

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

6279 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

683



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515 E. Dahlia  
P.O. Box 1687  
Palmer, AK 99645  
907-745-4813

January 5, 1990

Dear Governor and Legislators,

I strongly support the state of Alaska establishing certification or licensing requirements at the state level for Family and Marriage Therapists.

As Associate Administrator of Health Services at Valley Hospital, I think the assurance licensure provides, that family and marriage therapists have been properly trained, is essential when referring patients and employees to their services.

It has been my observation that at the time a family or couple are referred for therapy, they are often in crisis, and extremely vulnerable to a therapists guidance and influence. An, improperly trained therapist represents a threat to these at risk individuals.

Passage of state legislation, insuring licensure of family and marriage therapists is urgently needed, and has my complete support.

Sincerely,

A handwritten signature in cursive script that reads "Christine Blackgoat".

Christine Blackgoat,  
Associate Administrator  
of Health Service



# GREATER WASILLA CHAMBER OF COMMERCE

COTTONWOOD CREEK MALL  
P.O. BOX 871826  
WASILLA, ALASKA 99687  
(907) 376-1299

## RESOLUTION

- WHEREAS there have been cases of abuse and mistreatment by people claiming to be qualified marriage and family therapists.
- WHEREAS there are currently no laws regulating the practice of marital and family therapy in the State of Alaska.
- WHEREAS the public should have the right to know that practitioners claiming to be marital and family therapists have met professional standards and are qualified to perform marital and family therapy.
- WHEREAS the State of Alaska has developed regulations and licensing requirements for other health care providers.

BE IT RESOLVED that the Greater Wasilla Chamber of Commerce supports the concept of regulation and licensing of practitioners of marital and family therapy, the establishment of a board of marital and family therapy, and the qualifications for license to practice marital and family therapy as outlined in House Bill - 305.

Signed,  
Rocky Spear

President,  
Greater Wasilla Chamber of Commerce

5/18/89

Greater Wasilla Area Chamber of Commerce  
Resolution on Licensing Marriage and Family Therapists

At a Board of Directors meeting on May 2, 1989, the Directors of the Greater Wasilla Area Chamber of Commerce unanimously approved a resolution supporting the licensing of Marriage and Family Therapists in the State of Alaska.

The Board recognized that consumers of therapy services may have difficulty evaluating the stated credentials of people holding themselves out as marital and family therapists. Therefore, state regulation is needed to provide consumers with information about credentialed/licensed professionals. Also from a business point of view, licensing is often a prerequisite for therapists to receive reimbursement for their services from insurance companies.

Therefore, the Board of Directors of the Greater Wasilla Area Chamber of Commerce resolved to support HB 305 which will be introduced in the 1990 session, and which provides for licensing of Marriage and Family Therapists.



# CHARTER NORTH HOSPITAL

## COUNSELING CENTERS

1001 Noble Street, Suite 380  
Fairbanks, Alaska 99701  
(907) 456-7575

240 E. Tudor Road, Suite 240  
Anchorage, Alaska 99503  
(907) 561-7576

951 E. Bogard Road, Suite 102  
Wasilla, Alaska 99687  
(907) 373-7575

Optifast Weight Loss  
(907) 561-7577  
Chemical Dependency  
(907) 561-7576

February 13, 1989

Mercy Dennis  
2550 Denali Street  
Suite 905  
Anchorage, Alaska 99503

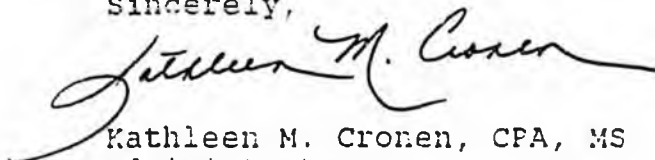
Dear Mercy:

I am writing in support of licensing for Marriage and Family Therapy by the State of Alaska. Alaska currently licenses and regulates psychiatry, psychiatric nursing, clinical psychology and psychological associate, and social work. Marriage and family therapy is recognized as a separate mental health discipline by the Federal government. Currently, 18 states license and regulate marriage and family therapists with an additional 22 states considering such legislation in 1989.

As a certified professional in the State of Alaska, I know that licensure and ongoing regulation is essential to maintaining both quality and integrity. I realize that some marriage and family therapists choose membership in the American Association of Marriage and Family Therapy. However, such voluntary membership is no substitution for regulation by the State. As the Administrator of Charter North Hospital, I am gravely concerned at the lack of regulations and requirements for licensure by individuals performing therapy.

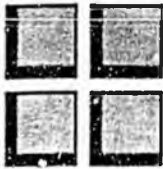
Best of luck in this endeavor. Please feel free to contact me for further support on this matter.

Sincerely,

  
Kathleen M. Cronen, CPA, MS  
Administrator

KMC:rlr  
2088





Deborah Cicero, MSW, ACSW

INDIVIDUAL & GROUP THERAPY  
1407 West 31st Avenue  
Anchorage, Alaska 99503  
(907) 279-1222

3-24-89

Dear Mercy,

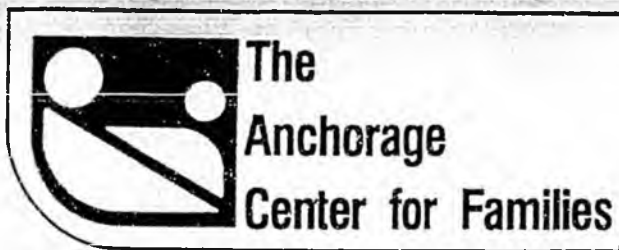
I am writing this letter to you in support of licensure for Marriage and Family Therapists. In my opinion it is of the utmost importance for professionals offering counseling services to the general public to be licensed.

I am sure that you are aware of recent legislation requiring all social workers in private practice to be licensed. I definitely believe that licensure requirements are in order for Marriage and Family Therapists.

Passage of such a bill can only be beneficial to both the professional and the public he or she serves.

I strongly support passage of such legislation.

Sincerely,  
Deborah Cicero, MSW, ACSW



- Intermission
- Family Connection
- The Center for Children and Parents

3745 Community Park Loop, Suite 201 • Anchorage, Alaska 99508 • (907) 276-4994

April 5, 1989

Mercy Dennis  
2550 Denali, Suite 905  
Anchorage, Alaska 99503

Dear Mercy:

I am writing to express my support of your efforts to put in place a licensing system for private practice marriage and family therapists. Recent data show that more and more mental health services are being provided by a wide variety of practitioners with very different backgrounds. As you know, at present in Alaska, there is no way for a consumer to judge the difference in quality of care that may be provided by these various practitioners. With a licensing system in place, based on accepted professional standards of certification and completion of extensive supervision requirements, Alaskan consumers will be better assured that they are purchasing quality mental health services.

Please let me know if I can assist you in this important effort.

Sincerely,

Peter Scales, Ph.D.  
Executive Director





## CHARTER NORTH HOSPITAL

March 26, 1989

Mercy Dennis MA  
AAMFT (Alaska Division)  
Charter North Hospital  
Anchorage, AK 99508

Dear Ms. Dennis,

It is my understanding that the Alaska division of the American Association of Marriage and Family Therapists are involved in sponsoring a Licensure Bill for Marriage and Family Therapists.

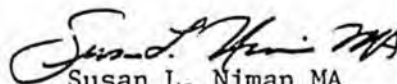
I have just relocated to Alaska from California with a recent degree (Masters of Arts in Counseling with an Emphasis in Marriage and Family Therapy) and have been concerned about licensure. Since I am aware of the California MFT Licensure process I have been designing my job and supervision hours to meet the criteria there as Alaska does not have a license at this time for Marriage and Family Therapists. They do for other mental health professionals, ie Psychologists and Social Workers.

It has in only recent years been recognized by the entire mental health field that when a person is emotionally disturbed or has a mental disability it is not the problem of a single member of a family, but is systemic, treatable and often preventive for additional members of the same family. The field of Marriage and Family Therapy has encompassed that tenet of the human condition and has created educational programs especially designed to train highly skilled mental health professionals in working with family systems. Psychologists are trained to critically consider the individual and to have specialized skills such as psychological testing and individual therapy. Social workers are trained with clinical skills as well as considering the system of the family and community as support systems, but not necessarily as part of the problem and solution within the therapeutic process.

There are even some insurance companies such as Champus which consider Family Therapy a crucial part of treatment for individuals. Family Therapists are a vital part of the therapeutic team...and equal part. Many states other than California also recognize the importance of the inclusion of Family Therapy in the therapeutic process of individuals. To be an equal member of the therapeutic team in the state of Alaska it is vital for Family Therapists to be licensed and be eligible for insurance payments. Without such governmental support and recognition for this profession, families in the mental health system do not have the increased potential (as would be the case in utilizing a team approach) for sustained mental health within a family system.

I sincerely urge you to pass this bill and to consider stretching it to include third party payments for Marriage and Family Therapists. I also urge you to consider the state of the family in Alaska and consider the important role that Family Therapists have in the mental health of the state of Alaska.

Thank you for your attention.

  
Susan L. Niman MA  
Family Therapist





The  
Episcopal  
Diocese of Alaska

The Rt. Rev. George C. Harris, Bishop

Post Office Box 441

Fairbanks, Alaska 99707-0441

Telephone (907) 452-3040

March 2, 1989

The Honorable Steve Cowper  
State of Alaska  
Juneau AK 99802

Dear Governor Cowper:

Of the many fiscal issues facing state government at this time, the licensing of marriage and family therapists is an issue of significant importance for consumer protection.

Incompetent people practicing in the mental health professions are very dangerous, and I feel the state needs to provide the people of this state with the necessary protection to ensure their safety and well-being. State regulation is important in providing consumers with information about credentialed professionals.

Currently, 18 states have licensing laws that regulate the practice of marriage and family therapy. Twenty-two additional states are presently considering such legislation.

Clergy in our parishes are on the front-line for referring families for marriage and family therapy. They need to have information about quality referrals. They need to know that persons who advertise themselves as marriage and family therapists do, in fact, have the training, experience, and clinical supervision they claim. The State of Alaska is the only public agency that can provide such through licensing and regulation, as it does in the case of clinical social workers, psychiatrists, clinical psychologists, psychiatric nurses, etc.

