

ALASKA LEGISLATURE COMMITTEE FILES
7021 HOUSE JUDICIARY

1991-1992

8672

2/12

(7)

HOUSE COMMITTEE REPORT

Date Referred: March 20, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/7/92

The JUDICIARY Committee considered:

CSSB 146(JUD)

CS FOR SENATE BILL NO. 146 (JUD)

LIMITED PRIVILEGES FOR REVOKED LICENSES

"An Act relating to limited driving privileges for a person whose driver's license is suspended for failure to have motor vehicle liability insurance."

RECOMMENDATIONS:

[] the same title

be replaced with _____

[] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

~~[]~~ no recommendations

[x] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

~~[]~~ zero fiscal note(s) JPS 3-11-92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		David Couley		✓	
J. L. Ellis	α	Terry Marshall		✓	
KA Shumby					

David Couley
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SB 409

Revision Date: _____ Department Affected: Public Safety
 Title: An Act relating to expenditures from the search and rescue fund BRU: Alaska State Troopers
 Sponsor: Senator Duncan Component: Search and Rescue
 Requestor: Senate State Affairs COMPONENT SERIAL NO.

	5	1	3
--	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
-------------------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Although this bill may result in reimbursement of some search and rescue funds, it is impossible to predict how often the provisions of the bill will be applied, and the amount of any recovery.

2/14/92

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 2/21/92
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton
 Agency: Department of Public Safety Date: 2/21/92



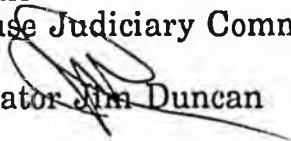
Alaska State Legislature

SENATOR JIM DUNCAN

P.O. Box V JUNEAU, ALASKA 99811-3100
(907) 465-4766

COMMITTEES:
VICE CHAIR –
FINANCE
VICE CHAIR –
STATE AFFAIRS
RULES
BUDGET & AUDIT
ETHICS REFORM

To: Representative Dave Donley
Chair
House Judiciary Committee

From: Senator  Jim Duncan

Regards: Hearing for Senate Bill 409 am

Date: April 6, 1992

I am requesting the earliest possible hearing for Senate Bill 409, "An Act relating to expenditures from the search and rescue fund."

The bill allows the state to recover costs of search and rescue missions if people knowingly file a false notice or report. It also addresses those cases where the subject of a search not in need of assistance is grossly negligent in failing to report their whereabouts after a mission starts.

It is my hope in introducing this bill that a provision in state law addressing these situations will act as a deterrent in the future.

Under terms of the bill, violators are faced with repaying the state's Search and Rescue Fund. The Attorney General is authorized, at the request of the Department of Public Safety, to recover funds.

The Department of Public Safety supports this legislation. The department's position paper along with a zero fiscal note is attached. I have also attached a sectional analysis.

The House State Affairs Committee unanimously made a "do pass" recommendation in its report.

Your favorable consideration of my request is most appreciated.

Attachments:

Senate Bill 409 Sectional Analysis

Section 1

This section adds a new subsection to AS 18.60.

Under terms of this section the Attorney General may seek to recover expenditures from the Search and Rescue Fund at the request of the Commissioner of the Department of Public Safety in the following two cases:

- When a person knowingly gives false notice or files a false report.
- When an individual, who is not in need of such assistance, is grossly negligent in failing to report their whereabouts after a search and rescue mission starts.

Section 2

This section specifies that application of this act pertains to notifications given under AS 18.60.120, dealing with search and rescue missions, and AS.160.150, reports of mysterious disappearances or separation from companions.

(7)

HOUSE COMMITTEE REPORT

Date Referred: March 18, 1992

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4/6/92

The STATE AFFAIRS Committee considered:

SB 409 am

SENATE BILL NO. 409 am

SEARCH AND RESCUE EXPENSES

"An Act relating to expenditures from the search and rescue fund."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s) a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) Public Safety 2/28/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eugene G. Kubina</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				
<i>[Signature]</i>	<input type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

Eugene G. Kubina
CHAIRMAN'S SIGNATURE

BILL NO: SB 409

DATE: February 21, 1992

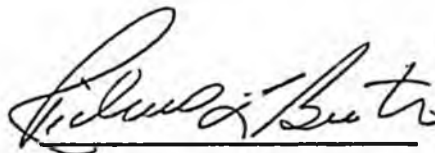
TITLE: An Act relating to
expenditures from the search
and rescue fund

CONTACT: Lt. Robert Clontz
Alaska State Troopers
465-4322

POSITION PAPER - Department of Public Safety

This legislation will enable the Attorney General, upon request from the Commissioner of the Department of Public Safety, to seek to recover funds that are expended on search and rescue missions when that mission was initiated based on false information. The funds would be recovered from the person who knowingly gave false notice or knowingly filed a false report. Recovery of funds could also be sought from the person who was the subject of a search, if the person's actions giving rise to the search demonstrated a grossly negligent failure to perceive that a search would be mounted and funds expended. This bill will lessen the chance that the state would expend scarce funds on searches that do not need to be conducted and will put the burden of payment on that person that caused a needless search or rescue to be initiated.

The Department of Public Safety supports this bill.



Richard L. Burton
Commissioner

PUBLIC SAFETY POSITION PAPER

S B

4 3 7

FISCAL NOTE

No. 1

Bill Version: SB 437

(S) Publish Date: 3-19-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: An act concerning fire arms in schools and school rights to search

BRU: Educational Program Support

Component: Special Projects

Sponsor: Sen. Collins

Requestor: (S) Judiciary

COMPONENT SERIAL NO.

	1	7	3
--	---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

This zero fiscal note assumes the Department of Education will have no responsibilities related to enactment of this legislation.

Changes in CSB 437 (JVD) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

3/18/92 rc
date Comte Aide (initial)

Prepared by: Mike Maher

Division: Commissioner's Office

Date: 3-3-92

Approved by Commissioner: [Signature]

Agency: Education

Date: 3-3-92

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Department of Corrections
 Title: "An Act concerning keeping of BRU: Statewide Operations
firearms in...schools." Component: Various
 Sponsor: Senator Collins
 Requestor: State Judiciary COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Changes in CS SB 437 (JWD)
 reflect NO FISCAL CHANGE from the original
 fiscal note. This fiscal note is appropriate.

3/18/92 PC
 date Comte Aide (initial)

Prepared By: Diane Schenker, Legislative Liaison Phone: 465-3376

Division: Office of the Commissioner Date: 02/28/92

Approved by Commissioner: Lloyd Hames, Commissioner

Agency: Department of Corrections Date: 02/28/92

CONTINUATION OF FISCAL ANALYSIS

BILL: SB 437 "An Act concerning keeping of firearms in certain lockers, and other containers in preschools, elementary, junior high, and secondary schools, and postsecondary educational institutions, and the right of schools, school districts, and postsecondary educational institutions to search and examine certain lockers and other containers."

The bill would expand the crime of Misconduct Involving Weapons in the Third Degree to include keeping a firearm on school grounds, including in lockers. The bill adds postsecondary schools to the list of schools at which possessing or keeping a firearm would be prohibited. The bill grants school administrators the authority to search lockers.

In a one day "snapshot" profile of offenders on December 31, 1991, there were no offenders under the Department's supervision on probation for MIW III unless this offense was included as an additional charge with a more serious offense. There was one inmate incarcerated whose most serious offense was MIW III.

By expanding search authority and by extending prohibition of weapons to postsecondary institutions, it is possible the bill would result in additional cases of MIW III. However, it is assumed that the majority of locker searches would involve minors not subject to the jurisdiction of the Department. Even a 100% increase in adult cases of MIW III resulting in incarceration would only mean two offenders incarcerated instead of one. Therefore, the Department does not expect significant fiscal impact from this proposed change in law.

Alaska State Legislature

During Session
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2828

During Interim
3111 C Street, Suite 540
Anchorage, Alaska 99503
(907) 561-2040

Senator Virginia Collins

May 1, 1992

MEMORANDUM

TO: Representative Dave Donley, Chairman
House Judiciary Committee

FROM: Senator Virginia Collins *VC*

SUBJECT: CSSB 437(JUD) - amending statutes pertaining to
weapons on school grounds.

SB 437 passed out of House HESS today. I respectfully request that you schedule SB437 for a hearing before your committee.

This bill does three things: (1) it puts language in statute allowing school and university administrators to search student lockers for weapons; (2) it adds the term school lockers to the definition of school grounds removing any ambiguities as to whether they fall under the definition of school grounds; and (3) it does not limit the existing authority of law enforcement officials.

The policy question is, whether this type of legislation is necessary? The answer is yes. Times have changed. Violence is pervasive throughout American society. Our schools are becoming unsafe. Students, parents and teachers need the assurance that schools will not be allowed to become armed camps.

Our responsibility as lawmakers is to anticipate problems and offer solutions to those problems. Our highest priority should be safe schools that allow students the opportunity to learn and provide teachers an environment in which to teach.

Attachment



HOUSE COMMITTEE REPORT

(7)

Date Referred: April 22, 1992

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 5/1/92

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: CSSB 437(JUD)

CS FOR SENATE BILL NO. 437 (JUD)

POSSESSION OF FIREARMS IN SCHOOL LOCKERS

"An Act concerning keeping of firearms in certain lockers and other containers in preschools, elementary, junior high, and secondary schools, and postsecondary educational institutions, and the right of schools, school districts, and postsecondary educational institutions to search and examine certain lockers and other containers."

- RECOMMENDATIONS: the same title
 be replaced with _____ a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<i>Mark P. Haley</i>		X	
<i>Bettye Davis</i>	X	<i>Patricia King</i>		✓	
<i>Cheri Davis</i>	X				

Patricia King
 CHAIRMAN'S SIGNATURE

SB 437 "An Act concerning keeping of firearms in certain lockers and other containers in preschools, elementary, junior high, and secondary schools, and postsecondary educational institutions, and the right of schools, school districts, and postsecondary educational institutions to search and examine certain lockers and other containers."

Zero Fiscal Note, Department of Education (blue)

Zero Fiscal Note, Department of Corrections (shocking pink)

1. Senate Judiciary Minutes (3/30/92)
2. Senate Judiciary Minutes (4/12/92)
3. Sponsor statement
4. Sectional Analysis - Legal Services
5. Press reports
6. ASD Statement of Rights and Responsibilities
7. ASD Survey Results/Gun Incident Report
8. Fairbanks Policy
9. Address to Fairbanks Chamber of Commerce by Superintendent Cross

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

240 Main Street, Suite 500
Juneau, Alaska 99801-2101

MEMORANDUM

March 24, 1992

SUBJECT: Sectional Analysis of CSSB 437 (Judiciary)
(Work Order No. 7-LS2039\P)

TO: Senator Virginia Collins
Attention: Shirley Armstrong

FROM: Robert Glennon Casey
Legislative Counsel

RG C 3-24-92

You have asked for a sectional analysis of the above-described bill. This memorandum analyzes the version of the bill bearing the work order number 7-LS2039\P, which is dated March 18, 1992. The bill itself is the authoritative statement of its contents, but this interpretative analysis may provide some guidance.

Section 1 would amend an existing statute, AS 11.61.220 ("misconduct involving weapons in the third degree"). That statute already criminalizes unauthorized storage of guns in school lockers (actually, it uses the phrase "knowingly possesses," but the definition of "possess" in AS 11.81.900 would encompass storage in a school locker), but this bill would add "postsecondary educational institutions" to the list of places where it was unlawful to store guns in school lockers.

Section 2 would add a definitional subsection to the statute described above. School "grounds" would be defined in the bill to include lockers and other containers provided in the school by the school, school district, or postsecondary educational institution.

This section is designed to anticipate a defense argument that keeping a gun in a student's locker could not possibly violate the law, since the locker was a private place not to be understood as falling within the meaning of "school grounds." Such an argument would probably be meritless anyway, but this section might help to avert the argument by explicitly stating that school lockers were school grounds.

Section 3 would add a new section to AS 14.03 ("Public Schools Generally"). Subsection (a) of this new statute would state that schools were permitted under

Senator Virginia Collins

March 24, 1992

Page 2

certain circumstances to conduct and authorize warrantless searches of lockers and other containers on school grounds.

Neither a search warrant nor probable cause would be required by this subsection for a search of a school locker. The only condition (other than that the search be conducted "to determine compliance with school regulations, school district regulations, and local, state, and federal laws") would be contained in subsection (b): conspicuous posting of notices throughout the school for at least two weeks prior to a search.

Schools wishing to conduct continuous random searches could simply keep the notices permanently posted.

(Brief legal discourse: the law already seems to recognize some right of schools to conduct warrantless searches of school lockers. Unfortunately, circumstances in which a school could presently conduct a warrantless search are uncertain and variable. They depend on whether an individual student possesses a "legitimate expectation of privacy" in the particular locker that is searched. Thus a school might believe, under existing law, that it needed a separate legal review for each locker that it planned to search. Subsections (a) and (b) would articulate a baseline procedure for warrantless and random searches of school lockers that did not involve individual legal review for each search to be conducted.)

Subsection (c) stipulates that the condition placed by subsection (b) on searches authorized under subsection (a) would not restrict whatever other authority already existed in the law for conducting a search. So, if a warrantless search with no advance notice were for some reason valid under existing law, subsection (c) would provide that it continued to be valid despite enactment of this bill.

Section 4 would add a new section to AS 14.48 ("Regulation of Postsecondary Educational Institutions"). It would provide rules for searching lockers at postsecondary educational institutions that were similar to the rules in section 3 of this bill.

RGC:lmb
92-076.lmb

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

May 7, 1991

TO: TOM O'ROURKE, SUPERINTENDENT
FROM: *Bob Christal*
BOB CHRISTAL, ASSISTANT SUPERINTENDENT OF
INSTRUCTION

SUBJECT: Survey Results - Gun Incident Report

Attached is the summary report of the survey we conducted in April regarding incidents of possession of guns on school grounds.

At the elementary level three schools reported having dealt with guns this school year. In all cases parents were contacted, the police department was contacted in two cases. The police department was not contacted in the case where the student brought a musket for Show and Tell.

The secondary schools reported twelve (12) cases. The police were contacted in all but one of the cases. The one where the police were not contacted involved a toy gun. Disciplinary action was taken in each case and involved the parents. The District has taken action to prohibit the possession of guns on school grounds. The Anchorage School District and the Municipality of Anchorage worked together last fall to develop the local ordinance, passed by the Assembly, to prohibit the possession of guns on school grounds.

Currently the secondary schools are involving parents and staff in a review of existing policies and procedures on the issues of weapons. A set of recommendations is due by the end of May for administration and School Board action.

S2.75

Attachment

cc Carol Comeau
Bill Mell
School Principals

ANCHORAGE SCHOOL DISTRICT
INSTRUCTIONAL DIVISION
GUN INCIDENT REPORT
April 29, 1991

The Instructional Division conducted a survey of the elementary and secondary schools the week of April 15, 1991 to determine the number of incidents of guns being brought onto the school grounds

Following is a compilation of the survey results. If a school is not listed by name that indicates there were no reported incidents of gun(s) at that school. We have provided detailed information of schools where a gun was reported. The names of the students have been deleted for confidentiality reasons.

In every case when the school was informed the incident was dealt with immediately and disciplinary action was taken. The issue is one that warrants continued vigilance and positive action as has been the past practice in the District.

Elementary Schools - 55 schools reporting

Fifty-two (52) elementary schools reported no incidents of guns on school grounds. Three elementary schools did report a gun having been on the school grounds and following are the details on a school by school basis.

BAYSHORE:

Incident: Musket in backpack for sharing time. (Show N Tell)

Action Taken: Principal and parent dealt with the incident at the building level.

Police Contacted: Police were not contacted.

MULDOON:

Incident: Special Education student brought non-functioning hand gun to school.

Action Taken: Police and parent contacted. Conference held. Student suspended for one day out-of-school suspension.

Police Contacted: Police were contacted.

RUSSIAN JACK:

Incident: Child brought a pellet gun to school in his back pack.

Action Taken: Gun confiscated. All three students that played with gun were suspended for one day for their part with the gun. Parents worked closely and concurred with suspension.

Police Contacted: Police were contacted.

