

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6263 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

867

DEPARTMENT OF EDUCATION
FISCAL NOTE ANALYSIS
3/30/89

HB 231: Establishing a state education policy; relating to powers and duties of school districts, the Department of Education and the State Board of Education with respect to education planning and planning grants; requiring regional school boards to establish and consult with advisory boards.

Personal Services

1 FT Research Analyst II	\$46.5
1 PT Clerk Typist III	14.6
Subtotal	\$61.1

The Research Analyst will perform the functions required under the legislation including: 1) compile summary report to be submitted to the Legislature, School Districts and State Board of Education based on data submitted to the Department for each of the 466 schools in the state and 55 school districts; 2) review reports for compliance with statutory requirements and elements required of the plan; and 3) serve as grant administrator for award of grants. The part time clerk typist will provide all necessary clerical support for these functions.

Travel

Travel to centralized conference/training session to assist districts in establishment of their local process and develop streamlined reporting procedures. \$1.2

Contractual

Contractual costs include one additional audioconference meeting with the State Board of Education to make grant awards (1.0); printing, production and distribution of the required report (4.6); RSA for increased costs associated with accounting for an estimated 20 planning grant awards per year (3.6); telephone, postage, minimal planning resource materials purchases (3.0); maintenance of workstations (.5); and purchase software for reporting and spreadsheet functions (1.3). \$14.0

Commodities

Supplies for staff positions. \$1.5

Equipment

1st year: One PC work station to enable Research Analyst position to perform necessary reporting and drafting functions (5.0); one word processing work station (3.5); and desk, chair and needed equipment such as an adding machine (1.0)

9.5

Grants

Assuming that only one-third of the school districts receive the maximum grant award of \$50.0 per year, the annual cost of the grant programs is \$950.0. The maximum cost of the program, if all 55 school districts received the maximum grant award is \$2,750.0.

950.0

TOTAL

\$1037.3

Position Title		Research Analyst II		No. of Positions	1	Range/Step	16B	Barg. Unit	G
Time Status	Staff Months		Location		Election District				
FT	12		Juneau						
				Justification					
				The Research Analyst will perform the functions required under the legislation including:					
				1) Compile summary report to be submitted to the Legislature, School Districts and State Board of Education based on data submitted to the Department for each of the 466 schools in the state and 55 school districts.					
				2) Review reports for compliance with statutory requirements and elements required of the plan.					
				3) Serve as grant administrator for award of grants.					
Type of Expenditure		Amount							
1		2		3					
Salary		33.6							
Benefits		12.9							
Premium Pay									
Other									
Total Personal Services		46.5							
Travel									
Contractual									
Commodities									
Equipment									
Other									
Total Cost									
Funding Source for Total Cost									
Federal Receipts		1002							
G. F. Match		1003							
General Fund		1004		46.5					
I-A Receipts		1006							
CIP Receipts		1061							
Other									

**Request For
New Position**

Agency Education
 BRU Education Program Support
 Component Basic Education & Instructional Improvement

Page 3 of 4
 Revised Date

FY 90

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PT	Staff Months 6.0	Location Juneau		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	9.8	The Clerk Typist will provide all back-up support to the Research Analyst in meeting the administrative requirements of HB 231. This includes typing of correspondence, basic data entry, tracking of compliance reports and response to general phone inquiries.		
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services		14.6		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		14.6		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	14.6		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Education
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Page 4 of 4
 Revised Date

FY 90

attendance. Places a great deal of responsibility in the hands of the school nurse by requiring them to notify a student that a disease which they are not immunized has been at school. Would allow for a leave of absence until the disease is gone.

SB 223 Establishes a state education policy., Binkley

1. forms state education policy
2. forms education planning grant fund.
3. fiscal award of no more than \$50,000 to districts
4. Establishes advisory school boards.,
5. Regional school board shall consult with the appropriate advisory board.
6. Special certificates for teachers:
 - a) is employed by a school district to teach AK Native language or culture.

b) has learned the subject by living in the culture or used a native language.

c) normal regulations.

SB187 Bar State Education funds/Discrimination., Zharoff
This bill gives explicit direction to the Commissioner of Ed. concerning the amount of education funding to be withheld due to discrimination. The mechanism by which alleged discrimination can be fairly investigated already exists in statute under AS 18.80.130 which this measure refers to specifically. 25 % withholding...

6-0788H
Ford
4/10/89

1 IN THE SENATE

BY BINKLEY AND DUNCAN

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 223

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a state education policy; relat-
7 ing to powers and duties of school districts, the
8 Department of Education, and the State Board of
9 Education with respect to education planning and
10 planning grants; requiring regional school boards to
11 establish and consult with advisory boards; authoriz-
12 ing certification of Alaska Native language or cul-
13 ture teachers; and providing for an effective date."

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

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

16 Sec. 14.03.015. STATE EDUCATION POLICY. It is the policy of
17 this state that the purpose of education is to help ensure that all
18 learners will succeed now and in their next level of education or
19 work, shape worthwhile and satisfying lives for themselves, exemplify
20 the best values of society, and be effective in influencing the char-
21 acter and quality of the world about them.

22 * Sec. 2. AS 14.03 is amended by adding new sections to read:

23 Sec. 14.03.120. EDUCATION PLANNING. (a) A district shall
24 annually file with the department, and make available to the public, a
25 report that

26 (1) establishes goals and priorities for improving educa-
27 tion in the district;

28 (2) includes a plan, not longer than three pages in length,
29 for achieving district goals and priorities; and

1 (3) includes a means of measuring the achievement of goals
2 and priorities.

3 (b) The department shall summarize the reports submitted under
4 (a) of this section and provide a copy to each member of the legisla-
5 ture.

6 (c) Students, parents, teachers, and other members of the commu-
7 nity shall be encouraged by the district to participate in the prepa-
8 ration of the report submitted under (a) of this section.

9 (d) Each district shall, by October 31 of each year, provide to
10 the governing body and the department, and make available to the
11 public, a report on the performance of each public school in the
12 district. The report must include

13 (1) results of basic skills achievement tests and college
14 entrance examinations, with appropriate comparisons; results under
15 this paragraph must be disclosed in a manner that does not reveal the
16 individual identities of students;

17 (2) student, parent, and community member comments on the
18 school's performance;

19 (3) attendance, retention, and graduation rates; and

20 (4) information on school awards or honors.

21 (e) In this section, "district" has the meaning given in AS 14.-
22 17.250.

23 Sec. 14.03.125. EDUCATION PLANNING GRANT FUND. (a) The educa-
24 tion planning grant fund is created as an account in the general fund.
25 The fund shall be used by the board to make grants to a district
26 located in the state for education planning. The fund consists of
27 money appropriated by the legislature.

28 (b) A governing body located in the state may apply for an
29 education planning grant by submitting an application to the board.

1 An application must include

- 2 (1) a description of the education planning process;
- 3 (2) how the planning process is intended to improve student
4 performance;
- 5 (3) the method used to evaluate improvements in student
6 performance;
- 7 (4) the efforts made to obtain community support for the
8 grant application; and
- 9 (5) a proposed budget detailing the expenditure of all
10 grant funds.

11 (c) In a fiscal year, the board may not award more than ~~\$50,000~~ ^{\$ 15,000}
12 in grant funds to a district and shall award grants to a diversity of
13 districts and regions. A grant may not be awarded to the same dis-
14 trict for more than ~~three~~ ^{two} consecutive fiscal years. The board may
15 withhold a grant from a district that the board determines has not
16 actively involved students, parents, teachers, and other members of
17 the community in education planning in the district.

18 (d) In this section, "district" has the meaning given in AS 14.-
19 17.250.

20 * Sec. 3. AS 14.07.020(a)(2) is amended to read:

21 (2) study the conditions and needs of the public schools of
22 the state, [AND] adopt or recommend plans, and adopt regulations for
23 the improvement of the public schools;

24 * Sec. 4. AS 14.07 is amended by adding a new section to read:

25 Sec. 14.07.165. DUTIES. The board shall adopt and require each
26 governing body to adopt written goals that are consistent with AS 14.-
27 03.015 and shall administer education planning grants awarded under
28 AS 14.03.125.

29 * Sec. 5. AS 14.08.115 is amended to read:

1 Sec. 14.08.115. ADVISORY SCHOOL BOARDS IN REGIONAL EDUCATIONAL
2 ATTENDANCE AREAS. A regional school board shall [MAY] establish
3 advisory school boards, and by regulation shall prescribe their manner
4 of selection and organization, and their powers and duties. A region-
5 al school board shall consult with the appropriate advisory board
6 regarding organization and operation of schools and appointment of
7 personnel.

8 * Sec. 6. AS 14.20.020(b) is amended to read:

9 (b) Except as provided in (f) of this section, a [A] person is
10 not eligible for a teacher certificate unless that person has received
11 at least a baccalaureate degree from an institution of higher educa-
12 tion accredited by a recognized regional accrediting association or
13 approved by the commissioner. However, this subsection does not apply
14 [IS NOT APPLICABLE] to a person

15 (1) [PERSONS] employed in the state public school system on
16 September 1, 1962;

17 (2) [PERSONS] issued an emergency certificate during a
18 situation that [WHICH], in the judgment of the commissioner, requires
19 the temporary issuance of a certificate to a person not otherwise
20 qualified.

21 * Sec. 7. AS 14.20.020 is amended by adding a new subsection to read:

22 (f) A person who is eligible under this subsection shall be
23 issued a special certificate. The department shall establish by
24 regulation the duration of the special certificate and the require-
25 ments for renewal. The holder of a special certificate is a certifi-
26 cated employee for purposes of this title and is entitled to receive
27 the employment benefits to which a holder of a regular teacher certif-
28 icate is entitled. A person who is not eligible for a certificate
29 under (b) or (c) of this section is eligible for a special certificate

1 under this subsection if the person

2 (1) is employed or will be employed by a school district to
3 teach only Alaska Native language or culture;

4 (2) has learned about the subject to be taught by living in
5 the culture or using the language in daily life; and

6 (3) is qualified to teach the subject to elementary or
7 secondary students under regulations adopted by the department.

8 * Sec. 8. This Act takes effect July 1, 1989.

