

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986

3214.76 HHESS HB 174 - HB 191



RECORDS



CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

H B

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COMMITTEE REPORT
HOUSE

(7)

FURTHER: FINANCE

2/6/85

Date: March 5, 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 174

"An Act requiring training in basic emergency care and the recognition of child abuse for teachers certified in the state."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 174 same title
 new title
- and recommends DO PASS
- 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

~~Katie Hurregan~~

Billie Davis Robert Taylor

My Shumaker

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Katie Hurregan NO REC.

Randi W. Thompson NO REC.

Lynne Hilly NO REC.

[Signature]
CHAIRMAN
[Signature]

passed
[Signature]
Cramer
2/22/85 ✓

Original sponsor: Taylor by request

1 IN THE HOUSE

BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 174 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring training in basic emergency care
7 for teachers certified in the state."

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

9 * Section 1. AS 14.20.020(b) is amended to read:

10 (b) A person is not eligible for a teacher certificate unless
11 that person has received at least a baccalaureate degree from an
12 institution of higher education accredited by a recognized regional
13 accrediting association or approved by the commissioner and has com-
14 pleted a course of at least eight hours in basic emergency training,
15 including cardiopulmonary resuscitation and basic first aid. However,
16 this subsection is not applicable to

17 (1) persons employed in the state public school system on
18 September 1, 1962;

19 (2) persons issued an emergency certificate during a situa-
20 tion which, in the judgment of the commissioner, requires the tempo-
21 rary issuance of a certificate to a person not otherwise qualified.

22 * Sec. 2. A teacher who holds or has applied for a certificate on the
23 effective date of this Act shall complete basic emergency training
24 comparable to the training required by AS 14.20.020(b) within two years
25 after the effective date of this Act.

26 * Sec. 3. The amendments made to AS 14.20.020 by sec. 1 of this Act
27 apply to teachers who apply for certification after the effective date of
28 this Act.

29

Cramer
2/22/85 ✓

Original sponsor: Taylor by request

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AND SOCIAL SERVICES COMMITTEE

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27 apply to teachers who apply for certification after the effective date of
28 this Act.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

1411 W. 33RD
ANCHORAGE, ALASKA 99503
(907) 274-0536

JUNEAU OFFICE

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

FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET
FAIRBANKS, ALASKA 99701
(907) 456-4435

February 19, 1985

TO: Representative Niilo Koponen
Representative Max Gruenberg, Co-Chairs
Members, House HESS Committee

RE: HB 174 "An Act requiring training in basic emergency care and the
recognition of child abuse for teachers certified in the state."

NEA-Alaska supports the concept that all teachers should have basic training in emergency first aid and the recognition and reporting of child abuse. We also believe teachers should be trained in recognizing symptoms of depression and suicidal behavior and symptoms of alcohol and drug abuse. Teachers should also be knowledgeable about community and state referral agencies and all appropriate resources available within a school district.

Our concern is not with the intent to insure this type of training but with legislating, with this specificity, requirements for teacher certification.

Currently, the State Board of Education is vested with authority to approve teacher certification programs offered by colleges and universities and to determine the minimum standards for certification. At this time, an advisory task force on certification is at work reviewing the certification regulations and preparing to recommend to the Board changes in these regulations.

We support review by this task force of the need for specific health related training for teachers and task force recommendation of how best to accomplish this objective. This process we recommend for dealing with the concerns of HB 174 insures that the needs are positively addressed in a way that is comprehensive and consistent with current regulations vesting decisions related to teacher certification with the State School Board.

Respectfully submitted:

Gayle Pierce
President

L85:10

C: Representative Robin Taylor
Harold Reynolds, Commissioner Department of Education

Position Paper

House Bill 174

For "An Act requiring training in basic emergency care and the recognition of child abuse for teachers certified in the state."

This bill would amend AS 14.03.030 to require that certified teachers have at least eight hours in basic emergency training, including cardiopulmonary resuscitation and basic first aid, and the recognition and reporting of child abuse. Teachers would have two years to complete training after the effective date of this bill.

The Department of Health and Social Services supports the intent of this bill for the following reasons:

- 1) Teachers should have some basic knowledge of emergency care in order to better recognize and provide prompt initial treatment for medical emergencies occurring during school activities; and
- 2) Teachers are in a unique position to identify patterns of child abuse.

BACKGROUND

According to the American Heart Association and American Red Cross, there are over 800 CPR instructors and over 500 first aid instructors in Alaska. Much of this training is provided at little or no cost to the student.

According to the National Safety Council, there were 21,000 school jurisdiction accidents reported for the 1980-81 school year, from reporting schools with a combined total enrollment of 725,000 students. Generally, the majority of these injuries occurred in physical education classes, during sports activities, industrial arts classes, and in corridors or auditoriums.

Nationally, and in the State of Alaska, reports of sexual and physical abuse combined do not reach the numbers of reported cases of child neglect. Not only is there a larger population of children affected by neglect, more children suffer serious injury and die as a result of neglect than as a result of abuse. The recently completed American Humane Association Report, "Trends in Child Abuse and Neglect: A National Perspective" stated that in 1982 50% of all child fatalities were as a result of failure to provide necessities. Neglect should be included as a category for teacher training.

POSITION

The Department of Health and Social Services supports the intent of this legislation, with amendments.

POSITION PAPER/Department of Health & Social Services

The basic CPR "heart saver" course is a 4 hour course, and the basic Red Cross "multi-media first aid" course is an 8 hour course. Therefore, this bill should be amended to require 12 hours of basic emergency care training plus whatever additional hours are necessary to teach recognition of child abuse and neglect. The words "and neglect" should be added after the words child abuse in the title and on P.1 line 16 and P.1 line 24.

If it is not feasible to require every teacher to have basic emergency care training, there should still be someone with adequate training at all times while children are in school. The Alaska EMS Goals planning guide recommends that all schools, at a minimum, should have:

- 1) Posted procedures, known to all school personnel, for the efficient handling of injuries and emergencies, including plans for the transfer of critically injured or ill children to an appropriate facility.
- 2) Annual review of emergency procedures and orientation for all teachers.
- 3) At least one person, trained to the Emergency Trauma Technician level, advanced first aid level or above (such as school nurse) responsible for first aid and necessary referral for sick and injured children.

Recommended by: Robert I. Fraser for
Robert I. Fraser, M.D.
Director
Division of Public Health

Date: 2/19/85

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

Date: 2/19/85

Approved by: John R. Pugh
John R. Pugh, Commissioner
Department of Health and
Social Services

Date: 2/21/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

<p><u>REQUEST</u> Bill/Resolution No.: <u>HB 174</u> Title: <u>An Act Requiring Training in Basic Emergency Care.....</u> Sponsor: <u>Representative Taylor</u> Requestor: _____ Date of Request: _____</p>	<p><u>FISCAL DETAIL</u> Agency Affected: <u>Health & Social Services</u> Program Category Affected: <u>Public Health, Family & Youth Services</u> BRU, Program or Subprogram(s) Affected: <u>State Health Services BRU., Admin. Services - EMS; Youth Services BRU</u></p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: ^{RIFOD} Robert I. Fraser, M.D. Phone: 465-3090
 Division: Public Health Date: 2/19/85

Approved by Commissioner: J.R.P. Date: 2/21/85 *JCC*
 Agency: Dept. of Health and Social Services

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Max, Niilo, Robin, Alyce, Kateri, Dave

HB 18 and HB 174

Caren Robinson - Aware

- Support bills
- recommends that they pass
- distributed two curriculums for review
- all communities (sch dist) do not support teacher training & curriculum
- include child neglect

Max DHSS recommends deletion of "in service" on line 12 and adding "child neglect" on line 14.

Robin recommends a CS for HB174 to include Randy's Bill HB 18.

- may need a phrase in on certification requirement.
- Jan 1, 1986 EFD.

Alyce should certification be required - tie to pay raise → should

Mark Johnson EMS Chief

support

Nat'l Safety Council showed 31,000 school injuries. 1 out of every 35 students. 12 hours would be needed for first aid & CPR alone.

Really better to require maintenance of certification.

large number of instructors available

CPR 4 hrs

Heart Lesson
Heart Saver

Multi-media
first
Aid

State. Should court training already received

Frank Barthel - DFYS

Support both bills
50% of child fatalities from abuse & neglect.
Stats on State/ Nat'l rates.

Hompson Bills are pre-empting State Bd of Ed with this concept. Politicians should not make Educational decisions
Good intentions but in-service a Catchall for concerns.

— \$2.9 million per day for in-service
— 4 1/2 days/yr. avg. in-service in state.
Better to let State Board know what our concerns are.

Katie supports Thompson's comments.

Bob Cooksey - NEA

Letter from Gayle Pierce in packet.
Support concept; intent but rather suggest State Board adopt req. to have districts submit plans to cover these concerns.

suggest all district employees be included in training.

If districts provide training, shouldn't be required for certification.

Sherrin Guel - Women's Lobby
support bills

Steve Holt - DOE

no fiscal note because all 180 days are pd. for and no additional costs for in-service day.

support concept but support ~~that~~ individual choice by districts on method & type of training.

Better to have each district provide a plan to have one trained person available with CPR training.

FIRST AID TRAINING would be nice
State approves College Curriculum.

Nothing is required for in-service!

4APC 06.040
OSD

Rubin

questions to resolve:

1) should training be done in in-service?

Katie - dangerous precedent.

Niilo - premature - DOE overview next week. also

regulations by Board faster than passing a law

David - Bid with lower number the vehicle

- agree with Katie on setting precedents

Alice - problem w/ mandating. An good but no monitoring can make it frustrating.

Solin

Want Keys in State Board on FIRST AID

and recognition of child abuse/neglect
if not → pass bill.

Katie -

HB 1714 OK if there is lead time and for certification.

Basic Energy Care

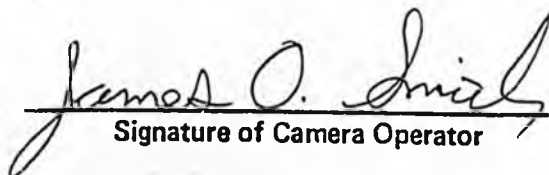
Strike under Ok. Statute

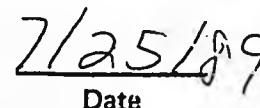


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

HPB

185

COPY

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 18, 1985

SUBJECT: Sectional analysis of HB 185 (student loans)
Representative Niilo Koponen
Chairman, Health, Education and Social
Services Committee

FROM: Keith B. Levy
Legislative Counsel

The following is a sectional analysis of HB 185, relating to the student loan program.

Section 1. Existing law allows a deferral of the repayment of student loans for certain activities including service on active duty as a member of the armed forces. This section limits the military service deferral to an initial period of service of up to six years (AS 14.43.120(k)).

Section 2. This section rewrites the eligibility requirements for a student loan (AS 14.43.125). To be eligible, a person must meet three requirements. First, the person must either be enrolled as a full-time student in a career education, associate, baccalaureate, or graduate program, or a high school graduate, or scheduled for graduation from high school within six months. Second, the person may not be delinquent or in default on a previously awarded loan. Third, the person must be a resident of the state at the time of application. To qualify as a resident, the person must either (1) have been physically present in the state for two years before applying; (2) have been present in the state for one year of the preceding five and be dependent on a parent or guardian who has been present in the state for two years before the application; or (3) have been present in the state for two years or be dependent on a parent or guardian who has been present in the state for two years before the person was absent from the state if the absence was due solely to one of the justifications listed in the statute. The justifications for absence include

Representative Niilo Koponen
Page 2
February 18, 1985

military service, Peace Corps service, volunteer service under the Domestic Volunteer Service Act of 1973, participating in a foreign exchange student program, attending school as a full-time student, full-time employment by the state, working as or being employed full-time by the state's congressional delegation, medical care for the applicant or the applicant's immediate family, and accompanying a spouse who qualifies under these provisions. A person does not qualify as a resident if that person establishes residence in another state during the absence.

Section 3. This section provides for an immediate effective date.

KBL:mkr
110:WKJ11

REPORTS OF SPECIAL COMMITTEESHB 161

The House Special Committee on State Loans has considered HOUSE BILL NO. 161 (relating to student loans; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 161 (Loans):

"An Act relating to the interest rate, forgiveness provisions, eligibility requirements, and conditions of scholarship loans; and providing for an effective date."

and reports it back as follows: Fuller recommends do pass; Duncan recommends do not pass; Sund (Chairman), Uehling and Cotten have no recommendation. A fiscal note is forthcoming.

HB 161 was referred to the Health, Education & Social Services Committee.

HB 185

The House Special Committee on State Loans has considered HOUSE BILL NO. 185 (relating to student loans; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 185 (Loans):

"An Act relating to the maximum loan amounts, eligibility requirements, and conditions of scholarship loans; and providing for an effective date."

and reports it back as follows: Sund (Chairman), Duncan, Fuller, Uehling and Cotten recommend do pass. A zero fiscal note was attached.

HB 185 was referred to the Health, Education & Social Services Committee.