-
- ① This year we had a 6th grader at Mt View Elementary bring a loaded gun to school. Suspended for 45 days.
- ② 2nd grader Denali loaded semi automatic pistol lost Monday 2/24/92
- ③ 2 months ago West Hill School Stabbing.

Secondary schools /programs 20 reporting

Twelve (12) secondary schools reported no incidents of guns on school grounds. Eight secondary schools did report incidents of a gun on school grounds and following are the details on a school by school basis.

BARTLETT: (1 incident)

Incident: A gun was seen by other students who reported it to classroom teacher.

Action Taken: Security was notified and asked student for the weapon outside the classroom. Gun surrendered to Security without resistance. Student and weapon brought to office. Student expelled by Board Action 11/13/90.

Police Contacted: Police were contacted. Student was arrested and detained.

CLARK: (2 incidents)

Incident: (1) An administrator and teacher received information that a student had a gun in school. No gun was found but the student admitted to bringing a so-called plastic gun to school and made statements to the students while pointing it at them such as "Don't worry, it's not loaded". As a result of the investigation, it is believed that the gun involved was a real gun. (2) Window on employee's vehicle had been shot out with a BB gun while parked on school parking lot. An ex-student did the shooting, was not in school

Action Taken: (1) Security was notified and asked student for the weapon outside the classroom. (2) Police contacted/charges filed, weapon seized on school grounds, pending action by youth authorities.

Police Contacted: (1) Police were contacted. Student was arrested and detained. (2) Police were contacted, charges were filed for possession of weapon on school campus.

DIMOND: (2 incidents)

Incident: (1) An estranged father appeared on the student parking lot after school and noticed his daughter sitting in a student car. Earlier that day the father had requested assistance from the school in gaining custody of his daughter, who he considered a runaway. When a band of students surrounded the girl to prevent his taking custody, the father (apparently frightened) pointed a hand gun toward/above the students. (2) On November 28, 1990, a tip received by the Federal Bureau of Alcohol, Firearms and Tobacco was telephoned to Principal. The Dimond security person and the Assistant Principal, interviewed the suspect, received a full confession, and took custody of a large caliber hand gun which was reported by the student to be in his car.

Action Taken: (1) No action taken against the students. Counseling if requested. (2) Suspended pending recommendation to expel. Expulsion recommended. School Board suspended for first semester.

Police Contacted: (1) Police were contacted. Police took custody of the father until students were gone. (2) Immediately arrested by police for possession of weapon on school grounds.

GRUENING: (1 incident)

Incident: On March 1, a student brought a plastic toy gun which shoots small plastic discs. He was shooting this gun in the lunchroom.

Action Taken: Suspension for 3 days, conference with parents.

Police Contacted: Police were not contacted. Gun was a toy but fit under the School District's definition of a weapon.

SERVICE: (1 incident)

Incident: Gun under seat in truck in school parking lot - found during search for Drugs/Alcohol. Student gave permission for search on 3/26/91.

Action Taken: Suspension for 3 days. Transporting gun to Dad's house with parent permission.

Police Contacted: Police were contacted. Gun was taken to family.

STELLER: (1 incident)

Incident: The student brought an unloaded handgun to school in his backpack. He showed it to other students, one of whom reported it to a teacher who then reported to the principal.

Action Taken: Student was given a 9-day suspension. Recommendation for long-term suspension was made. Hearing to be scheduled.

Police Contacted: Police were contacted.

WENDLER: (1 incident)

Incident: A student reported that another student had a "stun gun" at school. The student was questioned and admitted possession. Student willingly produced the weapon.

Action Taken: Student was given a 9-day suspension.

Police Contacted: Police were contacted.

WEST: (3 incidents)

Incident: (1) A student was wearing a loaded 9mm hand gun in a shoulder under sweater. Other students reported incident to school administrators. (2) Students reported to school administrators that another student was in possession of a gun. (3) The third incident of a firearm on West High School grounds was in December. In December it was reported by

Action Taken: (1) Student was suspended under emergency suspension rules with recommendation for expulsion presented to School Board. The School Board expelled the student. (2) Student was suspended under emergency suspension rules with recommendation for expulsion presented to School Board. The School Board expelled the student. (3) The student was suspended for 9 days for having the unloaded weapon in his vehicle. Another student who had accompanied the first student at lunch was suspended for 5 days. Both students served the suspensions and there were no appeals.

Police Contacted: (1) Police were contacted. Citizen arrest made. (2) Police were contacted. Citizen arrest made. (3) Police were contacted, confiscated the weapon but made no arrests.

ASD STATEMENT OF RIGHTS AND RESPONSIBILITIES

1991-92

PREAMBLE

1. A primary responsibility of the Anchorage School District and its professional staff shall be the development of an understanding and appreciation of our representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.
2. The school is a community and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. Among the responsibilities of school citizenship are respecting the laws of the community and the rights of other citizens and contributing to the fulfillment of educational purposes through cooperative conduct.
3. Young people in the United States have the right to receive a free public education, and deprivation of that right may occur only for just cause and in accordance with due process of law.
4. Students have the rights of citizenship as delineated in the United States Constitution and its amendments; and these rights may not be abridged, obstructed or in other ways altered except in accordance with due process of law. The First and Fourteenth Amendments to the Constitution of the United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the manner and extent to which schools may regulate the speech and expression of students. In order to curtail First Amendment rights, school authorities must show that the failure to do so would create a material and substantial disruption of school work and discipline.
5. Administrators and teachers also have rights and duties. The teacher is required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program.
6. The principal is authorized to recommend expulsion, and to suspend or discipline students for cause. The teacher has the authority to temporarily remove students from a class or discipline students for cause. The following rules, regulations and due process procedures statement are designed to protect all members of the educational community in the exercise of their rights and duties.
7. Nothing in this statement of student rights shall be held to limit the due process rights of educators or noncertificated school employees nor their use of District grievance procedures.

Rights, Responsibilities and Limitations

Any conduct prescribed by the following statement of rights, responsibilities and limitations shall be subject to appropriate corrective action from simple discipline to expulsion:

1. CRIMINAL ACTS

The following acts are among those crimes defined in detail under the laws of the State of Alaska.

AIDING AND ABETTING — Assisting in the commission of a crime, with the result of being treated as a principal. AS 11.16.100 - 130

ARSON — Damaging any property by intentionally or negligently starting a fire or causing an explosion, or attempting to start a fire or cause an explosion. AS 11.46.400 - 430

ASSAULT — Physically injuring or threatening to physically injure another person. AS 11.41.200-230

BURGLARY — Entering unlawfully or remaining unlawfully with intent to commit a crime. AS 11.46.300 - 310

EXTORTION OR BLACKMAIL — Obtaining money, property, or actions by violence or threat of violence or untrue accusations or public ridicule. AS 11.41.520 - 530

FORGERY — Falsely making or altering a written instrument or knowingly possessing a forged instrument. AS 11.46.500 - 11.46.500

LARCENY — Theft without force or violence against another person. A.S. 11.46.100-210

MALICIOUS MISCHIEF — Willful property damage or interference with property rights. A.S. 11.46.480-486

RECKLESS ENDANGERMENT — Engaging in conduct which creates a substantial risk of serious physical injury to another person. A.S. 11.41.250

ROBBERY — Stealing from the person of another by force or threat of force. A.S. 11.41.500-510

SALE, USE OF, POSSESSION OF, INTOXICATING LIQUOR OR ILLEGAL DRUGS* — A.S. 17.10.010, 17.12.010, 4.16.010

TRESPASS — Presence on another's property without permission and/or refusal to leave another's property upon request. A.S. 11.46.320-330

The commission of, or participation in, any criminal activity in school buildings, on school property, or at school-sponsored events is prohibited. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result.

2. **WEAPONS AND FIREARMS:** Students on school property or attending a school-sponsored event shall not carry on their person or place anywhere on school property, or in the vicinity of a school-sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course of instruction. Students found with any firearms or weapons at school or at school activities are subject to expulsion and arrest.

3. **SMOKING:** Students are not permitted to smoke on school property.

4. **ATTENDANCE:** Daily attendance of all who are enrolled in the ASD schools is required in accordance with State law and School Board rules. Students will attend regularly scheduled classes unless officially excused.

5. **DISRUPTIVE CONDUCT:** Conduct which materially and substantially interferes with the educational process or the lawful activities of others is prohibited.

6. **COOPERATION WITH SCHOOL PERSONNEL:** Students must obey the lawful instructions of all school district personnel.

7. **SELF IDENTIFICATION:** All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to authorized school district personnel or their designee.

8. **OFF-CAMPUS EVENTS:** Students at school-sponsored, off-campus events shall be governed by school district rules and regulations and shall be subject to the authority of school district personnel.

9. FREEDOM OF SPEECH AND ASSEMBLY

1. Students are entitled to express verbally their personal opinions in a manner that does not interfere with the freedom of others to express themselves. Obscenity and slander are prohibited.

* The school official in charge shall immediately remove from campus and return to the student under the influence of alcohol or drugs and transportation and maintain the property, unless...

- b. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations on school property shall be conducted at times and places approved by the principal or his/her designee. Conducting demonstrations or meetings which interfere with the educational process or the lawful activities of others is prohibited.

10. FREEDOM OF SYMBOLIC EXPRESSION

- a. **STUDENT DRESS CODE:** Each student shall attend school clothed in a manner which is clean, not hazardous to the safety of him/herself or others, and which does not detract from the required educational environment. Students may not wear clothing or items that are associated with gangs or gang-like groups. Students who do will be excluded from school until such time that they cease wearing the clothing or items to school or school events.
- b. **BUTTONS AND ARMBANDS:** Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs or gang-like groups are deemed to, and of themselves to substantially interfere with the orderly process of school.
- c. **PATRIOTIC ASSEMBLY:** A student may abstain from the pledge or salute if he/she desires.

11. FREEDOM TO PUBLISH

- a. Generally, the restrictions and regulations governing responsible journalism*, as defined by the American Society of Newspaper Editors, should be applied to ASD student publications with the clear understanding that school officials have the authority, indeed the duty, to provide for an ordered educational atmosphere free from constant turmoil and distraction. (Note School Board Policy 490.1 Student Publications)
Prohibited material: Material which is libelous or violates the rights of privacy; obscene according to community standards; profane or vulgar slang language which would not be used by the local newspapers; advocating the breaking of school policy or law; critical, demeaning or attacks any race, religion, sex, handicap or ethnic group; commercial solicitation for products, i.e., cigarettes, liquor, drugs or any product prohibited for any person 18 years of age or younger; endorsements of or solicitations regarding partisan causes, political candidates or ballot measures of a nature that it would cause a disruption of the school. (Note School Board Policy 490.14)
- b. Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified elsewhere in the paper. (Note School Board Policy 490.13)
- c. Students have the right to distribute leaflets and handbills at times and places as determined by the unit administrator or his/her designee. The students who edit, publish or distribute such leaflets and handbills among their fellow students assume the responsibility for the content of such publications. The administrator or his/her designee shall be entitled to predistribution examination of materials to ascertain whether these materials would disrupt the orderly educational process.

Non-school publications being distributed on school property may be seized by the unit administrator or his/her designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications must be returned to the student or made available to the parent/guardian at the end of the school day.

* Copies of the Codebook of Journalism are available in the school office and the school library.

- d. Commercial solicitation not authorized by the Superintendent or designee will not be allowed on school property at any time. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district. Non-school newspapers may be distributed only at times and places as determined by the unit administrator or his/her designee.

- e. Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. Polls shall be authorized by the unit administrator or his/her designee if they interrupt class time, and the unit administrator or his/her designee shall be informed of polls taken during students' free time in school.

12. SEARCH AND SEIZURE

The following rules shall apply to search and seizure pertaining to students and school property assigned to them (e.g., lockers, desks):

- a. Search of a specific area assigned to a student should be for a specific item and take place in the presence of the student and that of a third person if each, respectively, can be located.
- b. The school administration retains control over lockers and desk space loaned to students. The unit administrator or his/her designee has the right and duty to inspect and search students' lockers and desks, if he/she has reasonable cause to believe, upon information received from the police or otherwise, that drugs, weapons, dangerous illegal, or prohibited matter, or goods stolen from the school or from members of the staff or student body, are likely to be found therein. The unit administrator or his/her designee has the right and duty to search a student's person if he/she has reasonable cause to believe that drugs, weapons, dangerous illegal or prohibited matter, or such stolen goods, are likely to be found on the student's person. The fruits of such searches may be turned over to the police or used in school disciplinary proceedings.
- c. No search shall be conducted without attempting to secure the permission of the person possessing the property to be searched except if the suspected possession poses threat to life or property. Searches of lockers specifically for the purpose of locating weapons or firearms may be conducted by school authorities. Students will be notified at least once each semester that such searches will be conducted at the discretion of the unit administration.
- d. Illegal items (firearms, weapons) or other possessions reasonably determined to be a threat to the safety or security of others may be seized temporarily by school authorities and at the discretion of the unit administrator or his/her designee turned over to the police authorities. All legal items shall, upon request, be made available to the parent/guardian or the student at the end of the school day.
- e. The above provisions shall not apply to general searches conducted for a specific purpose and with announcement at least one day prior to the day of the search.
 - 1. Items which are used to disrupt or interfere with the educational process may be seized temporarily by school authorities. Such items shall, upon request, be returned to the student or the parent/guardian at the end of the school day.
 - 2. The unit administrator or his/her designee may search automobiles which are parked on school grounds if he/she wishes to determine that drugs, alcohol, weapons, dangerous illegal matter or goods stolen from members of the staff or student body are likely to be found therein.

13. STUDENT SEARCH PROCEDURES

A. Lockers and Desks

The School District retains control over locker and desk space

provided to students, as stated in the ASD Statement of Rights and Responsibilities. (See School Board Policy #450.) The unit administrator and/or his/her designee may inspect and search students' lockers and desks, if he/she has reasonable cause to believe that drugs, weapons, illegal or dangerous materials, or stolen goods will be found inside.

B. Possessions and Outer Garments

The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the unit administrator has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. No probable cause or warrant is required before a search may be conducted. A search may be conducted if a school official believes that a violation of a school rule or State law has taken place. Any such search must be conducted in private by the unit administrator or an assistant principal, and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent/guardian to obtain his/her consent prior to the search. Searches will be limited to the examination of the contents of a student's possessions and outer garments, although a student may be requested to empty pockets or all contents. Materials discovered in a search may be used in school disciplinary proceedings, and turned over to the police.

C. Search of a Student's Person

Should an administrator have reason to believe that a student has drugs, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the administrator may conduct a search of the student's person. No such search may be undertaken unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person.

Prior to commencing a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts must be made by school authorities to notify the student's parents/guardian and permit the parent/guardian the opportunity to be present. The student, or the student's parent/guardian if present, will be asked to sign a written consent form, specifying the nature of the search, the rights of the student, and the possible consequences faced by the student. If consent is refused, the student, or parent/guardian if present, will be asked to sign a written statement to that effect. In case of refusal, the search procedure will be immediately halted, and the matter turned over to the police.

Initial searches of a student's person shall be confined to a pat-down search unless the student specifically requests that the search proceed with the removal of garments rather than a pat-down search. Male students will be searched by men and female students only by women. During such a search, procedures to assure the privacy and dignity of the student will be followed.

Should a pat-down search provide reasonable cause to believe that the student has prohibited material concealed upon his/her person, the student will be requested to surrender the materials. If the pat-down search does not reveal any prohibited material, but based on information received, the administrator continues to have reasonable cause to believe there is a strong likelihood that prohibited material is concealed upon the student's person, the administrator may request the student to remove or adjust clothing to the degree necessary to ascertain whether the student does in fact possess prohibited material. Prohibited material uncovered in a search may be used in school disciplinary proceedings, and turned over to the police. Any such search will be conducted with the utmost respect for the

utmost respect for the student's privacy and dignity.

Should a student, or student's parent/guardian, at any point refuse permission to continue a search, the school authorities will immediately discontinue the search procedure. The student, and parent/guardian, will be informed that unless permission is granted to continue the search, the matter may be turned over to law enforcement officials. Should permission still be withheld, the student will be placed in a supervised area and the police called.

