

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 86/2

7794 HOUSE HEALTH EDUCATION & SOCIAL SERVICES 5

HB

174

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB174

Revision Date: \_\_\_\_\_

Department Affected: Education

Title: An Act relating to organization of public

BRU: K-12 Support

school system; and providing an effective date

Component: Foundation Program

Sponsor: Rep. Martin

Requestor: Rep. Martin

COMPONENT SERIAL NO. 141

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	0	6,782.8	7,054.1	7,336.3	7,629.8	7,935.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>6,782.8</b>	<b>7,054.1</b>	<b>7,336.3</b>	<b>7,629.8</b>	<b>7,935.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
FUNDING:						

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0	6,782.8	7,054.1	7,336.3	7,629.8	7,935.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>6,782.8</b>	<b>7,054.1</b>	<b>7,336.3</b>	<b>7,629.8</b>	<b>7,935.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

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

HB174 will consolidate home rule, first class city and existing REAA school districts with less than 1,000 ADM into new regional educational attendance areas. Because the bill does not mandate local contributions for home rule and 1st class cities that are consolidated into REAAs, the cost to the state will be the loss of local contributions for those cities that are consolidated. The first year will not result in any increased cost because it would take at least one year to implement the changes. Beginning in fiscal year 1995 the department has assumed an annual increased cost of 4%.

Prepared by: Roger Stephan

Phone: 465-8682

Division: School Finance

Date: March 19, 1993

Approved by Commissioner: *Jerry Covey*

Jerry Covey

Agency: Education

Date: 3-19-93

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE MARTIN

TO: HB 174

Page 2, lines 28 - 29:

Delete "with 1,000 or more students in average daily membership"

Page 3, lines 1 - 7:

Delete all material and insert:

\*\* Sec. 6. AS 14.12.025 is amended to read:

Sec. 14.12.025. NEW SCHOOL DISTRICTS. Notwithstanding any other provision of law, a new city or borough school district may not be formed if the total number of pupils for the proposed city or borough school district is less than 250 unless the commissioner of education determines that formation of a new city or borough school district with less than 250 pupils would be in the best interest of the state and the proposed city or borough school district."

Renumber the following bill sections accordingly.

Page 3, line 8:

Delete "home rule or first class city school districts and"

Page 3, line 12:

Delete "new districts or"

Page 3, line 14:

Delete "city school district or"

ELECTIVE DISTRICT 14  
ELMENDORF A.F.B.  
EAST ANCHORAGE  
GOVERNMENT HILL

REP. TERRY MARTIN

HOME  
355 DONNA DR., #11  
ANCHORAGE, AK 99504  
PHONE: 333-6990

DURING SESSION  
P.O. BOX V  
STATE CAPITOL BUILDING  
JUNEAU, AK 99811  
PHONE: 465-3783

Alaska House of Representatives

SPONSOR STATEMENT

HB 174

**"An Act relating to the organization of  
public school systems"**

The need for school district consolidation is so critical that HB 174 is a vehicle through which the issue can be presented to legislators and the public for discussion. As noted in the May 11, 1992 Legislative Budget and Audit Report on consolidation, this is an issue that should not be quickly debated, but should be scrutinized and researched so that the related factors can be addressed, such as federal impact funding for disabled and military students, as well as federal receipts which affect, whether positively or negatively, our school districts. Culture, ethnicity and social considerations should also be reviewed to maximize education by region.


Consolidation is a convenient term, but it is much harder to define and implement. The Department of Education, at the committee level, should be heavily involved in all the decisions unifying various school districts. The department has a tremendous amount of information that needs to be evaluated, specifically pertaining to costs of administration vs. the impacts of reduced appropriations for instructional purposes. If the object of consolidation is to maximize the education for each child, then the loss of dollars through the formula program, through excessive administration, must be eliminated.

It is not my intent to pass HB 174 as it reads today, but rather to promote discussion on responsible school district administrations better serving their regions throughout the state. This issue is so important that it should be thoroughly researched during this session and interim, rather than placing the bill in a sub-committee, and then upon our return next session, a more rational approach to consolidation can be implemented.

*Sponsor Statement*

Rep. Terry Martin  
State Capitol  
Juneau, AK 99801-1182

2/23/93

Dear Rep.  Martin,

Last fall you and I spoke briefly about the high cost of school administration.

Having been a school administrator I know there is redundancy at the administrative level. As an example, there are three school districts on Prince of Wales (POW) Island, one each at Craig, Klawalk and Hydaburg in addition to the REAA operating out of Ketchikan, a total of four (4) operating districts.

Enclosed is an article from the Ketchikan Daily News, 2/23/93, about the REAA unit headquartered here in Ketchikan. It relates a rather cavalier attitude toward education expenses exhibited by Southeast Island School District.

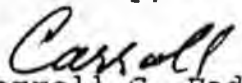
There was a time, early in the operation of this REAA, when it was appropriate to headquarter in Ketchikan. That time has past especially in view of the budget crunch. During the fall campaign, many residents of POW expressed to me a desire to have Southeast Island School District headquarters move to the island. The move would reduce REAA delivery costs.

There may be a more appropriate approach to cost savings, "district consolidation". Expect turf protection fights if a consolidation review were to be undertaken. The goal would be a more cost effective delivery of education and a reduction of overhead administration.

Moving the REAA out of Ketchikan to POW would impact employment of the support staff as it is presently constituted in Ketchikan. I do not know but suspect the support staff is greater than necessary.

As you search for budget solutions, district consolidation and REAA operations may be worthy of review.