INTRODUCTION OF CITATIONS

The following citations were received:

Honoring - the Volunteer Firefighters
of Alaska
by Representative Marrou

Honoring - Kris Thorsness
by Representatives Clocksin, Hanley and
Pearce and Senator V. Fischer

The citations were referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCEOF HOUSE RESOLUTIONSHCR 16

HOUSE CONCURRENT RESOLUTION NO. 16 by Hurley, Adams, Grussendorf, Clocksin, Koponen, Larson, Sund, Taylor and Boucher:

Relating to the longevity bonus program.

was read the first time and referred to the Rules Committee.

INTRODUCTION, FIRST READING AND REFERENCEOF HOUSE BILLSSSHB 20

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 20 by Goll, Sund, Marrou, Gruenberg and Taylor, entitled:

"An Act relating to interest on deposits collected by public utilities."

was read the first time and referred to the Labor & Commerce and Finance Committees.

HB 258

HOUSE BILL NO. 258 by the Community & Regional Affairs Committee, entitled:

"An Act relating to the reduction of airline passenger fares; and providing for an effective date."

was read the first time and referred to the Community & Regional Affairs, Transportation and Finance Committees.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 3/5/85

REQUEST

Bill/Resolution No.: CS HB 185
Title: Conditions of Student Loans

Sponsor: Koponen, Goll, Sund, Et Al.
Requestor: House Loan Comm.
Date of Request: 3/4/85

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: Postsecondary Education
BRU, Program or Subprogram(s) Affected: Student Loan Program

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	N.A.	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND	N.A.	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	N.A.	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Kerry D. Romeshko, Executive Director Phone: 465-2854
Division: Alaska Commission on Postsecondary Education Date: _____
Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Alaska State Legislature

Representative Nillo Koponen

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Box 252
Fairbanks, Alaska 99707
479-6782

JUNEAU
Pouch V
Juneau, Alaska 99811
465-4992

HOUSE BILL 185

House Bill 185 is legislation requested by the Postsecondary Commission. Last year it was introduced as SB 385. HB 185 is a shortened version of the final version of SB 385 (CSSB 385(Fin) am).

This bill deals with two sections of AS 14.43. The first (AS 14.43.120(k)), deals with "Conditions of Loans" - specifically deferral of repayment. The second section (AS 14.43.125) deals with eligibility for the student loan program.

DEFERRAL OF REPAYMENT - This bill defines a maximum length of time (6 years) for which a person can have repayment of their student loan deferred because they are on active duty as a member of the armed forces of the United States.

SB 385 originally had a deferral period of 4 years. This was increased to 6 years in the Senate Finance amended version after discussion in committee of initial service periods which last 6 years rather than 4.

ELIGIBILITY - Language is added making certain provisions by which a person could have been out of state within the last two years and still be eligible for a student loan. These provisions include required medical care, attendance school outside of Alaska as a fulltime student etc. Currently, military service is one of the only allowable absences.

At present the Postsecondary Commission has no statutory authority to grant Alaska Student Loan eligibility to anyone who has been out of the state in the 2 years immediately prior to applying for a student loan. There is a Postsecondary Commission regulation to allow absences out of state of not more than 8 consecutive weeks or no more than 16 total weeks, but even students who have been receiving Alaska student loans and who have been going to school fulltime outside the state are not, under current statute made clearly eligible for the Alaska Student Loan program.

In Section 3 (B) a dependent must have been present in the state for at least one year of the immediately preceding 5 years because that is a requirement Senate Judiciary included in the omnibus residence bill (HB323). (Now AS 14.43.125)

I have included a copy of the referenced existing statutes for your convenience.

Revisor's notes. — AS 14.43.125 was substituted for AS 14.40.765 to conform to the renumbering of that section by the revisor of statutes under AS 01.05.031.

Effect of amendments. — The 1981 amendment substituted "\$7,000" for "\$5,000" following "not to exceed."

Sec. 14.43.120. Conditions of loans. (a) Proceeds from scholarship loans may only be used for books, tuition and required fees, and for room and board.

(b) The loans may only be used to attend a career education program or a college or university approved by the commission, and, if the loans are federally insured, by the United States Commissioner of Education.

(c) To maintain a loan the student must continue to be enrolled as a full-time student in good standing in a career education program, college or university designated under (b) of this section. The commission shall adopt regulations defining "good standing" for purposes of this subsection.

(d) Scholarship loans may not be made to a student

- (1) for more than five years of undergraduate study;
- (2) for more than five years of graduate study;
- (3) for more than a total of eight years of undergraduate and graduate study.

(e) Loans are interest bearing while a student is enrolled under (c) of this section or is receiving a deferment of payments under (k) of this section; however, a student is entitled to have a portion of the interest paid in accordance with (1) of this section.

(f) Interest on a loan given under AS 14.43.090 — 14.43.160 is at the rate of five per cent a year.

(g) Repayment of the principal and interest on the loan begins no later than one year after the borrower's studies are terminated. The loan shall provide for repayment of the total amount owed in periodic installments in not more than 10 years from the commencement of repayment, except as provided in (k) and (m) of this section. If the commission and the borrower agree to a different repayment schedule, the borrower shall repay the loan in accordance with the agreement. A borrower may make payments earlier than required by this subsection.

(h) Security may not be required for the loans; however, provision shall be made for payment of attorney fees and costs of court if either or both are incurred in collection of the amount owed on the loan.

(i) If a loan is in default, the commission shall notify the borrower that repayment of the remaining balance is accelerated and due by sending the borrower a notice by registered or certified mail.

(j) A portion of a loan shall be paid on behalf of the borrower by the state if, upon completion of the course of study for which the loan was granted, the borrower is a resident of the state for at least two years. The portion of the loan that shall be paid by the state is the following percentages of the total loan received plus interest up to a total of 50 percent of the total loan:

(1) two — three years residence in the state, 10 percent;

(2) three — four years residence in the state, an additional 10 percent;

(3) four — five years residence in the state, an additional 10 percent;

(4) five — six years residence in the state, an additional 10 percent;

(5) over six years residence in the state, an additional 10 percent.

(k) Periodic installments of principal shall be deferred, but interest shall accrue and be paid unless the student is eligible for interest payment benefits under (1) of this section during any of the following:

(1) return to student status as provided in (c) of this section;

(2) serving on active duty as a member of the armed forces of the United States;

(3) serving, for up to three years, as a full-time volunteer under the Peace Corps Act;

(4) serving, for up to three years, as a full-time volunteer under the Domestic Volunteer Service Act of 1973;

(5) for a one-time period up to 12 months in which the borrower is seeking and unable to find employment in the United States; or

(6) if the borrower becomes 50 percent or more disabled as certified by competent medical authority.

(l) The state will pay the interest on that portion of a loan that is not federally insured during

(1) the period before the beginning of the repayment period of the loan; and

(2) deferments under (k) of this section.

(m) In case of hardship, the committee may extend repayment of a loan for an additional period of up to five years in increments no longer than 12 months each.

(n) Repealed by § 11 ch 89 SLA 1981.

(o) The provisions of (j) of this section do not apply to a loan to a borrower named in a complaint as a defendant in an action by the state or by the commission to secure payment of the unpaid balance of a loan made under AS 14.43.110 or 14.43.115.

(p) For purposes of this section, a person qualifies as a resident if the person is physically present in the state with the intent to remain permanently in the state or, if not physically present in the state, the person intends to return to the state and is absent due to military service. (§ 1 ch 98 SLA 1971; am § 4 ch 156 SLA 1972; am § 6 ch 78 SLA 1974; am § 8 ch 136 SLA 1974; am §§ 1—4 ch 99 SLA 1977; am §§ 3 — 8 ch 87 SLA 1979; am §§ 3 — 9, 11 ch 89 SLA 1981; AS 14.40.763)

Revisor's notes. — In ch. 98, SLA 1971, AS 14.43.120(j)(2) read "four — five years . . ." This was a typographical error occurring for the first time in the enrolled version of the bill (CSHB 415 Finance am

Sl) and has been corrected here.

Effect of amendments. — The 1979 amendment deleted "approved by the commission" following "career education program" and substituted the language

beginn
for "ac
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or univ
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beginning "approved by the commission" for "accredited by the accreditation association for the region in which the college or university is located" in subsection (b), substituted "interest" for "non-interest" in subsection (e), added the language beginning "however, a student shall be entitled" to the end of subsection (e), rewrote subsection (g), and in subsection (j), substituted "paid on behalf of the borrower by the state" for "considered a grant," "borrower" for "grantee," and "three years" for "two years" in the first sentence, substituted "paid by the state" for "regarded as a grant" and "interest for up to a total of 40 percent" for "accrued interest" in the introductory language of the second sentence, and substituted "an additional 10 percent" for "20 percent" in paragraph (2), for "30 percent" in paragraph (3), and for "40 percent" in paragraph (4). The amendment also rewrote subsection (k) and added subsections (l), (m), and (n).

The 1981 amendment, added the second sentence of subsection (c). In subsection (d), the amendment added paragraphs (1) and (2) and in paragraph (3), substituted "a total of eight" for "six" preceding "years" and added "of undergraduate and graduate study" following "years." In subsection (i), the amendment substituted "shall" for "may" and "borrower" for "student." In subsection (m), the amendment substituted "12" for "six" preceding "months" and deleted "within the 15-year requirement of (g) of this section" following "months each." The amendment also rewrote subsections (g) and (j), added subsections (o) and (p) and repealed subsection (n) which read "Each year spent

attending a college or university in Alaska qualifies as a year of employment and residency under (j) of this section, if the borrower resides no less than three years in Alaska after completion of the course for which the loan was granted, and has a total Alaskan residency of ten years time."

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01-5.031(c) and § 4, Chapter 58, SLA 1982.

Section 8, ch. 99, SLA 1977 provides: "The change in the repayment period of student loans set out in AS 14.40.763(g) [now 14.43.120(g)] as amended by sec. 3 of this Act and the additional basis for granting a deferment of repayment of a student loan set out in AS 14.40.763(k) [now 14.43.120(k)] as enacted by sec. 4 of this Act shall, upon request of the loan recipient, be applied retroactively to the outstanding balance of principal of and accrued interest on loans made under AS 14.40.751 — 14.40.806 [now 14.43.090 — 14.43.160] as they read before the effective date of this Act."

Section 12 of ch. 89, SLA 1981, provides: "The reenactment of AS 14.40.763(j) [now 14.43.120(j)] in sec. 7 of this Act applies to any student who has obtained a scholarship loan under AS 14.40.751 — 14.40.806 [now 14.43.090 — 14.43.160] since July 1, 1971."

Legislative history reports. — For a report of legislative intent concerning the loan forgiveness provisions of ch. 89, SLA 1981 (FCCSSB 120), see 1981 Senate Journal p. 1560, 1580; 1981 House Journal p. 2289.

Sec. 14.43.125. Eligibility of students. (a) A person may apply for and obtain a scholarship loan if the person

(1) is a resident of the state at the time of application for a scholarship loan;

(2) meets the requirements of (b) of this section; and

(3) is

(A) enrolled as a full-time student in a career education or associate or baccalaureate or graduate degree program; or

(B) a graduate of a high school, or scheduled for graduation from a high school within six months, with sufficient credits to be admitted to a career education program or to an accredited college or university.

(b) In addition to the requirements of (a) of this section, to obtain a scholarship loan a person must have been a resident of the state for at least two years at the time of application for the loan. For purposes of

this subsection, a person qualifies as a resident of the state if at the time of application for the loan the person

(1) has been present in the state for at least two years unless an absence from the state during any part of the two years was due to military service; or

(2) is a person who is dependent on a parent or guardian for care, and the parent or guardian has been present in the state for at least two years. (§ 1 ch 98 SLA 1971; am § 10 ch 89 SLA 1981; AS 14.40.765)

Effect of amendments. — The 1981 amendment rewrote this section. remove personal pronouns in conformity with AS 01.05.031(c) and § 4, ch. 58, SLA

Editor's notes. — This section was redrafted by the revisor of statutes to 1982.

Sec. 14.43.130. Selection criteria. (a) The selection committee shall grant loans based on total point accumulations under the subsection with priority going to those applicants with the highest point accumulations, except as provided in (b) of this section for loan applications completed before May 15 of each year. Points shall be awarded to applicants based upon student status and continuous Alaskan residency, according to the following schedule:

(1) student status:

- (A) continuing undergraduate and graduate students with existing Alaska scholarship loans 4 points
- (B) continuing undergraduate and graduate students without existing Alaska scholarship loans 3 points
- (C) freshmen 2 points
- (D) new graduate students without existing Alaska scholarship loans 1 point

(2) continuous Alaskan residency:

- (A) students with continuous Alaskan residency of 10 years or more 3 points
- (B) students with continuous Alaskan residency of at least 5 years and less than 10 years 2 points
- (C) students with continuous Alaskan residency of more than 2 years and less than 5 years 1 point
- (3) students attending Alaska colleges or universities . . . 1 point

(b) In awarding loans the selection committee shall award loans to applicants based upon the earliest date of completed applications if

- (1) the applicant has accumulated at least 5 points under (a) of this section; and
- (2) the applicant has filed a completed application not later than May 15 of the year for which the loan is requested. (§ 1 ch 98 SLA 1971; am § 2 ch 87 SLA 1979; AS 14.40.767)

Effect of amendments. — The 1979 amendment rewrote this section. 1979 provides: "The legislature determines that

Editor's notes. — Section 1, ch. 87, SLA "(1) there are no incentives in the



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James O. Smith
Signature of Camera Operator

7/25/89
Date

HPB

188

Edward
C6CC

Introduced: 2/11/85
Referred: Health, Education & Social
Services, Judiciary and Finance

1 IN THE HOUSE

BY M.M. MILLER, CLOCKSIN,
MARROU, PIGNALBERI AND SUND

2 HOUSE BILL NO. 188

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alternative correctional facili-
7 ties for prisoners participating in community service
8 or employment programs."