D. Emergency Exception

When an administrator believes with a reasonable certainty, on the basis of information provided through direct observations by school personnel, that a student possesses any weapon or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent/guardian will be notified of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to persons or property.

STUDENTS RIGHTS AND RESPONSIBILITIES

The ASD Statement of Rights and Responsibilities updated August, 1991, constitutes Board policy on matters pertaining to students' rights and responsibilities. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedent unless specifically limited by such other Board policy.

DUE PROCESS

The constitutional rights assured to individuals includes the guarantee that no person shall be deprived of life, liberty or property without due process of law. Students are recognized as "Persons" under the constitution and a system of constitutionality and legally sound procedures has been developed for the administration of discipline in the schools.

1. The hallmark of the exercise of disciplinary authority shall be fairness.
2. Before the imposition of a sanction, a student shall be given an opportunity to contest any alleged facts leading to the proposed disciplinary action and to present his or her version of the facts.

SANCTIONS

1. **SIMPLE DISCIPLINE:** Any disciplinary action against a student other than suspension or expulsion. No simple disciplinary action shall be taken in such a manner as to prevent a student from accomplishing specific academic grade, level or graduation requirement, provided that credit may not be granted for irregular attendance as described in the Secondary Administrative Manual. Simple disciplinary actions will be subject to the procedures established in Section 2(b) below.
2. **SHORT TERM SUSPENSIONS:** Denial, without a formal hearing, of the right of school attendance either from a single class or any full schedule of classes for a limited period of time not to exceed three (3) school days.
 - a. **Short Term Suspension:** A short term suspension is a suspension ordered for any reason by the school administrator where the total sanction will not exceed three (3) school days.
 - b. Prior to a student being placed on short term suspension, the student must be given written or oral notice of the charges against him/her, and, if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.
 - c. **Notice to Parent/Guardian:** Except in most extreme situations

for students whose presence poses an immediate or continuing danger to themselves, other persons or property, or an ongoing threat of disruption of the academic process, the school administrator shall endeavor to notify the parent/guardian of the student of the pending suspension. In addition, the student and/or his/her parent/guardian shall be provided written notice of the suspension prior to the time the suspension is to commence.

d. **Appeal of Suspension:** After notification of the suspension, the student or his/her parent/guardian may request an informal hearing. The request shall be in writing. The hearing shall be held as soon as possible after receipt of the written request and shall be before an individual other than the individual who imposed the suspension. No persons other than the student, the parents/guardians and the individual who imposed the suspension may attend the hearing, although the individual designated to hold the hearing may, in his/her sole discretion, allow other persons with knowledge of facts relevant to the suspension to attend the hearing to describe their knowledge of the facts. The decision of the designated individual will be announced in writing within one school day after the hearing ends and shall be final.

The submission of a written request for a hearing shall stay further imposition of any remaining portion of the suspension. Failure to submit a written request for a hearing until after the completion of a suspension shall constitute a waiver of any right to such a hearing.

3. **LONG TERM AND EMERGENCY SUSPENSIONS:** Denial of the right of attendance from any single class or any full schedule of classes for a stated period of time greater than three (3) school days. The following limitations shall apply to all long term suspensions:

a. No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.

b. No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.

c. **Emergency Suspension**—Suspension to be used in the most extreme situations for students whose presence poses an immediate or continuing danger to self, persons or property or whose behavior threatens to disrupt the academic process. Immediate removal from school may occur. In such cases, the necessary notice and opportunity for a hearing shall follow as soon as is practical, with the hearing and any subsequent proceedings to be governed by the procedures set out in Section 3, 4 and 5.

4. **EXPULSION:** The denial of the right of school attendance, either from a specific school or from the District, for an indefinite period of time. No student shall be expelled unless other means of correction have failed or would not be adequate in bringing about proper conduct. In addition, the matter of an expelled student's further education shall be referred to the appropriate authority.

5. **PROCEDURAL REQUIREMENTS:** The following guidelines will govern the procedures when suspension or expulsions under Sections 3 or 4 above are proposed by school authorities.

a. When the school administrator, the Superintendent or his designee recommends long term suspension or expulsion, a written notice shall be delivered by mail or in person to the student and his/her parent/guardian. This notice shall state the student's right to a hearing, the specific charges lodged against him/her, and the recommended sanctions. The student and/or his/her parent/guardian may reply in writing within five (5) school days of receipt of the notice, indicating whether he/she wishes to have a hearing. If a reply is not received within the five (5) day period, the student and his/her parent/guardian shall be deemed to have waived his/her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request. The long term suspension or expulsion may be imposed after notice of:

(1) The student and/or parent/guardian does not request the formal hearing at the time of the suspension or expulsion.

(2) In extreme situations where the presence of the student poses an immediate or continuing danger to him/herself, other persons or property, or an ongoing threat of disruption of the educational process.

b. The Hearing Officer: The Hearing Officer shall be appointed by the Superintendent or his designee and shall conduct the hearing in accordance with these rules.

c. The following procedural guidelines shall govern the hearing:

(1) Parent/guardian may be present at the hearing.

(2) The student, parent/guardian may be represented by legal counsel (or other spokesperson).

(3) The student or his/her representative shall be permitted to inspect in advance of such hearing any affidavits or exhibits which school authorities intend to submit at the hearing.

(4) The student shall be given an opportunity to present his/her version as to the charges by oral or written argument, affidavits, exhibits and such witnesses as desired.

(5) All relevant, not unduly repetitious, evidence shall be accepted.

(6) The student shall be allowed to observe all evidence offered against him/her. In addition, he/she shall be allowed to question any witness.

(7) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.

(8) The hearing authority shall make his/her determination solely upon the evidence presented at the hearing.

(9) Either a tape-recorded or verbatim record shall be made of the hearing by the School District.

(10) Within three (3) school days after completion of the hearing, the hearing officer shall render a written decision upholding, modifying, or rejecting the recommended sanction. The student and his/her parent/guardian shall be provided a copy of the decision within five (5) school days after completion of the hearing.

d. The student and his/her parent/guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board. If an appeal is not made, the decision shall take effect at the end of this five (5) day period. If an appeal is requested, the imposition of the decision shall be stayed until the appeal is decided by the School Board except under the circumstances described in Section 5(a)(2) above.

e. The following procedural guidelines shall govern an appeal to the School Board:

(1) The Board or its designee will schedule and hold a meeting to review the matter as promptly as possible after the receipt of such an appeal. The Board shall notify the student and his/her parent/guardian at least three (3) days prior to the scheduled meeting.

(2) At that time, the student, his/her parent/guardian or spokesperson shall have the right to present oral and/or written argument. Consideration by the Board will be restricted to evidence in the record submitted during the hearing, although the Board may consider, in its sole discretion any new, relevant evidence not available at the time of the hearing.

The Board, in deciding the appeal, shall determine:

(a) Whether the decision was arbitrary or capricious;

(b) Whether the decision was supported by substantial evidence in the record; and

(c) Whether the sanction was fair and reasonable in light of all circumstances.

(3) The Board, or its designee, shall issue a written decision within five (5) school days after the meeting. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.

f. In no circumstances shall either a long term suspension or expulsion prevent a student from submitting an application for readmission prior to the termination of the sanction. Applications for readmission shall be submitted to the Superintendent.

Fairbanks North Star Borough School District

ADDRESS TO THE FAIRBANKS CHAMBER OF COMMERCE

By Richard S. Cross, Superintendent of Schools

October 22, 1991

The purpose of Red Ribbon Week is to raise public awareness about problems caused by drug and alcohol abuse, and to recognize that this abuse is a wide-spread social problem which only a community-wide effort will solve. Our school district recognized the seriousness of this social issue years ago and implemented programs in the district not only to educate our children about the hazards of substance abuse but also to help those whose health and safety was endangered because of drugs and alcohol.

Some very committed people in our district took a leadership role in the campaign against substance abuse. The first was Terry Marquette, the North Pole High School principal, who has been involved with youth in our community both as a teacher and administrator for over twenty years. Terry instituted a program at North Pole High which has been duplicated at all of our secondary schools. Last spring, North Pole High was selected by the United States Department of Education to receive national recognition in the 1990-91 Drug Free Schools Program. Terry and his faculty were flown to Washington D.C. to be honored by President Bush and others for their efforts. Mike Thibodeau and Terry Solomon are two other individuals who have worked extremely hard over the past several years to ensure that every school in the district has a successful substance abuse program. Approximately 2,000 students are involved in school-sponsored drug-free clubs or activities and we have experienced a significant reduction in the number of students suspended due to drug and alcohol problems.

I believe this demonstrates that our school district is able to take a serious social issue and develop educationally sound, nationally recognized strategies to help students. However, most young people who drink or do drugs do so after school and on weekends. Red Ribbon Week is meant to remind us that substance abuse is a community-wide problem, not just a school problem. Schools alone cannot and will not "solve" the drug and alcohol problem.

We will continue our efforts in the area of substance abuse prevention but this is not the only problem we must face as a community. I am here today to talk about another social issue of grave concern--the escalation of violence in our schools and community.

I became aware of changes in people's perceptions about school safety late last spring. Jerry Hartsock, our assistant superintendent for secondary education, was one of the first to bring this problem to my attention. Jerry has been involved in the community over ten years, primarily working in the district's alternative education programs. He is not one to overreact just because a few kids start talking tough, boys start wearing earrings or dye their hair pink. When Jerry came to me and told me he was concerned because a number of incidents indicated that our students didn't feel safe in school, I took him very seriously. We brought outside experts from the National School

Safety Center to advise us and we formed a community-wide safety task force consisting of law enforcement agencies, social service agencies, school leaders and concerned community members to develop way of addressing school safety.

Jerry wasn't the only one to come to me with well-founded concerns. Recently, we have had, either in our schools or in our community, a series of occurrences that are unrelated, but whose sum total paints an alarming picture. It used to be that whenever something terrible happened in Fairbanks or nearby, such as the gruesome murders at Manley several years ago, the general perception was that it was an isolated act of random violence. No one felt the need to change their lifestyle or to question their basic assumptions about the quality of their life as a result.

Now, the violence is no longer random and isolated. It is reoccurring, it is accelerating and people's attitudes are changing as result. The violence in our community no longer has as its victims drug dealers, criminals or other unsavory characters. The violence we are experiencing is perpetrated against children, against families and against innocent bystanders. People are becoming fearful, and I believe with good reason. Let me give you some examples.

In the school district, we are seeing numerous instances of violent fights--on athletic fields, in our schools at events after games, and outside of schools. Not adolescent pushing and shoving contests, but fights which involve a level of violence that is shocking, fights which result in bodily injury and which involve weapons. The fighting and the potential for violence at football games and other athletic events has caused us to ask referees to blow quick whistles, to penalize any violation of rules and to treat fighting on the field the same as fighting off the field. In some instances, we have rescheduled sporting events to the daytime because principals are not sure they can control the crowd after dark.

We are closing school dances to all non-students, even to students from other schools who would like to attend as special guests. We have had to hire security guards for dances, athletic events and even for our lunch periods.

We had a homemade bomb explode in the hands of a student in a high school cafeteria. The incident was down played in the media because the bomb was "only" made of firecrackers. It was made of hundreds of firecrackers and had they gone off all at once, as was intended, we would have had a serious injury or even a death.

We have had to remove students from school for possessing weapons--not only knives, not only guns, but loaded automatic weapons. We have had several serious attacks on teachers. Last week, a student being chased by police out of one of our schools threatened to "blow away" a teacher who was blocking the doorway. The police were chasing the student because he was suspected of stealing guns.

I have reviewed a number of essays written as part of a language arts class in one of our high schools that clearly lead me to believe that for a variety of reasons, students don't feel safe in their neighborhoods, they don't feel safe on their way to school, and they don't feel safe once they are in school. The essays were written after a student was suspended for carrying a gun to school. One young person wrote:

"I don't blame him for bringing a gun to school. I did it last year. I brought a loaded 44 magnum to school for a week for a reason much the same.

I no longer feel the need to carry a gun or knife but I'm never without protection. It's fear, fear of many people beating me 'till I can't walk. I won't let that happen, not if I can help it. If it has to be me or them, I'll make it them."

There is behavior in our community that shows tell-tale signs of the formation of gangs. If not gangs in the formal sense, then certainly groups of young people who are behaving in organized ways to intimidate and harass both students and parents. There has been a high incidence of thefts in our community and the police tell us that jewelry and guns are being taken, they're being taken by children, and it is their belief the guns are not being turned over to fences, but are being either sold or given to other children. We have had parents tell us that they're afraid to report certain things because their children tell them that the other kids will not only harm them, but they will harass the parents and threaten their homes.

Racism is becoming overt and wide-spread. Racial incidents are occurring on playgrounds, on buses, in hallways, and in other places where young people gather with minimal supervision. Children are hearing and repeating racial slurs. Derogatory names are being painted on lockers. Students tell us that racism is the number one cause of school violence as the chain-reaction of threats, intimidation, and retaliation escalates. Young people are gathering and socializing along racial lines as never before, and these groups are becoming increasingly hostile and polarized.

We have had two incidents of children being shot by air rifles and BB pistols, one causing serious injury. A little girl was shot on the playground of one of our elementary schools by two boys who were hiding in the woods. A little boy was abducted from his yard and injured. Several weeks ago, at a weekend party, a middle school boy shot at a high school girl with a .357 magnum. He missed. No adults were present. We have had several random drive-by shootings. Three young people have been murdered--Kathy Stockholm, Johnny Jackson, and Cara Zastrow.

We used to live in a community where we were fairly confident bad things would not happen to our children. Children could walk safely to and from the school bus. High school students could go back to school in the evening to get their homework. They could drive from the shopping mall to their job at the pizza shop. Now most of us think twice before letting our children out of sight. It used to be that if you lost sight of your child in the store or around your yard, your first reaction was not alarm but rather exasperation toward the child who had wandered away. Now the automatic reaction is fear. We're afraid something terrible has happened to the child.

People are afraid. Our community is beginning to appear like an armed camp. We have had reports of neighborhood watches where adults are patrolling the community and are arming themselves. At a recent neighborhood safety meeting, 50 people were expected to attend. Four hundred showed up. At least one was armed.

I do not believe as a school community we are overreacting when we say that our schools have changed, that our community has changed, and that the situation is at a very critical point. People have asked me what I think has caused these changes to our community. It is true that very often you have to identify causes to develop solutions but what I find in this case is that people aren't looking for solutions but are trying to blame

the changes in our community on one single event or another. If we are going to identify what has caused the problem, I believe we should identify every single reason. Otherwise, what we end up with is a not a long list of causes but a short list of scapegoats. Naming scapegoats will not solve anything but will only escalate the atmosphere of fear and distrust we are trying to alleviate. I refuse to lay blame on any one factor for this problem.

I can tell you that the problems we are having are not limited to any one sector of the community. Some of the violence we are experiencing is in schools where you would least expect it and has come from the children of longstanding, respectable members of our community. The violence is simply a reality that we must face. This is Alaska, but it is also America.

Certain people in the community say the situation in other parts of America is hopeless. Therefore, the situation in Fairbanks is hopeless. They say all our school district can do is ensure student safety in our schools and that what happens outside the school is out of control and we cannot do anything about it. I refuse to accept this premise.

Not only do we have a moral responsibility to accept that this situation is not hopeless, but there are very real and tangible reasons why it isn't. Fairbanks is different from other communities. We have some very important factors working for us that other urban areas in America do not. We have a significantly higher percentage of two parent households than similar communities in the United States. We are a relatively small community and have not experienced the alienation that exists in larger communities. We know our neighbors and the people in the stores. We talk with one another. As a state, we have financial and technical resources available that other states only dream about. Finally, there is a "can-do" spirit that exists in us; we believe we can solve problems and take charge of our destiny.

Therefore, in some important ways, we are bucking the trend that causes despair and hopelessness in other urban areas. If we collectively take a caring and concerned attitude toward the conditions in our community, we should not have to accept, nor should we tolerate, an atmosphere of fear or violence or hopelessness.

My reason for coming to the community rather than tackling this problem from the perspective of the school district is one of equilibrium. We can and will guarantee that children will be safe in our schools. After all, schools are restricted environments that are fairly easy to control. They can be monitored and additional restrictions added as necessary. If, in order to ensure student safety in school, we have to place metal detectors at our doorways, place armed guards in our schools, have guards on our school buses, guards in the hallways, close our lunch periods and not allow students to leave our secondary campuses, we will do that.

