

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672

7440 SENATE HEALTH EDUCATION & SOCIAL SERVICES

POSITION PAPER / COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Bill No: CSSH B 156 (JUD)

Date: March 5, 1992
Contact: Joanne F. Lopez
Executive Director
465-435

Title: "An act providing that communications between a domestic violence or sexual assault victim and a domestic violence or sexual assault counselor are privileged ... "

The Council on Domestic Violence and Sexual Assault supports CSSH B 156 (JUD) which provides that communications between a victim and a domestic violence or sexual assault counselor are privileged.

Confidentiality is essential to assure victim safety. The Council on Domestic Violence and Sexual Assault requires that Council-funded programs assure that confidential communications are kept confidential, and that the programs will not provide information to anyone outside their agency without the consent of the victim.

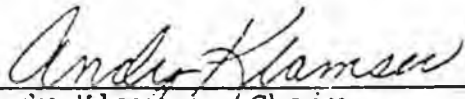
Protection for these communications is available in 20 states for victims of sexual assault and in 24 states for counseling of domestic violence victims. Five other states have covered all victim counseling as recommended by the President's Task Force on Victims of Crime.

Victims often speak to their counselors about their fears and feelings arising from the crime, and believe that they are revealing such information in a confidential environment. To betray that trust would undermine the client-counselor relationship. Victims who realize that their communications may be subject to disclosure may avoid counseling altogether.

Some victims can afford to seek help from private therapists, to whom communications are privileged under other laws, but many victims are not able to afford such services. CSSH B 156 (JUD) would extend the victim-counselor privilege to all victims, regardless of their economic status.

Victim reporting of sexual assault and domestic violence crimes and willingness to cooperate with the criminal justice system has increased considerably in Alaska over the past 12 years. This is due in part to the victims' belief that their communications would remain confidential. Client-counselor privilege should be protected by law.

The Council on Domestic Violence and Sexual Assault supports this legislation.


Andy Klamsner, Chair
Council on Domestic Violence and
Sexual Assault

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Manitok Regional Women's Crisis Program;
Tongass Community Counseling Center; Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Sitka Against Family Violence (SAFV);
Seward Life Action Council (SLAC); Southwestern Alaska Council
for the Prevention of Child Sexual Assault (SWACPCSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Unalaskans Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

NATIONAL ORGANIZATIONS SUPPORTING VICTIM/COUNSELOR PRIVILEGE

- * President's Task Force on Victims of Crime (1982)
- * The National Center on Women & Family Law
- * The National Organization for Victim Assistance
- * National Victim Center
- * National Coalition Against Domestic Violence
- * National Coalition Against Sexual Assault
- * National Network for Victims of Sexual Assault
- * National Woman Abuse Prevention Project

ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Barrow Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRC);
Maniilaq Regional Women's Crisis Program;
Tongass Community Counseling Center, Parent Aid Family Support Center;
Safe & Fear-Free Environment (SAFE); Sakas Against Family Violence (SAFV);
Seward Life Action Council (SLAC); Southwestern Alaska Council
for the Prevention of Child Sexual Assault (SWACPCSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Unalashans Against Sexual Assault & Family Violence (USAFV);
Valley Women's Resource Center (VWRC);
Women In Crisis Counseling & Assistance (WICCA);
Women's Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

SOME STATES WITH VICTIM/COUNSELOR PRIVILEGE*

Alabama
California
Connecticut
Florida
New Hampshire
Illinois
Indiana
Iowa
Maine
Massachusetts
Minnesota
New Jersey
New Mexico
North Dakota
Pennsylvania
Utah
Washington
Wyoming

*Primarily limited to victims of sexual assault and/or domestic violence, although some states include victims of all violent crimes. So, federal statute under the Victims of Crime Act requires confidentiality of victim records for organizations receiving VOCA funding. About half of Alaska's dv/sa programs receive VOCA funds.



Alaska Women's Resource Center

111 W. 9th Ave., Suite 4 • Anchorage, Alaska 99501 • (907) 276-0528

February 28, 1992

Rep. Kay Brown
Alaska State House

Dear Kay,

Please accept these comments in support of HB 156. Domestic Violence counseling on an outpatient basis is one of four program specialities at AWRC and represents our second largest program in terms of allocated budget. We have three domestic violence counselor advocates on staff and an ever-growing demand for services in this area.

We support HB 156's efforts to extend protection to communications between domestic violence victims and their counselors. Such communications are frequently the same kinds of discussion which might occur between doctor and patient or between lawyer and client. But experience has shown that the successful treatment of domestic violence does not necessarily require the services of a psychiatrist or a psychologist. Consequently, domestic violence counselors do not have the same protection we accord, without debate, to communications with a doctor or with a lawyer.

We have been fortunate at AWRC to avoid unfortunate incidents over the subject because we are also subject to federal confidentiality requirements (as a result of our alcoholism & substance abuse program) which prohibit the release of information without a court order. We urge you to support HB 156 and the important protection it provides to victims of domestic violence.

Sincerely,

Theda Pittman
Executive Director

Marion Brown
Program Director

Donna Knight
Counselor Advocate

do not feel stung by the crime. In the meantime, victims should not routinely be forced to surrender their privacy.

But that's not the only concern in the equation. A careful balancing against the public's right to know is needed. It's a difficult task, one that is best not dictated by state legislators.

But . . .

Legislature has other ways to help

The proposed rape shield law described above goes too far, but the legislature has other ways to help victims of rape and domestic violence.

First and foremost is money. The state offers grants to 23 agencies that help prevent and treat sexual assault and domestic violence. Vetoes inflicted by outgoing Gov. Steve Cowper, together with new cuts proposed by Gov. Wally Hickel, would reduce those grants by 13 percent.

The House has voted to restore both sets of cuts. But even so, the \$5.9 million is barely adequate to help everyone who turns to rape crisis lines and shelters for battered women. And the Senate's figure falls \$400,000 short of the House mark.

In addition to spending money, legislators can act on several bills.

One would help victims who need court orders to protect themselves against domestic violence. The right to get an order would be extended to someone whose dating partner becomes threatening. As the murder of Sandra Pogany last summer shows, a spurned lover can turn dangerous even when the relationship falls short of marriage or living together.

Another change would extend the legal privilege of confidentiality to domestic violence and rape counselors. Victims are less likely to seek help if they fear that what they tell a counselor may be aired out in court.

A final worthwhile change would allow shorter presumptive prison terms for victims of domestic violence who turn on their assailants. Enduring abuse doesn't legally excuse assault or murder, but it could justify a lighter sentence.

The House has either passed or is making good progress on these proposals. Work on the Senate side has been slower. If lawmakers are serious about helping those who suffer sexual assault and domestic violence, they'll pass these measures — and restore full funding for agencies serving victims — before the session ends.

QUOTABLE

"This stuff has been used for 4,000 years before the birth of Christ. All of us farmers are conservationists and environmentalists to a point, and if it was harmful I sure wouldn't be doing it."

— Byron Hollembeak, on his plan to use sewage sludge from Fairbanks as fertilizer on his Delta Junction farm.

"The question for us is: Fertilizer or bioenergy?"

finer. Nobody much asks for money without giving something.

The man with the tongue was on Bourbon Street and right out of a David Lynch movie. He wore a stocking cap, three days of beard and a drab olive jumpsuit.

First he did a mock strip, with a slow teasing roll of his nylon socks, taking ad-

When he passed revelers pressed for fill it. His overhead than most.

Mimes, for instance those elaborate costumes that, considering sult Orleans, must need cleaning every no then.

Street musicians a ferent species of the

Rioters suffered no

WASHINGTON — Before I became a columnist, I was a reporter — a riot reporter too. I covered riots in Washington, D.C., Harlem, Brooklyn and one of the very worst (26 dead) in Newark. It was in Newark that I got religion — converted to a mild form of Richard Daleyism. It was the late Chicago mayor who suggested busting some heads.

I would not go anywhere near that far. But Washington, D.C., which had itself a fine little riot in a mixed Latino neighborhood for two nights, seemed to go as far as possible in the other direction. In full view of television viewers, stores were looted, cars torched, city buses attacked and the police — well, the police did little. It was not until after the midnight curfew on the second night of the riot that significant arrests were made. Washington had permitted unpardonable no-fault rioting.

Some would disagree. There was "fault," and it was linked to something called "grievances" — lack of housing, jobs and, of course, the cultural differences between Latino immigrants and the local constabulary. (The shooting of a Latino by a police officer triggered the riot.) But in



RICHARD COHEN

Newark I learned matter how legitimate underlying grievance is a chance to have time and to get some goods on the all terms.

Once, I had thought wise. I had read that Watts rioters of 1965 exercised some discretion what they trashed: Only the stores of who lived out of the neighborhood were hit.

But in Newark, door-to-door after trying to find out who owned the looted stores. I was of — good people, kind. The residents shook heads in disbelief. What had happened in that neighborhood.

DOONESBURY



COUNCIL ON
DOMESTIC VIOLENCE
AND SEXUAL ASSAULT

ANNUAL REPORT
TO
GOVERNOR HICKEL
AND THE
ALASKA LEGISLATURE

JANUARY 1991

COUNCIL MEMBERS AND STAFF

COUNCIL MEMBERS:

Mary Pete, Chair, Bethel (Public Member)
Paula Haley, Anchorage (Public Member)
Andrew Klamser, Homer (Public Member)
Karen Crane, Department of Education
Gayle Horetski, Department of Public Safety
Vacant, Department of Health and Social Services
Vacant, Department of Law

COUNCIL STAFF:

Barbara Miklos, Executive Director
Marcia Lynn McKenzie, Program Coordinator
Wil Coloma, Statistical Technician
Susan King, Secretary

Council on Domestic Violence
and Sexual Assault
Department of Public Safety
P.O. Box N
Juneau, AK 99811-1200
Phone: (907) 465-4356

Location:

Public Safety Building
450 Whittier Street
Room 204
Juneau, Alaska

INTRODUCTION

"We found that the perception you shared when you gave us our charge is unfortunately true. The innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds - personal, emotional and financial - have gone unattended."

In a letter to President
Ronald Keagan from the
President's Task Force
on Victims of Crime, 1982

"The problem of family violence has existed for generations, yet it is only recently that this phenomenon has begun to receive the attention it deserves."

Chief William L. Hart
Chairman, U.S. Attorney
General's Task Force on
Family Violence

Societies and shelters for the protection of animals existed in the United States before there was legislation to protect children who were abused. We have made progress since then. As a country, we have developed legislation and programs to protect children and adults who are victims of family violence. As a state, Alaska has programs and policies that are models for the rest of the country. However, much still needs to be accomplished. According to data compiled by the staff of the U.S. Senate Judiciary Committee, there are three times as many animal shelters in the United States as there are shelters for battered women.

Domestic violence and sexual assault continue to be major problems in our country and our state. People continue to be killed, beaten and raped in record numbers. Although violent crime in general is declining, violent crimes against women (including domestic violence) are increasing. Since 1974, the rate of assaults against young women (ages 20 - 24) has risen almost 50%; for young men it has decreased. Data from the National Crime Survey shows that women are the victims of violent crime committed by family members at a rate three times that for men. Also, according to the Survey, spouses or ex-spouses commit more than half of all violent crimes committed by relatives against women.

A woman is beaten every 18 seconds and 4,000 battered women are killed every year in the United States. Nationwide, more than one million abused women each year seek medical assistance for injuries caused by battering. In Alaska, 26% of adult women have been physically abused by a spouse sometime during their lives and most of the battered women were abused at least once a month. It is estimated that a minimum of 13,200 women living in Alaska have required medical treatment by a doctor or hospital for injuries sustained by abuse at some time in their life. In 1988, fifty

percent of female murder victims in Alaska were killed by their husbands or boyfriends.

Children raised in violent homes suffer the effects of living in this environment and are at higher risk for physical and sexual abuse. Children raised in violent homes are 1500% more likely to be physically abused or seriously neglected. Nearly fifty percent of abusive husbands batter their wives when they are pregnant, making these battered women four times more likely to bear infants of low birth weight. These women had twice as many miscarriages as non-battered women.

Former U.S. Surgeon General Dr. C. Everett Koop identified domestic violence as the number one health threat to women and declared it to be a public health issue. In one of his final speeches as U.S. Surgeon General, Koop stated: "The mind set that any type of violence that results in physical and mental damage is a private or family matter or a tradition should be abhorrent to us all. Battery is the single most significant cause of injury to women in this country." Dr. Koop went on to note that in the United States, an estimated 40% of all women have experienced some type of sexual abuse as children and as many as 44% of adult women report completed or attempted rape, including rape by their husbands or other family members.

People from all walks of life have come to recognize the seriousness of the problems and the need for a comprehensive and coordinated response to domestic violence and sexual assault. A study by the National Council of Juvenile and Family Court Judges recommends that courts treat family violence as a serious crime. The Honorable Stephen B. Herrell, Chairman of the group and a judge from Portland, Oregon, says that violence against women and children has created a generational cycle of violence that cannot be broken without strong intervention by the courts.

Responses to sexual assault have been improved, but sexual violence against women continues to rise. During the past ten years, rape rates have risen nearly four times as fast as the total crime rate. According to data provided by a criminological study conducted in 1990, rape remains the most under-reported of all major crimes; only 7% of all rapes are reported to police. One in five adult women will be raped at some time in their lives and one in four women now in college will be attacked by a rapist. Alaska continues to have one of the highest incidences of rape in the country. In 1989 in Alaska, there were 53 reported cases of forcible rape against adult women per 100,000 population compared to the national rate of 38 cases per 100,000.