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

10 * Section 1. AS 11.56.340(a) is amended to read:

11 (a) A person commits the crime of unlawful evasion in the first
12 degree if the person fails to return to official detention on a charge
13 of a felony following temporary leave granted for a specific purpose
14 or limited period, including privileges granted under AS 33.30.150,
15 33.30.250, [OR] 33.30.260, or 33.30.288.

16 * Sec. 2. AS 11.56.350(a) is amended to read:

17 (a) A person commits the crime of unlawful evasion in the second
18 degree if the person fails to return to official detention on a charge
19 of a misdemeanor following temporary leave granted for a specific
20 purpose or limited period, including privileges granted under AS 33.-
21 30.150, 33.30.250, [OR] 33.30.260, or 33.30.288.

22 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:

23 (e) If the defendant is ordered to serve a definite term of
24 imprisonment, the court may recommend that the defendant serve all or
25 part of the term in a correctional restitution center. The term of
26 service in a correctional restitution center may not exceed the maxi-
27 mum term of imprisonment that could have been imposed.

28 * Sec. 4. AS 12.55.055(d) is amended to read:

29 (d) The court may offer a defendant convicted of an offense the

1 option of performing community work in lieu of a sentence of imprison-
2 ment. Substitution of community work shall be at a rate of eight
3 hours for each day of imprisonment. A court may not offer substitu-
4 tion of community work under this section for any mandatory minimum
5 period of imprisonment or for any period of a presumptive term of
6 imprisonment.

7 * Sec. 5. AS 12.55.086(a) is amended to read:

8 (a) When the imposition of sentence is suspended under AS 12.-
9 55.085, the court may require, as a special condition of probation,
10 that the defendant serve a definite term of continuous or periodic im-
11 prisonment, and may recommend imprisonment in a correctional restitu-
12 tion center, not to exceed the maximum term of imprisonment that could
13 have been imposed.

14 * Sec. 6. AS 28.15.291(a) is amended to read:

15 (a) A person may not drive a motor vehicle on a highway or
16 vehicular way or area at a time when that person's driver's license,
17 or privilege to drive has been canceled, suspended or revoked in this
18 or another jurisdiction, or when driving in violation of a limitation
19 placed upon that person's license or privilege to drive in this or
20 another jurisdiction. Except as provided in (c) of this section, upon
21 conviction of a violation of this section, the court shall impose a
22 sentence of imprisonment of not less than 10 days. The execution of
23 sentence may not be suspended nor may probation or parole be granted
24 until the minimum imprisonment provided in this section has been
25 served; nor may imposition of sentence be suspended. The sentence may
26 be served in a correctional restitution center if recommended by the
27 court under AS 12.55.015. In addition, the person's license or privi-
28 lege to drive shall be revoked, and the person may not be issued a new
29 license nor may the privilege to drive be restored for an additional

1 period of not less than one year after the date that the person would
2 have been entitled to restoration of driving privileges.

3 * Sec. 7. AS 28.35.030(c) is amended to read:

4 (c) Upon conviction under this section the court shall impose a
5 minimum sentence of imprisonment of not less than 72 consecu hours
6 and a fine of not less than \$250 if the person has not been previously
7 convicted in this or another jurisdiction of driving while intoxicated
8 under this or another law or ordinance with substantially similar
9 elements or refusal to submit to a chemical test under AS 28.35.032 or
10 another law or ordinance with substantially similar elements. Upon
11 conviction under this section the court shall impose a minimum sen-
12 tence of imprisonment of not less than 20 consecutive days and a fine
13 of not less than \$500 if, within the preceding 10 years, the person
14 has been previously convicted once in this or another jurisdiction of
15 driving while intoxicated under this or another law or ordinance with
16 substantially similar elements or refusal to submit to a chemical tes.
17 under AS 28.35.032 or another law or ordinance with substantially
18 similar elements. Upon conviction under this section the court shall
19 impose a minimum sentence of imprisonment of not less than 30 consecu-
20 tive days and a fine of not less than \$1,000 if, within the preceding
21 10 years, the person has been previously convicted in this or another
22 jurisdiction of more than one of the following offenses or has more
23 than once been previously convicted of one of the following offenses:
24 (1) driving while intoxicated under this or another law or ordinance
25 with substantially similar elements; (2) refusal to submit to a chemi-
26 cal test under AS 28.35.032 or another law or ordinance with substan-
27 tially similar elements. The execution of sentence may not be sus-
28 pended nor may probation be granted except on condition that the
29 minimum imprisonment provided in this section is served. Imposition of

1 sentence may not be suspended. The sentence may be served in a cor-
2 rectional restitution center if recommended by the court under AS 12.-
3 55.015. In addition, if the offense involved driving a motor vehicle
4 for which a driver's license is required, the person's driver's
5 license shall be revoked in accordance with AS 28.15.181 and the
6 vehicle used in commission of the offense may be forfeited under
7 AS 28.35.036. In addition, the court shall order, and a person con-
8 victed under this section shall undertake, for a term specified by the
9 court, that program of alcohol education or rehabilitation that the
10 court, after consideration of any information compiled under (d) of
11 this section, finds appropriate.

12 * Sec. 8. AS 28.35.032(g) is amended to read:

13 (g) Upon conviction of a person under this section, the court
14 shall impose a minimum sentence of imprisonment of not less than 72
15 consecutive hours and a fine of not less than \$250 if the person has
16 not been previously convicted in this or another jurisdiction of
17 driving while intoxicated under AS 28.35.030 or another law or ordi-
18 nance with substantially similar elements or refusal to submit to a
19 chemical test under this section or another law or ordinance with
20 substantially similar elements. Upon conviction under this section the
21 court shall impose a minimum sentence of imprisonment of not less than
22 20 consecutive days and a fine of not less than \$500 if, within the
23 preceding 10 years, the person has been previously convicted once in
24 this or another jurisdiction of driving while intoxicated under AS 28.-
25 35.030 or another law or ordinance with substantially similar elements
26 or refusal to submit to a chemical test under this section or another
27 law or ordinance with substantially similar elements. Upon conviction
28 under this section the court shall impose a minimum sentence of
29 imprisonment of not less than 30 consecutive days and a fine of not

1 less than \$1,000 if, within the previous 10 years, the person has been
2 previously convicted in this or another jurisdiction of more than one
3 of the following offenses or has more than once been previously con-
4 victed of one of the following offenses: (1) driving while intoxicated
5 under AS 28.35.030 or another law or ordinance with substantially
6 similar elements; (2) refusal to submit to a chemical test under this
7 section or another law or ordinance with substantially similar ele-
8 ments. The execution of sentence may not be suspended nor may proba-
9 tion be granted except on condition that the minimum imprisonment
10 provided in this section is served. Imposition of sentence may not be
11 suspended. The sentence may be served in a correctional restitution
12 center if recommended by the court under AS 12.55.015. If the offense
13 involved driving a motor vehicle for which a driver's license is
14 required, the person's driver's license shall be revoked under AS 28.-
15 15.181. In addition, the court shall order, and a person convicted
16 under this section shall undertake, for a term specified by the court,
17 that program of alcohol education or rehabilitation that the court,
18 after consideration of any information compiled under (h) of this
19 section, finds appropriate. The sentence imposed by the court under
20 this subsection shall run consecutively with any other sentence of
21 imprisonment imposed on the committed person.

22 * Sec. 9. AS 33.30 is amended by adding new sections to read:

23 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

24 Sec. 33.30.261. CORRECTIONAL RESTITUTION CENTERS. (a) The
25 commissioner shall establish correctional restitution centers in the
26 state. The purpose of the centers is to provide certain nonviolent
27 offenders with rehabilitation through community service and employment
28 while protecting the community through partial incarceration of the
29 offender.

1 (b) The commissioner shall adopt regulations setting standards
2 for the operation of the centers including

3 (1) requirements that the centers be secure and in compli-
4 ance with state and local safety laws;

5 (2) standards for disciplinary rules to be imposed on
6 prisoners confined to the centers;

7 (3) standards for the granting of emergency absence to
8 prisoners confined to the centers;

9 (4) standards for classifying prisoners to the centers;

10 (5) standards for periodic review of the performance of
11 prisoners confined to the centers; and

12 (6) standards for a mandatory employment and community
13 service program in each center to be supervised by a program adminis-
14 trator employed by the division.

15 Sec. 33.30.262. CONTRACTS FOR OPERATION OF RESTITUTION CENTERS.
16 The commissioner may enter into an agreement with a public or private
17 agency to provide necessary facilities under AS 33.30.261 - 33.30.288.
18 The commissioner may not enter into an agreement with an agency that
19 is unable to provide a degree of custody, care, and discipline similar
20 to that required by the laws of the state.

21 Sec. 33.30.263. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
22 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
23 serve time in a correctional restitution center unless the commis-
24 sioner specifically finds that the prisoner meets the eligibility
25 requirements imposed by this section.

26 (b) To be eligible to serve time in a correctional restitution
27 center, the prisoner

28 (1) must be employable, agree to obey the rules of the
29 center and agree to participate in an assigned program of gainful

1 employment or to participate in a community service program without
2 pay; persons sentenced to serve no more than five days must agree to
3 perform up to eight hours of community service daily; persons sen-
4 tenced to more than five days must agree to participate in work as
5 assigned;

6 (2) may not have been convicted of an offense involving
7 violence or the use of force, as defined in AS 11.81.900, and may not
8 have a history of violence; in this section, violence or the use of
9 force includes possession of a dangerous instrument, as defined in
10 AS 11.81.900, in the commission of an offense, whether or not the
11 dangerous instrument was actually used; and

12 (3) may not have been convicted of an offense under AS 11.-
13 41.410 - 11.41.470 or an offense in the state or another jurisdiction
14 having elements substantially identical to an offense under AS 11.41.-
15 410 - 11.41.470.

16 Sec. 33.30.264. COMMUNITY ADVISORY COMMITTEES. The commissioner
17 shall appoint a community advisory committee for each center, to
18 consist of five members of the community in which the center is locat-
19 ed. The committee shall act as a liaison between the community and
20 the department regarding community concerns with the center.

21 Sec. 33.30.266. EMPLOYMENT AND COMMUNITY SERVICE PROGRAM ADMIN-
22 ISTRATOR. Duties of the employment and community service program
23 administrator in each correctional restitution center shall include

24 (1) determining the acceptability of each person recom-
25 mended for confinement in the correctional restitution center;

26 (2) identifying or creating employment or community service
27 projects suitable for prisoner involvement;

28 (3) placing suitable prisoners into positions of employ-
29 ment;

1 (4) placing other prisoners into community service proj-
2 ects, when available; and

3 (5) promoting public understanding and acceptance of the
4 employment and community service programs.

5 Sec. 33.30.268. CONDITIONS FOR RESIDENCE IN CORRECTIONAL RESTI-
6 TUTION CENTER. (a) A center prisoner is required to maintain gainful
7 employment or satisfactorily participate in a community service proj-
8 ect when available.

9 (b) A first offender under AS 28.15.291, AS 28.35.030 or 28.35.-
10 032 is required to participate in a community service project, when
11 available, while in the center.

12 (c) A center prisoner who violates any law, rule of the center
13 or specific condition applicable to that prisoner is subject to imme-
14 diate transfer from the center to a conventional penal institution for
15 the remainder of the prisoner's term.

16 * Sec. 10. AS 33.30 is amended by adding new sections to read:

17 Sec. 33.30.282. STATUS OF ENROLLEES. (a) A prisoner enrolled
18 in the employment and community service program is not an agent,
19 employee or servant of a correctional institution, the department or
20 the state.

21 (b) A prisoner going to and from and participating in a com-
22 munity service project is subject to the provisions of AS 11.56.

23 Sec. 33.30.284. MEDICAL BENEFITS FOR ENROLLEES. Medical bene-
24 fits for an individual injured while performing community service at
25 the direction of the state shall be assumed by the state to the extent
26 not covered by collateral sources. When the state pays medical bene-
27 fits under this subsection, a claim for medical expenses by the in-
28 jured individual against a third party is subrogated to the state.

29 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S SHARE. The employer

1 of a gainfully employed prisoner confined to a center shall pay the
2 prisoner's earnings to the commissioner. The commissioner shall
3 deposit the earnings in a fund to be paid to the prisoner upon release
4 from the center after making and distributing deductions for

5 (1) an amount determined by the commissioner for the cost
6 of the housing, food, and clothing provided to the prisoner;

7 (2) necessary travel expenses to and from work and other
8 incidental expenses of the prisoner;

9 (3) an amount determined by the commissioner to be neces-
10 sary for the support of the prisoner's dependents; and

11 (4) an amount determined by the commissioner to be neces-
12 sary for payment of court ordered fines and restitution to the victims
13 of an offense committed by the prisoner.