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S B

234

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4/20/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FIN

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

3/21/89

DATE TURNED INTO OFFICE 4/25/89

Mr. President:

HESS

Committee considered

SB 234

providing for the issuance of general obligation bonds in the amount of \$69,680,000 for the purpose of paying the cost of capital improvements to the University of Alaska; efd

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

Dep't Revenue.
 fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Jim Duncan - No Rec
Thom Jones - No Rec

Paul Gird. (No Rec)
Chairman signature and recommendation

Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: State Bond Committee
 Title: \$69,680,000 University of Alaska BRU: _____
 General Obligation Bonds
 Sponsor: Kerttula Components: _____
 Requestor: Senate HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
OPERATING						
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LANDS & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	2,438.6	9,920.8	9,920.8
TOTAL OPERATING	0	0	0	2,438.6	9,920.8	9,920.8
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	2,438.6	9,920.8	9,920.8
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	2,438.6	9,920.8	9,920.8

POSITIONS:

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

ANALYSIS: attach a separate page for analysis.

Debt service assumes 10 year bonds at an average interest rate of 7.0 percent. FY 91 is one semi-annual interest only payment.

Prepared By: Milt Barker *MB*
 Division: Treasury

Phone: 465-2350
 Date: _____

Approved by Commissioner: _____
 Agency: Department of Revenue

Date: _____

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

TABLE 3.3

State of Alaska
Ratio of Debt Service to Unrestricted Revenues
Spring 1989 Department of Revenue Revenue Estimates

Fiscal Year	Unrestricted Revenue			(1) State GOB's			(2) UA			(3) ASBA			(4) Lease-Purchase Obligations			(5) School Debt (Muni)			Total Debt Service		
	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High	Low	Mid	High
	\$ Millions			Percent			Percent			Percent			Percent			Percent			Percent		
79	1133.0	1133.0	1133.0	5.3	5.3	5.3	.2	.2	.2	.9	.9	.9	0	0	0	2.0	2.0	2.0	8.3	8.3	8.3
80	2501.2	2501.2	2501.2	3.0	3.0	3.0	.1	.1	.1	.4	.4	.4	0	0	0	1.0	1.0	1.0	4.4	4.4	4.4
81	3718.2	3718.2	3718.2	2.6	2.6	2.6	.1	.1	.1	.3	.3	.3	0	0	0	1.0	1.0	1.0	4.0	4.0	4.0
82	4108.4	4108.4	4108.4	2.4	2.4	2.4	.1	.1	.1	.2	.2	.2	0	0	0	.9	.9	.9	3.6	3.6	3.6
83	3631.0	3631.0	3631.0	4.0	4.0	4.0	.1	.1	.1	.3	.3	.3	0	0	0	1.0	1.0	1.0	5.3	5.3	5.3
84	3390.1	3390.1	3390.1	4.9	4.9	4.9	.1	.1	.1	.3	.3	.3	0	0	0	2.7	2.7	2.7	7.9	7.9	7.9
85	3260.0	3260.0	3260.0	5.2	5.2	5.2	.1	.1	.1	.3	.3	.3	0	0	0	2.8	2.8	2.8	8.4	8.4	8.4
86	3075.5	3075.5	3075.5	5.3	5.3	5.3	.1	.1	.1	.3	.3	.3	0	0	0	3.4	3.4	3.4	9.1	9.1	9.1
87	1799.4	1799.4	1799.4	8.6	8.6	8.6	.1	.1	.1	.4	.4	.4	.3	.3	.3	7.4	7.4	7.4	16.7	16.7	16.7
88	2305.8	2305.8	2305.8	6.4	6.4	6.4	.1	.1	.1	.3	.3	.3	0	0	0	4.7	4.7	4.7	11.5	11.5	11.5
89	1891.5	2018.8	2105.5	7.2	6.7	6.4	.1	.1	.1	.4	.3	.3	.3	.3	.2	5.8	5.4	5.2	13.7	12.8	12.3
90	1510.3	1995.9	2489.4	8.0	6.0	4.8	.1	.1	.1	.4	.3	.3	.4	.3	.2	7.4	5.6	4.5	16.3	12.3	9.9
91	1332.7	1930.5	2604.8	7.2	4.9	3.7	.2	.1	.1	.5	.3	.2	.4	.3	.2	8.2	5.7	4.2	16.4	11.3	8.4
92	1273.6	1908.4	2715.7	5.4	3.6	2.5	.2	.1	.1	.5	.3	.2	.4	.3	.2	8.4	5.6	3.9	14.8	9.9	7.0
93	1236.2	1887.8	2812.7	4.8	3.2	2.1	.2	.1	.1	.5	.3	.2	.4	.3	.2	7.9	5.2	3.5	13.8	9.1	6.1
94	1181.2	1809.2	2964.5	2.9	1.9	1.1	.2	.1	.1	.3	.2	.1	.5	.3	.2	7.1	4.7	2.8	10.9	7.1	4.3
95	1077.7	1675.6	2970.8	2.1	1.4	.8	.2	.1	.1	.1	.1	.1	.5	.3	.2	7.0	4.5	2.5	10.0	6.4	3.6
96	1002.5	1567.2	2966.5	2.1	1.4	.7	.2	.1	.1	0	0	0	.5	.4	.2	6.2	4.0	2.1	9.1	5.8	3.1
97	946.4	1477.4	2966.5	1.8	1.1	.6	.2	.1	.1	0	0	0	.6	.4	.2	4.1	2.6	1.3	6.7	4.3	2.1
98	905.8	1403.0	3074.8	1.6	1.0	.5	.2	.1	.1	0	0	0	.6	.4	.2	4.1	2.6	1.2	6.5	4.2	1.9
99	847.2	1314.1	2914.4	1.1	.7	.3	.2	.1	.1	0	0	0	.6	.4	.2	4.2	2.7	1.2	6.1	4.0	1.8
00	766.0	1227.6	2780.1	.3	.2	.1	.2	.2	.1	0	0	0	.6	.4	.2	3.8	2.4	1.0	5.0	3.1	1.4
01	721.6	1158.4	2695.7	0	0	0	.3	.2	.1	0	0	0	.7	.4	.2	3.1	2.0	.8	4.0	2.5	1.1
02	704.6	1092.5	2626.0	0	0	0	.2	.1	0	0	0	0	.7	.4	.2	1.4	.9	.4	2.3	1.5	.6
03	577.6	1011.7	2568.9	0	0	0	.2	.1	0	0	0	0	.8	.5	.2	1.1	.7	.3	2.1	1.2	.5
04	609.1	974.7	2553.2	0	0	0	.2	.1	0	0	0	0	.8	.5	.2	.9	.5	.2	1.8	1.1	.4
05	628.6	996.9	2514.4	0	0	0	.2	.1	0	0	0	0	.7	.5	.2	.8	.5	.2	1.7	1.1	.4

(1) State of Alaska general obligation bonds

(2) University of Alaska bonds

(3) Alaska State Housing Authority lease revenue bonds

(4) Debt issued to finance Seward Student Service Center, Spring Creek Correctional Center, and Palmer Courthouse

(5) State Reimbursement of municipal general obligation debt issued to finance school construction for debt issued through December 31, 1988

S B

251

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 31, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

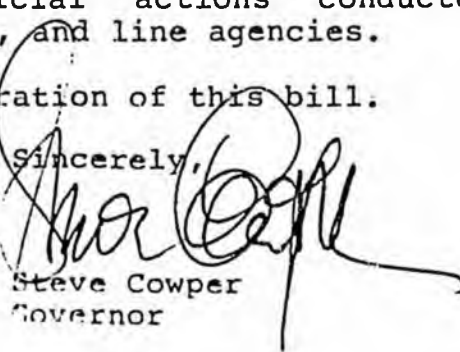
Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to you which exempts the University of Alaska from the adjudicative procedures of the Administrative Procedure Act (APA; AS 44.62). The bill would clearly establish that grievance procedures and other dispute resolution processes for employees and students at the University of Alaska are outside of the APA hearing procedures. The university is in litigation concerning the applicability of the APA as a result of a statute enacted in 1977. When that statute was enacted, it was not thought to have any material effect on the operation of the university. The enactment of this bill would resolve the problems that caused the litigation.

The University of Alaska currently has in place internal hearing procedures for students and grievance procedures for students and employees. These procedures are best suited to meeting the special circumstances of the academic enterprise. To impose a statutory process that provides for the appointment of a hearing officer by this office, involvement of attorneys, depositions, and subpoenas goes far beyond what reasonably should be imposed in what are often minor matters concerning the internal affairs of the university. The bill as proposed would expressly remove these internal processes from a procedure that applies more appropriately to quasi-judicial actions conducted by licensing boards, commissions, and line agencies.

I urge your favorable consideration of this bill.

Sincerely,


Steve Cowper
Governor

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE _____

3/31/89

Mr. President:

HESS Committee considered SB 251

exempting the University of Alasak from the adnudicative procedures of the
Administrative Procedure Act for certain actions; efd

and recommended:

replace with CS _____ same title
 attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Bill Adams - No Rec.
Howard Jones - No Rec
J. Duncan - No Rec
Tim Kelly - No Rec

Paul Grub (Do Pass)
Chair: signature and recommendation

Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: University of Alaska
 Title: "An Act Exempting the University from the Adjudicative Procedures of the Administrative Procedures Act for Certain Actions, and Providing for an Effective Date." BRU: SPS, UAF, UAA, UAS
 Components: _____ Sponsor: Rules Committee
 Requester: Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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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: Marsha Hubbard *Marsha Hubbard* Phone: 474-7593
 Division: Director, Statewide Budget Date: 2/21/89

Approved by Commissioner: Vice President, Brian Rogers *Brian Rogers* Date: 2/21/89
 Agency: University of Alaska

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 31, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

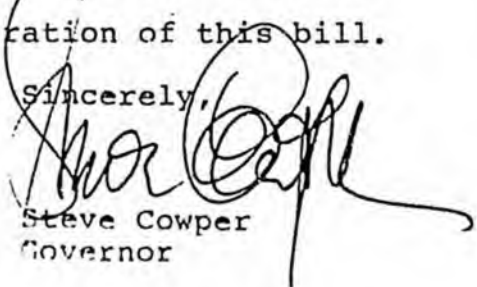
Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to you which exempts the University of Alaska from the adjudicative procedures of the Administrative Procedure Act (APA; AS 44.62). The bill would clearly establish that grievance procedures and other dispute resolution processes for employees and students at the University of Alaska are outside of the APA hearing procedures. The university is in litigation concerning the applicability of the APA as a result of a statute enacted in 1977. When that statute was enacted, it was not thought to have any material effect on the operation of the university. The enactment of this bill would resolve the problems that caused the litigation.