Services for victims of domestic violence and their children are crucial in order to save lives and reduce the pain and suffering caused by these crimes. Victims of sexual assault must receive crisis intervention services so they can overcome the trauma. Without assistance, they may continue to relive the event and live in fear for their life and safety. The report from the U.S. Attorney General's Task Force on Family Violence states that "Shelters are an important resource for a diverse group of victims of family violence who must leave home to escape life-threatening

abuse and have nowhere else to go. Among the most important services shelters offer for battered women and their children are immediate safety, counseling, referrals to alcohol and drug treatment programs and assistance in seeking employment and permanent housing.

Services for child victims must be available to help them cope with the horrors they have encountered. Children from violent homes suffer emotional and physical disorders as a result of their family situations. Many of these children are victims of physical and sexual abuse, who need to be protected and helped. Helping these children will not only ease the pain, but also prevent future problems. Alcohol and other drug abuse, suicide and criminal behavior are often caused by abuse suffered in childhood. Services for children are important to stop the cycle of abuse.

Treatment for batterers is an integral part of the system to protect victims. Experience has shown that most battered women return to the violent relationships. This happens for many reasons, including the lack of financial resources to allow them to live independently. Without counseling and treatment for batterers, violence in these relationships generally becomes more frequent and severe, often resulting in death.

Alaska is fortunate to have a comprehensive, coordinated system for addressing the pain and suffering caused by family violence. In FY91, the Council on Domestic Violence and Sexual Assault is funding 23 community-based programs to provide services to victims of domestic violence and their families. These programs also provide important educational services to their communities as well as outlying communities. Without an all-out effort by community members, family violence will not be stopped. In FY90, Council-funded programs served 9,729 clients. Almost 8,000 of these clients were victims of domestic violence and their children. These victims and their children were provided almost 53,000 nights of safety in shelters or safe homes. The need for these services can be seen in the numbers of clients as well as the tremendous increases in demand for services. Since FY87, the number of nights of safety has increased by 44%.

The mission of the Council on Domestic Violence and Sexual Assault is to provide immediate safety and support to victims of domestic violence and sexual assault in life-threatening situations and to reduce the incidence of domestic violence and sexual assault in Alaska. The Council accomplishes this through serving as a funding agency for community-based programs. The Council processes applications for funding and monitors programs that receive grants and provides technical assistance to programs and other community groups. It also serves as a planning and coordinating agency for domestic violence and sexual assault services provided by various agencies. This report presents major Council initiatives in 1990, describes programs funded by the Council, presents statistical data gathered from programs in FY90 and identifies issues of concern and possible solutions.

obtain injunctive relief orders in cases of domestic violence as well as other protections provided to victims of domestic violence be expanded to include people in dating relationships. Police officers may arrest for domestic violence misdemeanor assaults even if it was not committed in their presence; it is also important that this protection be provided in dating relationships.

2. Teen Violence, an Issue for Legislative Consideration

In December, 1989, the Council held a statewide teleconference on teen violence. After hearing from the people testifying, the Council agreed the problem merited the attention of the Legislature and requested that the House and/or Senate Health, Education and Social Services Committees hold hearings on the topic of teen violence. Many people who testified at the Council's teleconference wanted to address their concerns to legislators, and had suggestions for legislation and for needed services.

People who testified work with teens either through domestic violence programs, youth-serving agencies, or schools. Many people testified to the growing trend toward violence among youth and observed that young people state that "violence is a way to have fun". A clinical psychologist in Fairbanks stated that he feels teen violence is symptomatic of societal breakdown.

Many teens are victims of violence. One participant who works with pregnant teenagers spoke of the many young women who are either present or past victims of abuse, as well as some who are abusive to their own child. For some, violence begins in the womb.

A representative from the Division of Public Health, Department of Health and Social Services, testified that violence has replaced infection as the major cause of death for adolescents in the United States, with violent deaths accounting for 77% of all adolescent deaths. Accidents are the highest causal factor, with alcohol being implicated in over half the accidental deaths. Homicide is the second leading cause of teenage fatality in the U.S.; with a 300% increase of teenage homicide between 1950 and 1980. The third leading cause of teenage death is suicide, quadrupling since 1950.

3. Confidentiality of Victim Counseling

Domestic violence and sexual assault programs have identified the need to develop legislation that makes victim counseling legally privileged and not subject to defense discovery or subpoena. This type of legislation is important because it protects victims from further abuse by the system. If the confidential communications exchanged between victims and counselors during treatment can be used as evidence in criminal proceedings, counseling may not benefit victims, and, in fact, may add to their trauma. Victims often speak to their counselors about fears and feelings arising from the crime. Those who are

under the impression that they are revealing such information solely for therapeutic purposes often feel betrayed when their counselors are compelled to disclose their communication before the public at an open trial. Victims who realize in advance that their communications may be subject to disclosure may avoid counseling altogether. The President's Task Force on Victims of Crime recommended that legislation be enacted making designated victim counseling legally privileged.



**PRESIDENT'S
TASK FORCE ON
VICTIMS OF CRIME**

FINAL REPORT DECEMBER 1982

fre-
es by
g this
se ef-
to es-
dibil-
on be

can afford private treatment by these professionals; they do not shield the vast majority of victims.

At least one state has enacted a statute making rape victims' communications to counselors legally privileged.¹ While this is a step in the right direction, we believe that the privilege should encompass the counseling of all crime victims. Because of the responsibility of the prosecutor to afford discovery to the defendant, it is not contemplated that this counseling privilege extend to the prosecutor's office.

It was a great relief to have someone to talk to, who would in no way pass onto others what I thought, felt, or did at that confusing time.—a victim

Notes

1. The State of Pennsylvania has codified this privilege in 42 Pa. C.S.A. § 5945.1, "Confidential communications to sexual assault counselors."

CORRECTION

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



**PRESIDENT'S
TASK FORCE ON
VICTIMS OF CRIME**

FINAL REPORT

DECEMBER 1982

I was upset when I was asked about my new location where I lived, and when I had to give my children's names, the man who had caused these problems was sitting in the courtroom and I was telling him how he or someone else could find me.—a victim

This experience brought me closer to death than one could ever imagine, not only because of the gun, but because of the rape itself. I felt ashamed, and I thought I wanted to die. My heart felt like it was going to burst. Crying and talking with people I could trust helped to relieve the pressures. I needed to share feelings with people who would keep my secret for however long I needed them to.—a victim

When victims or witnesses testify, they are frequently asked for their home address, sometimes by the prosecutor. Prosecutors should stop soliciting this sensitive information and should object to defense efforts to obtain it. Only when the defense is able to establish that the address is clearly relevant to credibility or to the facts of the case should the question be allowed.

Executive and Legislative Recommendation 2:
Legislation should be proposed and enacted to ensure that designated victim counseling is legally privileged and not subject to defense discovery or subpoena.

A number of organizations and victim/witness units provide psychological crisis counseling to ease the real and profound psychological trauma of victimization. Since the development of rape crisis centers, the need for and benefits derived from counseling for rape victims has become well established. Testimony before the Task Force confirms that counseling is necessary for many violent crime victims as well as their families. Such counseling has proven extremely beneficial and should be strongly encouraged at all levels.

Although some centers have made psychiatrists or psychologists available, the vast majority of the work has been done by social workers, nurses, or by people who have been victims themselves. During the counseling process, victims speak of their fears and feelings arising from the crime; these reactions are often related to their personal history and psychological makeup.

Failure to extend confidentiality to crisis counseling incurs the risk of undermining the effectiveness of the counseling. Some victims who need this kind of help now fear to seek it. Without the protection of confidentiality, victims have found their files subpoenaed by the defense, and feel betrayed when thoughts and feelings that they considered private are opened to public scrutiny in a courtroom.

Statutes that were passed before the importance of victim counseling became recognized extend confidentiality only to counseling by psychologists and psychiatrists. These statutes protect only those who

re-
es by
g this
se ef-
to es-
dibil-
on be

can afford private treatment by these professionals; they do not shield the vast majority of victims.

At least one state has enacted a statute making rape victims' communications to counselors legally privileged.¹ While this is a step in the right direction, we believe that the privilege should encompass the counseling of all crime victims. Because of the responsibility of the prosecutor to afford discovery to the defendant, it is not contemplated that this counseling privilege extend to the prosecutor's office.

It was a great relief to have someone to talk to, who would in no way pass onto others what I thought, felt, or did at that confusing time.—a victim

Notes

1. The State of Pennsylvania has codified this privilege in 42 Pa. C.S.A. § 5945.1, "Confidential communications to sexual assault counselors."

681

BRH

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. SCS CSHB 189

Revision Date: 3/4/92
 Title: Establishing the Alaska heritage
endowment fund
 Sponsor: Rep. Boyer, et. al.
 Requestor: _____

Department Affected: Department of Revenue
 BRU: Revenue Operations
 Component: Income and Excise Audit
 COMPONENT SERIAL NO. | 1 | 1 | 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						
LANDS & 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 FUND SOURCE	0.0	(500.0)	(500.0)	(500.0)	(500.0)	(500.0)

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
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:

This bill amends AS 43.20.014(a) by adding a provision for tax credits attributable to cash contributions to the Alaska heritage endowment fund established under this bill. Corporations would be allowed to claim a credit of up to a maximum \$150,000 against their corporation net income tax liabilities for contributions to the endowment fund.

Prepared By: Paul E. Dick Phone: (907) 465-2321
 Division: Income and Excise Audit Date: March 4, 1992

Approved by Commissioner: Darrel J. Rexwinkel
 Agency: Department of Revenue Date: _____

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill Version: CSHB 189(FIN)

(H) Publish Date: 2/3/92

REVENUE

Revision Date: _____ Department Affected: _____
 Title: An Act establishing the Alaska BRU: Operations
Heritage Endowment Component: Treasury Management
 Sponsor: Representative Boyer
 Requestor: House Finance Committee COMPONENT SERIAL NO.

0	1	2	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-					
CAPITAL	-0-					
REVENUE	-0-					
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Co-Chair Mike Navarre *Mike* Phone: 465-3779
Co-Chair Eileen MacLean *Eileen* Phone: 465-4833
 Division: House Finance Committee Date: 1/29/92

Approved by Commissioner: _____

Agency: _____ Date: _____

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN
HOUSE FINANCE COMMITTEE

FAIRBANKS

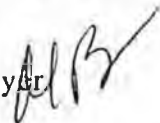
1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

House of Representatives

To: Senator Arliss Sturgulewski, Chair
Senate HESS Committee

From: Representative Mark Boyer 

Date: February 5, 1992

Subject: Scheduling of CSHB 189

I respectfully request scheduling of the above referenced bill entitled "An Act establishing the Alaska heritage endowment fund and amending the responsibilities of the Alaska State Museum and of the Museum Collections Advisory Committee; and providing for an effective date."

This bill creates an endowment fund for the Alaska State Museum that will enable them to acquire outstanding Alaskan native art and historical Alaskan art and objects from international, national and state markets. The focus of this bill is primarily for acquisition funding.

Acquisition funding by the State Museum has ranged from zero to an average of less than \$60,000 over the last 14 years. Additionally, materials frequently come on the market and are sold long before the normal appropriation process can be completed. HB 189 creates a perpetual fund within the general fund that will allow private monetary donations in addition to appropriations from the legislature to remain available to the State museum for acquisitions.

At a time when we no longer have the ability to fund every type of interest, we must provide our institutions and political subdivisions the tools with which to generate their own revenues. Even if we fail to endow this new fund, private and corporate donors may contribute with a comfort level that the fund will have separate accounting within the general fund.

This legislation passed the House today, February 5, with a 38-0 vote. I would encourage your co-sponsorship and an early hearing date in your committee. Thank you for your consideration.

DIVISION OF LEGAL SERVICE

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3367 or 465-2450
FAX (907) 465-2029

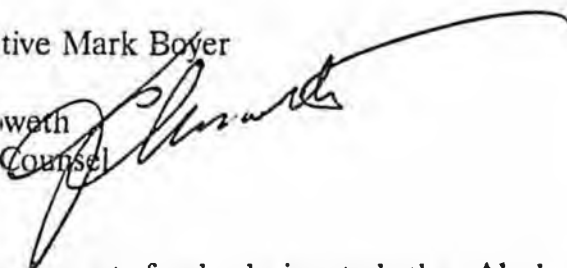
Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

May 8, 1991

SUBJECT: CSHB 189(HES), establishing the Alaska heritage endowment fund for the support of museum and related activities -- sectional analysis

TO: Representative Mark Boyer

FROM: Jack Chenoweth
Legislative Counsel 

The measure establishes a permanent fund, designated the Alaska Heritage Endowment Fund, as a separate state endowment, and charges that the use of the income from the fund shall be used for purposes associated with the Alaska State Museum's activities associated with culturally or historically significant materials. The measure includes a statement of findings and purpose, and makes several related changes to the duties of the state's Museums Collections Advisory Committee.

Bill section 5 establishes the Alaska Heritage Endowment Fund and directs the manner of its ongoing management. Specifically --

Proposed AS 37.14.300 establishes the fund, the endowed principal of which is to include money derived

-- from legislative appropriations; and

-- from gifts, bequests, and contributions made to the fund that specify their placement in the fund principal;

Proposed AS 37.14.310 establishes a related net income account. The net income account includes

-- money and other assets given by a person that do not specify or require inclusion in the fund principal (i.e. gifts, bequests, and contributions that are not intended to be a permanent source of support but may be freely used for acquisitions and other authorized purposes); and

Representative Mark Loyer

May 8, 1991

Page 2

-- the income earned on the gifts, bequests, and contributions that specify their placement in the fund principal.

The section also provides that, if so directed by legislative appropriation, the income earned on money appropriated to the fund principal may be included in the account; these income appropriations are non-lapsing.