14 Sec. 33.30.288. CONFINEMENT TO THE CENTER. A prisoner shall be
15 confined to the center at all times except while

16 (1) seeking work;

17 (2) at work and traveling to and from work;

18 (3) attending and traveling to and from a community service
19 project approved by the commissioner;

20 (4) attending and traveling to and from educational, train-
21 ing, medical, psychiatric, or other rehabilitation programs approved
22 by the commissioner; or

23 (5) on emergency absence.

24 * Sec. 11. AS 33.30.900 is amended by adding new paragraphs to read:

25 (10) "center" means a correctional restitution center;

26 (11) "community service" means work on projects designed to
27 reduce or eliminate environmental damage, protect the public health,
28 or improve public lands, forests, parks, roads, highways, facilities,
29 or education; community service may not confer a private benefit on a

1 person except as may be incidental to the public benefit.
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ALASKA STATE LEGISLATURE	
14th Legislature	FIRST Session
HOUSE BILL NO. 188	
By M.M. MILLER, GLOCK SIN, MARROU PIGNALBERI, SUND	
"An Act relating to alternative correctional facilities for prisoners participating in community service of employment programs."	
Altern. Correctional Facilities	
Introduced in the House ... 2/11., 19..85	

HISTORY IN THE HOUSE	
19 85	Read first time and referred to Committee on HFSS, JUDICIARY AND FINANCE
Feb. 11	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
CHIEF CLERK OF THE HOUSE	

HISTORY IN THE SENATE	
19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
SECRETARY OF THE SENATE	

HISTORY IN THE HOUSE	
19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

D R A F T

- * Sec. __. AS 12.55.015 is amended by adding a new subsection to read:
- (e) If the defendant is ordered to serve a definite term of imprisonment, the court may recommend that the defendant serve all or part of the term on a restitution furlough as set out in AS 33.30.116.
- * Sec. __. AS 12.55.086(a) is amended to read:
- (a) When the imposition of sentence is suspended under AS 12.-55.085, the court may require, as a special condition of probation, that the defendant serve a definite term of continuous or periodic imprisonment, not to exceed the maximum term of imprisonment that could have been imposed. The court may recommend that the defendant serve all or part of the term on a restitution furlough as set out in AS 33.30.116.

Sec. 33.30.116. RESTITUTION FURLOUGHS. (a) Furlough programs established under AS 33.30.101 must include restitution furloughs designed to provide low risk nonviolent offenders with rehabilitation through community service and employment, and with a means to provide restitution to victims of crimes, while protecting the community through partial incarceration of the offender.

(b) The commissioner shall establish correctional restitution centers for the residence of prisoners on a restitution furlough. The commissioner shall adopt regulations setting standards for the operation of the centers including

(1) requirements that the centers be secure and in compliance with state and local safety laws;

(2) standards for disciplinary rules to be imposed on prisoners confined to the centers;

(3) standards for the granting of emergency absence to prisoners confined to the centers;

(4) standards for classifying prisoners to the centers;

(5) standards for periodic review of the performance of prisoners confined to the centers; and

(6) standards for a mandatory employment and community service program in each center.

(c) If the commissioner determines that a prisoner will not present an undue risk to the public, the commissioner may grant a restitution furlough at any time during the prisoner's sentence if the prisoner

(1) has not been convicted of an offense, in this state or another jurisdiction, involving violence or the use of force as defined in AS 11.81.900; in this section, violence or the use of force includes possession of a firearm, as defined in AS 11.81.900, in the commission of an offense, whether or not the firearm was actually used;

(2) has not been convicted of an offense under AS 11.41.410 -- 11.41.470 or an offense in this state or another jurisdiction having elements substantially identical to an offense under AS 11.41.-410 -- 11.41.470;

(3) agrees to participate in an assigned program of gainful employment and community service while on a restitution furlough; and

(4) agrees to comply with the conditions established for the conduct of the prisoner.

(d) A prisoner on a restitution furlough must be confined to the center at all times except while

(1) seeking work,

(2) at work and traveling to and from work,

(3) at and traveling to and from an assigned community service program; or

(4) on emergency absence.

(e) The commissioner shall appoint a community advisory committee for each center, to consist of five members of the community in

which the center is located. The committee shall act as a liaison between the community and the department regarding community concerns with the center.

To be added to Sec. 33.30.301. DEFINITIONS.

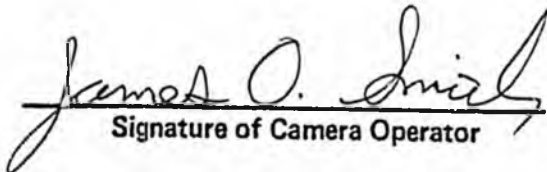
(___) "community service" means work on a project designed to reduce or eliminate environmental damage, protect the public health, or improve public lands, forests, parks, roads, highways, facilities, or education, which does not confer a private benefit on a person except as may be incidental to the public benefit;

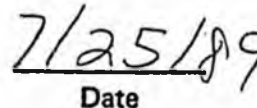


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Signature of Camera Operator


Date

HB

191

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB-191 (HESS)
Title: ...school construction...

FISCAL DETAIL

Agency Affected: Education
Program Category Affected: _____

Sponsor: Cotten
Requestor: House HESS
Date of Request: 4-18-85

BRU, Program or Subprogram(s) Affected:
Debt Retirement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		20.2	389.1	1,552.9		
800 MISCELLANEOUS						
TOTAL OPERATING		20.2	389.1	1,552.9		

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

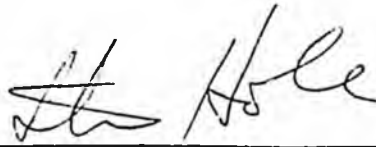
GENERAL FUND		20.2	389.1	1,552.9		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Additional costs associated with future school construction projects are indeterminate.

Prepared By: Steve Hule  Phone: 28000
Division: Commissioner's Office Date: 4-19-85
Approved by Commissioner: Harold Reynolds, Jr. Date: 4-19-85
Agency: Education

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

FROM:
REP. COTTEN
HB 191

SCHOOL DEBT RETIREMENT
SUMMARY

School debt retirement has been used since 1970 to reimburse payments made by municipalities for the retirement of principal and interest on outstanding bonds, notes or other indebtedness incurred for school construction.

The percent of reimbursement has changed and it now ranges from 100% reimbursement for debts incurred prior to 1977 to 50% for debts incurred after June 30, 1983. Debts incurred between 1977 and 1983 may be reimbursed up to 90%.

Only bond or cash payments (payments made by the municipality from locally generated revenues) are eligible to be refunded. State and federal funds are excluded from the total cost of school construction for the purpose of reimbursement. Funds acquired from the state cigarette tax are subtracted from the amount to be reimbursed.

When there are not enough funds to fully reimburse all communities the available funds are distributed pro-rata among the eligible local governments.

HB 191 will raise the percent of reimbursement for debts incurred after June 30, 1983 from 50% to 90%.

The bill also specifies that when there are not sufficient funds to fully reimburse all communities, the available funds are to be distributed pro rata first to those districts which have an annual growth rate of average daily membership of five percent or more. Remaining districts will be funded pro rata with the balance, if there is one.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB-191
 Title: ... State Aid for School
Construction...
 Sponsor: Cotten
 Requestor: House HESS
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Education
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected:
Debt Retirement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS		6.0	1,336.5	2,193.5	2,330.7	2,455.7
800 MISCELLANEOUS						
TOTAL OPERATING		6.0	1,336.5	2,193.5	2,330.7	2,455.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		6.0	1,336.5	2,193.5	2,330.7	2,455.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Steve Hole Phone: 2800
 Division: Commissioner's Office Date: 3-13-85
 Approved by Commissioner: Harold Reynolds, Jr. Date: 3-13-85
 Agency: Education

Distribution (by Agency preparing fiscal note):


- Legislative Finance
- Legislative Sponsor
- Requestor ✓
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

MEMORANDUM

State of Alaska

TO Steve Hole
Commissioner's Office

FROM Bob Davis 
Management, Law and Finance

DATE March 12, 1985

FILE NO

TELEPHONE NO

SUBJECT

2865

Fiscal Note - HB 191 School
Construction Debt Retirement -
Amendment to AS 14.11..100(c).

In Section 1, the proposed change in AS 14.11.100(a)(5) from 50% to 90% would produce the same impact as with HB 220; see attached.

Regarding Sec. 2 and the proposed AS 14.11.100(c) amendment, an appropriation resulting in pro rata payments to municipalities on school construction bonds and cash payments represents decreased state revenue outlays, not a cost impact.

The ADM's through FY-84 final counts, and the percentage changes in FY-84 compared to FY-83, are attached. These identify the municipalities likely to qualify.

As written, municipalities with ADM increases exceeding 5% would not receive pro rated payments.

Attachment

MEMORANDUM

State of Alaska

TO: Steve Hole

DATE: February 27, 1985

FILE NO:

TELEPHONE NO: 2865

FROM:  Bob DavisSUBJECT: Fiscal Note
HB 220

The municipalities listed below sold school construction bonds between July 1, 1983, and June 30, 1984. The impact of the proposed amendment to AS 14.11.100(a)(3) attributable to HB 220 is shown below for six fiscal years. Since all qualify under the provisions of AS 14.11.100(a)(5), the amounts below are the difference between the 50 percent rate authorized and the 90 percent rate proposed in HB 220.

District Date Sold Term	Impact FY 86	Impact FY 87	Impact FY 88	Impact FY 89	Impact FY 90	Impact FY 91
FAIRBANKS 05/01/84 to 05/01/89 Series 0		235,240	755,240	820,640	892,640	952,600
KENAI 04/01/84 to 10/01/94		380,958	554,679	590,007	614,793	633,000
KODIAK 05/03/84 to 07/01/89 Series B DOE 05-83-121		712,328	875,600	910,060	938,276	224,260
WRANGELL 12/01/83 to 02/01/2003	6,000	8,000	8,000	10,000	10,000	10,000
TOTALS	6,000	1,336,526	2,193,519	2,330,707	2,455,709	1,819,860

STATE OF ALASKA-DEPARTMENT OF EDUCATION
 AVERAGE DAILY MEMBERSHIP (FINAL)
 FISCAL YEARS 1979-1984
 REGULAR MEMBERSHIP TOTALS

FISCAL NOTE-HB191
 03/12/85 (Steve Hole/R. Davis)

SCHOOL DISTRICT	AVERAGE DAILY MEMBERSHIP FY1979	AVERAGE DAILY MEMBERSHIP FY1980	AVERAGE DAILY MEMBERSHIP FY1981	AVERAGE DAILY MEMBERSHIP FY1982	AVERAGE DAILY MEMBERSHIP FY1983	AVERAGE DAILY MEMBERSHIP FY1984	PERCENTAGE (+ or -) FY84 TO FY83
ADAK	542	569	597	594	595	592	99.8314%
ALASKA GATEWAY	439	436	471	478	473	471	99.7886%
ALEUTIAN REGION	244	118	109	114	121	123	101.6529%
ANCHORAGE	34,200	32,429	32,121	33,307	34,602	35,632	102.9767%
ANNETTE ISLAND	342	336	352	351	341	377	110.5572%
BERING STRAIT	451	441	450	583	928	1,009	108.7284%
BRISTOL BAY	215	209	214	208	212	201	94.8113%
CHATHAM	187	218	195	207	261	293	112.2605%
CHUGACH	54	54	53	75	85	88	103.5294%
COPPER RIVER	639	612	586	555	566	572	101.0601%
CORDOVA	490	462	439	413	430	395	91.8605%
CRAIG	148	141	178	171	146	137	93.8356%
DELTA GREELY	852	857	842	887	940	980	104.2553%
DILLINGHAM	397	379	377	372	375	411	109.6000%
FAIRBANKS	8,761	8,338	8,457	8,851	9,375	9,790	104.4267%
GALENA	158	165	143	135	142	146	102.8169%
HAINES	401	396	401	371	380	366	96.3158%
HOONAH	248	224	208	225	237	228	96.2025%
HYDABURG	99	85	84	88	93	100	107.5269%
IDITAROD	291	300	310	313	321	311	96.8847%
JUNEAU	4,185	4,015	3,921	3,979	4,332	4,360	100.6464%
KAKE	199	195	182	188	191	204	106.8063%
KENAI	5,615	5,784	5,988	6,289	6,744	7,225	107.1323%
KETCHIKAN	2,432	2,432	2,378	2,331	2,364	2,401	101.5651%
KING COVE	110	120	114	132	103	97	94.1748%
KLANOCK	79	82	103	97	139	135	97.1223%
KODIAK	2,071	2,090	2,027	2,026	2,128	2,116	99.4361%
KUSPUK	319	347	351	330	327	337	103.0581%
LAKE & PENINSULA	376	362	328	325	348	361	103.7356%
LOWER KUSKOKWIM	1,592	1,671	1,785	1,856	2,411	2,472	102.3301%
LOWER YUKON	891	1,017	1,134	1,190	1,384	1,362	98.4104%
MAT-SU	4,175	4,356	4,406	4,835	5,672	6,903	121.7031%
MENAMA	209	216	193	202	125	115	92.0000%
NOME	754	716	709	690	731	781	106.8399%
NORTH SLOPE	1,076	1,038	1,043	1,041	1,028	1,043	101.4591%
NORTHWEST ARCTIC	1,473	1,435	1,420	1,478	1,486	1,491	100.3365%
PELICAN	37	39	40	51	48	54	112.5000%
PETERSBURG	553	547	562	556	572	591	103.3217%
PRIIBILOF	169	159	164	172	167	166	99.4012%
RAILBELT	361	337	328	335	325	308	94.7692%
SAND POINT	0	129	109	106	124	107	86.2903%
SITKA	1,683	1,671	1,656	1,634	1,583	1,582	99.9368%
SKAGWAY	199	176	177	190	169	152	89.9408%
SOUTHEAST ISLAND	389	374	413	420	430	432	100.4651%
SOUTHWEST REGION	475	496	449	484	521	513	98.4645%
ST. MARY'S	100	94	91	90	107	109	101.8692%
TANANA	0	0	0	0	97	75	77.3196%
UNALASKA	140	160	195	177	171	144	84.2105%
VALDEZ	793	746	849	830	842	811	96.3183%
WRANGELL	455	479	485	485	480	453	94.3750%
YAKUTAT	159	156	144	152	155	158	101.9355%
YUKON FLATS	332	336	385	314	312	316	101.2821%
YUKON-KOYUKUK	624	591	589	567	557	577	103.5907%
TOTALS	81,211	79,135	79,179	81,850	86,794	90,174	

