote of the body, assume the
responsibilities relating to the planning, design, and construction of a
school or an education-related facility located within the boundaries or
operating area of the municipality or regional educational attendance
area. After receipt of a request by an assembly or council under this
subsection, the department shall provide for the assumption of the
responsibilities requested. After receipt of a request by a regional
school board under this subsection, the department may provide for the
assumption of the responsibilities requested.

(b) If a municipality that is a school district or a regional
educational attendance area assumes the responsibilities under this
section, the department shall grant to the municipality or regional
educational attendance area money appropriated for the school or educa-
tion-related facility. The department may transfer the appropriations
to a special construction account in the state treasury. Under the
fiscal control of the department, a municipality or regional educational
attendance area that assumes responsibilities for the project as pro-
vided in this section may draw on the account for costs of the project.

(c) The construction management costs of a project assumed under
this section may not exceed four percent of the amount of appropriations
for the facility if the amount of appropriations is \$500,000 or less.
The construction management costs of a project assumed under this section
may not exceed three percent of the amount of appropriations for the
facility if the amount of appropriations is over \$500,000 but less than
\$5,000,000. The construction management costs of a project assumed

1 under this section may not exceed two percent of the amount of appro-
 2 priations for the facility if the amount of appropriations is \$5,000,000
 3 or more. For purposes of this subsection "construction management"
 4 means management of the project's schedule, quality, and budget during
 5 any phase of the planning, design, and construction of the facility by a
 6 private contractor engaged by the municipality or regional educational
 7 attendance area.

8 (d) The commissioner shall adopt necessary regulations implement-
 9 ing this section, and setting out the requirements for agreements between
 10 the department and a municipality or regional educational attendance
 11 area relating to the assumption by the municipality or regional educa-
 12 tional attendance area of responsibilities for the planning, design, and
 13 construction of a project.

14 * Sec. 4. AS 14.08.101(7) is repealed and reenacted to read:

15 (7) recommend to the department projects for construction,
 16 rehabilitation, and improvement of schools and education-related facili-
 17 ties as specified in AS 14.07.180(a), and plan, design, and construct
 18 the project when the responsibility for it is assumed under AS 14.07.
 19 190;

20 * Sec. 5. AS 35.15.080(a) is amended to read:

21 (a) A municipality (OR, IF THE PUBLIC WORK IS AN EDUCATIONAL
 22 FACILITY, A REGIONAL EDUCATIONAL ATTENDANCE AREA ESTABLISHED UNDER
 23 AS 14.08) may, by resolution of its governing body, request the assump-
 24 tion of all or part of the department's responsibilities relating to the
 25 planning, design, and construction of a public works project of the
 26 state that (WHICH) is to be located within the boundaries (OR OPERATING
 27 AREA) of the municipality (OR REGIONAL EDUCATIONAL ATTENDANCE AREA) and
 28 that (WHICH) would otherwise be constructed in the manner provided in
 29 AS 35.15.010. After receipt of the request, the department

(1) SHALL PROVIDE FOR THE ASSUMPTION BY THE MUNICIPALITY OR
 REGIONAL EDUCATIONAL ATTENDANCE AREA OF ALL OF THE DEPARTMENT'S RESPON-
 SIBILITIES RELATING TO THE PLANNING, DESIGN AND CONSTRUCTION OF AN
 EDUCATIONAL FACILITY;

(2) may provide by agreement for transfer to and assumption
 by the municipality of the department's responsibilities relating to the
 [PLANNING, DESIGN, AND CONSTRUCTION OF A PUBLIC WORKS] project, unless
 the commissioner determines that assumption of responsibilities by the
 municipality is not practicable or not in the best interests of the
 state.

* Sec. 6. AS 35.15.080(c) is amended to read:

(c) A municipality may request joint assumption of responsibil-
 ities with the department relating to the planning, design, and construc-
 tion of a public works project. [A REGIONAL EDUCATIONAL ATTENDANCE AREA
 MAY REQUEST JOINT ASSUMPTION OF RESPONSIBILITIES WITH THE DEPARTMENT
 RELATING TO THE PLANNING, DESIGN AND CONSTRUCTION OF AN EDUCATIONAL
 FACILITY.] Two or more municipalities (OR REGIONAL EDUCATIONAL ATTEN-
 DANCE AREAS) may by [MUTUAL] agreement provide for cooperative assump-
 tion of responsibilities relating to the planning, design, and construc-
 tion of a public works project. If two or more municipalities (OR
 REGIONAL EDUCATIONAL ATTENDANCE AREAS) request assumption of responsi-
 bilities for a project and meet the standard of practicability set out
 in (a) (a)(2) of this section, the commissioner shall determine which
 municipality (OR REGIONAL EDUCATIONAL ATTENDANCE AREA) is best able to
 direct planning, design, and construction of the project and enter into
 an agreement with that municipality (OR REGIONAL EDUCATIONAL ATTENDANCE
 AREA,) or provide for joint or cooperative administration, as the parties
 may agree or the commissioner may determine. Decisions of the commis-
 sioner under this subsection are final.

* Sec. 7. AS 35.15.090 is amended to read:

Sec. 35.15.090. USE OF APPROPRIATED FUNDS. Upon [ASSUMPTION BY A MUNICIPALITY OR REGIONAL EDUCATIONAL ATTENDANCE AREA OF THE DEPARTMENT'S RESPONSIBILITIES UNDER AS 35.15.080(a)(1), OR UPON] execution of an agreement under AS 35.15.080(a) [AS 35.15.080(a)(2)], state funds appropriated for a public works project which is the subject of the [ASSUMPTION OR THE] agreement shall be transferred to a special account in the state treasury. A municipality [OR REGIONAL EDUCATIONAL ATTENDANCE AREA] administering the project under the [ASSUMPTION OR] agreement may draw on the account for costs of the project, under fiscal control of the department. If an agreement provides for joint or cooperative administration of the project, payment of costs shall be made to the party incurring the costs.

* Sec. 8. AS 43.18.100(a) is amended to read:

(a) During each fiscal year, the state shall allocate to a municipality that [AN ORGANIZED BOROUGH OR A CITY WHICH] in a school district, the following sums:

(1) payments made by the municipality [BOROUGH OR CITY] during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred before July 1, 1977 to pay costs of school construction;

(2) 90 [80] percent of

(A) payments made by the municipality [BOROUGH OR CITY] during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1977 and before July 1, 1978 to pay costs of school construction;

(B) cash payments made after June 30, 1976 and before July 1, 1978 by the municipality [BOROUGH OR CITY] during the

fiscal year two years earlier to pay costs of school construction;

(3) 90 [80] percent of

(A) payments made by the municipality [BOROUGH OR CITY] during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after June 30, 1978 and before January 1, 1982 to pay costs of school construction projects approved under AS 14.07.020(11);

(B) cash payments made after June 30, 1978 and before July 1, 1982 by the municipality [BOROUGH OR CITY] during the fiscal year two years earlier to pay costs of school construction projects approved under AS 14.07.020(11);

(4) subject to (h) and (i) of this section 90 percent of

(A) payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred after December 31, 1981 to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1982 by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11).

* Sec. 9. AS 43.18.100 is amended by adding new subsections to read:

(h) An allocation under (a)(4) of this section for school construction begun after July 1, 1982, shall be reduced by the amount of money used for the construction of residential space, hockey rinks, planetariums, saunas, and other facilities for single purpose sporting or recrea-

H

B

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(7)

COMMITTEE REPORT

HOUSE

1/20/83

FURTHER: JUDICIARY

Date: March 9, 1983

Mr. Speaker:

The Committee on HESS has had HE 97

An Act relating to disclosure of vital statistics records and information; and providing for an effective date.

under consideration and reports it back as follows:

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

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]
CHAIRMAN

February 24, 1983

House Health, Education and
Social Services Committee
Room 112, Capitol Building
Pouch V
Juneau, AK 99811

attn: Mr. Dave Palmer

Although I earnestly wish to testify in person on HB91, I am unable to postpone a trip on March 4th and, therefore, am submitting the following testimony in favor of the bill:

I am both a family and professional genealogist (Alaskan Records Research, Business License number BL000201); hold a BLA with history emphasis from the University of Alaska, Juneau; am a full-time student in the Master of Arts in Teaching program at Alaska Pacific University; am employed half-time at the UAJ library; tutor history, english, geography, and logic at UAJ; am Alumni Representative on the UAJ Assembly; have published a family history and am currently working (in my spare time) on an historical novel.

With this variety of efforts underway, you can understand why I have little time to spend writing back and forth to prospective clients to obtain the written permissions required before I can access vital statistics data as my client's personal representative.

As it stands now, individuals can obtain vital statistics on their own ancestors but professionals or those working on far distant lateral relatives may not easily do so. A business must be cost-effective. Repeated correspondence is not (unless I raised my fees to cover it, which would price me out of the market). Thus, I simply refer many inquiries to the office of Vital Statistics and so lose the fees I could obtain for doing the research myself.

Passage of this bill will help all who are searching for long-lost relatives who "went up north to the goldrush and were never heard of again."

Being the first of my family to reside in Alaska, I have no family interest in opening Alaska's records. However, I would personally like to see my state on a par with the rest of the country. After tracing several thousand of my own ancestors, lateral, and collateral relatives through most of the northern states and Ontario, and collecting hundreds of official documents dated from 1738 to 1978, I have never been refused a record because of access restrictions except hospital patient records. I feel that this bill is a step in the right direction but could go further. People researching in Alaska should meet with no more roadblocks than I have experienced in other states. I would like to see the time limits of 100 and 50 years reduced to about 30 years, if the purpose is genealogical research. The most persuasive argument against opening birth records is the problem of illegitimacy. Besides the fact that it no longer carries the stigma it once did, a professional genealogist couldn't care less what the records say, all he or she is interested in

is locating them for the client. The client or individual researcher is a member of the illegitimate child's family and thus has a personal interest in keeping the fact of illegitimacy within the family.