Sincerely,

  
Carroll G. Fader  
Box 5794  
Ketchikan, AK 99901

(907) 225 3389

Letter of Support

# Audit Report

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POTENTIAL FOR ADMINISTRATIVE  
SAVINGS FROM SCHOOL DISTRICT  
CONSOLIDATION

May 11, 1992

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Audit Control Number:

05-4409-92

Division of Legislative Audit  
P.O. Box W, Juneau, Alaska 99811-3300

SUBMITTED BY: REP. MARTIN

5-11-92 Legislative Audit - Potential for Administrative Savings from <sup>School Distri</sup> Consolidat.

## ORGANIZATION AND FUNCTION

Title 14 of the Alaska Statutes sets out the duties and organization of the Department of Education. The statutes establish a seven-member State Board of Education appointed by the Governor, which sets the policy for education in Alaska's public schools. The State Board appoints the commissioner of the Department of Education to implement and carry out its policy decisions.

There are a total of 54 school districts in Alaska. The school districts include 21 Regional Education Attendance Areas (REAs) which serve the unorganized borough, 18 first class city districts, and 15 borough and home rule municipality districts. Each district has an elected school board that works within the state guidelines to set policies for their respective district. City and borough school districts are funded by a combination of local taxes and state funding. REAs are within unorganized areas which have no taxing authority and receive almost all operational funding from the State.

As set out in AS 44.47 the Department of Community and Regional Affairs' (DCRA) basic mission is to advise and assist regional governments. One of DCRA's functions is to provide staff support to the Local Boundary Commission (LBC). The LBC is made up of five members appointed by the governor, one each from the four judicial districts and one from the State at large. Appointments are made for overlapping five-year terms. The LBC adopts regulations to define and clarify the standards for borough incorporation, annexation, dissolutions, and any other actions affecting municipal boundaries.

Although DCRA provides technical and administrative support to LBC, the department and the commission are independent in matters of policy. While DCRA staff assist LBC and may make recommendations, boundary decisions are made independently by LBC.

## BACKGROUND INFORMATION

### Local control is the overriding public policy principle for rural Alaskan schools

The principle of local control is the central aspect of school administration public policy in Alaska. Since 1975, both administrative and legislative actions have reaffirmed the primacy of this public policy principle for schools throughout the State.

Local control of education, particularly in the rural, predominantly native regions of the State is considered of critical importance. This may be due in part to the history of school governance in rural Alaska. For most of this century these rural schools were administered and controlled by outside groups -- either the church, the State, or the federal government.

Comparatively, the more urban sections of the State have had local control of their schools since early in the century. In 1905, the U.S. Congress authorized Alaskan municipal governments to establish and locally operate schools separate from the existing federal schools in the territory.

Later, the Uniform School Act of 1917 established the territorial Department of Education to systematize school administration on the state level. Rural, predominantly native schools were still administered by the U.S. Department of Interior, Bureau of Indian Affairs (BIA).

In the early 1960s the Mandatory Borough Act (see discussion on the next page) granted organized boroughs authority for school administration. Rural schools in the unorganized regions of the State still were administered either by BIA or as part of the

### CREATION OF 1985 REAAs DEMONSTRATED IMPORTANCE OF LOCAL CONTROL

Despite opposition from the State Board of Education, two new Rural Education Attendance Areas (REAAs) were formed in 1985. The five villages included in the two REAAs were contract schools that previously had been funded by the BIA. As such, the schools had been operating independently outside the jurisdiction of the surrounding REAAs.

The State Board of Education and the Department of Education both advocated that the new villages be consolidated into existing REAAs. Their opposition to creation of new, separate REAAs were based on three major points:

1. The cost involved in establishing five new school districts: (The original legislation proposed separate REAAs for each village. This proposal was subsequently changed so that the villages of Aklachak, Akiak, Tutuksak, and Chefornak were consolidated into one of the new REAAs).
2. The adverse effects of fragmenting the existing delivery system in a manner not contemplated by existing municipal or education law.
3. The potentially dangerous precedent the bill would create respecting relationships between REAAs and their respective communities.

The five villages protested the absorption of their schools into the existing REAAs believing it to be a loss of local control.

Despite the well-founded objections of the State Board of Education, the legislature did create new, separate REAAs.

While reduction of the number of new REAAs from five to two did reflect some compromise, the legislature found local objections and concerns over the loss of local control compelling. Rather than consolidating the villages into the existing REAAs, they carved out new districts from inside the boundaries of the Lower Yukon and Lower Kuskokwim REAAs.

statewide State-Operated School (SOS) system. Over time both the BIA and SOS schools had allowed for some measure of local control through the establishment of advisory boards at the community level.

Legislation mandating boroughs was the first step in implementing constitutional requirement

**STATE CONSTITUTION REQUIRES  
STATE TO BE DIVIDED  
INTO BOROUGHES**

Article X, Section 3 of the Alaska Constitution requires that:

*The entire State shall be divided into boroughs, organized or unorganized. They shall be established in a manner and according to standards provided by law. The standards shall include population, geography, economy, transportation, and other factors. Each borough shall embrace an area and population with common interests to the maximum degree possible.*

Article X provides for maximum local self-government with a minimum of local governmental units. These local government units, called boroughs, were to be based on economic, geographic, social and political factors.

The boroughs were to be large enough to allow for the provision of all local services within the boundaries of a single unit but would prevent the establishment of too many subdivisions.

As discussed in inset at left, the Alaska Constitution established the borough as the State's standard local government unit. Despite this constitutional requirement, by 1963 no local borough governments had yet been formed. In an effort to begin establishing local government, the legislature began mandating the formation of boroughs.