The University of Alaska currently has in place internal hearing procedures for students and grievance procedures for students and employees. These procedures are best suited to meeting the special circumstances of the academic enterprise. To impose a statutory process that provides for the appointment of a hearing officer by this office, involvement of attorneys, depositions, and subpoenas goes far beyond what reasonably should be imposed in what are often minor matters concerning the internal affairs of the university. The bill as proposed would expressly remove these internal processes from a procedure that applies more appropriately to quasi-judicial actions conducted by licensing boards, commissions, and line agencies.

I urge your favorable consideration of this bill.

Sincerely,



Steve Cowper
Governor

S B

262

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER JUD

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE _____

4/5/89

Mr. President:

HESS

Committee considered

SB 262

relating to mental health; and amending Rule 3, Alaska Rules of Civil Procedure

and recommended:

[] replace with CS _____ [] same title
[] new title

[] attached amendment(s) and

[] _____ letter of intent adopted

[] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

FISCAL NOTE(S) attached [] zero
[] appropriation no FN attached

[] fiscal impact
[] Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Tom Duncan

Tim Kelly - No Rec

Al Adams

Paul Fish (Do Pass)
Chair : signature and recommendation

[] Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to mental health
 Sponsor: Senator Pourchot
 Requestor: Senator Pourchot

Agency Affected: Health & Social Services
 BRU: Institutions & Administration
 Components: Alaska Psychiatric Institute

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
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	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Passage of SB262 will have no fiscal impact in FY90 and subsequent years.

Prepared by: Todd R. Risley, Ph.D. *TRR* Phone: 465-3370
 Division: Mental Health & Developmental Disabilities Date: 3/22/90
 Approved by Commissioner: *Georgia M. Merson* Date: 3/27/90
 Agency: _____

Distribution (by preparer):

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

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS,
CHAIR

ETHICS COMMITTEE,
CHAIR




ANCHORAGE
P.O. BOX 104636
ANCHORAGE, AK 99510
(W) (907) 581-7623
(H) (907) 338-2425

JUNEAU
P.O. BOX V
STATE CAPITOL
JUNEAU, AK 99811
(907) 465-3712

Senator Pat Pourchot

M E M O R A N D U M

TO: Senator Fischer, Chairman
Senate Committee on Health, Education and Social
Services

FROM: Senator Pourchot 

RE: SB 262, Relating to Mental Health

DATE: March 26, 1990

Thank you for scheduling a hearing on SB 262, which makes a series of changes to the patients' rights section of the mental health commitment statute.

The civil commitment statutes were substantially revised in 1981 to more adequately protect the legal rights of persons suffering from mental illness. Article 8 affirms the rights of patients in API and similar institutions by allowing the free exercise of religion, limiting the use of physical restraints, ensuring access to personal belongings, allowing visitors, and the like. SB 262 makes minor amendments to these provisions.

Of particular importance are Section 1, which would require treatment facilities to set program standards, and Section 7, which would require that grievance procedures be established. The other sections of the bill would strengthen the position of the patient in regard to the use of physical restraints, opportunity for physical exercise, and disposition of court records.

Persons committed to API and similar treatment facilities are often the people least able to help themselves. The responsibility for ensuring proper care and treatment of such individuals must therefore rest with others. SB 262 provides a forum for the Legislature to discuss treatment of this special population; I appreciate your consideration of it.

I am aware that a number of people are planning to testify at the Senate HESS Committee hearing. I am expecting critical comments on, and suggestions for changes to, SB 262. It would be my intent following the hearing to work with you on any desired amendments to the bill.

Sen. Pourchot
March 21, 1990

SECTIONAL SUMMARY -- SB 262, RELATING TO MENTAL HEALTH

SB 262 makes a series of amendments to Article 8 of Title 47, the Patients' Rights section of the mental health commitment statute:

Sec. 1 Requires that programming standards (medical, psychological, social, vocational, educational, and recreational) be established for designated treatment facilities -- Alaska Psychiatric Institute, Fairbanks Memorial Hospital, and Mt. Edgumbe Hospital.

Sec. 2 Corrects an incorrect statute reference.

Sec. 3 Allows attendance at treatment team meetings by a mental health professional previously engaged in the patient's care and by another representative of the patient's choice. Current statute allows attendance by the patient's counsel or guardian.

Sec. 4 Current statute requires that, when practicable, the patient be consulted as to the form of physical restraint to be used. Sec. 4 requires that, in such instances, the patient's choice be honored.

Sec. 5 Clarifies that the physician's decision to prescribe psychotropic medication must include the potential for the patient to harm him or herself. Current statute only references harm to others.

Sec. 6 Specifies that a person undergoing evaluation or treatment has a right to both indoor and outdoor exercise and recreation. Current statute does not reference outdoor.

Sec. 7 Adds a new provision requiring that designated treatment facilities establish formal procedures to handle grievances about patients' treatment, care, and rights. Also requires that treatment facilities with a patient population over 50 have a consumer advocate on staff to assist patients in bringing grievances. Allows patients to seek a judicial remedy in superior court once the grievance procedure is exhausted.

Sec. 8 Clarifies that when a person files to have court records pertaining to commitment proceedings expunged, the court shall do so. Current statute allows for expungement, but does not contain standards by which the court is to evaluate motions to expunge. (The person's medical records would still be available at the treatment facility.)

Sec. 9 States that Sec. 7 amends Rule 3, Alaska Rules of Civil Procedure, by requiring that the court nearest to the treatment facility be the location for filing grievance petitions.

5124



Alaska Court System

State of Alaska

201 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

264-0548

(807) XXXXX

April 14, 1989

Senator Pat Pourchot
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Re: SB 262

Dear Senator Pourchot:

The court system has several concerns about the procedural aspects of SB 262. Section 7 of the bill provides that patients of mental treatment facilities may appeal their grievances directly to superior court after presenting them to an impartial body within the treatment facility. We believe that the bill should be amended to utilize the existing appeal procedures within the Administrative Procedures Act, codified at AS 44.62.360 et seq. This approach would lead to a speedier resolution of most grievances and would not require decisions by the court to define a new procedure. We suggest that section 47.30.848 be replaced with this language:

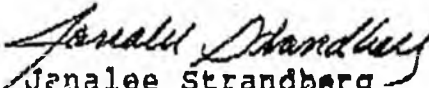
Sec. 47.30.848. Judicial Remedies for Patients. A patient or patient's representative may appeal pursuant to AS 44.62.560 an adverse grievance decision issued under AS 47.30.847.

This amendment would also take care of the question of venue as it will be in accordance with the rules of court governing appeals in civil matters. Thus, section 9 of the bill can be deleted.

Finally, we recommend that the administrative grievance procedure contain an intra-departmental appellate process. Appeals within agencies generally resolve most grievances quickly and inexpensively without necessitating formal court proceedings and their attendant expenses.

Thank you for the opportunity to comment on this bill. I will be happy to answer any questions you may have.

Sincerely,


Janalee Strandberg
Staff Counsel

S B

278

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 4/27/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 5/2/89

4/14/89

Mr. President:

HESS Committee considered SB 278

education for exceptional children

and recommended:

[] replace with CS _____ [] same title
[] attached amendment(s) and [] new title

[] _____ letter of intent adopted

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

FISCAL NOTE(S) attached zero

[] fiscal impact

[] appropriation no FN attached

[] Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
Tim Kelly

Paul [Signature] (Do Pass)
Chair: signature and recommendation

[] Committee backup attached



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

SB 278— SPONSOR STATEMENT
BY SENATOR JAY KERTTULA
APRIL 19, 1989

I have introduced SB 278, dealing with education programs for gifted children, to help solve a specific problem.

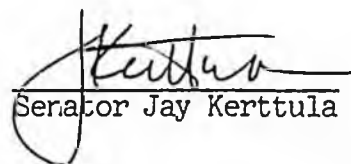
The problem was brought to my attention by concerned parents, by teachers and by school administrators who work with gifted children. They pointed out that some of the statutory procedural requirements for programs relating to gifted children were not only inappropriate, but were taking valuable time away from the teachers and ultimately from the children that these programs are designed to benefit.

I believe this bill will help to streamline these procedures by providing some procedural flexibility. It makes clear that gifted children need not in all cases be treated identically to children who suffer from physical or mental disabilities.

I further believe it is of the utmost importance for the State Board of Education to develop regulations directed specifically at programs for gifted children. This bill requires such regulations to be developed.

I would like to point out that although this bill does not address the need for more teachers and programs specializing in gifted education, it is at least a beginning. I hope that it may contribute to the establishment of a secure statutory and regulatory foundation upon which a larger effort may grow.

The gifted children of Alaska are a precious resource worth investing in. They are the leaders of our future, and we have not always responded to their educational needs to the degree that we should. Ultimately, a larger financial investment in programs for these children should be considered. In the interim, I have sponsored SB 278 simply to enable educators of gifted children to use more efficiently the time and monies that are currently available.


Senator Jay Kerttula

SB 278— OVERVIEW

SB 278 amends portions of statutes that relate to educational programs for gifted children.

This bill would exempt programs for gifted children from time-consuming procedural requirements that were developed for programs directed to children with mental or physical disabilities. In their place, it requires the board of education to develop regulations that specifically address programs for gifted children.

The bill makes one further change: it makes clear that "gifted" children include children who exhibit outstanding intellectual or academic ability, or outstanding ability in creative thinking. This is a refinement of the present statutory reference to "creativity," which has provoked misunderstanding and is not consistent with the terminology developed by researchers specializing in gifted children.

SB 278-- SECTIONAL ANALYSIS

This bill amends portions of AS 14.30, which deals with education programs and requirements for "exceptional" children. Exceptional children include children who have physical and mental disabilities, and "gifted" children, who exhibit outstanding ability in specified areas. The bill addresses only provisions relating to gifted children.

Section 1: Exempts children identified as "gifted" from mandatory three year evaluations.

Section 2: Exempts meetings that concern gifted children from requirement that special education supervisor and other specified individuals always be included.

Section 3: Provides that a group education program may be utilized for gifted children, subject to certain requirements.