I feel a person's right to know about their own heritage outweighs any "right to privacy" of their ancestors and this includes a person's right to hire a researcher if unable or unwilling to travel to Juneau to do their own research. Therefore, I highly recommend passage of this bill, preferably with an amendment allowing disclosure to genealogists of those vital records not made public by AS 18.50.310(f).

Sincerely



Kit Stewart
9119 Nagoon Lane
Juneau, AK 99801
789-9411



Official Business

Alaska State Legislature

House of Representatives

Peuch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: HOUSE MAJORITY CAUCUS

FROM: REP. RAMONA L. BARNES
HOUSE MAJORITY LEADER

DATE: April 19, 1983

RE: CS HB 91 (Judiciary); "An Act relating to disclosure of vital statistics records and information; and providing for an effective date."

Current law permits vital statistics to become public only under very limited circumstances. This bill would allow vital statistics to be used for historical research or genealogy after specific time limitations which are designed to protect the persons involved while making information available for those purposes.

Time limitations are as follows: When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or divorce, dissolution of marriage, or annulment, the records of these matters become public.

CN/rv

BILL HB0091
 PAGE 00069
 DATE 01/20/83
 CHAMBER HOUSE
 TEXT HOUSE BILL NO. 91 by Bettisworth, entitled:
 "An Act relating to disclosure of vital statistics records and information; and providing for an effective date."
 was read the first time and referred to the Health, Education & Social Services and Judiciary Committees.

BILL HB0091
 PAGE 00418
 DATE 03/07/83
 CHAMBER HOUSE
 TEXT The Health, Education & Social Services Committee has had HOUSE BILL NO. 91 (relating to disclosure of vital statistics records and information; effective date) under consideration, recommends it do pass, and attaches a zero fiscal note. Concurring: Fritz (Co-Chairman), Goll, Koponen, Cato and Davis.
 HB 91 was referred to the Judiciary Committee.

BILL HB0091
 PAGE 00857
 DATE 04/14/83
 CHAMBER HOUSE
 TEXT The Judiciary Committee has had HOUSE BILL NO. 91 (relating to disclosure of vital statistics records and information; effective date) under consideration, recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 91 (Judiciary) (same title), and reports it back as follows: Bussell (Chairman), Liska and Hayes recommend do pass; Wendte and Clocksin have no recommendation. A zero fiscal note was attached.
 HB 91 was referred to the Rules Committee for placement on the calendar.

Vital HOUSE BILL NO. 91, by Bettisworth. Adds new section to AS
Statistics 18.50.310 (Vital Statistics Act. Disclosure of Records) that
 (disclosure of records) would allow disclosure of certain records: "When 100 years have elapsed after the date of death, marriage, or divorce, dissolution of marriage, or annulment, the records of these events in the custody of the state registrar become public records subject to the provisions of AS 09.25.110 - 09.25.125." (AS 09.25.110 - 125, Evidence. Inspection and copies of public records; Inspection and copying of public records; Copies of public records for veterans; Enforcement: Injunctive relief.). Provides Act takes effect immediately.

HOUSE BILL NO. 91, (see pages 57;299). Reported back to the House April 14 by Judiciary recommending it be replaced with a Judiciary substitute and that it do pass. Concurring: Busseil, Chairman, Liska and Hayes. Not concurring: Wendte and Clocksin had no recommendation. To Rules.

The Judiciary substitute adds two new sections. Provides the Bureau may permit the use of data contained in vital statistics records for research purposes ". . . other than genealogical or historical research." Would not allow for information in vital statistics records indicating that a birth occurred out of wedlock to be disclosed as provided by regulations (currently allowed).

HB 91

"Vital statistics" refers to records of birth, death, fetal death, marriage, divorce, adoption and related data. With specific exceptions, vital statistics are not available for inspection.

The language of HB 91, taken from the 'Model State Vital Statistics Act' published by the Public Health Service, opens records to the public: birth records - 100 years after date of birth; and marriage, death, divorce, dissolution of marriage or annulment records - after 50 years.

Passage of HB 91 will make public approximately 33,000 of the 675,000 records held by the State Registrar of Vital Statistics. The bill addresses the concerns of geneological researchers. A zero fiscal note is attached to the bill. Committee of next referral is the Judiciary Committee.

Dave Palmer
March 4, 1983

"An Act relating to disclosure of vital statistics records"

The amendment to AS 18.50.310 to add a new subsection under (f) is similar to a provision in the Model State Vital Statistics Act which is endorsed by the Council of State Governments.

By making public, birth records after 100 years, and death, marriage, and divorce records after 50 years, it will satisfy the need expressed by many who desire to research their "roots". Because of the model law, many states have enacted this provision, with success, because, those vital records relating to the living and next of kin, are still primarily protected.

Passage of H. B. 91 would make public about 33,000 of the 675,000 records in the custody of the State Registrar of Vital Statistics.

It is acknowledged that care must be exercised in providing a place for the public review of these records, while assuring the continued safekeeping of the documents. The existing staff can monitor the record review.

The Department of Health and Social Services recommends passage of House Bill Number 91.

RECOMMENDED BY:

Joan P. Brooks
JOAN P. BROOKS
STATE REGISTRAR
BUREAU OF VITAL STATISTICS

Date:

February 8, 1983

APPROVED BY:

Robert London Smith
ROBERT LONDON SMITH, Ph.D.
COMMISSIONER
DEPARTMENT OF HEALTH &
SOCIAL SERVICES

Date:

2/11/83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill Number 91 . Date on Bill: _____
 Title: "An Act Relating to disclosure of vital statistics records"
 Sponsor: _____
 Requestor: Representative Bettisworth

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Janet Brooks by D. Lee 1983 Phone: 465-3391
 Division: Planning, Policy and Evaluation/Vital Statistics Date: February 22, 1983

Approved by Commissioner: Robert Gordon Smith Date: 2/22/83
 Department: N & S

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

18.50.310 DOCUMENT= 1 OF 1 PAGE = 1 OF 2
CHAPTER = 18.50
SECTION = 18.50.310
TITLE = 18

HEADINGS TITLE 18.
HEALTH AND SAFETY.
CHAPTER 50.
VITAL STATISTICS ACT.
ARTICLE 4.
RECORDS.

CITATION SEC. 18.50.310.
MATCH LINE

DISCLOSURE OF RECORDS.

TEXT (A) TO PROTECT THE INTEGRITY OF VITAL STATISTICS RECORDS, TO INSURE THEIR PROPER USE, AND TO INSURE THE EFFICIENT AND PROPER ADMINISTRATION OF THE VITAL STATISTICS SYSTEM, IT IS UNLAWFUL FOR A PERSON TO PERMIT INSPECTION OF, OR TO DISCLOSE INFORMATION CONTAINED IN VITAL STATISTICS RECORDS, OR TO COPY OR ISSUE A COPY OF ALL OR PART OF A RECORD, EXCEPT AS AUTHORIZED BY REGULATIONS ISSUED UNDER THIS CHAPTER.

(B) THE BUREAU MAY PERMIT THE USE OF DATA CONTAINED IN VITAL

18.50.310 DOCUMENT= 1 OF 1 PAGE = 2 OF 2
STATISTICS RECORDS FOR RESEARCH PURPOSES.

(C) INFORMATION IN VITAL STATISTICS RECORDS INDICATING THAT A BIRTH OCCURRED OUT OF WEDLOCK SHALL NOT BE DISCLOSED EXCEPT UPON ORDER OF A SUPERIOR COURT OR AS PROVIDED BY REGULATIONS.

(D) APPEALS FROM DECISIONS OF THE CUSTODIANS OF LOCAL RECORDS REFUSING DISCLOSURE UNDER (A) AND (B) OF THIS SECTION SHALL BE MADE TO THE STATE REGISTRAR, WHOSE DECISION IS BINDING UPON THE CUSTODIAN OF LOCAL RECORDS.

(E) THE DEPARTMENT MAY BY REGULATION PROVIDE FOR THE RELEASE OF INFORMATION TO AUTHORIZED REPRESENTATIVES OF ORGANIZATIONS OR FOUNDATIONS THAT COUNSEL THE NEXT OF KIN OF VICTIMS OF INFANT SUDDEN DEATH SYNDROME.

HISTORY (SEC. 27 CH 118 SLA 1960; AM SEC. 1 CH 132 SLA 1978)

0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill Number 91 Date on Bill: _____
 Title: "An Act Relating to disclosure of vital statistics records"
 Sponsor: _____
 Requestor: Representative Bettisworth

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital								
Operating								
Total			0	0	0	0		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Responsibility for identification of funding is that of the author of the bill.

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Jan Brooks by D. Lee 1/24/83 Phone: 465-3391

Division: Planning, Policy and Evaluation/Vital Statistics Date: February 22, 1983

Approved by Commissioner: Robert Gordon Smith Date: 2/22/83

Department: 12855

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

"An Act relating to disclosure of vital statistics records"

The amendment to AS 18.50.310 to add a new subsection under (f) is similar to a provision in the Model State Vital Statistics Act which is endorsed by the Council of State Governments.

By making public, birth records after 100 years, and death, marriage, and divorce records after 50 years, it will satisfy the need expressed by many who desire to research their "roots". Because of the model law, many states have enacted this provision, with success, because, those vital records relating to the living and next of kin, are still primarily protected.