Proposed AS 37.14.320 directs the commissioner of revenue, as the treasurer of the fund, to have responsibility for the fund's management, and enumerates the commissioner's management powers and duties.

Proposed AS 37.14.330 sets out the authorized uses of the fund principal and the net income account. The authorized uses of the fund's net income account include

-- reimbursement due the Department of Revenue for establishing and managing the fund;

-- administrative expenses of the state's Museum Collection Advisory Committee relating to securing acquisitions with money from the fund, as the legislature allows;

-- acquisitions; and

-- reimbursement of other costs of administration of the fund.

Acquisition policy involving use of the net income of the heritage endowment fund is described in the material set out in bill section 4:

Proposed AS 14.57.100 authorizes use of the fund balance to acquire the "culturally or historically significant" items enumerated at p. 3, lines 14 - 16 for the Alaska State Museum and the Sheldon Jackson Museum.

Proposed AS 14.57.110 establishes a presumption that acquisitions from the fund will remain the property of the Alaska State Museum.

Proposed AS 14.57.120 sets out criteria applicable to acquisitions. The material includes the opportunity to set standards for protection, care, and exhibition if custody of the acquisition is assigned outside the Alaska State Museum, and authorizes, subject to approval by the Museum Collections Advisory Committee, transfer of ownership or assignment of long-term custody of acquired items to another institution.

Representative Mark Loyer
May 8, 1991
Page 3

Proposed AS 14.57.130 authorizes deaccession of items obtained from the money in the fund's net income account.

Bill section 2 redefines and expands the state's Museum Collections Advisory Committee's role in acquisitions policy for artifacts of interest to the Alaska State Museum.

Bill section 1 sets out applicable findings and a statement of purpose intended to justify the need for the measure.

Bill section 3 makes a technical drafting addition.

Since a legislative appropriation to initiate the endowment is contemplated, bill section 6 gives the proposed Alaska Heritage Endowment Fund and the related material in the bill a July 1, 1991, effective date to coincide with the start of the next state fiscal year.

JC:gc:lmb
91-162.lmb

7-LS0852M

Chenoweth

2/25/92

SENATE CS FOR CS FOR HOUSE BILL NO. 189 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES BOYER, Davidson, Koponen, B.Davis, Ulmer, Brown, Moyer, C.Davis,
Gruenberg

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska heritage endowment fund, authorizing tax credits against
2 the Alaska net income tax for contributions to the fund, and amending the responsibilities
3 of the Alaska State Museum and of the Museum Collections Advisory Committee; and
4 providing for an effective date."

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

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

7 (1) cultural, natural heritage, artistic, archival, and scientific materials represent and
8 document Alaska's land and people from prehistoric times to the present;

9 (2) archival material and artifacts relate historical events and personalities, provide for
10 advancement of historical and scientific research, and communicate information about the history of the
11 state from one generation to another;

12 (3) Alaska Native art, historical art, and contemporary artistic achievements are an
13 integral part of the state's cultural diversity and provide a basis for understanding our individual and
14 collective identity;

1 (4) much of Alaska's cultural and historic resources have been and remain in great
2 demand nationally and internationally, as a consequence of which the state has been stripped of a
3 substantial portion of its material cultural heritage; the process continues with sale from in-state
4 collections to nonresidents of works of significant artistic or historical value;

5 (5) acquisition, a primary function of museums, is a process that is necessarily carefully
6 planned and highly selective in order that collections be capable of supporting the long-range goals of
7 a large and diverse constituency;

8 (6) it is not possible for museums to develop a balanced and planned collection by means
9 of donations alone; recent changes in federal tax laws have diminished donations as a principal source
10 of money to sustain the development of balanced and planned collections; at the same time, while many
11 individuals who possess materials important to Alaska would like to assure that those materials remain
12 in the state or return to it, they often find it impossible to make the necessary financial sacrifice that
13 attaches to donation of those materials;

14 (7) purchased acquisitions enable museums to develop their collections systematically in
15 accordance with established long-range plans;

16 (8) museums that are charged with responsibility for development and maintenance of
17 collections must respond to acquisition opportunities as they arise, but the availability of premiere
18 Alaskan objects and collections by acquisition cannot be predicted;

19 (9) a lack of access at all times to funding for major acquisitions results in the loss of
20 opportunity to acquire essential material; once missed, the acquisition opportunity may be one that is
21 gone forever;

22 (10) the establishment of an endowment as a source of income would materially assist
23 the Alaska State Museum to compete successfully to acquire exceptional cultural and historical materials
24 and resources for retention within the state and for return to the state.

25 (b) To secure to Alaskans in this and future generations the pride, identity, and importance that
26 attaches to the state's heritage of cultural and natural heritage, the legislature is establishing the Alaska
27 heritage endowment fund, the income from which will provide a stable source of money for the
28 acquisition of outstanding objects and collections.

29 * Sec. 2. AS 14.57.050(b) is amended to read:

30 (b) Artifacts, natural history specimens, art objects, collections, or other items, materials
31 or properties that relate to the history of Alaska and are appropriate for preservation in the state

1 museum of a value of \$1,000 or more may not be acquired by purchase, gift, or exchange, or
2 otherwise [,] nor may any item owned by, or in the custody of, the state museum be disposed of
3 by sale, gift, exchange, or otherwise, without the written approval of the committee. In
4 recommending the acquisition or disposal of an item under this subsection for the state
5 museum, the committee shall evaluate the need for the item or collection proposed for
6 acquisition or disposal with reference to the scope of collections of the state museums.

7 * Sec. 3. AS 14.57.080 is amended to read:

8 Sec. 14.57.080. DEFINITION [DEFINITIONS]. In AS 14.57.020 - 14.57.080, [THIS
9 CHAPTER] "committee" means the state Museum Collections Advisory Committee.

10 * Sec. 4. AS 14.57 is amended by adding new sections to read:

11 ARTICLE 2. USE OF NET INCOME OF ALASKA HERITAGE ENDOWMENT FUND.

12 Sec. 14.57.100. ACQUISITIONS. Subject to appropriation by the legislature under
13 AS 37.14.430, the director may use the balance of the net income account of the Alaska heritage
14 endowment fund to acquire culturally or historically significant artifacts, natural history
15 specimens, art objects, collections, and other items, materials, or properties that represent and
16 document Alaska's land, natural history, and people for

17 (1) the Alaska State Museum; and

18 (2) the Sheldon Jackson Museum.

19 Sec. 14.57.110. OWNERSHIP OF ACQUIRED ITEMS. Except when ownership of an
20 item is transferred under AS 14.57.120, an item acquired under AS 14.57.100 becomes the
21 property of the state museum.

22 Sec. 14.57.120. CRITERIA APPLICABLE TO ACQUISITIONS FROM THE FUND.

23 Subject to approval given by the Museum Collections Advisory Committee under
24 AS 14.57.050(b), the director may

25 (1) establish by contract the terms and conditions of custody, protection,
26 conservation, and exhibition of an item acquired by the state museum if the item is acquired and
27 custody of it is assigned to another institution;

28 (2) transfer ownership of an item to an institution having custody of an item
29 acquired from the net income account of the fund if the director is satisfied that the institution
30 will provide necessary care and protection of the item; or

31 (3) assign long-term custody of an item to an institution having custody of an

1 item acquired from the net income account of the fund if the director is satisfied that the
2 institution to which custody of the item is transferred will provide necessary care and protection
3 of the item in accordance with a contract entered into under (1) of this section.

4 Sec. 14.57.130. DISPOSITION OF ACQUIRED ITEMS. Subject to approval of the
5 Museum Collections Advisory Committee under AS 14.57.050(b), the director may establish a
6 deaccession policy under which the director may exchange or otherwise convey title to an item
7 acquired from the net income account of the fund in accordance with generally accepted
8 principles governing the disposal of these items.

9 Sec. 14.57.199. DEFINITIONS. In AS 14.57.100 - 14.57.199,

10 (1) "director" means the director of the division of state libraries, archives, and
11 museums;

12 (2) "fund" means the Alaska heritage endowment fund established in
13 AS 37.14.400;

14 (3) "net income account" means the account established in AS 37.14.410.

15 * Sec. 5. AS 37.14 is amended by adding new sections to read:

16 ARTICLE 5. ALASKA HERITAGE ENDOWMENT FUND.

17 Sec. 37.14.400. ALASKA HERITAGE ENDOWMENT FUND ESTABLISHED. The
18 Alaska heritage endowment fund is established as a separate endowment trust fund of the state.
19 The principal of the fund consists of

20 (1) legislative appropriations to the fund; and

21 (2) gifts, bequests, and contributions of cash or other assets made by a person who
22 has specified their placement in the fund principal.

23 Sec. 37.14.410. NET INCOME ACCOUNT. (a) The net income account is established
24 in the Alaska heritage endowment fund. The net income account and consists of

25 (1) money and other assets given by persons to the fund whose placement in the
26 principal of the fund is not required by AS 37.14.400(2); and

27 (2) amounts earned on the investment of gifts, bequests, and contributions of cash
28 or other assets whose placement in the principal of the fund is required under AS 37.14.400(2).

29 (b) The legislature may appropriate from the net income account to the principal of the
30 fund under AS 37.14.400(1).

31 (c) The net income of the fund shall be determined by the commissioner of revenue in

1 accordance with investment accounting principles and in a manner that preserves the distinction
2 between principal and income.

3 (d) Unless otherwise provided by the act making an appropriation under (b) of this
4 section, an amount appropriated to the net income account under (b) of this section does not
5 lapse.

6 Sec. 37.14.420. POWERS AND DUTIES OF THE COMMISSIONER OF REVENUE.

7 The commissioner of revenue is the treasurer of the fund and has the power and duty to

8 (1) act as official custodian of the cash and investments belonging to the fund by
9 securing adequate and safe custodial facilities;

10 (2) receive all items of cash and investments belonging to the fund;

11 (3) collect the principal and income from investments owned or acquired by the
12 fund and deposit the amounts in separate principal and income accounts for the fund;

13 (4) invest and reinvest the assets of the fund as provided in this section and as
14 provided for the investment of funds under AS 14.25.180(c) and AS 37.14.170;

15 (5) exercise the powers of an owner with respect to the assets of the fund;

16 (6) maintain accounting records of the fund in accordance with investment
17 accounting principles and with distinction between the principal and income accounts of the fund;

18 (7) engage an independent firm of certified public accountants to annually audit
19 the financial condition of the fund's investments and investment transactions;

20 (8) enter into and enforce contracts or agreements considered necessary for the
21 investment purposes of the fund;

22 (9) report to the commission the condition and investment performance of the
23 fund;

24 (10) do all acts, whether or not expressly authorized, that the commissioner of
25 revenue considers necessary or proper in administering the assets of the fund.

26 Sec. 37.14.430. USE OF FUND. (a) The principal of the fund and any capital gains or
27 losses realized on the principal shall be retained perpetually in the fund for investment as
28 specified in AS 37.14.420.

29 (b) The net income account of the fund may be appropriated for the following purposes:

30 (1) reimbursement to the Department of Revenue for the costs of establishing and
31 managing the fund;

1 (2) the administrative expenses of the Museum Collection Advisory Committee
2 relating to acquisitions from the fund, as determined by the legislature;

3 (3) acquisitions authorized by AS 14.57.100 - 14.57.199; and

4 (4) reimbursement of other costs of administration of the fund.

5 (c) The balance remaining in the net income account that, at the end of the fiscal year,
6 has not been appropriated, or that has been appropriated but not expended, shall be invested until
7 appropriated or expended.

8 Sec. 37.14.440. DEFINITION. In AS 37.14.400 - 37.14.440, "fund" means the Alaska
9 heritage endowment fund established by AS 37.14.400.

10 ~~A~~ * Sec. 6. AS 37.14 is amended by adding a new section to read:

11 Sec. 37.14.435. REPORT OF CERTAIN CONTRIBUTIONS. By September 30 of each
12 year, the commissioner of revenue shall report to the Legislative Budget and Audit Committee
13 on contributions to the fund that were received during the previous fiscal year for which credits
14 taken under AS 43.20.014 are allowed.

15 ~~A~~ * Sec. 7. AS 43.20.014(a) is amended to read:

16 (a) For cash contributions accepted for direct instruction, research, and educational
17 support purposes, including library and museum acquisitions, and contributions to endowment,
18 by a nonprofit, public or private, Alaska two-year or four-year college or by an Alaska university
19 foundation accredited by a regional accreditation association, and for cash contributions to the
20 Alaska heritage endowment fund established by AS 37.14.400 - 37.14.440, a taxpayer is
21 allowed as a credit against the tax due under this chapter

22 (1) 50 percent of contributions of not more than \$100,000; and

23 (2) 100 percent of the next \$100,000 of contributions.

24 * Sec. 8. Sections 1 - 5 of this Act take effect July 1, 1992.

25 * Sec. 9. Sections 6 and 7 of this Act take effect January 1, 1993, and apply to tax years beginning
26 after December 31, 1992.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

GOLDBELT PLACE
801 WEST 10TH STREET
P.O. BOX F
JUNEAU, ALASKA 99811-0500

April 25, 1991

The Honorable Representative Boyer
Rm 411 Capitol
P. O. Box V
Juneau, Alaska 99811

Dear Representative Boyer:

At the request of your Special Assistant Nancy Jones, I have enclosed information concerning the Alaska State Museum's loan policy and procedures, as well as a catalog and packet on the Museum's traveling exhibits and Learning Kit programs. This should address questions raised during the recent HESS Committee meeting on HB-189 about the accessibility and use of Museum collections.

The following is a brief summary:

OUTGOING LOANS

The Alaska State Museum will loan artifacts to museums and other selected public institutions that meet conditions as stated on the Outgoing Loan Form. Security, environmental safeguards, the ability to meet the conditions for handling artifacts, and public visibility are the most important criteria in evaluating requests for loans.