I urge you to consider and enact legislation into law that will license and regulate the field of marriage and family therapy in order to protect the people of Alaska and to promote standards of excellence across the entire field of mental health providers in our state.

Yours in Christ,

*George C. Harris*

George C. Harris

\*Dictated by the bishop but signed in his absence.

**BOYER, TIMM & PETERS A P.C.**

**CERTIFIED PUBLIC ACCOUNTANTS**

P.O. Box 871625  
Wasilla, Alaska 99687

Clyde T. Boyer, Jr., CPA  
Sandra L. Bowers, CPA  
Janet C. Kennedy, CPA

Telephone  
(907) 376-3576  
(907) 376-5889

April, 24, 1989

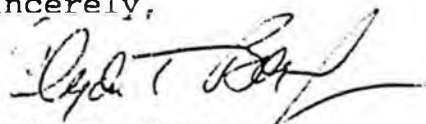
TO: Legislators, House of Representatives  
c/o Bob Nelson, AKAMFT  
4502 Cassin Drive  
Anchorage, AK 99507

FROM: Clyde T. Boyer, Jr.

As a certified public accountant, and as President of The Board of Directors of the Valley Hospital Association, I am writing to express support for licensing for marriage and family therapists. I believe that professional disciplines need to be licensed so that there is regulation of standards to practice in the profession. Specifically, marriage and family therapists provide necessary services in our community, but the public does not know which therapists have relevant education and training without a licensing standard.

I urge that the licensing bill for marital and family therapists be voted in as soon as possible.

Sincerely,



Clyde T. Boyer, Jr.  
Certified Public Accountant

CTB/cg

David R. Samson M.D.  
Board Certified Psychiatrist

October 20, 1989

Dr. Robert Nelson, President-Elect  
Alaska Association for Marriage  
and Family Therapists  
4502 Cassin Drive  
Anchorage, Alaska 99507

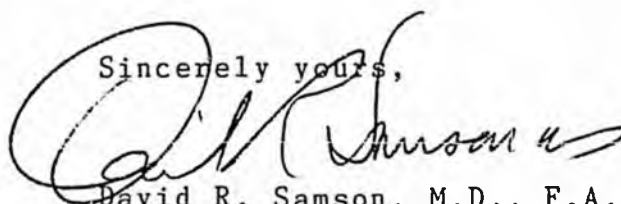
Dear Dr. Nelson:

This letter is written in support of licensing or certification at the state level for marriage and family therapists.

As a psychiatrist, I believe marriage and family therapists provide specific services that are needed in our communities. I believe it is essential that our state government assures the public that the people who claim to be marriage and family therapists do in fact have the necessary advanced educational requirements and experience to provide marriage and family therapy services. I have worked with multiple therapists in and out of community mental health center settings. I have worked closely with several trained marriage and family therapists.

I urge that the state legislature pass legislation in the coming year to license or certify marriage and family therapists. Please feel free to use this letter in support of your Association's endeavors.

Sincerely yours,



David R. Samson, M.D., F.A.P.A.

DRS/ag

*The Family and Children's Clinic*

561 SO DENALI ST., SUITE A

PALMER, ALASKA 99645

(907) 745-3327

KENNETH P. FALLON, JR. M.S.W., A.C.S.W.

CLINICAL SOCIAL WORKER

CHERYL F. MITCHELL, M.S.W.

CLINICAL SOCIAL WORKER

MARY DALL, M.S.W.

CLINICAL SOCIAL WORKER

CHRISTOPHER L. DATTAN, M.D.

PSYCHIATRIST

PATRICIA SANDBERG, M.A.

THERAPIST

CHRISTINE CHILDERS, Ph.D.

CLINICAL PSYCHOLOGIST

December 4, 1989

Dr. Robert Nelson, President-Elect  
Alaska Association for Marriage  
and Family Therapists  
4502 Cassin Drive  
Anchorage, AK 99507

Dear Dr. Nelson:

I am writing this letter in support of the certification and/or licensing at the Alaska state level for marriage and family therapists.

As an Alaska state licensed clinical social worker, I feel strongly that licensing of family and marriage therapists is necessary to insure that the public receives the best possible level of services. Licensure would go a long way toward assuring the public that each licensed marriage and family therapist has adequately completed the nationally standardized graduate-level educational requirements as well as several years of supervised training necessary to be competent to deliver these services.

I have worked closely with a number of marriage and family therapists, and have attended seminars and continuing education classes with them. I respect their level of expertise and believe that their services are needed in Alaska.

I strongly recommend passage of state legislation in the coming year to license marriage and family therapists. If I can be of further assistance in this regard, please contact me.

Sincerely,

*Cheryl F. Mitchell, M.S.W.*

Cheryl F. Mitchell  
Licensed Clinical Social Worker

**S B**

**486**

# Alaska State Legislature



SENATOR BETTYE FAHRENKAMP  
CHAIRMAN, RESOURCES COMMITTEE  
119 N. CUSHMAN STREET, SUITE 201  
FAIRBANKS, ALASKA 99701  
OFFICE (907) 452-4882  
HOME (907) 456-2899

Senate

WHILE IN JUNEAU  
P.O. BOX V  
JUNEAU, ALASKA 99811  
CAPITOL, ROOM 125  
OFFICE (907) 465-3834  
HOME (907) 780-6027

## MEMORANDUM

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

FROM: Senator Bettye Fahrenkamp  
*[Handwritten signature]*

DATE: March 28, 1990

SUBJECT: Senate Bill 486,

"An Act relating to free tuition for a child of certain peace officers or fire fighters; efd

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This is a simple bill that authorizes free tuition and fees at the University of Alaska to the child of a peace officer or a fire fighter who died in the line of duty.

There is a zero fiscal note from the University of Alaska. A representative of the University told me that there are not very many peace officers or fire fighters who die in the line of duty. As you can see from the fiscal note, no one currently meets the qualifications of the bill. It is the University's intention, should the bill pass, to request reimbursement on a case-by-case basis for the tuition and fees that are waived.

I would very much appreciate your early scheduling and favorable consideration of this bill.

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: University of Alaska  
 Title: "An Act Relating to Free Tuition for a Child of Certain Peace Officers or Fire Fighters." BRU: ATI  
 Sponsor: Fahrenkamp Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE						
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS : (Attach a separate page if necessary)**

The number of deaths for peace officers and fire fighters in the line of duty in Alaska is very low. No individuals currently meet the qualifications of this bill. As individuals become eligible, the university will request reimbursement from the state on a per person basis for the tuition rates in effect at that time.

Prepared by: Marsha Hubbard Phone: 474-7593  
 Division: Statewide Budget Date: 3/22/90

Approved by Commissioner: Brian Rogers Date: 3/22/90  
 Agency: University of Alaska

**Distribution (by preparer):**

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

**S B**

**493**

# Senator John W. (Jack) Coghill

Alaska State Legislature

Box V  
Juneau, Alaska 99811  
(907) 465-4797

Box 55028  
North Pole, Alaska 99705  
(907) 488-0862



## MEMORANDUM

DATE: February 27, 1990

TO: Senator Paul Fischer  
Senate HESS Committee Chair

FROM: Senator Jack Coghill

SUBJECT: Sponsor Statement: SB 493; Mental Health Trust.

### **BILL SUMMARY**

This legislation basically goes two things; in the bill they appear in reverse order. First it defines and sets a value for the lands selected or patented under the federal Alaska Mental Health Enabling Act and it defines the corpus of the Mental Health Land Trust. Secondly, it establishes a mathematical formula for the valuation of the fair market rental value, for trust lands. This value is to be deposited in the Mental Health income account, in the general fund (AS 37.14.011(a) - (b)).

### **FISCAL IMPACT**

We have not received a fiscal note as of this day, Tuesday, February 27, but we anticipate there will be fiscal impact since DNR will have to do reevaluations every five years.

### **ABOUT THE BILL**

The bill contains several technical errors which I have addressed in the proposed CS accompanying this memorandum. The changes to the original bill are attached as page two.

The purpose of the bill is rectify the impasse that was reached in November of 1989, regarding the value of the Mental Health Trust lands, between the interim mental health trust commission and the commissioner of natural resources. The cause of the impasse is irrelevant to the importance of acting on this legislation, but it appears to be based in part on a flaw in the process contained in SLA 1987 Chp. 48.

AMENDMENTS TO SB 493

Page 1, line 11: Delete, "fair".

Page 1, line 12: Delate, "market".

Page 1, line 12: After "land" insert,

"selected or patented to the state under sec.  
202 of the Alaska Mental Health Enabling Act."

Page 1, line 20: After "Act" insert,

"that is located in municipalities that assess  
land for property tax purposes;"

Page 1, line 24: After "municipality" delete the comma and insert,

"since that municipality's assessed values were  
used to revalue land selected or patented to  
the state under sec. 202 of the Alaska Mental  
Health;"

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 2/12/90

FURTHER: Resources  
Finance

Date of 5-Day Notice: 2/22/90  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: 3/1/90

H E S S Committee considered SB 453

"An Act relating to the reconstitution and administration of the mental health trust."

and recommended:

- replace with CS SB 493 (HESS)  same title new title
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- do pass
- do not pass
- no recommendation

- individual recommendations
- further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

- fiscal note(s) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- zero fiscal note(s) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- appropriation-no fiscal note
- Governor's bill w/fiscal note

SIGNING DO PASS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OTHER RECOMMENDATIONS:

*Log Price (until a better evaluation of lands is developed)*  
*James Duncan - No Rec.*  
*Tom Kelly - No Rec.*

Paul Fitch (Do Pass)  
 Chair: Signature and Recommendation



# Senate Health, Education and Social Services Committee

Senator Paul Fischer, Chairman

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The Senate HESS Committee called for fiscal notes on SB 493 on 2/23/90.

The Departments called were: DNR & H&SS

This bill passed out of committee on 2/28/90.

A Committee Substitute was adopted. Fiscal notes were called for on 3/1/90 from the same departments. To date, No fiscal notes have been received on the original version or the CS version. I have even hand carried the CS version myself to DNR.

I will continue to try to obtain a fiscal note from each of these entities.