However, what we will create if we have to go to those extreme measures is a disequilibrium between the child's life in school and out of school. This disparity will likely exacerbate rather than reduce the violence and fear that exists in the community at large. Students will be in schools they find so restrictive that they will react even more violently to the freedom outside. So while I make the pledge that our students will be safe in our schools no matter what we have to do, I don't say that with any degree of comfort.

Without the cooperation of the rest of the community, safety in the schools will become a hollow accomplishment because it will be achieved at the cost of even more fearful and chaotic behavior outside of schools.

Another student wrote:

"We talk about closed campus and things but there's still the weekends. You still go to the movies and to parties. They can jump you there."

The appropriate action, it seems to me, is for the community and the schools to bring things under control together, so that an equal amount of restraint is being applied both in and out of school. To do so, we will have to change some rules. We can't accept behaviors that were accepted--or at least tolerated--in the past.

We need more adult presence wherever children are present. We must not let young people intimidate us so that we ignore inappropriate behavior. We must define and enforce clear expectations for their behavior at all times and in all situations. We cannot police what a child says or does at home but we can make it clear we will not tolerate inappropriate action or language in our presence or in public places. We must be concerned for other children, not just our own. Sue Wilken has told us that when she was a child growing up in Fairbanks, adults would stop and ask a young person on the street what they were doing out of school. Nowadays, the tendency is to ignore it.

We must communicate that violence is not an acceptable way to handle conflict and we must model the behavior we want young people to emulate. We must teach them acceptable ways to handle conflict. We need to offer young people constructive alternatives to unsupervised and unwholesome activities. We have no teen center, no public recreation center, no YMCA, no boy's club. We tell young people to make healthy choices but then we give them no real alternatives to being on the street.

This is a tall order, but we can do it. We can do it because we are not a typical urban community. We have all the ingredients here for a high quality life. The majority of us in Fairbanks have come here from somewhere else and we continue to live here at some sacrifice in terms of being separated from relatives and having to deal with isolation and cold, dark winters. Why do we stay? We stay because we believe Fairbanks has a quality of life which cannot be found outside. We stay because we believe this is a good place to raise children. We stay because we feel that we have gained more than we have given up in terms of quality of life.

I think in the last twelve months we've begun to recognize that the quality of life here is changing in a way that is alarming, and that what is required is an entire community effort to bring this concern of safety under control. The school district will do its part. But if the school district does it alone, all we can do is assure the safety of students in our schools and not in our community at large.

I am very proud of our district and I think we have good people who can be a tremendous resource to the community. Superintendents Jerry Hartsock, Betty Farni, and I have an average of 18 years committed to this community (Jerry and I admit we use Betty's heavy numbers to boost our stats). As a comparison, James Ryan, who served longer than any of Fairbanks' twenty-five superintendents, was here for only ten years (1951-1961). Our principals have served the community for an average of 11 years and our teachers for an average of 9 years. Some of our classified staff have even more

seniority. We are Fairbanksans, this is our home--our community; we want it to be safe. But we cannot do it alone.

The reason I asked to speak to the Chamber of Commerce today is that you are all people who understand teamwork and commitment. You are actively involved in improving the quality of life in this community and you are people who can get things done. From now on, whenever someone asks the school district to do something about safety, if it makes sense and we can do it, we will. Then we are going to say to the community, "Now, what are you going to do to help make students safe outside of school?"

This community involvement is essential. From the time a child is born until they graduate from high school, they only spend 15 percent of the time they are awake in school. That means 85 percent of what influences them occurs outside of school. As a school district, we can guarantee their safety 15 percent of the time and we will work with you on the other 85 percent. But we cannot do it alone.

We all have the responsibility to make this community one in which our children can live with a feeling of relative safety and a lack of fear; to make this community one in which we as adults can live in relative safety and a lack of fear. Safety and comfort has to exist in our homes, in our schools, and in the rest of our community. To live in fear is to give up your liberty--people who live in fear are not free people. What we are experiencing in Fairbanks today is a basic loss of liberty. I, for one, am convinced we do not have to accept it. We do not have to raise and educate our children in a climate of fear and racism. Nor do we have to become vigilantes to prevent it. The problem will be solved when each of us accepts it as his or her responsibility.

I thank the Chamber for granting my request to speak to you today. I realize this subject is painful to listen to and to think about. I wouldn't have asked to come if I thought the situation couldn't be resolved. It can be resolved. I ask for your leadership and your help.

1042.5 Drugs, Alcohol, and Tobacco

Students are prohibited from possessing, selling, distributing, bartering, transporting or being under the influence of marijuana, alcohol, tobacco, an inhalant or any other narcotic, depressant, hallucinogenic or stimulant drug, or any substance designed to look like or represented as such drug, on any school property or at any school sponsored activity.

Policy Adopted: September 2, 1980
Policy Revised: February 5, 1991

1042.6 Firearms

Students on school property or attending a school sponsored event shall not carry on their person, or place anywhere on school property or in the vicinity of a school sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course instruction or school sponsored event.

Policy Adopted: September 2, 1980

1042.7 Criminal Acts

The commission of or participating in any criminal activity on school property, or at school sponsored events is prohibited. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution results.

Policy Adopted: September 2, 1980

1042.8 Commercial Solicitation

Commercial solicitation may be permitted on school property only if it is related to a school activity and is authorized in advance by the superintendent.

Policy Adopted: September 2, 1980

1042.9 Hazing

There will be no hazing of students by anyone in anyway.

Policy Adopted: October 7, 1980

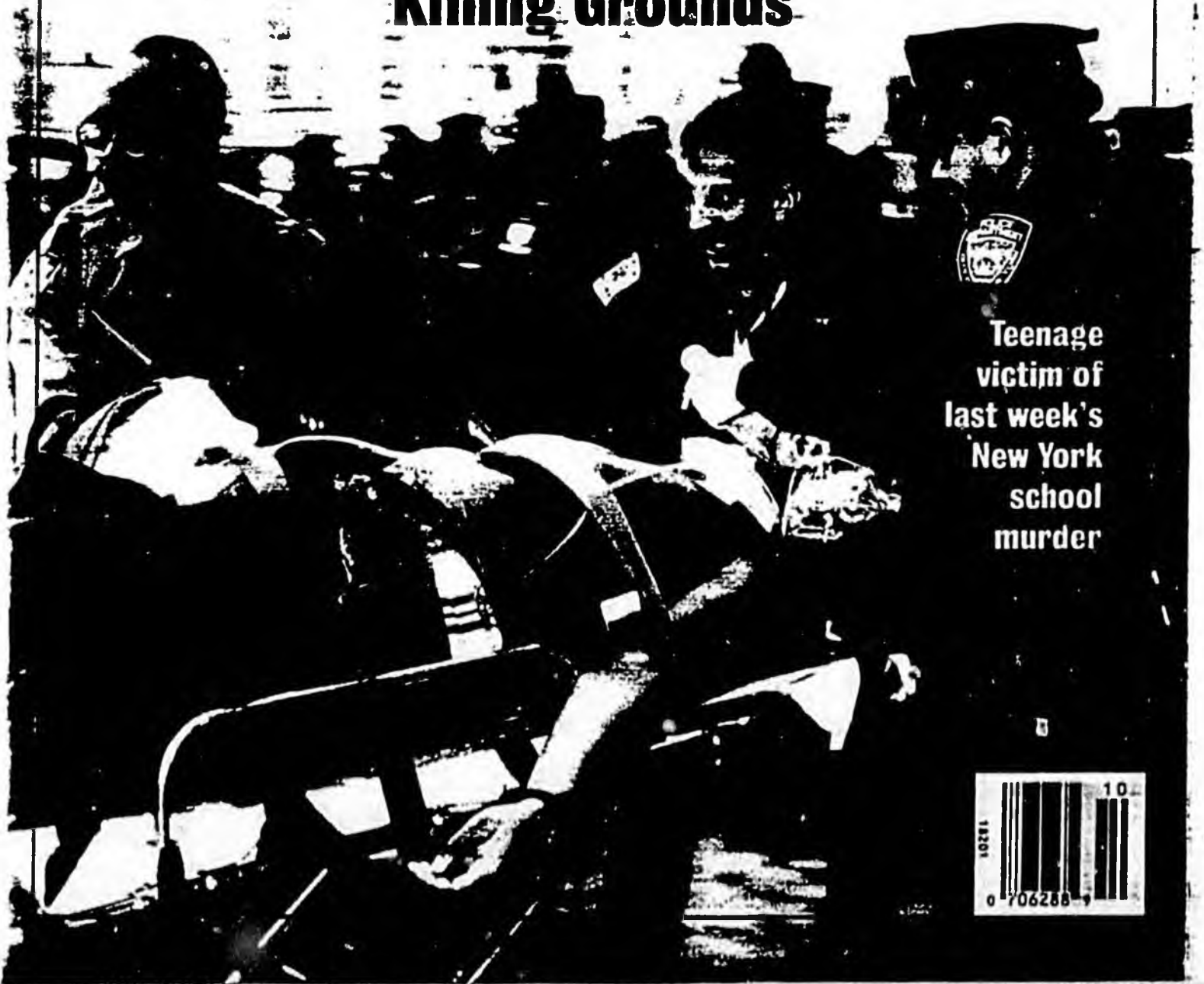
GETTING NASTY

The Politics of Super Tuesday

Newsweek

Kids and Guns

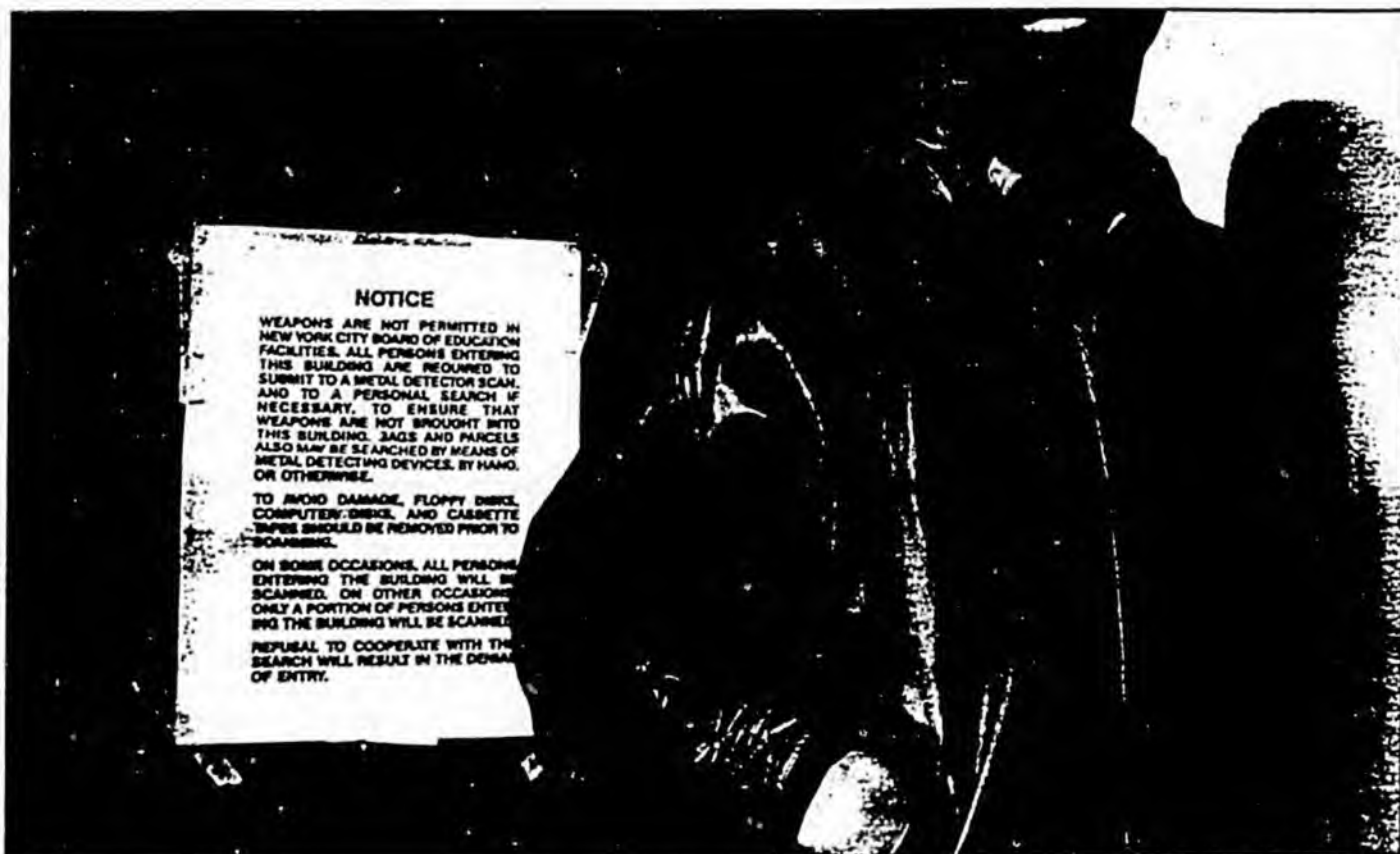
**A Report From America's Classroom
Killing Grounds**



Teenage
victim of
last week's
New York
school
murder



DEADLY LESS



CHESTER HIGGINS JR.—NEW YORK TIMES

BY ROD NORDLAND

From the outside, Thomas Jefferson High School in Brooklyn is an inner-city fortress—a four-story pile of faded brick with security screens on the windows and steel plate on the doors. Guns are as familiar as book bags to the kids inside. "If you had the money, you could get yourself a 'tool' in 15 minutes," says Nicole Solomon, a 15-year-old sophomore. "I would say, out of 100 kids, 90 got guns or can get them. I had a weapon myself when I first went in there." Glenn Kirkland, now a city police officer assigned to the school, attended "Jeff" a decade ago. "Back then we used to duke it out," he says. "Now you hear these guys: 'Hey, you stole my girlfriend, boom!' Then his friends say, 'Hey, you shot my friend,

boom!' Pretty soon it's boom, boom, boom!"

The cop knew his beat: across the country, kids with guns are becoming small angels of death, transforming dead-end streets and tough-luck schools into free-fire zones.

"Our last place of safety is the school," says Carol A. Beck, Jeff's embattled principal. "Next to Mother's arms, that should be the safest place." No longer. Drug gangs have put more guns on the street than ever before. But many kids who aren't otherwise criminals are suddenly reaching for their equalizers. And guns have become the leading cause of death among older teenage boys—white and black—in America.

No school has felt the pain more than Jefferson High.