The Alaska State Museum and the Sheldon Jackson Museum currently have on loan over 600 artifacts to 50 museums and cultural institutions and have made loans to special exhibits within the last two years. These include "Russian America: the Forgotten Frontier", "Bending Traditions" on bentwood artifacts of Alaskan Natives, a Sydney Laurence retrospective, and a United States Coast Guard Exhibit. Objects on loan are currently in: Kodiak, Anchorage, Petersburg, Haines, Ketchikan, Wrangell, Fairbanks, Palmer, Juneau, and Sitka.

TRAVELING EXHIBITS

Works from the Alaska State Museum collection are made available for exhibition in ways other than loans and permanent and temporary exhibits. Sizeable groups of work are organized into compact traveling exhibits for circulation to small museums throughout Alaska. Traveling exhibitions of this kind have significantly increased the number of people who have been able to view works from the Collection.

Traveling exhibitions currently in circulation are: Dolly Spencer Dolls, Dale DeArmond wood block prints, "Images from the Inside Passage" by Winter and Pond, "The Gentle Craft" on Alaskan watercolors, and "Alaska Positive". Development continues on an exhibit of Alaskan kayaks, "Saving Alaska's Archeological Heritage", and a "Mini-Crossroads" exhibition that will travel to rural Alaska and Siberia. Traveling exhibits are currently being used by the following Museums: Yugtarnvik Regional Museum, Bethel; Clausen Memorial Museum, Petersburg; Sheldon Museum and Cultural Center, Haines; Heritage Library and Museum, Anchorage; Valdez Museum; Kenai Community Library; Samuel K. Fox Museum, Dillingham; Carrie M. McLain Memorial Museum, Nome; University of Alaska Museum, Fairbanks; Kenai Peninsula College, Soldotna; Cordova Arts and Pagents; and Anchorage Museum of History and Art.

LEARNING KITS

The Alaska State Museum is presently circulating 38 learning kits, consisting of 20 different titles, to 35 of the State's school districts. It was started because of the inability of much of the State's population to visit the State Museum in Juneau and share in the many treasures which are on exhibit. Currently, kits contain sufficient materials and resources to make each a self-contained unit. The subjects cover the unique aspect of the state: its Native people, its history and its wildlife.

Early kits consisted primarily of objects from the Museum's collections which were deemed suitable to be shipped to teachers around the State for use in their classrooms. With the passage of time, teachers' manuals with suggestions of presentations and student activities were added to kits to make the objects more relevant and to make the task easier for the teacher. Supplementary materials such as films, slides, videos, and reference books are also included in the kits. Today's kits provide basically everything that the teacher may need to teach the subject. However, the core of the kits, the artifacts and objects, has remained as the most valuable portion of the kit materials.

PERMANENT EXHIBITS

The Alaska State Museum has approximately 100 exhibits showcasing the natural and human history of Alaska, including exhibits from major Alaskan cultures. The Alaska State Museum is able to exhibit only a small percent of its collection in the permanent exhibit galleries. The Museum is faced with the task of encapsulating all that pertains to Alaska in an exhibit area of less than 6,500 square feet. The restricted exhibit space allows the Museum to show only a limited view of such important areas as Native cultures, early industry, and maritime and Natural History.

Since there is no means to remodel this building to create more space, the Museum has ventured to find appropriate public space elsewhere. The Museum is slowly expanding into the community by placing exhibits in highly visible public buildings. Natural History exhibits and an orientation to the State of Alaska have been installed in the Juneau International Airport and Sitka Community Airport. The Museum has also exhibited historic woodworking tools in the University of Alaska's new technology building and mounted large-scale displays in the State Court Building and the State Office Building. These exhibits allow us to reach a larger audience.

April 25, 1991

COMPUTERIZATION OF COLLECTIONS

In an effort to effectively increase access to important subject materials and objects within the collection, the Alaska State Museum is proceeding with the procurement of computer software and hardware that will provide access to collections information.

Currently, collections data is recorded on catalog cards that have limited staff, researcher, and public accessibility. Increased accessibility will be accomplished through the use of computer terminals available to the general public and staff within the Museum. Cultural institutions and museums would be able to gain access to the Museum's collections through the use of remote terminals and modems. This will be an important research and teaching tool that will have an enormous impact on scholars, students, and the general public.

Visual access to collections material will be provided by computer imaging or through the use of video disk technology. With 18,500 objects currently in the Alaska State Museum collection and an additional 4,500 objects currently in the Sheldon Jackson Museum collection, it is estimated that data entry and image recording will take at least four years to accomplish.

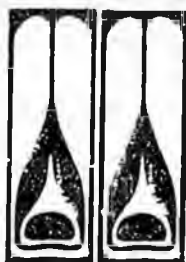
If you have further questions, please do not hesitate to call.

Sincerely,



Steve Hole
Acting Commissioner
by Bruce Kato
Acting Museum Administrator

Enclosures



**Friends of the Alaska State Museum
Friends of the Sheldon Jackson Museum**



January 28, 1992

Representative Mark Boyer
Capital, Room 411
P.O. Box V
Juneau, Alaska 99811

RE: CS for House Bill No. 189 (HESS)
The Alaska Heritage Endowment

Dear Representative Boyer:

The Friends of the Alaska State Museum and The Friends of the Sheldon Jackson Museum (Alaska non-profit corporations with combined membership of over 500) have, since 1968, been working to enhance the effectiveness of the State Museums in their task of collecting, preserving and interpreting Alaska's rich and diverse cultural heritage for present and future generations.

The Friends support and urge passage of CS for House Bill No. 189 (HESS). This Endowment Legislation is seen as an ideal way to ensure adequate funding to stem the outflow of valued heritage objects. As a result of inadequate funding, objects significant to Alaska, including major cultural pieces and significant paintings continue to be lost through public auction and private sale from which the State Museums are absent. In addition, recent changes to the federal tax laws have resulted in fewer donations of artifacts, making future funding for acquisitions a critical matter.

The significant change from the original version of HB189 is the limitation of eligible museums to the two state museums. By making the endowment more specific in its purpose it is more likely the goals of the endowment can be accomplished with the modest funding anticipated in the initial years.

All Alaska museums will have a stake in this legislation because the Alaska State Museum system has throughout its existence, placed objects on loan to other institutions. The determination of loans is made based on the borrowing institution's long-term stability, ability to protect and preserve the object, and plans for display and interpretation. If the borrowing institution became incapable of providing reasonable care and protection of the object at some future date, the Alaska State Museum would intervene to ensure that the necessary care would be provided.

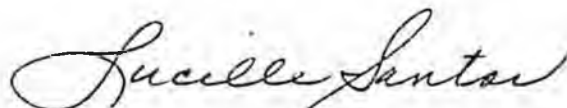
The provision to allow private donations into the fund is attractive, stressing the partnership between the State and private sector. The establishment of a separate endowment trust fund will provide donors, both corporate and individual, with the assurances that their donations and the income derived from them will go for the intended purpose. The language to extend the current responsibilities of the existing Museum Collections Advisory Committee to oversee acquisitions made from the fund is also a good idea, since this will eliminate the establishment of a separate committee or Board of Trustees.

Recent examples of lost opportunities include the following:

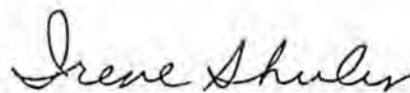
—two large oil paintings by Sydney Laurence:		\$200,000
—a collection of Tlingit ceremonial clothing:	\$ 7,000	
—Tlingit crest hat:		\$ 80,000
—a collection of Alaskan Eskimo drawings:		\$ 20,000
—historical mining equipment from Southeast Alaska:		\$ 10,000
—sketch of Loring Bay by Albert Bierstadt:		\$ 12,000
—surveyor's compass used in fixing Alaska/Canada boundary:		\$ 2,000
—a Chilkat blanket:		\$ 7,000

Artifacts that symbolize Alaska's rich heritage have been leaving with visitors and collectors for many decades. The Endowment Fund will provide the mechanism to fulfill the State's obligation to collect significant objects of Alaska's history, natural history, fine arts, and cultures, and to take advantage of one-time opportunities to maintain important objects in Alaska or return lost items to Alaska.

Sincerely,



Lucille Santos
President, Friends of the
Alaska State Museum
Juneau, Alaska



Irene Shuler
President, Friends of the
Sheldon Jackson Museum
Sitka, Alaska

Rep. Mark Boyer
Capitol, Rm. 411
P.O. Box V
Juneau, Alaska 99811

March 18, 1991

Dear Rep. Boyer:

On behalf of the Museum Collections Advisory Committee (MCAC), I am writing in support of House Bill 189, The Alaska Heritage Endowment Fund. The MCAC is extremely pleased that this bill has been introduced, and we wish to express our appreciation to all those who are sponsoring it. An endowment fund will do much to safeguard Alaska's heritage: to keep valuable artistic, historical and ethnographic material in our state, accessible to residents and visitors. By providing a stable source of funding for acquisitions, the fund will also enable our museums to build coherent and planned collections, which are necessary to developing first-rate facilities for public education and research.

I would like to take this opportunity, as well, to comment on some of the specific provisions of the bill, as currently drafted. First, some confusion about the administration and purpose of the fund needs to be clarified. In a cover letter accompanying the draft to Rep. Boyer (Feb. 26, 1991), Jack Chenoweth states that "The appropriation of the net income of the invested principal is presumptively established as a non-lapsing appropriation, leaving it available to the state museum director to draw from on a continuing basis" (emphasis added; see also Sec 14.57.199). Yet, the bill now includes provisions for donations and appropriations to a much greater variety of institutions than the originally specified state museums. Included here are: 1) the state museum and any of its branches; 2) the state library, state historical library, and state archives; 3) the museum of the University of Alaska; and 4) museums and libraries established and operated by municipalities and by nonprofit corporations ... (Sec. 14.57.100).

As a result,

- 1) the problem of competition for funds arises;
- 2) the "state museum director" is not an appropriate administrator of funds and procedures relating to the other institutions mentioned;

3) likewise, the MCAC is constituted to approve of items for the state museum's collections, but has no particular expertise in, or statutory authority over libraries, archives and other museums;

4) several of the other institutions regularly receive appropriations for their collections and/or have their own endowment fund (as e.g. the University of Alaska's museum); the fund was originally proposed to alleviate the funding shortfalls of the state museums, a purpose which might be subsumed by the expanded intent of the bill, unless language is added.

In sum, these points should be addressed and clarified to ensure the smooth operation of the fund, and the equitable distribution of derived income.

Thank you again for your sponsorship of this important bill. We look forward to its ultimate passage.

Sincerely,



Phyllis Morrow, Chair
Museum Collections
Advisory Committee

Final Draft

Alaska Heritage Endowment Report

Executive Summary: Alaska Heritage Endowment Fund

It is proposed that the State of Alaska establish an endowment fund to provide supplemental funding for purchase of exceptional artifactual and archival materials by museums, historical libraries, and archives statewide.

Need for a Heritage Endowment Fund

Outstanding Alaskan native art, historical Alaskan art, historical objects, and archival materials are in great demand in state, national, and international markets. Yet, Alaskan museums, historical libraries, and archives do not have sufficient funding to effectively compete in these markets. As a result, essential Alaskan cultural materials continue to flow from or remain outside the state.

Structure, Operation, and Funding of An Alaska Heritage Endowment Fund

An initial appropriation to the Alaska Heritage Endowment would be invested and managed by the Department of Revenue. A Board of Trustees, established and governed by statute, would be created within the Department of Education to oversee expenditure of annual derived income from this fund. Derived income would be used to purchase exceptional artifactual and archival materials, pay for annual costs to manage the fund, and cover expenses of the Board of Trustees.

There appear to be no legal obstacles to establishment of such a fund if the Legislature annually appropriates derived income to the purposes of the endowment.

A first phase appropriation of \$7,500,000 for the endowment, followed by an additional appropriation in two to three years is recommended. A \$7,750,000 endowment would generate approximately \$750,000 per year for statewide preservation of Alaska's heritage.

Benefits

An Alaska Heritage Endowment Fund would:

- Provide continuing funding through a one- or two-time appropriation for preservation of Alaska's heritage.
- Enable private and public sector partnership in heritage preservation by providing a mechanism for the state to obtain bequests and donations.
- Serve museums, historical libraries, and archives statewide.
- Assure that outstanding heritage resources are retained or returned to Alaska for the perpetual benefit of Alaskans.

Introduction

Cultural, art, archival, and scientific materials physically and spiritually represent and document Alaska's land and people from prehistoric times to present. These materials:

- Reflect and represent Alaska's artistic and cultural achievements
- Document historical events and personalities
- Provide for advancement of historical and scientific research
- Communicate information, ideas, values, and emotion from person to person and generation to generation
- Support development of quality Alaskan education through direct access to objects and materials of exceptional significance and quality
- Affirm Alaska's unique culture and environment.

The importance attached to preservation of the state's heritage materials is a measure of Alaska's pride and identity with its past, present, and future.

The purpose of museums, historical libraries, and archives is to collect, preserve, and use irreplaceable cultural resources to enrich and benefit present and future generations. At present, this purpose cannot adequately be achieved.

The Alaska State Museum was funded by the Legislature to prepare a report on the potential of a state-funded Endowment Fund to better preserve Alaska's heritage. A Steering Committee comprised of members of the public, and museum, historical library, and archives professionals from throughout the state has analyzed statewide heritage preservation needs and formulated the following plan for an Endowment Fund to meet those needs.