DCM - Senate HESS Committee

DCM

# FISCAL NOTE

REQUEST: SB493

Revision Date: \_\_\_\_\_ Agency Affected: Health & Social Services  
 Title: An Act relating to the constitution and administration of the Mental Health Trust BRU: \_\_\_\_\_  
 Sponsor: Sen. Coghill Components: \_\_\_\_\_  
 Requestor: Sen. Coghill

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 91	FY92	FY93	FY94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

**FUNDING:** (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

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

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact in FY90.

Changes in CSSR 493 (HESS) have no fiscal impact. This fiscal note is appropriate. Projections of no fiscal impact would continue through 1996.

Prepared by: Richard Renninger  
 Division: Administrative Services

Phone: 465-3331  
 Date: March 1, 1990

Approved by Commissioner: [Signature]  
 Agency: Health & Social Services

Date: 3/2/90

Distribution (by preparer):

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

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

BILL VERSION : CSSB 493  
PUBLISH DATE : \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 2-Mar-90  
Title: An Act relating to the reconstitution and administration of the mental health trust.  
Sponsor: Coghill  
Requestor: Senate HESS

Agency Affected: Natural Resources  
BRU: Land & Water Mgmt Management & Administration  
Components: Land & Water Mgmt Commissioner's Office

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	0.0	0.0	0.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400  
Division: Commissioner's Office Date: 2-Mar-90

Approved by Commissioner: [Signature] Lennie Gorsuch Date: 2-Mar-90  
Agency: Department of Natural Resources

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



Senate Health, Education and  
Social Services Committee

Senator Paul Fischer, Chairman

---

The Senate HESS Committee called for fiscal notes on SB 493 on 2/23/90.

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I will continue to try to obtain a fiscal note from each of these entities.

DCM - Senate HESS Committee

DCM

6-2242E  
Bradley  
2/26/90

*Adopted*

Original sponsor(s): SEN. COGHILL

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 493 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the reconstitution and adminis-  
7 tration of the mental health trust."

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

9 \* Section 1. AS 37.14.011(c) is repealed and reenacted to read:

10 (c) The fair market rental value of the land constituting the  
11 mental health trust corpus is equal to eight percent of the value of  
12 the land selected or patented to the state under sec. 202 of the  
13 Alaska Mental Health Enabling Act. At least every five years,  
14 commencing with 1992, the value of the land selected or patented to  
15 the state under sec. 202 of the Alaska Mental Health Enabling Act,  
16 shall be redetermined as follows:

17 (1) the number of acres of land selected or patented to the  
18 state under sec. 202 of the Alaska Mental Health Enabling Act in each  
19 municipality that assesses land for property tax purposes shall be  
20 divided by the total number of acres of land selected or patented to  
21 the state under sec. 202 of the Alaska Mental Health Enabling Act that  
22 is located in municipalities that assess land for property tax pur-  
23 poses; the result of this division is the "weighting factor";

24 (2) the weighting factor for each municipality that assess-  
25 es land is multiplied by the average percentage change in assessed  
26 values for that municipality since that municipality's assessed values  
27 were used to revalue land selected or patented to the state under  
28 sec. 202 of the Alaska Mental Health Enabling Act; the result is the  
29 "weighted value change" for that municipality;

1 (3) all of the weighted value changes must be added together  
2 er to arrive at the "revaluation factor," expressed as a decimal;

3 (4) one plus the revaluation factor must be multiplied by  
4 the previous total value of land selected or patented to the state  
5 under sec. 202 of the Alaska Mental Health Enabling Act to arrive at  
6 the redetermined value of land selected or patented to the state under  
7 sec. 202 of the Alaska Mental Health Enabling Act.

8 \* Sec. 2. AS 37.14.011 is amended by adding a new subsection to read:

9 (d) The commissioner of natural resources shall calculate the  
10 redetermined value of the trust under (c) of this section and provide  
11 the redetermined value to the commissioner of revenue and the board  
12 established under AS 47.30.661.

13 \* Sec. 3. AS 38.05 is amended by adding a new section to read:

14 Sec. 38.05.801. RECONSTITUTION AND ADMINISTRATION OF MENTAL  
15 HEALTH LAND TRUST. (a) The value of all land selected by or patented  
16 to the state under the Alaska Mental Health Enabling Act, as of  
17 September 7, 1987, is \$2,243,000,000.

18 (b) All land within legislative designations on the effective  
19 date of this Act and all land made subject to legislative designations  
20 in the future constitute the corpus of the mental health land trust.

21 (c) On reconstitution of the trust under this section, land  
22 selected by or patented to the state under sec. 202 of the Alaska  
23 Mental Health Enabling Act that is not within legislative designations  
24 is removed from trust status.

25 (d) The land within legislative designations that constitutes  
26 the mental health land trust shall be administered for the legisla-  
27 tively designated purposes. The trust shall be compensated for the  
28 use of the mental health trust land for the legislatively designated  
29 purposes under AS 37.14.011.

(e) Before the state may remove land that is part of the mental health trust corpus from trust status, replacement land, equal in value at the time of replacement, shall be designated mental health land and added to the trust corpus. Before replacement, the commissioner shall identify the land proposed as replacement land and recommend the proposed replacement to the board established under AS 47.-30.661. If the board approves the replacement, the commissioner will transfer the land to the trust. If the board does not approve the transfer, the land proposed for removal remains in the trust.

\* Sec. 4. AS 28.05.300 is repealed.

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# LAWS OF ALASKA

1987

**Source**

GSHB 92(Fin) am

**Chapter No.**

48

**AN ACT**

Relating to the Alaska Mental Health Trust; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 8, 1987  
Actual Effective Date: Sections 7-10 take effect July 1, 1987; remainder of Act takes effect September 6, 1987.

AN ACT

Relating to the Alaska Mental Health Trust;  
and providing for an effective date.

\* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds

(1) the United States Congress passed the Alaska Mental Health Enabling Act of 1956, P.L. No. 84-830, 70 Stat. 709, "To confer upon Alaska autonomy in the field of mental health, transfer from the Federal Government to the Territory the fiscal and functional responsibility for the hospitalization of committed mental patients, and for other purposes;"

(2) in sec. 202 of the Alaska Mental Health Enabling Act, the Congress granted the territory the right to select up to 1,000,000 acres of federal land to serve as a source of funds to support the territory's mental health program;

(3) in subsection 202(e), the Congress specifically provided that the land so granted, as well as any income from the land and proceeds from dispositions of the land, were to be administered as "a public trust and such proceeds and income shall first be applied to meet the necessary expenses of the mental health program of Alaska," that "Such lands, income, and proceeds shall be managed and utilized in such manner as the Legislature of Alaska may provide," that the land may be "sold, leased, mortgaged, exchanged or otherwise disposed of in such manner as the Legislature of Alaska may provide, in order to obtain funds or other property to be invested, expended or used by the Territory of Alaska," and that the Alaska Legislature must exercise this broad authority "in a manner compatible with

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the conditions and requirements imposed by this Act;"

(4) in requiring that the proceeds and income of the 1,000,000-acre land grant "first be applied to meet the necessary expenses of the mental health program of Alaska," it was the intent of the Congress that additional public funds be appropriated by the legislature to supplement the proceeds and income from the land grant if those proceeds and income are insufficient to meet the necessary expenses of the mental health program of Alaska;

(5) if the proceeds and income from the 1,000,000-acre land grant exceed the necessary expenses of the mental health program of Alaska, the Congress authorized the legislature to appropriate the excess proceeds and income for other public purposes;

(6) because of the highly desirable location and character of much of the land selected by the state under the Act, for example, in and around major population centers, suitable for parks and game refuges, and other uses, and the difficulties associated with disposing of or dedicating the land for purposes that would not result in the receipt of funds that could be used for mental health purposes, for example, satisfaction of municipal entitlements, placement in parks and game refuges, and other uses, without compensation to the trust, the Tenth Alaska State Legislature enacted ch. 181 and 182, SLA 1978, which, among other things, redesignated all mental health lands as general grant lands;

(7) both ch. 181 and 182, SLA 1978, also created the mental health fund into which, as compensation to the trust, a sum equal to one and one-half percent of all revenue received from the management of state land was to be deposited and from which only the income could be appropriated exclusively for mental health purposes;

(8) a significant difference between ch. 181 and 182, SLA 1978, was that ch. 182 made the deposit of one and one-half percent of all public CSHB 92(Fin) am

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trust, a sum equal to one  
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. 181 and 182, SLA 1978,  
1/2 percent of all public

and revenue into the mental health fund "subject to legislative appropri-  
tion of sufficient funds";

(9) because ch. 182, SLA 1978 became law after ch. 181, SLA 1978  
became law, the provisions of ch. 182, SLA 1978 have been considered con-  
trolling, including specifically the provision that deposits to the mental  
health fund would be "subject to legislative appropriation of sufficient  
funds";

(10) the legislature has never appropriated funds to the mental  
health fund;

(11) a class-action lawsuit, *Weiss v. State*, 4FA-82-2208, was  
filed on November 16, 1982, seeking a judicial determination that the  
Alaska Mental Health Enabling Act had established a "public trust" under  
which the state had received the 1,000,000-acre land grant, that the 1978  
legislation redesignating mental health land as general grant land was a  
breach of that trust, and that the appropriate remedy was to invalidate the  
1978 legislation and return mental health land to trust status;

(12) in *State v. Weiss*, 706 P.2d 681 (Alaska 1985), the Alaska  
Supreme Court held that the Alaska Mental Health Enabling Act established a  
public trust, that the 1978 legislation redesignating mental health land as  
general grant land was a breach of the trust, and that the appropriate  
remedy was to return mental health land still in state ownership to trust  
status and, for mental health land that the state had "sold" between 1978  
and the date of the court's decision, to compensate the trust for the fair  
market value of mental health land so "sold" as of the date of their  
"sale," subject to a set-off for state mental health expenditures during  
the same period;

(13) while the court returned mental health land to trust status,  
it did not specify the nature of the state's obligations with respect to  
managing the trust land, leaving significant questions unanswered that may

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require additional costly and time-consuming litigation;

(14) continued costly and time-consuming litigation over mental health trust land management is not in the public interest because it diverts attention from the goal the Congress sought to achieve through the Act's land grant, the funding of a mental health program;

