

ALASKA LEGISLATURE COMPILLED FILES

1903 1904 0014

2232 HHESS HB - 107 - HB 117

2232

action taken by the OAC in meetings on that date or later on April 28 or 29, 1982 or June 2, 3, or 4, 1982.

The most significant discussion on the merits of HB 107 will center on the exact definition of "life sustaining procedures" and "the performance of medical procedure considered necessary to provide for the comfort of a qualified patient."

The nursing profession considers intravenous fluids and feeding as providing "comfort of a qualified patient." To withhold iv fluids and feeding in the view of the nursing profession is to promote dehydration and starvation.

The problem is that to provide fluids and feeding prolongs life, in some cases for years, when there is absolutely no hope for recovering and death is inevitable. Presently a comatose patient at Nakoya health center in Anchorage who has brain damage and was expected by doctors to die soon after admission has been sustained by fluids and food administered intravenously for over three years. The intravenous feeding and food might be considered to provide comfort but they thwart the intention of the right to a natural death. Furthermore, the question of a comatose person being comfortable or not from starvation or dehydration is moot if he has no feeling. The degree of comfort or discomfort from the process of withholding fluids and food is subject to the administration of other pain killers. It would appear that when a patient is unable to take fluids and food orally and there is no hope of recovery, administering them intravenously is a life sustaining procedure and thwarts the intention of a

right to a natural death. We recommend that section 18.12.120 definitions on page 7 be changed to add under section 3 "life sustaining procedures" subsection (a)...means a medical procedure or intervention(, INCLUDING INTRAVENOUS FEEDINGS AND FLUIDS,)

Impact on agencies: If this bill were authorized and passed it might result in less expense to the tax payers of Alaska for whom this bill would provide some relief at the point of not having to sustain a number of people in a comatose condition that is otherwise hopeless. That is the greatest impact.

A similar impact on nursing homes would reduce the population in nursing homes where people are now being sustained. If they had their will they might not themselves wish to be so.

Dr. Wilson

XB107

3/14/83

Teleconference

Dr. - Opposes Bill as written

1. opens up the will before death.

Arch - H. Print Saccaway - South addition

AARP members + other Sen. Citizens groups

Speaks in Favor of the bill

1. Basic Freedom
2. Wants to make the own decisions.
3. Compliments Teleconference.

⊗ Delors Kenney - Res. Nurse - Rights to Life

Opposes the Bill

1. unnecessary. Already has a right to this.
2. undercut the rights of the majority.
- ⊗ 3. dangerous precedence authority of do over patient.
- ⊗ 4. Abuse can be handled by existing laws.
5. Could be undertreated.
6. How about the people who do not sign a living will. & extraordinary measures may be interpreted as being needed (over-treatment.)
- 7.

Florence Orr - O.P.A.D. ^(members) (600) Senior voice

1. Priority of O.P.A.D. - Speaks for the Bill
2. Has a right to be kept alive on machines
3. Was better: wants.

Irene Headstrom - Pioneer Homes - State Employee

1. Resident asks for something to sign not prolonging life.
2. Resident want to be burden.
3. Closer in constituents.

Mr. Ellis Veatch - none

Pola Reed - 831 W. 19th (Private) Good Subst Memorial Society

1. Parents were adamant about natural death.
2. Doctor cooperated

Theodore ~~Bro~~ Abraham - Project Director Chicago In. Citizens Center

1. don't cover the bill

2.

Pasquel Bedigno - Guinean citizen

1. Opposes Bill.
2. we already have the rights
3. State doesn't have the right to intervene. Leave it to family + Dr.
4. State didn't regulate abortion + shouldn't regulate / intervene in death

ALASKANS FOR LIFE

Incorporated

P. O. Box 2186

Juneau, Alaska 99803

March 14, 1983

TO: Members of the House HESS Committee - Alaska Legislature

Subject: H.B. 107, "An Act relating to the right to a natural death"

INTRODUCTION:

House Bill No. 107, an act relating to the right to a natural death, is "living will" legislation similar to so-called "death with dignity" and "natural death acts" proposed in many State Legislatures across the country. We are opposed to legislation of this kind.

We do not argue with the stated goals of the bill. We recognize the basic right of the patient to refuse the use of devices to prolong life when death is imminent. We also believe it is healthy for people to think about their death and to prepare for it.

Our opposition to this kind of legislation stems from the manner in which it attempts to achieve its goals. We are opposed to the concept of the living will because of the havoc it will cause in the physician-patient relationship and other potential harm that legislation of this kind may bring with it.

OBJECTIONS:

In general, the following summarizes our thoughts about this bill:

1. Living will legislation is unnecessary; patients already have those rights that this bill seeks to convey to the patient.
2. Superimposing a "legalism" into the decision surrounding the natural death process will hinder and interfere with good medical practice rather than help it.
3. This bill, if passed, will undercut the presently recognized rights of the majority who will not sign a living will.

4. The bill promotes uninformed consent to a future decision, the circumstances and details of which are unknown at the time of the decision.
5. The bill involves a dangerous precedent in implying that the physician has rights over the patient and that the State confers those rights.

ALTERNATIVE LEGISLATION

What does this legislation seek to do? Presumably it is the desire of the supporters of this kind of legislation to protect the rights of either the patient or the physician or both. While we do not accept the need for this bill its goals could be accomplished without also jeopardizing the rights of non-signing patients and physicians.

We suggest a direct approach. Pass a law acknowledging the fundamental rights of the patient to make decisions affecting their care and restate the principle that extra-ordinary life sustaining measures may be withdrawn by the attending physician when done in his best judgement under the usual and customary standards of medicine following approval of the patient and/or family.

This approach would avoid the difficulty of definitions. There would be no requirement for signing a directive affirming one's rights and consequently no injury to those who do not sign and there would be no pitfalls and potential for serious abuse that exists in living will legislation.

CONCLUSION

We have chosen not to comment on specific provisions of H.B. 107. We believe this bill, in any form which gives legal status to a written directive, is not in the best interest of society. We urge you to preserve the rights of all patients by rejecting the concept of the living will.



Sidney Heidersdorf
ALASKANS FOR LIFE, INC.

I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such a power — not myself or any other.

Pearl S. Buck, Nobel Laureate

A society is measured by the way it treats its young, its old, and its helpless. We recognize that the emphasis today is on "quality of life", but we must not let our concern for quality overpower our concern for LIFE itself.

We must safeguard the valuable tool we now have to determine each and every case individually — not by legislation but by HUMAN RIGHTS. Now that medical technology has advanced to the point where we no longer have a uniform "definition of death" to rely on, we must rely on human rights for our ethics — for we can no more justify prolonging the dying process by the application of abusive technology when there is no possible hope of recovery than we can justify burying the "doubtfully dead".

OUR CHALLENGE IS CLEAR.

We must:

- take a more realistic and accepting approach to aging, disability, dying, and death.
- re-evaluate hospitals and institutions and restructure them, if necessary, to meet their vital and difficult tasks. Much CAN be done to meet the needs of the disabled and dying. One such successful program is the HOSPICE concept, which offers loving, compassionate and skilled care for the dying.
- build caring and concerned communities which will preserve and defend human life, rights and dignity.
- become better informed on today's life issues so that we might help others understand them.

THE QUESTION IS: ARE WE GOING TO SAY, "I'M SORRY YOUR LIFE IS DIFFICULT. I WILL KILL YOU," OR ARE WE WILLING TO SAY, "I'M SORRY YOUR LIFE IS DIFFICULT. WHAT CAN I DO TO MAKE IT BETTER"?

THIS'LL
KILL
YOU

eu-tha-na-sia \yü-thä-'nä-zh(e) *n* [Gk. easy death, fr. *eu-* + *thanatos* death — more at **THANATOS**]: the act or practice of killing individuals (as persons or domestic animals) that are hopelessly sick or injured for reasons of mercy — **eu-tha-na-sic** \-zik, -sik\ *adj*

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EUTHANASIA

You've heard this word on TV. You've seen it in the newspapers. What does it mean to you? Does it mean that to **everyone**?

The **real** meaning of the word EUTHANASIA is muddled, because it conjures up images of everything from the senseless slaughter of millions in Nazi Germany, to mercy killings, to "pulling the plug" on old Uncle Charlie when there is no more hope of recovery. Usually we hear about euthanasia in terms of positive active euthanasia (**forcing** a person to die), or negative passive euthanasia (doing nothing, **allowing** death to come naturally). But as medical science rapidly changes, these distinctions become engulfed in a "rhetorical smokescreen", and it becomes increasingly important for us to "clear the air" so that we might fully understand this LIFE and DEATH issue that **may well affect us**.

Today, the word euthanasia has been stretched to include three quite different concepts:

- Death with Dignity
- Mercy Killing
- Death Selection

1 **DEATH WITH DIGNITY**, in the truest sense, means **allowing a terminally ill patient to die naturally**, without the mechanized desperation that often turns death into an inhumane ordeal (e.g. not using, or discontinuing, **extraordinary** means when a person has irrevocably entered the process of dying — in some instances called "pulling the plug")

EACH OF US HAS THE RIGHT TO EXPECT AND TO DEMAND TO DIE WITH DIGNITY, JUST AS WE HAVE THE RIGHT TO EXPECT AND TO DEMAND TO LIVE WITH DIGNITY.

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Mpls., Minn. 55411
(612) 821-8408

This is not to say that we should neglect the dying person. The dying person, like any human being, is entitled to medical care that is reasonable and prudent under the circumstances involved, allowing him to *live with dignity* until the moment of death.

No church or medical group disapproves of Death with Dignity; no legislation is necessary to clarify this. What is necessary is education and support for dying persons and their families.

We must continue to CARE, even when there is no hope for CURE.

2 MERCY KILLING is positive, direct euthanasia, either voluntary or involuntary. As opposed to Death with Dignity, which permits the dying to die naturally, Mercy Killing employs active means to cause death, or at least to speed up death (such as a lethal injection).

Mercy Killing also includes the abandonment or withdrawal of ordinary medical care — those medical and surgical procedures commonly used to relieve sufferings and problems due to injuries and/or illnesses, based on the individual patient, the individual circumstances, and the available medical technology. (An example of this second type of Mercy Killing would be the denial of necessary surgery to a child who is retarded, when, if needed by a "normal" person, the identical care would not be questioned.)

WE MUST MAINTAIN A CLEAR DISTINCTION BETWEEN "LET HIM DIE" and "KILL HIM OFF".

3 DEATH SELECTION (involuntary or even mandatory euthanasia) involves the killing of persons who are "no longer considered socially useful" or who are judged to be a "burden" on society. This type of euthanasia, more aptly called **MANAGERIAL EUTHANASIA**, is rooted in a hard-core utilitarianism which sees no value beyond social utility, and balances life solely on a cost/benefit scale. Death Selection — the "sleeper" in this debate — poses a real threat to many groups in our society, especially the aged, the severely handicapped, and the retarded.

THE INTENT IS WHAT WE MUST KEEP UPPERMOST IN OUR MINDS:

- Are we merely allowing nature to take its course when there is no more hope, while making the patient as comfortable as possible? (Death with Dignity)
- Or, is the intention to **HELP THE INDIVIDUAL TO DIE**, either by direct killing or by doing nothing, when help and support is possible, even though circumstances might be difficult? (Mercy Killing)
- Or, is the intention to **DESTROY A HUMAN INDIVIDUAL OR GROUPS OF HUMAN INDIVIDUALS** because they are unwanted, imperfect, or inconvenient? (Death Selection)



Each of us should be concerned about euthanasia because **pro-euthanasia societies are alive and growing**, both in numbers and in influence. Among the most active are the Euthanasia Society of America (recently renamed the Society for the Right to Die, Inc., because the word "euthanasia" hurt lobbying efforts), the Euthanasia Educational Council, and the American Humanist Society.

Another organization, the Good Death Fellowship, wrote in its quarterly publication "Euthanasia News" (Vol. 1, No. 1) that the fellowship "is designed, in essence, to help people to achieve a good death". The same issue states: "Several major industries are poised and ready to make available not merely "another pill" but a wide and colorful range of products and methods to meet the needs of those who have lived their lives and are about ready for a good death."

The philosophies of these organizations have spread widely — into the classrooms, into public policy, and into the legislatures.

Over three-fourths of our states have introduced and/or passed euthanasia or death-related bills — ranging from "Death with Dignity and "Natural Death Acts" to registration allowing for direct killing.

- The 1975 Montana bill HB256 would allow a doctor to administer euthanasia, or to instruct a nurse to do so, or to provide lethal drugs to the family. Any individual over 18 could sign a statement, revocable only once, to qualify for medicated death.
- The 1975 Wisconsin Assembly Bill 1207 proposed that anyone over the age of seven could make an oral or written death request, and that anyone over the age of fourteen could carry out those wishes without fear of prosecution.
- In Florida, "Death with Dignity" legislation has been introduced every session since 1968. The 1973 bill (HB407) would have allowed a competent person to sign a paper instructing doctors to let him die if he becomes terminally ill or injured. Relatives of an "incompetent" person could prescribe death provided two physicians agreed. But for an irreversibly ill patient with no relatives, the simple signatures of three physicians, approved by a judge are all that is needed to sign the death contract. Former Representative Sackett suggested that the state of Florida could save five billion dollars in the next half century if 90% of the state's severely retarded and mentally ill were allowed to die. (The National Association for Retarded Citizens vigorously opposed HB407.)

Keeping in mind that Death with Dignity, as defined earlier, is acceptable to most people, euthanasia bills must be questioned for their underlying purpose. Are they paving the way for future legislation for Mercy Killing or Death Selection?

- In Maryland, when state Senator Julian L. Lapidus introduced his 1974 euthanasia bill to the legislature, he was asked whether the bill would provide a wide-open door for Mercy Killing in the future. He replied, "Well, not a wide-open door, but maybe it opens it a crack."

Only "viable" human beings who have the "capability of meaningful life" may, but need not, be protected by the state.