Need for Alaska Heritage Endowment Fund: Conclusion

Alaska's cultural, historic, and scientific resources are an integral part of our individual and collective identity. They reflect our finest achievements, our history, and our cultural diversity. They provide the basis for understanding ourselves and our future.

Investment in cultural, historic, and scientific materials reflects pride in what we are and confidence in what we can become. It is truly a unique investment, one that permanently benefits present and future generations of Alaskans.

In 1921 the Territorial Legislature of Alaska authorized \$15,000 for the Alaska Historical Library and Museum to purchase the Neuman collection of Eskimo materials. This comprised .017 percent of the Territory's annual operating budget. In 1982 the State of Alaska authorized \$255,000 for acquisition of cultural/historic materials. That amount comprised .000115 percent of the total state budget.

A greater number of Alaska's precious cultural and historic resources should be retained in or returned to Alaska for the primary use of Alaskans. The time is long overdue for Alaska to aggressively preserve its heritage. If that preservation is to take place it is necessary to create a new and expanded capability for all museums, historical libraries, and archives to purchase exceptional heritage materials when the opportunity arises.

The Alaska Heritage Endowment Fund can be an innovative means of achieving this goal.

Alaska Heritage Endowment Fund: Statement of Purpose

The Alaska Heritage Endowment Fund would substantially improve Alaska's capability to preserve and use its cultural heritage by:

- Enabling museums, historical libraries, and archives statewide to purchase objects or collections of exceptional significance to Alaska's cultural, historic, and scientific heritage.
- Supplementing rather than supplanting existing museum, historical library, and archives acquisitions funding and programs.
- Increasing statewide public access to premiere Alaskan heritage materials.



Examples of Alaskan fauna from various of the museum's collections. University of Alaska Museum. (photo by Barry McWayne)

HB

203

FISCAL NOTE

No. 6

Bill Version: CSHB 203 (FIN)

(H) Publish Date: 2-28-92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: 2/25/92

Department Affected: Education

Title: An Act establishing the Alaska

BRU: Library, Archives and Museums

Component: Library Operations

Sponsor: Kay Brown

Requestor: House Finance

COMPONENT SERIAL NO.

2	0	8
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	31.7	31.7	31.7	31.7	31.7	31.7
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	.3	.3	.3	.3	.3	.3
EQUIPMENT	9.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	49.0	40.0	40.0	40.0	40.0	40.0

CAPITAL						
REVENUE						
FUND SOURCE:						

Changes in CSHB 203 (HES) reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate.

4-30-92 John...

FUNDING: (Thousands of Dollars)

GENERAL FUND	49.0	40.0	40.0	40.0	40.0	40.0
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	49.0	40.0	40.0	40.0	40.0	40.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note does not assume the administrative costs necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared By: George V. Smith Phone: 465-2910

Division: Libraries, Archives and Museums Date: 2/25/92

Approved by Commissioner: Jerry Covey *[Signature]*

Agency: Education Date: 2/23/92

Fiscal Note Analysis.

CSHB 203 (HES): Establishing the Alaska education technology fund, and relating to publicly funded libraries

February 25, 1992

Page 3

Y10.4
CSHB 203(FIN)

Travel

FY93

Travel for committee members to meet and develop recommendations for the department on statewide education technology implementation (8 members for one 3-day meeting, with \$500 average transportation cost, and \$285 for per diem): \$6.3.

FY93-97

Department of Education technical assistance, facilitating training: \$10.0

Library staff: \$5.0

Contractual

FY93

Audioconferencing with school districts and follow-up meetings with committee: \$1.2

Professional service contracts: Survey of educational technology resources: \$15.0

FY93-97

Phone, postage, photocopying: \$5.3

Professional service contracts: publications, training, planning workshops: \$7.0

Audioconferencing with school districts: \$2.0

Supplies

Publications, memberships, training materials: \$.8

Equipment

FY93 only:

3 Computer terminals for word processing, electronic mail system interconnecting school districts and school libraries, grant management (spreadsheet) functions: \$8.0 X 3 = \$24.0

Desks and other office equipment: \$11.0 X 3 = \$33.0

COMMITTEE COPY

Fiscal Note Analysis:
CSHB 203 (HES): Establishing the Alaska education technology fund,
and relating to publicly funded libraries
Revised February 25, 1992
Page 2

No. 6
CSHB 203 (FIN)

NOTE: This fiscal note reflects the costs associated with CSHB 203 as follows:

Personal Services

1 FT Education Specialist II, Range 21: \$67.7

Primary responsibilities:

- Develop a plan to coordinate and expand existing public and private, district and state-level services which impact K-12 educational telecommunications, including STAR schools, the University of Alaska computer network, Livenet, and rural Alaska television.
- Promote the development of district/site level plans for appropriate use of technology-assisted instruction, and provide assistance in securing necessary training and other resources to carry out these plans.
- Coordinate the use of educational technology within the Department's existing curriculum, vocational, and restructuring projects.

1 half-time Clerk Typist III, Range 8 (.5): \$15.9

Primary responsibilities: Clerical support for Education Specialist in working with school districts and planning for use of education technologies in the classroom.

1 full-time Clerk Typist III, Range 8, \$31.7,

Primary responsibilities: Support existing library positions in carrying out functions of planning and supporting the use of education technology in libraries.

COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSH 203

Revision Date: 2/25/92 Department Affected: Education
 Title: An Act establishing the Alaska Education Technology program BRU: Education Program Support
 Component: Basic Education
 Sponsor: Kay Brown
 Requestor: Kay Brown/House Finance COMPONENT SERIAL NO.

1	7	1
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	83.6	83.6	83.6	83.6	83.6	83.6
TRAVEL	16.3	10.3	10.3	10.3	10.3	10.3
CONTRACTUAL	27.5	12.2	12.2	12.2	12.2	12.2
SUPPLIES	.5	.5	.5	.5	.5	.5
EQUIPMENT	18.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	145.9	106.6	106.6	106.6	106.6	106.6
CAPITAL						

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	145.9	106.6	106.6	106.6	106.6	106.6
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	145.9	106.6	106.6	106.6	106.6	106.6

POSITIONS:

FULL-TIME	1.5	1.5	1.5	1.5	1.5	1.5
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.) This fiscal note does not assume the administrative costs necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared By: Karen R. Crane Phone: 465-2800
 Division: Commissioner's Office Date: 2/25/92
 Approved by Commissioner: Terry Conroy *[Signature]*
 Agency: Education Date: 2/25/92

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSH 203

Revision Date: 2/25/92

Department Affected: Education

Title: An Act establishing the Alaska

BRU: Library, Archives and Museums

Sponsor: Kay Brown

Component: Library Operations

Requestor: House Finance

COMPONENT SERIAL NO.

2	0	8
---	---	---

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	31.7	31.7	31.7	31.7	31.7	31.7
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	.3	.3	.3	.3	.3	.3
EQUIPMENT	9.0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	49.0	40.0	40.0	40.0	40.0	40.0

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

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

GENERAL FUND	49.0	40.0	40.0	40.0	40.0	40.0
FEDERAL FUNDS						
OTHER						
FUND SOURCE:						
TOTAL	49.0	40.0	40.0	40.0	40.0	40.0

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						


Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This fiscal note does not assume the administrative costs necessary to administer the Education Technology Fund. Should the fund be created, additional costs would occur.

Prepared By: George V. Smith Phone: 465-2910

Division: Library, Archives and Museums Date: 2/25/92

Approved by Commissioner: Jerry Covey 
Agency: Education Date: 2/25/92

Fiscal Note Analysis

**CSHB 203 (HES): Establishing the Alaska education technology fund,
and relating to publicly funded libraries**

Revised February 25, 1992

Page 2

NOTE: This fiscal note reflects the costs associated with CSHB 203 as follows:

Personal Services

1 FT Education Specialist II, Range 21: \$67.7

Primary responsibilities:

- Develop a plan to coordinate and expand existing public and private, district and state-level services which impact K-12 educational telecommunications, including STAR schools, the University of Alaska computer network, Livenet, and rural Alaska television.
- Promote the development of district/site level plans for appropriate use of technology-assisted instruction, and provide assistance in securing necessary training and other resources to carry out these plans.
- Coordinate the use of educational technology within the Department's existing curriculum, vocational, and restructuring projects.

1 half-time Clerk Typist III, Range 8 (.5): \$15.9

Primary responsibilities: Clerical support for Education Specialist in working with school districts and planning for use of education technologies in the classroom.

1 full-time Clerk Typist III, Range 8, \$31.7,

Primary responsibilities: Support existing library positions in carrying out functions of planning and supporting the use of education technology in libraries.

Fiscal Note Analysis

CSHB 203 (HES): Establishing the Alaska education technology fund, and relating to publicly funded libraries

February 25, 1992

Page 3

Travel

FY93

Travel for committee members to meet and develop recommendations for the department on statewide education technology implementation (8 members for one 3-day meeting, with \$500 average transportation cost, and \$285 for per diem): \$6.3.

FY93-97

Department of Education technical assistance, facilitating training: \$10.0

Library staff: \$5.0

Contractual

FY93

Audioconferencing with school districts and follow-up meetings with committee: \$1.2

Professional service contracts: Survey of educational technology resources: \$15.0

FY93-97

Phone, postage, photocopying: \$5.3

Professional service contracts: publications, training, planning workshops: \$7.0

Audioconferencing with school districts: \$2.0

Supplies

Publications, memberships, training materials: \$.3

Equipment

FY93 only:

3 Computer terminals for word processing, electronic mail system interconnecting school districts and school libraries, grant management (spreadsheet) functions: \$8.0 x 3 = \$24.0

Desks and other office equipment: \$1.0 x 3 = \$3.0

Representative Kay Brown

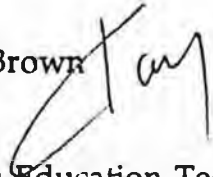
ALASKA STATE LEGISLATURE

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

DATE: Monday, April 13, 1992

TO: Senator Arliss Sturgulewski

FROM: Representative Kay Brown 

SUBJ: Scheduling of HB203: Education Technology Fund

I would greatly appreciate it if you would schedule a hearing in the Senate Health, Education and Social Services Committee on CSHB203 (2nd Finance), enabling legislation to create an Education Technology Fund and a state education technology program. The bill passed the House last week and was given HE&SS and Finance referrals in the Senate.

I've attached for your review a sponsor statement, sectional analysis, a copy of the bill and other materials. If you have any questions or comments, please don't hesitate to give me a call or contact John Lindback of my staff.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

March 1, 1992

Sponsor Statement Education Technology Fund CSHB 203 (2d Finance)

Background

Alaska must prepare its children to compete in the global marketplace. The computer revolution that has transformed the way industry and government conduct business is creating new demands on America's educational system. Mastery of computers is now required for virtually all occupations, regardless of whether they are technical, professional, entry-level or executive-level.

In addition, educational leaders agree that computers in the classroom can aid in the instruction of numerous subjects. They allow teachers to spend more quality time with students and they improve student performance. When students study a subject at a computer, those who work at a faster pace can move ahead while the teacher is free to work with students who may lag behind.

Helping students keep pace with the computer world is an expensive proposition. Integrating computer technology into every Alaska classroom would cost about \$100 million, which includes \$80 million for hardware and software and \$20 million for teacher training. The state must help or the technology will be purchased and used only by our most affluent school districts - a situation that will further aggravate inequities in Alaska schools.

CS For House Bill 203 (2nd Finance)

This bill creates a state Education Technology Fund that would help pay for hardware, software, and telecommunications access for classrooms, teacher training, and technology for libraries. The legislature would appropriate money to the fund from whatever sources it deemed appropriate. The legislature also could ask voters to approve general obligation bonds. This bill does not appropriate money to the Education Technology Fund. The companion funding bill for this legislation is House Bill 204, which is pending before the House Finance Committee.

HB 203 creates an Education Technology Committee, consisting of six members appointed by the Governor and the director of the state Division of Libraries, Archives and Museums. The committee, using specific criteria, would review

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill

requests from schools or school districts. It will award permits for use of state-owned equipment and materials and grants for teacher training.

The legislation also enables the the committee to provide permits or grants for publicly funded libraries to expand and update resource sharing and information network systems.

The bill, regardless of whether or not the Education Technology Fund is capitalized, creates an Education Technology Program within the Department of Education. The department would:

- Conduct a statewide survey of existing educational technology in Alaska schools;
- Provide technical assistance to schools and public libraries in planning and purchasing education technology;
- Offer training in the use of education technology;
- Develop a plan for using existing networks for educational uses, including the University of Alaska computer network; and
- Pool grant money or other money available from school districts in order to make bulk purchases of education technology or training.

Fiscal Notes

CSHB 203 (2d Finance) was passed out of the Finance Committee with the following fiscal notes:

- \$145,900 for the Department of Education, Education Program and Support BRU, to pay for an education specialist and half-time clerk to carry out the planning and technical assistance functions of the Education Technology Program.
- \$49,000 for the Department of Education, Library Operations component, for a clerk to support library positions in carrying out planning and support functions of the Education Technology Program.

These fiscal notes cover only the costs of the technical assistance and survey portions of the Education Technology Program. If the Education Technology Fund is fully or substantially capitalized through passage of House Bill 204, the department would require additional administrative support through a separate fiscal note.

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

March 3, 1992

SECTIONAL ANALYSIS CSHB 203 (2d Finance) An Act Establishing the Education Technology Fund

Section 1

Findings and Purpose.

Section 2

The Alaska Education Technology Program is created in the Department of Education. The department will offer technical assistance to schools and publicly funded libraries in planning and purchasing education technology. The department will also provide training to school and library employees in the use of education technology and develop a plan for expanding the use of existing networks, such as the University of Alaska computer network, for educational purposes.