Section 4: Requires State Board of Education to develop regulations specific to programs for gifted children.

Section 5: Clarifies definition of gifted children.



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

FAIRBANKS REGIONAL OFFICE

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

April 24, 1989

To: Senator Paul Fischer, Chair
Members, Senate HESS Committee

Re: Senate Bill No. 278; "An Act relating to
education for exceptional children."

NEA-Alaska supports and encourages your favorable consideration of SB 278.

This legislation addresses a legitimate concern of professional educators as well as students and parents. As such, it is good public policy.

Some of our current regulations as they pertain to gifted and talented students are cumbersome, constrain opportunities which should be available to them and actually tend to function as a disincentive to excel.

It is important that we be as responsive to the unique needs of gifted and talented students as it is that we respond to those who are disadvantaged.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Secretary

Judy Salo
President

cc: Senator Jay Kerttula

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Education for Exceptional
 Children
 Sponsor: Kerttula
 Requestor: Kerttula

Agency Affected: Education
 BRU: K-12 Support
 Components: Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 4/17/89
 Approved by Commissioner: William G. Demmert Date: 4/17/89
 Agency: Education

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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

JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302
JUNEAU, ALASKA 99801
(907) 586-3090

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2118 CUSHMAN STREET
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Executive Secretary

Judy Salo
President

cc: Senator Jay Kerttula



Alaska State Legislature

SENATE

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

SB 278— SPONSOR STATEMENT
BY SENATOR JAY KERTTULA
APRIL 19, 1989

I have introduced SB 278, dealing with education programs for gifted children, to help solve a specific problem.

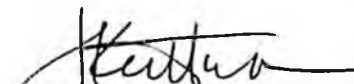
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Senator Jay Kerttula

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Section 5: Clarifies definition of gifted children.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Education for Exceptional
 Children
 Sponsor: Kerttula
 Requestor: Kerttula

Agency Affected: Education
 BRU: K-12 Support
 Components: Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 4/17/89
 Approved by Commissioner: William G. Demmert Date: 4/17/89
 Agency: Education

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

S B

292

A M E N D M E N T

OFFERED IN THE SENATE

BY SZYMANSKI

TO: SB 292

Page 2, after line 10:

Insert a new bill section to read:

"* Sec. 8. The sum of \$22,960 is appropriated from the general fund to the Department of Administration, Alaska Public Broadcasting Commission, for payment as a grant under AS 37.05.316 to KCHU Radio Station in Valdez, for transmission site and studio repairs."

Renumber remaining bill sections accordingly.

Page 2, line 11, after "1 - 6":

Insert "and 8"

State of Alaska, Village Safe Water

Village	Item	Emergency Operations		Assessment of Problems (all periods)	Immediate Repairs					Interim Operations (per month)			Final Repairs (Capital Cost Estimates)	
		City	School District		City	School District	VSW	FHS	Other	City	School District	Other	School Dist	VSW
Nenana	Total Cost													
	Emergency operations during deep cold	3,908	5,768											
	Assessment of damages			4,000	(to date-2/15)									
	Construct water "jumper" across south loop (school to church) & convert MH to lift station, install 250' force main				2,700	4,000 (to date-2/15)		5,500 (mat)						
						2,500 (elec mode)		1,200 (freight)						
								4,800 (labor)						
								730 (air lines)						
								800 (eng)						
								200 (tool rental)						
	Repairs to school plumbing & Harman Nelson heaters				39,000									
	Install 4 each washing machines in school					500 (elec mode)		2,000 (mat)						
						2,000 (replumbing)								
	Install watering point at pump house							5,000						
	Honey buckets & water pails						1,375							
	Part time operator (monitor watering point, haul honey bucket waste, clean up laundry area, pump sewage)									1,350				
	Pumphouse operations (assume school continues to pay)									2,000				
	Supplies (honey bucket bags, etc.)									210				
	Power for washers & heat traces										600 (varies with season)			
	Contingency							10,000						
	Sub total	3,908	5,768	4,000	2,700	48,000	1,375	5,000	25,000	3,560	800	0		
	Totals by group		\$9,674	\$4,000			\$82,155			\$87,200			\$2,058,000	
	Final repairs (see attached sheet)									\$4,380 per month			(see attached)	
										2/80 to 10/80, 20 months				

FOV: Xerox Telecopier 7020 1 3-8-88 11:42AM

So Water

Interim Operations (per month)	Final Repairs (Capital Cost Estimates)	
	School District	School Dist YSW

Definitions

Definitions
assumptions used in preparing
cost estimates (All commercial)

labor (fully burdened with overtime
allowances) will average \$18/hr

School District labor (fully burdened
with overtime allowances) will
average \$25/hr

assumptions for Nostak

4 impacted by cold:

- Well
- Pumphouse/water plant
- Storage tank
- 3 requiring Remedial Action:
 - 1 LR Stations destroyed
 - 1 LF force main destroyed
 - 1 LF gravity sewer destroyed
 - manholes destroyed
 - each sewer services destroyed
 - 1 LF PE waterline can be thawed &
replaced
 - each water services destroyed
 - each fire connections destroyed

	60,000 labor
	60,000 material
	24,000
	100,000
	28,000
	41,000
<hr/>	
	\$314,000
	618,000
	69,000
	10,000
	122,000
	80,000
	358,000
	28,000
	80,000 (both water & sewer)
	182,000
	227,000
<hr/>	
	\$1,742,000
	1,000,000
Final Project Final Repair Costs	\$2,858,000

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE _____
IN ACCORDANCE WITH UNIFORM RULE 23

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

FURTHER

HESS
FIN

4/19/89

DATE TURNED INTO OFFICE 4.26.89

Mr. President:

C&RA

Committee considered

SB 292

special appropriations for the effects of the statewide cold-weather disaster; efd

and recommended:

replace with CS C&RA same title

attached amendment(s) and new title

_____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero

appropriation no FN attached

fiscal impact

Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature]
Chair: signature and recommendation

Committee backup attached

Offered: 7/27/39
Referred: Health, Education and Social
Services and Finance

go1219sE

Original sponsor: Rules/Governor

Funding Information

General Fund	\$ 6,680,810
Other funds	-0-
	<u>\$ 6,680,810</u>

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 292 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations for the effects
7 of the statewide cold-weather disaster; and providing
8 for an effective date."

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

10 * Section 1. The sum of \$2,500,000 is appropriated from the general
11 fund to the Department of Environmental Conservation for grants under the
12 village safe water program to communities in the Northwest Arctic Borough
13 for sewer and water repair.

14 * Sec. 2. The sum of \$1,462,000 is appropriated from the general fund
15 to the Department of Education for payment as a grant under AS 37.05.316 to
16 the Southwest Region Educational Attendance Area for reconstruction of the
17 Aleknagik school.

18 * Sec. 3. The sum of \$500,000 is appropriated from the general fund to
19 the Department of Environmental Conservation under the village safe water
20 program for repair of the water system in Noatak.

21 * Sec. 4. The sum of \$78,000 is appropriated from the general fund to
22 the Department of Administration for payment as a grant under AS 37.05.315
23 to the City of Tanana for repair of the sprinkler system in the Tanana
24 Elder's residence.

25 * Sec. 5. The sum of \$417,850 is appropriated from the general fund to
26 the Department of Military and Veterans' Affairs, emergency management
27 assistance, for sewer and water system repair and other associated costs
28 caused by the statewide cold-weather disaster for the City of Nome.

29 * Sec. 6. The sum of \$700,000 is appropriated from the general fund to
30

1 the Department of Environmental Conservation for clean-up of the Unalakleet
2 oil discharge.

3 * Sec. 7. The sum of \$1,000,000 is appropriated from the general fund
4 to the Department of Military and Veterans' Affairs, disaster relief fund,
5 for the statewide emergency declaration of disaster January 28, 1989, for
6 repair, renovation, and replacement of equipment and sewer and water sys-
7 tems damaged as a result of the severe cold weather and to provide economic
8 relief to communities that have experienced undue hardship due to increased
9 utility and maintenance costs resulting from the statewide cold-weather
10 disaster. The unobligated and unexpended balance of this appropriation
11 lapses to the general fund June 30, 1990.

12 * Sec. 8. The sum of \$22,960 is appropriated from the general fund to
13 the Department of Administration, Alaska Public Broadcasting Commission,
14 for payment as a grant under AS 37.05.316 to KCRU Radio Station in Valdez,
15 for transmission site and studio repairs.

16 * Sec. 9. The appropriations in secs. 1 - 6 and 8 of this Act are for
17 capital projects and are subject to AS 37.25.020.

18 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).
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<u>Funding Information</u>	
General Fund	\$ 11,157,850
Other funds	-0-
	<u>\$ 11,157,850</u>

IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

SENATE BILL NO. 292

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making special appropriations for the effects of the statewide cold-weather disaster; and providing for an effective date."

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

* Section 1. The sum of \$2,500,000 is appropriated from the general fund to the Department of Environmental Conservation for grants under the village safe water program to communities in the Northwest Arctic Borough for sewer and water repair.

* Sec. 2. The sum of \$1,462,000 is appropriated from the general fund to the Department of Education for a grant to the Southwest Region Rural Education Attendance Area for reconstruction of the Aleknagik school.

* Sec. 3. The sum of \$500,000 is appropriated from the general fund to the Department of Environmental Conservation under the village safe water program for repair of the water system in Noatak.

* Sec. 4. The sum of \$78,000 is appropriated from the general fund to the Department of Administration as a grant under AS 37.05.315 to the City of Tanana for repair of the sprinkler system in the Tanana Elder's residence.

* Sec. 5. The sum of \$417,850 is appropriated from the general fund to the Department of Military and Veterans' Affairs, emergency management assistance, for the City of Nome for sewer and water system repair and other associated costs of the statewide cold-weather disaster.

* Sec. 6. The sum of \$700,000 is appropriated from the general fund to the Department of Environmental Conservation for clean-up of the Unalakleet

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<u>Funding Information</u>	
General Fund	\$ 11,157,850
Other funds	-0-
	<u>\$ 11,157,850</u>

IN THE SENATE

BY THE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 292

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

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Original sponsor: Rules/Governor

Referred: Health, Education and Social Services and Finance

go1219sl

Funding Information

General Fund	\$ 6,680,810
Other funds	-0-
	<u>\$ 6,680,810</u>

IN THE SENATE

BY THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

CS FOR SENATE BILL NO. 292 (C&RA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act making special appropriations for the effects of the statewide cold-weather disaster; and providing for an effective date."