United States Supreme Court Decision on Abortion, January 22, 1973 (Roe vs Wade page 48)

LIFE IS A CONTINUUM. At one end of the spectrum, life is being destroyed before birth. And now, **legalized euthanasia is a genuine possibility. AND WHY NOT?**

A society that accepts the right to kill infants in the womb because they might be unwanted, imperfect, or merely inconvenient, should have no difficulty in accepting the right to kill other human beings who might be *judged* unwanted, imperfect, or merely inconvenient.

Several influential leaders of the pro-abortion and pro-euthanasia movements have suggested that next logical step. The following statements reflect their pro-death philosophy:

- Nobel Laureate Dr. James D. Watson, who cracked the genetic code, said that abortion is permissible when a child is determined to be defective in utero, but . . . "most defects are not discovered until birth, if a child were not declared alive until three days after birth, then all parents could be allowed the choice the doctor could allow the child to die if the parents so chose and save a lot of misery and suffering". (AMA Prism, May 1973)
- Abortion advocate Dr. Glenville Williams, in his book *The Sanctity Of Life And The Criminal Law*, asks for "humanitarian infanticide" and "euthanasia for handicapped children".
- Dr. Robert H. Williams, professor of endocrinology, wrote that "planning to prevent overpopulation of the earth must also include euthanasia, either negative or positive". (Northwest Medicine, July 1970) He also suggests killing "potential suicides" and "hopelessly criminal individuals" as well as the terminally ill in discomfort or pain. (Seattle Times, March 7, 1973)
- Dr. Joseph Fletcher, professor of medical ethics, wrote that there must be quality control in the terminating of life as in its initiating. "What has taken place in birth control is equally imperative in death control." ("Ethics and Euthanasia", *To Live and To Die: When, Why, and How*, ed Robert H. Williams)

WHO IS TO SET THIS PRICE TAG ON HUMAN LIFE? WHAT IS TO PREVENT THE NEXT AUTHORITY FROM CHANGING THAT PRICE TAG?

H

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COMMITTEE REPORT

HOUSE

FURTHER: FORWARD

Date: March 7, 1953

Mr. Speaker:

The Committee on EDUCATION has had HB 125

An Act relating to 'emergency closure days' in response to a threat to the health or safety of students.

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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

M. W. Miller,

MILTON H. WITZ

Mr. Tucker

Mr. Tucker
CHAIRMAN
MILTON H. WITZ

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

1/21/83

Date: _____

Mr. Speaker:

The Committee on HESS has had RE 108

An Act relating to the inclusion in the state exempt service of licensed physicians employed by the division of mental health and developmental disabilities, Department of Health and Social Services

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**

Max Lecher

MILC H. RAY

Michael W. Hill

Mike Starn

Robert Smith

John Korman

Alan ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Max Lecher
CHAIRMAN



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

FACT SHEET

FROM: Cherie Shelley, Executive Director
Alaska Public Employees Association (APEA)

TO: Representatives Milo Fritz and Mae Tischer
Co-Chairpersons, HESS House Committee

SUBJECT: House Bill No. 108

DATE: February 4, 1983

APEA position concerning HB 108

APEA favors the passage of HB 108.

Employees groups referred to in HB 108

Classified - are those employees who meet state requirements and can be fired only for "just cause".

Exempt - are those employees in the state political hierarchy and can be fired without "just cause".

Physicians affected by HB 108

Physicians in "Exempt" group - are those physicians employed by the Division of Mental Health and Developmental Disabilities, Department of Health and Social Services. This group is comprised of psychiatrists and one medical physician, working mainly out of API in Anchorage. They have been and still are in the "Exempt" group.

Physicians in "Classified" group - are five medical physicians, Department of Health and Social Services, (not psychiatrists) working throughout the state. There are two Public Health Medical Specialists, a Medical Specialist, Child Development Services, a Regional Medical Officer and a Regional Health Officer in Fairbanks who is a veterinarian. They have been and still are in the "Classified" group.

Salary Schedule for "Exempt" group - the one medical physician is in range 27. The psychiatrists are in ranges 28 and 29. The Director is a range 30. Their salary is based on the F step plus five percent.

Salary Schedule for "Classified" group - the five medical physicians are in ranges 26 and 27.

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Fairbanks, AK 99701
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833 Gambell Street, Suite A
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227 4th Street
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Note "Exempt" group wages are higher than "Classified" group.

Legislation background

Last year SB 193, sponsored on behalf of the Blue Ribbon Commission of which I am a member, proposed the following as part of an effort to clarify the State Personnel Rules: "(15) Licensed physicians, as defined in AS 47.30.340(9), employed by the division of mental health and developmental disabilities, Department of Health and Social Services..."

SB 193 was amended by the Senate State Affairs Committee. The portion amended was AS 39.25.110, which lists the membership of the exempt service to include: "(13) all licensed physicians as defined in AS 47.30.340(9) employed by the state...."

The amendment was merely a means to shorten the language content. AS 47.30 is entitled "Mentally Ill and Insane Persons". AS 47.30.340(9) referred to physicians (psychiatrists) working for Division of Mental Health. Therefore it was redundant to state "employed by the division of mental health and development disabilities, Department of Health and Social Services..." However, AS 47.30.340(9), when read out of context with AS 47.30, entitled "Mentally Ill and Insane Persons" with articles dealing with the mental health program - could be interpreted to mean all physicians working for the state and not just the psychiatrists.

HB 108

HB 108 corrects the unintentional implication of the amendment language change. The intent of the legislation was not to move all physicians from the "Classified" to the "Exempt" group. The intent was to leave those physicians (medical) in the "Classified" group and to leave those physicians (psychiatrists) in the "Exempt" group.

Reason for APEA's involvement

Physicians that could be affected if this legislation does not pass are the medical doctors (not psychiatrists), employed by the Division of Public Health. As APEA members, they have contacted the Association to voice their concern about the amendment last session of the State Personnel Act (SB 193). APEA has spoken with three of the five physicians. They wish to remain in the "Classified" employee group. It is our understanding that the physicians (psychiatrists) in the "Exempt" employee group wish to remain there as set forth in the legislation.

Passage of Bill

Would satisfy physicians (medical and psychiatrists) now working for the state - would not cost the state anything as salary schedules would remain the same - and would appear to be the most practical and expedient method of correcting an inadvertent language error in the amendment.

7 0 476711 h2 1

SELECT - QUERY
00002 ALL SECTION EQ 39.25.110

AS39.25.110 DOCUMENT= 1 OF 1

CHAPTER = 39.25
SECTION = 39.25.110
TITLE = 39

HEADINGS TITLE 39.
PUBLIC OFFICERS AND EMPLOYEES.
CHAPTER 25.
STATE PERSONNEL ACT.
ARTICLE 2.
COVERAGE OF PERSONNEL.

CITATION SEC. 39.25.110.
CATCH LINE

EXEMPT SERVICE.
TEXT
UNLESS OTHERWISE PROVIDED BY LAW, THE FOLLOWING POSITIONS IN THE STATE SERVICE CONSTITUTE THE EXEMPT SERVICE AND ARE EXEMPT FROM THE PROVISIONS OF THIS CHAPTER AND THE RULES ADOPTED UNDER IT:
(1) PERSONS ELECTED TO PUBLIC OFFICE BY POPULAR VOTE OR APPOINTED TO FILL VACANCIES IN ELECTED OFFICES;
(2) JUSTICES, JUDGES, MAGISTRATES, AND EMPLOYEES OF THE JUDICIAL BRANCH INCLUDING EMPLOYEES OF THE JUDICIAL COUNCIL;
(3) EMPLOYEES OF THE STATE LEGISLATURE AND ITS AGENCIES;
(4) THE HEAD OF EACH PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH;
(5) OFFICERS AND EMPLOYEES OF THE UNIVERSITY OF ALASKA;
(6) CERTIFICATED TEACHERS AND NONCERTIFICATED EMPLOYEES EMPLOYED BY A REGIONAL EDUCATIONAL ATTENDANCE AREA ESTABLISHED AND ORGANIZED UNDER AS 14.08.031 -- 14.08.041 TO TEACH IN, ADMINISTER, OR OPERATE SCHOOLS UNDER THE CONTROL OF A REGIONAL EDUCATIONAL ATTENDANCE AREA SCHOOL BOARD;
(7) CERTIFICATED TEACHERS EMPLOYED BY THE DEPARTMENT OF

CENTERS OPERATED BY THE DEPARTMENT OF EDUCATION;

(8) PATIENTS AND INMATES EMPLOYED IN STATE INSTITUTIONS;

(9) PERSONS EMPLOYED IN A PROFESSIONAL CAPACITY TO MAKE A TEMPORARY OR SPECIAL INQUIRY, STUDY OR EXAMINATION AS AUTHORIZED BY THE GOVERNOR;

(10) MEMBERS OF BOARDS, COMMISSIONS, OR AUTHORITIES;

(11) THE OFFICERS AND EMPLOYEES OF THE FOLLOWING BOARDS, COMMISSIONS, AND AUTHORITIES:

(A) ALASKA GAS PIPELINE FINANCING AUTHORITY;

(B) ALASKA PERMANENT FUND CORPORATION;

(C) ALASKA ENERGY CENTER;

(D) ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY;

(E) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION;

(F) ALASKA COMMISSION ON POSTSECONDARY EDUCATION;

(12) THE EXECUTIVE SECRETARY AND LEGAL COUNSEL OF THE ALASKA MUNICIPAL BOND BANK AUTHORITY;

(13) LICENSED PHYSICIANS, AS DEFINED IN AS 47.30.340(9), EMPLOYED BY THE STATE;

(14) PETROLEUM ENGINEERS AND PETROLEUM GEOLOGISTS

EMPLOYED IN A PROFESSIONAL CAPACITY BY THE DEPARTMENT OF NATURAL RESOURCES AND BY THE OIL AND GAS CONSERVATION COMMISSION, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES;

(15) OFFICERS, AGENTS, AND EMPLOYEES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD GRANTED LIMITED PEACE OFFICER POWERS BY THE ALCOHOLIC BEVERAGE CONTROL BOARD UNDER AS 04.06.110;

(16) PERSONS EMPLOYED BY THE DIVISION OF MARINE TRANSPORTATION AS MASTERS AND MEMBERS OF THE CREWS OF VESSELS WHO OPERATE THE STATE FERRY SYSTEM AND WHO ARE COVERED BY A COLLECTIVE BARGAINING AGREEMENT PROVIDED IN AS 23.40.040;

(17) OFFICERS AND EMPLOYEES OF THE STATE WHO RESIDE IN FOREIGN COUNTRIES;

(18) EMPLOYEES OF THE ALASKA SEAFOOD MARKETING INSTITUTE;

(19) FIREFIGHTERS EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES FOR A FIRE EMERGENCY;

(20) EMPLOYEES OF THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE LIEUTENANT GOVERNOR, INCLUDING THE STAFF OF THE GOVERNOR'S MANSION; LIMITED EFFECTIVE DATE

(21) -REPEALED JUNE 30, 1989- EMPLOYEES OF THE CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS IN ALASKA (AS 41.37.010).

HISTORY

(SEC. 5 CH 144 SLA 1960; AM SEC. 1 CH 48 SLA 1961; AM SEC. 1 CH 133 SLA 1961; AM SEC. 3 CH 93 SLA 1962; AM SEC. 3 CH 24 SLA 1966; AM SEC. 31 CH 46 SLA 1970; AM SEC. 65 CH 69 SLA 1970; AM SEC. 13 CH 113 SLA 1970; AM SEC. 3 CH 78 SLA 1971; AM SEC. 18 CH 78 SLA 1974; AM SEC. 42 CH 127 SLA 1974; AM SEC. 2 CH 32 SLA 1975; AM SEC. 2 CH 79 SLA 1975; AM SEC. 37 CH 124 SLA 1975; AM SEC. 1 CH 157 SLA 1976; AM SEC. 3 CH 90 SLA 1978; AM SEC. 7 CH 18 SLA 1980; AM SEC. 43 CH 106 SLA 1980; AM SEC. 10 CH 131 SLA 1980; AM SEC. 4 CH 148 SLA 1980; AM SEC. 4 CH 106 SLA 1981; AM SECS. 2, 3 CH 37 SLA 1982; AM SEC. 7 CH 112 SLA 1982)

1970

1975 39.25.110 No Ref to physicians

OCT 80 - SAME → D HSS

OCT 81 examples licensed phy dying 47.30.340(9) employed by
Mental health DHSS

OCT 82 → licensed physicians (47.30.340-9) employed by
the state

4 CH 148 SCA 1780

4 CH 106 SCA 1981

2, 3 CH 37 SCA 82

7 CH 112 SCA 82

at large
Gillespie Dr. Smith
ART PETERSON - AG.

1/26
Joint H/S HEARING E054

ENDELL, ROGER

1500 PRISONERS space for 800
EXECUTIVE level mgt within DEPT.

Juveniles - ~~not~~ intact now but move to new Dept of Corrections
later - through

Gillespie - uncertain of timing of fiscal notes
10 NEW POSITIONS in new dept.

CORRECTIONS is 1/4 of

CORRECTIONAL INDUSTRIES - CORRECTIONS

PENAL institutions not CORRECTIONAL institutions
CAPITAL budget - 100 million

John Tabor

\$250,000 - lapsed funds to fund first FY83 allocation
Authority of dept to

Parole goes with D.O.C.

789-9561

ICOM



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

M E M O R A N D U M

January 25, 1983

TO: House Health, Education & Social Services Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: HB 108, Licensed Physicians in the Department of Health and Social Services

An unintended change created by an amendment to the State Personnel Act last session has caused some question in the Department of Health and Social Services. Prior to the amendment, licensed physicians employed by the Division of Mental Health and Developmental Disabilities were placed in the exempt service. Other physicians working for the department were members of the classified service. This system worked well. The exception for those working in the mental health field was necessary in order to attract and pay qualified staff.