Passage of H. B. 91 would make public about 33,000 of the 675,000 records in the custody of the State Registrar of Vital Statistics.

It is acknowledged that care must be exercised in providing a place for the public review of these records, while assuring the continued safekeeping of the documents. The existing staff can monitor the record review.

The Department of Health and Social Services recommends passage of House Bill Number 91.

RECOMMENDED BY: Joan P. Brooks
JOAN P. BROOKS
STATE REGISTRAR
BUREAU OF VITAL STATISTICS

Date: February 8, 1983

APPROVED BY: Robert London Smith
ROBERT LONDON SMITH, Ph.D.
COMMISSIONER
DEPARTMENT OF HEALTH &
SOCIAL SERVICES

Date: 2/11/83

HB 91

Kit STEWART

789-9411

wants to testify

D.A.R.?

VITAL STATISTICS MEANS ^{RECORDS OF} BIRTH, DEATH, FETAL DEATH
MARRIAGE, DIVORCE, ADOPTION AND RELATED DATA.

~~COPY 18-50.310~~

2/28

John Patterson - National Center for
Health Statistics - Hyattsville, MD.

Before '77 edition - vital statistics
were not available to public - new edition
added 50/100 yr provision. Some states
use ~~sets~~ yr provision 75/100

Tennessee adopted model statute
Georgia 75/100 -

Model language done for ^{vital} ~~sanitization~~ files -
12 states have "open" vital statistics records.

50 yrs, 100 yrs - most ~~states~~
followed.

==
CENSUS DATA vital after 100 yrs

ing a false status, occupation, membership, license, privilege, or identity or himself or another person shall be fined not more than \$[] or imprisoned not more than [] years, or both.

(c) Any person who uses any such document to commit a crime shall be punished by fine or imprisonment or both equal to that required by statute for the accompanying offense. Such sentence shall be served consecutively with that of the accompanying offense.

Section 4. [*Severability.*] [Insert severability clause.]

Section 5. [*Repeal.*] [Insert repealer clause.]

Section 6. [*Effective Date.*] [Insert effective date.]

Model State Vital Statistics Act (1977 Revision)

The Model State Vital Statistics Act is a document designed to be used by state registrars of vital statistics and state legislators when considering revision of the vital statistics laws. The main objectives of the 1977 revision of the model act are (1) to incorporate current social customs and practices and current technology into the policies and procedures of the vital statistics system in the states, (2) to promote the uniformity of these policies and procedures to the end that all vital records will be readily acceptable in all places as prima facie evidence of the facts therein recorded, (3) to enhance the level of comparability of vital statistics data among the states, and (4) to minimize duplication within the vital statistics system and thereby achieve maximum administrative economy.

The historical philosophy of the vital statistics systems in the United States is that vital events be registered only in the state in which they occur. This concept is maintained in this revision of the model act. The jurisdiction of the state registrar extends only to boundaries of his state, and standards for registration may be set and enforced only for those events occurring within those boundaries. This is a very important concept in maintaining the validity of vital records in their use for legal purposes. If it is to be respected, the appropriate procedures for recording birth and death information for United States citizens born or dying in foreign countries and certification of birth information for aliens adopted by United States citizens must continue to be the responsibility of those federal agencies which retain jurisdiction over recording these events.

While this revision of the model act does not constitute an abrupt departure from earlier acts, there are several modifications that should be noted. The most significant change relates to the establishment of a centralized system for the collection, processing, registration, and certification of vital records in each state, whereby all vital events are reported directly to the State Office of Vital Statistics. However, the model act contains authorization for local offices to perform those functions the state registrar may direct, including the receipt and processing of vital records and the issuance of certified copies, when such offices can be shown to be an aid to efficient and effective operation of the system. The model act further provides for the options of allowing such local offices to work with records only for their designated geographic area or to be given access to the entire state file and allowing them to issue certified copies without regard to where the event occurred within the state. The important concept, however, is that these offices are part of the State Office of Vital Statistics and are under the direct control of the state registrar.

The recommendation for a change from a locally oriented vital statistics system to a centralized system is based on several considerations: (1) a centralized system produces more timely registration of the records, thereby improving the timeliness of all operations, including publication of statistical data as well as fulfillment of citizens' needs for vital records services; (2) it decreases duplication and cost since many activities presently performed at local vital records offices are repeated at the state office; (3) it reduces the opportunity for fraudulent use of certified copies because amendments to the records will be easier to control and certified copies will

Records of each [divorce, dissolution of marriage, or annulment] decree granted during the preceding calendar month.

[(c) [Provision for a recording fee may be added here if desired.]]

Section 22. [Amendment of Vital Records.]

(a) A certificate or report registered under this act may be amended only in accordance with this act and regulations adopted by the state agency to protect the integrity and accuracy of vital records.

(b) A certificate or report that is amended under this section shall be marked "Amended," except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The state agency shall prescribe by regulation the conditions under which additions or minor corrections may be made to certificates or records within one year after the date of the event without the certificate or record being marked "Amended."

(c) Upon written request of both parents and receipt of a sworn acknowledgment of paternity signed by both parents of a child born out of wedlock, the state registrar shall amend the certificate of birth to show such paternity if paternity is not already shown on the certificate of birth. Such certificate shall not be marked "Amended."

(d) Upon receipt of a certified copy of an order of [court of competent jurisdiction] changing the name of a person born in this state and upon request of such person or his or her parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name.

(e) Upon receipt of a certified copy of an order of [court of competent jurisdiction] indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended [as prescribed in Regulation 10.8(a)(5)] to reflect such changes.

(f) When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and shall further advise the applicant of the right of appeal to [court of competent jurisdiction].

(g) When a certificate or report is amended under this section, the state registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly.

Section 23. [Reproduction of Vital Records.] To preserve vital records, the state registrar is authorized to prepare typewritten, photographic,

3 electronic, or other reproductions of certificates or reports in the [Office of Vital Statistics]. Such reproductions when certified by the state registrar shall be accepted as the original records. The documents from which permanent reproductions have been made and verified may be disposed of as provided by regulation.

1 Section 24. [Disclosure of Information from Vital Records.]

2 (a) To protect the integrity of vital records, to ensure their proper use, and to ensure the efficient and proper administration of the system of vital statistics, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital records, or copy or issue a copy of all or part of any such record except as authorized by this act and by regulation or by order of [court of competent jurisdiction]. Regulations adopted under this section shall provide for adequate standards of security and confidentiality of vital records.

10 (b) The state agency may authorize by regulation the disclosure of information contained in vital records for research purposes.

12 (c) Appeals from decisions of custodians of vital records, as designated under authority of Section 6(b), who refuse to disclose information, or to permit inspection or copying of records as prescribed by this section and regulations issued hereunder, shall be made to the state registrar whose decisions shall be binding upon such custodians.

17 (d) When 100 years have elapsed after the date of birth, or 50 years have elapsed after the date of death, marriage, or [divorce, dissolution of marriage, or annulment], the records of these events in the custody of the state registrar shall become public records and information shall be made available in accordance with regulations which shall provide for the continued safekeeping of the records.

1 Section 25. [Copies or Data from the System of Vital Statistics.] In accordance with Section 24 and the regulations adopted pursuant thereto:

3 (1) The state registrar [and other custodian(s) of vital records authorized by the state registrar to issue certified copies] shall upon receipt of a written application issue a certified copy of a vital record in his or her custody or a part thereof to any applicant having a direct and tangible interest in the vital record. Each copy issued shall show the date of registration and copies issued from records marked "Delayed" or "Amended" shall be similarly marked and show the effective date. The documentary evidence used to establish a delayed certificate shall be shown on all copies issued. All forms and procedures used in the issuance of certified copies of vital records in the state shall be provided or approved by the state registrar.

14 (2) A certified copy of a vital record or any part thereof, issued in accordance with Section 25(1), shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated

State
Office

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House Bill Number 798 *from '82*
 Title "An Act relating to disclosure of vital statistics records"
 Requested by Representative Hettisworth Date _____

II. FISCAL DETAIL
 Agency Affected Department of Health and Social Services
 Program Category Affected Division of Administrative Services
 BRU, Program, Or Subprogram(s) Affected Bureau of Vital Statistics
 (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	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	.4	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	.4	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	.4	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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

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

- 1. 8 foot table \$225.00
- 2. Chairs (2) \$175.00
- \$400.00

IV. DATE Feb. 23, 1982 PREPARED BY Paul P. Brooks *JCC*
 AGENCY Dept. of Health & Social Services
 PHONE 465-3391
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (Fiscal Note) gislator named)
 33-001 (Rev. 12/81)

Genealogical Society

3777 Archives x 2200

2276

2270

by → Chuck Stewart © 2270 - interested in genealogy

Kit Stewart

Alaskan Records Research

COURT RECORDS?

CENSUS AVAILABLE 30 YEARS

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.



U.S. DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Public Health Service
National Center for Health Statistics

Jean Drake
Room 103, A.S. B.
665-3391

Model State Vital Statistics Act
AND
Model State Vital Statistics Regulations

1977 REVISION

H

B

9

5



Sherman Carter
Executive Vice President

UNIVERSITY OF ALASKA

FAIRBANKS ALASKA 99701

March 18, 1983

OFFICE OF
MANAGEMENT & BUDGET
BUDGET REVIEW

Ms. Dorothy Pede
Office of Representative Lindauer
Pouch V
Juneau. AK 99811

Dear Ms. Pede:

This submission is to respond to the request you made to me for a fiscal note from the University of Alaska for House Bills 95 and 96.