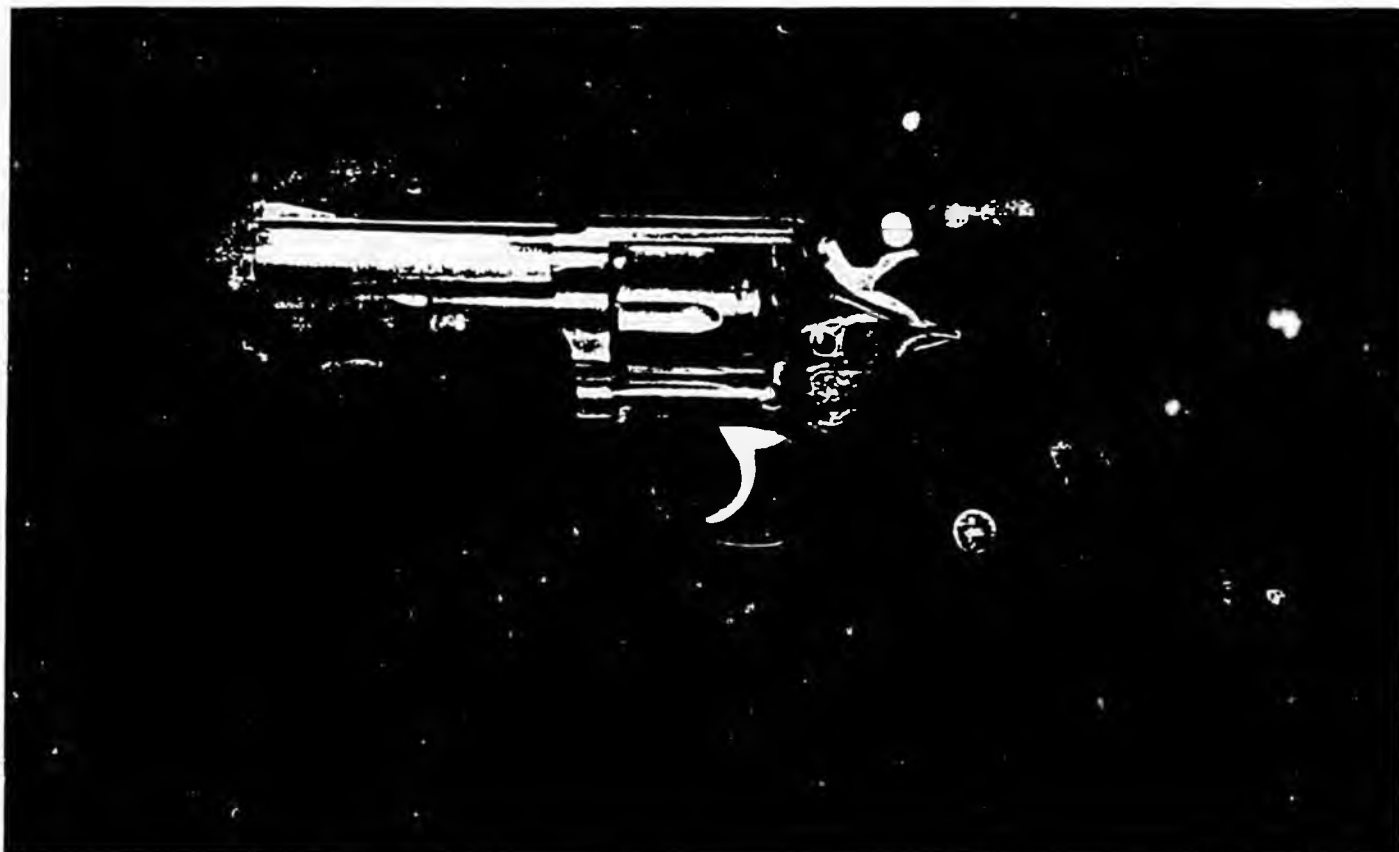
Last week New York's Mayor David N. Dinkins booked a stop to show the flag and give a speech. The same day, Khalil Sump-

ter, 15, allegedly smuggled in a chrome-plated .38-caliber Smith & Wesson revolver. Police say he had murder on his mind and two bullets in his gun, and that Sumpster was going after Tyrone Sinkler, 16, and his inseparable buddy, Ian Moore, 17. Sumpster and Sinkler had been partners in a botched mugging last spring. Sinkler did time, Sumpster got probation, and they had been fighting about it ever since. "He called me a rat," Sumpster told the police. He thought Sinkler meant to kill him and he decided to strike first. "He indicated it was kill or be



SONS

Kids with guns are setting off an arms race of their own across the country—as a double murder in a New York high school showed. Are schools doomed to become free-fire zones?



MICHAEL A. ACH—NEWSDAY

killed," said Detective Sgt. Michael Race.

With cinematic timing, the bang-bang-you're-dead fantasy turned into bloody reality. The morning of the shooting, Moore's mother, Linda, rustled him out of bed and pointed him toward school. He'd been up late watching the Grammys on TV. Sinkler hit his father for 60 cents because he needed lunch money. Sumpter arrived late. He was well known to school cops as a "hallwalker," a kid more interested in hanging out than sitting in class. When the bell rang at the end of first period, Moore and Sinkler stepped into the hallway together, where Sumpter was waiting. "He just pulled the gun and started shooting," eyewitness Rafael Montalvo, 15, told *Newsday*. "Wasn't no words said, no hands thrown—just bullets hitting." David Lerner, a teacher on duty as a hall monitor, pushed through the screaming kids and looked down at the victims. "The officer

At Jefferson High, a sign next to the metal detector warns students about spot checks for weapons, a police officer displays the handgun used in the shooting

was already pressing his finger against their necks," he recalled.

A hundred students, some weeping, some numb, gathered in the school's six "grieving rooms," struggling to cope with what they had seen: Sinkler in convulsions bleeding from the head, Moore lying still, shot through the heart. "It's sad to go to school like this," said Marvin McLaurin, 16. "It makes you feel like an animal." Marlon Smith, a 16-year-old friend of the victims, left for home in hysterics. He later phoned a friend, who heard a clicking sound over the line and asked what it was. "I'm playing Russian roulette," Smith replied. Then he pulled the trigger again and killed himself. Sinkler's anguished father threatened to sue the city. "Why in the world was there

a gun in school?" he said. "Now my son's in the morgue over some bulljive."

The shootings added three more bodies to an awful calculation: kids with guns have set off their own kind of arms race. The latest murders made it New York City's bloodiest school year ever, with 56 shooting incidents in and around schools. In all, 5 teachers, 1 cop, 2 parents and 16 students have been shot—6 of the kids fatally. "These children are children of war," Beck says. "They worry that in the blink of an eye they could be killed—this is a reality—and they think they have to protect themselves." A kid can now be "carrying" for as little as \$25. In Brooklyn they even have rent-a-guns. Says Beck, "You could find a gun in this neighborhood faster than you could find a copy of *NEWSWEEK*."

Sumpter's gun was stolen, "used" in street talk, so it wasn't too expensive. Other tools cost plenty. Last November a furious



Before the gunplay, a snapshot of Moore in shadow; after the murder, a glimpse of his girlfriend Scheremka Smith in tears



JONATHAN FINE—NEWSDAY

argument over a book bag led a 14-year-old at Jefferson High to whip out his "nine," a 9-mm semiautomatic pistol that can cost as much as \$1,000. He fired wildly down a crowded hallway at Jefferson High. The fusillade killed Darrell Sharpe, 16, and wounded teacher Robert Anderson in the neck. Both were innocent bystanders.

The larger tragedy was Jefferson High had far more to offer than the way of the gun and an early grave. If the measure of a good school is how well it helps its students rise above their limitations, Jefferson High was exemplary. The East New York neighborhood runs to public-housing projects and vacant lots, glass-strewn streets under elevated subways. On cul-de-sacs outside abandoned houses, young men stake out turf. When strangers approach, they thrust their hands deep in their pockets or under their jackets, a signal every boy in the 'hood, along with every man, woman and child, understands.

Safe haven: By comparison, Jeff seemed to promise at least the illusion of a safe haven. Step inside, pass the metal detectors and the security detail, and you were in another world. The floors were clean, the brightly painted walls were decked with quotations from the Rev. Martin Luther King Jr. and Nelson Mandela, and posters exhorting kids to get their diplomas (DON'T LEAVE SCHOOL WITHOUT IT). A remarkable number didn't. Most students are black or Hispanic, with a smattering from 27 foreign countries. Last school year, 81 percent applied to college—from a high school in an urban wasteland.

Principal Beck relished a good fight. Two weeks before the shooting, she suffered a heart attack—but it didn't slow her down. With school officials and students swirling around her last week, she was on the telephone telling a caller, "I'm pissed because I can't go kick butt and solve this." Someone thrust a fistful of pills at her, insisting she take them before another distraction could come up. Some

were for her ulcer, others for her heart. "It's nothing," she said. "If I couldn't stand the heat, I'd get out of the kitchen."

Role models: When Beck took over in 1987, Jeff was a school with an illustrious past, a lousy present and no future. Only one in four ninth graders was staying on to earn diplomas. Earlier waves of immigrant East New Yorkers—Italians, Irish and Jewish—had filled Jeff's roster with celebrities, among them Shelley Winters, Steve Lawrence and Danny Kaye. Beck brought some of them back to meet the students. When H. Donald Gelber, another alumnus, was sworn in as U.S. ambassador to Mali last year, the principal bused many of the students to the ceremony at the United Nations. "What I have done, you can do," he told them. Beyond offering role models, the principal threw her own office door open to students, working late in the evenings, partly so that kids would have a place to stay off the streets. "Some of them would rather be here than in their own homes," said Helen Baker, a teacher. Beck recruited a staff that was fiercely loyal to her and to the students. The Reader's Digest gave her one of its American Heroes in Education Awards in 1991, donating a \$10,000 prize to the school.

In the end, she was outgunned. For a while, she was able to cut the crime rate in half by banning gold chains and door-knocker earrings. But over the past year,

Jefferson High has seen four stabbings among 35 reported crimes. Beck took a survey and found that half her students had puncture wounds of some kind. On any given day, a fourth of them were absent, hanging on the corners or hustling drugs. Many were too scared to come to class. No wonder. Since December, spot searches have turned up 121 weapons.

Jefferson could excel, but it couldn't escape. Perhaps it was naive for anyone to expect it to. "What really gets people is that this happened in a school," says Beck. After last fall's shooting, the city made Jeff one of 21 "metal-detector schools," but there were only enough funds to spot-check for weapons once a week. Last week that check was on Tuesday. The shooting was on Wednesday. Now there will be metal detectors every day. Too late for Moore and Sinkler. Turning things around, says teacher Lerner, is "like trying to throw bricks into the Grand Canyon to fill it." And it takes a lot more than bricks to fight guns. ■

No Recess From the Violence

It is already New York City's bloodiest school year ever, with 56 shooting incidents in and around schools. Some of them:

- 10/7/91, PS 308, Brooklyn: Parent shot in back by pellet or BB gun.
- 10/8/91, James Monroe High School, the Bronx: Student, 17, shot and killed.
- 10/8/91, IS 115, the Bronx: 14-year-old shot in stomach.
- 10/28/91, PS 178, the Bronx: Student shot in legs.
- 11/1/91, Westinghouse High School, Brooklyn: Student, 19, shot in back by gang of armed intruders in school hallway.
- 11/18/91, Brooklyn Alternative High School: Teacher shot in left arm on street.
- 11/21/91, McKee High School, Curtis High School, Staten Island: A student shot three students, killing one 18-year-old.
- 11/25/91, Thomas Jefferson High School, Brooklyn: Student, 16, killed and teacher wounded in hall.
- 1/21/92, IS 324, Brooklyn: Police officer shot on street by student.
- 1/30/92, IS 42, Brooklyn: Two students (13 and 11) wounded when another student fired into playground.

SOURCE: UNITED FEDERATION OF TEACHERS



BOB MACK—FLORIDA TIMES-UNION

Reading, writing and marksmanship? An embattled security unit in Florida uses a sensitive metal detector to frisk students for concealed weapons

It's Not Just New York . . .

Big cities, small towns: more and more guns in younger and younger hands

Tragedy came to Crosby, Texas, over breakfast in the high-school cafeteria. The victim was Arthur Jack, 17, captain of the varsity football team, and the day was Sept. 18, 1991. According to witnesses, Jack was helping himself to orange juice in the serving line when he heard someone say, "You called me a bitch." He looked up to see another student, identified by police as La-Keeta Cadoree, 15, pointing a .38-caliber revolver. Jack tried to take cover but the shooter was too quick: hit in the back by a bullet that traveled upward to pierce his heart, he died on the floor behind the serving counter. Because Crosby (population: 1,811) is a quiet little town on the outer fringe of the Houston metro area, the incident made big news for weeks. "When I heard it happened, I didn't want to believe it," Arthur Jack's father said. "It was like, 'This only happens in the city—Chicago or New York or something.'"

The truth, sadly, is otherwise. Gun violence is on the rise in schools all over America, and the nation's children are trapped in its path. According to the federal Centers for Disease Control, one student in five reports carrying a weapon of some type and about one student in 20, or 5.3 percent, reports carrying a gun. The number of young Americans killed by firearms each year more than doubled, from 1,059 to 2,162, between 1970 and 1990, and homicide is now the leading cause of death

among black males under the age of 35. There are no national statistics on the number of shootings and gun-related incidents in schools. But the anecdotal evidence is compelling: kids, even fourth and fifth graders, are arming themselves, and teachers and school officials are running scared. "You think it's a bunch of bad kids [who] are carrying the guns, but it's not," says Paul Kingery, director of health promotion at Texas A&M University in College Station, Texas. "The kids are the victims of violence, and the schools are not creating safe environments. Law enforcement is not adequately involved."

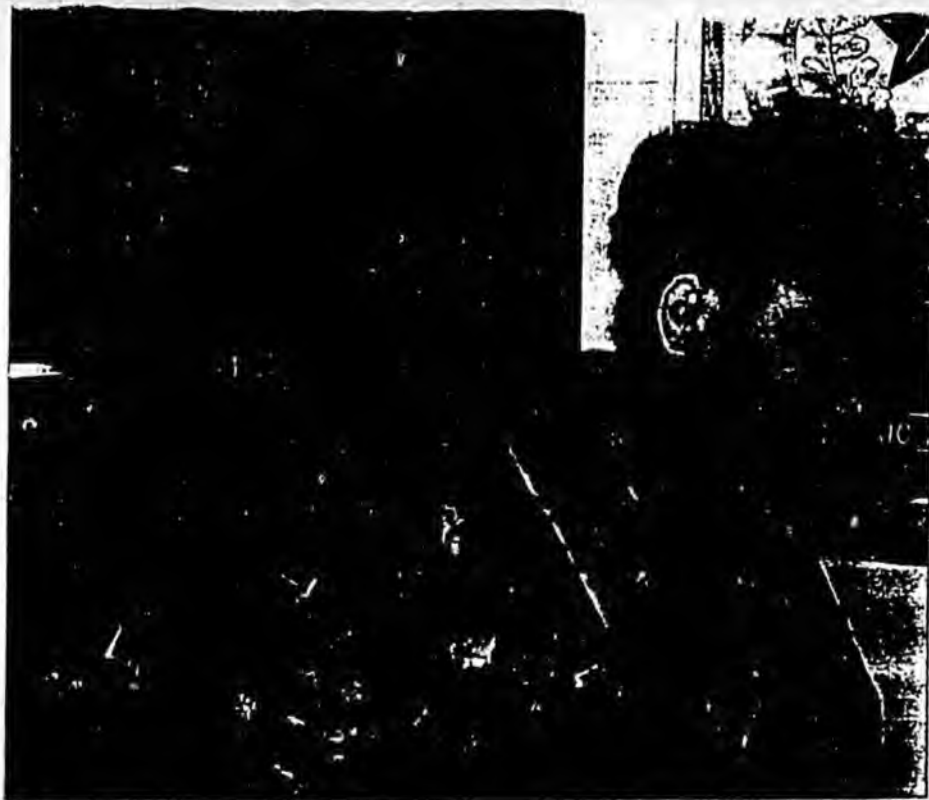
The root causes of this bizarre and lethal trend include all the usual demons of American society—the easy availability of guns, the rise of drug-related crime, parental irresponsibility and so on. As always, educators contend that public schools merely mirror the broader trends in society—and if guns, drugs and violent crime are on the increase, they say, schools will be affected, too. Rightly or wrongly, most school officials cling to the ideal of schools as friendly, open and noncoercive institutions, and few favor the kind of draconian security measures that would be needed



to eliminate guns entirely. "The school setting is almost impossible to police without tyrannical dictatorship," says Mark Karlin, president of the Illinois Council Against Handgun Violence. "At what point do we create such a hostile environment that these are no longer schools?" The schools, Karlin says, "are in an impossible situation . . . we expect them to do what the rest of us cannot."

But no one doubts that the impact of guns and gun violence is very large. Fully a

quarter of the nation's large urban school districts now use metal detectors to search for weapons carried by students, and teachers and parents are joining forces to make school safety a major issue. A shooting at Castlemont High School in Oakland, Calif., sparked a teacher walkout last fall—and in Washington, D.C., last week, parents and teachers joined in protest after a 13-year-old boy was allowed to return to Noyes Elementary School after being arrested for carrying a gun. "Teachers are much more fearful in the middle schools and upper elementary grades—fifth and sixth grades—than they ever were before," says Bill Martin, a spokesman for the National Education Association. "It's not an issue [that is] centered on the large cities any-



JOHN MAKKLY—HOUSTON POST

Taking offense—then taking aim: Police lead Cadoree off to stand trial as an adult for killing a football hero

more." Texas A&M's Kingery, whose research shows an alarming rise in the number of children who carry guns in rural Texas schools, agrees. "It's a myth that rural schools are safe havens from the problem," Kingery says. "All the people who are taking their kids out of urban schools and moving to rural areas are living on false hope."