The amendment placed all licensed physicians, as defined in AS 47.30.340(9), employed by the state into the exempt service. Title 47.30 addresses mentally ill and insane persons but the definition section defined "licensed physician" in general terms. The department brought to the commission's attention an unforeseen situation. There were two employees in the Division of Public Health serving as Regional Health Officers. One was a medical doctor and the other a licensed veterinarian. Under the amended version of the State Personnel Act, the doctor could be placed in the exempt service and the veterinarian would remain in the classified service. Both have the same duties, though in different locations.

The commission recommends that legislation be adopted to return all medical doctors except those employed by the Division of Mental Health and Developmental Disabilities to the classified service.

Bill Analysis

The bill amends the section of the State Personnel Act which lists membership in the exempt service to place only those physicians employed by the Division of Mental Health and Developmental Disabilities in the exempt service.

TBC:lmk
Attachment

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

December 14, 1982

The Honorable Bill Ray, Chairman
Blue Ribbon Commission on the State Personnel Act
Pouch YG, Mail Station 3123

Attention: Terry Cramer, Administrative Assistant

Subject: Licensed Physicians - Department of Health & Social Services

Dear Senator Ray:

Subsequent to the December 7 meeting of the Blue Ribbon Commission, and at its direction, the Department of Health & Social Services considered the circumstances surrounding the statutory language relating to licensed physicians employed by the state. The original purpose for the inclusion of licensed physicians in the exempt service under AS 39.25.0110 (19) was to provide for recruitment and retention of qualified and competent staff within the Division of Mental Health & Developmental Disabilities. That situation has worked well since that time.

The amendments to that statute as adopted under HCS CSSB 193 in 1982 eliminated that particular distinction. As presently written, that statute could be interpreted to include licensed physicians in the Division of Public Health. That action is not adjudged to be in the best interests of the state and those employees. It should be noted that in 1981, AS 47.30.340 was repealed in its entirety and AS 47.30.915 was added. That section again defined "licensed physician" in the legislative reference to mental health programs.

It is therefore respectfully requested that the language in AS 39.25.110 (13) be amended to read as follows: "licensed physicians, as defined in AS 47.30.915 (11), employed by the Division of Mental Health & Developmental Disabilities, Department of Health & Social Services.

Thank you for your consideration of this matter.

Sincerely,



Allen K. Korhonen
Acting Commissioner

AS39.25.110 DOCUMENT= 1 OF 1 PAGE = 1 OF 5
CHAPTER = 39.25
SECTION = 39.25.110
TITLE = 39

HEADINGS TITLE 39.
PUBLIC OFFICERS AND EMPLOYEES,
CHAPTER 25.
STATE PERSONNEL ACT,
ARTICLE 2.
COVERAGE OF PERSONNEL.

CITATION SEC. 39.25.110.

CATCH LINE

EXEMPT SERVICE.

TEXT UNLESS OTHERWISE PROVIDED BY LAW, THE FOLLOWING POSITIONS IN THE STATE SERVICE CONSTITUTE THE EXEMPT SERVICE AND ARE EXEMPT FROM THE PROVISIONS OF THIS CHAPTER AND THE RULES ADOPTED UNDER IT:

- (1) PERSONS ELECTED TO PUBLIC OFFICE BY POPULAR VOTE OR APPOINTED TO FILL VACANCIES IN ELECTED OFFICES;
- (2) JUSTICES, JUDGES, MAGISTRATES, AND EMPLOYEES OF THE JUDICIAL BRANCH INCLUDING EMPLOYEES OF THE JUDICIAL COUNCIL;
- (3) EMPLOYEES OF THE STATE LEGISLATURE AND ITS

AS39.25.110 DOCUMENT= 1 OF 1 PAGE = 2 OF 5
AGENCIES;

- (4) THE HEAD OF EACH PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH;
- (5) OFFICERS AND EMPLOYEES OF THE UNIVERSITY OF ALASKA;
- (6) CERTIFICATED TEACHERS AND NONCERTIFICATED EMPLOYEES EMPLOYED BY A REGIONAL EDUCATIONAL ATTENDANCE AREA ESTABLISHED AND ORGANIZED UNDER AS 14.08.031 - 14.08.041 TO TEACH IN, ADMINISTER, OR OPERATE SCHOOLS UNDER THE CONTROL OF A REGIONAL EDUCATIONAL ATTENDANCE AREA SCHOOL BOARD;
- (7) CERTIFICATED TEACHERS EMPLOYED BY THE DEPARTMENT OF EDUCATION AS CORRESPONDENCE TEACHERS OR TEACHERS IN SKILL CENTERS OPERATED BY THE DEPARTMENT OF EDUCATION;

INSTITUTIONS;

(9) PERSONS EMPLOYED IN A PROFESSIONAL CAPACITY TO MAKE A TEMPORARY OR SPECIAL INQUIRY, STUDY OR EXAMINATION AS AUTHORIZED BY THE GOVERNOR;

(10) MEMBERS OF BOARDS, COMMISSIONS, OR AUTHORITIES;

(11) THE OFFICERS AND EMPLOYEES OF THE FOLLOWING BOARDS, COMMISSIONS, AND AUTHORITIES:

AS39.25.110 DOCUMENT= 1 OF 1 PAGE = 3 OF 5
(A) ALASKA GAS PIPELINE FINANCING AUTHORITY;
(B) ALASKA PERMANENT FUND CORPORATION;
(C) ALASKA ENERGY CENTER;
(D) ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY;
(E) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION;
(F) ALASKA COMMISSION ON POSTSECONDARY EDUCATION;
(12) THE EXECUTIVE SECRETARY AND LEGAL COUNSEL OF THE ALASKA MUNICIPAL BOND BANK AUTHORITY;
(13) LICENSED PHYSICIANS, AS DEFINED IN AS 47.30.340(9), EMPLOYED BY THE STATE;
(14) PETROLEUM ENGINEERS AND PETROLEUM GEOLOGISTS EMPLOYED IN A PROFESSIONAL CAPACITY BY THE DEPARTMENT OF NATURAL RESOURCES AND BY THE OIL AND GAS CONSERVATION COMMISSION, EXCEPT FOR THOSE EMPLOYED IN THE DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS IN THE DEPARTMENT OF NATURAL RESOURCES;
(15) OFFICERS, AGENTS, AND EMPLOYEES OF THE ALCOHOLIC BEVERAGE CONTROL BOARD GRANTED LIMITED PEACE OFFICER POWERS BY THE ALCOHOLIC BEVERAGE CONTROL BOARD UNDER AS 04.06.110;
(16) PERSONS EMPLOYED BY THE DIVISION OF MARINE

AS39.25.110 DOCUMENT= 1 OF 1 PAGE = 4 OF 5
TRANSPORTATION AS MASTERS AND MEMBERS OF THE CREWS OF VESSELS WHO OPERATE THE STATE FERRY SYSTEM AND WHO ARE COVERED BY A COLLECTIVE BARGAINING AGREEMENT PROVIDED IN AS 23.46.040;
(17) OFFICERS AND EMPLOYEES OF THE STATE WHO RESIDE IN FOREIGN COUNTRIES;
(18) EMPLOYEES OF THE ALASKA SEAFOOD MARKETING INSTITUTE;
(19) FIREFIGHTERS EMPLOYED BY THE DEPARTMENT OF NATURAL RESOURCES FOR A FIRE EMERGENCY;
(20) EMPLOYEES OF THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE LIEUTENANT GOVERNOR, INCLUDING THE STAFF OF THE GOVERNOR'S MANSION; LIMITED EFFECTIVE DATE
(21) -REPEALED JUNE 30, 1988- EMPLOYEES OF THE CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS IN ALASKA (AS 41.37.010).

HISTORY (SEC. 5 CH 144 SLA 1960; AM SEC. 1 CH 48 SLA 1961; AM SEC. 1 CH 133 SLA 1961; AM SEC. 3 CH 93 SLA 1962; AM SEC. 3 CH 24 SLA 1966; AM SEC. 31 CH 46 SLA 1970; AM SEC. 65 CH 69 SLA 1970; AM SEC. 13 CH 113 SLA 1970; AM SEC. 3 CH 78 SLA 1971; AM SEC. 18 CH 78 SLA 1974; AM SEC. 45 CH 127 SLA 1974; AM SEC. 2 CH 32 SLA 1975; AM

AN39.25.110 DOCUMENT= 1 OF 1 PAGE = 2 OF 3
SECTION AS AMENDED BY CH. 112, SLA 1982.
THE SECOND 1982 AMENDMENT, EFFECTIVE JULY 1, 1982, REWROTE THIS SECTION.
EDITOR'S NOTES.
AS 47.30.340, REFERRED TO IN PARAGRAPH (13) WAS REPEALED BY SEC. 7, CH. 84, SLA 1981.
LEGISLATIVE HISTORY REPORTS.
FOR REPORT ON CH. 69, SLA 1970 (HB 564), SEE 1970 HOUSE JOURNAL SUPPLEMENT NO. 2, P. 7 (2/16/70). FOR REPORT ON CH. 127, SLA 1974 (SCSHB 817 AM S), SEE 1974 HOUSE JOURNAL, P. 657. FOR REPORT ON CH. 157, SLA 1976 (SCS CSHB 887 AM S), SEE 1976 HOUSE JOURNAL, P. 1449.
NOTES TO DECISIONS.
THE THRUST OF THE EXEMPTIONS IN THIS CHAPTER, THE PUBLIC EMPLOYEES RETIREMENT SYSTEM, FORMER AS 39.35.680(5)(C), AND THE STATUTORY LEAVE PROVISIONS FOR STATE EMPLOYEES, AS 39.20.310, IS TO PROVIDE FOR THOSE PUBLIC EMPLOYEES WHO ARE NOT SUSCEPTIBLE TO ORDINARY RECRUITING AND EXAMINING PROCEDURES. HAFLING V. INLANDBOATMEN'S UNION, SUP. CT. OP. NO. 1743 (FILE NO. 3438), 585 P.2D 870 (1978).
NO INCONSISTENCY BETWEEN FERRY CREW EXEMPTION OF THIS SECTION AND INCLUSION OF SUCH PERSONNEL WITH PUBLIC EMPLOYMENT RELATIONS ACT, AS

THOMAS BRANTON x3370

All mental health employees in exempt for salary purposes - psychiatry

State pay bill for exempt employees - inadvertently included all physicians
Psych were

Range 30 not enough
EASIER to

legislative act or bargaining agreement sets salary

Fully exempt - pleasure of ^{Governor.} Governor

⇒ All physicians ARE exempt now
⇒ CLASSIFIED

⇒ Physicians - API

HB 108

House bill 108 changes the current statute back to the original wording of the statute in 1980. AS 39.25.110 (19), in October, 1980, included as exempt employees the licensed physicians employed by the division of health and developmental disabilities, Department of Health and Social Services.

The October, 1982 revision of the statute changed the wording to include all licensed physicians employed by the state as exempt employees.

The language of HB 108 returns licensed physicians to the classified service, except for those working within the division of health and developmental disabilities, of the DHSS.

This affects psychiatrists, primarily, but also includes other specialists within the Alaska Psychiatric Institute. the justification for placing psychiatrists in the exempt category is that they demand salaries in excess of the established salary range for the classified service. Rather than change the salary range, the proposal is to revert to the previous exempt status. Those people categorized as exempt serve at the pleasure of the governor, and are not subject to the personnel rules.



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG
Mail Stop 3123
Juneau, Alaska 99811
(907) 465-4442

MEMORANDUM

January 25, 1983

TO: House Health, Education & Social Services Committee

FROM: Teresa B. Cramer *Teresa B. Cramer*
Administrative Assistant

SUBJECT: HB 108, Licensed Physicians in the Department of Health and Social Services

An unintended change created by an amendment to the State Personnel Act last session has caused some question in the Department of Health and Social Services. Prior to the amendment, licensed physicians employed by the Division of Mental Health and Developmental Disabilities were placed in the exempt service. Other physicians working for the department were members of the classified service. This system worked well. The exception for those working in the mental health field was necessary in order to attract and pay qualified staff.

The amendment placed all licensed physicians, as defined in AS 47.30.340(9), employed by the state into the exempt service. Title 47.30 addresses mentally ill and insane persons but the definition section defined "licensed physician" in general terms. The department brought to the commission's attention an unforeseen situation. There were two employees in the Division of Public Health serving as Regional Health Officers. One was a medical doctor and the other a licensed veterinarian. Under the amended version of the State Personnel Act, the doctor could be placed in the exempt service and the veterinarian would remain in the classified service. Both have the same duties, though in different locations.

The commission recommends that legislation be adopted to return all medical doctors except those employed by the Division of Mental Health and Developmental Disabilities to the classified service.

Bill Analysis

The bill amends the section of the State Personnel Act which lists membership in the exempt service to place only those physicians employed by the Division of Mental Health and Developmental Disabilities in the exempt service.

TBC:Imk
Attachment

FISCAL NOTE

FEB 3 1983

I. REQUEST
 Bill/Resolution No. House Bill 108/Senate Bill 64
 Title Inclusion in state exempt service of licensed physicians
 Requested by Commissioner's Office Date 1/24/83 FINANCE

II. FISCAL DETAIL
 Agency Affected Health & Social Services
 Program Category Affected Mental Health & Developmental Disabilities
 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						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

No cost impact is foreseen to the Department of Health & Social Services as a result of this legislation.

Thomas R. Bradlee

IV. DATE 1/25/83 PREPARED BY Robert W. Marshall, M.D., Director
 AGENCY Health & Social Services/Mental Health & DD
 Original: Legislative Finance PHONE 465-3370
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

OMB Reviewed by: Nancy Dunn

Nancy Dunn

All licensed physicians currently in exempt category
39.25.110 (13).