The Mandatory Borough Act (Chapter 52 SLA 1963) required eight regions of Alaska to form boroughs by local initiative prior to January 1, 1964 or be incorporated automatically under the provisions of the law. The eight regions included the Boroughs of Ketchikan Gateway, Kodiak Island, Juneau, Sitka, Fairbanks North Star, Kenai Peninsula, Matanuska-Susitna, and Anchorage.

Currently there are 15 organized boroughs or unified home rule municipalities and 1 unorganized borough. Unified home rule municipalities are former boroughs which have joined together with all of the cities within its boundaries. There are four classifications of organized boroughs: home rule, and first, second, and third class. All four classifications of boroughs are required to provide areawide education under Alaska Statute (AS 29.35.160).

Outside of the original mandatory legislation, all borough formation has been a result of local initiative. Areas of the State that remain without any local regional government essentially make up one large, unorganized borough. It is generally felt that this structure of 1 unorganized and 15 organized boroughs satisfies the letter of constitutional directive that "*the entire State shall be divided into boroughs, organized or unorganized.*"

According to one of its framers this structure does not meet the Constitution's intent.<sup>3</sup> The legislature, as a whole, is considered as the sitting governing assembly for the unorganized borough. In this role, the legislature is responsible for delivering services to the residents of the unorganized borough with primary and secondary education given high priority.

REAs were established in response to a court decision and were based on university study

In 1975 the legislature established a quasi-governmental structure, termed Regional Education Attendance Areas (REAs). These special type of school districts were created in response to an Alaska Supreme Court decision *Molly Hootch, et al., v. the Alaska State-Operated School System, et al., Alaska, 536 P.2d (May 23, 1975)*. They were developed in large part from recommendations made in a January 1974 University of Alaska report titled *Prehigher Education in the Unorganized Borough: Analysis and Recommendations*.

REA boundaries were designed to "essentially" conform to the regional native corporation boundaries or sub-boundaries as established under the Alaska Native Claims Settlement Act. The transportation and communication network between communities, as well as language, culture and socio-economic factors served as a basis for establishing the boundaries of the original twenty-one REAs.<sup>4</sup>

Critics claimed that REAs weakened fiscal control and prevented borough formation

Critics of the REA concept felt that the formation of these quasi-school districts was bad public policy. In their view, formation of REAs allowed unorganized areas of the State to have their own school board and make decisions regarding their schools while the State essentially provided all the funding. Without local fiscal responsibility, local school boards would have no incentive to spend wisely. One prominent critic claimed that "*if these school boards have no fiscal responsibility, their wildest dreams and wishes will become absolute necessities.*"

A second concern, was that the creation of REAs would delay the formation of boroughs in the unorganized area of the State. The critics complained that the State Constitution directed that local government powers, such as education, should be vested only in boroughs and cities.

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<sup>3</sup> Former state Senator Victor Fischer, one of the signers of the constitution, viewed the current "left-over" unorganized borough as a historical anomaly. According to Senator Fischer the framers envisioned that there would be a number of small local government boroughs designated throughout the State, and as development progressed, they would make the transition from unorganized to organized boroughs.

<sup>4</sup> It should be noted that the factors specified in the formation of REAs (transportation, communications, language, culture, and socio-economic factors) are similar to the factors identified in the constitution as serving as a basis for boroughs: *population, geography, economy, transportation, and other factors* (see inset on page 6).

REAA's in the <u>Unorganized Borough</u>	Model Boroughs with Consolidated Schools
Adak Aleutians Pribilof Islands	Aleutians/Pribilof
Alaska Gateway Copper River Delta Greely	The Delta Greely/Alaska Gateway/Copper River model borough is referred to in the report as Interior East/Roadway Borough
Annette Island	Annette Island
Bering Straits	Nome/Bering Straits
Chugach	Prince William Sound
Iditarod Area	Iditarod Area
Kashunamiut Kuspuk Lower Kuskokwim Lower Yukon Southwest Region Yuniit	Calista
Yukon-Koyukuk	Yukon-Koyukuk
Under LBC's projected boundaries, various communities in each of the following three REAAs would be divided into two or more model boroughs. Notes 7, 8, 12, and 14 in the Notes to the Schedule of Estimated Savings that begin on page 28 identify in detail how each REAA's communities would be allocated for the purpose of our analysis.	
Yukon Flats	Fairbanks North Star Borough Yukon Flats
Chatham	Haines City and Borough of Sitka Chatham Borough
Southeast Island	Ketchikan Gateway Borough Prince of Wales Island Chatham Borough City and Borough of Sitka

These critics charged that creating REAAs not only violated this constitutional direction, but that it also hindered accomplishing the Constitutional requirement that the State be divided into boroughs (see inset on page 10). In their view, creation of REAAs was contrary to the legislature's duty to promote the formation of organized regional government in order to carry out these constitutional requirements. Creation of REAAs, it was felt, undermined borough organization, since authority over schools was the primary incentive to form local governments. Writing in 1975, a former Speaker of the House asserted:

*There are... areas [in the State] that within the next seven or eight years would have formed local governments for the opportunity to control their local affairs including the schools. Now, its questionable as to whether or not they will because through [formation of REAAs] they obtain control of their schools but have none of the financial burden.*

#### REAAs were intended to be a transitional form of government

REAAs originally were envisioned as a transitional form of governance necessary to deliver education to the children in the unorganized areas. Since 1975, REAAs have become entrenched as a "quasi-unit" of local government even though they have neither constitutional status nor independent taxing authority. Their existence continues to be seen as a deterrent to borough formation in the unorganized regions of the State. Further, the REAAs' lack of taxing authority may be prompting some local governments to consider "disincorporating." At least three first class or home rule cities have inquired of the Local Boundary Commission (LBC) about dissolving their jurisdictional status.<sup>5</sup>

Since the transition of REAAs to boroughs is the next most logical phase in Alaska's regional local government structure, we have based our school consolidation analysis on these projected boroughs.<sup>6</sup> Using model borough boundaries for projected consolidated school districts, the number of the State's 54 school districts is reduced in half. The table on the opposite page lists how existing REAAs currently in the unorganized borough would be consolidated into these projected boroughs.