(15) continued costly and time-consuming litigation over mental health trust land management is not in the public interest because it has the potential to be extremely divisive, pitting the advocates of stringent mental health trust land management against those who envision state-owned mental health land managed for its highest and best use, including conveyance to municipalities in satisfaction of municipal entitlements, placement in parks and game refuges, and other uses, without a major expenditure to compensate the mental health trust for the fair market value of the land;

(16) continued costly and time-consuming litigation over mental health trust land management is not in the public interest because advocates of stringent mental health trust land management may seek the invalidation of state conveyances of mental health land to third parties, particularly municipalities and Native corporations organized under the Alaska Native Claims Settlement Act, a course of action that at best will place a cloud on the third parties' title to those lands and at worst will result in those third parties losing title to their lands, causing economic and other harm and further dividing those who advocate stringent mental health trust land management from those who believe all state-owned land, including mental health land, should be managed for its highest and best use;

(17) continued costly and time-consuming litigation over mental health trust land management is not in the public interest because advocates of stringent mental health trust land management may seek the invalidation of legislative designations of mental health land as state

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1 parks, state game refuges, state forests, etc., placing the future use of  
2 the land for the designated purposes in doubt and further dividing those  
3 who advocate stringent mental health trust land management from those who  
4 believe all state-owned land, including mental health land, should be  
5 managed for its highest and best use;

6 (18) the failure of the Alaska Legislature to deal with the  
7 current situation by properly reconstituting the mental health trust at  
8 this time will lead to continued costly, time-consuming, and divisive liti-  
9 gation, which is not in the public interest;

10 (19) the same problems that led to the 1978 redesignation of  
11 mental health land as general grant land, for example, the desirability of  
12 managing mental health land for its highest and best use, including the  
13 satisfaction of municipal entitlements, inclusion in parks and game ref-  
14 uges, will continue to pose difficulties in the state's efforts to accom-  
15 modate the public's needs generally with the obligation to administer  
16 mental health land as a trust;

17 (20) under art. VIII, sec. 2, Constitution of the State of  
18 Alaska, as construed by the Alaska Supreme Court in State v. University of  
19 Alaska, 624 P.2d 807 (1981), the legislature has the authority to remove  
20 land from trust status if the trust is compensated for the fair market  
21 value of the land;

22 (21) the state is not now, and in the foreseeable future will not  
23 be, in a position to compensate the mental health trust in money for the  
24 fair market value of mental health land;

25 (22) even if the state were able to compensate the mental health  
26 trust in money for the fair market value of mental health land, there is a  
27 substantial legal question whether that compensation, as the corpus of the  
28 trust, could be preserved in perpetuity or whether the prohibition on  
29 dedicated funds in art. IX, sec. 7, Constitution of the State of Alaska,

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would require that those funds be made available for appropriation by the legislature under the terms of the Alaska Mental Health Enabling Act;

(23) under art. VIII, sec. 2, Constitution of the State of Alaska, and subsection 202(e) of the Alaska Mental Health Enabling Act, the legislature has broad authority over all state land, including mental health land, and can permissibly remove mental health land from trust status if, consistent with its trust responsibilities, it simultaneously designates other state land of equivalent value as mental health land;

(24) the Congress' goal of funding a mental health program, and the public interest in having attention focused on the problems of the mentally ill and not questions regarding mental health trust land management, will be best served by establishing a mechanism for generating revenue from mental health land that minimizes the number and complexity of related land management decisions;

(25) reconstituting the mental health trust with state land that has a substantial likelihood of remaining in state ownership in perpetuity, and compensating the mental health trust for state use of that land through annual identification of an amount of state general fund revenue equal to the fair market rental value of the land as a separate account in the general fund, would minimize the number and complexity of land management decisions and would result in the following benefits to the mental health trust:

(A) it would ensure that the mental health trust corpus will be preserved in perpetuity;

(B) it would reconstitute a mental health trust corpus equal in value to the original 1,000,000-acre mental health trust corpus, with no reduction (in the nature of a set-off) for state mental health expenditures;

(C) it would make the entire mental health trust corpus

productive in that each acre of mental health trust land would produce its fair market rental value annually;

(D) the mental health trust would not incur administrative expenses;

(E) it would focus attention on questions related to the state's mental health programs and the levels of appropriations for those programs;

(26) reconstituting the mental health trust with state land that has a substantial probability of remaining in state ownership in perpetuity would result in the following benefits to the state generally:

(A) it would free all mental health land not in legislatively designated areas for nontrust uses;

(B) the only significant expenditure of public funds that would be required would be appropriations for appraisal of the land to ensure equal value, an expenditure that would be required no matter what form of trust reconstitution is selected; and

(C) it would establish an additional safeguard against disposal of the newly designated mental health trust land, that is, those in legislatively designated areas, in that, prior to such disposal, equal value replacement land would have to be identified and redesignated as trust land;

(27) the legislature will best serve the public interest by reconstituting the mental health trust with land in legislatively designated areas, continuing to use that land for the legislatively designated purposes, compensating the trust for the use of the land through annual identification of an amount of general fund revenue equal to the fair market rental value of the land and designation in the general fund of that amount of funds as the special mental health trust income account, and creating a board to assist and advise the legislative and executive

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of a set-off) for state  
mental health trust corpus

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1 branches of government on matters relating to the mental health program  
2 Alaska.

3 (b) The purposes of this Act are

4 (1) to implement the intent of the Congress underlying sec. 201  
5 of the Alaska Mental Health Enabling Act that mental health land be admin-  
6 istered in a way that makes funds available for the support of Alaska's  
7 mental health program;

8 (2) to the extent practicable, to eliminate the need for costly,  
9 time-consuming and divisive litigation over the state's management of  
10 mental health land;

11 (3) to ensure that the attention of the public and the govern-  
12 ment is focused on mental health programs, as contemplated by the Congress,  
13 and not on issues relating to the management of mental health land;

14 (4) to reconstitute a mental health land trust through identi-  
15 fication of land in legislatively designated areas that is equal in value  
16 to the land selected by and patented to the state under sec. 202 of the  
17 Alaska Mental Health Enabling Act;

18 (5) to remove from trust status the land selected by and pat-  
19 ented to the state under sec. 202 of the Alaska Mental Health Enabling Act  
20 that is not in legislative designated areas, thereby freeing them for other  
21 uses;

22 (6) to validate each deed, contract for sale, lease, easement,  
23 right-of-way, permit, mineral lease disposal, reservation of land for  
24 public use by statute, or land management actions, including use classifi-  
25 cations under AS 38.05.300 and interagency land management assignments by  
26 the Department of Natural Resources, that may have been called into ques-  
27 tion by the Supreme Court's decision in State v. Weiss, 706 P.2d 681  
28 (Alaska 1985), returning mental health land to trust status;

29 (7) to identify a portion of annual state general fund revenues

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equal in amount to the fair market rental value of mental health land, as  
compensation to the trust for the continued use of the land in legisla-  
tively designated areas for the legislatively designated purposes; and

(8) to create a board to assist and advise the legislative and  
executive branches of government on matters relating to the mental health  
program of Alaska.

Sec. 2. AS 37.14 is amended by adding a new section to read:

Sec. 37.14.011. MENTAL HEALTH TRUST INCOME ACCOUNT. (a) The  
mental health trust income account is established as a separate ac-  
count in the general fund.

(b) The amount determined under (c) of this section as the fair  
market rental of the land constituting the mental health trust corpus  
is the earnings of the trust and the commissioner of revenue shall  
annually allocate that amount from the general fund of the state to  
the mental health trust income account in the general fund of the  
state.

(c) The fair market rental value of the land constituting the  
mental health trust corpus is equal to eight percent of the fair  
market value of the land. Following the initial determination of the  
fair market value of the land selected by and patented to the state  
under sec. 202 of the Alaska Mental Health Enabling Act, the com-  
missioner of natural resources shall redetermine the fair market value  
of the land constituting the mental health trust corpus at least every  
five years, and provide the redetermined value to the commissioner of  
revenue and the board established under AS 47.30.661.

Sec. 3. AS 37.14 is amended by adding a new section to read:

Sec. 37.14.021. UTILIZATION OF THE MENTAL HEALTH TRUST INCOME  
ACCOUNT. Money in the mental health trust income account established  
in AS 37.14.011(a) shall first be appropriated by the legislature to

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1 meet the necessary expenses of the mental health program of the state  
2 In making annual appropriations from the mental health trust income  
3 account, the legislature shall consider the recommendations of the  
4 Alaska Mental Health Board established under AS 47.30.661, including  
5 recommendations regarding capital improvements. After the necessary  
6 expenses of the state's mental health program have been funded, the  
7 legislature may make appropriations from the mental health trust  
8 income account for other public purposes.

9 \* Sec. 4. AS 38.05 is amended by adding a new section to article 11 to  
10 read:

11 Sec. 38.05.800. RECONSTITUTION AND ADMINISTRATION OF MENTAL  
12 HEALTH LAND TRUST. (a) The commissioner of natural resources, under  
13 procedures approved by the interim mental health trust commission  
14 shall determine the fair market value, as of the effective date of  
15 this section, of all land selected by and patented to the state under  
16 the Alaska Mental Health Enabling Act. The commissioner shall report  
17 the determination of that value to the board established under AS 47.  
18 30.661.

19 (b) The commissioner of natural resources, with the approval of  
20 the interim mental health trust commission, shall identify land with  
21 legislative designations that is equal in value to all land selected  
22 by and patented to the state under sec. 202 of the Alaska Mental  
23 Health Enabling Act that is not in legislative designations.

24 (c) All land selected by and patented to the state under the  
25 Alaska Mental Health Enabling Act that is within legislative designa-  
26 tions, together with all land identified by the commissioner under  
27 (b) of this section, constitutes the corpus of the mental health land  
28 trust.

29 (d) Upon reconstitution of the trust under this subsection, land

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selected by and patented to the state under sec. 202 of the Alaska  
Mental Health Enabling Act that is not within legislative designations  
is removed from trust status.

(e) The land within legislative designations that constitutes  
the mental health land trust shall continue to be administered for the  
legislatively designated purposes. The trust shall be compensated for  
the continued use of the mental health trust land for the legisla-  
tively designated purposes as provided in AS 37.14.011.