~~WAS RESTRICTED to licensed~~

HB 108

SUMMARY:

OCTOBER 1980 STATUTE 39.25.110 (19) INCLUDED AS
EXEMPT EMPLOYEES LICENSED PHYSICIANS EMPLOYED BY THE
DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES,
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OCTOBER 1982, 39.25.110 (13) INCLUDED ALL PHYSICIANS
EMPLOYED BY THE STATE AS EXEMPT

HB 108 RETURNS TO EXEMPT SERVICES ONLY PHYSICIANS
WITHIN THE DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL
DISABILITY, DEPT OF H/SS.

AFFECTS PSYCHIATRISTS, PRIMARILY BUT ALSO OTHER SPECIALISTS
WITHIN ALASKA PSYCHIATRIC INSTITUTE

ALSO, BY DELETING REFERENCE TO ALL PHYSICIANS, RETURNS
OTHER PHYSICIANS TO CLASSIFIED SERVICE.

JUSTIFICATION FOR PLACING PSYCHIATRISTS IN EXEMPT CATEGORY
IS THAT THEY DEMAND A SALARY IN EXCESS OF THE
RANGE ESTABLISHED FOR CLASSIFIED SERVICE. RATHER THAN
CHANGE THE SALARY RANGE, THE PROPOSAL IS TO REVERT TO

PREVIOUS legislation. Also - those working under EXEMPT
STATUS serve AT THE PLEASURE OF GOVERNOR.

1/25

Purpose: to ^(PLACE psych into) ~~EXEMPT~~ ^{SERVICE} psychiatrists from CLASSIFIED SERVICE to allow payment in EXCESS of pay scale since going RATE is higher than pay scale allows -

QUESTION: why not adjust pay scale?
At request of governor

AFFECTS ONLY PHYSICIANS - NOT OTHER EMPLOYEES

ARE THERE OTHER PHYSICIANS IN CLASSIFIED SERVICE WITHIN DHSS? ^{at staff exempt now!}

why have them ~~EXEMPT~~ ^{CLASSIFIED} and MENTAL HEALTH EXEMPT

ARE THERE OTHER PSYCHIATRISTS IN DHSS NOT IN MENTAL HEALTH? DIRECTOR ALASKA PSYCHIATRIC INSTITUTE - ALREADY EXEMPT - STAFF? No.

Norm

FEB 3 1983

I. REQUEST
Bill/Resolution No. House Bill 108/Senate Bill 64
Title Inclusion in state exempt service of licensed physicians.
Requested by Commissioner's Office Date 1/24/83 FINANCE

II. FISCAL DETAIL
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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)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

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

No cost impact is foreseen to the Department of Health & Social Services as a result of this legislation.

Thomas R. Bradshaw

IV. DATE 1/25/83 PREPARED BY Robert W. Marshall, M.D., Director
AGENCY Health & Social Services/Mental Health & DD
PHONE 465-3370
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/82)

OMB Reviewed by: Nancy Dunn *[Signature]*

HB 108

House bill 108 changes the current statute back to the original wording of the statute in 1980. AS 39.25.110 (19), in October, 1980, included as exempt employees the licensed physicians employed by the division of health and developmental disabilities, Department of Health and Social Services.

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The language of HB 108 returns licensed physicians to the classified service, except for those working within the division of health and developmental disabilities, of the DHSS.

This affects psychiatrists, primarily, but also includes other specialists within the Alaska Psychiatric Institute. The justification for placing psychiatrists in the exempt category is that they demand salaries in excess of the established salary range for the classified service. Rather than change the salary range, the proposal is to revert to the previous exempt status. Those people categorized as exempt serve at the pleasure of the governor, and are not subject to the personnel rules.

H B

1/2

SECTION = 29.90.010

TITLE = 29

HEADINGS TITLE 29.
MUNICIPAL GOVERNMENT.
CHAPTER 90.
STATE AID FOR HOSPITAL AND HEALTH FACILITY CONSTRUCTION.

CITATION SEC. 29.90.010.

CATCH LINE

TEXT STATE AID FOR HOSPITAL AND HEALTH FACILITY CONSTRUCTION.
IF CONSTRUCTION OF A HOSPITAL BEGAN AFTER JANUARY 1, 1968, OR IF
CONSTRUCTION OF A HEALTH FACILITY BEGAN AFTER JANUARY 1, 1968,
AND BEFORE JULY 1, 1980, AND STATE MATCHING AID FOR CONSTRUCTION
APPROVED FOR PAYMENT TO THE MUNICIPALITY OR OTHER HOSPITAL OR
HEALTH FACILITY SPONSOR CONSTITUTED LESS THAN 25 PERCENT OF THE
TOTAL PROJECT COST, THE DEPARTMENT SHALL PAY TO THE MUNICIPALITY
OR OTHER HOSPITAL OR HEALTH FACILITY SPONSOR EACH FISCAL YEAR
\$2,500 A BED FOR THE MAXIMUM NUMBER OF BEDS PROVIDED FOR IN THE
CONSTRUCTION DESIGN OF THE HOSPITAL OR HEALTH FACILITY OR FIVE
PERCENT OF THE TOTAL PROJECT COST, WHICHEVER IS GREATER. STATE

AID PROVIDED FOR IN THIS SECTION SHALL CONTINUE UNTIL THE
MUNICIPALITY OR OTHER HOSPITAL OR HEALTH FACILITY SPONSOR HAS
RECEIVED AN AMOUNT WHICH, COMBINED WITH STATE MATCHING MONEY FOR
CONSTRUCTION OF THE HOSPITAL OR HEALTH FACILITY, EQUALS 25
PERCENT OF THE TOTAL PROJECT COST. MONEY RECEIVED FOR
CONSTRUCTION MAY NOT BE USED FOR ANY OTHER PURPOSE.

HISTORY (SEC. 4 CH 155 SLA 1980; AM SEC. 3 CH 103 SLA 1981; AM SEC. 65 CH
59 SLA 1982)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

CHAPTER = 29.90
SECTION = 29.90.020
TITLE = 29

HEADINGS TITLE 29.
MUNICIPAL GOVERNMENT.
CHAPTER 90.
STATE AID FOR HOSPITAL AND HEALTH FACILITY CONSTRUCTION.

CITATION SEC. 29.90.020.

CATCH LINE

TEXT HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSISTANCE ACCOUNT.
THE HOSPITAL AND HEALTH FACILITY CONSTRUCTION ASSISTANCE ACCOUNT
IS ESTABLISHED. MONEY TO CARRY OUT THE PROVISIONS OF AS
29.90.010 - 29.90.030 SHALL BE ALLOCATED BY THE DEPARTMENT TO THE
ACCOUNT IN ACCORDANCE WITH AS 29.95.010. IF AMOUNTS IN THE
ACCOUNT ARE INSUFFICIENT TO PAY EACH RECIPIENT'S SHARE AUTHORIZED
UNDER THIS CHAPTER, THE AMOUNTS WHICH ARE AVAILABLE SHALL BE
DISTRIBUTED PRO RATA AMONG ELIGIBLE RECIPIENTS.

HISTORY (SEC. 4 CH 155 SLA 1980; AM SEC. 4 CH 103 SLA 1981)

R0104 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

CHAPTER = 29.90
SECTION = 29.90.030
TITLE = 29

HEADINGS TITLE 29.
MUNICIPAL GOVERNMENT.
CHAPTER 90.
STATE AID FOR HOSPITAL AND HEALTH FACILITY CONSTRUCTION.

CITATION SEC. 29.90.030.

DEFINITIONS.

TEXT

IN AS 29.90.010 - 29.90.030

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS;

(2) "HOSPITAL" MEANS A LICENSED HOSPITAL DETERMINED BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO BE A GENERAL HOSPITAL; THE TERM EXCLUDES A FACILITY OPERATED OR WHOLLY SUPPORTED BY THE STATE OR THE FEDERAL GOVERNMENT;

(3) "TOTAL PROJECT COST" MEANS

- (A) COSTS DIRECTLY RELATED TO THE PROJECT; AND
- (B) THE TOTAL OF ALL COSTS OF FINANCING AND

AS29.90.030 DOCUMENT= 1 OF 1 PAGE = 2 OF 3

CARRYING OUT THE PROJECT, INCLUDING BUT NOT LIMITED TO,

(I) THE COSTS OF ALL NECESSARY STUDIES, SURVEYS, PLANS AND SPECIFICATIONS, ARCHITECTURAL, ENGINEERING OR OTHER SPECIAL SERVICES, ACQUISITION OF REAL PROPERTY, SITE PREPARATION AND DEVELOPMENT, PURCHASE, CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF REAL PROPERTY, AND THE ACQUISITION OF MACHINERY AND EQUIPMENT AS MAY BE NECESSARY IN CONNECTION WITH THE PROJECT;

(II) AN ALLOCABLE PORTION OF THE ADMINISTRATIVE AND OPERATING EXPENSES OF THE MUNICIPALITY OR OTHER HOSPITAL SPONSOR;

(III) THE COST OF FINANCING THE PROJECT, INCLUDING INTEREST ON BONDS ISSUED TO FINANCE THE PROJECT; AND

(IV) THE COST OF OTHER ITEMS, INCLUDING ANY INDEMNITY AND SURETY BONDS AND PREMIUMS OF INSURANCE, LEGAL FEES, FEES AND EXPENSES OF TRUSTEES, DEPOSITARIES, FINANCIAL ADVISORS, AND PAYING AGENTS FOR THE BONDS ISSUED AS THE ISSUER

AS29.90.030 DOCUMENT= 1 OF 1 PAGE = 3 OF 3

CONSIDERS NECESSARY,

(4) "HEALTH FACILITY"

(A) MEANS A FACILITY THAT IS LICENSED, WHEN REQUIRED, BY THE STATE UNDER AS 18.20.010 - 18.20.130 AND THAT IS OWNED OR OPERATED OR BOTH BY A MUNICIPALITY OR BY A NONPROFIT CORPORATION OR OTHER NONPROFIT SPONSOR;

(B) INCLUDES A PUBLIC HEALTH CENTER, MATERNITY HOME, COMMUNITY MENTAL HEALTH CENTER, FACILITY FOR THE MENTALLY OR PHYSICALLY HANDICAPPED, NURSING HOME, OR CONVALESCENT CENTER.

(C) EXCLUDES A FACILITY OPERATED OR WHOLLY SUPPORTED BY THE STATE OR THE FEDERAL GOVERNMENT.

HISTORY (SEC. 4 CH 155 SLA 1990, AM SEC. 5 CH 103 SLA 1981)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

1. Senator Josephson (Senate HESS Committee) ^{MAY} ~~will~~ recommend approval of SB 85 which will repeal the CON law (note lines 16 and 17 on the attached bill where brackets indicate deletion from the bill).

Senate Josephson will do this providing we also ask for repeal of Alaska Statute 29.90.010 through 030. This statute provides for the State's participation on Certificate of Need approved projects and it is referred to as construction revenue sharing funds. We are in agreement with the repeal of this statute.

Note: In lieu of the construction revenue sharing funds, we are asking for passage of HB (House Bill) 112 -- which is outlined in # 2.

2. HB 112 "An Act relating to the maintenance and improvement of health facilities" is a bill that must be passed for both bills to work.

What makes this bill special is that any facility wanting state funding consideration will have to present their project to the MEDICAL CARE ADVISORY COMMITTEE (see definition of committee on page 1 of HB 112) for approval.

The committee, using criteria and guidelines as outlined in the bill, will prioritize those projects seeking funding and make their recommendations to the Commissioner of Health & Social Services.

The Commissioner will, in turn and after department review, pass on his recommendations to the Governor for inclusion in the Governor's budget.

- 3: In addition, we understand that some legislators are also concerned about the potential increase in operating revenue sharing funds as outlined in Alaska Statute 29.89. 030.

The Alaska State Hospital Association is in favor of recommending to the legislature that a maximum CAP of \$250,000 per year be the maximum amount given to any facility.

This item is not directly related to items 1 and 2, but is a concern of some members of the legislative body.

HB 112

Medicare

LAST SESSION ENROLLED BILL REPORT
HB 844 - like HB 112

DEFINITION OF FACILITIES: BROAD?

hosp. nursing homes rural health centers
mental, convalescent homes -
clinics? 8-450K

November too late - March 83 for FY 85

H

B

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3

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 113
 Title Special Appropriation for Student Loans
 Requested by House HESS Date 1/27/83

II. FISCAL DETAIL

Agency Affected Education
 Program Category Affected Postsecondary Commission
 BRU, Program, Or Subprogram(s) Affected Student Loans
 (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	3,500.0	N.A.	N.A.			

FUNDING (Thousands of Dollars)

GENERAL FUND	3,500.0					
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE January 27, 1983 PREPARED BY *[Signature]*
 AGENCY Commission on Postsecondary Education
 Original: Legislative Finance PHONE 465-2864
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/82)
 OMB Reviewed by: Liz Blecker *[Signature]*

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

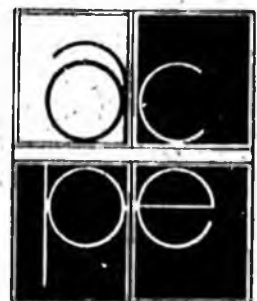
STATE OF ALASKA



STUDENT FINANCIAL AID PROGRAMS



**ANNUAL REPORT
1981-1982**



**Alaska Commission on Postsecondary Education
Pouch FP, 400 Willoughby Avenue
Juneau, Alaska 99811**



STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

HB 113
BILL SHEFFIELD, GOVERNOR

POUCH FP
JUNEAU, ALASKA 99811
PHONE: (907) 465-2854

M E M O R A N D U M

TO: The Honorable Barbara Lacher
Alaska State Representative

FROM: Kerry Romesburg, Executive Director
Alaska Commission On Postsecondary Education

DATE: January 19, 1983

As you requested, I am forwarding the latest estimates on the Alaska Student Loan Program for 1982-83. The Legislature originally appropriated \$59 million for 1982-83 loans, and as of January 14, 1983, we reached our account maximum (which was actually \$65 million - allowing for \$6 million in loan refunds and cancelled awards). Loans were made to 13,556 Alaskans.