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<sup>5</sup>LBC has received inquiries from Nenana, Galena, and Hoonah about procedures to follow for reclassification as a second class city rather than as a home rule or first class city. In a June 5, 1990 letter responding to the City of Nenana, a DCRA official commented that "it was apparent to the Commission that interest in this matter stems in large part from the desire on the part of communities to seek relief from the financial burden of operating city school districts." In the view of LBC, this involves the larger issue of service delivery in the unorganized and organized areas of the State, and that, as such, it was an issue that first needed to be addressed by the Legislature.

<sup>6</sup> It should be noted that LBC stresses that the model borough boundary study was not designed to promote the formation of new boroughs or the annexation of additional territory by existing boroughs.

### Special legislative committee undertakes evaluation of school performance

In 1989, the legislature established the Joint Committee on School Performance. In the committee's enabling legislation it was directed to identify and recommend those subjects for priority legislative attention that might lead to improved school performance. One of the areas identified by the Joint Committee where school performance could be improved was school governance and finance.

In its January 1991 report, the committee observed that:

*In recent years criticism of schooling in general has increased steadily. For example, the "bankruptcy" of the wholly funded Copper River Valley REAA by action of its superintendent and board did much to damage the credibility of "local control" in the legislature and with the general public. Public comment regarding school district expenditures for lobbying, litigation, and legal fees not connected with litigation has been negative as well.*

### Committee suggests that incongruous governance structures may hamper school performance

One of the issues raised in the report of the Joint Committee on School Performance was the effect that organizational flaws may have on school performance. The mixture of three different types of school districts<sup>7</sup> that have evolved in the State create what the committee termed an

*...anomalous political and geographical boundaries arranged in a way that may be difficult to justify from a number of important standpoints. These include the problems of equitable distribution of decision making authority, of efficiency of daily operation and prudent expenditure of financial resources, and of the capacity to make programmatic changes that might lead to improved school performance.*

*Examples of organization arrangements that cause these problems include the following: the Chugach REAA surrounds the city of Cordova and skirts the city of Valdez; the Lower Yukon REAA surrounds the Kashunamuit REAA and the municipality of Saint Mary's; the Lower Kuskokwim REAA geographically includes the Yupiit REAA; and the Southeast Islands REAA includes the municipalities of Craig, Hydaburg, Kake, Klawock, Petersburg, and Wrangell. These are just some of the extraordinary organization arrangements that have*

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<sup>7</sup>As discussed earlier in the Organization and Function section, three different types of school district governing structures that have evolved include: (1) city school districts administered by each first class city in the unorganized borough; (2) borough school districts administered by organized borough governments, regardless of classification; and (3) the REAAs governed locally, funded by the State for schools in the area outside organized boroughs and first class cities in the unorganized borough.

*evolved over the past fifteen years that affect equity, efficiency, prudence, and judicious change. Organization, however, is only one probable cause of these problems; ...[Emphasis added.]*

In the report, discussion of this issue leads to the accompanying question of what potential cost savings may be realized from a more rational organization and consolidation of school districts, even though any major restructuring would likely, to some degree, be at the expense of local control.

Efficiency of REAA administration is of critical interest to the State

Since local REAAs participate to a relatively minor extent, if at all, in funding their schools, the State retains a legitimate interest in how effectively and efficiently REAAs deliver services. As reflected in the previous discussion, the current number and structure of REAAs have developed more in response to the public policy precept of promoting local control rather than with regard to operational efficiencies.

The Joint Committee of School Performance has observed that legislation enacted in recent years concentrated control of education at the district and REAA level, further detaching the involvement of state government. The Joint Committee of School Performance now suggests that either: (1) school performance may have suffered from this emphasis on local control, or (2) problems of inadequate performance, whatever their cause, cannot be left entirely in the hands of the local school boards.

The Hickel administration is interested in pursuing some consolidation of school districts

The need to reexamine the governance structure of schools and consider possible consolidation of various districts has also been identified as an objective of the Hickel administration. The director of the Office of Management and Budget testified before the State Board of Education that the administration is interested in pursuing the possible consolidation of some of the REAAs. Among many points the administration made in its presentation was a desire to:

*study the organization of school districts in Alaska to determine whether or not there needs to be as many as 55 school districts, making a concerted effort to consolidate or require cooperative sharing of certain administrative functions. [Emphasis added.]*

The director anticipated that significant administrative savings could be realized.

providers focus on two-year-olds because all primary series of immunizations are meant to be complete by the age of 18 months, said Nugent.

Nugent said children should be immunized early because several diseases — measles, H. flu, and pertussis — can be deadly to very young children.

The overall, on-schedule immunization level in the state is 55 percent, said

Jenkerson. Some urban areas don't do as well as rural areas, she said. A special "Immunization Action Plan" will begin soon in Anchorage, Fairbanks and Juneau where 49 percent of children are being immunized on schedule, she said.