But big-city schools are still the primary battleground. In city after city—from New York to Los Angeles and everywhere in between—schools are struggling to protect their children from the violence all around them. Metal detectors, locker shakedowns and armed police patrols are now taken for granted in many big-city high schools. Teachers are learning a new kind of civil-defense drill—hitting the dirt when gunfire erupts. It did at Fulton Junior High School in Van Nuys, Calif., just last week. As kids ran for cover, a lone gunman opened fire across the school playground, wounding two students in the legs. When the incident was over, the faculty prepared to comfort a school full of frightened students. But, says assistant principal Jean Yearout, the Fulton kids "were very calm. There's so much violence on TV and in the community that many kids expected this kind of thing." "Our kids hit the ground if they hear gunfire," says Wesley Mitchell, chief of police for the Los Angeles Unified School District. "That's what they do at home."

Or consider Clarence Notree's close encounter with gang violence. Notree, 44, is a veteran instructor in the Chicago school district's after-school activities programs for inner-city kids. He was running a basketball clinic at Woodson North Elementary School last Sept. 17 when a car pulled up outside the school. A young man, probably a gang member, came into the gym and wordlessly opened fire with a 9-mm handgun. Kids scattered everywhere—into the hall, into the girls' gym—and Notree, acting on instinct, spread out his arms to protect as many of the children as possible. After firing 12 rounds, the gunman walked out the door, got back into his car and made a successful getaway.

Miraculously, Clarence Notree was the

only casualty that day—he took a bullet through the right wrist and missed 13 days on the job. Now he's back at Woodson North. "I try to keep as many kids as busy as I can with as many activities as I can," he says. "It's calm here, but it's always in the back of your mind: it could happen again." The kids, on the other hand, seem to have forgotten all about it. "These kids see a lot of death. They don't get much chance at childhood," Notree says. "When I was growing up, we used our fists. These kids have guns. The respect for life is nothing."

Cops and school officials say very few guns are actually obtained in school. Instead, according to experts like Ronald D. Stephens, executive director of the National School Safety Center in Westlake Village, Calif., 80 to 90 percent of the guns that wind up being seized by school officials come from the home. They are usually the parents' guns, and that fact has led some states to impose new restrictions on gun ownership. California, for example, now makes parents criminally responsible for shootings involving their children.

Teacher hostage: A terrifying incident in Dalton, Ga., last week has helped fuel a similar effort in the Georgia Legislature. In the Dalton case, a 13-year-old boy came to school with a loaded .22-caliber rifle and took his teacher hostage in a classroom at Valley Point Middle School. Principal Nick Ownbey went to the classroom and confronted the boy, who finally handed over the rifle. The boy, whose name was not released by authorities, was charged with aggravated assault and false imprisonment. The Georgia version of a parental-responsibility bill has already passed the House of Delegates, though its prospects in the Senate are uncertain.

But few families in Georgia or anywhere else seem ready to do what it takes to stop the kiddie arms race. The days of zip guns and Saturday-night specials are over.

These days, teenagers routinely pack top-of-the-line weapons like .357 magnums, 9-mm semi-automatics and even Uzi assault rifles. "I have friends who are proud they've taught their children gun safety and marksmanship," says George Sams, director of safety and security for Chicago public schools. "It doesn't occur to them that when the kid runs into difficulty, he'll remember where that weapon is." Sams also sees street gangs as a major source of weapons used by kids. "We find these kids with these beautiful Uzis and .357s," he says. "Good weapons are expensive and the drug money is fast. Parents say they never noticed that their son was wearing \$150

Trigger-Happy High School

■ According to the National Crime Survey, almost 3 million crimes occur on or near school campuses every year—16,000 per school day, or one every 6 seconds.

■ One fourth of major urban school districts now use metal detectors.

■ Almost one third of the students in 31 high schools in Illinois said they had brought a weapon to school for self-protection at some time during their high-school career. One in 20, or 5.3 percent, said they had brought a gun.

■ In California in the 1988-89 school year, assaults were up 16 percent, to 69,191. Armed assaults were up 25 percent over the previous year, to 1,830.

SOURCE: RONALD D. STEPHENS, NATIONAL SCHOOL SAFETY CENTER



RICHARDS—GAMMA-LIAISON

High-powered lessons: Teaching the rules of gun safety on a shooting range in southern Florida

sneakers and riding a new motorcycle. I spent a lot of years in homicide. Parents will tell you, 'I never knew he was in a gang' all the way to the morgue."

What is going on in many big-city schools today is a perverse and deadly sort of trickle-down effect. Older kids—the boys, anyway—flaunt guns and their membership in gangs as marks of status. Younger kids get guns, too—sometimes to emulate the gang-bangers, sometimes just to keep from being beaten up or shaken down for their lunch money. These kids finally join gangs, says John Cochran, a Los Angeles youth counselor, "when they get tired of being beaten up. Then they have a gun in their hand, they kill their first person, and that's it. It's glamorous and it's powerful." The threat of violent crime is very real to millions of American schoolchildren. A national survey conducted by the U.S. Bureau of Justice Statistics last year showed, for instance, that more than 400,000 students between the ages of 12 and 19 say they have been the victims of violent crime, and that younger children are more likely to report victimization than older teens.

Close range: Take, for example, the kids at Parme Lee Elementary School in downtown Los Angeles. Parme Lee is a school where kids like Kristal, who is 10, see crack deals at very close range. "They sell drugs and they try to get the hookers to buy them," Kristal

says, pointing to a building across the street. "Two boys named Slamp and Juju died there." Another Parme Lee student, Dontay McDay, says she doesn't like to play outside her house. "I'm scared because a lot of gang members go by my house. I see police a lot," she says. And Eric, a fourth grader, says he doesn't like to talk about the violence in the neighborhood. Why not? "The gangs might hear you," Eric says.

The obvious question, for anyone who cares about children, is what all this is doing to the kids. Mental-health experts are increasingly concerned about the psychological impact of ceaseless violence on city kids. Children, they say, are durable and resilient, and the effect of violent drama on television is usually overstated. But

wise, battle-hardened kids who are desensitized to violence and grief. Kids who have seen everything—kids like the survivors of civil war in Lebanon and Northern Ireland. How else to explain Kenyatta Miles of Philadelphia, who was sentenced to death last week for shooting another boy for his sneakers? "It still ain't going to bring him back," Miles taunted the boy's family when his sentence was announced. And how else to explain the fact that authorities in Monterey, Calif., uncovered what appeared to be a plot by 11 junior-high-school students to shoot a classmate to death? The murder, fortunately, never took place—but two 13-year-olds and a 14-year-old accomplice have pleaded guilty to conspiracy to commit manslaughter. Authorities still aren't sure why they did it.

What all this says to people like Les Burton, chief of police for the Houston Independent School District, is that it is finally time to restrict the availability of handguns nationwide. But there is little sign of a breakthrough in the long impasse over handgun control, and war-weary observers like Rita Walters, a Los Angeles city councilwoman, are pessimistic that effective legislation can be passed. Meanwhile, as she says, gun violence continues at a level that can only suggest a national character flaw. And if that is what it is—the American disease—it can be no surprise our children have it, too.

TOM MORGANTHAU with PETER ANMIN in Houston, JOHN McCORMICK in Chicago, PAT WINGERT in Washington, DONNA FOOTE in Los Angeles, HOWARD MANLY in Atlanta, PATRICIA KING in San Francisco and bureau reports

Life on the Front Line

■ "Fire drill" doesn't mean what it used to. Oakland and Los Angeles, Calif., and even towns like Cokeville, Wyo., have drills to teach youngsters to hit the floor when they hear gunfire.

■ An Illinois study showed that one in 12 public high-school students reported being the victim of a physical attack in school or on the way to school. One in 12 also said he'd stayed home from school one or more days out of fear.

■ Teachers, too, are worried. A 1990 survey found that 20 percent had been threatened.

SOURCE: RONALD D. STEPHENS, NATIONAL SCHOOL SAFETY CENTER

How to Keep Kids Safe

Teachers, principals and parents can help

School violence has become a dismal fact of life, yet many educators continue to respond with not-in-my-schoolyard denial. Not George Sams, an ex-cop who in June 1990 became director of safety and security for Chicago's 410,000 public-school students. With his former police comrades, Sams launched a program called SAFE: Schools Are For

act on the less stringent standard of reasonable suspicion. In Chicago, once a guard's suspicions prove on target, a police officer can make the arrest.

Legality aside, many school-safety experts worry about turning campuses into armed camps. Arguably, the message search-and-seize tactics convey to kids is: don't get caught. Instead, many educa-



KEN MURRAY

A frightening fact of life: One of the victims of last week's double murder in New York

Education. Since the program began, he says, there hasn't been a single shooting in the district during school hours.

Operation SAFE hasn't cleared all the guns out of Chicago's schools, but its success has intrigued other districts. Nearly a quarter of all major urban high schools now use metal detectors; what's different in Chicago is the surprise factor. The district moves its three walk-through detectors from school to school on a random basis. "A lot of school districts want to put detectors in every school and use them every day," says Sams. "It won't work. If kids know they have to pass through a metal detector, they'll get the guns into schools through windows or back doors." Another key component is cooperation between city cops (150 of them paid for by the district to patrol Chicago's 70 public high schools) and 412 unarmed security officers. While as a rule police searches require probable cause, in school settings authorities can

tors believe schools won't be safe unless they can find a way to instill basic values of right and wrong, and teach young people to respect themselves and others. Some of the best proposals from the nation's experts:

■ **Teach the teachers:** Teacher training needs to prepare instructors to deal with disruptive students and to break up fights—before they escalate into murder. The National School Safety Center (NSSC) has developed a training program in crisis prevention, management and resolution. Too many teachers come to class unprepared—like the one who told NSSC executive director Ronald D. Stephens, "I got my training the day the kids pointed the gun at my face."

■ **Teach the children:** Schools need to

identify fight-prone kids when they're young and introduce them to nonviolent alternatives. Schools can help by offering peer mediation, clear-cut standards for behavior and consistent discipline. But the lessons have to begin at home. Researchers believe that children who witness violent altercations among parents are likely to use weapons themselves. In certain communities, such violence is far from rare. In a study published in 1990, Chicago psychiatrist Carl Bell found that 74 percent of the 1,000 inner-city schoolchildren screened had witnessed a killing, stabbing, shooting or robbery.

■ **Get involved:** Schools need more adults on campus to provide supervision. Paul Kingery, director of health promotion at Texas A&M University, believes principals should have parents conduct "safety watches," especially at tense events such as football games. Businesses can help by giving time off for employees who want to participate in school programs. And parents should pay attention to signs their kids may be hanging out with a bad crowd—if teens suddenly have a lot of cash to throw around, for example.

■ **Keep weapons away from kids:** An estimated 80 to 90 percent of gun-toting kids get their firearms at home. Les Burton, a man whose job as chief of police for Houston's schools is itself a sign of the times, believes communities should conduct programs to teach parents how to handle and store their guns. Several states, including California, Iowa, Connecticut and Florida, now have laws that make adults responsible for crimes committed

by children wielding their weapons. But while it's important to keep firearms away from kids, forbidding toy guns might actually backfire. Children need to discharge their aggressive feelings, not bottle them up. "Shooting games provide outlets for accumulated frustrations and thus are apt to reduce them," wrote child psychologist Bruno Bettelheim.

■ **In the meantime, be ready to duck:** Cities like Oakland and Los Angeles, and even small towns such as Coke-

ville, Wyo., have started DBS (drive-by shooting) drills and "drop drills," teaching kids how to hit the floor when gunfire breaks out. It's a sad day when DBS replaces the ABCs, but for too many kids, the No. 1 lesson is staying alive.

ELOISE SALMOLE with
BARBARA KANTROWITZ in New York,
JOHN MCCORMICK in Chicago and bureau reports

*
Lots of advice, no examples

Dear Editor:

I am a student at Service High School. Two of my classmates and I are doing a report on weapons and gun control in schools for our U.S. government class. While doing the research for this report, I have had to observe people and their reactions to the topic.

I have found that teen-agers realize more about what is going on around them than they let on. We teen-agers know that guns are bad, that stabbing someone is bad, that anything to do with gangs, drugs and sex is usually bad. Everyday we get bombarded with more facts on why we shouldn't do this or why we shouldn't do that.

We aren't as stupid as a lot of people say. It's not that teen-agers don't care about important issues like gun control, it's just that adults sit there and act like we're so dumb that we can't understand.

So, we show that we understand by getting adults' attention as well as we can, with the means that we have on hand. Unfortunately, some teen-agers have taken up arms, thinking, "If you aren't going to listen to us, then we'll make you listen."

I agree that teen-agers have become more violent, but then, so has everything else. There are adults fighting in wars. There's prejudice everywhere, with lots of fighting and no solution in sight. Anywhere you look, you'll most likely find violence — on television, in the newspapers, on the radio.

All our lives, we have been surrounded by some sort of violence, and people can't understand why we're so violent.

Talking usually brings no solutions, so try demonstrating this to us. Try showing us that adults can be as non-violent and peace-loving as they want us to be. Try for our sakes, as well as yours.

**Anzimee Harris, 18
Anchorage**

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

A school, a child — and a gun — become props for a nightmare

An 8-year-old walking around with a gun.

In school. With hundreds of other little kids everywhere, laughing, horsing around, bumping into each other.

I don't know what picture came into your head when you read the story about the seventh-grader at Denali Elementary School who came to school with a loaded .25-caliber pistol. But that was my picture.

The props, in all, for a nightmare. Understand that this is elementary school we're talking about. These are little boys and girls. These are folks who don't always think before acting, who emulate what they see, who will try anything they can get their hands on.

Including guns. And some of them, no doubt, get most of what they know about guns from television day in and day out.

Which means some also think the way guns are used on television — day in and day out — are the way guns are sup-



Times
2/27/92
Terry Carr
TIMES COLUMNIST

posed to be used. A nightmare.

We talk a bit about school in my house. Part of the family is a kid in seventh grade. Another part is a junior high teacher. Another part is a newspaper columnist who talks about schools and would like to write more about teachers and schools but can't because there is an obvious conflict there.

But there wasn't a lick of a bit in any of my house about a kid in second grade bringing a gun to school.

"It's just another pressure you have to deal with," the teacher said. "You'd think

you could send your kids to school, and they'd be safe."

You just reach a point, I suppose, where you have to realize that anything is possible in school. Not every kid, not every teacher, not every administrator is going to qualify for heaven.

And not every home is going to lock up the guns so the kid won't take them to school.

That, of course, is at the bottom of it all. I sought a policeman's view. I called Capt. George Novak at the Anchorage Police Department.

Who, it turns out, has a kid in the second grade at Denali Elementary School.

"How does the child get access to the gun?" Novak said. "This is not just an issue of having possession of a firearm. This is an issue regarding parenting."

Which states it well. Still, like some of the rest of us, Novak had a bunch of other questions.

"Why wasn't the weapon secure? Why wasn't it at a place where it's locked up and the child can't get access to it? What

if it gets off in recess?"

And, given the kid he has in the school, he also took the whole episode very personally.

"We tell young people it is bad to use drugs," he said. "We talk to them about AIDS. I'm not so sure that agencies like the National Rifle Association ... shouldn't be pushing national advertising that says weapons aren't meant to be taken into schools."

"I'm a police officer. I've got guns. I have a safe in my house, and it is locked." Darryl Jordan, Anchorage School Board president, said much of the same.

"It is a parent problem, in general," he said. "But we can't ignore it, though. We can't say this is a parent problem and ignore it."

Which is true, too, and is the justification for stiff penalties — up to expulsion — for kids who bring weapons to school.

But banging on the problem kids isn't going to solve the entire problem. There are still the parents.

From what I read, it's becoming a line in the sand for kids to bring weapons to school. Guns, and the violence they inevitably harvest, are a fact of life there.

A survey last year of gun possession on school grounds in Anchorage revealed 16 incidents. Three of them took place at elementary schools.