If other information is desired or if I can be of help in any way, please let me know.

Sincerely,


Sherman Carter

SFC/man

Enclosures

cc: Legislative Finance
Office of Management & Budget
President Jay Barton
Chancellor Ed Biggerstaff
Chancellor David Outcalt

March 18, 1983

STATEMENT OF FISCAL IMPACT
HB 95

ASSUMPTIONS

1. Rental Space in Anchorage is approximately \$2.50/square foot per month including all utilities, electricity and janitorial services.
2. Lease escalation costs will increase ten percent annually.
3. Moving expenses for ACC will be approximately \$40,000.
4. Continuancy costs for the move period will be approximately \$10,000.
5. Cost to remove existing, condemned buildings which this rental space would replace, cap utilities and restore area on ACC campus - \$100,000.
6. No costs are included for additional equipment required. (Some administrative functions must remain on campus to be available to students.)

PROGRAM SUMMARY

The following costs would be associated with the move to additional lease space for ACC administrative headquarters and faculty office space.

	<u>Estimated FY84 Cost</u>
Lease Space of 32,000 square feet	\$ 960,000
Moving Costs	40,000
Continuancy Costs	10,000
Removal of existing buildings	<u>100,000</u>
	<u>\$ 1,110,000</u>

Note - All expenditures are considered contractual in nature.

March 18, 1983

STATEMENT OF FISCAL IMPACT
HB95

AGENCY COMMENTS

The FY84 capital budget request for the University of Alaska submitted by the Board of Regents includes \$10.6 million for a classroom/administration building for Anchorage Community College as priority #12 of 19 priorities submitted. This appropriation is favored to meet ACC's classroom/administration building need rather than moving ACC administrative staff and faculty offices to off-campus leased space for the following reasons:

1. As part of the educational process, students need substantial interaction with faculty. Moving faculty offices off-campus would isolate the faculty from students during non-class hours and inhibit the educational process.
2. Moving faculty offices off-campus would require commuting time to and from campus for faculty. Depending on the lease location, travel time to and from classes could be extreme and would reduce faculty efficiency.
3. Students require access to several of the functions provided by the administrative staff and these functions must remain on the campus. Moving the administrative headquarters off-campus would increase the administrative costs by requiring coordination, supervision and commuting between staff located on campus and off-campus.
4. Lease expenses for administrative and faculty office space for seven years equate to the cost of a new facility of approximately the same number of square feet. In addition, a facility constructed on-campus would be expected to last 50 years.
5. Having ACC provide one square foot of space to UAA for each two square feet of newly leased space is unnecessary as UAA will have a 52,000 square foot classroom and administration building completed this summer. UAA also has another \$25.3 million building included in the FY84 capital request.
6. In the face of declining oil revenues, continuing funding to cover ACC's need for an "administrative headquarters and faculty office building" through the operating budget in subsequent fiscal years, even if provided in FY84, is not assured, and most probably, if provided, would tend to cause comparable reductions in needed operating funds for ACC. Given the state's revenue picture, the university feels it would be unwise to make a commitment of this nature.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 198

I. REQUEST

Bill/Resolution No.: HB95
 Title: ACC Office Space
 Sponsor: Rep. Lindauer
 Requestor: Rep. Lindauer

II. FISCAL DETAIL

Agency Affected: University of Alaska
 Program Category Affected: Education
 SRU, Program or Subprogram(s) Affected: Anchorage Community College and University of Alaska, Anchorage

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1,110.0	1,056.0	1,161.6	1,227.8	1,405
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	1,110.0	1,056.0	1,161.6	1,227.8	1,405
CAPITAL						
REVENUE		1,110.0	1,056.0	1,161.6	1,227.8	1,405

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	1,110.0	1,056.0	1,161.6	1,227.8	1,405
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank Spargo Phone: 474-7593
 Division: Statewide Budget Office Date: March 18, 198
 Approved by Commissioner Executive Vice President Sherman Carter Date: March 18, 198
 Department: University of Alaska

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: HB96
 Title: ACC Office Space
 Sponsor: Rep. Lindauer
 Requestor: Rep. Lindauer

II. FISCAL DETAIL

Agency Affected: University of Alaska
 Program Category Affected: Education
 BRU, Program of Subprogram(s) Affected: Anchorage Community College and University of Alaska, Anchorage

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1,110.0	1,056.0	1,161.6	1,227.8	1,405.5
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	1,110.0	1,056.0	1,161.6	1,227.8	1,405.5
CAPITAL						
REVENUE		1,110.0	1,056.0	1,161.6	1,227.8	1,405.5

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	1,110.0	1,056.0	1,161.6	1,227.8	1,405.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Frank Spargo Phone: 474-7593
 Division: Statewide Budget Office Date: March 18, 1983
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Distribution:

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 Copy to Requestor (if different from Sponsor)

March 18, 1983

STATEMENT OF FISCAL IMPACT
HB 96

ASSUMPTIONS

1. Rental Space in Anchorage is approximately \$2.50/square foot per month including all utilities, electricity and janitorial services.
2. Lease escalation costs will increase ten percent annually.
3. Moving expenses for ACC will be approximately \$40,000.
4. Continuancy costs for the move period will be approximately \$10,000.
5. Cost to remove existing, condemned buildings which this rental space would replace, cap utilities and restore area on ACC campus - \$100,000.
6. No costs are included for additional equipment required. (Some administrative functions must remain on campus to be available to students.)

PROGRAM SUMMARY

The following costs would be associated with the move to additional lease space for ACC administrative headquarters and faculty office space.

	<u>Estimated FY84 Cost</u>
Lease Space of 32,000 square feet	\$ 960,000
Moving Costs	40,000
Continuancy Costs	10,000
Removal of existing buildings	100,000
	<u>\$ 1,110,000</u>

Note - All expenditures are considered contractual in nature.

March 18, 1983

STATEMENT OF FISCAL IMPACT
HB 96

AGENCY COMMENTS

The FY84 capital budget request for the University of Alaska submitted by the Board of Regents includes \$10.6 million for a classroom/administration building for Anchorage Community College as priority #12 of 19 priorities submitted. This appropriation is favored to meet ACC's classroom/administration building need rather than moving ACC administrative staff and faculty offices to off-campus leased space for the following reasons:

1. As part of the educational process, students need substantial interaction with faculty. Moving faculty offices off-campus would isolate the faculty from students during non-class hours and inhibit the educational process.
2. Moving faculty offices off-campus would require commuting time to and from campus for faculty. Depending on the lease location, travel time to and from classes could be extreme and would reduce faculty efficiency.
3. Students require access to several of the functions provided by the administrative staff and these functions must remain on the campus. Moving the administrative headquarters off-campus would increase the administrative costs by requiring coordination, supervision and commuting between staff located on campus and off-campus.
4. Lease expenses for administrative and faculty office space for seven years equate to the cost of a new facility of approximately the same number of square feet. In addition, a facility constructed on-campus would be expected to last 50 years.
5. In the face of declining oil revenues, continuing funding to cover ACC's need for an "administrative headquarters and faculty office building" through the operating budget in subsequent fiscal years, even if provided in FY84, is not assured, and most probably, if provided, would tend to cause comparable reductions in needed operating funds for ACC. Given the state's revenue picture, the university feels it would be unwise to make a commitment of this nature.

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



While in Juneau
Pouch V
Juneau, AK 99811
465-3709

House of Representatives

February 22, 1983

TO: House Health, Education & Social Services Committee
FROM: Representative John Lindauer *JHL.*
RE: House Bill #95: "An Act relating to office space for the Anchorage Community College; and providing for an effective date."

The intent of HB 95 is to provide a separate distinct administrative headquarters and faculty office building for Anchorage Community College.

Anchorage Community College is a growing school. They currently occupy several "temporary" (trailer type) office buildings.

The appropriation of \$1,000,000 would provide an additional 41,666.66 square feet of space (computed at \$2.00 per square foot per month for prime office space). With a long term lease or lease/purchase agreement, further capital funding for ACC administrative headquarters and faculty office space will be unnecessary.

Section 2 also provides for ACC to release space back for UAA thus easing UAA's space demands. It specifies that ACC will give up one foot of office space to UAA for each two feet it is able to lease.

H

B

9

6

9 a.m.
DHS - 3/7/83
Maurice Hubbard

\$ 2,152,100
Permanet Fund
Hold from loan

From The
SENATE
FINANCE COMMITTEE



Offered: 3/1/83
Referred: Rules

Original sponsor: Sackett

Funding Information
General Fund \$250,000
Other Funds -0-
\$250,000

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 96 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act reducing a fiscal year 1983 appropriation and
7 making a special appropriation to the Department of
8 Health and Social Services for inoculations for
9 hepatitis B; and providing for an effective date."

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

11 * Section 1. The sum of \$250,000 is appropriated from the general fund
12 to the Department of Health and Social Services for inoculations for hepa-
13 titis B.

14 * Sec. 2. Section 14, ch. 139, SLA 1982, page 14, line 11 is amended to
15 read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
16 SB 842 Providing for Permanent			
17 <i>Keep Hold Harmless clause</i>			
18 Fund Dividends - Appropriated			
19 to the Department of Health and			
20 Social Services	12,616,500	12,548,200	68,300
21	[12,866,500]	[12,798,200]	

22

23 * Sec. 3. The unexpended and unobligated portion of the appropriation
24 made by this Act lapses into the general fund June 30, 1984.

25 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
26 10.070(c).