Rural areas do better, despite geographical challenges, said Jenkerson. Rural regions average between 58 and 67 percent, she said.

Between 99 and 100 percent of children are immunized by the time they start school, said Jenkerson. The Division of Health has an aggressive tracking program and schools are routinely assessed for immunization levels, she said.

"Our state has been extremely supportive of programs that affect children,"  
See 'Vaccinations,' page 2



truck while Lt. Dave Hull stands by cab for easy engine access and Fla., about three weeks ago. The

Staff photo by Hall Anderson

# Somebody might sue

*Southeast Islanders, superintendent at odds*

By GERRIT KOEPPING

Daily News Staff Writer

Whatever the results of an upcoming Southeast Island School Board meeting, it's possible somebody is going to get sued.

The Southeast Island School District might be sued if its School Board does not rescind the actions it took at a January 1992 meeting, Charles Thomas Beck, a former mayor of Thorne Bay, said Friday.

Meanwhile, the board has received a letter from the personal lawyer of the district superintendent indicating that the board or its members might be sued if they do negate the actions of that meeting.

Beck said because of inadequate public notice the meeting was in violation of the Alaska Open Meetings Act and the School Board's meeting notification policy.

A lawsuit would be filed if the district's board does not nullify at its next meeting the actions it took at that January 1992 session, he said.

During that January 1992 meeting District Superintendent Bob Weinstein had his contract extended for one-and-a-half years and was given a \$5,000 bonus, said Board Clerk Elaine Price, who did not attend that meeting.

Beck, who is not on the board, said it angered him that Weinstein was getting a bonus when, he said, money is tight for the district.

A group of 386 people have pledged \$20 a piece to pay for the legal fees, Beck said, for a total of \$7,720.

On Monday, Price said she received a letter from Weinstein's personal attorney Clifford H. Smith.



Bob Weinstein

Clifford H. Smith.

Smith wrote that recent events suggest Price and other individuals are using the Open Meetings Acts as a way to invalidate Weinstein's contract, which is good through June 30, 1995.

"Any further efforts by Ms. Price or other Board members to participate in, or aid or sanction action by other persons toward efforts to breach Mr. Weinstein's employment contract, or otherwise harm his professional reputation will result in vigorous legal action against all involved parties."

Price said the letter, which was also addressed to the three other board mem-

See 'SEISD,' page 2

KETCHIKAN DAILY NEWS 2/22/92

## Bridge alternative

An alternative to the proposed horse-shoe-shaped bridge to the Ketchikan International Airport would provide shortened travel with an "S"-shaped curve.

Long-time bridge advocate Ralph Bartholomew said the suggestion has been passed on to the bridge consultants Peratrovich, Nottingham and Drage Inc. That firm is working with the consultant Montgomery Consulting/Engineering Inc., which has contracted with the state Department of Transportation and Public Facilities to do a draft Environmental Impact Statement for a proposed hardlink here.

The "S"-shaped bridge would start near the existing airport ferry terminal on Revillagigedo Island. The horseshoe-shaped bridge starts farther away from Ketchikan at Peninsula Point.

The new bridge alternative would include a 175-foot clearance for cruise ships traveling down the Narrows, said Bartholomew. It also is within the 5 percent incline grade that the consultants are striving for.

The bridge could remain similar to the horseshoe-shaped proposal with a pedestrian walkway underneath the bridge.

The horseshoe proposal has been estimated to cost \$60 million, compared to the option of building a \$120 million hardlink from Ketchikan to Pennock Island and Pennock to Gravina Island.

Gov. Walter J. Hickel appropriated \$250,000 towards the BIS for the proposed project. About \$60,000 of that has been used for the project's scoping.

Montgomery plans to start working on the draft EIS in April, said Bartholomew.

## January weather

It was a bit drier in January than in years past and the high temperature for the month came just under 4 degrees of the all-time record.

There were 12.3 inches of precipitation last month in Ketchikan, compared to a normal level of 14.1 inches, according to information from the National Weather Service.

The most precipitation recorded in January during a 24-hour period was 4.1 inches on the 29th. The greatest precipitation on record is 6.28 inches in 1962. Measurable precipitation was measured on 17 of the 30 days.

The high temperature for the month was 58 degrees on Jan. 31. The all-time high for January was 62 degrees in 1947.

The lowest temperature last month was 11 degrees on Jan. 11. The record low is minus 4 degrees.

Weather observations are made by Federal Aviation Administration Flight Service office at the Ketchikan Interna-

## SEISD

Continued from page 1

bers of the district, was a threat; but that she was not concerned.

Since December she said that she has received a variety of requests for information, some from the people trying to rescind Weinstein's contract, but that was the extent of her involvement.

"I guess he assumes because I gave these people information about the January 1992 meeting that I'm part of it," she said.

Price said all she did was give out public information and has no interest in rescinding his contract.

The meeting was announced in the Daily News two days before it occurred, but most residents of the district subscribe to the weekly paper the Island News, which is based in Thorne Bay, and not to the Daily News, Beck said.

The Daily News generally announces meetings two times before they occur.

Colleen MacCannell, publisher of the Island News, said the district did not announce the January 1992 meeting in her paper and does not normally do so.

The district policy states board meetings should be published five days in advance, but does not state if that means the meeting needs to be announced in the media five days in advance or the media needs to just be told five days in advance.

To Beck that means there should have been an announcement in the papers at least five days before the meeting.

Edward G. King, a partner in the law firm of Ziegler, Cloudy, King, and Peterson, which represents the district, said he felt the district had not violated the Open Meetings Act.