A nightmare.
Alaskans covet their guns. They use them for hunting, for protection, for tinkering.

Talk to an Alaska gun owner, and he or she will tell you guns are a fundamental, inviolable human right.

And most of them will go to the wall defending their right to own as many as they want of any type they want.

We've all heard the arguments again and again. But some of us know nothing about the responsibility that comes with them.

Terry Carr's commentary appears Tuesday, Thursday and Sunday.

Times 2/25/92

Second-grader takes loaded gun to school

BY DEAN ELLIOTT
Times writer

A second-grader played a dangerous game of show and tell Monday when he brought his father's loaded gun to school and showed it in front of his classmates at Denali Elementary School, police said.

The weapon, a .25-caliber semiautomatic pistol, was confiscated by school officials after a classroom took the gun away from the boy and turned it over to another boy's father.

Right after a substitute teacher, who approached by a girl who had been handed her a gun and pulled out the boy who brought the weapon to school.

It was a case of students and-protecting themselves, said police Sgt. Martin Peabody. "I remember like there are some kids who won't take care of."

The boy, whose name was not released because of his age, told police he took the gun from his father, loaded it and brought it to school because he was scared.

The boy's father told police that he was scared, but he wasn't being specific, Peabody said.

The boy's father told police he had taken his son shooting in the past. The son had brought the gun to school the summer before last, but the boy never knew what to do with it.

The student was taken to the principal's office and police were called.

Rob O'Connell, assistant superintendent of the Anchorage School District, said students had been taken apart the child, probably some form of discipline.

It's an extraordinary situation, O'Connell said.

O'Connell said that in the past, when a student brought a gun to school, the school would try to get the gun out of the student's hands and give it to the police.

O'Connell said that in the past, when a student brought a gun to school, the school would try to get the gun out of the student's hands and give it to the police.

O'Connell said that in the past, when a student brought a gun to school, the school would try to get the gun out of the student's hands and give it to the police.

ADN 2/26/92

Classroom stabbing kills girl, 14

The Associated Press

ARCHDALE, N.C. — A 14-year-old girl died Tuesday after being stabbed in a classroom as 25 other eighth-graders watched, and her former boyfriend was arrested on a murder charge, authorities said.

"Everybody was running down the hall screaming," said 14-year-old Karalee Cameron.

The attacker entered the Archdale-Trinity Middle School classroom and asked to speak to Patricia Mounce, but she refused, said Police Chief Larry Allen.

He stabbed her once near the heart and fled the classroom. The youth ran to a

nearby business, telephoned police and surrendered, Allen said.

"We understand that it was an ex-boyfriend," said Worth Hatley, associate Randolph County school superintendent. "I can't remember anything this terrible happening in our school system."

Willis Odell Gravely Jr., 16, of High Point was charged with murder and held without bond in the Randolph County Jail.

The former boyfriend had been a student at the school but no longer lives in the district. He had been charged with kidnapping recently in another incident

involving her and may have been upset about the charge, Allen said.

The girl died during surgery at High Point Regional Hospital near Archdale, about 15 miles southeast of Winston-Salem in central North Carolina.

Classes continued and other students were told of the slaying. Counselors were brought in to talk to students.

"I think everyone is still trying to remain calm and trying to understand the tragedy that's occurred," said George Fleetwood, county school superintendent.

ADN 2/27/92

NATION NEWS

Student shoots 2 schoolmates dead

NEW YORK — A 15-year-old student shot and killed two schoolmates Wednesday in a high school swarming with security guards preparing for a visit from the mayor, police said. Ian Moore, 17, and Tyrone Sinkler, 16, were shot point-blank in a second-floor hallway at violence-plagued Thomas Jefferson High School in the rough East New York neighborhood of Brooklyn. The suspect went to school looking for them, then "walked right up to them without saying a word and shot them," said Deputy Inspector Patrick Carroll. The suspect apparently carried a grudge, authorities said. The shooting occurred 90 minutes before Mayor David Dinkins arrived for a speech.

Students and Weapons: A Deadly Combination

The statistics are frightening. One in five high school students carries a gun, knife, or other weapon with the intention of using it if necessary.

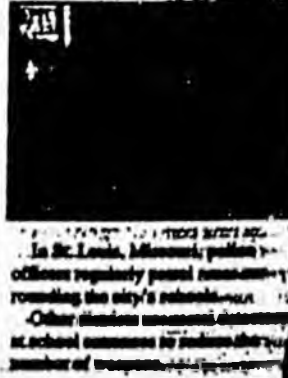
The findings by researchers with the Centers for Disease Control point to an alarming portion of today's teenagers. Nearly half of the 11,000 teenagers surveyed said they had been armed four or more times in the previous month.

The CDC findings and recent incidents of violence in public schools across the U.S. have raised government concerns regarding school safety. How safe is your school?

In a 1990 U.S. Dept. of Justice survey, 42 percent of teachers surveyed said they now more disruptive behavior than five years ago; 42 percent said they remained at least one serious fight in the previous month; 20 percent said they had been threatened at school.

Across the country, school districts are taking tough measures to combat the rising threat of school violence.

In Prince George's County, Maryland, the superintendent of schools has proposed a ban on guns on school grounds.



1. JANEAU EMPIRE, WEDNESDAY, MARCH 11, 1992

Eight-year-old Chicago student shoots classmate

By DAVID C. RUDD
and ANGELA BRADBERRY

CHICAGO — The latest news from Florida, Michigan and other states that have passed legislation banning assault weapons has not prevented the incident from taking place in a public school in Chicago.

A 9-year-old boy shot an 8-year-old girl in their third-grade class, the first time a pupil has been shot in one of the city's elementary schools.

It was a shooting crime involving children, why are they being shot? It was clear that a weapon had been brought into the steady environment of guns and violence late childhood years.

One day, a boy wanted to hit Rhonda that he will bring a gun to school, says enough, the next day he gets a pre-adolescent pistol in the hallway, puts it out in trading class and shoots a girl in the back, according to pe-

lice.

The boy had no history of discipline problems, police said. Police said he appeared nervous and nervous about the incident, but this did not mean all the other children, including Rhonda, at the time were not in the classroom.

Because of his age, the boy was not taken into custody but was allowed to remain with his parents Tuesday night.

Officials at Children's Memorial Hospital said the girl, Michelle Rodriguez, was in serious but stable condition after doctors removed a bullet from her spine. Doctors were optimistic about the girl's recovery, said Dr. John Stokols, assistant director of public safety at Children's Memorial.

But Stokols would not comment as to whether the girl would require rehabilitative therapy or whether her spine had been so badly damaged to cause paralysis.

Police said Michelle had been shot with a .24-caliber semi-automatic handgun that had been hidden in the trunk of a car.

Dr. J. J. P. Aron, Pediatric Director at the Northwest Side Police Department, said the boy may have brought a different gun to class on Tuesday.

Nabers said it was unclear whether any charges would be filed against the boy, under Illinois law, he is too young to be tried as an adult, but police could request that he be charged as a juvenile delinquent, a spokesman for the Cook County State's Attorney's Office said.

If charged, a court would determine the length of time he would have to remain in the custody of the Illinois Department of Corrections.

It is also possible that if the boy's home life is deemed to be safe or stable, he could be removed from the police and placed in the custody of the Illinois Department of Children and Family Services.

DCFS spokesman Ed McHarris said Tuesday night that he was unsure of any request that the agency be notified of the boy's home situation.

The shooting occurred shortly before 11 a.m. Tuesday in a class of about 20 children. The teacher had just finished teaching reading to a group of children in the back of the classroom, according to Ferris, who refused to name the teacher.

While her back was turned, children clustered in the front of the class, and suddenly the teacher heard a "loud noise," Ferris said. She turned and "saw the child on the floor," he said.

Ferris said he originally understood that the gun might have gone off accidentally while in the boy's hands. But Ferris said children had had police that the boy held the gun up and announced he was going to fire it. However, police are not sure if the boy knew the gun was loaded, Robert said.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SB 437, HJUD, 1991-92

5/1/92 H HESS

3/30/92 S JUD

4/12/92 S JUD

S B

4 4 10

HOUSE COMMITTEE REPORT

(7)
Date Referred: May 8, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/9/92

The JUDICIARY Committee considered: CSSB 440(JUD)

CS FOR SENATE BILL NO. 440 (JUD) ISSUANCE OF HUNTING/FISH LICENSES
 "An Act relating to the issuance of any class of guide-outfitter license to a person whose sport fishing, hunting, trapping, or guide-outfitter license is suspended or revoked in another state; and relating to the issuance of sport fishing, hunting, or trapping licenses, permits, or tags to a person whose sport fishing, hunting, or trapping license is suspended or revoked in another state; and providing for an effective date."

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
 [] have attached amendments(s)
 do pass
 [] do not pass
 [] no recommendations
 [] individual recommendations
 [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

- ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 [] fiscal impact _____ [] fiscal note(s) 1
 [] zero fiscal note _____ zero fiscal note(s) FIG 4/1/92 DPS 4-15-2

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mark Hamley</i>	X	<i>Mr. Shurety</i>		✓	
<i>Mike Miller</i>	X				
<i>Ally Ellis</i>	X				
<i>Daniel Wouley</i>	X				
<i>Terrell Martin</i>	✓				

Daniel Wouley

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 1

Bill Version: SB 440

(S) Publish Date: 4-1-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 2/18/92

Department Affected: Fish and Game

Title: Issuance of Hunting and Fishing

BRU: Administration and Support

Licenses

Component: Administrative Services

Sponsor: Senator Frank

Requestor: Senate Resources
Expenditures/Revenues: (Thousands of Dollars)

COMPONENT SERIAL NO.

4	7	9
---	---	---

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note assumes that the Department of Fish and Game will not be expected to do any enforcement of this statute.

Prepared By: Geron Bruce

Phone: 465-4100

Division: Commissioner's Office

Date: 3/30/92

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game

Changes in CSSB440 (RES) have no fiscal impact. This fiscal note is appropriate.

Distribution (by Changes in CSSB440 (JUD) author, OMB/D)

Rev 10/7/91

have no fiscal impact. This fiscal note is appropriate.

3-31-92 date JCU Comte Aide (initial)

4-15-92 date [Signature] Comte Aide (initial)

FISCAL NOTE

No. 2

Bill Version: CSSB 440 CTUD

(S) Publish Date: 4-15-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety

Title: "An Act relating to the issuance of BRU: Fish and Wildlife Protection

sport fishing, hunting, or trapping licenses." Component: Enforcement and ISU

Sponsor: Senator Frank

Requestor: Senator Frank

COMPONENT SERIAL NO.

4	9	0
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
----------------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

No impact upon the Division of Fish and Wildlife Protection is anticipated.

Prepared By: Captain C. Selhel Phone: 269-5682

Division: Fish and Wildlife Protection Date: 4/2/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 4/2/92

FISCAL NOTE

BILL NO. CSSB 440

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 4/1/92

Department Affected: Fish and Game

Title: Issuance of Hunting and Fishing

BRU: Administration and Support

Licenses

Component: Administrative Services

Sponsor: Senator Frank

Requestor: Senate Judiciary

COMPONENT SERIAL NO.

4	7	9
---	---	---

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars) *

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note assumes that the Department of Fish and Game will not be expected to do any enforcement of this statute.

Prepared By: Geron Bruce G.B.

Phone: 465-4100

Division: Commissioner's Office

Date: 4/5/92

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game

Date: 4/1/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSSB 440(RES)

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to the issuance of BRU: Fish and Wildlife Protection
sport fishing, hunting, or trapping licenses. . ." Component: Enforcement and ISU
 Sponsor: Senator Frank
 Requestor: Senator Frank COMPONENT SERIAL NO.

	4	9	0
--	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-
-------------------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

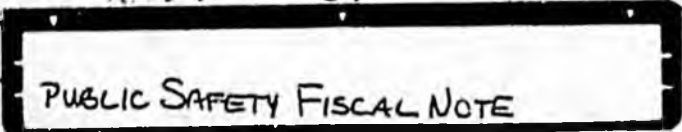
No impact upon the Division of Fish and Wildlife Protection is anticipated.

Prepared By: Captain C. Seibel Phone: 269-5682

Division: Fish and Wildlife Protection Date: 4/2/92

Approved by Commissioner: *Richard L. Burton* Richard L. Burton

Agency: Department of Public Safety Date: 4/2/92



Alaska State Legislature

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421



While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

Senate

TO: Representative Dave Donley, Chairman
House Judiciary Committee

FROM: Senator Steve Frank

RE: Senate Bill 440 - Issuance of hunting, fishing,
trapping or guide-outfitting licenses

DATE: May 8, 1992

I would like to request that a hearing be scheduled on CSSB 440 (Jud) in the House Judiciary Committee at your earliest convenience. SB 440 passed out of the House Resources Committee today with individual recommendations.

This legislation would prohibit an individual from receiving an Alaska hunting, fishing, or trapping license (and appropriate permits or tags), or a guide-outfitting license if that person's right to obtain a hunting, fishing, trapping or guide-outfitting license is suspended or revoked in another state. Once the period of suspension or revocation on the out-of-state license expires, the individual is then eligible to receive the desired license in Alaska.

Clearly, our state law enforcement officials and the courts take fish and game violations seriously. Alaskans take pride in holding in high regard the value of our fish and game resources and in respecting the laws that apply to fishing, hunting and trapping. Adoption of Senate Bill 440 will further demonstrate our commitment to protecting Alaska's fish and game resources for the benefit of all law-abiding consumptive and non-consumptive users.

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421

Alaska State Legislature



Senate

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

SPONSOR STATEMENT

SB440

Senate Bill 440 would prohibit an individual from receiving an Alaska hunting, fishing, or trapping license (and appropriate permits or tags), or a guide-outfitting license if that person's right to obtain a hunting, fishing, trapping or guide-outfitting license is suspended or revoked in another state. Once the period of suspension or revocation on the out-of-state license expires, the individual is then eligible to receive the desired license in Alaska.

In practice this provision would be applied by adding a statement to the existing Alaska hunting/fishing/trapping license form requiring the applicant's signature verifying that his or her right to obtain a hunting, fishing or trapping license in another state has not been suspended or revoked. Guide-outfitters would sign a document required by the Big Game Commercial Services Board verifying that his or her right to obtain a hunting, fishing, trapping or guide-outfitting license is not suspended or revoked in another state.

Clearly, our state law enforcement officials and the courts take fish and game violations seriously. I believe Alaskans take pride in holding in high regard the value of our fish and game resources and in respecting the laws that apply to fishing, hunting and trapping. Adoption of Senate Bill 440 will further demonstrate our commitment to protecting Alaska's fish and game resources for the benefit of all law-abiding consumptive and non-consumptive users.

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill Number: CSSB 440

Sponsor: Senator Frank

Bill Title: "An act relating to the issuance of sport fishing, hunting, or trapping licenses, permits, or tags to a person whose sport fishing, hunting, trapping, license is suspended or revoked in another state; and providing for an effective date."

Department Position: Support

Legislative Intent: This legislation would make it illegal for someone to apply for an Alaskan hunting, trapping, fishing license, or tag or permit, if that person's sport fishing, hunting or trapping license is currently revoked or suspended in another state.

Effects of legislation on department programs: This legislation would require the department to add a statement to the hunting, trapping and sport fishing license application, stating that the individual applying for the Alaska license does not currently have his fishing, hunting, or trapping license revoked or suspended in another state.

This legislation would add very little to the cost of the printing of sport fishing, trapping, and hunting licenses. The effective date of January 1, 1993 would give the department adequate time to revise its existing license forms, and add the appropriate statement to the form.

The department assumes that no investigation or enforcement activities by the department would be required by this legislation.

Commissioner's Signature

Bob Somerville Jr

Date

4/6/92

FISH & GAME POSITION PAPER

BILL NO: CSSB 440(RES)

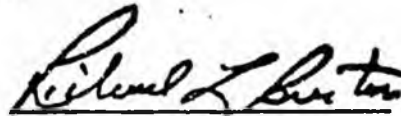
DATE: April 9, 1992

TITLE: "An Act relating to the issuance of sport fishing hunting, or trapping licenses. . ."