We estimate that about 1,400 more persons may wish to apply for a loan (largely for vocational or summer programs) between now and June 30. The average loan requested will be around \$2,500, so that makes us \$3.5 million short of full-funding. With refund rates at present, \$3 million would probably be sufficient to actually fund all applicants.

Students wishing to attend school beginning after June 30 need to apply on our 1983-84 applications, and their awards will be dependent upon legislative action taken this session.

Alaska State Legislature

REPRESENTATIVE
BARBARA LACHER
PO BOX 478
PALMER, ALASKA 99645
(907) 376-4215



WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4894

House of Representatives

M E M O R A N D U M

TO: Rep. Mae Tischer, Chairman
House HESS Committee

FROM: Rep. Barbara Lacher *[Signature]*

DATE: February 3, 1983

SUBJECT: Hearing on HB113, "a supplemental appropriation for the scholarship revolving loan fund"

I would like to postpone the hearing on HB113 until at least next Friday, February 11th. The reason is that we are in the process of determining how much money will be needed to fully fund the spring and summer terms; the amount needed will be lower than initially requested because of AS 14.43.120(c) which requires that a student "must continue to be enrolled as a full time student in good standing..." (emphasis added) to maintain a loan. The Commission has defined a "full time student in good standing" by regulation to mean that a student must carry at least 12 credit hours per term and maintain at least a 2.0 cumulative grade point average. To date, we can bring into the system approximately \$1 million in funds from students whose G.P.A. fell below the minimum or who were not enrolled as full time students as required by statute and regulation. Because final determination of student's "full time/good standing" has not yet been made at the University of Alaska-Fairbanks, the exact dollar amount that will be brought back into the system -- and therefore not requested in the supplemental -- cannot yet be determined. The final, firm numbers will be available by next Friday. I would hope we could delay hearing on this bill until we can determine the actual dollar amount that will be needed to fund the spring and summer terms.

I certainly appreciate your consideration and patience in postponing the hearing scheduled for this Friday. I'm sure you'll agree that the best interests of the state will be served by delaying action on the bill until the final need for state funds is determined.

Thank you.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 1, 1983

SUBJECT: Members of the State Board of Education

TO: Senator Paul Fischer

FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have furnished us a copy of an opinion issued by the Department of Law, dated April 10, 1980, which holds that membership on a local school board is incompatible with membership on the State Board of Education.

You have asked whether in our opinion, the same reasoning would apply to teachers:

In my opinion the conclusion reached by the Attorney General is correct and the same reasoning would apply to teachers.

BGB:ljb

MEMORANDUM

State of Alaska

TO: Vicki A. Clayman
Special Assistant to the Governor

DATE: April 10, 1980

FILE NO: J-66-568-80

TELEPHONE NO: 465-3666

FROM: AVRUM M. GROSS
ATTORNEY GENERAL

SUBJECT: Holding of incompati-
ble offices by mem-
bers of Board of Edu-
cation

By:

Rodger W. Pegues
Assistant Attorney General

You have asked whether members of the state Board of Education may also be members of local school boards. You have also asked whether a conflict exists where a member of the state board is the spouse of the lobbyist for the state association of school administrators.

The rule is that, as a matter of law, dual membership on the state and local boards creates an impermissible conflict of interest but spousal relations must be treated on a case-by-case basis.

The members of the state board are state officials who, collectively, constitute the head of the Department of Education. AS 14.07.075. The department exercises general supervision over the public schools. AS 14.07.020(1). It enters into contractual agreements with local districts. AS 14.07.030(10). It withholds money from districts which do not comply with the state school laws and regulations. AS 14.07.070. The department has the final authority over local school consolidation. AS 14.08.101(b). It controls school bus contracts. AS 14.09.010. In sum, the state board occupies a supervisory position with respect to the local boards, and it would be improper for a member's impartiality to be influenced by dual membership on a local board.

The principles of law related to holding incompatible offices have been articulated as follows:

Public policy demands that an officeholder discharge his duties with undivided loyalty. The doctrine of incompatibility is intended to assure performance of that quality. Its applicability does not turn upon the integrity of the person concerned or his individual capacity to achieve impartiality, for inquiries of that kind would be too subtle to be rewarding. The doctrine applies inexorably

Vicki A. Clayman
April 10, 1980
Page #2

if the offices come within it, no matter how worthy the officer's purpose or extraordinary his talent.

3 McQuillin, MUNICIPAL CORPORATIONS § 12.67 at 295-296 (1973) (citation omitted).

[I]ncompatibility . . . is not simply a physical impossibility to discharge the duties of the two offices at the same time, it is an inconsistency in the functions of the two offices, as where . . . a contrariety and antagonism would result in an attempt by one person to discharge faithfully and impartially the duties of both. The two offices are said to be incompatible when the holder cannot in every instance discharge the duties of each. Incompatibility arises, therefore, from the nature of the duties of the offices . . . where the nature and duties of the two offices are such as to render it improper from considerations of public policy for one person to retain both. The true test is whether the two offices are incompatible in their nature, in the rights, duties, or obligations connected with or flowing from them.

* * *

Neither is it pertinent to say that the conflict in duties may never arise, it is enough that it may, in the regular operation of the statutory plan. Nor is it an answer to say that if a conflict should arise, the incumbent may omit to perform one of the incompatible roles. The doctrine was designed to avoid the necessity for that choice.

Id., at 297 (citations omitted).

In Anderson v. City of Parsons, 496 P.2d 1333, 1336 (Kan. 1972), the court articulated the rule to be:

[A] public officer owes an undivided duty to the public whom he serves and is not permitted to place himself in a position that will subject him to conflicting duties

Vicki A. Clayman
April 10, 1980
Page #3

A member of the state Board of Education places himself in just such a position if he is also an officer of a local district. His duty as the former is to the state at large; */ his duty as the latter is to his district. It makes no difference that the person involved is capable of conscientiously wearing both hats. The public is entitled not only to the actuality of undivided loyalty but also its appearance. People v. Rhodes, 524 P.2d 363 (Cal. 1974); 67 C.J.S. Officers § 27 (1978); cf., Begich v. Jefferson, 441 P.2d 27 (Alaska 1968).

Accordingly, we must conclude that a person may not serve on both the state board and a local board.

Whether the spouse of a lobbyist for an association of school officials may serve on the state board presents a different question. There is no holding of incompatible offices by the member here. Rather, the situation is that each spouse is holding an office which could not be held by the same person. As a matter of law, the existence of the spousal relationship does not, in most instances, disqualify one from offices. **/ A judge's spouse may be an attorney; but the judge could not in ordinary circumstances sit on a case in which the spouse was an attorney of record. In the situation you describe, it seems that the spouses' activities are not so inextricably and continuously interconnected that the appearance of a conflict of interest would be inescapable. If this is so, then the board member is not necessarily disqualified.

Under the legal principles enunciated above, the public is entitled not only to the actuality of the member's undivided loyalty but also its appearance. Accordingly, the board member must be particularly sensitive to any appearance of impropriety and should not hesitate to abstain from participating in matters where there might be a conflict of interest.

RWP/pjg

*/ Members of the state board are selected on a geographic basis so that all areas of the state are represented. That a member is selected from an area makes him no less responsible to the public as a whole.

**/ Of course, the fact of being married or unmarried can have no bearing legally on one's qualifications for a position. AS 13.30.220.

February 11, 1982

Rep. Trocker

*Distributed @
3:15*

To: House HESS Committee Members
From: Linda Otey, Committee Assistant *LO*
Re: Confirmation Hearings Scheduled for Monday, 2-14-82
Resume's attached

The attachments are resume's regarding the Governor's appointments to the State Board of Education. This meeting has been scheduled for joint conference with the Senate HESS Committee on Monday, February 14, 1982 in the Senate Finance room.

The only resume' unavailable at this time is that of Mr. Barney Gottstein. Mr. Gottstein is also out of the state presently and will not be able to attend the confirmation hearings scheduled for Monday. The Board of Education is meeting in Jundau on the 14th and 15th of next week; consequently the other appointees will be in attendance at the joint hearing.

8/70 - 5/71	Principal Teacher Belkofski School Belkofski, AK
3/31/71 -	
4/2/71	American Freezer Ship Seattle, Salvage F/V Tressa Lee
4/3/71 -	
4/6/71	Fred Devine Diving & Salvage, Salvage F/V Tressa Lee
6/71 - 8/71	Student Kansas State Teachers College, twelve credits
8/71 - 5/72	Teacher- Gr. 3-4-5 St. George School, St. George, AK
6/72 - 8/72	Labor, carpenter, National Marine Fisheries Service in St. Pauli Island, AK 1st full summer in Alaska!
9/72 - 5/73	Principal teacher St. George School, Gr 4-5-6
6/73 - 8/73	Ottawa Police Department, Last full summer out of Alaska
8/73 - 5/74	Elementary & Secondary Teacher, Sand Point School, Sand Point,
6/74 - 9/74	General help Aleutian Commercial Co., Sand Point, AK
6/74 - 2/75	City Clerk - Treasurer City of Sand Point
9/74 - 5/75	Elementary: Gr. 5-6; Secondary - Social Science Sand Point School, Sand Point, AK
1/75 - 6/76	City Treasurer City of Sand Point
6/75 - 3/76	Carpenter - Bookkeeper Shumagin Homes Construction
8/75 - 5/76	Teacher Elementary: Gr. 6-7 and Secondary Social Science Sand Point School, Sand Point, AK
Summer 1976	Aleutian Commercial Company, clerk, bookkeeper
8/76 - 5/77	Teacher- Assistant Principal Sand Point Schools
Summer 1977	Aleutian Commercial Company, clerk, bookkeeper
7/77 - 5/78	Builder-owner of Development One, 5 plex 4,600 sq ft Sand Point, AK
6/78 - 8/78	Builder, foundation of new Aleutian Commercial Company Store in Sand Point
8/78 - 6/79	Designer- Builder-owner of Harborview Apartments, 8 units, 6,000 sq ft., Sand Point, AK
7/80 - 4/81	Builder-owner of Oceanview Apartments, 10 units, 7,500 sq ft., Sand Point, AK
7/80 - 4/81	Builder-owner of Westview Apartments, 6 units, 5,000 sq ft., Sand Point, AK
4/81 - 8/82	Consultant-Assistant Manager Aleutian Commercial Company Sand Point, AK
8/82 - present	Manager, Aleutian Commercial Company Sand Point, AK

PROFESSIONAL ORGANIZATION

Member of Lions Club, Sand Point Chapter

R E S U M E

SAM KITO, JR.

2550 Denali Street
Suite 1606
Anchorage, Alaska 99503

PRESENT POSITION:

President
Sam Kito, Jr. & Associates

EDUCATION:

Petersburg High School
Petersburg, Alaska
Graduated: 1955

Western Washington College of Education
Undergraduate

MILITARY HISTORY:

February 11, 1957 - November 21, 1960
United States Marine Corps
Served as an Electronics Technician
Honorably Discharged

MILITARY SCHOOL:

Electronics Fundamental "P" School - 1957
Communications Electronics "A" School - 1957-58

TECHNICAL SCHOOL:

Industrial Communications Electronics Course
RCA Institutes, New York
1961 and 1962
Graduated

MANAGEMENT SCHOOL:

RCA Management Training Seminar - 1967

LICENSES HELD:

FCC Radiotelephone First Class

ORGANIZATIONS:

Commissioner--Rural Affairs Commission (State of Alaska)
Past Commissioner--Alaska Educational Broadcasting Commission
Past President--Fairbanks North Star Borough Board of Education
Past President--Fairbanks Native Association
Past Director---Alaska Federation of Natives, Inc.
Past Director--Tundra Times
Past Vice President--Fairbanks Montessori Association
Executive Committee--Tanana Valley Economic Development Corp.
Member--Board of Regents, University of Alaska
Member--Governor's Advisory Committee on Telecommunications
Member--Board of Directors, Organ. for Management of Alaska's Resources
Member--Board of Directors, Arts Alaska
Member--Governor's Vocational Advisory Board
Member--Fairbanks Native Association
Past Member--State Vocational Education Advisory School Board

CONSULTANT:

University of Alaska Biomedical Satellite Communications Program
University of Alaska BIA School Board Training Program

EMPLOYMENT HISTORY:

June 1977 to Present

President, Sam Kito, Jr. & Associates. I have provided services as a consultant/lobbyist to corporations and organizations providing expertise in cultural, social and economic development in the rural areas of the State. I have served as a consultant to the following companies: ALASCOM, Inc., Alaska 100 Insurance, Inc., Morrison-Knudsen Company, Inc., Doyon, Ltd., Goldbelt, Inc., Alaska Federation of Natives, Arctic Slope Regional Corporation, Alaska 1984, Cook Inlet Region, Inc., Sealaska, Inc.

June 16, 1975 to June, 1977:

President, Alaska Federation of Natives, Inc., Anchorage, Alaska. My duties were overall administrative responsibility for all employees of AFN, Inc. I had under my direction all departments of AFN, Inc., which included Land Claims, Human Resources, Technical Assistance, Alaska Student Higher Education Services, Health Careers, Bush Justice, Accounting and the Office of Minority Business Enterprises.

March 1973 to June 15, 1975

Executive Vice President of Doyon, Ltd.; Fairbanks, Alaska. My duties were overall administrative responsibility for all employees of Doyon, Limited. Under my direction were the departments of Land, Community Services, Finance, Legal, Administrative and Economic Development.

EMPLOYMENT HISTORY: (cont.)

February 1972 to March 1973

Executive Director of the Tanana Chiefs Conference, Fairbanks, Alaska. My duties were overall administrative responsibility for all employees in all programs contracted by the Tanana Chiefs Conference. There were 30 full-time employees under my direction. During this period, Doyon, Limited, contracted all implementation functions of the Alaska Native Claims Settlement Act to the Tanana Chiefs Conference.