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* Sec. 6. The sum of \$700,000 is appropriated from the general fund to

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**RECONSTRUCTION OF GYM / STRUCTURAL ENHANCEMENTS
ALEKNAGIK, ALASKA**

**REQUEST FOR
EMERGENCY FUNDS
ALEKNAGIK SCHOOL**

REQUESTED BY

SOUTHWEST REGION SCHOOL DISTRICT

DILLINGHAM, ALASKA

MARCH 15, 1989



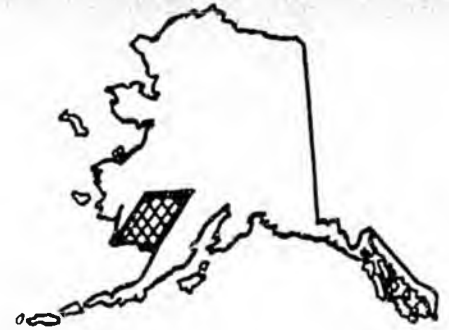
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Summary	Page 15



Southwest Region Schools

P.O. Box 196
Dillingham, Alaska 99576
Phone (907) 842-5288



March 15, 1989

TO THE 1989 LEGISLATURE

On February 7, 1989, the gym roof of the Aleknagik School collapsed during after school gym activities. The School District has hired John L. Aho, Ph. D of CH2M Hill to assist the District in identifying the cause of the accident and the safety of the remaining portion of the building.

Preliminary engineering reports indicates the roof trusses were overstressed under the design snow load. The construction drawings for the project were missing pertinent information such as the fastening system for connection of vertical and lateral load-carrying walls to the roof and floor diaphragms. This apparent oversight left the possibility open for the contractor to make his own decisions concerning these critical structural attachments. It also appears that certain items may have been overlooked by the contractor during construction. These include construction of the gymnasium north and east wall corner intersections in a manner other than the way detailed in the plan, absence for nailing of the east wall bottom plate connection for the floor diaphragm and wall plywood that was discontinuous.

Because problems has been identified after the collapse of the gym roof which could effect the stability of the remaining structure, the building cannot be re-occupied until critical structural elements are reviewed and corrections implemented.

1989 Legislature
March 15, 1989

We appeal to this legislature for emergency funding in the amount of \$1,462,000 to restore this school to its full safe use for the fall of 1989. Justifications for this request are contained herein. Your expedient attention to this matter is appreciated, as timing is of the utmost urgency.

Respectfully requested,

John Antonnen, Superintendent
Southwest Region School District

JUSTIFICATION NARRATIVE

HISTORY

In 1983, a new school was constructed in Aleknagik, Alaska. It was a one story wooden structure, supported on a driven steel pile foundation, and covered by a flat roof, designed to allegedly retain and constrain snowload build ups during the winter. The school, programmed for K-12, contained a multi-media space and additionally a gymnasium for athletic programs.

On February 7, 1989 at approximately 4:45 PM the gym roof unexpectedly and without warning collapsed, entrapping and injuring one Jr. High student. According to witnesses, the total time elapsed during the catastrophe was a mere 10 seconds. The school staff, fellow students, parents and all concerned have given continued thanks that a scheduled athletic event was not held that day due to weather constraints. Had the games come to pass, 45 children would have been eating their meals in the gymnasium at the time of the collapse, undoubtedly resulting in many serious injuries and even deaths.

Since the time of failure, the Southwest Region School District has abandoned the building, not understanding the safety status of the remaining spaces. Class schedules have been maintained, by conducting classes in makeshift spaces in nearby teacherages, an awkward and cumbersome task at best.

REBUILD PROGRAM

The Southwest Region School District desires reconstruction of the gym facility complete with finishes and equipment, plus construction of a new sloping metal roof over the entire complex, superseding the remaining flat roof. The sloping metal roof design will facilitate the shedding of snow naturally, rather than anticipate loading from accumulation. Additionally, the structural enhancements to the piling foundation, plus structural repairs to the

wall and floor systems in the remaining elements, necessitated by discoveries made during investigation of causation.

As it is imperative to have the total school facility available for the start of the 1989 fall semester, it becomes necessary to "fast-track" the rebuild effort to assure completion on or about Labor Day in September.

The fast-track process necessitates the project team be identified at the earliest possible date, to perform design, costing, procurement, and scheduling functions concurrently. Early identification of long leadtime materials, from the design process, for purchasing and delivery is key to the success probability of completion by September 1st. The exceptionally short design time, coupled with the traditionally short Alaskan construction season, leaves no latitude for time-error. As is demonstrated by the schedule exhibit on page 10 of this presentator, that team identification process is underway at this time. It is anticipated that the project team will be selected and functional by the last week of March. All tasks are on the critical path for completion by September 1st - there is no time to spare!

Historically, the fast-track process is slightly more expensive than the traditional approach, justified by earlier than normal occupancies. That trade-off has been reconciled by this School District, in that there is no alternative to reoccupying this school building in the fall, and with life safety being assured to the maximum degree possible.

FAILURE ANALYSIS

The District has engaged the services of a structural design and analysis expert, Dr. John Aho whose investigation to date has revealed that not only [1] the failure event was the result of overstressing of structural roof trusses in the gym roof, but that [2] the existing piling foundations are likely overstressed; as are other structural components for the remaining building spaces.

His preliminary calculations of the gym 's original design suggest that the gymnasium roof trusses were significantly overstressed from snow load conditions, and that through cyclic overstressing year after year, a failure occurred in one truss triggering a simultaneous chain reaction to the others. The validity of conclusions drawn from the calculations were reinforced by evidence at the site of faulty fastening methods for the supporting walls, deck and roof components.

Certain critical connectors, fastening techniques, and design details appear to be deficient in the gym and may be absent entirely in the rest of the building. This would result in the facility not functioning as an integrated structure, a detriment to the safety of the entire building.

It has already been determined that the existing piling foundation is potentially overstressed to resist the snow loads suspected to have caused the collapse. Thus, because problems that have been identified after the collapse of the gymnasium may have effects on the stability of the remaining structure, it would be prudent to examine critical structural elements in the remaining portions of the school, a task that is not yet started. It is surmised that strengthening measures will be necessary; measures such as re-roofing to shed snow load, installing additional wall to roof connections, stiffening lateral force-resisting walls and substantial bracing and secondary supporting for the pile foundation.

In summation, the preliminary findings point to overloading of structural roof, wall, and piling components from snow loads and wind loads. The failure resulted then from inadequate original design criteria, and was compounded by some faulty construction methods; not only in the gym area but throughout the whole facility.

STRUCTURAL ENHANCEMENTS

Thus, as a result of the preliminary findings, the following scope of improvements is suggested:

In addition to providing a sloped roof over the entire structure, reinforcements within the walls, ceilings, and remaining flooring systems are anticipated. The foundation piles will require reinforcement and / or alteration. The exact scope, and thus the cost, of the enhancement program is undefined. The reality of having to perform structural rehabilitation of severe magnitude to the foundation, and to the remainder of the building is recognized, however.

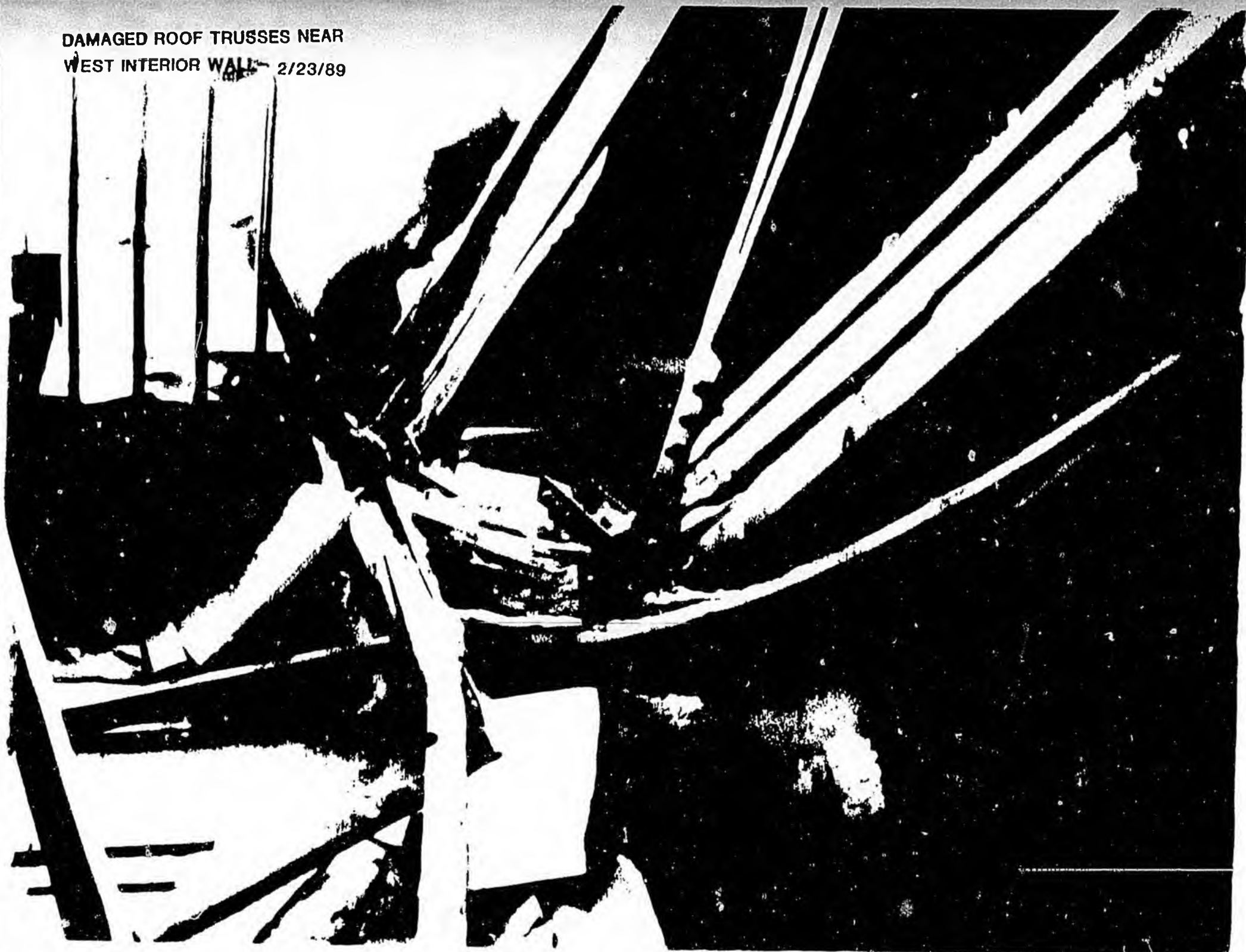
EXHIBITS

To illustrate the magnitude of the catastrophe, photos of the failure event are included. Additionally, to assist the legislators in visualizing the proposed rebuilding program, Architectural conceptual drawings are likewise ensembled, illustrating the sloped roof concept.