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 12, 1985

SUBJECT: Sectional Analysis of HB 191 (state aid for school construction)

TO: Representative Sam Cotten

FROM: Keith B. Levy *KBL*
Legislative Counsel

The following is a sectional analysis of HB 191, relating to state aid for school construction.

Section 1 amends existing law to increase state aid to municipal school districts for school construction from 50 percent to 90 percent of bond payments and cash payments made after June 30, 1983 (AS 14.11.100(a)(5)).

Section 2 amends existing law to provide that, if appropriations for school construction are insufficient to fund all eligible municipalities under AS 14.11.100, the funds are to be distributed pro rata among districts with an annual growth rate of average daily membership of five percent or more. If any funds remain after those districts are funded, the balance is to be distributed pro rata among the remaining districts (AS 14.11.100(c)). Under existing law, if funding is insufficient, available funds are distributed pro rata among all eligible districts, without regard to growth rate.

Section 3 provides for an effective date of July 1, 1985.

KBL:esh
J12/086

Introduced: 2/13/85
Referred: Health, Education &
Social Services and Finance

BY COTTEN, SZYMANSKI, DAVIS,
SUND, NAVARRE, TAYLOR, HURLEY
AND GRUENBERG

1 IN THE HOUSE

2 HOUSE BILL NO. 191

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to State aid for school construc-
7 tion; and providing for an effective date."

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

9 * Section 1. AS 14.11.100(a) is amended to read:

10 (a) During each fiscal year, the state shall allocate to a
11 municipality that is a school district, the following sum:::

12 (1) payments made by the municipality during the fiscal
13 year two years earlier for the retirement of principal and interest on
14 outstanding bonds, notes or other indebtedness incurred before July 1,
15 1977₁ to pay costs of school construction;

16 (2) 90 percent of

17 (A) payments made by the municipality during the
18 fiscal year two years earlier for the retirement of principal and
19 interest on outstanding bonds, notes or other indebtedness incur-
20 red after June 30, 1977₁ and before July 1, 1978₁ to pay costs of
21 school construction;

22 (B) cash payments made after June 30, 1976₁ and before
23 July 1, 1978₁ by the municipality during the fiscal year two
24 years earlier to pay costs of school construction;

25 (3) 90 percent of

26 (A) payments made by the municipality during the
27 fiscal year two years earlier for the retirement of principal and
28 interest on outstanding bonds, notes or other indebtedness incur-
29 red after June 30, 1978₁ and before January 1, 1982₁ to pay costs

1 of school construction projects approved under AS 14.07.020(11);

2 (B) cash payments made after June 30, 1978, and before
3 July 1, 1982, by the municipality during the fiscal year two
4 years earlier to pay costs of school construction projects ap-
5 proved under AS 14.07.020(11);

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

8 (A) payments made by the municipality during the
9 current fiscal year for the retirement of principal and interest
10 on outstanding bonds, notes or other indebtedness incurred after
11 December 31, 1981, and authorized by the qualified voters of the
12 municipality before July 1, 1983, to pay costs of school con-
13 struction, additions to schools, and major rehabilitation pro-
14 jects that exceed \$25,000 and are approved under AS 14.07.-
15 020(11); and

16 (B) cash payments made after June 30, 1982, and before
17 July 1, 1983, by the municipality during the fiscal year two
18 years earlier to pay costs of school construction, additions to
19 schools, and major rehabilitation projects that exceed \$25,000
20 and are approved under AS 14.07.020(11); and

21 (C) payments made by the municipality during the
22 current fiscal year for the retirement of principal and interest
23 on outstanding bonds, notes, or other indebtedness to pay costs
24 of school construction, additions to schools, and major rehab-
25 ilitation projects that exceed \$25,000 and are submitted to the
26 Department of Education for approval under AS 14.07.020(11)
27 before July 1, 1983, and approved by the qualified voters of the
28 municipality before October 15, 1983, not to exceed a total
29 project cost of (i) \$6,600,000 if the annual growth rate of

1 average daily membership of the municipality is more than 7
2 percent but less than 12 percent, or (ii) \$20,000,000 if the
3 annual a growth rate of average daily membership of the munic-
4 pality is 12 percent or more; payments made by a municipality
5 under this paragraph on total project costs that exceed the
6 amounts set out in (i) and (ii) of this paragraph are subject to
7 (a)(5)(A) of this section.

8 (5) subject to (h) and (i) of this section, 90 [50] percent
9 of

10 (A) payments made by the municipality during the
11 fiscal year for the retirement of principal and interest on
12 outstanding bonds, notes or other indebtedness authorized by the
13 qualified voters of the municipality after June 30, 1983₁ to pay
14 costs of school construction, additions to schools, and major
15 rehabilitation projects that exceed \$25,000 and are approved
16 under AS 14.07.020(11); and

17 (B) cash payments made after June 30, 1983₁ by the
18 municipality during the fiscal year two years earlier to pay
19 costs of school construction, additions to schools, and major
20 rehabilitation projects that exceed \$25,000 and are approved
21 under AS 14.07.020(11).

22 * Sec. 2. AS 14.11.100(c) is amended to read:

23 (c) The school construction account is established. Funds to
24 carry out the provisions of this section may be appropriated annually
25 by the legislature to the account. If amounts in the account are
26 insufficient for the purpose of providing the share to which a borough
27 or city is entitled under this section, those funds that are available
28 shall be distributed pro rata among the eligible local governments
29 having an annual growth rate of average daily membership of five

1 percent or more. Remaining funds shall be distributed pro rata among
2 eligible local governments having an annual growth rate of average
3 daily membership under five percent.

4 * Sec. 3. This Act takes effect July 1, 1985.

SCHOOL DEBT RETIREMENT
AS 14.11.100

YEAR DEBT INCURRED	PROVISIONS	PERCENT REIMBURSABLE	LIMITATIONS
Prior to 7/1/77	Payments made by the municipality during the fiscal year two years before the current fiscal year for the retirement of principal & interest on outstanding bonds, notes or other indebtedness to pay costs of school construction.	100% (Was changed from 50% to 100% in 1977)	
After 6/30/77 Before 7/1/78		90% (Was changed from 80% to 90% in 1982)	
After 6/30/78 Before 1/1/82		90%	Subject to approval by the Department of Education under AS 14.07.020(11).
After 12/31/81 Voter approved before 7/1/83	Payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness to pay costs of school construction additions to schools, and major rehabilitation projects that exceed \$25,000.	up to 90%	Subject to approval by the Department of Education under AS 14.07.020(11). (h) Reimbursements for school construction begun after July 1, 1982 will exclude costs of construction for residential space, hockey rinks, planetariums, saunas and other facilities for single purpose sporting or recreational uses that are not suitable for other activities.
After 6/30/82 Before 7/1/83	Cash payments made by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000.	up to 90%	

*Also subject to (i); see definitions and further provisions

Also excluded is the difference between the amount of money used to construct a swimming pool that is competition size and the amount that would have been used to construct a small pool, tank or water storage facility.*

SCHOOL DEBT RETIREMENT

YEAR DEBT INCURRED	PROVISIONS	PERCENT REIMBURSABLE	LIMITATIONS
Submitted to DOE for approval before 7/1/83 Voter approved before 9/15/83	Payments made by the municipality during the current fiscal year for the retirement of principal & interest on outstanding bonds, notes, or other indebtedness to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000.	up to 90%	Subject to approval under AS 14.07.020(11). Subject to (h) and (i). Not to exceed a total project cost of: --\$6,600,000 if the annual growth rate of ADM of the muni is more than 7% but less than 12%; --\$20,000,000 if the annual growth rate of ADM of the muni is 12% or more. Payments that exceed these amounts may be reimbursed at 50% if they were authorized by the voters after June 30, 1983.
Voter approved after 6/30/83	Payments made by the municipality during the fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000.	50%	Subject to approval under AS 14.07.020(11). Subject to (h) and (i).
After 6/30/83	Cash payments made by the municipality during the fiscal year two years before the current fiscal year to pay costs of school construction, additions to schools and major rehabilitation projects that exceed \$25,000.	50%	

SCHOOL DEBT RETIREMENT
Definitions and Provisions

DEFINITIONS:

Cash payments: Payments made for school construction by the municipality from locally generated revenues.

Voter approved: Indebtedness approved by the qualified voters of the municipality.

Provisions:

(i)

- (1) an indebtedness for bonds is incurred after the bonds are sold;
- (2) reimbursement for a cash payment may only be made after the payment is made to a vendor; and
- (3) payments may not be made for costs that are incurred under a contract after the contract has been released.

AS 14.07.020(11)

The Department of education shall review plans for construction of new public elementary and secondary schools and for additions to and major rehabilitation of existing public elementary and secondary schools and, in accordance with regulations adopted by the department, determine and approve the extent of eligibility for state aid of a school construction project begun after July 1, 1978; for the purposes of this paragraph, "plans" include educational specifications, schematic designs, and final contract documents.

Cigarette tax money provided to boroughs or cities in the second preceding fiscal year is offset against the amount of reimbursement authorized.

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

(c) In establishing priorities among requested projects the department shall evaluate at least the following factors:

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

(2) emergency requirements;

(3) the number of students without classroom space;

(4) new local elementary or secondary programs;

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

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

(d) The provisions of this section do not affect a municipality's eligibility for reimbursement under AS 14.11.100. (§ 3 ch 92 SLA 1982)

Editor's notes. — This section is set out above to correct a minor error in the title pamphlet.

§ 14.11.100. State aid for retirement of school construction debt. (a) During each fiscal year, the state shall allocate to a municipality that is a school district, the following sums:

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

(2) 90 percent of

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

(B) cash payments made after June 30, 1976 and before July 1, 1978 by the municipality during the fiscal year two years earlier to pay costs of school construction;

(3) 90 percent of

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

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

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

(A) payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds,

notes or other indebtedness incurred after December 31, 1981, and authorized by the qualified voters of the municipality before July 1, 1983, to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1982, and before July 1, 1983, by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(C) payments made by the municipality during the current fiscal year for the retirement of principal and interest on outstanding bonds, notes, or other indebtedness to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are submitted to the Department of Education for approval under AS 14.07.020(11) before July 1, 1983, and approved by the qualified voters of the municipality before October 15, 1983, not to exceed a total project cost of (i) \$6,600,000 if the annual growth rate of average daily membership of the municipality is more than 7 percent but less than 12 percent, or (ii) \$20,000,000 if the annual growth rate of average daily membership of the municipality is 12 percent or more; payments made by a municipality under this paragraph on total project costs that exceed the amounts set out in (i) and (ii) of this paragraph are subject to (a)(5)(A) of this section.

(5) subject to (h) and (i) of this section, 50 percent of

(A) payments made by the municipality during the fiscal year for the retirement of principal and interest on outstanding bonds, notes or other indebtedness authorized by the qualified voters of the municipality after June 30, 1983 to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1983 by the municipality during the fiscal year two years earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11).