"I've enough experience with the Open Meetings Act to know that if we violated it, we would quick like a bunny rabbit give longer notice," he said.

King said he and Weinstein's personal attorney and the staff attorney of the Association of Alaska School Board concluded the district has not violated the Alaska Open Meetings Act.

Smith wrote in his letter to the four board members that the board for years had considered its policy to mean there needed to be a five-day notification to the media before a meeting, not a particular notice or advertisement in a newspaper five days before a meeting.

Concerns about advance notification of a February 1993 board meeting led to its cancellation when two board members refused to attend.

Price said she and Board member Daniel Hayes refused to go to the meeting when they found the meeting had

not been announced in the media five days before it was to occur.

She said she had talked to Weinstein a week before the February meeting about making sure proper notice was given.

When she found that three days before the meeting there had been no notice in the media she faxed a letter to the district office saying she would not attend.

With Hayes also refusing to attend and another board member out of the state, the five-member board did not have a quorum and the meeting was canceled.

King said he wanted board members "to get back to the table."

"The administration will do what the board tells them to do, but we have to have a meeting to let those views be known," King said.

Smith's letter to Price states that board members' refusal to attend meetings makes it impossible for Weinstein to do his job and thus violates his contract.

"On behalf of Mr. Weinstein, I would ask that the Board immediately cease this nonsense and get on with running the School District," states Smith's letter.

One of the issues to be discussed at the February 1993 meeting was whether to move the district office to Thorne Bay.

Beck said the issue has been one of contention and Weinstein has angered people by opposing the move.

The office is currently in an office building in Ketchikan, which costs the district \$9,731 a month in rent, according to a letter to the Island News editor from Price. Ketchikan is not within the boundaries of the Southeast Island School District.

Price said moving the district office is a "big deal" and in her letter supported the idea.

Beck said it originally made sense to have the office in Ketchikan because there wasn't an established road system on Prince of Wales Island, but that now a road network is developed and the office should be moved inside the district.

In the Feb. 8 edition of the Island News there was a petition advocating the office be moved to the island signed by about 350 of its residents.

Weinstein said he had no comment on any of the above matters.

The next scheduled board meeting will be at 6 p.m. Thursday at Naukati School in Naukati. It is not known if there will be a quorum.

# SUPERINTENDENT ANALYSIS 1993

SCHOOL DISTRICT	# OF STUDENTS	SUP. SALARY	BENEFITS	AS	AA	BM
ANCHORAGE	48,115	\$101,000		Y	Y	Y
FAIRBANKS	15,608	\$100,000		Y	N	N
MAT-SU	10,689	\$98,289		Y	Y	Y
KENAI	9,597	\$95,500		Y	N	Y

(TOP 4 IN SIZE)

ALEUTIANS EAST	469	\$81,120		Y	Y	Y
BRISTOL BAY	318	\$90,527		N	N	N
DILLINGHAM	497	\$87,478		N	Y	Y
GALENA	156	\$73,000		N	N	N
KODIAK	2,564	\$85,000		Y	N	Y
LAKE & PENNINSULA	469	\$106,482		Y	N	Y
NENANA	229	\$65,000		N	N	N
NOME	724	\$74,000		N	N	N
NORTH SLOPE	1,826	\$110,000		Y	N	Y
NW ARCTIC	1,942	\$93,450		Y	Y	Y
ST. MARYS	127	\$82,500		N	N	Y
TANANA	120	\$75,000		N	N	N
UNALASKA	374	\$85,000 (SHARED)		N	Y	Y
VALDEZ	964	\$89,529		N	N	Y

(BOROUGH AND CITIES)

ADAK	674	\$88,000		Y	N	Y
AK GATEWAY	509	\$95,137		N	N	Y
ALEUTIAN REGION	23	\$85,000 (SHARED)		N	Y	Y
BERING STRAIT	1,580	\$92,500		Y	Y	N
CHUGACH	356	\$83,000		N	N	Y
COPPER RIVER	608	\$76,000		N	N	Y
DELTA GREELY	946	\$78,300		Y	N	N
DENALI	373	\$78,000		Y	N	N
DITAROD	446	\$85,000		N	N	Y
KASHUNAMUIT	192	\$84,450		N	N	Y
KUSLUK	431	\$90,308		N	Y	N
LOWER KUSKOKWIM	3,079	\$90,000		Y	N	Y
LOWER YUKON	1,660	\$90,000		Y	N	Y
PRIBILOF	164	\$87,000		N	N	Y
SOUTHWEST REGION	637	\$90,270		Y	N	Y
YUKON FLATS	454	\$97,000		Y	N	Y
YUKON-KOYUKUK	580	\$90,000		N	N	N
YUPIK	364	\$97,000		N	N	Y

(REAS)

CHATHAM	356	\$73,100		Y	N	N
YAKUTAT	144	\$68,000		N	N	N
HAINES	433	\$70,098		N	N	N
SIKAGWAY	170	\$64,000		N	N	Y
UNEAU*	5,413	\$91,000		N	N	Y
PELICAN	49	\$56,000		N	N	Y
HOONAH	268	\$75,000		N	N	N
SITKA	1,845	\$74,000		Y	N	Y
KAKE	176	\$65,000		N	N	N
PETERSBURG	706	\$76,600		N	N	Y
WRANGELL	521	\$70,600		N	N	N
SOUTHEAST ISL.*	418	\$87,776		Y	N	Y
KLAWOCK	202	\$75,210		N	N	N
CRAIG	358	\$76,650		N	Y	Y
KECHIKAN*	2,637	\$85,000		Y	N	Y
HYDABURG	117	\$65,000		N	Y	N
ANNETTE ISLANDS*	417	\$90,000		N	N	N
17 DISTRICTS	14,230	\$1,263,034		4	2	8

(SOUTHEAST)

\* NOTE: OUT OF THE 54 SCHOOL DISTRICTS -  
 32 SUPERINTENDENTS MAKE MORE THAN THE GOVERNOR'S SALARY OF \$81,648 AND OF THOSE SUPERINTENDENTS, 15 HAVE LESS THAN 500 STUDENTS. IN ADDITION, WHILE THE SOUTHEAST SCHOOL DISTRICTS CONSIST OF 31.5% (17) OF THE TOTAL NUMBER OF 54 SCHOOL DISTRICTS IN ALASKA, THEY ONLY ENROLL 11% OF THE STUDENTS IN THE STATE.