June 1971 to February 1972

Executive Director of the Fairbanks Native Association, Fairbanks, Alaska. My duties were overall administrative responsibility for all programs administered by the FNA. These included a \$193,000 Model Urban Indian Center Grant, a \$284,000 BIA general assistance contract, and a contract for the Boarding Home Program. I was responsible for implementing the programs as outlined by the Model Urban Indian Center grant. There were 18 full-time employees and 6 part-time employees under my direction.

August 1967 to June 1971

Operations Controller for RCA Service Company, Gilmore Creek, Fairbanks. Duties were the overall administrative and technical responsibility for group activities. This included delegating work assignments, supervising activities and providing technical assistance when required. Technicians under my direction operated and maintained unique ground equipment for Nimbus weather satellites.

May 1966 to August 1967

Leader Test and Validation Activity, RCA Service Company, Kennedy Space Center Communications Project, Merritt Island, Florida. My duties were the overall administrative and technical responsibility for group activities. This included delegating work assignments supervising activities, and providing technical assistance when required. Technicians under my direction were responsible for the operation and maintenance of all voice, data, and A2A video wide band circuits and equipment at the Kennedy Space Center.

August 1962 to May 1966

RCA Service Company, Anchorage, Alaska--White Alice Project. My duties were the operation and maintenance of REL-39 Tropospheric Scatter Transmitters and Receivers and associated carrier equipment and systems.

Prior to my employment in the White Alice Project, I attended school.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

JAN 27 '83

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

STATE BOARD OF EDUCATION

Please list any other Board or Commission on which you serve:

Name ERNESTINE J. GRIFFIN		Previous Name applied under	
Mailing Address BOX 808		Residence Address 109-HARBOR MT. ROAD	
City, State and Zip Code SITKA, ALASKA 99835			
Home Telephone 747-3319		Business or Message Telephone 747-8611	

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional)

Social Security Number (Optional)

531-32-0110

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

NO

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

YES NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

UNIVERSITY OF WASH. - 1954-56 HOME EC. + BUSINESS ADM.
 SEATTLE FIRST NAT'L BANK - MGMT TRAINING - 1955-1961
 AMERICAN INSTITUTE OF BANKING - - 1955-1959
 UNIVERSITY OF AK - HOTEL MGMT DEGREE -
 JAYCEES MEMBER - 1962-1964
 TOASTMISTRESS CLUB MEMBER 1963-1966

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

MEMBER OF SITKA SCHOOL BOARD 1975-1978
 PRESIDENT - SITKA CHAMBER OF COMMERCE (1983)
 V.P. " " " " 1982
 BOARD MEMBER " " " " SINCE 1979 -
 BOARD MEMBER SITKA VISITOR BUREAU - SINCE 1982
 MANAGER - SITKA CHAMBER OF COMMERCE - JUN 1980 - JUN 1981
 MEMBER OF BOARD - VOC. ED, SITKA COMM. COLLEGE

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

SEATTLE FIRST NAT'L BANK - 1955-1961
 NAT'L BANK OF ALASKA - 1961-1964
 COLLECTIONS + ACCOUNTING SERVICE FOR THE FOLLOWING:
 WALTER MASSEY, O.D. - SITKA
 RUSSELLS MEN'S STORE - SITKA } 1964-1972
 TOTEM ELECTRIC - SITKA
 MGR: SEA + SKI TRAILER COURT - 1963-1983 - (OWNER)
 POTLATCH HOUSE (HOTEL, BAR + RESTAURANT) 1972-1983
 BRIAN BLDG - (RENTALS) 1973-1974
 OWNER "ERNIE'S CATERING" - 1962-1982
 MGR: SITKA CHAMBER OF COMMERCE 1 YR.

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide the information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX Male Female
 ETHNIC BACKGROUND White Black Hispanic Alaska Native Asian or Pacific Islander American Indian

Date of Birth 5/19/35 Military Service (if applicable, give dates)

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink *Ernest J. Griffin*

Date 1/10/83



STATE OF ALASKA
OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

STATE BOARD OF EDUCATION

Please list any other Board or Commission on which you serve:

NORTHWEST ARCTIC SCHOOL BOARD - Member

Name MARY J. SCHAEFFER		Previous Name applied under N/A
Mailing Address P.O. Box 106	Residence Address 826 4 th St. Kotzebue, Ak.	
City, State and Zip Code KOTZEBUE, ALASKA 99752		
Home Telephone (907) 442-3468	Business or Message Telephone (907) 442-3880	

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional)

Social Security Number (Optional) 574-12-7906

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

NO

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

YES NO If "YES", explain.

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

TRAINING & EXPERIENCE: (If resumé attached, it is not necessary to complete items A-D)

A. List any professional licenses, certifications, or registrations and dates obtained that may be used as qualifying criteria:

B. List both formal and informal education and training experiences: (Use additional paper if necessary)

MANAGEMENT TRAINING - GRID-ON COMMUNICATIONS, SUPERVISION, AND DECISION MAKING.

C. List any community service positions, municipal government positions, state positions held, and list any awards received. These include both compensated and uncompensated positions (for example, president of a service organization or a mayor). Also include length of time served in the positions.

SEE ATTACHED

D. Employment work history: paid, unpaid or voluntary: (Use additional paper if necessary)

SEE ATTACHED

The Office of the Governor and the State of Alaska have an Affirmative Action Equal Employment Opportunity Program. To assist in the program, you are asked to voluntarily answer the following questions to provide information necessary for reporting purposes. Under State and Federal law, the information you provide will not be used to illegally discriminate against you.

SEX

Male White Black Hispanic Alaska Native Asian or Pacific Islander American Indian

Female

ETHNIC BACKGROUND

Date of Birth

Military Service (If applicable, give dates)

6-7-40

CERTIFICATION: I swear that the information I have entered on this form is true to the best of my knowledge. I understand that if I deliberately conceal or enter false information on the form my application may be rejected, I may be removed from the list of eligible candidates or I may be removed from the position. I agree that the Office of the Governor may contact present or former employers or other persons who know me to obtain additional information about my skills and abilities. I understand that the information on this application is public information and may be released through a legal request for such information.

Signature in Ink

Mary J. Schaffer

Date

1-24-83

R E S U M E'

NAME: Mary J. Schaeffer

AGE: 42 (Born at Kotzebue, Alaska 6-7-40)

MARITAL STATUS: Married 12-25-59: we have nine children (five own and four foster)

EDUCATION:

Completed High School: 4 years Mt. Edgecumbe High School, Sitka Alaska

LANGUAGE SKILLS: Speaks fluent English and Eskimo (Inupiak)

EMPLOYMENT HISTORY:

1. September 24, 1980 to present

Title: Legislative Information Officer, Division of Public Services.

Duties: Set up and opened the Legislative Information Office. Prepare participants for teleconference and public hearings using the teleconference network. Monitor the IBM, CRT and teleconference equipment. Provide information on legislative activities to the general public and facilitate public participation in the legislative process. Handle all the administrative duties including correspondence, billings, etc. Provide current information on legislative activities to residents in the NANA Region using terminals on site. Supervise one assistant.

EMPLOYMENT HISTORY:

2. May 1, 1978 to September 16, 1979

Title: Director, Kotzebue Senior Citizens Center, Mauneluk Association

Duties: Had overall responsibility for the management, supervision, and administration of the Senior Center. Was responsible for the physical facility, equipment, furniture, supplies and other property therein. Worked with the Senior Center Board in employing, screening, interviewing and recommending names of applicants for either employment or clients. Worked with the Board and maintained a constant supervision of the total operation of the Center to assure the full service as prescribed by the Center for the well-being of all the clientele. Worked with the Board to enter into any agreements with other Agencies or organizations for specific services. Supervised twelve employees, employed in the Center as kitchen staff, housekeeping, janitors and Licensed Practical Nurse or Nurses Aides. Was responsible for arranging regular in-service staff orientation and training programs for the continual proficiency and efficiency in providing the ultimate services, services to the elderly. Maintained liaison and communications with Mauneluk Association, Offices of the State of Alaska, Bureau of Indian Affairs, Indian Health Services, Public Health Services and related organizations to help develop resources and programs for the Elderly including Public relations, Recruitment, consumer education, training, technical assistance and appropriate reporting and accountability of the Center's operation. Performed other duties as they arise.

R E S U M E

Name: Mary J. Schaeffer

Age: 52 (Born at Kotzebue 6-7-40)

Marital Status: Married 12-25-59; we have nine children (five own and four foster)

Education:

Completed High School: 4 years Mt. Edgecumbe High School, Sitka, Ak.

Language Skills:

Speaks fluent English and Eskimo (Inupiak)

Cultural Background:

I was raised in the Village of Noatak until I was 11 years of age. The main language spoken was the Eskimo language. It was not until we moved to Kotzebue that the English language was mandatory. Our means of transportation was dogsled in the winter months and boats in the summer. We lived in tents from April until last August gathering food for the winter months.

Employment History:

1. Maneluk Association: promoted as Vice-President for Management and Planning, December, 1976 provides leadership, guidance and coordination in the planning, development, operation and evaluation of the delivery of services in the areas of Health, Education, Manpower and Planning; develops and demonstrates new methods and techniques for community participation in and management of their health programs; provides consultation and technical assistance in the evaluation, design, and implementation of health management and corporations delivery system; and coordinates health development activities within the Northwestern region directed to the improvement of the health of the people.
2. Hired as an "ONAJ" Program Director to initiate efforts of increase the amount of self-determination afforded to the natives of Northwest Alaska with the passage of the Indian Self-Determination Act (P.L. 95-638). Maintain close contact with Bureau of Indian Affairs personnel in Juneau and Nome; act in liason role and close communication with eleven (11) village Tribal Governing Bodies within the Region; attend Contract Managers Committee meetings within the State of Alaska as a representative of the NANA Region; travel to villages attending Tribal Governing Body Meetings in order to facilitate an exchange of information and ideas on program contracting; hold regional workshops with representatives from each Tribal Governing bodies within the region; help develop contract proposals that reflect self-determination for the design and operation of Bureau of Indian Affairs programs that impact the NANA Region.

Bureau of Indian Affairs (Juneau, Alaska)

Was employed as an Employment Assistance Specialist: opened up a Sub-Agency office in Kotzebue; assisted in the development and carrying out of the program which included Adult Vocational Training; Direct employment and Pipeline hire of Natives within the NANA Region. Travelled to eleven (11) villages within the region and had contact with the village governing bodies.

Bureau of Indian Affairs (Kotzebue, Alaska)

Hired as an Administrative Assistant at the Kotzebue Community School and was responsible for the upkeep and submitting time and attendance for 107 employees; prepared all personnel action forms; GTR's; maintained records of all requisition for the school operation.

Bureau of Indian Affairs (Nome, Alaska)

Was hired as an Employment Assistance Aide. I interviewed, Screened and counseled Adult Vocational Training and Direct Employment Clients interested in securing training or employment. Contracted and made all necessary travel and medical arrangements; compiled all monthly and yearly reports and acted as an Employment Assistance officer in the absence of the officer making decisions based on my knowledge.

Bureau of Indian Affairs (Anchorage, Alaska)

Was hired as a clerk (IMF) in the Realty Branch. Typed documents on Native allotments; townsite lots; homestead, and maintained files on reports; record books on Native allotments, also made decisions in the absence of the Realty Officer based on my knowledge.

Bureau of Indian Affairs (Nome, Alaska)

Was hired as a clerk (IMF) and worked in the clerical field maintaining files on Tribal Operations; Realty and Civil Services records; typed necessary correspondence and helped with draft resolutions for the governing bodies within the Bering Straits and NANA Region.

Public Health Service (Kotzebue, Alaska)

Was hired as a Dental Assistant in Kotzebue on temporary basis. Worked closely the dentist, chairside assisting, patients preparatory work; sterilizing instruments; daily reports and giving as many children as we can flouride treatments.

Voluntary Work:

Helped at the elders workshop sponsored by NANA Region Corporation gathering Eskimo history to preserve our cultural heritage. Helped translate in the Eskimo language workshop conducted by the NANA Regional Corporation, in village hearings on important issues such as the Caribou Disaster; Alaska Land Claims implementation, Etc.

Civic Organizations:

Secretary, newly organized Regional School Board created under Senate Bill 35.

PAST

Member - State Advisory Council - Vocational Education

Registered agent for the Northwest Inupiat Elders' Conference

Member of Chamber of Commerce

Girls' Scout Leader

Member of Kotzebue Community Youth Council

PAST

Executive Director, Association of School Boards

Panel Member, Native Arts Council

Member, Inupiak Language Commission

Secretary, Statewide Elders Conference



STATE OF ALASKA

OFFICE OF THE GOVERNOR
Pouch A
Juneau, Alaska 99811

BOARDS AND COMMISSIONS RESUMÉ

INSTRUCTIONS

A separate application is required for each position for which you apply. Complete and specific answers will aid in rapid and accurate processing of your resumé. The initial determination of whether you qualify for the position specified will be based on this application.

Please type or print legibly in ink. Forward to the above address. Be sure your answers are true. A willfully false answer may result in your disqualification or removal from office if you are appointed.

Position for which I am applying:

Alaska State Board of Education

Please list any other Board or Commission on which you serve:

Name Sue T. Hull		Previous Name applied under
Mailing Address 1630 Washington Dr.	Residence Address same	
City, State and Zip Code Fairbanks, Ak. 99701		
Home Telephone 479-5729	Business or Message Telephone 479-3644	

REPORT ADDRESS AND TELEPHONE CHANGES PROMPTLY

AS 39.05.100 requires that a person appointed to a board or commission be a registered voter before the last general election:

Are you a registered voter? YES NO

Voter Registration Number (Optional)

Social Security Number (Optional)

529-80-8187

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years? YES NO

If "YES", explain the circumstances on a separate sheet of paper and attach it to this application. A conviction is not necessarily grounds for disqualification. The number of convictions, nature, recency and relationship to the board position applied for will be evaluated and a determination will be made after a review of all relevant facts.