(f) Before the state may remove land that is part of the mental  
health trust corpus from trust status, and in addition to any other  
requirements of law, the commissioner of natural resources, consistent  
with the state's trust responsibilities, shall identify replacement  
land, equal in value at the time of replacement, within legislative  
designations and incorporate them into the mental health trust corpus.  
The commissioner of natural resources annually shall report any  
actions under this subsection to the board established under AS 47.-  
30.661.

\* Sec. 5. AS 39.25.120(c)(9) is amended by adding a new subparagraph to

read:

Sec.

(L) Alaska Mental Health Board;

\* Sec. 6. AS 47.30 is amended by adding new sections to read:

Sec. 47.30.661. ALASKA MENTAL HEALTH BOARD. The Alaska Mental  
Health Board is established. For budgetary purposes, the board is  
located within the Department of Health and Social Services. The  
board is the state planning and coordinating agency for the purposes  
of federal and state laws relating to the mental health program of the  
state. The purpose of the board is to assist the state in ensuring an  
integrated comprehensive mental health program.

Sec. 47.30.662. COMPOSITION. (a) The board consists of the

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1 commissioner of health and social services, or the commissioner's  
2 designee, and not fewer than nine nor more than 12 other members,  
3 appointed by the governor, with due regard for population and balanced  
4 geographic representation of the state.

5 (b) At least one-third of the members shall be consumers of  
6 mental health services, or parents or guardians of consumers.

7 (c) At least one-third of the members shall be either public or  
8 private providers of mental health services.

9 (d) The remaining members shall be representatives of the public  
10 at large.

11 Sec. 47.30.663. TERM OF OFFICE. (a) Board members serve  
12 staggered terms of three years.

13 (b) A vacancy occurring in the membership of the board shall be  
14 filled by appointment of the governor for the unexpired portion of the  
15 vacated term.

16 (c) Members may be removed only for cause, including, but not  
17 limited to, poor attendance or lack of contribution to the board's  
18 work.

19 Sec. 47.30.664. OFFICERS AND STAFF. (a) The board, by a major-  
20 ity of its membership, shall annually elect a chair and other officers  
21 it considers necessary from among its membership.

22 (b) The board will have a paid staff provided by the Department  
23 of Health and Social Services, including, but not limited to, an  
24 executive director who shall be selected by the board from candidates  
25 provided by the department. The executive director is in the partial-  
26 ly exempt service and may hire additional employees in the classified  
27 service of the state. The executive director and the staff of the  
28 board shall be directly responsible to the board in the performance of  
29 their duties.

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Sec. 47.30.665. BYLAWS. The board, on approval of a majority of  
its membership and consistent with state law, shall adopt and amend  
bylaws governing its composition, proceedings, and other activities  
consistent with state law and including, but not limited to, pro-  
visions concerning a quorum to transact board business and other  
aspects of procedure, frequency and location of meetings, and estab-  
lishment, functions, and membership of committees.

Sec. 47.30.666. POWERS, DUTIES, AND RESPONSIBILITIES OF THE  
BOARD. The board shall

(1) measure the extent of the mental health need and, as  
necessary, conduct independent studies, evaluate the statewide mental  
health information system, and review the current mental health pro-  
gram of the state;

(2) provide a public forum for discussion of issues regard-  
ing current and potential services to persons served by the mental  
health program of the state;

(3) determine the needs, including those currently unmet,  
of the persons to be served by the mental health program of the state;

(4) review reports from the Department of Natural Resources  
regarding the valuation of the mental health land trust and the status  
of mental health trust land, from the Department of Revenue regarding  
allocations to the mental health income account, and from other de-  
partments regarding the current and projected revenue for the support  
of the mental health program of the state;

(5) subject to disclosure restrictions imposed by state or  
federal confidentiality or privacy laws, have access to information in  
the possession of state agencies;

(6) in conjunction with the Department of Health and Social  
Services, prepare and annually update a long-term comprehensive state

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1 mental health plan, to include the projected need and the services,  
2 facilities, and resources for the mental health program of the state  
3 to meet that need;

4 (7) in conjunction with the Department of Health and Social  
5 Services, develop, prepare, adopt, and periodically review and revise  
6 as necessary an annual state implementation plan to meet the needs of  
7 persons served by the mental health program of the state;

8 (8) in conjunction with the Department of Health and Social  
9 Services, and before developing the annual state implementation plan,  
10 evaluate the effectiveness of the prior year's implementation plan and  
11 evaluate program performance and recommend improvements, set priori-  
12 ties, and establish criteria to utilize in funding allocations;

13 (9) report at least annually to the legislature, governor,  
14 and commissioner of health and social services, and meet with appro-  
15 priate legislative committees, concerning the board's activities,  
16 including its evaluation of the effectiveness of the prior year's  
17 implementation plan, and its recommendations to meet the necessary  
18 operating and capital expenses of the mental health program of the  
19 state;

20 (10) serve as an advocate before the executive and legisla-  
21 tive branches of government and the public on behalf of those served  
22 by the mental health program of the state;

23 (11) discourage duplication of services and promote effi-  
24 cient and coordinated use of federal, state, and private resources in  
25 the provision of mental health services; and

26 (12) review applicable statutes, regulations, and policies  
27 and recommend appropriate changes.

28 Sec. 47.30.669. DEFINITION. In AS 47.30.661 - 47.30.669,  
29 "board" means the Alaska Mental Health Board established in

AS 47.30.661.

\* Sec. 7. Section 1(b), ch. 132, SLA 1986, is amended to read:

(b) The commission established under (a) of this section consists of three [FIVE] members, including the commissioner of natural resources, or the commissioner's designee [AND THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES, OR THEIR DESIGNEES], and two [THREE] members and two [THREE] alternates [APPOINTED BY THE GOVERNOR] as follows:

(1) a member and an alternate representing the plaintiffs who were [,] appointed by the governor from a list of three names submitted to the governor by the plaintiffs in Weiss v. State, 4 FA 82-2208 Civil;

(2) a member and an alternate representing the intervenors who were [,] appointed by the governor from a list of three names submitted to the governor by the intervenors in Weiss v. State, 4 FA 82-2208 Civil [,] AND

(3) A MEMBER AND AN ALTERNATE REPRESENTING THE GOVERNOR'S MENTAL HEALTH ADVISORY COUNCIL, APPOINTED BY THE GOVERNOR FROM A LIST OF THREE NAMES SUBMITTED TO THE GOVERNOR BY THE GOVERNOR'S MENTAL HEALTH ADVISORY COUNCIL).

\* Sec. 8. Section 1(c), ch. 132, SLA 1986, is amended to read:

(c) The members of the commission shall elect a presiding officer. A majority of the commission constitutes a quorum. The affirmative vote of two [THREE] members is required to take official action. A vacancy does not impair the power of the remaining members to exercise the powers of the commission.

\* Sec. 9. Section 2, ch. 132, SLA 1986, is repealed and reenacted to read:

Sec. 2. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RE-

ted need and the services,  
ealth program of the state

ment of Health and Social  
odically review and revise  
plan to meet the needs of  
of the state;

ment of Health and Social  
state implementation plan,  
s implementation plan and  
improvements, set priori-  
nding allocations;

he legislature, governor,  
es, and meet with appro-  
the board's activities,  
ess of the prior year's  
s to meet the necessary  
al health program of the

he executive and legisla-  
r behalf of those served

ervices and promote effi-  
and private resources in

ulations, and policies

47.30.661 - 47.30.669.

Board established in

Chapter 48

1 SOURCES AND THE COMMISSION. (a) The commission shall review proce-  
2 dures proposed by the commissioner of natural resources to determine  
3 the fair market value, as of the effective date of AS 38.05.800, of  
4 all land selected by and patented to the state under sec. 202 of the  
5 Alaska Mental Health Enabling Act, and review the final determination  
6 of the fair market value determined under those procedures.

7 (b) The commission shall review the identification by the com-  
8 missioner of natural resources under AS 38.05.800 of land within  
9 legislative designations that is equal in value to all land selected  
10 by and patented to the state under sec. 202 of the Alaska Mental  
11 Health Enabling Act that is not in legislative designations.

12 (c) In the exercise of the commission's responsibilities under  
13 this section, the commission and its staff may review the records of  
14 the Department of Natural Resources that are made confidential by law  
15 or regulation. An individual who acquires information made confiden-  
16 tial by law or regulation in the performance of functions authorized  
17 by this Act and discloses it without proper authority violates AS 11.-  
18 56.860.

19 (d) The commissioner of natural resources is responsible for the  
20 management of the mental health land of the state as a public trust  
21 under P.L. 84-830, 70 Stat. 709. Except as provided in (e) of this  
22 section, the commissioner of natural resources may not sell, lease, or  
23 exchange mental health trust land of the state or an interest in the  
24 mental health trust land of the state without the prior approval of  
25 the commission. In reviewing a proposal for the sale, lease, or ex-  
26 change of mental health trust land from the commissioner of natural  
27 resources, the commission may approve the proposal of the commissioner  
28 on its determination that the proposal is consistent with the terms of  
29 the trust established by the Alaska Mental Health Enabling Act.

(e) The commissioner of natural resources may transfer trust land to the federal government under AS 38.05.035(b)(9) without approval of the commission. The commissioner of natural resources shall advise the commission of an intention to transfer trust land to the federal government and, after the transfer, shall make every effort to acquire replacement land to fulfill the state's remaining entitlement based on a prioritization, approved by the commission, of existing valid mental health selections.

\* Sec. 10. Section 6, ch. 132, SLA 1986, is repealed and reenacted to read:

Sec. 6. This Act is repealed on the certification of the commissioner of natural resources that the mental health land trust has been reconstituted under AS 38.05.800 to

- (1) the Alaska Mental Health Board established under AS 47.30.661;
- (2) the lieutenant governor; and
- (3) the revisor of statutes.

\* Sec. 11. TRANSITIONAL PROVISIONS. Beginning with fiscal year 1989 and continuing until the commissioner of natural resources certifies to the commissioner of revenue that the mental health land trust has been reconstituted under AS 38.05.800, as enacted in sec. 4 of this Act, the commissioner of revenue shall annually allocate from the general fund of the state to the mental health trust income account in the general fund an amount equal to five percent of the unrestricted revenue of the state for the fiscal year.