Official Business

Alaska State Legislature

Senate

Committee on Finance

LEAP 2 5 83

Pouch V
State Capitol
Juneau, Alaska 99811

Monday, March 14, 1983

M E M O R A N D U M

To: Rep. MAE TISCHER, Co-Chair, House HESS ✓
Rep. MILO FRITZ, Co-Chair, House HESS

From: Sen. JOHN SACKETT *JS*

Subject: CSSB-96, appropriation for hepatitis B inoculations

I would appreciate your scheduling CSSB-96, before the House HESS Committee for action as soon as possible. Expeditious handling of this measure is important to the Department of Health so they will be able to stay on schedule with the detection and inoculation program.

Please feel free to call upon myself, or my assistant, Max Gifford, if you need additional information.

Thank you for your consideration.

JCS/mg

POSITION PAPER

SENATE BILL NO. 96

"An Act making a special appropriation to the Department of Health and Social Services for inoculations for hepatitis B; and providing for an effective date."

Sponsor: Sackett

This bill appropriates \$250,000 SGF to the Department of Health and Social Services for inoculations for hepatitis B and provides for an immediate effective date.

Background

A. The Disease

Hepatitis B is a disease caused by a virus. Disease severity can range from inapparent infection to a fulminating process leading quickly to death. There is currently no specific treatment against the virus.

Once infected, individuals may become chronic carriers of the virus, i.e., continue to be infected and to be able to spread infection to others. Moreover, chronic carriers of hepatitis B virus (HBV) are subject to complications including primary liver cancer with a nearly 100% mortality rate unless detected early or polyarteritis nodosa, a serious inflammatory disease of arteries with a 30% mortality rate. It is estimated that 20-25% of chronic HBV carriers will develop chronic active hepatitis with cirrhosis.

B. Prevalence

Both the rates of infection and the rates of chronic HBV carriers are known to be very high in certain Native groups in Alaska, particularly the Yupik-speaking groups in the Bethel area. In some villages which have been surveyed, the infection rate has been found to be as high as 73.1%.

Less is known about prevalence in other Native groups but there are reasons to suggest that rates are probably higher than among non-natives.

Other groups at high risk of HBV infection include: health and hospital care providers; hemodialysis patients; recipients of blood products, laboratory workers; dentists and allied dentist personnel; homosexuals; illicit users of injected drugs; staff and residents in institutions for the mentally retarded; sexual and household contacts of HBV carriers; newborn infants whose mothers are HBV carriers; and immigrants from geographic areas with a high incidence of HBV such as Southeast Asian refugees.

C. Vaccine

In November, 1981 a vaccine against hepatitis B was licensed for use in individuals 3 months of age or older. Vaccine is administered to high risk groups in three doses over a six month period. The vaccine is estimated to be 80-95% effective in protecting susceptible individuals. Duration of protection, and consequently the need for booster doses, is not known.

The vaccine is expensive (current cost is \$95.55 for sufficient vaccine for the three-dose course for one individual). Because of the high vaccine cost and because the vaccine is of no value to individuals already infected, pre-vaccination blood testing of potential recipients is recommended. Cost of blood testing is estimated at \$10-15 per test. To these costs must be added cost of vaccine distribution and administration plus data processing.

D. Existing programs

In the current fiscal year, DHSS undertook screening and vaccination of high risk groups in state institutions including Harborview Developmental Center, The Alaska Psychiatric Institute and State Correctional Centers.

The Alaska Native Health Service (ANHS) in cooperation with the federal Center for Disease Control has undertaken a vaccination program in the Bethel area villages where prevalence studies have been conducted. They have also used federal fiscal year-end monies (\$500,000 for FFY 1982) to purchase additional vaccine.

Proposed program

The proposed activities during FY 83 involve close correlation with the Alaska Native Health Service hepatitis B program. Emphasis will be placed on screening of the highest risk population who will not be reached by the ANHS. Susceptibles will receive vaccine.

Position

The Department is strongly supportive of funding in FY 83 which would permit intensification of the program in the current fiscal year. However, the Governor's Office is submitting a delete-add supplemental for \$250.0 utilizing funds already appropriated for Permanent Fund Hold Harmless. Thus, costs of HBV program activities in FY 83 could be absorbed without additional appropriation.

Recommended by: E. S. Rabeau M.D./DB
E. S. Rabeau, M.D., Director
Division of Public Health

Date: Feb 3, 1982

Approved by: Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and Social Services

Date: 2/7/83

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

1/31/83

Date: 2/7/83

Mr. President:

The Committee on HESS has had SENATE BILL NO 06

Special appropriation to the Department of Health and Social Services for inoculations for hepatitis B; eff. date.

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

- my 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

Paul Frecker

V. F. [Signature]

Paul Frecker

MEMBERS HAVING
OTHER RECOMMENDATIONS:

2 Paul Frecker No Rec.

Paul Frecker
CHAIRMAN

Alaska State Legislature

SENATOR

John C. Sackett

CO-CHAIRMAN

SENATE FINANCE COMMITTEE

MEMBER

COMMUNITY & REGIONAL AFFAIRS COMMITTEE

LABOR & COMMERCE COMMITTEE

BUDGET & AUDIT COMMITTEE

REGULATION REVIEW COMMITTEE



Senate

HOME ADDRESS
P.O. BOX 11
RUBY, ALASKA 99766

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
TELEPHONE 465-3753

March 4, 1983

The Honorable Ted Stevens
United States Senate
147 Russel Office Building
Washington, D.C. 20510

Dear Senator Stevens:

As you are aware Alaska faces a very serious problem because of the increasing numbers of people who either have or are susceptible to hepatitis. The State Department of Health and Social Services in conjunction with the Alaska Native Health Service has outlined a detection, surveillance and control program which will be administered by the State over the next four-five years. The program includes inoculation for those determined to have a high risk of contracting the disease. By 1987 the State Department of Health expects to have the problem under control and will continue monitoring the population as part of their regular programming.

The joint venture will cost an estimated \$5.75 million over the life of the program. The State anticipates providing \$2.75 million in funds and the Alaska Native Health Service will request federal funds of \$2 million through FY84 and FY85, in addition to \$500,000 which has already been received through ANHS, and another \$500,000 of FY82 year-end ANHS funds which were used to purchase vaccine for the inoculation program.

This letter is to call your attention to the fact it appears only \$500,000 has been proposed in the federal FY84 budget. (See attachment). It is important every effort be made to secure the full \$1 million in funds to augment state funding so the detection and inoculation program may continue on schedule.

Funding of \$250,000 from the state is in the process of being authorized by the State Legislature and the Governor for FY83, and an additional \$500,000 is expected to be approved for FY84. State health officials note it is vitally important that the program be kept on schedule so the "chain of infection" will be broken reducing the high-risk factor that faces so many Alaskans, particularly Native Alaskans.

The Honorable Ted Stevens

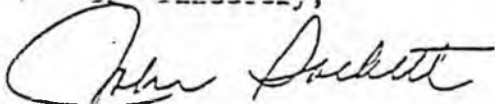
March 4, 1965

Page Two

Your help in securing the needed funds from the federal government for the coming fiscal year would be greatly appreciated. Please feel free to contact me, or my assistant, Max Gifford, if more information is needed. We can be reached in Juneau at: 465-3753.

Thank you very much for your attention to this important matter.

Very Sincerely,



OWEN C. SACKETT

State Senator

JCS/mg

enclosures

cc: The Honorable Frank Murkowski

The Honorable Don Young

also: Governor
- Robt. M.
- Alaska
- Turner, D.
- KUIP



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

February 17, 1983

Gene Dusek, Associate Director
Office of Management and Budget
Office of the Governor

Dear Gene:

Attached is a copy of the proposed committee substitute for SB 96, reducing the Permanent Fund hold-harmless appropriation by \$250,000 and reappropriating those funds to the Department of Health and Social Services to fund the hepatitis B inoculations program.

Senator Sackett, the original sponsor of the legislation, would very much appreciate a letter from you or the appropriate spokesperson in the Governor's office acknowledging that this approach for funding the inoculation program meets with the Governor's approval.

Use of the committee substitute for SB 96, as opposed to introducing new legislation, should expedite the bill through the legislative process so that it can be transmitted to the Governor quickly.

Although no date for hearing the substitute in committee has been set your participation at the hearing would be appreciated.

Thanks for your help. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Max Gifford".

Max Gifford
Administrative Aide

attachment: CSSB 96 (Finance)

FEB 23 1983

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 24, 1983

The Honorable John C. Sackett
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Sackett:

The proposed approach for funding the hepatitis B inoculations program contained in CSSB 96 should expedite approval of the funding for this important program. Accordingly, we will delete this item from the FY 83 appropriations transfer bill the Administration is preparing.

The identification of the funding sources for appropriation bills is a vital element in our State government's demonstration of fiscal responsibility. Thank you for your help.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bill Sheffield".

Bill Sheffield
Governor

Alaska State Legislature

Representative John Lindauer
District 10-A
3933 Geneva Place
Anchorage, AK 99508



Write in Juneau
Pouch V
Juneau, AK 99811
455-3709

House of Representatives

February 22, 1983

TO: House Health, Education & Social Services Committee
FROM: Representative John Lindauer *JHL*
SUBJECT: House Bill #96: "An Act making a special appropriation to the University of Alaska to lease a headquarters and faculty office building to be used by the Anchorage Community College; and providing for an effective date."

The intent of HB 96 is to provide the funds to accomplish the goals of HB 95 (see attached).

\$100,000 will provide 41,666.66 square feet of prime office space for 1 year.