A policy in the Governor's Office pertaining to boards and commissions is that a member attend at least 75% of the meetings. Are there any circumstances in either your professional or personal life which would prevent you from participating at the required authorized meetings? YES NO

If "YES", explain on a separate sheet of paper and attach to this application.

This position may require that the member travel to either urban or rural (or both) areas. Are there any circumstances which would prevent you from participating?

No

CONFLICTS OF INTEREST: Certain Boards and Commissions require full disclosure of personal financial data under AS 39.50.010. If required for the Board or Commission for which you are applying, are you willing to do so? YES NO

Could you or any member of your family be affected financially by decisions to be made by the Board or Commission for which you have applied?

YES NO If "YES", explain

The Office of the Governor will not discriminate against an applicant for a Board or Commission based on Sex, Age, National Origin, Marital Status, Pregnancy, Handicap, Religion or Parenthood.

RECEIVED
MILO M. FRITZ, M. D.

RESUME FOR DON IAN GRAY
(as of 1/1/83)

FEB 9 2 40 PM '83

Degrees and Certificates:

A.B. Stanford University -- Anthropology (1966)
M.A. Stanford University -- Secondary Education (1970)
additional coursework--University of Alaska & Alaska Pacific University.
Alaska Administrative credential and teaching credential
California Teaching Credential (Life) and Administrative Credential

*Independent Teacher
supports bonding arbitrator
vocational education implementation*

Employment:

American Peace Corps 1966-68 (West Bengal, India)
Education Officer, Letterman Hospital, San Francisco 1969
Teacher, Mission San Jose H.S., Fremont, CA, 1969-70
Teacher, Lathrop High School, Fairbanks, Ak. 1970-present (Asian &
European History, Government, Geography)
(Extracurricular: Varsity Track Coach, Freshman/Sophomore Class.
Sponsor, Principal's Advisory Committee, Superintendent's
Advisory Committee)

Summer Employment:

Group leader, Experiment in International Living
(to Italy) summer 1970
Driller's Assistant, United Geophysical Corp., Itkilik River &
Umiat, Alaska summer 1974
Tour guide & Bus Driver, Westours Corp., Fairbanks, Ak. summer 1975
Program Co-ordinator, Alaska Honors Institute for Gifted/Talented;
University of Alaska, Fairbanks summer 1981

Honors:

Fulbright-Hayes Exchange teacher to Great Britain (1978-79)
National Merit Finalist 1962
California State Scholarship 1962-66
National Prospective Teacher Fellowship 1969
Invitee, NASA Public Service Communications Satellite User
Requirements Workshop; Easton, MD 1976
NEA Pan-Pacific Satellite Project moderator 1976-77 (ATG-6 series)

Organizations and Offices:

Fairbanks Education Association--Treasurer (1971), Secretary (1972),
President (1974), Executive Board
NEA/Alaska, State Delegate to Representative Assembly
(Atlantic City 1972), (Chicago 1974), (Miami 1976),
(Minneapolis 1977), (Dallas 1978)
State delegate to National Resolutions Committee, R.A. 1978
Phi Delta Kappa education fraternity--President 1981
National Council for the Social Studies

Alaska Democratic Party: Precinct chairman, delegate to district and
State conventions (1974, 1976, 1978, 1980 & 1982)
Festival Fairbanks 84 Committee
Arctic Winter Games-1982 Snowshoe Events Chairman
Immaculate Conception Catholic Church, Adult Religious Education
Advisory Committee, 1979-present

Personal:

Married to Malie Carolyn Burgin Gray
Two daughters: Anne Emily and Julia Gabrielle Gray

RESUME'

William R. Eubank

P.O.Box 112

Sand Point, Alaska

383-2377

OCCUPATION:

Manager, Aleutian Commercial Company, Inc.
Owner, Manager: Shumagin Homes, Inc.
Development One Apartments
Harborview Apartments
Oceanview Apartments
Westview Apartments
Propane Services of Sand Point
Island Laundry
Aleutian Cycle-Auto-Truck

*see some of the
problems in journal
for details*

EDUCATION:

-Graduate Raytown High School, Raytown, Missouri 1959-1963
-B.A. Sociology-History; Ottawa University, Ottawa, KS
1963-1967
-Masters Secondary Education - History; Kansas State
Teachers College, Emporia, KS 1967-68 -
Full H.E.W. Fellowship
-Credits Alaska Methodist University
Anchorage Community College
Kansas State Teachers College

CHRONOLOGY:

Summer 1960, 61, 62	Boy Scouts of America, Camp Osceola, Missouri
9/64 - 5/65	Salesman Ottawa University CAMPUS advertisement
10/64 - 5/65	Teachers aide Lincoln Grade School, Ottawa, Kansas
10/64 - 5/66	Receptionist, Head Receptionist Ottawa U. Union Desk
9/65 - 12/65	Business Manager, Ottawa University CAMPUS
9/63 - 5/67	Student Ottawa University, B.A. Sociology
6/65 - 8/68	Ottawa Police Department - full time dispatcher 10p.m. -6 a.m.
9/67 - 1/68	Adult Education Instructor, Headstart, David Clapsaddle
9/67 - 8/68	H.E.W. Fellowship, Kansas State Teachers College, Emporia KS
9/67 - 8/68	Student K.S.T.C., Masters in Secondary Education
6/68 - 8/68	✗ Student Teacher, <u>Boys Industrial School</u> , Topeka, KS
8/68 - 6/69	Full Time Teacher McLaughlin Youth Center, Anchorage, AK
9/68 - 1/69	Student at A.M.U. three credits - Math
1/69 - 5/69	Student at Anchorage C.C. three credits Elementary Ed.
6/69 - 8/69	Ottawa Police Department - dispatcher
9/69 - 5/70	Principal - teacher Belkofski School, Alaska
1/70 - 3/70	1970 Census Crewleader
5/70 - 8/70	Ottawa Police Department - dispatcher
August 1970	Student University of Alaska one credit

February 11, 1982

To: House HESS Committee Members
From: Linda Otey, Committee Assistant
Re: Confirmation Hearings Scheduled for Monday, 2-14-82
Resume's attached

The attachments are resume's regarding the Governor's appointments to the State Board of Education. This meeting has been scheduled for joint conference with the Senate HESS Committee on Monday, February 14, 1982 in the Senate Finance room.

The only resume' unavailable at this time is that of Mr. Barney Gottstein. Mr. Gottstein is also out of the state presently and will not be able to attend the confirmation hearings scheduled for Monday. The Board of Education is meeting in Jundau on the 14th and 15th of next week; consequently the other appointees will be in attendance at the joint hearing.

R E S U M E '

William R. Eubank
P.O.Box 112
Sand Point, Alaska
383-2377

OCCUPATION:

Manager, Aleutian Commercial Company, Inc.
Owner, Manager: Shumagin Homes, Inc.
Development One Apartments
Harborview Apartments
Oceanview Apartments
Westview Apartments
Propane Services of Sand Point
Island Laundry
Aleutian Cycle-Auto-Truck

EDUCATION:

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1963-1967
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-Credits Alaska Methodist University
Anchorage Community College
Kansas State Teachers College

CHRONOLOGY:

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10/64 - 5/66	Receptionist, Head Receptionist Ottawa U. Union Desk
9/65 - 12/65	Business Manager, Ottawa University CAMPUS
9/63 - 5/67	Student Ottawa University, B.A. Sociology
6/65 - 8/68	Ottawa Police Department - full time dispatcher 10p.m. -6 a.m.
9/67 - 1/68	Adult Education: Instructor, Headstart, David Clapsaddle
9/67 - 8/68	H.E.W. Fellowship, Kansas State Teachers College, Emporia KS
9/57 - 8/68	Student K.S.T.C., Masters in Secondary Education
6/68 - 8/68	Student Teacher, Boys Industrial School, Topeka, KS
8/68 - 6/69	Full Time Teacher McLaughlin Youth Center, Anchorage, AK
9/68 - 1/69	Student at A.M.U. three credits - Math
1/69 - 5/69	Student at Anchorage C.C. three credits Elementary Ed.
6/69 - 8/69	Ottawa Police Department - dispatcher
9/69 - 5/70	Principal - teacher Belkofski School, Alaska
1/70 - 3/70	1970 Census Crewleader
5/70 - 8/70	Ottawa Police Department - dispatcher
August 1970	Student University of Alaska one credit

8/70 - 5/71	Principal Teacher Belkofski School Belkofski, AK
3/31/71 -	
4/2/71	American Freezer Ship Seattle, Salvage F/V Tressa Lee
4/3/71 -	
4/6/71	Fred Devine Diving & Salvage, Salvage F/V Tressa Lee
6/71 - 8/71	Student Kansas State Teachers College, twelve credits
8/71 - 5/72	Teacher- Gr. 3-4-5 St. George School, St. George, AK
6/72 - 8/72	Labor, carpenter, National Marine Fisheries Service in St. Paul Island, AK 1st full summer in Alaska!
9/72 - 5/73	Principal teacher St. George School, Gr 4-5-6
6/73 - 8/73	Ottawa Police Department, Last full summer out of Alaska
8/73 - 5/74	Elementary & Secondary Teacher, Sand Point School, Sand Point,
6/74 - 9/74	General help Aleutian Commercial Co., Sand Point, AK
6/74 - 2/75	City Clerk - Treasurer City of Sand Point
9/74 - 5/75	Elementary: Gr. 5-6; Secondary - Social Science Sand Point School, Sand Point, AK
1/75 - 6/76	City Treasurer City of Sand Point
6/75 - 3/76	Carpenter - Bookkeeper Shumagin Homes Construction
8/75 - 5/76	Teacher Elementary: Gr. 6-7 and Secondary Social Science Sand Point School, Sand Point, AK
Summer 1976	Aleutian Commercial Company, clerk, bookkeeper
8/76 - 5/77	Teacher- Assistant Principal Sand Point Schools
Summer 1977	Aleutian Commercial Company, clerk, bookkeeper
7/77 - 5/78	Builder-owner of Development One, 5 plex 4,600 sq ft Sand Point, AK
6/78 - 8/78	Builder, foundation of new Aleutian Commercial Company Store in Sand Point
8/78 - 6/79	Designer- Builder-owner of Harborview Apartments, 8 units, 6,000 sq ft., Sand Point, AK
7/80 - 4/81	Builder-owner of Oceanview Apartments, 10 units, 7,500 sq ft., Sand Point, AK
7/80 - 4/81	Builder-owner of Westview Apartments, 6 units, 5,000 sq ft., Sand Point, AK
4/81 - 8/82	Consultant-Assistant Manager Aleutian Commercial Company Sand Point, AK
8/82 - present	Manager, Aleutian Commercial Company Sand Point, AK

PROFESSIONAL ORGANIZATION

Member of Lions Club, Sand Point Chapter

H B

117

COMMITTEE REPORT

HOUSE

FURTHER: JUDICIARY
FINANCE

1/26/83

Date: _____

Mr. Speaker:

The Committee on HESS has had RB 117

An Act relating to sexual abuse of a minor.

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**

Mr. Miller

Mr. [unclear]

[unclear]

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[unclear]

[unclear]

[unclear]

[unclear]
CHAIRMAN

From
Neil Horvath

COMMENTARY AND SECTIONAL ANALYSIS FOR THE
PROPOSED CS FOR HOUSE BILL 117 (HEALTH, EDUCATION AND
SOCIAL SERVICES); A BILL RELATING TO SEXUAL ABUSE OF A MINOR

Section 1. AS 11.41.430, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. The section prohibits sexual penetration with a person who is under the age of 13 and at least three years younger than the actor. It also prohibits sexual penetration with a person under 18 who is entrusted to the actor's care by authority of law or because the person is his son or daughter, including illegitimate or adopted children and stepchildren.

Basically, this provision covers conduct which is currently classified as Sexual Assault in the First Degree, but the language here adds the requirement of a three year age difference between the actor and the victim. This requirement is added to ensure that a child who engages in sexual play with another child of the same age level could not be charged with a felony. (Such behavior may in some circumstances be cause for parental concern, but it is not considered appropriate or useful to classify it as a crime.) Forcible sexual penetration of any person, including a child, would continue to be punishable as Sexual Assault in the First Degree (AS 11.41.410), an unclassified felony.

The language in this section addresses a problem which has arisen under the present sexual assault laws by deleting the requirement that the actor be 16 years of age or older. The provisions of the law are thus made applicable to juvenile offenders. This is important; studies of adult sexual offenders indicate that many convicted offenders began to commit sexual assaults in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders.

Sexual Abuse of a Minor in the First Degree is a class A felony offense. It carries a maximum sentence of up to 20 years in prison, and a presumptive term of five years upon conviction for a first offense.

Section 2. AS 11.41.435, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. It includes the offenses found in the current Sexual Abuse of a Minor statute (AS 11.41.440), with the addition of the requirement that the

actor be at least three years older than the victim. This language exempts teenagers who have consensual sexual relations with other teens near their own age (a 17-year-old boy and his 15-year-old girlfriend, for example) from prosecution. As in Section 1, above, the amendment deletes the requirement that the actor be 16 years of age or older, thus making the statute applicable to juvenile offenders who assault children much younger than themselves--the babysitter/toddler situation, for example.

Paragraph 3 creates a new offense to address an omission in the current law. Under current law sexual contact by a parent or guardian with his own child is prohibited only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Since fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of a more serious assault, this provision raises to the age of 17 those children who are protected under the law. This conduct is a class B felony offense, punishable by up to ten years in prison.

Section 3. AS 11.41.440, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute raised from its present classification as an A misdemeanor to a class C felony offense. Class C felonies are punishable by up to five years in prison.