EXHIBITS

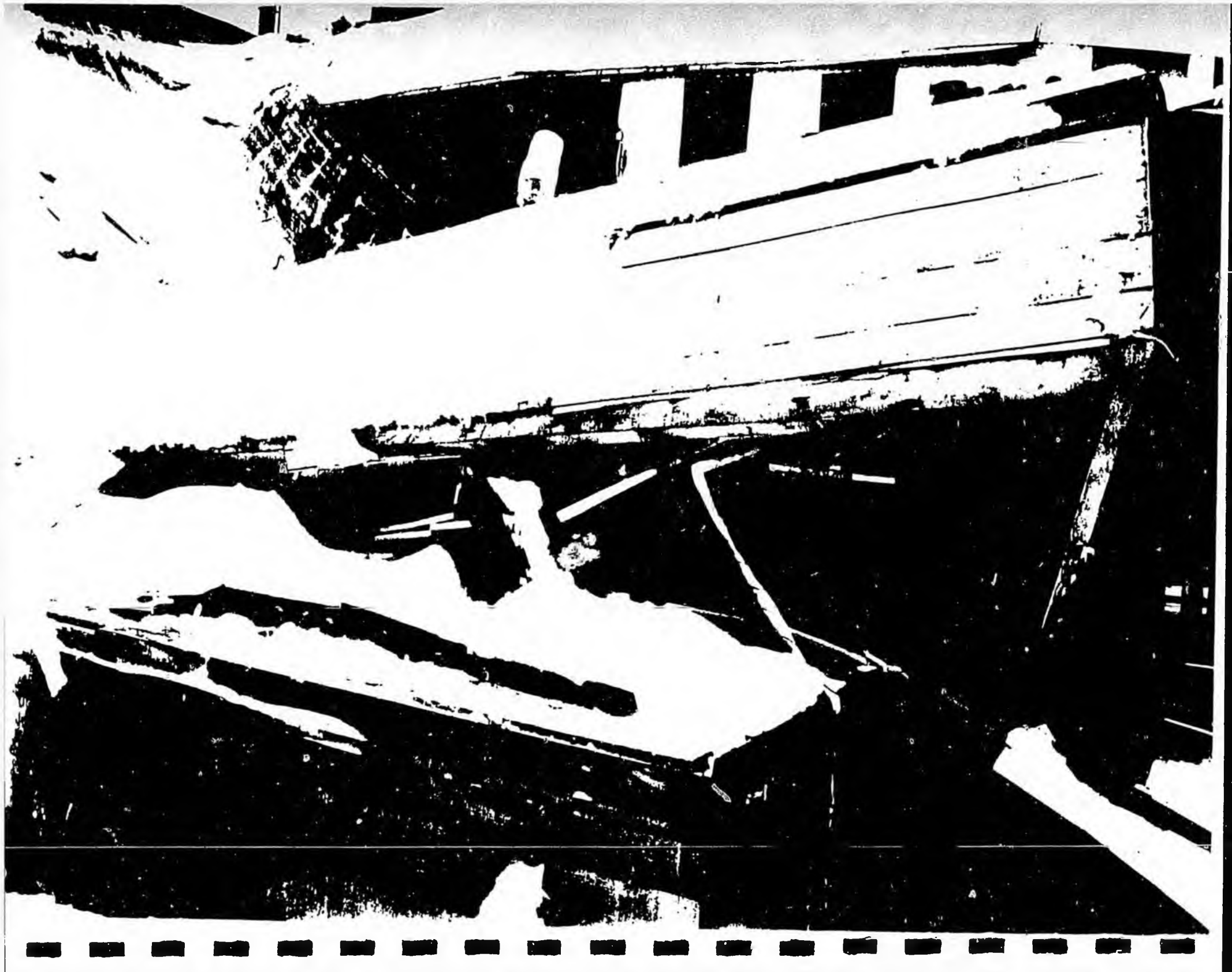
1. Photos - Damage following the collapse
2. Architectural Conceptal Drawings
 - perspective - before & after failure
 - perspective - sloped roof schemes
 - elevations - conceptual

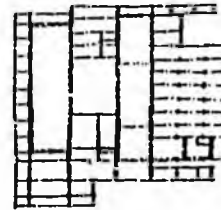
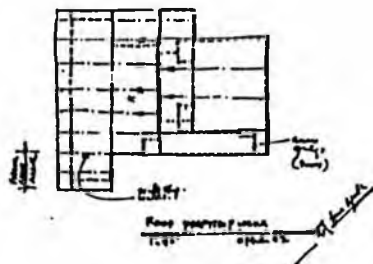
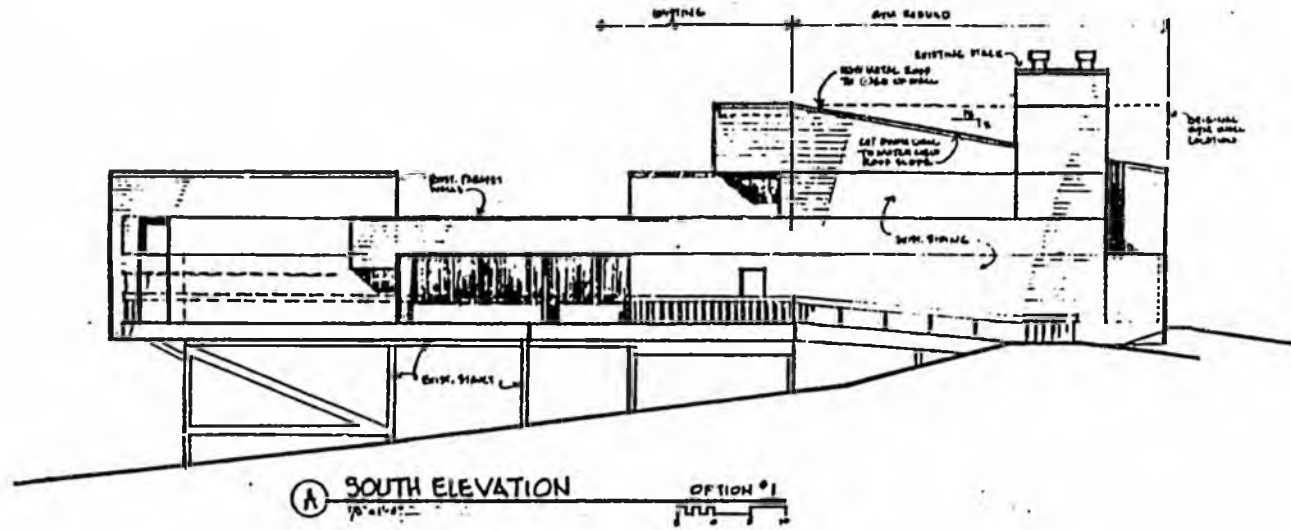
DAMAGED ROOF TRUSSES NEAR
WEST INTERIOR WALL 2/23/89





GYMNASIUM DAMAGE AREA LOOKING WEST -2/23/89





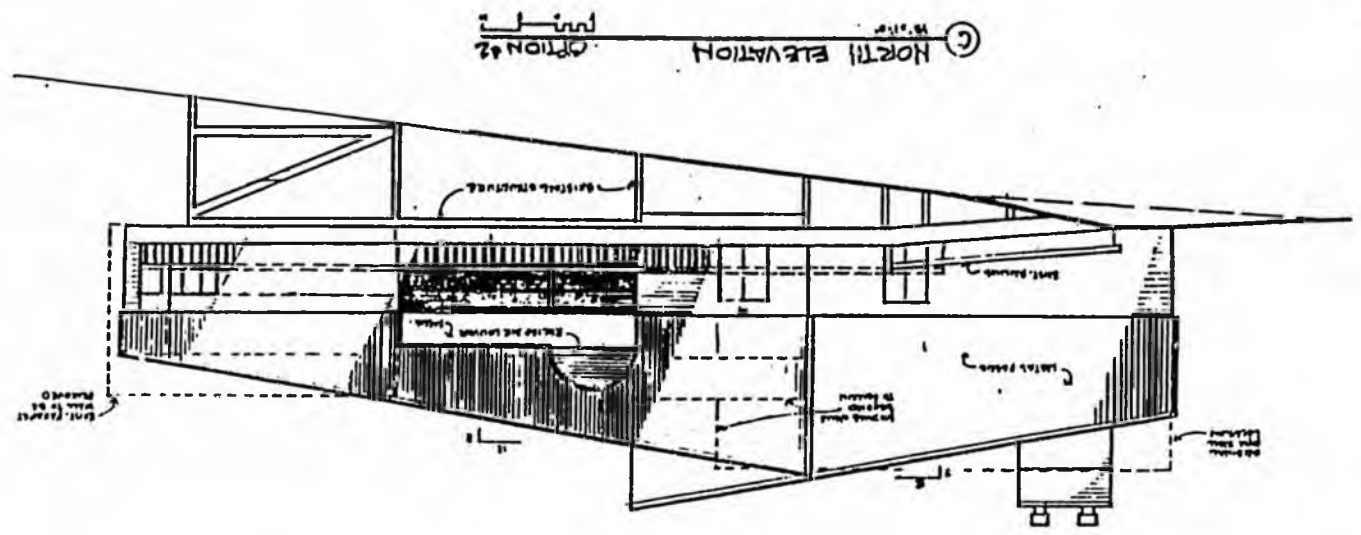
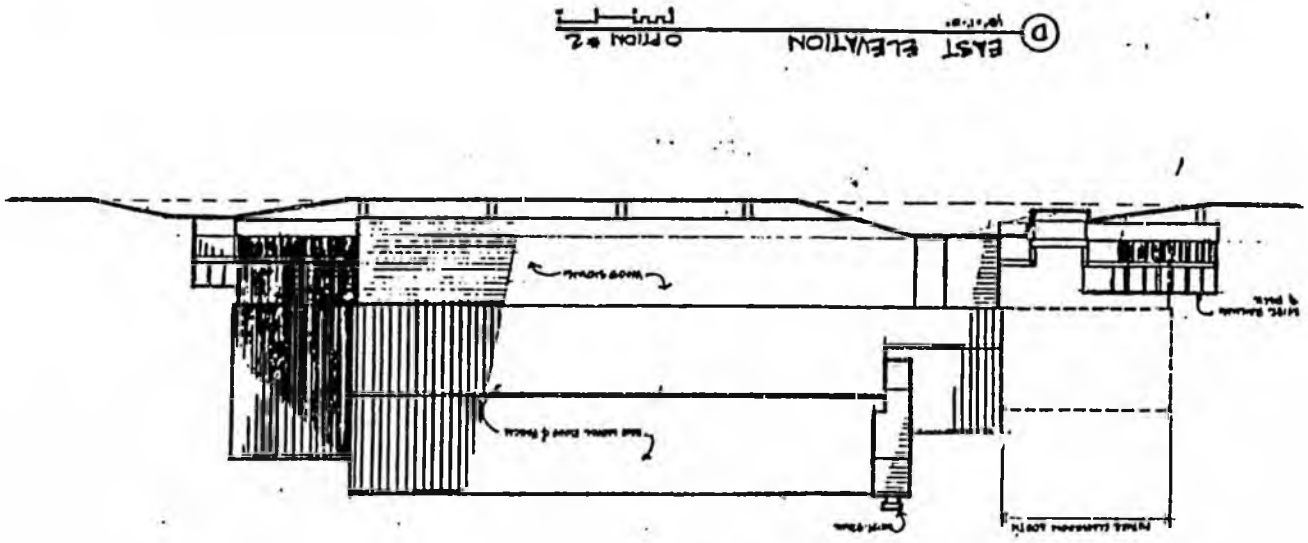
STRUCTURAL PLAN
 1/4" = 1'-0"
 --- existing
 - - - - - new