COMPILED BY REP. TERRY MARTIN AND STAFF

Background Information

## SUPERINTENDENT ANALYSIS (SOUTHEAST) 1993

SCHOOL DISTRICT	# OF STUDENTS	SUP. SALARY	BENEFITS	AS	AA	BM
CHATHAM	356	\$73,100		Y	N	N
YAKUTAT	144	\$68,000		N	N	N
HAINES	433	\$70,098		N	N	N
SKAGWAY	170	\$64,000		N	N	Y
IUNEAU*	5,413	\$91,000		N	N	Y
PELICAN	49	\$56,000		N	N	Y
HOONAH	268	\$75,000		N	N	N
SITKA	1,845	\$74,000		Y	N	Y
KAKE	176	\$65,000		N	N	N
PETERSBURG	706	\$76,600		N	N	Y
WRANGELL	521	\$70,600		N	N	N
SOUTHEAST ISL.*	418	\$87,776		Y	N	Y
KLAWOCK	202	\$75,210		N	N	N
CRAIG	358	\$76,650		N	Y	Y
KETCHIKAN*	2,637	\$85,000		Y	N	Y
HYDABURG	117	\$65,000		N	Y	N
ANNETTE ISLANDS*	417	\$90,000		N	N	N
<b>17 DISTRICTS</b>	<b>14,230</b>	<b>\$1,263,034</b>		<b>4</b>	<b>2</b>	<b>8</b>

\* NOTE: OUT OF THE 54 SCHOOL DISTRICTS -  
**32** SUPERINTENDENTS MAKE MORE THAN THE GOVERNOR'S SALARY OF **\$81,648** AND OF THOSE SUPERINTENDENTS, **15** HAVE LESS THAN **500** STUDENTS. IN ADDITION, WHILE THE SOUTHEAST SCHOOL DISTRICTS CONSIST OF **31.5% (17)** OF THE TOTAL NUMBER OF **54** SCHOOL DISTRICTS IN ALASKA, THEY ONLY ENROLL **11%** OF THE STUDENTS IN THE STATE.

# New Floating School For Gildersleeve Families

*If you happen to fly over Tolstoi Bay on the eastern shore of Prince of Wales Island look closely at Gildersleeve Logging's floating camp. Tucked in amongst this picturesque floatilla is a brand new floating school facility. Designed by A.B.A. M. Engineering in conjunction with Southeast Island School District and built in Fife, Washington by McClure & Sons, this one of a kind school made the 7 day float to Tolstoi Bay this summer and is now fully operational.*

By Colleen Gildersleeve

I have been asked to write an article on the new j. r. Gildersleeve School which is now located in Tolstoi Bay, approximately 50 miles northwest of Ketchikan.

This school, funded wholly by state dollars, to the tune of approximately \$2 million, continues the tradition first started by Maureen and j. r. Gildersleeve in Thome Bay 35 years ago when they personally financed and built the first Gildersleeve School. That school, by the way, was in continuous operation up until 4 years ago and is still in use as a "community center" at our Polk Inlet location. Since that first school in 1957, there has always been an operating school for the children of the parents employed by Gildersleeve Logging.

Our new school is a two story building, built out of cedar with a steel roof. The building is approximately 55' x 65' and sits on 9 cement pontoons. There is a separate elementary room, secondary room, library, science and kindergarten rooms.

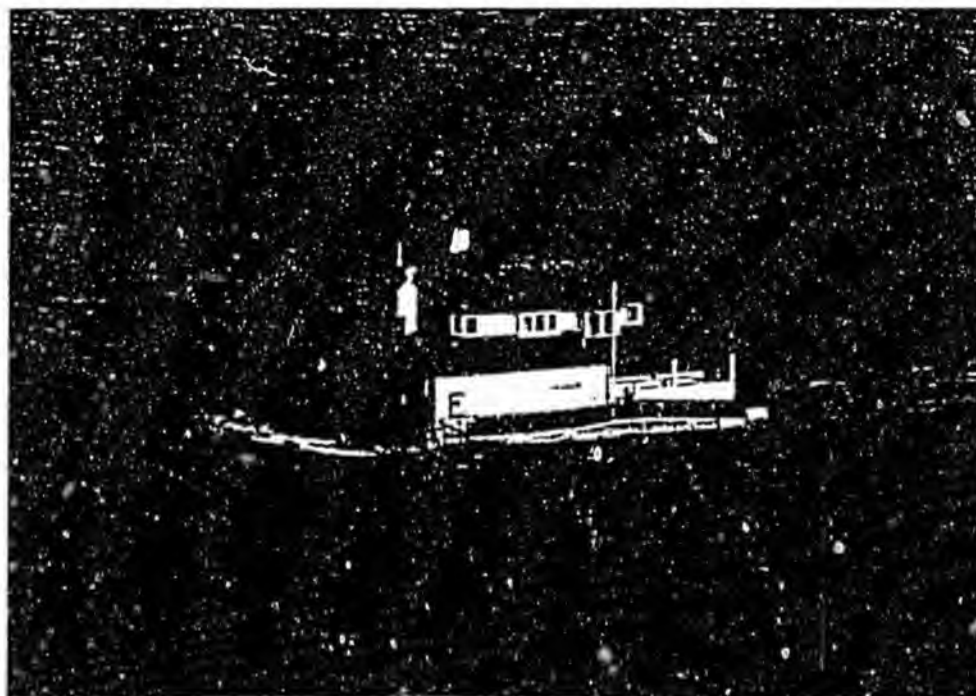
There are also two bathrooms and a teacher conference room all located on the first floor. The second floor is an apartment for the teaching staff. In the "basement", (one of the pontoons) is all of the support equipment, i.e., a 40 kw generator, (back-up use only), sewer and water treatment plants, electrical panels, etc. The two oil furnaces are located on the first and second floors. Located inside the entrance are lockers for the children to hang up their coats and lifejackets.