\* Sec. 12. Notwithstanding AS 47.30.663(a), as added by sec. 6 of this Act, of the initial appointees to the Alaska Mental Health Board appointed under AS 47.30.662, as added by sec. 6 of this Act, one-third shall serve for one year terms, one-third shall serve for two year terms, and one-third



Source

CSSB 8 (F1)

Relating  
providing

BE IT ENAC

Appr  
Actua

Chapter 48

1 for three year terms.

2 \* Sec. 13. AS 27.14.010, 37.14.020, 37.14.030, 37.14.040, 37.14.050,  
3 AS 47.30.605; and sec. 3, ch. 132, SLA 1986, are repealed.

4 \* Sec. 14. Sections 7 - 10 of this Act take effect July 1, 1987.  
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tion of particular reports, items, persons, or enterprises. (§ 5 ch 18 SLA 1980)

**Sec. 37.13.205. Regulations.** The board may adopt regulations under the Administrative Procedure Act (AS 44.62) to interpret and implement this chapter. (§ 12 ch 81 SLA 1982)

**Sec. 37.13.210. Definitions.** In this chapter

(1) "board" means the Board of Trustees of the Alaska Permanent Fund Corporation;

(2) "corporation" means the Alaska Permanent Fund Corporation. (§ 5 ch 18 SLA 1980)

## Chapter 14. Trust Funds.

### Article

1. Mental Health Trust Income Account (§§ 37.14.010 — 37.14.050)
2. Public School Trust Fund (§§ 37.14.110 — 37.14.170)
3. Alaska Children's Trust Fund (§§ 37.14.200 — 37.14.270)

**Revisor's notes.** — Section 4, ch. 182, SLA 1978 purported to add an article 2, entitled "University Fund," to this chapter. Section 27 of ch. 182 made that article effective on the date that the Board of Regents voted to approve the matters under

consideration as provided in § 24 of the act. However, the Board of Regents disapproved all matters on August 17, 1978; consequently, that article 2 was ineffective.

### Article 1. Mental Health Trust Income Account.

#### Section

11. Mental health trust income account
21. Utilization of the mental health trust income account

**Cross references.** — For legislative findings and purpose of the Act that enacted AS 37.14.011 and 37.14.021 and re-

pealed the former provisions of this article, see § 1, ch. 48, SLA 1987 in the Temporary and Special Acts.

*Sec. 37.14.010. Mental health fund established. [Repealed, § 13 ch 48 SLA 1987.]*

**Sec. 37.14.011. Mental health trust income account.** (a) The mental health trust income account is established as a separate account in the general fund.

(b) The amount determined under (c) of this section as the fair market rental of the land constituting the mental health trust corpus

is the earnings of the trust and the commissioner of revenue shall annually allocate that amount from the general fund to the mental health trust income account.

(c) The fair market rental value of the land constituting the mental health trust corpus is equal to eight percent of the fair market value of the land. Following the initial determination of the fair market value of the land selected by and patented to the state under sec. 202 of the Alaska Mental Health Enabling Act, the commissioner of natural resources shall redetermine the fair market value of the land constituting the mental health trust corpus at least every five years and provide the redetermined value to the commissioner of revenue and the board established under AS 47.30.661. (§ 2 ch 48 SLA 1987)

Cross references. — For mental health land trust, see AS 38.05.800; for a transitional provision and duties of the commissioner of revenue until the mental health land trust has been reconstituted under AS 38.05.800, see § 11, ch. 48, SLA 1987 in the Temporary and Special Acts.

*Sec. 37.14.020. Mental Health Fund Advisory Board created. [Repealed, § 13 ch 48 SLA 1987.]*

**Sec. 37.14.021. Utilization of the mental health trust income account.** Money in the mental health trust income account established in AS 37.14.011(a) shall first be appropriated by the legislature to meet the necessary expenses of the mental health program of the state. In making annual appropriations from the mental health trust income account, the legislature shall consider the recommendations of the Alaska Mental Health Board established under AS 47.30.661, including recommendations regarding capital improvements. After the necessary expenses of the state's mental health program have been funded, the legislature may make appropriations from the mental health trust income account for other public purposes. (§ 3 ch 48 SLA 1987)

*Secs. 37.14.030 — 37.14.050. Powers and duties of board; fund utilization; contributions. [Repealed, § 13 ch 48 SLA 1987.]*

**Article 2. Public School Trust Fund.**

<b>Section</b>	<b>Section</b>
110. Public school trust fund established	150. Contributions
120. Public School Fund Advisory Board created	160. Duties of the commissioner of revenue
130. Powers and duties of board	170. Investments
140. Utilization of income	

**Sec. 37.** is established trust fund

(b) The trust fund consists of

(1) the balance and

(2) sums

(c) The trust fund in the manner that and that the principal capital shall be (§ 4 ch 18

Effect of amendment trust fund "fund the pu

**Sec. 37.**

(a) There Fund Adv three member

(b) The from the tion but a law for ot

**Sec. 37.** in AS 37

(1) to h. sary;

(2) to F income o.

(3) [Repealed] § 33 ch 1

Effect of amendment (3), which re

Title 37  
Public Finance

**S B**

**510**

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 3/1/90

FURTHER:

Date of 5-Day Notice: 3/15/90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/22/90

H E S S Committee considered SB 510

Act relating to sex education; and the teaching of abstinence in sex education.

and recommended:

- replace with CS SB 510 (HESS)  same title new title
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  
Dept. Education  
\_\_\_\_\_  
\_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

Jim Duncan  
Tim Kelly  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paul Fisk (De Pauw)  
Chair: Signature and Recommendation



Senate Health, Education and  
Social Services Committee

Senator Paul Fischer, Chairman

---

Senator:

This bill does not have an effective date.

Some individuals feel that this bill needs a  
definition of abstinence. ????

DCM 3/14/90

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Sex education and the teaching of abstinence in sex education  
 Sponsor: Senate HESS  
 Requestor: Senate HESS

Agency Affected: Education  
 BRU: Educational Program Support  
 Components: \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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: 3/14/90  
 Approved by Commissioner: William G. Demmert Date: 3/14/90  
 Agency: Education

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

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**



Senate Health, Education and  
Social Services Committee

Senator Paul Fischer, Chairman

---

Senator:

This bill does not have an effective date.

Some individuals feel that this bill needs a  
definition of abstinence. ????

DCM 3/14/90

BY THE HESS COMMITTEE

1 IN THE SENATE

2

SENATE BILL NO. 510

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to sex education and the teaching of  
7 abstinence in sex education."

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

9 \* Section 1. AS 14.30 is amended by adding a new section to read:

10 Sec. 14.30.365. SEX EDUCATION CURRICULUM. A school district  
11 that conducts a program of sex education shall emphasize that absti-  
12 nence from sexual intercourse is the only <sup>Reliance</sup> ~~protection~~ that is 100  
13 percent effective against unwanted ~~teenage~~ pregnancy, sexually trans-  
14 mitted diseases, and acquired immune deficiency syndrome ~~when trans-~~  
15 ~~mitted sexually~~. All course material and instruction in classes that  
16 teach sex education <sup>shall</sup> ~~must~~ be age appropriate.

*Immed eff. date*

*Indiana U -  
Jr High -  
Sexual Int. / position*

*St Bd - May subject  
reg. Cur*

*Curriculum Request  
Teacher -> Sarah Carlson*

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Sex education and the teaching  
of abstinence in sex education  
 Sponsor: Senate HESS  
 Requestor: Senate HESS

Agency Affected: Education  
 BRU: Educational Program Support  
 Components: \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**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: 3/14/90  
 Approved by Commissioner: William G. Demmert Date: 3/14/90  
 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

### Don Oberg, President

Mary Lou Brent  
Vice-President  
Box 80074  
Fairbanks, Alaska 99708

Judy Salo  
NEA Director  
4510 Kenaitze Court  
Kenai, Alaska 99511

Paul Jarvi  
Region I Director  
PO Box 5876  
Ketchikan, Alaska 99701

Deedie Sorenson  
Region I Director  
6903 Sunny Dr  
Juneau, Alaska 99801

Beverly Goad  
Region II Director  
Box 341  
Copper Center, Alaska 99573

DeWayne Craig  
Region III Director  
406 So Forest Dr  
Kenai, Alaska 99611

Myra Poage  
Region IV Director  
Box 974  
Nome, Alaska 99762

Marilyn Rosene  
Region IV Director  
Box 1170  
Dillingham, Alaska 99576

Mike Warner  
Region IV Director  
PO Box 72  
Nenah, Alaska 99763

Claudia Douglas  
Region V Director  
PO Box 74847  
Fairbanks, Alaska 99707

Gayle Harbo  
Region V Director  
Box 80522  
College, Alaska 99708

Loretta B. Christie  
Region VI Director  
2220 Yorkshire Lane  
Anchorage, Alaska 99504

Don Hadley  
Region VI Director  
3259 Weckan Dr  
Anchorage, Alaska 99508

Richard Kronberg  
Region VI Director  
3511 Chumak Bay Dr  
Anchorage, Alaska 99515

Leona Mounds  
Region VI Director  
5816 Wandag Way  
Anchorage, Alaska 99504

Pamela Reynolds  
Region VI Director  
1510 Ekladore Dr  
Anchorage, Alaska 99507

Carolyn Tolson  
Region VII Director  
Box 874943  
Wasilla, Alaska 99687

Hank Harrison  
Region II Director  
Box 110425 S Station  
Anchorage, Alaska 99511

### ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536  
FAX: (907) 274-0551

### JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090  
FAX: (907) 586-2744

### FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
FAX: (907) 456-2159

March 14, 1990

**TO:** Sen. Paul Fisher, Chair, and members of Senate HESS Committee -  
**FROM:** Don Oberg *[Signature]*  
**RE:** Senate Bill 510, "An Act..."

NEA-Alaska proposes the following wording: "...shall emphasize that abstinence from sexual intercourse is the only behavior that is 100 percent effective against unwanted pregnancy, sexually transmitted diseases, and sexually transmitted Acquired Immune Deficiency Syndrome (AIDS)."

We suggest the statement "All material and instruction in classes that teach sex ~~shall~~ education must be age appropriate" be amended by substituting "should" for "must" since it will be very difficult (if not impossible) to determine what is age appropriate under varying circumstances.

Given these minor changes we believe this is an appropriate amendment to AS 14.30.