kumin associates, inc.
 ARCHITECTS & ENGINEERS

ALLENDALE SCHOOL REBUILT
 CONCEPTUAL DESIGN
 ALLENDALE, MASS.



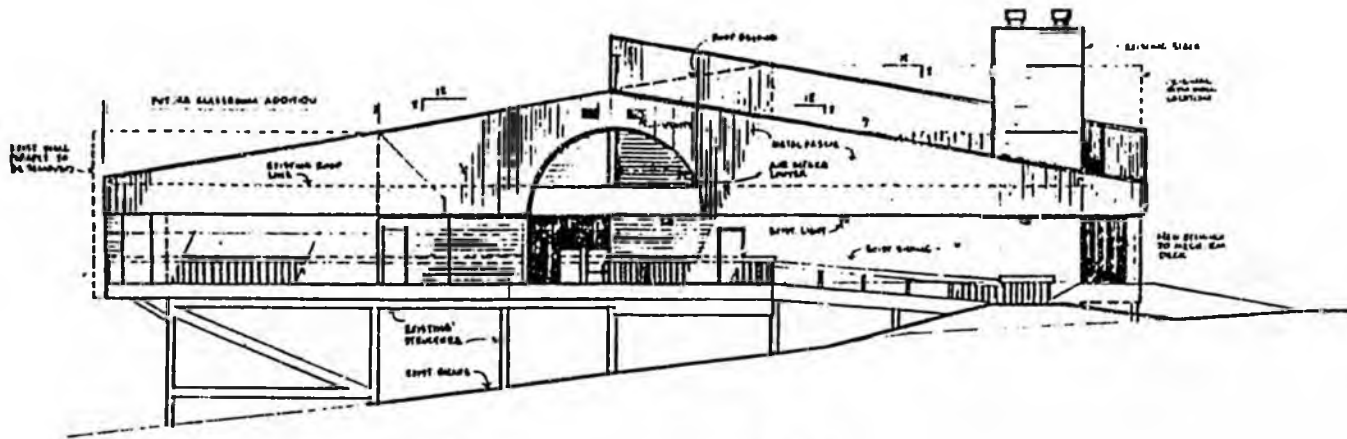


WOOD PANELING
WOOD TRIM

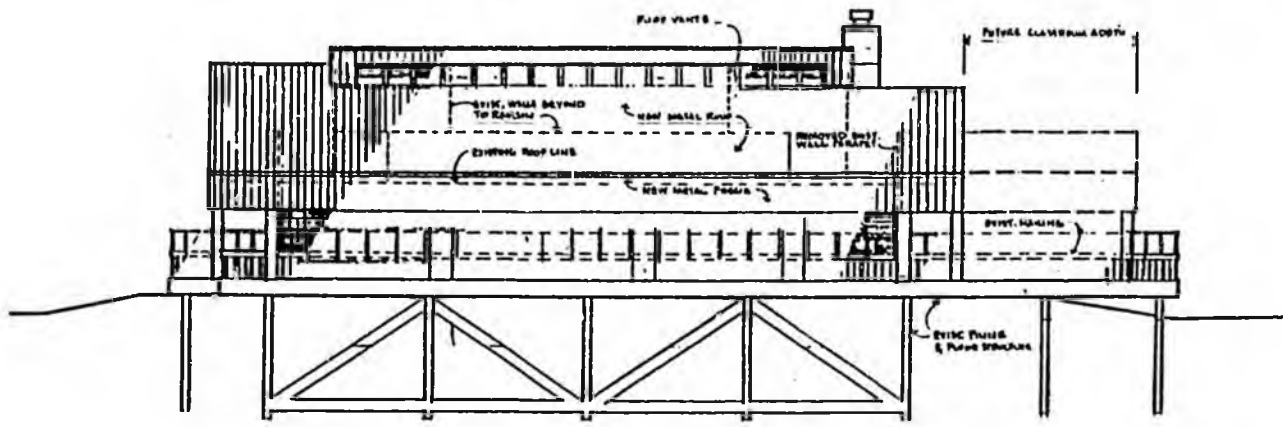
ALEXANDER SARGOL RESIDUE
ARCHITECTURAL DESIGN
MEMPHIS, TENNESSEE

Kumlin Associates, Inc.
ARCHITECTS & INTERIORS
MEMPHIS, TENNESSEE

WOOD PANELING
WOOD TRIM



(A) SOUTH ELEVATION OPTION #2
10' = 1'-0"



(B) WEST ELEVATION OPTION #2
10' = 1'-0"

KUMIN ASSOCIATES, INC.
ARCHITECTS & ENGINEERS

ALFRANGIK SCHOOL REBUILD
CONCEPTUAL DESIGN
ALFRANGIK, ALABAMA

NO.	DATE	DESCRIPTION
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COST ESTIMATES

The District has retained the services of a professional construction cost estimating company, HMS, Inc. of Anchorage to prepare estimates for the cost of replacement. The majority of the following cost presentation is derived from their initial and only report at the time of this presentation. The HMS estimate by itself, is incomplete due to additional deficiencies being discovered as the demolition work progresses. Thus, other costs are included; formulations by the District's construction management consultant, Stonebraker & Associates, also of Anchorage.

Further explanation of cost derivations are as follows:

1. Demolition - Includes the cleanup costs of the school site; selectively uncovering materials significant to determining causation, salvaging and storing reusables, and removing the unusable debris to the dumpsite, some distance away.

1. Construction - Estimated for construction start in Spring 1989, completion in Fall 1989, utilizing Title 36 labor rates, and fast-tracking techniques. It includes the gym equipment, bleachers, and finishes but excludes design and administrative costs. The \$375,000 structural enhancement estimate reflects anticipated renovations to the piling foundation and in the remaining portions of the building.

2. Design & Administrative - Assumes design cost at higher than normal, as related to rebuild / renovation / fast tracking approach. Administrative cost estimate assumes full services of a professional project manager / construction manager for the District, as related to the fast track approach.

3. Insurance Proceeds - Insurance proceeds to be derived will be based on the replacement costs of the building before the failure event and will not consider any design improvements therefrom. There will be no insurance proceeds to the cost contribution of the sloped roof over the remaining portion of the building, to the piling foundation fix, or to the remedial structural enhancements for the rest of the building. Those

costs will be to the District's account and represent the majority of this emergency funding request.

REBUILD PROJECT ESTIMATE

DEMOLITION

Clean-up of Debris \$ 90,000

CONSTRUCTION:

Gym Replacement - New Sloped Roof Design \$ 725,472
Sloped Roof Over Remaining Building 402,016
Structural Enhancements - Remaining Building 375,000
\$1,502,488

DESIGN & ADMINISTRATION

Architectural & Engineering \$ 160,000
Owner Administration & Project Management 200,597
360,597
Subtotal \$1,863,085
Contingency \$ 186,309

Project Estimate = \$2,139,394

INSURANCE PROCEEDS ANTICIPATED

Demolition \$ 30,000
Gym replacement with flat roof [const] \$ 562,826
Design & Owner Administration 84,424
\$ 677,250