The Alaska Education Technology Fund is established in the Department of Education. Proceeds of the fund will be used to purchase, install, and maintain education technology for use in Alaska public and secondary school classrooms, provide training for teachers and other instructional personnel in the use of the technology, provide network access for public schools through the University of Alaska computer network, and provide computer and resource sharing systems for public libraries. The legislature can appropriate money to the fund or the public can provide funding through general obligation bonds or private donations. The Commissioner of Revenue is designated as treasurer of the fund.

An Education Technology Grant Committee is created consisting of six members appointed by the governor and the director of the Division of Libraries, Archives and Museums. The Committee shall review and approve project and grant requests using specified criteria, including a school or district plan for using technology to improve student performance. The Department of Education will give permits or leases for use of hardware and software to schools, school districts and public libraries whose projects are approved by the committee. Grants can be awarded for training. The

Committee is charged with developing guidelines to ensure an equitable distribution of project and grant funds.

The state Board of Education shall adopt regulations for the permitting process. The Department of Education shall include in its annual report a report on the projects receiving education technology funding.

Members of the Committee serve without compensation but are entitled to receive per diem and travel expenses.

Terms are defined.

Section 3

Before accepting project or grant applications, the Department of Education shall conduct a survey of existing education technology resources. The department shall also conduct a statewide, education technology project and grant writing seminar available to all public schools, school districts and public libraries.

Section 4

Sunset clause. The Alaska Education Technology Fund established by this legislation is repealed December 31, 1998.

Section 5

Effective date of July 1, 1992.

HOUSE AMENDMENT

TO: CS HB 203 (2nd Fin)

BY: Brown, Barnes
Choquette

Page _____ Line _____

Letter of Intent

It is the intent of the legislature
that the Fiscal Notes for HB 203
be zero.

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.

*admitted
11/5/92*

SENATE CS FOR CS FOR HOUSE BILL NO. 203 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES BROWN, MacLean, B.Davis, Koponen, Ellis, Bruckman, Ulmer, C.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Alaska education technology program; and providing for an
2 effective date."

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

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

5 (1) 75 percent of the labor force in the state is unprepared to deal with rapidly changing
6 technology;

7 (2) the education system and publicly funded libraries can help in creating a trained labor
8 force;

9 (3) education technology has the potential to improve the academic performance of
10 students, to prepare students for work in a technological society, and to assist with education reform;

11 (4) schools and publicly funded libraries lack adequate hardware, software, and training
12 for students, patrons, and educators in education technology;

13 (5) in order to implement effective education technology programs, teacher training and
14 active participation is essential;

1 (6) an equitable distribution of education technology is necessary to ensure that all public
2 school students in the state receive comparable educational opportunities.

3 (b) It is the purpose of this Act to establish the Alaska education technology program, to provide
4 teachers, library staff, and other instructional personnel with training in how to apply education
5 technology in meeting instructional objectives, and to provide the necessary equipment and materials to
6 effectively utilize education technology within the adopted curricula throughout the rural and urban
7 schools and in publicly funded libraries of this state.

8 * Sec. 2. AS 14.30 is amended by adding new sections to read:

9 ARTICLE 10. ALASKA EDUCATION TECHNOLOGY.

10 Sec. 14.30.750. ALASKA EDUCATION TECHNOLOGY PROGRAM. (a) The Alaska
11 education technology program is established in the department. The program must include

12 (1) technical assistance to a district, a public school, or a publicly funded library
13 for the purpose of planning for and purchasing education technology;

14 (2) training for employees of a district, public school, or publicly funded library
15 in the use of education technology in the classroom or library; and

16 (3) a plan for coordinating and expanding existing networks for educational uses,
17 including the University of Alaska computer network, star schools, livenet, public television, rural
18 Alaska television, and library sharing systems.

19 (b) In administering the program required under this section, the department may pool
20 grant money or other money available from each district or publicly funded library in order to
21 make a bulk purchase of education technology or to provide necessary training.

22 Sec. 14.30.760. ALASKA EDUCATION TECHNOLOGY FUND ESTABLISHED. (a)

23 The Alaska education technology fund is established in the department. The purpose of the fund
24 is to (1) enhance the quality and equity of education at public elementary and secondary schools
25 by providing money to purchase, install, and maintain education technology in classrooms; (2)
26 provide training in the use of education technology to help students achieve student performance
27 standards; (3) provide access to networks for public schools through the University of Alaska
28 computer network or other means; and (4) provide education technology, including computer and
29 resource sharing systems to publicly funded libraries. Money in the fund may be used to provide
30 grants or may be expended by the department for projects that further the purposes described in
31 this subsection. The fund consists of legislative appropriations to the fund and public or private

1 donations made for the purpose of the fund.

2 (b) A project or grant application may be submitted to the department by a public school,
3 by a school district on behalf of a public school, or by a publicly funded library. The department
4 shall fund projects approved by the committee or award grants from the fund to a school district,
5 a public school, or a publicly funded library selected by the committee. Money in the fund that
6 consists of proceeds from the sale of general obligation bonds may not be awarded to a school
7 district, a public school, or a publicly funded library as a grant.

8 (c) A project or grant application submitted by a public school or by a school district
9 under (b) of this section must include

10 (1) educational goals and objectives;

11 (2) a comprehensive plan for using the education technology selected to achieve
12 the educational goals and objectives;

13 (3) a description of the relationship between the application and the board's
14 standards for student performance;

15 (4) required initial and ongoing training for teachers to effectively use the
16 education technology in the classroom;

17 (5) a description of the education technology proposed to be purchased;

18 (6) a proposed budget;

19 (7) a description of local efforts or resources that will be contributed;

20 (8) provisions for site preparation, equipment security, and required technical and
21 maintenance support; and

22 (9) criteria and methods that will be used to periodically evaluate and document
23 progress in achieving the educational goals and objectives.

24 (d) A project or grant application submitted by a publicly funded library under (b) of this
25 section must include

26 (1) library goals and objectives, including how the education technology will
27 improve services of the library or access to resource sharing;

28 (2) a comprehensive plan for using the education technology selected to achieve
29 library goals and objectives;

30 (3) required initial and ongoing training for library personnel to effectively use
31 the education technology;

- 1 (4) a description of the education technology proposed to be purchased;
2 (5) a proposed budget;
3 (6) a description of local efforts or resources that will be contributed;
4 (7) provisions for site preparation, equipment security, and required technical and
5 maintenance support; and
6 (8) whether the library participates in a resource sharing system.

7 (e) The board shall adopt regulations that allow a school district, a public school, or a
8 publicly funded library to obtain education technology under a permit or lease with the
9 department, for a project approved under AS 14.30.780(b).

10 (f) The department shall administer grants awarded under this section and shall include
11 a report on the projects receiving funds as part of the department's annual report.

12 Sec. 14.30.770. POWERS AND DUTIES OF THE COMMISSIONER OF REVENUE.

13 The commissioner of revenue is the treasurer of the fund and has the following powers and duties
14 under this section:

15 (1) to act as official custodian of the cash and investments belonging to the fund
16 by securing adequate and safe custodial facilities;

17 (2) to collect the principal and income from investments owned or acquired by
18 the state treasury and deposit the amounts in separate principal and income accounts for the fund;

19 (3) to invest and reinvest the assets of the fund as provided in this section and
20 as provided for the investment of retirement funds under AS 14.25.180;

21 (4) to exercise the powers of an owner with respect to the assets of the fund;

22 (5) to do all acts, whether or not expressly authorized, that the commissioner of
23 revenue considers necessary or proper in administering the assets of the fund;

24 (6) to maintain accounting records of the fund in accordance with investment
25 accounting principles and with distinction between the principal and income accounts of the fund;

26 (7) to engage an independent firm of certified public accountants to annually audit
27 the financial condition of the fund's investments and investment transactions;

28 (8) to enter into and enforce contracts or agreements considered necessary for the
29 investment purposes of the fund;

30 (9) to report to the department the condition and investment performance of the
31 fund.

1 Sec. 14.30.780. EDUCATION TECHNOLOGY COMMITTEE. (a) The Education
2 Technology Committee is composed of the director of the division of libraries, archives, and
3 museums and six members appointed by the governor. The governor shall appoint

4 (1) four members who are educators with demonstrated education technology
5 experience;

6 (A) one from a district with 15,000 or more students;

7 (B) one from a district with at least 6,000 but less than 15,000 students;

8 (C) one from a district with at least 1,000 but less than 6,000 students; and

9 (D) one from a district with less than 1,000 students;

10 (2) one member with demonstrated education technology experience who is
11 employed by the University of Alaska; and

12 (3) one member with demonstrated education technology experience who is
13 employed by the department.

14 (b) The committee shall review project and grant applications and approve project
15 funding or award grants to a school district, a public school, or a publicly funded library from
16 the fund. In reviewing project or grant applications the committee shall consider the
17 completeness and consistency of the application in meeting the requirements of AS 14.30.760(c)
18 and (d). In funding projects or awarding grants to a school, district, or library, the committee
19 shall incorporate the applicant's plan for utilizing education technology. In funding projects or
20 awarding grants, the committee shall develop appropriate guidelines to ensure an equitable
21 distribution of project and grant funds. The committee shall recommend to the department the
22 best method for providing statewide teacher training and training to other instructional personnel
23 on the application and implementation of education technology as a part of the classroom
24 curriculum.

25 (c) Members of the committee serve without compensation but are entitled to receive per
26 diem and travel expenses authorized for boards and commissions under AS 39.20.180.

27 Sec. 14.30.790. DEFINITIONS. In AS 14.30.750 - 14.30.790,

28 (1) "committee" means the Education Technology Committee;

29 (2) "district" has the meaning given in AS 14.17.250;

30 (3) "education technology" means instructional equipment and materials that are
31 used to enhance the quality and increase the efficiency of teaching and learning, including

1 hardware, software, and telecommunications;

2 (4) "fund" means the Alaska education technology fund;

3 (5) "publicly funded library" means a library eligible for a grant under
4 AS 14.56.310.

5 * Sec. 3. Before accepting project or grant applications under AS 14.30.760(b), enacted in sec. 2 of
6 this Act, the Department of Education shall conduct

7 (1) a survey of education technology resources in public schools and publicly funded
8 libraries in the state; and

9 (2) a statewide education technology grant and project writing seminar, available to all
10 public schools, school districts, and publicly funded libraries.

11 * Sec. 4. AS 14.30.760, 14.30.770, 14.30.780, and 14.30.790 are repealed December 31, 1998.

12 * Sec. 5. This Act takes effect July 1, 1992.

FAX COVER SHEET

Date: 28 April 1992

To: Mike Ford, Legal Svcs

From: Melissa Fouse

Senator Arliss Sturgulewski
State Capitol, Room 427
Juneau, Alaska 99801

(907) 465-3818
Fax (907) 465-3810

Please prepare a HESS CS
incorporating the following changes to
CS HB 203(2nd FIN)

Cover Sheet Plus 2 Pages

1 (6) an equitable distribution of education technology is necessary to ensure
2 school students in the state receive comparable educational opportunities.

3 (b) It is the purpose of this Act to establish the Alaska education technology program
4 teachers, library staff, and other instructional personnel with training in how to apply
5 technology in meeting instructional objectives, and to provide the necessary equipment and materials
6 effectively utilize education technology within the adopted curricula throughout the rural and
7 schools and in publicly funded libraries of this state.


8 * Sec. 2. AS 14.30 is amended by adding new sections to read:

9 ARTICLE 10. ALASKA EDUCATION TECHNOLOGY.

10 Sec. 14.30.750. ALASKA EDUCATION TECHNOLOGY PROGRAM. (a) The Alaska
11 education technology program is established in the department. The program must include

12 (1) technical assistance to a district, a public school, or a publicly funded library
13 for the purpose of planning for and purchasing education technology;

14 (2) training for employees of a district, public school, or publicly funded library
15 in the use of education technology in the classroom or library; and

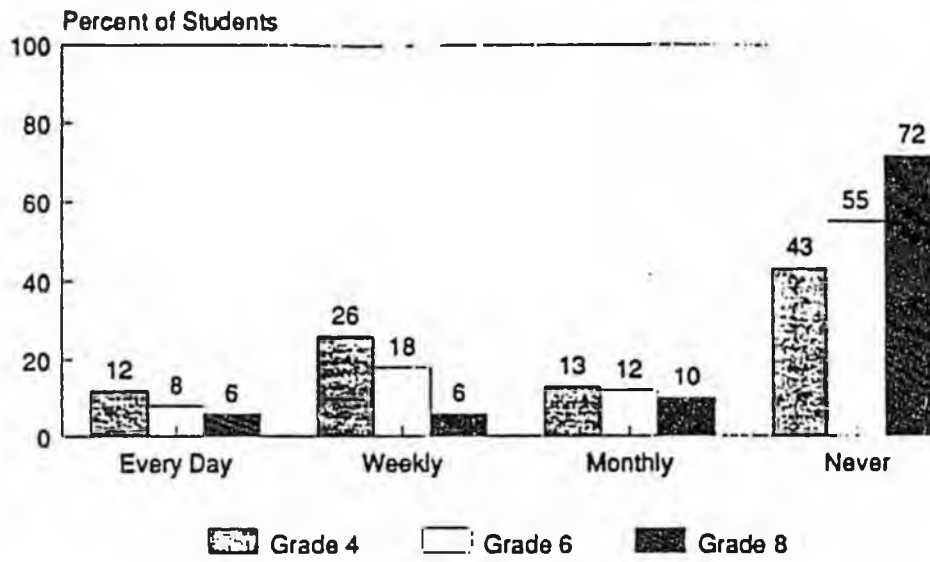
16 (3) a plan for coordinating and expanding existing networks for educational uses,
17 including the University of Alaska computer network, star schools, livenet, rural Alaska
18 television, and library sharing systems. 