Attachment

HB

103

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY
FINANCE

1/21/83

Date: Feb 11, 1983

Mr. Speaker:

103

The Committee on HESS has had HB 103
An Act establishing a Department of Corrections and transferring certain
functions of the Department of Health and Social Services to the
Department of Corrections; and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 103 (HESS) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]

[Signature]

[Signature]

Michael W. Miller

[Signature]

[Signature]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]
CHAIRMAN

1/25 ~~1/24~~

Fiscal NOTE JOANNE CLARK 3331

REQUESTED committee substitute adding 33.15.010 RE. PA016

also added about 12.70.220 (L)

Drafted Linn Asper

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

June 20, 1983

SUBJECT: Establishment of a Department of Corrections
(SCS CSHB 103 (Judiciary))

TO:

FROM: Linn H. Asper
Legislative Counsel

You have asked for a comparison between CSHB 103 (Judiciary), passed by the House and SCS CSHB 103 (Judiciary), passed by the Senate. The two versions of the bill contain similar provisions except that the Senate version deletes all references to the transfer of juvenile corrections functions to the proposed Department of Corrections. Therefore, under the Senate version the jurisdiction of the Department of Corrections would extend only to the adult corrections functions.

The specific differences between the two versions of the bill are as follows:

Section 1 is identical in each version except that the Senate version, on line 17, page 1, adds the term "adult" to make that section apply only to adult corrections.

Sections 2 - 33 are identical in the two versions.

Section 34 of the Senate version adds the word "adult" to make the section apply only to adult correctional institutions.

Section 35 is identical in the two versions.

Sections 36 - 64 in the House version, dealing with the transfer of the juvenile corrections function to the Department of Corrections, have been deleted in the Senate version.

Section 65 in the House version is identical to Sec. 36 in the Senate version.

Section 66 in the House version corresponds to Sec. 37 in the Senate version, but the Senate version retains certain juvenile jurisdiction in the Department of Health and Social Services while the House version transfers that jurisdiction to the Department of Corrections.

Sections 67 - 70 in the House version are identical to Secs. 38 - 41 of the Senate version.

Section 71 of the House version, stating provisions for the transfer of the juvenile corrections function to the Department of Corrections, has been deleted in the Senate version.

Sections 72 and 73 in the House version, establishing different effective dates for adult and juvenile corrections provisions have been merged into an immediate effective date in the Senate version.

LHA:ljb
14/032

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 1

"An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date."

The Committee substitute for House Bill No. 103 would accomplish the creation of the Department of Corrections which would include those functions pertaining to the administration of State programs dealing with State prisons and prisoners, probation and parole, extraditions and detainers and would also include State programs dealing with accused and adjudicated delinquent minors.

Departmentalization of the Adult Corrections System is an essential step in dealing with the current crisis and more longstanding problems.

The Governor and the Department of Health and Social Services support the creation of a Department of Corrections which would contain those functions dealing with adults accused or adjudged guilty of criminal offenses. The administration and the Department of Health and Social Services oppose the inclusion within such a Department of those functions pertaining to accused or adjudicated delinquent minors.

The Adult Corrections System within the State of Alaska is presently in an acknowledged crisis circumstance. It is beset with problems stemming from dramatic growth in prisoner population and forced capital expansion. In attempting to deal with an array of problems it is limited by outdated management structure it has long since outgrown.

Departmentalization of Corrections will ensure an increased focus on the problems besetting the correctional system and allow for altered management structure to deal with those problems. In addition, removal of the correctional system from the Department of Health and Social Services will decrease the drain on other vital human services programs.

Increased focus on correctional issues resulting from Departmentalization would enable the needs and problems of corrections to be routinely presented to the Governor and the Legislature. The alteration in management structure would allow for additional administrative support, the development of a more comprehensive corrections plan and in general a more effective administration of corrections programs. The ultimate result would be an increase in the effectiveness of the criminal justice system as a whole.

Juvenile delinquents differ significantly from adult criminals and should not be a part of an Adult Corrections Department.

The Administration opposes the inclusion of those functions dealing with accused and adjudicated delinquent minors for a variety of reasons.

POSITION PAPER

CS FOR HOUSE BILL NO. 103

PAGE 2

There is a very real difference between adult and juvenile offenders which is verified by national research and Alaskan data and reflected in the philosophical approaches of adult corrections and juvenile services programs. National research shows that juvenile crime is less serious than adult crimes in three ways. First, juveniles commit primarily property crimes - thefts. Second, juveniles are far less successful at such crimes than are adults and thefts committed by juveniles result in less financial loss. Last, but most importantly, juveniles commit far fewer crimes of violence than do adults, they use weapons less frequently and guns rarely, and cause less frequent and less serious injuries to victims than do adults. National research also indicates that a very small group of juveniles is responsible for a large number of the serious, particularly violent, crimes committed by juveniles. This group and the publicity given to their offenses is largely responsible for an erroneous public perception that juvenile crime is widespread and serious. It is not. Studies conclude that efforts should be made to identify those few exceptional juveniles who commit violent crimes and deal with them selectively in different ways than other juveniles are treated. (This is a policy supported by the Governor and embodied in legislation proposed by both the legislature - HB 109 - and the executive.)

Alaskan statistics verify that National trends hold true here also. Of 6,128 juveniles arrested in 1981 only 60 were arrested for serious, violent crimes (unclassified or Class A felony's). However, 33% or 2,047 juvenile arrests were for essentially non-criminal or status offenses (alcohol consumption, curfew, or runaway.) The vast majority of the 4,081 criminal arrests of juveniles during 1981, 42% or 1,749 were for theft offenses. Of all juveniles arrested during 1981 only 648 committed offenses serious enough to require formal adjudication by the court and only 95 of these were ordered by the Court to be placed in secure youth services institutions.

Adult Corrections deals with the end result of the crime problem. Youth Services controls the problem and focuses on the cause.

It is clear that juvenile crime and delinquents differ significantly from adult crime and criminals. This is reflected in the differing philosophies and approaches of adult corrections and youth services. Adult corrections efforts are directed at controlling the problems resulting from individual and societal failure. Juvenile services are directed at eliminating the causes of the problems and preventing the failures. The approach of adult corrections in dealing with offenders has increasingly been focused on incarceration as a result of legislation establishing a stricter determinate sentencing scheme, dramatic increases in prisoner population, and forced capital expansion. Rehabilitation has been a secondary consideration. In dealing with juveniles youth serving agencies are attempting to resolve problems of families and youth to prevent or reduce individual failure and

POSITION PAPER

CS FOR HOUSE BILL NO. 103
PAGE 3

delinquency, and ultimately prevent the development of adult criminals. This approach focuses equally on protecting the public and rehabilitating the individual. Services are designed to both control and supervise the individual and strengthen the juvenile and the family. The approach is comprehensive and aim is to achieve prevention, intervention, control and rehabilitation.

National research is showing increasingly that the primary cause of delinquency is the failure of families. As a result of this research there is an increasing understanding of the direct link between abuse and neglect of children and the development of juvenile delinquency, and even adult crime. Alaska is at the forefront of national thought in recognizing these important links and designing services to deal with the causes of delinquency in a comprehensive, coordinated way to prevent the development of adult criminals. Services for abused, neglected and delinquent children are presently organized in one agency which can more effectively address the causes rather than simply attempting to patch up the results of delinquency.

A comprehensive approach to youth and family problems is more effective and more cost efficient.

The placement of services for delinquent youths as well as services for those youths who are abused or neglected within a single comprehensive youth and family serving agency resulted from the recognition within Alaska of several important facts: 1) that there are real differences between adult offenders and juvenile delinquents, and 2) that a link exists between family breakdown, abuse and neglect of children, and juvenile delinquency. However, equally important was several years of study within the executive branch and a legislative audit report each of which concluded that combining all services for youth and families within one agency would result in more cost effective provision of services.

The benefits resulting from the present organization include:

1. increased focus and attention to juveniles and juvenile problems,
2. better coordination of services and reduced duplication of effort,
3. improved coordination in the development and implementation of policies and procedures affecting services for youth,
4. improved and more cost effective training for social workers and juvenile corrections personnel focusing specifically on juvenile services without unnecessary attention to adult issues,

POSITION PAPER

CS FOR HOUSE BILL NO. 103
PAGE 4

5. more efficient administration and comprehensive planning efforts for all youth services,
6. more effective utilization of resources, and
7. a comprehensive approach to the development of additional resources.

Of particular importance is the management by a single agency of the residential child care system - foster home, group home, and larger private treatment facilities - which includes recruitment, licensing, payment and assessment of effectiveness. Single agency administration of this system is of acute importance given the complexity of the issues relating to its operation, the level of fiscal resources required for the purchase of these services (\$16.4 million FY 84), and the fact that a study of method of operation and possible alternatives to the present system of determining costs of these services has been authorized by the legislature and is in progress.

A comprehensive approach is particularly important to rural Alaska.

The comprehensive approach to providing all youth and family services from within one agency has proven particularly beneficial in rural Alaska where traditionally services have been more expensive and less cost effective in terms of simple numbers. The comprehensive approach of the existing service structure allows a greater variety and higher levels of services to be provided in rural areas without significantly greater costs. The more effective utilization of resources in rural areas made possible by a comprehensive approach to Youth Services also allows greater effort to be expended to provide culturally relevant/sensitive services to Native Alaskans.

Transfer of Youth Services would disrupt the comprehensive approach to youth and family problems. Inclusion of services to delinquent youth within a Department of Corrections focusing on adult criminals and adult correctional programs would violently disrupt the comprehensive approach to youth and families. This disruption would inevitably result in a return to the previous duplication and lack of coordination, and would result in a greater expense, which were among the reasons services to delinquents were originally removed from the Division of Corrections. Disruption of the comprehensive approach of youth services would prove particularly detrimental to rural Alaska where the Division of Family and Youth Services is the primary social service resource and the benefits resulting from the increased coordination within a single agency is most apparent.