(b) The commissioner shall administer the program of reimbursement authorized under this section and shall provide by regulation for the filing of applications for reimbursement, the form of proof of costs for which application for reimbursement is made, and other regulations necessary to administer the program. The commissioner shall exclude from the total school construction cost of the local district all state and federal funds included in these costs except funds provided under this section and AS 43.50.140. In approving applications for reimbursement, the commissioner shall

(1) offset against the amount of reimbursement authorized the amount of any funds distributed to the borough or city in the second preceding fiscal year from the school fund provided for in AS 43.50.140;

(2) *(Repealed, § 10 ch 92 SLA 1982.)*

(c) The school construction account is established. Funds to carry out the provisions of this section may be appropriated annually by the legislature to the account. If amounts in the account are insufficient for the purpose of providing the share to which a borough or city is entitled under this section, those funds that are available shall be distributed pro rata among the eligible local governments.

(d) Money in the school construction account which, at the end of the fiscal year for which the money is appropriated, exceeds the amount required for the allocations authorized in this section reverts to the general fund.

(e) The commissioner shall annually provide a report to the legislature on allocations of state aid made under this section, including but not limited to, the amount of state aid paid on a per capita and per student basis and the resultant effect on the rate of levy of taxes by the municipality for educational purposes.

(f) *(Repealed, § 17 ch 147 SLA 1978.)*

(g) *(Repealed, § 47 ch 6 SLA 1984.)*

(h) An allocation under (a)(4) of this section for school construction begun after July 1, 1982, shall be reduced by the amount of money used for the construction of residential space, hockey rinks, planetariums, saunas, and other facilities for single purpose sporting or recreational uses that are not suitable for other activities. An allocation under (a)(4) of this section may not be reduced by the amount of money used for construction of a small swimming pool, tank, or water storage facility used for water sports. However, an allocation shall be reduced by the difference between the amount of money used to construct a swimming pool that is competition size or larger and the amount of money that would have been used to construct a small swimming pool, tank, or water storage facility, as determined by the commissioner.

(i) For the purposes of (a)(4) of this section

(1) an indebtedness for bonds is incurred after the bonds are sold;

(2) reimbursement for a cash payment may only be made after the payment is made to a vendor; and

(3) payments may not be made for costs that are incurred under a contract after the contract has been released.

(j) The state may not allocate money to a municipality for a school construction project under (a)(5) of this section unless the project is approved by the commissioner before the local vote on the bond issue for the project. In approving a project under this subsection, the commissioner shall require

(1) the municipality to include on the ballot for the bond issue the estimated total cost of each project and the estimated amounts that will be paid by the state and by the municipality;

(2) that the bonds may not be refunded unless the annual debt service on the refunding issue is not greater than the annual debt service on the original issue;

(3) that the bonds must be repaid in approximately equal annual principal payments or approximate equal debt service payments over a period of at least 10 years;

(4) the municipality to demonstrate need for the project by factors such as increased enrollment in the school district, the health and safety of the students, and the factors listed in AS 14.11.010(c). (§ 1 ch 249 SLA 1970; am § 1 ch 93 SLA 1971; am § 2 ch 137 SLA 1972; am § 1 ch 28 SLA 1973; am § 47 ch 127 SLA 1974; am §§ 1 — 3 ch 120 SLA 1977; am §§ 12, 17 ch 147 SLA 1978; am § 25 ch 168 SLA 1978; am §§ 8 — 10 ch 92 SLA 1982; am §§ 1 — 3 ch 82 SLA 1983; am § 47 ch 6 SLA 1984)

Revisor's notes. — Enacted as AS 43.18.109. Renumbered in 1983.

Cross references. — For present provisions of former subsection (g) of this section, see AS 14.11.135(3).

Effect of amendments. — The 1982 amendment, substituted "a municipality that" for "an organized borough or a city which" in the introductory language of subsection (a), substituted "the municipality for the borough or city" in paragraphs (1), (2)(A) and (B), and (3)(A) and (B), substituted "90 percent" for "80 percent" in the introductory language of paragraphs (2) and (3), inserted "and before January 1, 1982" in paragraph (3)(A) and (B), and added paragraph (4). The amendment also repealed paragraph (2) of subsection (b), which read "required the borough or city to provide, with its application, a certified copy of the notice to

taxpayers required by AS 43.18.030," and added subsections (h) and (i).

The 1983 amendment, effective July 20, 1983, in paragraph (a)(4), inserted "up to" in the introductory language, inserted "and authorized by the qualified voters of the municipality before July 1, 1983" in (A), inserted "and before July 1, 1984" in (B), added "and" to the end of (B), and added (C). The amendment also added paragraph (a)(5) and subsection (j).

The 1984 amendment, effective February 14, 1984, repealed former subsection (g), which defined "commissioner" and "cost of school construction."

Legislative history reports. — For report on ch. 28, SLA 1973 (H.S.S.B. 114), see 1973 Senate Journal, p. 312. For report on ch. 127, SLA 1974 (S.S.B. 417 am S), see 1974 House Journal, p. 657.

Sec. 14.11.105. Public school facilities construction advance account. The public school facilities construction advance account is established. The account consists of appropriations for distribution under AS 14.11.105 — 14.11.135 to boroughs and cities which are school districts to assist in paying the costs of public school facilities projects approved under AS 14.07.020(11) for which construction is commenced after June 30, 1978 and for which no bonding, notes, or other indebtedness was incurred before July 1, 1978. (§ 13 ch 147 SLA 1978)

Revisor's notes. — Enacted as AS 43.18.105. Renumbered in 1983.

Sec. 14.11.110. Eligibility. Eligibility of a proposed construction project for funding assistance under AS 14.11.105 — 14.11.135 shall be determined by the department based on standard and criteria established by regulation. The standards and criteria to be considered in determining eligibility include the following:

Chapter 03. Public Schools Generally.

Section 1

30. School term

Sec. 14.03.030. School term. The school term begins and ends on the dates fixed by the governing body of the school district. However, the term shall include not less than 180 days in session, except that, subject to the approval of the commissioner

(1) a day used for in-service training of teachers may be substituted for a day in session, up to a maximum of 10 days; and

(2) an "emergency closure day" may be substituted for a day in session because of conditions posing a threat to the health or safety of students. (§ 1 ch 98 SLA 1966; am § 1 ch 65 SLA 1972; am § 1 ch 137 SLA 1976; am § 1 ch 24 SLA 1979; am § 1 ch 61 SLA 1983)

Effect of amendments. — The 1983 amendment added the paragraph (1) designation, made a related word change in that paragraph, and added paragraph (2).

Chapter 07. Administration of Public Schools.

Article

1. Department of Education (§§ 14.07.020, 14.07.050)

Article 1. Department of Education.

Section

20. Duties of the department

50. Alaska School Activities Association

Sec. 14.07.020. Duties of the department. (a) The department shall:

(1) exercise general supervision over the public schools of the state except the University of Alaska;

(2) study the conditions and needs of the public schools of the state and adopt or recommend plans for the improvement of the public schools;

(3) provide advisory and consultative services to all public school governing bodies and personnel;

(4) prescribe by regulation a minimum course of study for the public schools;

(5) establish, in coordination with the Department of Health and Social Services, a program for the continuing education of children who are held in detention facilities in the state during the period of detention;

(6) accredit those public schools which meet accreditation standards prescribed by regulation by the department; these regulations shall be adopted by the department and presented to the legislature during the

first 10 days of any regular session, and become effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house;

(7) prescribe by regulation, after consultation with the state fire marshal and the state sanitarian, standards in addition to the requirements of AS 18.15.145 that will assure healthful and safe conditions in the public and private schools of the state including a requirement of physical examinations and immunizations in pre-elementary schools; the standards for private schools may not be more stringent than those for public schools;

(8) exercise general supervision over pre-elementary schools that receive direct state or federal funding;

(9) provide accredited elementary and secondary correspondence study programs available to any Alaskan through a centralized office of correspondence study;

(10) accredit private schools which request accreditation and which meet accreditation standards prescribed by regulation by the department; nothing in this paragraph authorizes the department to require religious or other private schools to be licensed;

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

(12) provide educational opportunities in the areas of vocational education and training, basic education, and fire-service training to individuals over 16 years of age who are no longer attending school;

(13) administer the grants awarded under AS 14.11.020.

(b) In this section "pre-elementary school" means a school for children ages three through five years if the school's primary function is educational. (§ 1 ch 98 SLA 1966; am § 2 ch 69 SLA 1971; am § 6 ch 104 SLA 1971; am § 1 ch 190 SLA 1975; am § 6 ch 50 SLA 1977; am §§ 1-3 ch 126 SLA 1978; am § 10 ch 147 SLA 1978; am § 1 ch 86 SLA 1979; am § 24 ch 59 SLA 1982; am §§ 1, 2 ch 92 SLA 1982; am § 2 ch 11 SLA 1984; am § 1 ch 72 SLA 1984)

Effect of amendments. — The first 1971 amendment designated the previously undesignated introductory language as subsection (a) and added subsection (b). The 1984 amendment also, in subsection (a), substituted "state fire marshal and the state sanitarian" for "Department of Health and Social Services" and inserted

"including a requirement of physical examinations and immunizations in pre-elementary schools" in paragraph (7), in paragraph (8), deleted "in cooperation with the Department of Health and Social Services" at the beginning and substituted "pre-elementary schools that receive direct state or federal funding" for "public

documents must be submitted to the commissioner at least 15 working days before the bid invitation is made; and

(2) if the project will not be advertised for bids, the final working documents must be submitted to the commissioner no later than 10 working days before commencing each construction phase.

(b) The commissioner's approval under this section is void after two years unless construction of the project has been initiated within that time. (Eff. 3/1/78, Reg. 65; am 12/2/83, Reg. 88)

Authority: AS 14.07.020(10) and (11)
AS 14.07.060
AS 14.11.020
AS 14.11.100

4 AAC 31.050. APPROVAL OF PURCHASE OF NONSCHOOL FACILITIES. A regional school board proposing to purchase an existing facility for temporary use as an elementary or secondary school with money granted under AS 14.11.020, and a municipality that is a school district proposing to make such a purchase for which state aid under AS 14.11.100 will be sought, must secure the approval of the commissioner before acquisition of the facility. (Eff. 3/1/78, Reg. 65; am 12/2/83, Reg. 88)

Authority: AS 14.07.020(10) and (11)
AS 14.07.060
AS 14.11.010
AS 14.11.020
AS 14.11.100

4 AAC 31.060. STATE FINANCIAL ASSISTANCE. (a) A municipality that is a school district, or a regional school board, submitting a capital improvement program request for construction to the department under AS 14.11.010 shall make the request on a form prescribed by the commissioner.

(b) A municipality that is a school district, or a regional school board, requesting a school construction grant from the department under AS 14.11.020 shall apply on a form prescribed by the commissioner. In accepting a school construction grant from the department, the grantee shall comply with all pertinent state statutes, codes, standards, and regulations related to construction of a public facility. Further, the

grantee shall comply with conditions, requirements, and stipulations in the forms prescribed by the commissioner for the construction grant contract.

(c) A school facility for which state aid is sought under AS 14.11.100 may be built jointly with municipal and state offices, health clinics, community libraries, and other spaces if approved by the commissioner as to compatibility and separation of funds. The commissioner has final authority to determine the proportion of space and cost in such jointly built projects.

(d) A claim for state aid for school construction under AS 14.11.100 by a municipality that is a school district must be made on a form prescribed by the commissioner. All claims for expenditures for school construction commenced before January 1, 1982 or existing facilities approved for purchase by the commissioner before January 1, 1982 must be supported by a certified audit report of the school district prepared in accordance with 4 AAC 06.120, and by a certified audit report of all school construction accounts or money used by the municipality. If an audit report is not prepared in sufficient detail to identify clearly school construction costs as opposed to other construction or maintenance costs, or debt service costs of school construction as opposed to other debt service costs, detailed expenditure schedules that reconcile to audit report figures must be prepared and submitted with the claim.

(e) A claim for state aid under AS 14.11.100 (a)(4)(A) must be submitted on a form prescribed by the commissioner, and must be received by the department not later than September 15 of the fiscal year preceding the fiscal year in which reimbursement will be sought. A school district's claim must contain at least the following:

- (1) bond sale date or proposed bond sale date;
- (2) bond redemption schedule;
- (3) education facility portion of the bond;
- (4) department's project approval number;

(5) debt payment schedule or estimated debt service schedule; and

(6) certification as to accuracy of claim by a bonded official of the municipality.

(f) State aid to eligible municipalities will be calculated on the basis of applications received by the deadline imposed by this section and will be issued upon receipt of a notice of payment by the municipality from the bond holder or paying agent.

(g) Only cash disbursements from locally generated revenues are eligible for reimbursement under AS 14.11.100.

(h) Unless a claim is supported by financial schedules or prior year audit reports identifying the original source of revenue, only disbursements from revenues generated in the year for which the claim is made are eligible for reimbursement.

(i) Reimbursement for rehabilitation costs under AS 14.11.100 is limited to projects exceeding \$25,000. (Eff. 3/1/78, Reg. 65; am 2/24/83, Reg. 85; am 12/2/83, Reg. 88)

Authority: AS 14.07.020(10) and (11)
AS 14.07.060
AS 14.11.010
AS 14.11.100

4 AAC 31.065. SELECTION OF PRIME DESIGNER. If a school district or a regional school board determines that it is necessary to engage the services of a private consultant to design an educational facility funded under AS 14.11.020, the selection of the consultant must be accomplished under procedures that comply with AS 36.98. (Eff. 12/2/83, Reg. 88)

Authority: AS 14.07.060
AS 14.11.020

4 AAC 31.070. REIMBURSEMENT OF RESTRUCTURED OR REFINANCED INDEBTEDNESS. (a) Reimbursement under AS 43.18.100 for payment of restructured or refinanced school construction indebtedness may not exceed the amount which would have been payable on the indebtedness in the year for which reimbursement is claimed had the indebtedness not been restructured or refinanced.