CONTACT: Gayle A. Horetski
Deputy Commissioner
465-4322

Passage of CSSB 440(RES) would prevent the issuance of a sport fishing, hunting, or trapping license or other permit or tag issued under AS 16.05.330 - 16.05.430, if the person's right to obtain, or exercise the privileges granted by, a sport fishing, hunting, or trapping license has been suspended or revoked in another state. This bill would require that any person applying for such a license, permit or tag sign a statement that the person's right to obtain, or exercise the privileges granted by a sport fishing, hunting, or trapping license is not suspended or revoked in another state.

Under current law a serious fish and game resource offender from another state may apply for and be issued a sport fishing, hunting, or trapping license, or a big game guide-outfitter related license, in Alaska. Serious resource violators frequently travel freely between states to illegally harvest fish and game. The Department of Public Safety supports preventing those resource violators whose fishing and hunting privileges have been suspended or revoked in another state from obtaining a license or permit to take wildlife in Alaska, and supports CSSB 440(RES).



Richard L. Burton
Commissioner

1-800-478-3377



ALASKA FISH & WILDLIFE SAFEGUARD

5700 East Tudor Road, Anchorage, Alaska 99507
(907) 269-5540

March 30, 1992

Sen. Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Sen. Frank:

As vice chairman of the statewide Alaska Fish and Wildlife Safeguard board, I'm writing today to convey the full support of our three regional boards for Senate Bill No. 440. We believe this legislation prohibiting persons with suspended fishing, hunting or trapping licenses in other states from obtaining such licenses here is long overdue and will serve as a further deterrent to violations of our laws.

We appreciate your efforts in sponsoring this valuable legislation.

Sincerely,

A handwritten signature in cursive script that reads "Fred E. Chase".

Fred E. Chase
State Vice Chairman
Alaska Fish and Wildlife Safeguard

F&W Safeguard
Letter of Support

S B

4 4 9

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 14, 1992

FURTHER REFERRALS:

Date of Committee Action: 5/9/92

The JUDICIARY Committee considered:

CSSB 449(JUD)

CS FOR SENATE BILL NO. 449 (JUD)

TRANSFER OF ENTRY PERMIT ON EXECUTION

"An Act relating to the transfer of a limited entry permit, including a transfer due to an execution; and providing for an effective date."

RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

Fish & Game / Commerce / REV. / F&G
 3-1-92 / 3-11-92 / 3-16-92 / 3-16-92

[] zero fiscal note _____

zero fiscal note(s)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>W. J. ...</i>	(-)	<i>David ...</i>		✓	
<i>Mark ...</i>	✓	<i>Kevin ...</i>		✓	
<i>J. ...</i>	X				

David ...

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

No. 4

Bill Version: SB 449

(S) Publish Date: 3-16-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 3/12/92

Department Affected: Fish and Game

Title: Transfer of limited entry permits

BRU: Commercial Fisheries

Component: Commercial Fisheries

Sponsor: Rules Committee by Governor

Requestor:
Expenditures/Revenues: (Thousands of Dollars)

COMPONENT SERIAL NO.

4	5	9
---	---	---

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
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

Estimate of current year impact: None

Changes in CS 5 B 449 (JUD) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary.)

3/26/92
date

PC
Comte Aide (initial)

Prepared By: Geron Bruce G.B.

PHONE: 465-4100

Division: Commissioner's Office

Date: 3/12/92

Approved by Commissioner: [Signature]

Agency: Department of Fish and Game

Date: 3/2/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. CRC., & Impacted Agency(ies).

No. 3

Bill Version: SA 449

(S) Publish Date: 3-16-92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Commerce & Econ. Dev.

Title: Draft bill establishing procedures to
govern transfers of entry permits

BRU: Investments

Component: _____

Sponsor: _____

Requestor: _____

COMPONENT SERIAL NO.

0	3	8	4
---	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND RESOURCE:	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS (Attach a separate page if necessary.)

Changes in CSSB 449 (JW) have no fiscal impact. This fiscal note is appropriate.

3/26/92 date Re Comte Aide (initial)

Prepared By: Martin J. Richard, Director Phone: 465-2510

Division: Investments Date: 3/13/92

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: 3-13-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., and Impacted Agency(ies).

FISCAL NOTE

No. 2

II Version: SB 449

(S) Publish Date: 3-16-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Revenue

Title: Regulate transfer of limited entry permits due to execution

BRU: Revenue Operations

Sponsor: Governor

Component: _____

Requestor: _____

Component Serial No.

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE						
---------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

Changes in CSSB 449 (JUD) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: The Department of Revenue is unaffected by this legislation.

3/26/92 RC
date Comte Aide (initial)

Prepared by: Rod Mourant

Phone: 465-2300

Division: Commissioner's Office

Date: March 12, 1992

Approved by Commissioner: Darrel J. Rexwinkel

Agency: Revenue

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: SB 449

(S) Publish Date: 3-16-92

Revision Date: _____
Title: Regulate the transfer of limited entry fishing permits
Sponsor: Rules Committee
Requestor: Governor

Department Affected: FISH AND GAME
BRU: Commercial Fisheries Entry Commission
Component: Limited Entry Program Administration

COMPONENT SERIAL NO.

	4	7	1
--	---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Changes in ASB 449 (JUD) have no fiscal impact. This fiscal note is appropriate.

3/26/92 RC
date Comte Aide (initial)

Prepared By: Roger Kolden Phone: 739-6160
Division: Commercial Fisheries Entry Commission Date: 03/11/92

Approved by Commissioner: _____
Agency: CFEC Date: 3/11/92

HOUSE COMMITTEE REPORT

4-14-92
 Judiciary

(9)
 Date Referred: April 2, 1992

FURTHER REFERRALS:

Date of Committee Action: 4/8/92

The RESOURCES Committee considered:

CSSB 449(JUD)

CS FOR SENATE BILL NO. 449 (JUD)

TRANSFER OF ENTRY PERMIT ON EXECUTION

"An Act relating to the transfer of a limited entry permit, including a transfer due to an execution; and providing for an effective date."

- RECOMMENDATIONS: [] the same title
 be replaced with _____ [] a new title
- [] have attached amendments(s)
 do pass
 [] do not pass
 [] no recommendations
 [] individual recommendations
 [] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal impact _____

[] fiscal note(s) _____ ³⁻¹⁶⁻⁹²

[] zero fiscal note _____

(A) ^{Senate} [] zero fiscal note(s) Revenue; ADF+g; DCEI

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Davidson</i> DAVIDSON	✓	<i>Jim Zawacki</i> ZAWACKI		X	
<i>Carney</i> CARNEY	✓				
<i>Finkelstein</i> FINKELSTEIN	✓				
<i>Lincoln</i> LINCOLN	✓				
<i>Leman</i> LEMAN	✓				
<i>Moyer</i> MOYER	X				
<i>Hudson</i> HUDSON	✓				
<i>Ivan</i> IVAN	✓				

(Davidson) *Davidson*
 CHAIRMAN'S SIGNATURE

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 16, 1992

The Honorable Richard I. Eliason
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

449

Dear President Eliason:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to establish procedures for, and in certain circumstances to restrict, the transfer of limited entry permits. A limited entry permit is required for the commercial taking of certain fishery resources in Alaska.

Section 2 of the bill is a housekeeping measure (1) to clarify that AS 16.43.170(b) applies to all voluntary limited entry permit transfers, not just those transfers governed by an agreement between the permit holder and a third party, and (2) to codify a longstanding practice of the state. Section 3 of the bill sets out the conditions governing the transfer of a limited entry permit when the transfer is requested due to a valid execution on that permit.

Since the enactment of AS 16.43.150(g), which protects a limited entry permit from execution by creditors, the courts have nonetheless ruled in two specific cases that a permit holder's interest in a limited entry permit may be executed upon to satisfy a third-party claim against that permit holder. Under state law, only the Commercial Fisheries Entry Commission ("the commission") is authorized to transfer title of a limited entry permit. The commission's existing statutes do not provide for transfers to a third party in the case of an execution by creditors of a permit holder. The bill is intended to address this statutory deficiency. AS 16.43.150(g) is amended in sec. 1 of the bill, to acknowledge the transfer provisions added by sec. 3 of the bill.

The conditions established in proposed AS 16.43.170(g)(1) - (5), in sec. 3 of the bill, for a transfer related to an execution on the permit conform to those conditions presently required in existing AS 16.43.170(b) for a voluntary transfer of a permit and for transfer of the title of a permit which is held by the Department of Commerce and Economic Development (DCED) under AS 16.10.300 - 16.10.370 or by the Commercial Fishing and Agriculture Bank (CFAB) under AS 44.81. Proposed AS 16.43.170(g)(4) is applicable when the limited entry permit requested to be transferred is subject to a certificate of title issued to DCED or CFAB to secure a loan extended by either entity. Presently, the

The Honorable Richard I. Eliason
March 16, 1992
Page 2

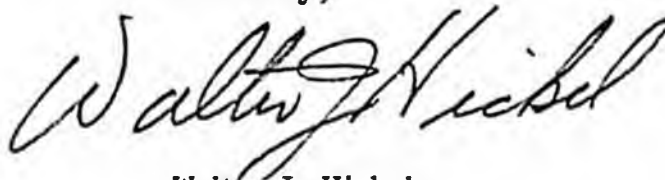
commission denies a holder's request made under AS 16.43.170(b) for the transfer of the title to a limited entry permit if that permit is already subject to such a certificate. Proposed AS 16.43.170(g)(4) would allow the commission, for the same reason, to deny a request for the transfer of the title to a limited entry permit made because of a valid execution against that permit.

The Alaska Statehood Act entrusted Alaska with management of its fish and game resources to further the economic well-being of Alaska. Consistent with this responsibility, and recognizing that many Alaska fishers are dependent solely upon fishing for their livelihoods, sec. 3's proposed AS 16.43.170(g)(6) seeks to protect those fishers' permits from transfer by valid execution if the commission determines that the permit is a "necessary means of support" for the fisher and those dependent upon the fisher.

Finally, the bill provides the State of Alaska with a right of first refusal to purchase a limited entry permit requested to be transferred due to a valid execution against that permit. The state would have an opportunity to purchase a limited entry permit after an execution sale when the state's interests would be served by doing so. See proposed AS 16.43.170(g); sec. 3 of the bill. A similar opportunity is already reserved for the state under Alaska law in the event of foreclosure upon a limited entry permit by DCED or CFAB.

I urge your early and favorable consideration of this bill.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

Walter J. Hickel
Governor

TO: The Honorable Cliff Davidson
Chairman
House Resources Committee

DATE: April 6, 1992

FAX NO: 789-6170

TELEPHONE NO: 789-6160

FROM: COMMERCIAL FISHERIES
ENTRY COMMISSION
Bruce Twomley, Chairman
Frank Homan, Commissioner
Rich Listowski, Commissioner

SUBJECT: Governor's HB 560,
SB 449

As you know, Governor Walter J. Hickel has introduced HB 560/SB 449 now referred to your House Resources Committee. The proposed Bills addresses the fact that two court decisions have declared that certain creditors may validly execute upon entry permits to enforce claims against the permit holders. The proposed legislation is the first attempt by the State to regulate transfers of entry permits due to these valid executions. The legislation does not discriminate between such creditors.

Section 3 of the proposed legislation will:

1. For the first time regulate transfers of entry permits due to valid execution;
2. Require such transfers to conform to state law;
3. Protect the revolving loan funds of the State Commercial Fishing Loan Program and the Commercial Fishing and Agricultural Bank (CFAB) by denying transfer of a permit which is security for a loan from either of these programs;
4. Attempt to protect fishers who most need their entry permits; and
5. Grant the State the right of first refusal with respect to the permit sold at a valid execution sale.

Please call, if you have any questions or comments.

cc: Lori Nottingham, Deputy Legislative Liaison, Office of the Governor
Deborah E. Behr, Esq., Assistant Attorney General
John T. Baker, Esq., Assistant Attorney General

S B

461

HOUSE COMMITTEE REPORT

(7)

Date Referred: May 8, 1992

FURTHER REFERRALS:

Date of Committee Action: 5.9.92

The JUDICIARY Committee considered:

CSSB 461(HES)

CS FOR SENATE BILL NO. 461 (HES)

UNIVERSITY OFFICE OF PUBLIC SAFETY

"An Act relating to establishment of a University of Alaska office of public safety."

RECOMMENDATIONS:

be replaced with _____ the same title

_____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) UA (4-29-92)

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Terry Marko</i>	✓	<i>Mark Hanley</i>			
<i>Nick Miller</i>	✓	<i>Dave Hanley</i>		✓	
<i>Mark Hanley</i>	X				
<i>J. Ellis</i>	X				
<i>Kevin Pat Parrell</i>	✓				


 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO.

Bill Version: SB 461
(S) Publish Date: 4-29-92

Revised: 4/28/92
Title: UA Office of Public Safety

Department Affected: UNIVERSITY OF ALASKA
BRU: SW Programs and Services
Component: Statewide Services

Sponsor: Judiciary
Requestor: Governor

Component Serial No: 730

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
OPERATING						
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 FD SOURCE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: -0-

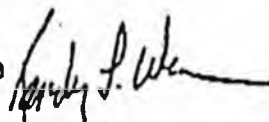
ANALYSIS (Attach additional pages as necessary)

Changes in SB 461 (HES)
have no fiscal impact. This
fiscal note is appropriate.
4-29-92 MJ
date Comptroller (initial)

Prepared by: Marsha Hubbard, Director
Division: Statewide Budget Office

Phone: 474-7583
Date: 4/28/92

Approved by: Brian Rogers, Vice President for Finance
Agency: University of Alaska



Date: 4/28/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies)

SENATE FINANCE COMMITTEE REPORT

SB461

DATE: 4/29/92

FURTHER:

DATE TURNED INTO OFFICE: 5-6-92

The Finance Committee considered

SENATE BILL NO. 461

"An Act relating to establishment of a University of Alaska office of public safety."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS SB 461 (HES)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes Univ. 4-28-92

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

1. *[Handwritten signature]*

2. _____

Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

S. IATE COMMITTEE REPOI
FIRST COMMITTEE OF REFERRAL

JMS

DATE: 4/1/92

FURTHER: Finance

Date of 5-Day Notice: 23 April 92
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 20 April 92

HES Committee considered SB 461

"An Act relating to establishment of a University of Alaska office of public safety."
and recommends it be replaced with

and recommends:

replace with _____ CS SB 461 (YES)

same title
 new title
 technical title change (HB only)

attaches amendment(s)

and report it back as follows

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FFM

NEW FISCAL NOTES: Dept/Date

zero fiscal notes UA 28 April 92
SB and CS

PREVIOUS FISCAL NOTES: Dept/Date

Governor's bill with fiscal notes:
zero fiscal notes _____

fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

DO PASS:

OTHER RECOMMENDATIONS:

(1) Summary = Information N/A REC
(2) See Coste. DO NOT PASS

Chair: Signature and Recommendation

Chair: Signature and Recommendation

AMENDMENT

OFFERED IN THE SENATE
TO: CSSB 461(HES)

BY SENATOR HOFFMAN

NO

Page 1, line 1, after "safety":

Insert "and to village public safety officers"

NOT OFFERED

Page 2, after line 8:

Insert a new subparagraph to read:

"(D) a village public safety officer:"

NEW BILL IN
COMMITTEE 4-29-92

CS FOR SENATE BILL NO. 461 (HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/29/92
Referred: Finance

Sponsor(s): SENATE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to establishment of a University of Alaska office of public safety."

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

3 * Section 1. AS 14.40 is amended by adding a new section to read:

4 Sec. 14.40.043. UNIVERSITY OF ALASKA OFFICE OF PUBLIC SAFETY. The board
5 of regents may establish an office of public safety and prescribe the conditions of employment
6 of public safety officers employed by the office. University of Alaska public safety officers have
7 general police powers to enforce state and local laws in connection with offenses committed on
8 property of the university.

9 * Sec. 2. AS 18.65.290(5) is amended to read:

10 (5) "police officer" means

11 (A) a full-time employec of the state or a local police department with the
12 authority to arrest and issue citations; detain a person taken into custody until that person
13 can be arraigned before a judge or magistrate; conduct investigations of violations of and
14 enforce criminal laws, regulations, and traffic laws; search with or without a warrant