19 (b) In administering the program required under this section, the department may pool
20 grant money or other money available from each district or publicly funded library in order to
21 make a bulk purchase of education technology or to provide necessary training.

22 Sec. 14.30.760. ALASKA EDUCATION TECHNOLOGY FUND ESTABLISHED. (a)

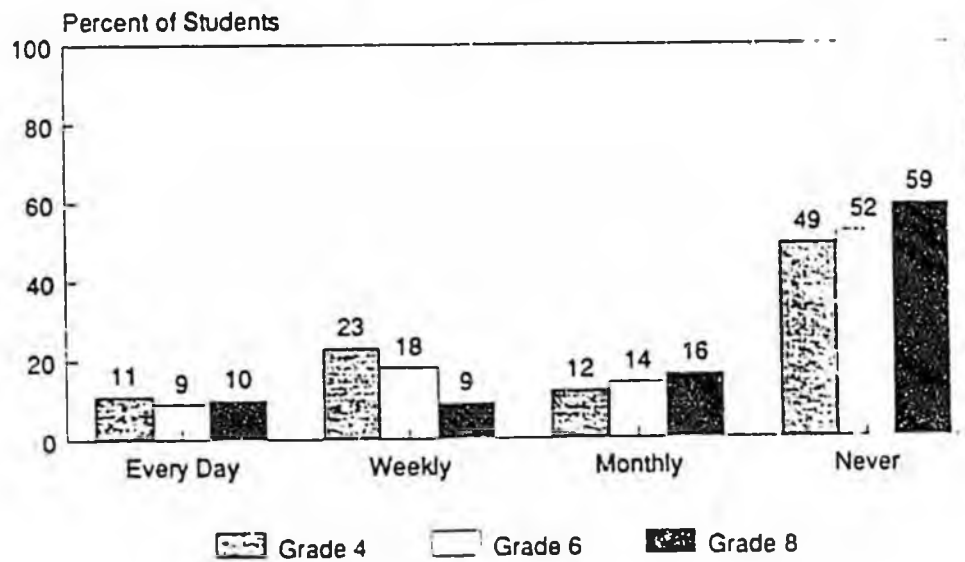
23 The Alaska education technology fund is established in the department. The purpose of the fund
24 is to (1) enhance the quality and equity of education at public elementary and secondary schools
25 by providing money to purchase, install, and maintain education technology in classrooms; (2)
26 provide training in the use of education technology to help students achieve student performance
27 standards; (3) provide ^{ACCESS TO} network ~~access~~ for public schools through the University of Alaska
28 computer ~~network~~; ^{OR OTHER MEANS} and (4) provide education technology, including computer and resource
29 sharing systems to publicly funded libraries. Money in the fund may be used to provide grants
30 or may be expended by the department for projects that further the purposes described in this
31 subsection. The fund consists of legislative appropriations to the fund and public or private

How Often Do You Use Computers To Work With Numbers In School?



Student Questionnaire Results
1990-91 Alaska Statewide Student
Assessment Program

How Often Do You Use Computers For Reading Or Writing In School?



Student Questionnaire Results
1990-91 Alaska Statewide Student
Assessment Program

Small businesses bridging the computer literacy G A P

The American work force is ill-prepared for the basic computer skills needed to work in today's high-tech workplace. A recent survey conducted by the U.S. Government shows that 95 percent of businesses cite an increasing need for computer literacy for all employees. Workers are handicapped even more by changes in technology that require employee retraining in some industries every 18 to 36 months. The void that has been created by the lack of computer education has created a market for technical training. Many opportunities exist for small businesses to close the computer literacy gap that has come between the work force and the workplace.

Education and training-related businesses have been identified as one of the top 10 small-business opportunities for 1992. Training for information systems was a \$2-billion industry in 1990 and is expected to more than double to \$4.2 billion by 1995.

Bertram Gader of Los Angeles turned his years of experience in advertising into a lucrative small business in computer graphics training. He started the company in 1988 and named it after himself, simply Bertram Gader. Bertram has found a niche in helping advertising-agency art directors and graphic designers keep up with the latest computer technology. He says he has a lot of repeat business because of the constant technological advances in computer hardware and software. In only three and a half years, Bertram has done well. His business grew by 50 percent last year and he expects to grow by at least that much this year. His list of clients now includes many major advertising agencies.

Someone else now is toasting to his own small-business success is Ron Anderson. Ron started his business with a partner three years ago after he was unable to find a job as an engineer. The company, called Associated Computer Lab, provides seminar-style computer training, software packages and consulting to business and government in the area. Bubbling over with success, Associate's business doubled in its first two years, and Ron is expecting to grow by another 50 percent this year. Taking advantage of opportunities in computer training has been a cause for celebration among many small-business owners.

Alert -- (Cont. from pg. 1)

PHONE SCAM and those who receive calls are advised not to agree to make a donation or provide a credit card number to cover the cost of that donation.

If you receive such a call, gather as much information as you can from the caller and make the information available to the police.

If you have a fax and did not receive this alert on February 20, call our office with your fax number so you can be added to our fax tree.

Pass this information along to your business associates, friends and neighbors! Don't become a victim of this scam operation!

CHAMBER FEE SCHEDULES

P_M-91 Database labels (Self Adhesive)

Complete database list of all known businesses in Juneau (P_M-91)

Member	\$150
Non-Member	\$200

Membership list only

Member	\$50
Non-Member	\$75

(We will print the labels in any sort order desired by the client.) *The price includes labels, but not mailing costs.*

Chamber membership roster

(Printed list of members) (P-M-91)

Member	N/C
Non-Member	\$5

Printed list of all information in database—
(P_M-91 FILE ONLY)

Member	\$75
Non-Member	\$100

Insert of pre-printed literature into Chamber Mailings

Member	\$125
Non-Member	\$175

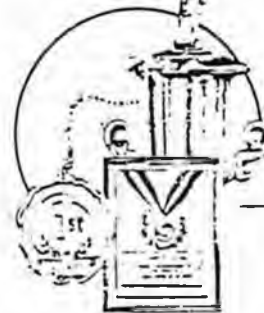
YOUR AD COULD BE
HERE FOR AS LITTLE AS
\$48.75 PER MONTH.
Call the office for details.
586-6420

Advertising deadline: 25th of the
month prior to publication

Oliver's

Trophies & Engraving, Inc.

Southeast Alaska's Award Center



- Office Signs
- Flags
- Rubber Stamps
- Lapel Pins
- Speciality Advertising
- Quick Quality Work

9108 Mendernall Mail Road

1 800 457-0993 • 759-0393

FAX: (907) 759-3555

14 Years Serving Southeast

TAKING A STAND

Widespread computer ignorance results from outdated schools

On Feb. 10, in an Anchorage Times op-ed piece, Rep. Kay Brown called for support of House Bills 203 and 204. These bills ask voters to approve money in general obligation bonds to pay for better computer software and hardware for Alaska schools, as well as a general fund contribution for teacher training in computer education.

As might well be expected in these times of legitimate fiscal concern and constraint, these bills for new money are not moving briskly through the Legislature.

As a graduate of an Alaska school, a professional computer analyst and the owner of a new and struggling Alaska business, I want to express my concern on this matter and support Rep. Brown and Bills 203 and 204.

First, I would like to share with you some of my experiences. In the schools, I found an underdeveloped curriculum that discouraged students from what could have been a positive experience with computers. Indeed, the exposure I had to computers and professional computer instruction at the classroom level was limited. Each student with an interest in computers learned what he or she knew of computers first at home, then at the university level.

These students became computer literate not because of, but in spite of their elementary and secondary schooling.

The reason the schools did not help us was that the majority of teachers in schools had had no more contact with computers than we did. Those assigned to computer education responsibilities lacked the training and support necessary for effective teaching.

Those of us who were inclined to work with computers were far ahead of our schools, but we gained this knowledge almost entirely on our own. To become successful in this field, we had to.

It is therefore with some passion that I address the issue of computer literacy. I believe that our schools remain incapable



R. Jens Francis

of providing meaningful computer education for all students. It is equally concerning that we have not been able to incorporate computers in other educational matters as the inherently powerful tools they are.

I had hoped that we would be the last generation of students so failed by our schools. It appears we were not.

That is the compassionate argument, that we better address the needs of our children. As important as that may be, there is perhaps an even more telling case to be made.

As we move forward here with our business of making computers work as they should for Alaska enterprise, we find two very remarkable circumstances.

First, almost nobody has a system that serves them as it should. In banks, schools, oil companies, law firms, legislative offices, shops, restaurants, every place we turn, we find people working against their computers — or, as they see it, vice versa.

There is a serious need in almost every quarter to bring people and their computers into line, to have everybody and everything going more or less the same direction. This is true not only in Alaska, but throughout the country and around the world.

There is a serious need in almost every quarter to bring people and their computers into line, to have everybody and everything going more or less the same direction. This is true in Alaska, the nation and around the world.

Businesses are sinking millions of dollars each year into basic computer training for very bright people who should have had access to these computers in high school. Computer ignorance is a terribly costly and unnecessary waste of time and energy in nearly every workplace.

If we begin to educate our children at a young enough age, computer awareness can become as ingrained as knowing how to count to 10.

In computer work specifically, such as the work we do as systems analysts, we have had a difficult time finding Alaska-trained people qualified to work with us to begin to address some of these problems, or, as I see it, to take advantage of this large opportunity.

Here in Alaska, located as we are at the hub of the industrialized world, equidistant from the major centers of Europe, the Americas and Asia, on top of the Pacific Basin, next door to Russia, we are at the intersection of world affairs. As our oil fields decline, if

we are to survive here, as we want to do, we have to find new work.

We have what I think is one of the best opportunities possible, to make Alaska a center for technology. Bellevue, Austin, Silicon Valley — each of these cities began with a strong education technology program. That is my goal.

To invest this tiny bit in our schools, to bring this small measure of computer education to our students, to those who fol-

low us, is surely a modest thing to ask. To fail to do so is foolish. To continue to bumble along as we have been is silly and wasteful. We have the tools, extremely powerful tools; we just need to teach our people to use them.

I want to urge everyone to pull together on this, to follow Rep. Brown's lead. This should not be such a lonely task. I think it a matter of good sense and of social responsibility. It is also good business, linked to Alaska's success or failure in the world's rapidly evolving high technology marketplace.

R. Jens Francis is a senior computer science major at the University of Alaska Anchorage and the president of SoftArt Technologies. Opinions expressed in Taking a Stand do not necessarily reflect the editorial position of The Anchorage Times.

Times - 3/15/92

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 CMFR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House HES	4-11-91
House HES	4-19-91
House FIN	5-13-91
House FIN	8/1/92 1-29-92
House FIN	2-26-92

HB

247

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2
Bill Version: CSHB 247(RLS)
(H) Publish Date: 1/24/92

Revision Date: 01/22/92 Department Affected: Commerce & Economic Development
Title: An Act relating to licensure of dentists. BRU: Occupational Licensing
Component: Administration
Sponsor: Rep. Mackie
Requestor: House Rules COMPONENT SERIAL NO.

0	3	5	6
---	---	---	---

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	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	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	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

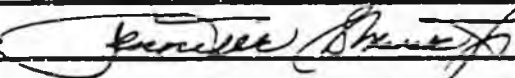
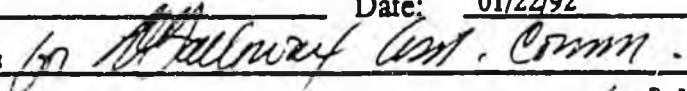
POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

CSHB 247(L&C) amends the dental statutes (AS 08.36) to bring the statutes into conformity with recent court decisions concerning licensure without examination; and further mandates access to clearinghouses of disciplinary information making it possible to render an informed judgement on the applicant. New funds are not required to implement provisions of the bill.

Prepared By: Jennifer Stricklet  Phone: 465-2144
Division: Occupational Licensing Date: 01/22/92
Approved by Commissioner: Glean A. Olds 
Agency: Commerce & Economic Development Date: 1.22.92

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

REPRESENTATIVE
JERRY MACKIE

P O BOX 73
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

House of Representatives

March 11, 1992

MEMORANDUM

TO: Senator Arliss Sturgulewski, Chair *ARLISS*
Senate Health, Education and Social Services
Committee

FROM: Representative Jerry Mackie *Jerry Mackie*

RE: Scheduling of SCSCSHB 247 (L&C) - An Act relating to
licensure of dentists, including licensure by
credentials; relating to the Board of dental
examiners; efd.

I respectfully request that you schedule SCSCSHB 247 (L&C), which has been referred to your committee, for a hearing at the earliest possible time.

I introduced this bill in response to a summary judgement issued by the Superior Court in January of 1991, ordering the Board of Dental Examiners to begin licensing dentists by credentials. This legal action settles a ten year dispute over the credentialing issue, and allows dentists who have come to Alaska as military or Public Health Service employees to set up a private practice and remain in the state.

I am including back up materials with this request; please contact me if you need any additional information.

attach

REPRESENTATIVE
JERRY MACKIE

P O BOX 73
CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 826-2930 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature.



WHILE IN JUNEAU
P O BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

House of Representatives

POSITION STATEMENT

SCSCSHB 247 (L&C) AN ACT RELATING TO LICENSURE OF DENTISTS

This bill was introduced to clarify the licensure of dentists by credentials provisions relating to the Board of Dental Examiners.

Alaska law has allowed dentists to be licensed by credentials since 1980. The Board of dental Examiners has refused to license by credentials, and passed a regulation that they would not license by credentials claiming that the statute was too vague.