POSITION PAPER

CS FOR HOUSE BILL NO. 103
PAGE 5

Creation of a Department of Corrections is vital but youth services must not be included.

Although the Department and the Governor view the creation of a Department of Corrections as an essential step in resolving the present crisis in the adult correctional system, inclusion within such a Department of services for accused and adjudicated delinquent youth is adamantly opposed. Such an inclusion would be a regressive "step backward" in terms of philosophy and what has been demonstrated about the causes, nature and extent of juvenile delinquency. It would also be an important "step backward" in a fiscal sense because it would result in less efficient and less effective services and undoubtedly greater expenses in a time of decreasing resources.

The problems besetting the adult corrections system require the full attention of top administrators. Their time and efforts must not be diverted to other matters as would necessarily occur if youth services were included in a Department of Corrections. Under such a structure neither adult corrections problems nor youth services receive adequate attention or resources.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE:

March 21, 1983

APPROVED BY:

Robert London Smith, Ph.D.
Commissioner

DATE:

DEPARTMENT OF CORRECTIONS

OFFICE OF
THE
COMMISSIONER

OFFICE OF THE
ASSISTANT COMMISSIONER
OF OPERATIONS

S.C. Correctional Facilities,
S.C. Probation Offices,
Statewide Classification,
Training Academy, and
Statewide Prison Industries

OFFICE OF THE
ASSISTANT COMMISSIONER
ADMINISTRATION

Research, Planning,
Data Processing, Capital
Construction, Budget,
Finance, and Personnel

OFFICE OF THE
NORTHERN & INTERIOR
REGIONAL DIRECTOR

Northern & Interior
Correctional Facilities,
and Northern & Interior
Probation Offices

OFFICE OF THE
SOUTHEAST
REGIONAL DIRECTOR

Southeast Correctional
Facilities, and Southeast
Probation Offices

OFFICE OF THE
RURAL
REGIONAL DIRECTOR

DEPARTMENT OF CORRECTIONS

OFFICE OF THE COMMISSIONER				
EX	Commissioner			RC
PX	Exec. Sec. II	R/14		NP
PX	Spec. Asst. II	R/23		NP
GG	Info. Off. II	R/17		NP
GG	Clk Typ III	R/8		NP

OFFICE OF THE ASSISTANT COMMISSIONER OF OPERATIONS				
PX	Ast. Con.	R/28		RC
PX	Spec. Asst. I	R/21		RC
GG	Sec. II	R/11		NP

OFFICE OF THE ASSISTANT COMMISSIONER ADMINISTRATION				
PX	Asst. Com.	R/28		RC
GG	Sec. II	R/11		CP
GG	Sys. Anal II	R/20		NP
GG	Per. Off. III	R/20		NP
SU	Acct. Sup V	R/22		RC
GG	Adm. Off I	R/17		NP

OFFICE OF THE NORTHERN & INTERIOR REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		RC
GG	Sec. I	R/10		RC

OFFICE OF THE SOUTHEAST REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		RC
GG	Sec. I	R/10		RC

OFFICE OF THE RURAL REGIONAL DIRECTOR				
PX	Reg. Dir	R/24		NP
GG	Sec. I	R/10		NP

TYPE OF ACTION NECESSARY

RC - Reclassification of Current Position
 NP - New Position
 CP - Current Position

BARGAINING UNIT

E Exempt
 PX Partially Exempt
 GG General Government
 SU Supervisory Unit

Range	Title	Loc	Salary	Benefits	Benef	Cur	Total	3 mos	12 mos
14 X	Exec Secretary II	AWA	2241	383	137	240	3001	9003	36012
11	Secretary II	EBA	1862	318	114	240	2534	7602	30408
23 X	Spec. Asst. II	AWA	4149	709	254	240	5352	16056	64224
17	Info. Officer	AWA	2757	471	169	240	3637	10911	43644
8	Clerk Typist III	AWA	1553	265	95	240	2153	6459	25836
24 X	Reg'l Dir.-Rural	AWA	4936	844	303	240	6323	18969	75876
20	Pers. Officer	AWA	3469	593	213	240	5122	15366	61464
17	Admin. Officer I	AWA	2824	483	173	240	4720	11160	44640
20	Systems Anal. II	AWA	3394	580	208	240	4422	13266	53064
9	Secretary I	EBA	1803	308	111	240	2462	7386	29544
SUBTOTAL							116,178	464,712	

Reclassifications

PCN	From	To	Net Change:	
			3 mos	12 mos
4001	Director, Div of Corrections	Commissioner, Dept of Corrections	1380	5520
4840	Dep. Director Operations	Asst. Comm. Operations	3210	12840
4613	Dep. Director Administration	Asst. Comm. Administration	3210	12840
4813	Internal Mgmt. Administrator	Accounting Supervisor V	-0-	-0-
4159	Asst. Superintendent	Regional Director (Fbks)	7032	28128
4036	Probation/Parole Admin.	Regional Director (Juneau)	-0-	-0-
4513	Clerk Typist III	Secretary I (Juneau)	759	3036
4679	Clerk Typist III	Secretary I (Anchorage)	759	3036
4510	Asst. Director Corrections	Special Assistant I	-0-	-0-
SUBTOTAL			16,350	65,400
GRAND TOTAL			132,528	530,112

DEPARTMENT OF HEALTH AND SOCIAL SERVICE POSITIONS WHICH ARE TRANSFERING TO
THE NEW DEPARTMENT OF CORRECTIONS OFFICE OF ASSISTANT COMMISSIONER OF ADMINISTRATION

FROM DIVISION OF MANAGEMENT AND BUDGET

<u>Title</u>	<u>Range</u>	<u>PCN</u>	<u>Loc</u>
Program Budget Analyst III	R/19	0004	AWA
Public Facilities Planner II	R/21	0501	AWA
Public Facilities Planner I	R/20	0503	EBA
Public Facilities Planner I	R/20	0502	EBA
Accounting Clerk I	R/8	0504	AWA
Clerk Typist II (FPT)	R/7	0505	EBA

FROM DIVISION OF ADMINISTRATIVE SERVICES

<u>Title</u>	<u>Range</u>	<u>PCN</u>	<u>Loc</u>
Personnel Officer I	R/16	0056	EBA
Clerk IV	R/9	0095	AWA
Accounting Clerk I	R/8	0046	EBA
Clerk Typist III	R/8	0058	EBA
Acct. Clerk II	R/9	0020	AWA
Acct. Clerk II	R/9	0016	AWA
Acct. Clerk II	R/9	0049	AWA

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 103 (Jud) Date on Bill: _____
 Title: "An Act establishing a Department of Corrections . . ."
 Sponsor: Reps. Fritz, Koponen, Furnace, Goll, and Davis
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			-0-	-0-	-0-	-0-		
Operating			*	951.6	1008.7	1069.3		
Total			*	951.6	1008.7	1069.3		

b. Revenues:

Revenue								
---------	--	--	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

Funding source for FY 83 is add/delete in SB 158 submitted by the Governor.

3. Assumptions:

House Bill No. 103 will create the Department of Corrections necessitating the transfer of the Division of Corrections and Parole Board from the Department of Health & Social Services to the new department, creation of ten new positions, the reclassification of nine Division of Corrections positions and the transfer of 13 positions from the Department of Health & Social Services Division of Management and Budget and Administrative Services to the new Department.

Transfer of Juvenile Corrections will delete 220 employees and 11 million dollars from DHSS and add the same amount to the Department of Corrections. The additional cost for 4 positions may be necessary to cover the administrative and personnel responsibilities associated with the transfer of the 220 positions to the Department of Corrections.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: David R. Palmer  Phone: 465-3777
 Division: House HESS Committee Date: 3/17/83

Approved by Commissioner: _____ Date: _____
 Department: _____

5. Distribution:
 Original to Legislative Finance
 Copy to OMB
 Copy to Sponsor
 Copy to Requestor

STATE OF ALASKA -- BUDGET UNIT SUMMARY

17:22

1/26/83

AGENCY: DEPARTMENT OF HEALTH & SOCIAL SERVICES
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: YOUTH CORRECTIONAL SERVICES

COMPONENT DESCRIPTION	FY83 ATH	FY83 SUP	CONT.	REQUEST	GOV AMD	GOVERNOR	HOUSE	SENATE	F.C.C.	BILLS	LEG.REC
ADMINISTRATION	178.5		226.7	226.7		178.5					
FIRST DISTRICT	498.1		527.1	591.2		527.1					
THIRD DISTRICT	1126.5		1164.2	1260.8		1164.2					
SECOND & FOURTH DISTRICT	890.5		907.6	956.7		907.6					
MCLAUGHLIN YOUTH CENTER	5956.6		6062.7	6327.8		6062.7					
FAIRBANKS YOUTH FACILITY	1319.0		1379.8	1499.6		1379.8					
NOME YOUTH FACILITY	975.4		987.3	987.3		902.3					
JUNEAU WOMEN'S & JUVENILE FAC.	151.0		148.7	156.8		148.7					
KETCHIKAN FACILITY	180.0										
** TOTAL	11275.6		11404.1	12006.9		11270.9					
** CHANGE VERSUS FY83 ATH				6.4%	-100.0%		-100.0%	-100.0%	-100.0%		
OBJECT DESCRIPTION											
PERS. SERV.	8895.1		9112.6	9581.6		9066.2					
TRAVEL	177.3		176.9	176.9		165.1					
CONTRACTUAL	1114.4		1084.0	1084.0		1009.0					
COMMODITIES	574.9		569.0	584.1		569.0					
EQUIPMENT	85.4		12.7	47.7		12.7					
GRANTS, CLMS	428.5		448.9	532.6		448.9					
FUNDING SUMMARY											
GENERAL FUND	11275.6		11404.1	12006.9		11270.9					
** GENERAL FUND CHANGE VS. FY83 ATH				6.4%	-100.0%		-100.0%	-100.0%	-100.0%		
POSITIONS											
FULL TIME	222.0		222.0	222.0		221.0					
PART TIME	1.0		1.0	1.0		1.0					
STAFF MONTHS	2857.0		2847.0	2847.0		2835.0					

HB 103, ESTABLISHING A DEPARTMENT OF CORRECTIONS

The proposal to change the division of corrections within the Department of Health and Social Services to departmental status is one that is supported by the Governor's office, correctional professionals, and the House HESS committee.