LE03/SB510/dl

*All teaching will be available*

must

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
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# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

### Don Oberg, President

Mary Lou Brent  
Vice-President  
Box 80074  
Fairbanks, Alaska 99708

### ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536  
FAX: (907) 274-0551

### JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586 3090  
FAX: (907) 586 2744

### FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
FAX: (907) 456-2159

Judy Salo  
NEA Director  
4510 Kenaitze Court  
Kenai, Alaska 99611

March 14, 1990

Paul Jarvi  
Region I Director  
PO Box 5876  
Ketchikan, Alaska 99901

TO: Sen. Paul Fisher, Chair, and members of Senate HESS Committee -

Deedle Sorenson  
Region I Director  
6903 Sunny Dr  
Juneau, Alaska 99801

FROM: Don Oberg

Beverly Goad  
Region II Director  
Box 343  
Copper Center, Alaska 99573

RE: Senate Bill 510, "An Act..."

DeWayne Craig  
Region III Director  
406 So. Forest Dr - 3A  
Kenai, Alaska 99611

NEA-Alaska proposes the following wording: "...shall emphasize that abstinence from sexual intercourse is the only behavior that is 100 percent effective against unwanted pregnancy, sexually transmitted diseases, and sexually transmitted Acquired Immune Deficiency Syndrome (AIDS)."

Myra Puage  
Region IV Director  
Box 973  
Nome, Alaska 99762

We suggest the statement "All material and instruction in classes that teach sex education must be age appropriate" be amended by substituting "~~should~~" for "must" since it will be very difficult (if not impossible) to determine what is age appropriate under varying circumstances. *shall*

Marilyn Rosene  
Region IV Director  
Box 1170  
Dillingham, Alaska 99576

Given these minor changes we believe this is an appropriate amendment to AS 14.30.

Mike Warme  
Region IV Director  
PO Box 72  
Neotoma, Alaska 99763

LE03/SB510/dl

Claudia Douglas  
Region V Director  
PO Box 74837  
Fairbanks, Alaska 99707

Gayle Harbo  
Region V Director  
Box 80522  
College, Alaska 99708

*All testing was favorable*

Loretta B. Christie  
Region VI Director  
2220 Yorkshire Lane  
Anchorage, Alaska 99504

must

Don Hadley  
Region VI Director  
3250 Westcan Dr  
Anchorage, Alaska 99508

Richard Kronberg  
Region VI Director  
3511 Chumak Bay Dr  
Anchorage, Alaska 99515

Leona Mounds  
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5810 Winding Way  
Anchorage, Alaska 99504

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1516 Elkadore Dr - 135  
Anchorage, Alaska 99507

Carolyn Tolson  
Region VII Director  
Box 87 3933  
Wasilla, Alaska 99687

Hank Harrison  
Region R Director  
Box 110325 S. Station  
Anchorage, Alaska 99511

6-2276H  
Ford/  
Dierdorff  
3/16/90

*Adopted*

Original sponsor(s): HESS Committee

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE BILL NO. 510 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to sex education and the teaching of  
7 abstinence in sex education."

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

9 \* Section 1. AS 14.30 is amended by adding a new section to read:

10 Sec. 14.30.365. SEX EDUCATION CURRICULUM. A school district  
11 that conducts a program of sex education shall emphasize that absti-  
12 nence from sexual intercourse is the only behavior that is 100 percent  
13 effective against unwanted pregnancy, sexually transmitted diseases,  
14 and sexually transmitted acquired immune deficiency syndrome. All  
15 course material and instruction in classes that teach sex education  
16 shall be age appropriate.

17  
18 ~~1/15/90~~  
19 ~~1/15/90~~ *Not*  
20 ~~1/15/90~~

21  
22  
23 ~~should~~  
24 ~~include~~ *U*  
25 ~~sexual intercourse~~  
26 ~~material~~  
27 ~~or~~  
28 ~~should~~

29

§ 51550

GENERAL INSTRUCTIONAL PROGRAMS

Note 3

Div. 4

3. Colleges

Under the provisions of Educ.C.1959, § 7560 (repealed) limitation of "sex education" or "family life education" courses in public ele-

mentary and secondary schools does not apply to public junior colleges. 53 Ops.Atty.Gen. 40. 1-29-70.

§ 51551. Venereal disease education

The provisions of Section 51550 shall not apply to any venereal disease education classes conducted pursuant to Section 51820.

(Stats.1976, c. 1010, § 2, operative April 30, 1977.)

*For another § 51551, added by Stats.1988, c. 1337, § 2, see § 51551 post.*

Historical Note

Derivation: Educ.C.1959, § 8506.1, added by Stats.1972, c. 226, p. 468, § 2, amended by Stats.1972, c. 1343, p. 2676, § 4.

Cross References

Excuse from classes on religious grounds, see § 51240.

Law Review Commentaries

Drug and venereal disease instruction: legislative review. (1973) 4 Pacific L.J. 448.

§ 51551. Sex education classes; course criteria

*Operative July 1, 1989*

(a) All public elementary, junior high, and senior high school classes that teach sex education and discuss sexual intercourse shall emphasize that abstinence from sexual intercourse is the only protection that is 100 percent effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually. All material and instruction in classes that teach sex education and discuss sexual intercourse shall be age appropriate.

(b) All sex education courses that discuss sexual intercourse shall satisfy the following criteria:

(1) Course material and instruction shall be age appropriate.

(2) Course material and instruction shall stress that abstinence is the only contraceptive method which is 100 percent effective, and that all other methods of contraception carry a risk of failure in preventing unwanted teenage pregnancy. Statistics based on the latest medical information shall be provided to pupils citing the failure and success rates of condoms and other contraceptives in preventing pregnancy.

(3) Course material and instruction shall stress that sexually transmitted diseases are serious possible hazards of sexual intercourse. Pupils shall be provided with statistics based on the latest medical information citing the failure and success rates of condoms in preventing AIDS and other sexually transmitted diseases.

**S B**

**548**

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 4/17/90

FURTHER:

Date of 5-Day Notice: 4/19/90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/26/90

H E S S

Committee considered

SB 548

Composition of the Professional Teaching Practices Commission

and recommended:

- replace with \_\_\_\_\_ CS SB 548 [ ] same title  
[ ] new title
- [ ] attached amendment(s)
- [ ] \_\_\_\_\_ letter of intent adopted

do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

[ ] fiscal note(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

zero fiscal note(s) Dept. of Education  
\_\_\_\_\_  
\_\_\_\_\_

[ ] appropriation-no fiscal note

[ ] Governor's bill w/fiscal note

SIGNING DO PASS:

Al Jordan  
Head  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paul A. Grover (Do Pass)  
Chair: Signature and Recommendation

BY THE HESS COMMITTEE

*CS*  
*Adopted*

1 IN THE SENATE

2 SENATE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the composition of the Profes-  
7 sional Teaching Practices Commission."

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

9 \* Section 1. AS 14.20.390 is amended to read:

10 Sec. 14.20.390. APPOINTMENT AND QUALIFICATIONS. The commission  
11 consists of nine members appointed by the governor and confirmed by a  
12 majority of the members of the legislature in joint session. Each  
13 member [, IN ADDITION TO HAVING BEEN ACTIVELY ENGAGED IN THE TEACHING  
14 PROFESSION FOR AT LEAST FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT,]  
15 shall be a citizen of the United States and a resident of the state,  
16 and except for the member who is a member of a school board, shall  
17 have engaged in the teaching profession for at least five years imme-  
18 diately preceding appointment.

19 \* Sec. 2. AS 14.20.400 is amended to read:

20 Sec. 14.20.400. COMPOSITION OF THE COMMISSION. The commission  
21 consists of the following members:

- 22 (1) five classroom teachers;  
23 (2) one elementary school principal;  
24 (3) one superintendent;  
25 (4) one secondary school principal [REPRESENTATIVE OF THE  
26 OFFICE OF THE COMMISSIONER];  
27 (5) one member of a school board [REPRESENTATIVE OF AN  
28 ALASKA INSTITUTION OF HIGHER LEARNING].

29 \* Sec. 3. AS 14.20.400 is amended by adding a new subsection to read:

*Foot watching hen house*

1 (b) In addition to the members listed in (a) of this section,  
2 the commission shall have one alternate member. The alternate  
3 member's only duty is to sit as provided under AS 14.20.472.

4 \* Sec. 4. AS 14.20.410(a) is amended to read:

5 (a) Members of the commission shall be selected as follows:

6 (1) the five classroom teachers from lists of names submit-  
7 ted by recognized Alaska teachers' organizations, each list not to  
8 exceed 12 names; however, in lieu of one of the five, one classroom  
9 teacher may be selected from a list of not more than four names signed  
10 and submitted by not less than 25 teachers who have no affiliation  
11 with an [ANY] organization qualified to submit nomination lists, with  
12 the limitation that a [NO] teacher may not sign more than one list a  
13 [IN ANY] year;

14 (2) the primary school principal from a list of three names  
15 submitted by the Alaska [PRINCIPALS] Association of Elementary Prin-  
16 cipals, and the secondary school principal from a list of three names  
17 submitted by the Alaska Association of Secondary Principals;

18 (3) the superintendent from a list of three names submitted  
19 by the Alaska Association of School Administrators [SUPERINTENDENTS  
20 ADVISORY COMMISSION];

21 (4) the school board member from a list of three names  
22 submitted by the Alaska Association of School Boards [REPRESENTATIVE  
23 OF THE OFFICE OF THE COMMISSIONER FROM A LIST OF THREE NAMES SUBMITTED  
24 BY THE COMMISSIONER;

25 (5) THE REPRESENTATIVE OF AN ALASKA INSTITUTION OF HIGHER  
26 LEARNING FROM LISTS OF NAMES SUBMITTED BY ALASKA INSTITUTIONS OF  
27 HIGHER LEARNING, EACH LIST NOT TO EXCEED THREE NAMES].

28 \* Sec. 5. AS 14.20.410 is amended by adding a new subsection to read:

29 (d) The alternate member shall be selected on an alternating

1 basis from lists, not to exceed three names, submitted by the Alaska  
2 Association of Elementary Principals and by the Alaska Association of  
3 Secondary Principals.

4 \* Sec. 6. AS 14.20.420(a) is amended to read:

5 (a) The term of office for each member of the commission and for  
6 the alternate member is three years and until a successor is appoint-  
7 ed.