REQUESTED AMOUNT FROM 1989 LEGISLATION

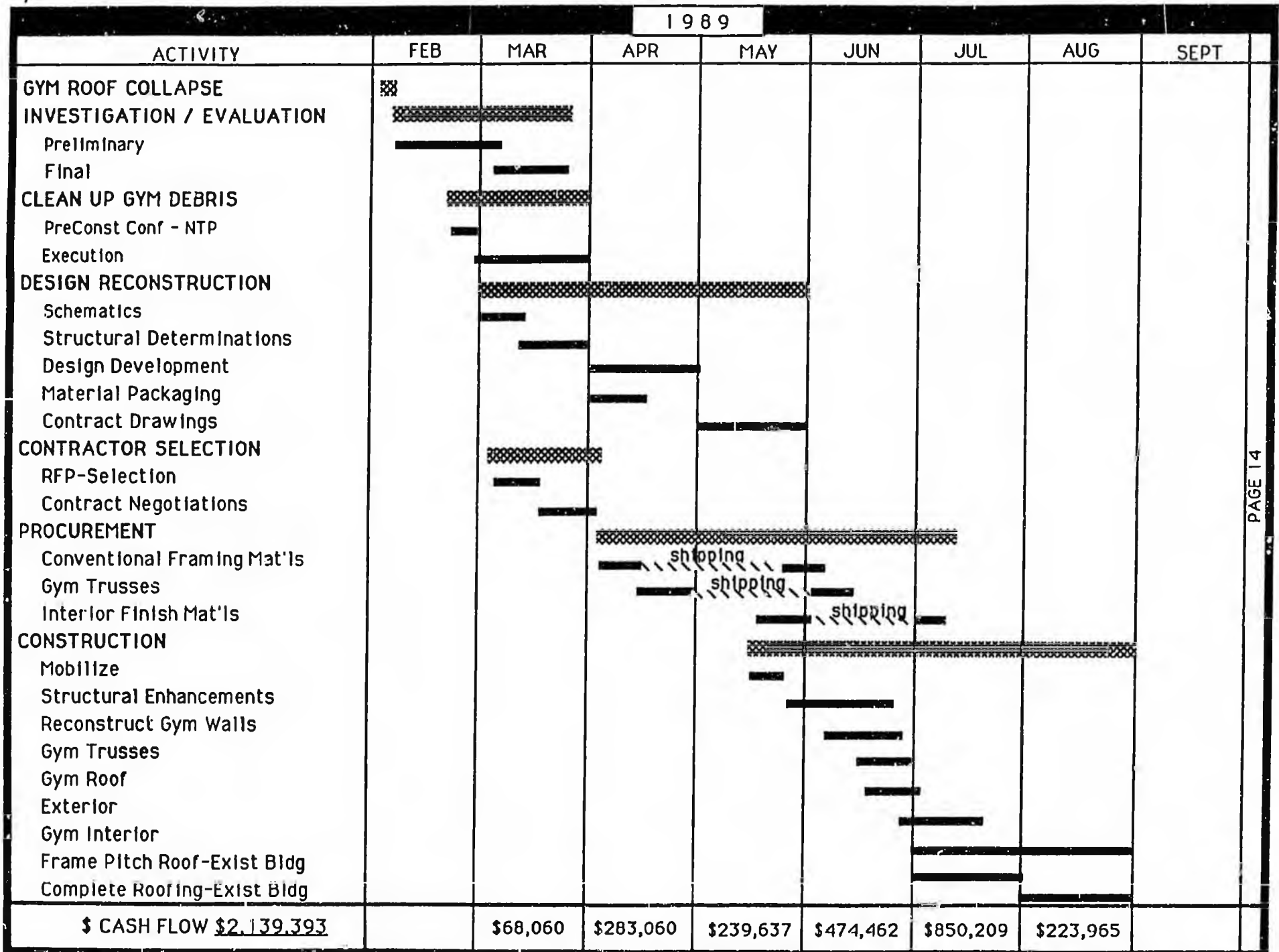
Rebuild Project Estimate \$ 2,139,394
Anticipated Insurance Proceeds (-) 677,250
\$ 1,462,144

REQUEST = \$ 1,462,000

SCHEDULE

The attached schedule shows the overall project tasks and targeted timeframes for completion by September 1, 1989.. It demonstrates the concurrency of events by Designer / Contractor / Owner / Manager necessarily dictated by the short overall time frame. Associated with an accelerated completion schedule is an accelerated cash flow requirement, tabulated and shown by month on the bottom of the schedule.

ALEGNAGIK SCHOOL - RECONSTRUCTION PROJECT SCHEDULE



SUMMARY

Southwest Region School District faces two problems. First is the rebuilding of the gym and the second is the engineering finding that because of design and construction problems, there have been substantial effects on the stability of the remaining structure. The remaining portion of the Aleknagik School is not safe to house the current educational program. The two requests for funds that the District makes in this proposal are substantial structural enhancements of the foundation and remaining building, and the addition of a sloped roof over the entire building.

Insurance proceeds will only pay to replace what was previously designed and constructed. Without the additional funds for construction enhancement and a sloped roof over the entire building, the District will not be able to house students at Aleknagik.

The paramount reason for this request for State funds, in addition to the insurance proceeds is for the assured safety of the Southwest Region students. We request the 1989 legislature to issue a grant in the amount of \$1,462,000 in the Capital Improvement Projects bill to perform reconstruction and renovation described in this proposal.

Respectfully requested,

John Antonnen
Superintendent



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MEMORANDUM

TO: Garrey Peska
Chief of Staff

DATE: March 17, 1989

FROM: Mike Irwin *Mike Irwin*
Special Staff Assistant

SUBJECT: Update of Activities
and Issues Related
to Cold Weather Dis-
aster Declarations

SUMMARY OF ISSUE

Over the past four to six weeks we have dealt with a flurry of emergency and/or disaster situations caused by this winter's extreme weather conditions; first was the "Omega Block" cold spell which affected most areas of the state, the second was the series of storms and attendant high winds late last month that caused considerable damage from the Kotzebue area all the way across northern Alaska to the Canadian border.

To date, the Governor has approved the following with respect to conditions caused by the above-noted weather situations: 1) a Statewide Emergency Declaration that enabled the State to respond to emergency situations as they arose; and 2) five separate Disaster Declarations specific to individual communities and/or regions.

Expenditures from the State's Disaster Relief Fund are mounting quite rapidly and certain public policy issues have arisen that need to be addressed.

NEED TO BE BRIEFED

As a result of responding to the various requests for assistance, we have been expending monies from the Disaster Relief Fund at a pretty healthy pace. In fact, pending requests, together with requests we anticipate will be forthcoming in the next couple of weeks, could actually zero-out the Fund if all requests are approved. I feel it is necessary at this juncture for us to begin giving serious consideration to alternative forms of financial assistance (e.g. special legislative appropriations, loans rather than grants on some of the monies being obligated from the Disaster Relief Fund, etc.). This is especially urgent in that expenditures under at least one declaration have reached the \$1 million level. Any future funding of this disaster will require legislative concurrence.

In addition, we have lately received requests for which we have no clear precedents to guide us in our decision-making. One of these requests has been turned down (initially, that is, as we're looking for alternatives), and another we are processing with a fair amount of caution that could be interpreted as "foot dragging." The way in which we ultimately handle both of these - as well as similar situations that have arisen or might arise in the near future - may have some political/public policy implications and consequences that should be anticipated and dealt with before they reach unmanageable levels.

CURRENT AGENCY INVOLVEMENT

The Department of Military and Veterans Affairs, Division of Emergency Services, is, of course, the central State player in all of this. They have been responding to the myriad requests in accordance with the policies and practices as outlined in the State's Emergency Response Plan.

Other agencies/service providers have been tasked by ADES, where appropriate, as follows:

-Alaska Power Authority (in instances where emergency situations exist due to power generation failures);

-DEC/Village Safe Water Program (in cases of damage to community water and/or sewer systems);

-Dept. of Health & Social Services (involvement in relation to administration of emergency energy assistance funds); and

-The American Red Cross (for food resupply to communities cut off from normal food deliveries during the Omega Block cold spell).

The involvement of two other "interest groups" should also be mentioned here, as their involvement could prove key to future plans for responding adequately to the whole of the cold weather related situation.

-The Alaska Legislature: Several members of the Legislature have shown a continuing interest in our response to cold weather related emergencies and disasters. It should be noted that these same legislators have also provided a fair degree of assistance to us. They have pledged support for any legislative initiatives that we might deem necessary in order to fully mitigate the effects of this winter's severe weather.

-Federal Emergency Management Agency (FEMA): ADES recently sent a formal request to FEMA Region X asking that a disaster assessment team be sent to Alaska. If our request is honored, our intent is to have a determination made on whether or not we can qualify for a federal disaster declaration. Such a declaration would enable us to recoup at least some of the costs of our cold weather disaster response effort.

ADES, together with representatives from the Village Safe Water Program, met on Friday, March 10 with a FEMA representative. The purpose of the meeting was to map out the particulars of the federal assessment plan scheduled to begin late this month.

RELATED STATE POLICIES

Basically, we are operating under the general State policy that we will provide assistance to affected communities to bring them back to "pre-disaster conditions." The ultimate decision about how we fully achieve the goals of that policy would be the subject of a meeting as recommended below.

There are no other known State policies that have an effect on the subject matter of this memorandum (except for the statutory requirement, as mentioned previously, which calls for consultation with the legislature before expenditures on any one disaster can exceed \$1 million).

NEXT STEPS AND KNOWN DECISION POINTS

I have attached a summary of where we are currently with respect to the various cold weather-related disaster declarations. The summary for each includes next known steps and anticipated decision points.

From an overall perspective, I feel we are at the point where major decisions need to be made on a number of issues (i.e. those mentioned in the first two sections of this memo).

RESOURCES REQUIRED

No resources, other than minimal staff time, are needed for the proposed internal staff meeting requested below.

From a broader perspective, the attachments summarize what we expect will likely be needed in the way of overall State resources (i.e. funding) if full recovery is to be achieved.

RECOMMENDATION

I feel it would be beneficial to have a meeting soon within the Governor's Office to discuss certain critical questions that are facing us regarding our attempts to fully mitigate damage

Garrey Peska 3/17/89
Disaster Declarations
Page 4 of 4

caused to individuals and communities by this winter's severe weather conditions. I recommend such a meeting.

Suggested participants at the requested meeting include (besides yourself and I): Bob Evans, Alison Elgee and Erv Martin.

cc: Bob Evans
Alison Elgee
Gen. John Schaeffer
Erv Martin

Synopsis of Situation
March 17, 1989

STATEWIDE EMERGENCY DECLARATION

Declaration

Type: Emergency Declaration
Date declared: January 28, 1989 (expired 2/28)
Community(ies): Some 56 individual communities throughout the
state received some form of assistance under
authority of the Declaration

Situation(s) Addressed

Emergency food and fuel airlifts; road openings for resupply;
and emergency repairs to water and sewer systems were the main
categories under which assistance was given.

Funding

Transfers from Disaster Relief Fund to ADES: \$ 800.0
Expenditures this Declaration, to date: \$ 622.0
Total projected costs this Declaration (est): \$ 800.0- \$1. million

Special Notes

We have on file for reference a complete itemization of the
\$622.0 spent/obligated to date under the Emergency Declaration.