In January of 1991, the Board of Dental Examiners lost a legal proceeding in Superior Court in which 23 dentists sued for the right to be licensed by credentials as allowed under Alaska law. The board was ordered to begin licensing by credentials under the existing statute.

SCSCSHB 247 (L&C) presents a series of requirements for licensure by credentials, sets out standards applicants must meet, and requires the board to license by credentials in accordance with the court decision.

The bill adds other provisions to the dental statutes such as requiring dentists to be current in CPR techniques. It provides that dentists may not be licensed if, in another state:

they have had their license revoked, suspended or surrendered;

they are the subject of an unresolved complaint;

they were involved in fraudulent or criminal activity;

they are impaired.

Many dentists affected by this bill are military or Public Health Service employees who came to Alaska through their employment and seek to set up a private practice. Alaska does not have an overabundance of health care practitioners; we need to encourage health professionals to live and practice in our state.

In the past nine months, the Board of Dental Examiners has complied with the court ruling and licensed 46 applicants for licensure by credentials; another 20 applicants have been interviewed by the board recently and are eligible for licensure.

The credentialing application process is controlled by the Division of Occupational Licensing in the Department of Commerce and Economic Development. The division has set time standards to complete the application process and forwards all complete files to the Board for review at each quarterly meeting.

SCSCSHB 247 (L&C) is a good bill with the public's best interests in mind; I urge your positive consideration.

SECTIONAL ANALYSIS

SCSCSHB 247 (L&C)

- Section 1 Requires the Board of Dental Examiners to require all dentists applying for license or renewal to have a current CPR certification.
- Section 2 Repeals and reenacts AS 08.36.110, adding a new subsection (E), which provides that an applicant for a license shall not have an adverse report relating to criminal or fraudulent activity or malpractice in the national clearinghouse or data bank. Also provides that the applicant is not the subject of an unresolved or adverse complaint, investigation, review procedure or other disciplinary proceeding and is not an impaired practitioner.
- Section 3 Adds a new subsection (e) to AS 08.36.160, Contents of Examination, which provides that a passing score on a clinical exam given by the Western Regional Examining Board in the 5 years preceeding application will constitute a passing school on the Alaskan clinical examination.
- Section 4 Repeals and reenacts AS 08.36.234, Licensure by Credentials, to provide that the Board of Dental Examiners will provide for licensing without examination, except for an examination on the Alaskan dental statutes. An applicant for licensure by credentials must provide certification to the board that the dentist:
- 1) is a graduate of an accredited dental school;
 - 2) has passed clinical and written examinations in another state or territory and been licensed to practice in that jurisdiction under licensing requirements generally equivalent to this state's requirements;
 - 3) is in good standing with the licensing jurisdiction or federal agency;
 - 4) has been engaged in continuous practice at least 20 hours per week in the previous five years;
 - 5) is not the subject of an adverse or unresolved complaint, investigation, review procedure or proceeding, and has not had a license revoked, suspended or surrendered;

6) has not failed a clinical examination, in the past three years, of the the WREB;

7) has completed 42 hours of continuing education in the 3 years preceeding application;

8) is personally interviewed by the board, pays all fees, authorizes release of records to the Board and certifies that they are not an impaired practitioner;

9) provides that the board can revoke a license for evidence of misinformation or substantial omission, and that the board must adopt regulations to implement this section.

Section 5

Adds a new definition of "impaired practitioner" to AS 08.36.370.

Section 6

Provides for an immediate effective date.

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

February 3, 1992

SUBJECT: Dental Assistants (Work Order No. 7-LS1885)

TO: Senator Al Adams
Attn: Martha

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

In 1988 the Department of Law issued an opinion to the Department of Commerce and Economic Development, Division of Occupational Licensing, concerning the activities that a dental assistant may lawfully perform. (July 7, 1988, opinion from Mary E. Pinkel to Randall Burns, copy attached). In that opinion the Department of Law concludes that AS 08.32 and 08.36 constitute a comprehensive licensing scheme in regards to the permitted activities for dentists and dental hygienists, that the permitted activities of dental assistants are not defined in the statutes, and that, therefore, a dental assistant may not perform any of the activities listed under AS 08.32.110 that dental hygienists may perform under the general supervision of a dentist. You have asked this office for its opinion on what activities a dental assistant may perform and whether we agree with the Department of Law's conclusions. Given the Department of Law's conclusion that a dental assistant may not perform any of the permitted activities for dental hygienists under AS 08.32.110 and in view of AS 08.32.110(a)(5) permitting a dental hygienist to perform functions delegated by a dentist, you have asked whether a dental assistant may ever perform any operation or service delegated by a licensed dentist?

My answer to your first question is no, I do not agree with the Department of Law's opinion concerning the activities that a dental assistant may lawfully perform.

AS 08.36.070(a)(11) provides that the board of dentistry shall:

issue permits or certificates to licensed dentists, licensed dental hygienists, and dental assistants who meet standards determined by the board for specific procedures that require specific education and training.

This section clearly envisions that dental assistants only need board approval to perform certain procedures "that require specific education and training." If a procedure does not require specific education or training then this statute appears to permit a dental assistant to perform that activity. Therefore, I conclude that a dental assistant may perform any procedure, whether specific or general that does not require specific education and training. Further, a dental assistant may perform a specific procedure that requires specific education and training if a permit or certificate for the procedure has been issued by the board.

The Department of Law misreads this provision to mean that a dental assistant may not perform any dental procedure without a permit. The Department of Law also misreads the legislature's decision not to require the licensing of dental assistants, as it has done with dentists and dental hygienists, as meaning that dental assistants are without authority to perform any dental procedure, and specifically without the authority to perform the procedures in AS 08.32.110. Opinion, pp. 3 and 4-5. It is within the legislature's prerogative to require licensing of a profession, or limited licensing as in AS 08.36.070(a)(11); this does not mean that a profession may not practice in this state when full licensing is not required, especially when the legislature has acknowledged the existence of the profession and permitted it to practice as it has done for dental assistants in AS 08.36.070(a)(11). (The Department of Law also asserts in the opinion that the legislature has not adopted any statutes or regulations defining the duties of a dental assistant: Clearly, the legislature has adopted a statute setting out the permitted activities of a dental assistant in AS 08.36.070(a)(11). Furthermore, the legislature does not adopt regulations, the executive branch does).^{1/}

In answer to your second question, I agree with you that the Department of Law's conclusion that a dental assistant may not perform any of the activities permitted for dental hygienists under AS 08.32.110, necessarily includes "any operation or service delegated by a licensed dentist" under AS 08.32.110(a). Under this reasoning a dental assistant may not perform any dental procedure because all dental procedures may be delegated by a licensed dentist. That conclusion is in direct conflict with the legislature's discussion of the permitted activities of a dental assistant under AS 08.36.070(a)(11). The Department of Law's conclusion that the activities permitted in AS 08.32.110 apply only to dental hygienists seems justified only if one reads AS 08.32.110(a) in this manner: "Only a person licensed to practice in the profession of dental hygiene in the state may" perform any of the listed activities. The legislature, though, did not say this. Such a reading is inconsistent with the

^{1/} The dental board has failed to the best of my knowledge, to adopt regulations to implement AS 08.36.070(a)(11) or to permit or certificate dental assistants for specific procedures under that section. This clearly seems in violation of the legislature's direction to the board that it "shall" issue permits or certificates to . . . dental assistants. . . ."

Senator Al Adams
February 3, 1992
Page 3

legislature's recognition of dental assistants and with the legislature's direction to the dental board to permit and certificate dental assistants. Such a reading also would render AS 08.36.070(a)(11)'s grant of authority to the board to issue permits to dental assistants a virtual nullity. Under the rules of statutory construction, laws are to be construed to avoid conflicts and implied repeals and to give meaning to all its parts. In this situation, a conflict exists if one reads the word "only" into AS 08.32.110. Otherwise, AS 08.32.110 and 08.36.070 can be read together so as to yield a reasonable result that does not render AS 08.36.070(a)(11) as it applies to dental assistants a nullity.

One final question arises from this discussion: What are the procedures that require specific education and training? The legislature has left that up to the dental board to decide. The activities that a dental hygienist may perform under AS 08.32.110, certainly require specific education and training, as the legislature has provided education and training requirements by statute. It seems reasonable to assume that the board could issue an individual permit or certificate to a dental assistant to perform any one of those activities if the board found that the dental assistant met the education and training requirements set by the board. Some of the activities listed there and others not listed may require differing levels of education and experience. The dental board should confront this question under the grant of authority provided by AS 08.36.070(a)(11).

If you have further questions, please contact me at your convenience.

GPL:pl
92-020.lmb

MEMORANDUM

State of Alaska

DEPARTMENT OF LAW

TO: **Randall E. Burns, Director**
Division of Occupational
Licensing
 Dept. of Commerce & Economic
 Development
 DEPARTMENT OF COMMERCE
 & ECONOMIC DEVELOPMENT

DATE: July 7, 1988
 FILE NO: 661-88-0298
 TELEPHONE NO: 276-3550

THRU:

JUL 11 1988

SUBJECT:

The difference
 between a Dental
 Assistant and Dental
 Hygienist under
 AS 08.32.110(a)

DIVISION OF
 OCCUPATIONAL LICENSING

FROM:

Mary B. Pinkel *MBP*
 Assistant Attorney General
 Commercial Section-Anchorage

I. INTRODUCTION

This memorandum is in response to your December 9, 1987, request for advice from the Attorney General's Office concerning the legality of a dental assistant's application of pit and fissure sealants under the supervision of a dentist. In your memorandum you ask two questions:

1. Are the authorized procedures listed in AS 08.32.110(a) exclusive to licensed dental hygienists, or do they simply identify the boundaries of what a dental hygienist is authorized to do?

2. Is the use of a dental assistant to use pit and fissure sealants allowed under Alaska Statutes?

Since the questions you ask are interrelated, I will answer both within the body of this memorandum.

The Alaska Statutes which regulate dentistry and dental hygiene, AS 08.36 et seq. and AS 08.32 et seq., do not specifically address your questions. However, AS 08.36.070(a)(11), when read together with AS 08.32.110, AS 08.32.190, and AS 08.32.095, imply that the legislature did not grant dental assistants the authority to perform such a task.

II. DISCUSSION

A. Statutory Scheme

AS 08.32.190 defines "dental hygienist" in the following manner:

(2) "dental hygienist" means a person who is licensed by the Board to perform those educational, preventive, and therapeutic services and procedures that licensed dental hygienists are educated to perform.

AS 08.32.010 states that a person may not practice dental hygiene without a license:

Except as provided in AS 08.32.095, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice dental hygiene without a license and a current certificate of registration.

AS 08.32.095 exempts from license requirements a person enrolled as a full-time student in an accredited school of dental hygiene. (See AS 08.32.095(a)). AS 08.32.110 discusses the role and scope of work of a dental hygienist. AS 08.32.110 provides in part:

(a) The role of the dental hygienist is to assist members of the dental profession in providing oral health care to the public. A person licensed to practice the profession of dental hygiene may:

....

(3) apply pit and fissure sealants;

....

(5) perform other dental operations and services delegated by a licensed dentist if the dental operations and services are not prohibited by (c) of this section; and

(6) if certified by the board and under the direct or indirect supervision of a licensed dentist, administer local anesthetic agents.

The use of the word "may" implies permission or privilege. "May" is defined by Black's Law Dictionary in the following manner:

ALASKA
DEPARTMENT OF COMMERCE
& ECONOMIC DEVELOPMENT

JUL 11 1988

DIVISION OF
OCCUPATIONAL LICENSING

JUL 11 1988

Randall P. Burns, Director
Division of Occupational Licensing
661-88-0298

July 7, 1988

DIVISION OF
OCCUPATIONAL LICENSING

Page 3

an auxiliary verb qualifying the meaning of another verb by expressing ability, competency, liberty, permission, possibility, probability or contingency.

Black's Law Dictionary 1131 (4th ed. 1968).

When read in conjunction with AS 08.32.010 (person may not practice dental hygiene without a license) and AS 08.32.095 (exemption from license requirement for dental hygiene students), AS 08.32.110 suggests that by not specifically authorizing dental assistants to perform these same tasks, the legislature did not intend for dental assistants to have the same authority outlined in AS 08.32.110 as dental hygienists.

Therefore, the fact that the legislature specifically gave dental hygienists permission to perform those activities listed under AS 08.32.110 implies that the legislature would need to give specific permission to dental assistants to perform those same acts. Dental assistants are not given similar permission elsewhere in the statutes, and the statutory scheme is indeed silent as to what a dental assistant can and cannot do. Additionally, the legislature has given the dental board the authority to issue permits to dental assistants for specific procedures that require specific education (AS 08.36.070(a)(11).) However, no statutes or regulations exist which provide for the issuance of permits to dental assistants. Such a provision does exist with respect to dental hygienists. The fact that the legislature has chosen not to adopt statutes or regulations which would enable dental assistants to perform specific procedures implies that dental assistants do not have the authority to perform specific dental procedures in the absence of statutes or regulations.

B. Legislative History

The primary guide to the interpretation of statutory schemes is the language used, construed in light of the purpose of the enactment. CFEC v. Apokedak, 680 P.2d 486, 489-90 (Alaska 1984). The Alaska Supreme Court has consistently held that it will not construe a statutory provision in a manner which is inconsistent with the express objective of that very legislation. J & L Diversified v. MOA, 736 P.2d 349, 351 (Alaska 1987); Wien v. Arant, 592 P.2d 352 (Alaska 1979). The legislative history of the Alaska dental and dental hygiene statutes indicates that dental assistants do not have the authority to perform those

Maybe they can't just have you try to eliminate or delete duties as the minutes say - pg. 3