Elimination of the correctional crisis in this state is of primary concern to me, and I know that members of the Judiciary committee are keenly aware of the problems facing the correctional system. The overcrowding, the mismanagement, the poor conditions and lack of alternatives to incarceration, are all challenges that face us in the current legislative session. You have heard the briefing on the Cleary case and know that the problems are real and that cooperation between all branches of government will be necessary.

With proper administration, budgeting, and organization, the problems can be solved. Proper management is the beginning. The new Department of Corrections and a responsive management team will be the first step. By creating a Department, a commissioner and executive staff can be appointed who answer directly to the commissioner. The existing division of corrections has been plagued with inconsistent management within the division and within the Department of Health and Social Services. The division has placed a disproportionate load on several Department of Health and Social Services programs, and the goal of the division of corrections is not necessarily consistent with the

goals of the Department of Health and Social Services, which are oriented toward public health, public assistance, mental health, and family and youth services.

The proposal to create a new department, as presented to the HESS committee, is to retain 9 existing positions and transfer them to the new department. One existing position in corrections will be retained and ten new positions will be created. Mr. Endell and his staff can speak better to the fiscal and administrative makeup of the department, so I will leave that to him.

The issue of juvenile corrections was discussed by the committee. The consensus of the committee was that juvenile corrections should be included within the new department, but the transition should occur after the new department is established and has been able to correct some of the immediate problems at hand.

The lack of specific information regarding the department of corrections has been frustrating for those of us who must evaluate the proposal. However, in this instance, considering the scope of the problem and the urgency of the problem, I am willing to give the Governor the benefit of the doubt and trust his office to implement an effective corrections program.

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HB

109

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY

1/21/83

Date:

2/20/83

Mr. Speaker:

The Committee on HESS has had HB 107
An Act relating to the right to a natural death.

under consideration and reports it back as follows:

- 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 Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Milo H. Fartz

William J. ...

William J. ...

...

...

...

...

...

...

...

MEMBERS HAVING
OTHER RECOMMENDATIONS:

M. W. Miller No Rec

Milo H. Fartz
CHAIRMAN



REPRESENTATIVE DON CLOCKSIN

Alaska House of Representatives

ASSISTANT MINORITY LEADER

1527 H STREET
ANCHORAGE, ALASKA 99501
9071278-4188

WHILE IN JUNEAU:
POUCH V
JUNEAU, ALASKA 99801
9071465-3104

SUMMARY OF HOUSE BILL 107

RIGHT TO NATURAL DEATH

Purpose: Recognizes the fundamental right of adults in Alaska to control the decision to have artificial life - sustaining procedures withheld or withdrawn in the case of a terminal condition.

Declaration Form: An adult may sign a written statement expressing his or her desire that artificial means should not be used to prolong the dying process.

Revocation: Explains how a person can revoke the written declaration.

Physician's Responsibility: An attending physician must certify that the patient's condition is terminal in order for the patient to qualify under the statute.

Immunity: A physician, health facility, or licensed professional acting under the direction of a physician is immune from any liability if they act in accordance with the provision of the bill.

Penalties: Penalizes persons who conceal or falsify a declaration of another, and submits a physician to civil liability for failure to comply with the declaration of his or her patient.

Alaska
State
Hospital
Association

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board
Ronald A. Pavellas
Humana Hospital Alaska
Anchorage

Chairman-Elect
Mark Hawkins
Sitka Community Hospital
Sitka

Immediate Past Chairman
Tom Mingen
Fairbanks Memorial
Hospital
Fairbanks

Secretary/Treasurer
Edward Zeine
Cordova Community
Hospital
Cordova

Delegate to the American
Hospital Association
A. M. Camosso
Providence Hospital
Anchorage

Alternate Delegate to the
American Hospital Assoc.
Michael Lockwood
Central Peninsula Hospital
Soldotna

Delegate to the American
Health Care Association
Jack Buck
St. Ann's Nursing Home
Juneau

Alternate Delegate to the
American Health Care
Association
Emma G. Ivy
Wrangell General Hospital
Wrangell

Delegate to the Association
of Western Hospitals
Michael Herring
South Peninsula Hospital
Homer

Alternate Delegate to the
Association of Western
Hospitals
Daniel Van Wieringen
Kodiak Island Hospital
Kodiak

Trustee Delegate to the
American Hospital Assoc.
Moe Kadish
Trustee, Providence
Hospital
Anchorage

Alternate Trustee Delegate
to American Hospital
Association
Robert Jensen
Central Peninsula Hospital
Soldotna

Physician Member of
the Board
Keith Brownberger, M.D.
Anchorage

President
Dennis L. DeWitt
Juneau

January 25, 1983

The Honorable Don Clocksin
Alaska House of Representatives
State Capitol
Pouch V
Juneau, AK 99811

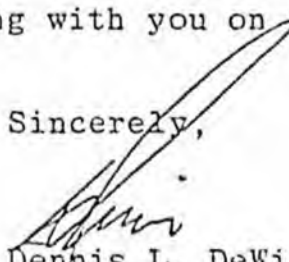
Dear Representative Clocksin:

The Alaska State Hospital Association is pleased to offer our support for HB 107, An Act Relating to the Right for a Natural Death. This is a responsible approach to resolving a critical, ethical and legal medical problem.

A question does come to mind as to what would happen to a physician and/or a health facility when care is withheld pursuant to a "valid" declaration, but subsequent to death a discovery is made that a revocation existed.

We look forward to working with you on this measure.

Sincerely,


Dennis L. DeWitt
President

cc: House HESS
House Judiciary

POSITION PAPER

HOUSE BILL NO. 107

"An Act relating to the right to a natural death."

The right of a competent individual to decide whether life-sustaining procedures should be used in the face of a terminal illness or injury has received increasing attention in recent years as medical technology has expanded and individual cases have received media attention.

This Bill provides a process through which competent individuals can participate in decisions regarding their care when afflicted with a terminal condition. "Terminal condition" is restricted to situations in which two physicians determine that death will occur whether or not life-sustaining procedures are used. These procedures would only apply when a competent individual makes a positive decision to forego life-sustaining intervention and not in circumstances such as occurred in the much publicized Quinlan case.

The Bill appears to address the interests of the declarant, the health care providers and the heirs of the dying person. The Department of Health and Social Services supports the intent of this Bill. It is assumed the Department of Law is also reviewing it for adequacy of legal safeguards for participants as well as the penalty provisions.

Recommended by:

E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date:

1.1.1983

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health & Social Services

Date:

2/2/83

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 107
Title "An Act relating to the right to a natural death."
Requested by House HESS Committee Date 2/1/83

II. FISCAL DETAIL

Agency Affected Health and Social Services
Program Category Affected Health
BRU, Program, Or Subprogram(s) Affected _____

(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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This Bill prescribes procedures to allow adult persons to control decisions relating to the withholding or withdrawal of life-sustaining procedures when they suffer from a terminal illness or injury.

IV. DATE 2/1/83 PREPARED BY Dean F. Tirador, M.D.
AGENCY Health and Social Services
Original: Legislative Finance PHONE 465-3150
cc: Budget and Management

Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/82) OIB REVIEWED BY: NANCY DUNN *[Signature]*

ALASKA

STATE LEGISLATURE

MEMORANDUM

To the committee:

The following position paper was prepared by the office of the Executive Director of the Older Alaskans Commission (OAC) for review and approval by the commission. The commission will consider the legislation at their meeting on February 17, 1983.

Rep. Don Clocksin

Position Paper
OLDER ALASKANS COMMISSION

HB 107 "Right to a Natural Death"

February 15, 1983

We recommend that the OAC support the passage of HB 107 "An act relating to the right of a natural death".

With two insignificant word changes HB 107 is the same as HB 855 introduced by Rep. Clocksin and Rogers in the 12th legislature second session, February 16, 1982. The first change is found on page 3 line 29 under section 18.12.020. "Become" in the old bill is now "is" ("...the revocation IS effective on communication..." rather than "...the revocation becomes effective..."). The second change is found on page 5 line 29 under section 18.12.050. In the old bill the penalty for falsifying or forging a declaration which directly causes life sustaining procedures to be withheld or withdrawn and death to be hastened "commits the crime of murder in the first degree." In HB 107 the penalty is the same except that it reads "death to be hastened violates AS 11.41.100". The sentence for conviction of murder in the first degree is "at least 20 years and not more than 99 years" (AS 12.55.125).

The concept in HB 855 was supported for passage by the 1981 Alaska White House Conference on Aging, March 15, 1981. The delegates to the White House Conference on Aging supported passage of HB 855 in a meeting of February 24, 1982 and reported that action to the Older Alaskans Commission February 25, 1982 and asked for OAC support . There appears to be no