Staff Report
House bills 117,127,128
January 27, 1983

HB 117:

Under current statute, sexual abuse of a minor under 16 years of age is a class C felony.

As proposed by HB 117:

1. Sexual abuse of a minor under 13 years of age is a offense in the first degree and is a class B felony.

2. Sexual abuse of a minor aged 13 to 16 is sexual abuse in the second degree and is a class C felony.

HB 127:

Under current statute, the first felony conviction for sexual assault in the first degree, not involving firearms, use of a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 8 years. The proposal will change that sentence to 10 years.

Under current statute, the first felony conviction for sexual assault in the first degree involving firearms, a dangerous instrument, or causing serious physical injury requires a presumptive sentence of 10 years. HB 127 changes that sentence to 12 years.

HB 128:

Under current statute, promoting prostitution is a class B felony. HB 128 provides that inducing or causing a person under 16 years of age to engage in prostitution is a class A felony.

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 809

JUNEAU, ALASKA 99802

586-3650

POSITION PAPER

HB117: An Act relating to sexual abuse of a minor

The Alaska Network on Domestic Violence and Sexual Assault is a non-profit corporation composed of twenty-one programs statewide that provide domestic violence, sexual assault, and adult crisis intervention services to members of their respective communities. Network programs are funded in part through grants and contracts awarded by the Council on Domestic Violence and Sexual Assault.

The Network was established in 1978, and has as one of its primary focuses the elimination of domestic violence and sexual assault through provision of shelter, advocacy, and education/prevention services.

The Network maintains that, in cases involving sexual abuse of a minor, sexual contact and penetration are equally serious offenses that should be incorporated in the same felony classification.

The Network would strongly support a comprehensive overview of current statutes governing the prosecution, sentencing, and treatment of persons charged and convicted of sexual abuse of a minor.

1 IN THE HOUSE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 117 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the laws relating to sexual abuse of
7 a minor."

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

9 * Section 1. AS 11.41 is amended by adding new sections to read:

10 Sec. AS 11.41.435. SEXUAL ABUSE OF A MINOR IN THE FIRST DEGREE.

11 (a) A person commits the crime of sexual abuse of a minor in the
12 first degree if

13 (1) that person engages in sexual penetration with a person
14 who is under 13 years of age and at least three years younger than the
15 offender or aids, induces, causes, or encourages a person who is under
16 13 years of age and at least three years younger than the offender to
17 engage in sexual penetration with another person; or

18 (2) being 18 years of age or older, that person engages in
19 sexual penetration with a person who is under 18 years of age and who

20 (A) is entrusted to that person's care by authority of
21 law; or

22 (B) is that person's son or daughter, including an
23 illegitimate or adopted child, or a stepchild.

24 (b) Sexual abuse of a minor in the first degree is a class A
25 felony.

26 Sec. 11.41.437. SEXUAL ABUSE OF A MINOR IN THE SECOND DEGREE.

27 (a) A person commits the crime of sexual abuse of a minor in the
28 second degree if

29 (1) that person engages in sexual contact with a person who

1 is under 13 years of age and at least three years younger than the
2 offender, or aids, induces, causes, or encourages a person under 13
3 years of age and at least three years younger than the offender to
4 engage in sexual contact with another person;

5 (2) being 18 years of age or older, that person engages in
6 sexual contact with a person who is under 18 years of age and who

7 (A) is entrusted to that person's care by authority of
8 law; or

9 (B) is that person's son or daughter, including an
10 illegitimate or adopted child or stepchild; or

11 (3) that person aids, induces, causes, or encourages a
12 person who is 16 years of age or younger to engage in conduct de-
13 scribed in AS 11.41.455(a)(2) - (6).

14 (b) Sexual abuse of a minor in the second degree is a class B
15 felony.

16 * Sec. 2. AS 11.41.440 is repealed and reenacted to read:

17 ~~Sec. 11.41.440. SEXUAL ABUSE OF A MINOR IN THE THIRD DEGREE.~~

18 (a) ~~A person commits sexual abuse of a minor in the third degree if~~

19 (1) that person engages in sexual penetration with a person
20 who is aged 13, 14, or 15, and at least three years younger than the
21 offender, or aids, induces, causes, or encourages a person who is aged
22 13, 14, or 15, and at least three years younger than the offender to
23 engage in sexual penetration with another person;

24 (b) Sexual abuse of a minor in the third degree is a class C
25 felony.

26 * Sec. 3. AS 11.41.410(a)(4) is repealed.

DEPT. OF LAW
3/25/83

COMMENTARY AND SECTIONAL ANALYSIS
FOR THE PROPOSED 1983 AMENDMENTS TO ALASKA'S LAWS
RELATING TO SEXUAL ASSAULT AND SEXUAL ABUSE OF A MINOR

Section 1. AS 11.41.410, Sexual Assault in the First Degree.

This section repeals subsections (a)(3) and (4) of the Sexual Assault in the First Degree statute. These subsections are reclassified in section 3, below, as Sexual Abuse of a Minor in the First Degree.

Section 2. AS 11.41.420, Sexual Assault in the Second Degree.

This section accomplishes two things. It amends the current Sexual Assault in the Second Degree statute to define the crime as "sexual contact with another person without consent of that person." The amended language is consistent with that used in the Sexual Assault in the First Degree statute, which prohibits sexual penetration without consent. Under the current Sexual Assault in the Second Degree law the prosecutor must prove that the victim was "coerced" to submit to the sexual contact by the express or implied threat of imminent death, imminent physical injury, or imminent kidnapping. Technically, the defendant's use of force without any threats may not be sufficient to establish this crime; felony charges have been lost through a literal application of these terms.

The second change which this section makes is to raise the current class C felony offense of Sexual Assault in

the Third Degree, penetration with a person who is suffering from a mental defect or is incapacitated, to Sexual Assault in the Second Degree, a class B felony punishable by up to ten years in prison.

Section 3. AS 11.41.430, Sexual Abuse of a Minor In the First Degree.

This section creates a new classification of offense, Sexual Abuse of a Minor in the First Degree. This new crime prohibits sexual penetration with a person who is under the age of 13 and at least three years younger than the actor. It also prohibits sexual penetration with a person under 18 who is entrusted to the actor's care by authority of law or because the person is his son or daughter, including adopted, illegitimate or stepchildren. Basically, this provision covers conduct which is currently classified as Sexual Assault in the First Degree, but the language here adds the requirement of a three year age span between the actor and the victim. This requirement is added to ensure that a child who engages in sexual play with another child of the same age level could not be charged with a felony. Such behavior may in certain circumstances be cause for parental concern, but it is not considered appropriate or useful to classify it as a crime. Forcible sexual

penetration of any person, including a child, would continue to be punishable as Sexual Assault in the First Degree, an ^{un-}classified felony.

These amendments address a serious omission in the present sexual assault laws by deleting the requirement that the actor be 16 years of age or older. The section is thus made applicable to juvenile offenders. This is an important consideration, as some studies of adult sexual offenders indicate that the offenders began to sexually assault in their early teen years. Early identification and treatment of juvenile sexual offenders may ultimately decrease the number of adult offenders. Sexual Abuse of a Minor in the First Degree is a class A felony offense. It carries a maximum sentence of up to 20 years in prison, and a presumptive term of five years upon conviction for a first offense.

Section 4. AS 11.41.435, Sexual Abuse of a Minor in the Second Degree.

This section creates a new classification of crime, Sexual Abuse of a Minor in the Second Degree. This includes the offenses found in the current Sexual Abuse of a Minor statute (AS 11.41.440), with the addition of the requirement that the actor be at least three years older than the victim. This language exempts teenagers who have consensual sexual relations with other teens near their own age (a 17 year old boy and his 15 year old girlfriend, for example) from prosecution for a felony. As in Section 3, above, the amendment deletes the requirement that the actor be 16 years of age or older, thus

making the statute applicable to juvenile offenders who assault children much younger than themselves--the babysitter/toddler situation, for example.

Subsection 3 creates a new offense to address an omission in the current law. Under current law sexual contact by a parent or guardian with his own child is prohibited only if the child is under 13 (a class C felony) or under 16 (a class A misdemeanor). Since fondling of a child's genitals or breasts by a parent is a serious violation of the trust and authority relationships within a family, and is often the precursor of more serious sexual conduct, this provision raises the age of children covered to 17, and makes this conduct a class B felony offense punishable by up to ten years in prison.

Section 5. AS 11.41.440, Sexual Abuse of a Minor in the Third Degree.

This section creates a new classification of offense entitled Sexual Abuse of a Minor in the Third Degree. Basically, this is the current Contributing to the Delinquency of a Minor statute raised from its current classification as an A misdemeanor to a class C felony offense. Class C felonies are punishable by up to five years in prison.

Section 6. AS 11.51.130(a)(4), Contributing to the Delinquency of a Minor.

Section 6 repeals the "sexual contact" subsection of the present Contributing to the Delinquency of a Minor statute. The seriousness of this conduct has been increased in Section 5, above, to Sexual Abuse of a Minor in the Third Degree, a class C felony.

Section 7. AS 11.41.460, Indecent Exposure.

This section creates a new crime entitled Indecent Exposure, which is the intentional exposure of a person's genitals, buttock, anus or female breast to another person with reckless disregard for the offensive, insulting or frightening effect that the exposure that might have on the other person. Under current law this conduct is considered "Disorderly Conduct", a class B misdemeanor offense with a maximum penalty of ten days in jail. Some recent studies indicate that exposure is sometimes the first step^{for} sex offenders who later increase the seriousness of their conduct to sexual contact or penetration. The current law treats this behavior much too leniently. This section raises the classification of Indecent Exposure to an A misdemeanor level if the object of the exposure is a child under the age of 16. The offense

remains a B misdemeanor if the witness to the exposure is an adult.

Section 8. AS 11.61.110(a)(7), Disorderly Conduct.

Section 8 repeals the current "exposure" subsection of the Disorderly Conduct statute. This conduct is included in the Indecent Exposure provisions set out in section 7.

Section 9. AS 12.10.020, Specific Time Limitation.

This section creates an exception to the general five year statute of limitations (AS 12.10.010) to allow prosecution for a sexual offense against a child to be commenced within one year after the child reaches the age of 16, or reports the crime to a law enforcement officer, whichever occurs first. The period of limitation cannot be extended by more than ten years, however. This change is necessary because sexual offenses against young children (especially intrafamilial abuse) are frequently not discovered until the child reaches sufficient maturity to realize the wrongfulness of the conduct and to identify those adults to whom the conduct may safely be reported. A child of 12, 13 or 14 will often report for the first time sexual abuse which has been occurring since he or she was 4 or 5 years old. While the most recent assaults may be prosecuted, these offenses may be classified as less serious

than the earlier ones, because of the child's older age. In those situations where the sexual abuse has been a continuing course of conduct which spans several years of a child's life the trier of fact should be entitled to reach and consider all aspects of the adult's conduct.

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 117 Date on Bill: 1/26/83
 Title: An Act Relating to sexual abuse of a minor
 Sponsor: Representative Pestinger
 Requestor: House HESS

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

Source of funds not identified by sponsor

3. Assumptions:

No fiscal impact

4. Disclaimer:

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

Prepared By: Paul Conder Phone: 465-4338
 Division: Administrative Services Date: 2/28/83

Approved by Commissioner: [Signature] Date: 2/28/83
 Department: Public Safety

5. Distribution:

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

2/15/83

HB 117, 127, 128

Dave Palmer

FEB 21 1983

Brenda Stephens
Box 699
Soldotna, Ak. 99669
262-4643

I would like to see stronger support for changes in our state statutes regarding sexual abuse of minors.

I realize that statistics can be used in a variety of ways. This is a problem that I see first-hand, not as statistics in my local papers. I work as a crisis volunteer for the women's center in Soldotna and see a need for more teeth in our laws protecting our young people from abusive adults.

I urge you to consider the recommendations made by Sayle Horvath to the House Health, Education and Social Services Committee.

Please, let's protect our young people.

Brenda Stephens
cc: Don Gilman, Paul Fischer, Hugh Malone,
Nilo Fritz, Bette Cato

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 117
 Title "An Act relating to sexual abuse of a minor"
 Requested by Representative Pestinger Date Jan. 26, 1983

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Offender Confinement Reformation & Supervision
 BRU, Program or Subprogram(s) Affected Adult Confinement
 (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	2044.0	-0-	64.1	370.0		

FUNDING (Thousands of Dollars)

GENERAL FUND	2044.0	-0-	64.1	370.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This bill relates to the crime of sexual abuse of a minor in the first and second degrees.

IV. DATE February 4, 1983

PREPARED BY Roger C. Lange
 AGENCY Division of Adult Corrections

Original: Legislative Finance PHONE 465-3376
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

BILL NUMBER House Bill No. 117

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES				261.2		
200 TRAVEL				1.8		
300 CONTRACTUAL			14.0	50.0		
400 COMMODITIES			45.9	48.7		
500 EQUIPMENT				2.0		
600 LAND & STRUCTURES	2044.0					
700 GRANTS, CLAIMS ETC.			4.2	6.3		
TOTAL	2044.0		64.1	370.0		

FUNDING (Thousands of Dollars)

GENERAL FUND	2044.0		64.1	370.0		
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME				5.6		
PART TIME						
TEMPORARY						

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

The enactment of House Bill No. 117 will result in changing the offense of sexual abuse of a minor who is under 13 years of age from a Class C to a Class B felony. Conviction for this offense will result in longer sentences.

For purposes of this fiscal analysis, the following information was used:

1. There have been approximately 45 convictions annually for the crime of sexual abuse of a minor.
2. An assumption is made that 22 (approximately 50%) of the current convictions would be for the crime of sexual assault of a minor under 13 years of age.
3. Sentencing data for Class B and C felonies is not available by offense. Therefore, the data available for sentencing by class has been applied in this note. Therefore:
 - a. There will be an increase in time served by convicted offenders of 1.08 years, the current difference between Class B and Class C average length of sentence served.