8 \* Sec. 7. AS 14.20.420(d) is amended to read:

9 (d) The commission shall select a chair [CHAIRMAN] from among  
10 its members, excluding the alternate member.

11 \* Sec. 8. AS 14.20.430 is amended to read:

12 Sec. 14.20.430. DISMISSAL. Any member, including the alternate  
13 member, may be removed by the governor for misconduct, malfeasance or  
14 nonfeasance in office, or incapacity.

15 \* Sec. 9. AS 14.20.440 is amended to read:

16 Sec. 14.20.440. REIMBURSEMENT. Members of the commission shall  
17 receive per diem according to law and are to be granted administrative  
18 leave with full pay by their employer for time spent in the perfor-  
19 mance of official duties under AS 14.20.370 - 14.20.510. If a member  
20 is required to spend more than 15 days in a fiscal year in the perfor-  
21 mance of official duties under AS 14.20.370 - 14.20.510, the state  
22 shall reimburse the employer for costs incurred after the 15th day.  
23 In this section "member" includes the alternate member.

24 \* Sec. 10. AS 14.20 is amended by adding a new section to read:

25 Sec. 14.20.472. DISCIPLINARY ACTION AGAINST ADMINISTRATOR. When  
26 the commission is investigating, hearing, or otherwise considering  
27 allegations of misconduct against a school administrator holding a  
28 certificate under this chapter, or reviewing a decision of the depart-  
29 ment relating to the issuance or denial of a certificate under this

1 chapter to a school administrator, the alternate member under AS 14.-  
2 20.400(b) shall replace one of the members who is a classroom teacher.  
3 Unless one of the members who is a classroom teacher has reason to be  
4 recused from the proceedings, the member to be replaced shall be  
5 selected by lot.

6 \* Sec. 11. TRANSITION PROVISIONS. (a) The member of the commission  
7 who is a school board member under AS 14.20.400(a)(5), as amended by sec. 1  
8 of this Act, shall be appointed upon the expiration of the term of the  
9 member who under current AS 14.20.400(5) represents an institution of  
10 higher learning. The member of the commission who is an elementary school  
11 principal under AS 14.20.400(a)(2), as amended by sec. 1 of this Act, shall  
12 be appointed upon the expiration of the term of the member who under  
13 current AS 14.20.400(2) is a principal. The member of the commission who  
14 is a secondary school principal under AS 14.20.400(a)(4), as amended by  
15 sec. 1 of this Act, shall be appointed upon the expiration of the term of  
16 the member who under current AS 14.20.400(4) represents the office of the  
17 commissioner.

18 (b) The Alaska Association of Elementary Principals and the Alaska  
19 Association of Secondary Principals shall draw lots to determine which  
20 group shall submit the list of names for the appointment of the first  
21 alternate member.

*Survey p. (1994)*

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: Composition of the Professional Teaching Practices Commission  
 Sponsor: Senate HESS  
 Requestor: Senate HESS

Agency Affected: Education  
 BRU: Commissions and Boards  
 Components: Professional teaching Practices Commission (PTPC)

**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						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING:** (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** (Attach a separate page if necessary)

Prepared by: Mary Hakala  
 Division: Commissioner's Office  
 Approved by Commissioner: William G. Demmert  
 Agency: Education

Phone: 465-2800  
 Date: 4/23/90  
 Date: 4/23/90

**Distribution (by preparer):**

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





• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •  
326 Fourth St., Suite 408 Juneau, Alaska 99801 586-9702

## POSITION STATEMENT

SB 548 "AN ACT RELATING TO THE COMPOSITION  
OF THE PROFESSIONAL TEACHING PRACTICES  
COMMISSION."

THE ALASKA COUNCIL OF SCHOOL ADMINISTRATORS strongly supports the reorganization of the PTPC and urges the passage of this legislation.

Sec. 14.20.450. Responsibilities of commission. The commission shall have the initial responsibility of developing, through the teaching profession, criteria of professional practices in areas including, but not limited to:

- (1) ethical and professional performance;
- (2) preparation for and continuance in professional services; and
- (3) contractual obligations

We believe that if the commission is to be truly representative of the profession it addresses, the commission membership must be representative of those professional positions it deals with.

Further, the representative of an institution of higher learning and the representative of the office of the commissioner do not represent a constituency which is actively involved with PTPC. Nor has there been any direct action taken involving professional conduct from either represented organization.

We feel strongly that full time representation from both principal levels is fair and equal treatment. Further, the school board representative is representative of the group that has direct responsibility for the hiring and releasing of professional educator in our public schools.

Again, we support the passage of SB 548.



**231.261 Education Practices Commission; organization. —**

(1) There is created the Education Practices Commission to consist of 13 members including 5 teachers, 5 administrators and 3 lay citizens (of whom 2 shall be school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations the commissioner shall consult with the teaching and other involved associations in the state. In making nominations the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member in order to be qualified for appointment

- 1 Must be certified to teach in the state
- 2 Must be a resident of the state
- 3 Must have practiced the profession in this state for at least 5 years immediately preceding the appointment

(b) A school administrator member in order to be qualified for appointment

- 1 Must have an endorsement on the teaching certificate in the area of school administration or supervision
- 2 Must be a resident of the state
- 3 Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment

(c) The lay members must be residents of the state

(2) Members of the commission shall serve for 4-year staggered terms. No commission member may serve more than 8 years.

(3) The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

(4) From among its members, the commission shall elect a chairman who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department is authorized to reimburse local school districts for substitutes.

(5) The commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service. The executive director may be dismissed by a majority vote of the membership.

(6)(a) The commission shall be assigned to the Department of Education for administrative purposes. The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Education.

(b) The property, personnel, and appropriations related to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Education.

(7) The duties and responsibilities of the commission are to

(a) Interpret and apply the standards of professional practice established by the State Board of Education

(b) Revoke or suspend a certificate or take other appropriate action as provided in s. 231.262 and in s. 231.17(6)(b).

(c) Report to and meet with the Education Standards Commission at least once each year.

(d) Have rulemaking authority pursuant to chapter 120.

(8)(a) The commission shall be divided into two panels for the purpose of reviewing and issuing final orders upon cases presented to it. A recommended order concerning a complaint against a teacher shall be reviewed and acted upon by a panel composed of four teachers, two lay citizens and one administrator from the commission. A recommended order concerning a complaint against an administrator shall be reviewed and acted upon by a panel composed of four administrators, two lay citizens and one teacher from the commission.

(b) The panels of the commission shall have final agency authority in all cases involving the revocation and suspension of certificates of teachers and school administrators. The local school board shall retain the authority to discipline teachers and administrators pursuant to law.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere for books of reference, periodicals, furniture, equipment, and supplies, and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Banking and Finance as provided in s. 17.03.

(10) The commission shall be financed from certification fees and general revenue.

History.—ss. 6, 11, ch. 80, 190; ss. 1, 2, ch. 81, 217; s. 136, ch. 81, 254; ss. 2, 3, ch. 81, 318; ss. 1, 4, ch. 82, 46; ss. 28, 30, ch. 82, 242; s. 2, ch. 83, 265; ss. 1, 4, 5, 6, 7, ch. 85, 221.

Note.—Repealed effective October 1, 1995 by s. 5, ch. 85, 221 and scheduled for review pursuant to s. 11, 61 in advance of that date. Repealed effective October 1, 1995 by s. 7, ch. 85, 221 and scheduled for review pursuant to s. 11, 61 in advance of that date.

**S C R**

**13**



Official Business

# Alaska State Legislature

## Senate

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

FEB 06 1989

### MEMORANDUM

TO: Senator Paul Fischer  
Chair, Senate HESS Committee

FROM: Senator Jay Kerttula

SUBJECT: SCR 13 - CREATING AN EDUCATION STANDING  
COMMITTEE

DATE: February 6, 1989

I would appreciate it very much if you would schedule a committee hearing on Senate Concurrent Resolution 13 at your earliest convenience.

Thank you very much for your attention to this request.



# 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) 585-3090

## FAIRBANKS REGIONAL OFFICE

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

March 2, 1989

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

Re: Senate Concurrent Resolution No. 13; Proposing an amendment to the Uniform Rules of the Alaska State Legislature creating and relating to the jurisdiction of the Education standing committees and relating to the jurisdiction of the Health and Social Services standing committees; and providing that the amendment will take effect on the convening of the First Session of the Seventeenth Alaska State Legislature.

NEA-Alaska supports and encourages the creation of a separate standing committee for public education and the University system. We commend the sponsors for acknowledging this crucial need.

The current HESS committees have responsibility for two of the most comprehensive agencies in state government and the magnitude of load which is always before HESS can't help but detract from the critical policy matters which deserve their scrutiny.

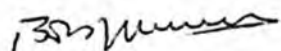
With over 1/4 of the total state operating budget, not to even mention the capital budget, necessarily focused on public education in Alaska it is essential that public education and the University be the focus of a single committee.

We feel that this long over-due change would result in better policy decisions, continuity in the appropriate legislative oversight, and the ability to be more responsive to the increasing and ever changing needs in public education in Alaska.

The opportunity and potential need for interim work by a standing Education Committee would permit legislators to more closely focus on the specific programs, services and the needs in our public schools as well as working more closely with the Department of Education and the State Board of Education.

Thank you for your consideration of our position.

Respectfully submitted,



Bob Manners  
Executive Secretary

cc: Senator Jay Kerttula  
Senator Tim Kelly



# Alaska State Legislature

Senate

MAR 08 1989

Official Business

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

March 7, 1989

TO: Senator Paul Fischer  
Chairman, Senate HESS Committee

FROM: Senator Jay Kerttula *JK/et*

SUBJECT: SCR 13 - Creation of an Education Standing Committee

I would like to request that a hearing be scheduled for Senate Concurrent Resolution 13, creating an Education Standing Committee.

Thank you for your consideration.

**S C R**

**18**

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 3/23/89  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

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

2/9/89

DATE TURNED INTO OFFICE 3/29/89

Mr. President:

HESS Committee considered SCR 18

inhalant abuse

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

Tim Kelly  
[Signature]  
John Duncan  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Paul Gish (Do Pass)  
Chairman signature and recommendation

[ ] Committee backup attached