(b) This section applies to bonds, notes, other indebtedness restructured or refinanced after December 30, 1982. (Eff. 12/30/82, 85)

Authority: AS 14.07
AS 43.18

4 AAC 31.080. CONSTRUCTION OF PUBLIC SCHOOL FACILITIES. (a) The construction of all public educational facilities by a municipality that is a school district or by a regional school board under AS 14.11.020 must be performed under bid contract in accordance with AS 35.15.010. However, when the estimated cost of the construction project is less than \$100,000, or when it appears to be in the best interest of the state, the school district or regional school board may, in its discretion, and with the prior approval of the commissioner, construct a public educational facility itself using its own employees.

(b) The grantee shall provide a procedure for the administrative review of complaints filed by aggrieved bidders which allows aggrieved bidders to appeal, within five days after the award, a hearing, with notice to all interested parties, for a redetermination and final award in accordance with law.

(c) The award of a contract for the construction of an educational facility funded under AS 14.11.020 must be to the lowest responsible bidder without regard to municipal ordinance or school board resolutions granting a preference to local bidders. (Eff. 12/2/83, Reg. 88)

Authority: AS 14.07.0
AS 14.11.0

4 AAC 31.090. DEFINITIONS. As used in this chapter and in AS 14.07, AS 14.08, and AS 14.11, unless the context requires otherwise:

(1) "addition" means new space for expanded educational programs or new programs or space that replace substandard or destroyed space, by connection to an existing school facility; the term includes capital equipment,

(2) "capital equipment" means built-in or movable equipment used to furnish a newly constructed or rehabilitated space; it includes first-time purchase of library books, referen

Gov's Request FY86

1 LEGISLATURE (CONT.)		APPROPRIATION		APPROPRIATION FUND SOURCES	
	ALLOCATIONS	ITEMS	GENERAL FUND	OTHER FUNDS	
4	ADMINISTRATIVE SERVICES	1,982,000	1,982,000		
5	LEGAL SERVICES	1,992,900	1,992,900		
6	SESSION EXPENSES	6,775,400	6,775,400		
7	COUNCIL & SUBCOMMITTEES	1,017,000	1,017,000		
8	OFFICE SPACE RENTAL	2,667,800	2,667,800		
9	EQUIPMENT ACCOUNT	93,000	93,000		
10	HOUSE RESEARCH	820,400	820,400		
11	SENATE ADVISORY COUNCIL	820,400	820,400		
12	OMBUDSMAN	2,038,200	2,038,200		
13	BUDGET TARGET OFFSET	-2,295,600	-2,295,600		
14		*****		*****	
15		***** DEBT SERVICE & MISC PROGRAMS		*****	
16		*****		*****	
17	GENERAL GOVERNMENT				
18	DEBT SERVICE				
19	SCHOOL DEBT RETIREMENT - APPROPRIATED TO THE DEPARTMENT OF EDUCATION	100,700,000	100,700,000		
20	IARF DEBT SERVICE & FEES - APPROPRIATED TO THE STATE BOND COMMITTEE	5,563,000		5,563,000	
21	GENERAL OBLIGATION BOND DEBT SERVICE (AS 37.15.012)	163,304,200	163,304,200		
22	LEGAL PROCEEDINGS INVOLVING OIL & GAS REVENUES OR STATE TITLE TO OIL & GAS LAND				
23	APPROPRIATED TO THE DEPARTMENT OF LAW	9,698,600	9,698,600		
24	THIS APPROPRIATION IS FOR FISCAL YEAR 1986 AND SUCCEEDING FISCAL YEARS.				
25	COSTS ASSOCIATED WITH OIL & GAS CORPORATE INCOME TAX AND OIL & GAS PROPERTIES PRODUCTION TAX CASES				
26	APPROPRIATED TO THE DEPARTMENT OF REVENUE	2,000,000	2,000,000		

SCHOOL DEBT RETIREMENT
HISTORY OF APPROPRIATIONS

<u>FISCAL YEAR</u>	<u>TOTAL MAXIMUM ENTITLEMENT</u>	<u>APPROPRIATION AMOUNT-ACTUAL</u>	<u>% OF TOTAL MAXIMUM ENTITLEMENT</u>
FY 70	2,445,197	1,800,000	74.00
FY 71	2,448,347	1,800,000	73.52
FY 72	2,376,209	2,376,209	100.00
FY 73	3,575,355	3,450,000	96.49
FY 74	7,074,380	5,752,000	81.31
FY 75	7,650,530	7,423,300	97.03
FY 76	9,242,310	8,810,500	95.33
FY 77	10,107,336	9,051,600	89.55
FY 78	11,408,304	11,408,304	100.00
FY 79	27,868,182	22,273,300	79.92
FY 80	30,823,133	24,081,000	78.13
FY 81	38,380,134	38,380,134	100.00
			(8130.2 supplement)
FY 82	38,262,156	38,262,156	100.00
FY 83	43,780,962	36,203,300	82.69
FY 84	93,750,000	93,750,000	100.00(est.)
FY 85	95,000,000	95,000,000	100.00(est.)
FY 86	Governor is requesting 100,700,000		

ANCHORAGE SCHOOL DISTRICT
DEBT RETIREMENT

<u>YEAR</u>	<u>ENTITLEMENT</u>	<u>PAYMENT</u>	<u>DIFFERENCE</u>	<u>PERCENT</u>
80	12,465,946	9,739,183	2,726,763	78.13
81	11,446,809	11,446,809		100.0
82	9,914,812	9,914,812		100.0
83	15,949,743	14,272,757	1,676,986	89.49
84	18,552,237	18,552,237		100.0
85	17,368,913	17,368,913		100.0
86	21,783,662			

Break-out for FY 86:

Pre-1977 debt --	9,699,366	Entitlement --	9,699,366	100%
Pre-1982 debt --	1,586,550	Entitlement --	1,427,895	90%
Pre-1983 debt --	9,464,062	Entitlement --	8,577,656	90%
Cash payments --	6,415,566	Entitlement --	3,207,783	50%
TOTAL	27,165,544		22,852,708	
Less Cigarette Tax			1,069,038	
TOTAL ENTITLEMENT			21,783,662	

FROM: REP. COTTEN : DERIVED FROM Dept. of Ed. information
HB 191

SCHOOL DEBT RETIREMENT
HISTORY OF APPROPRIATIONS
BY SCHOOL DISTRICT

FISCAL YEAR	70	71	72	73	74	75	76	77	78	79	80	81	82	83
ANCHORAGE	1036.5	1036.5	1239.8	1696.7	2586.2	3669.7	4649.9	4866.9	5598.8	9944.2	9739.2	11446.8	9914.8	10600.5
BRISTOL BAY	25.1	25.1	28.8	51.5	134.4	104.3	87.6	74.5	81.7	115.7	66.7	83.9	18.0	248.4
CORDOVA	20.4	20.5	12.0	18.0	16.0	16.9	30.3	25.6	55.7	88.8	79.8	100.2	107.6	92.0
CRAIG													56.2	289.8
DILLINGHAM					48.6	44.7		1.5			52.5	25.8		
FAIRBANKS	324.5	324.5	462.4	574.6	682.9	1077.9	1039.3	548.4	878.7	3423.5	2950.0	4682.8	4264.6	3957.0
GALENA									86.7	41.5		19.6		38.9
HAINES						10.1	19.7	27.4	32.3	59.2	62.3	79.3	76.8	70.3
HOONAH														
HYDABURG														
JUNEAU	204.8	204.8	235.3	259.4	363.4	470.2	480.0	461.3	527.0	951.5	906.1	750.6	716.1	596.4
KAKE									28.8	20.7	17.8			
KENAI	37.8	37.8	341.9	540.2	986.3	871.7	1271.0	1619.2	1605.5	2935.9	2752.3	5137.6	5305.0	4976.8
KETCHIKAN	59.9	59.9	23.3	184.3	236.9	300.1	200.7	286.9	262.9	445.9	474.4	633.0	829.5	579.1
KING COVE											45.7			
KLAWOCK							17.8	9.3						
KODIAK	20.1	20.1		8.5	168.6	223.0	215.7	157.4	173.7	284.0	317.6	616.1	634.5	409.5
MAT-SU	22.9	22.9			353.4	432.8	498.6	486.8	905.9	1702.4	2013.8	3366.6	3886.1	3649.2
NENANA	5.2	5.2		3.9	10.7	18.8	15.0	16.9	8.8	17.6	16.6	37.0	12.5	10.2
NOME							46.3	10.4			.2			22.9
NORTH SLOPE								55.2	787.5	1427.6	2385.4	8874.4	9197.7	9635.0
PELICAN														
PETERSBURG	22.1	22.1	29.3	61.1	63.3	78.6		62.4	64.9	272.2	268.7	417.7	491.7	539.3
SAND POINT														
SITKA	20.6	20.6	10.5	71.2	83.5	98.6	118.5	154.9	248.4	339.5	430.3	400.9	657.7	658.4
SKAGWAY				.5	5.5	5.8	5.0	4.5	3.8	12.1	14.7	14.6	16.2	23.0
ST. MARY'S									48.9	76.6		44.0		
TANANA														
UNALASKA								17.8		1.1				
VALDEZ					12.2			51.7	13.7	103.0	1484.2	1604.5	1907.9	2510.0
WRANGELL								11.7		10.8	2.5	45.3	82.0	
YAKUTAT							48.1	61.9						58.9



KENAI PENINSULA BOROUGH

BOX 850 • SOLDOTNA, ALASKA 99669
PHONE 262-4441

STAN THOMPSON
MAYOR

March 7, 1985

The Honorable Sam Cotten
Pouch V
Juneau AK 99811

Dear Representative Cotten:

We in the Kenai Peninsula Borough, by resolution of the borough assembly, strongly support 90% funding for new school construction. We feel that in light of the constitutional requirements this should be done. Furthermore, in our area, as well as the Mat-Su area, we've had such a tremendous increase in growth and such a demand for new school facilities that it puts a strong strain on our local citizenry. As you are probably aware, our area population has increased by over 54% in the last four years. The State does receive the oil revenues - the borough does not receive them. We feel this is a very necessary position for the State to take to fund our local schools, at least to the 90% level.

The 90% funding of our schools is our first priority of all of our capital improvements. Please consider it.

Thank you,

Stan Thompson
Kenai Peninsula Borough Mayor

ST:lc

AMENDMENT TO CSHB 191 (HESS)

BY REPRESENTATIVE ROBIN L. TAYLOR

Page 3 * Sec. 5. AS 14.11.100(a)(5) is amended to read:

(5) subject to (h), ~~[AND]~~ (i), and (j) of this section, 80 [50] percent of

(A) payments made by the municipality during the fiscal year two years earlier for the retirement of principal and interest on outstanding bonds, notes or other indebtedness authorized by the qualified voters of the municipality after June 30, 1983, to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11); and

(B) cash payments made after June 30, 1983, by the municipality during the fiscal year one [two] year[s] earlier to pay costs of school construction, additions to schools, and major rehabilitation projects that exceed \$25,000 and are approved under AS 14.07.020(11).

CSHB 191
17 April, 1985

IN YOUR FILE

A copy of the draft CS

Memo from committee staff

Worksheet from Steve Hole showing the cost of reimbursing bond sales
approved after June 30, 1983

Memo from Margo Waring of OMB concerning use of interest on bonds

The space guidelines currently used by DOE

A proposed amendment by Rep. Taylor

Original sponsors: Cotten, Szymanski,
Davis, et al

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IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

CS FOR HOUSE BILL NO. 191 (HESS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to state aid for school construc-
tion; and providing for an effective date."

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

* Section 1. AS 14.11 is amended by adding a new section to read:

Sec. 14.11.005. SCHOOL CONSTRUCTION GRANT ACCOUNT. There is established the school construction grant account to consist of money appropriated to the account for school construction. The state may appropriate funds from the school construction grant account to school districts for the costs of school construction.

* Sec. 2. AS 14.11.010(a) is amended to read:

(a) The assembly or council of a municipality that is a school district or a regional school board may submit a request to the department for a grant from the school construction grant account for a school or education-related facility construction, rehabilitation, or improvement project together with a report evaluating the condition of school or education-related facilities in the municipality or regional educational attendance area and a determination of the need for the project. To be eligible for a grant, a school district must submit a request under this section no later than October 15 of the fiscal year before the fiscal year for which the request is made.

* Sec. 3. AS 14.11.010(c) is amended to read:

(c) In establishing priorities among requested projects the department shall evaluate at least the following factors:

(1) priorities assigned by the assembly, council, or school

1 board to the projects requested;

2 (2) emergency requirements;

3 (3) the number of students without classroom space;

4 (4) new local elementary or secondary programs;

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

7 (6) the economic and social stability of the municipality
8 or region;

9 (7) the average of the school district's local contribution
10 for expenses of education over the past three years.

11 * Sec. 4. AS 14.11 is amended by adding a new section to read:

12 Sec. 14.11.015. SCHOOL CONSTRUCTION GRANTS. (a) The department
13 may approve a grant from the school construction grant account to a
14 school district that complies with the requirements of (1) and (2) of
15 this subsection if the project is approved by the commissioner. In
16 approving a project under this section, the commissioner shall require
17 the school district to

18 (1) agree to construction of a facility of appropriate size
19 and configuration, as determined by the state Board of Education; and

20 (2) demonstrate to the commissioner the need for the pro-
21 ject by

22 (A) a projected long-term student enrollment that
23 indicates the school district has inadequate facilities to meet
24 present or projected enrollment or program needs; or

25 (B) existing facilities that require repair or re-
26 placement at a cost exceeding \$25,000.

27 (b) A school construction grant may not be used for the cons-
28 truction of student residential space, hockey rinks, planetariums,
29 saunas, and other facilities for single purpose sporting or

1 recreational uses that are not suitable for other activities. How-
2 ever, a school construction grant may, subject to the approval of the
3 commissioner, be used for construction of a small swimming pool, tank,
4 or water storage facility used for water sports.

5 * Sec. 5. AS 14.11.100(a)(5) is amended to read:

6 (5) subject to (h), [AND] (i), and (j) of this section, 80
7 [50] percent of

8 (A) payments made by the municipality during the
9 fiscal year for the retirement of principal and interest on
10 outstanding bonds, notes or other indebtedness authorized by the
11 qualified voters of the municipality after June 30, 1983, to pay
12 costs of school construction, additions to schools, and major
13 rehabilitation projects that exceed \$25,000 and are approved
14 under AS 14.07.020(11); and

15 (B) cash payments made after June 30, 1983, by the
16 municipality during the fiscal year two years earlier to pay
17 costs of school construction, additions to schools, and major
18 rehabilitation projects that exceed \$25,000 and are approved
19 under AS 14.07.020(11).

20 * Sec. 6. AS 14.11.100(h) is amended to read:

21 (h) An allocation under (a)(4) or (5) of this section for school
22 construction begun after July 1, 1982, shall be reduced by the amount
23 of money used for the construction of residential space, hockey rinks,
24 planetariums, saunas, and other facilities for single purpose sporting
25 or recreational uses that are not suitable for other activities. An
26 allocation under (a)(4) or (5) of this section may not be reduced by
27 the amount of money used for construction of a small swimming pool,
28 tank, or water storage facility used for water sports. However, an
29 allocation shall be reduced by the difference between the amount of

1 money used to construct a swimming pool that is competition size or
2 larger and the amount of money that would have been used to construct
3 a small swimming pool, tank, or water storage facility, as determined
4 by the commissioner.

5 * Sec. 7. AS 14.11.100(i) is amended to read:

6 (i) For the purposes of (a)(4) and (5) of this section

7 (1) an indebtedness for bonds is incurred after the bonds
8 are sold;

9 (2) reimbursement for a cash payment may only be made after
10 the payment is made to a vendor; and

11 (3) payments may not be made for costs that are incurred
12 under a contract after the contract has been released.

13 * Sec. 8. AS 14.11.100(j) is amended to read:

14 (j) The state may not allocate money to a municipality for a
15 school construction project under (a)(5) of this section unless the
16 municipality complies with the requirements of (1) - (5) of this
17 subsection and the project is approved by the commissioner before the
18 local vote on the bond issue for the project. In approving a project
19 under this subsection, the commissioner shall require

20 (1) the municipality to include on the ballot for the bond
21 issue the estimated total cost of each project, including annual
22 operation and maintenance costs, and the estimated amounts that will
23 be paid by the state and by the municipality;

24 (2) that the bonds may not be refunded unless the annual
25 debt service on the refunding issue is not greater than the annual
26 debt service on the original issue;

27 (3) that the bonds must be repaid in approximately equal
28 annual principal payments or approximate equal debt service payments
29 over a period of at least 10 years;

1
2 (4) the municipality to demonstrate need for the project by
3 establishing that the school district has

4 (A) projected long-term student enrollment that indi-
5 cates the district has inadequate facilities to meet present or
6 projected enrollment or program needs; or

7 (B) facilities that require repair or replacement in
8 order to meet health and safety laws or regulations or building
9 codes;

10 (5) the municipality to agree to construction of a facility
11 of appropriate size and configuration, as determined by the state
12 board of education [FACTORS SUCH AS INCREASED ENROLLMENT IN THE SCHOOL
13 DISTRICT, THE HEALTH AND SAFETY OF THE STUDENTS, AND THE FACTORS
14 LISTED IN AS 14.11.010(c)].

15 * Sec. 9. AS 14.11.100 is amended by adding a new subsection to read:

16 (k) An amount equal to the interest earned on the investment of
17 the proceeds of bonds issued for a school construction project shall
18 be used by the municipality to pay the costs of construction of the
19 project.

20 * Sec. 10. AS 14.11 is amended by adding new sections to read:

21 Sec. 14.11.102. EVALUATION OF PROJECTS. The department shall
22 evaluate projects for which retirement of school construction debt is
23 requested by school districts in accordance with the procedures set
24 out in AS 14.11.010. A request for an allocation of funds under
25 AS 14.11.100 must be submitted to the department by the school dis-
26 trict no later than October 15 of the fiscal year before the fiscal
27 year for which the request is made.

28 Sec. 14.11.103. DEBT RETIREMENT FOR GRANT PROJECTS. Notwith-
29 standing AS 14.11.100(a)(5), if a school district receives state
funding as a grant for a school construction project under AS 14.11.

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2 005, a portion of the debt for the project equal to the amount of the
3 grant shall be retired at the rate of 50 percent. The remainder of
4 the debt shall be retired at the rate of 80 percent as provided in
5 AS 14.11.100(a)(5).

6 * Sec. 11. AS 14.11.135 is amended to read:

7 Sec. 14.11.135. DEFINITIONS. In this chapter [AS 14.11.100 -
8 14.11.135], unless the context requires otherwise,

9 (1) "approved school construction project" means the plan
10 for a new school or an addition to or major rehabilitation of an
11 existing school to the extent to which approved by the commissioner in
12 accordance with AS 14.07.020(11);

13 (2) "commissioner" means the commissioner of education;

14 (3) "costs of school construction" means the cost of
15 acquiring, constructing, enlarging, repairing, remodeling, equipping
16 or furnishing of public elementary and secondary school buildings and
17 includes the sum total of all costs of financing and carrying out the
18 project; these include, but are not limited to, the costs of all
19 necessary studies, surveys, plans and specifications, architectural,
20 engineering or other special services, acquisition of real property,
21 site preparation and development, purchase, construction, reconstruc-
22 tion and improvement of real property and the acquisition of machinery
23 and equipment as may be necessary in connection with the project, an
24 allocable portion of the administrative and operating expenses of the
25 grantee; the cost of financing the project, including interest on
26 bonds issued to finance the project; and the cost of other items,
27 including any indemnity and surety bonds and premiums on insurance,
28 legal fees, fees and expenses of trustees, depositaries, financial
29 advisors, and paying agents for the bonds issued as the issuer con-
siders necessary;

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2 (4) "department" means the Department of Education;

3 (5) "school district" means a municipal school district or
4 a regional educational attendance area.

5 * Sec. 12. AS 37.05.315 is amended by adding a new subsection to read:

6 (c) A municipality that accepts a grant under this section for
7 school construction or repair must comply with the provisions of
8 AS 14.11.015.

9 * Sec. 13. (a) The amendments to AS 14.11.100(j) provided for in sec.
10 8 of this Act apply only to school construction projects approved by the
11 commissioner of education after the effective date of this Act.

12 (b) The requirement of AS 14.11.102, added by sec. 10 of this Act,
13 that requests for an allocation of funds under AS 14.11.100 be submitted by
14 October 15 of the fiscal year before the fiscal year for which the request
15 is made, does not apply to requests for fiscal years 1986 and 1987.

16 * Sec. 14. AS 14.11.105, 14.11.110, 14.11.115, 14.11.120, 14.11.125 and
17 14.11.130 are repealed.

18 * Sec. 15. This Act takes effect July 1, 1985.
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CSHB 191 (HESS)
State Aid for School Construction

The April 17 Committee Substitute:

- 1) Establishes a school construction grant account. (This just gives a name to a program which already exists in AS 14.11.010)
- 2) Requires school districts to apply for school construction grants no later than October 15 of the fiscal year before the year for which the request is made. (Solves a timing problem the department has had.)
- 3) Requires the department to consider the factors listed in AS 14.11.010 in setting funding priorities. The CS adds local contribution to education financing to this list but does not specifically mention mill rates.
- 4) Sets out the new eligibility requirements a district must meet to receive a DOE or grants to municipalities (see page 7, lines 6-9) school construction grant. A district must:

- agree to an appropriately-sized facility (this meets the subcommittee's no-frills standard)

AND

- demonstrate to the commissioner the need for the project by a projected long-term student enrollment that indicates that without the construction the school district will have and will continue to have unhoused students, (Larson's concern)

OR

- have inadequate facilities to meet present or projected programs needs

OR

- need more than \$25,000 to meet health and safety regulations or building codes.

- 5) Requires municipalities to apply the interest on the investment of the bond proceeds to the cost of the bonded project
- 6) Amends the existing school construction debt retirement program by raising the percent of state contribution from 50% to 80% of a municipality's bonded indebtedness authorized after June 30, 1983. This also applies to cash payments.
- 7) Imposes the same restrictions on the debt reimbursement program as are imposed for the DOE and municipal grant programs.

- 8) Sets out the requirements a municipality must meet before debt may be retired for 80 percent.

Current law: (1) The Commissioner of Education must approve the project before the local vote on the bond issue

- (2) In approving the project, the commissioner must require the municipality to include the estimated costs on the ballot, and provide for repayment of the bonds over a period of at least 10 years

Added by CS

(1) Annual maintenance and operating costs of the project must be included on the ballot for the bond issue

- (2) The district must demonstrate the need for the project again based on housing and need for replacement (same language as used in (4) above).

NOTE: These requirements do not apply to projects that have received approval before the effective date of this act.

- 9) Requires that reimbursement projects be prioritized by the commissioner the same as for grant projects (this would include the new factor considering local contributions and the no frills regulations.)
- 11) Requires that application for reimbursement be made no later than October 15 of the fiscal year before the year for which the request is made. (DOE's suggestion again.) DISTRICTS WHICH MAKE REQUESTS FOR FUNDING FOR FY86 AND FY87 DO NOT HAVE TO MEET THE DEADLINE, BUT THEY STILL HAVE TO MEET THE "NO FRILLS" CRITERIA. (page 7, lines 6-9)
- 12) Redefines "school district" to include both municipal districts and REAAs.
- 13) Requires that when funds from state grants and bonds are used the amount of reimbursement for the bonds will be 50% on an amount equal to the grant amount and 80% for the remaining funds.

STATE OF ALASKA
THE LEGISLATURE

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LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 17, 1985

SUBJECT: Operation of CSHB 191 (S)

TO: Representative Niilo Koponen
Chairman, House HESS Committee

FROM: Keith B. Levy ^{KBL}
Legislative Counsel

You have asked several questions regarding the operation of the most recent draft of CSHB 191, dated April 17, 1985. Specifically, you have asked what effects the amendments to AS 14.11.100(a)(5) and AS 14.11.100(j) will have.

Section 5 of the draft amends AS 14.11.100(a)(5). That section requires the Department of Education to allocate to municipal school districts a percent of the payments made by the municipality to retire school construction debt during the fiscal year. The amendment increases the rate at which the state retires school construction debt from 50 percent to 80 percent. Because the bill does not take effect until July 1, 1985, the increase in the rate of debt retirement will only apply to payments made by a municipality after that date. The bill will have no effect on payments made before that date because of the provisions of AS 01.10.090:

No statute is retrospective unless expressly declared therein.

Accordingly, the increased debt retirement rate will only operate prospectively, applying to payments made by municipalities to retire school construction debt beginning in fiscal year 1986.

Section 8 of the draft amends AS 14.11.100(j) to add new criteria that a municipal school construction project must meet before the Commissioner of Education may approve the project. For the reasons cited above, the operation of this section is not retrospective. Therefore, the amendments to

Representative Niilo Koponen
April 17, 1985
Page 2

AS 14.11.100(j) provided for in the bill would only apply to projects not yet approved by the Commissioner of Education on the effective date of the Act. Projects already approved would not be effected by the amendments. Section 13(a) of the draft makes this point clear:

The amendments to AS 14.11.100(j) provided for in sec. 8 of this Act apply only to school construction projects approved by the commissioner of education after the effective date of this Act.

Thus, the amendments to AS 14.11.100(j) would apply to school construction projects approved after July 1, 1985, but not to projects approved before that date.

If I may be of further assistance please feel free to contact me.

KBL:ojb
J14/007