The science room is state of art and serves 5 to 8 children from the secondary class. With our "right on the water" setting, maybe we will turn out some marine biologists. The library is spacious and is the only room with an adequate amount of windows as well as being well lit from overhead. There are three computers set up in the library for use by all of the children. The elementary students are currently taking computer keyboard each day. They are amazingly adept and I foresee them typing their own book reports and research papers by the time they enter the secondary class (7th thru 12th grades). All of the rooms are accessible from the entry

or "common" area. There is access to each individual room without ever having to pass through another room, the traffic patterns are smooth and non-disruptive to other students. The overall soundproofing is adequate, the children can practice their musical instruments in the kindergarten without disturbing any other class activities. The elementary room is no larger than that in the "old" school, but with the library having an adjoining door, classes can handily spill over into the library. The secondary room has two computers which are in constant use, a cook range and a refrigerator. The class room has adequate room for the children and excellent soundproofing but a remarkable LACK of windows as is the case with all of the rooms, up and down, save the library.

The apartment upstairs is a great idea adding to the self-contained aspect of the building. However, one gets the distinct impression that you are entering a state mental hospital as all drawers and cabinets are extremely small in the kitchen and bathroom. Not only do they look institutional, they all have locks on them. The windows are small and have been installed too high for viewing out from a sitting position. Space constraints here do not allow me to further elaborate on other design and construction flaws.

Suffice it to say that this facility is being thoroughly enjoyed by students and teachers. It is a real pleasure to go to the school and see the harmonious flow of activities. This new school has not brought with it new found wisdom to the teachers (already quite wise), or involvement by the parents (ours, I believe, are more involved than most), or a greater capacity for learning by the children. These traits can not be bought and are the foundation of a good education.



*The new floating school in Tolstoi Bay at Gildersleeve Logging's floating camp.*

H B

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**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

**OFFICE OF THE COMMISSIONER**

**WALTER J. HICKEL, GOVERNOR**

**THEODORE A. MALA, COMMISSIONER**

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030

March 8, 1993

Honorable Cynthia Toohey, Co-Chair  
House Health, Education and  
Social Services Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

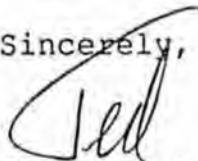
Dear Representative Toohey:

House Bill 178, relating to Medicaid coverage for adopted children, is currently in the House HES Committee. This bill was introduced by the House Labor and Commerce Committee and contains material previously included in HB 65, a bill relating to the financial administration of state government introduced at the request of the Governor. The provisions of HB 178 were removed from the original Governor's bill due to concerns by the House Labor and Commerce Committee that HB 65, as introduced, violated the single subject rule.

At this time the department respectfully requests a hearing on HB 178. Fiscal notes and a position paper have already been provided to the committee.

Your favorable consideration of this request will be appreciated. If you have any questions regarding HB 178, please contact my legislative liaison, Mr. Lindstrom, at 465-3030.

Sincerely,



Theodore A. Mala, MD, MPH  
Commissioner

cc: Honorable Con Bunde, Co-Chair  
House HESS

Position Paper  
HB 178

"An Act adding children under the age of 21 who are eligible for adoption assistance because of special needs to the optional Medicaid coverage list and revising the order of priority in which groups eligible for optional Medicaid coverage are eliminated; and providing for an effective date."

This bill will add a new group to the list in AS 47.07.020 of persons eligible for coverage under Medicaid in Alaska. This new group consists of children under the age of 21 who have special medical needs, who are therefore difficult to place for adoption, and for whom there is in effect a state adoption assistance agreement. The bill would make this new group the last to be eliminated from Medicaid coverage under AS 47.07.035 if there are insufficient appropriations to cover all optional services and groups.

ANALYSIS

At present, adoptive parents of these children are subsidized by the state under AS 25.23.190 -- AS 25.23.210. State money often pays for some or all of the costs of medical care provided to these children.

The bill would authorize Alaska to add the Medicaid option to provide medical coverage for state-subsidized adoptive children who are not otherwise eligible for Medicaid. Medicaid would then pay for these children's medical needs eliminating the need for the DFYS payments to cover those medical costs in their subsidies, and accessing federal Medicaid funding available to the state at a 50 percent match rate.

Future subsidy agreements for hard-to-place children will allow for the Medicaid coverage available under the bill. Subsidy agreements already in force, however, do not provide for an offset for the cost of medical care that may be paid under the bill. For this reason the Department only considers federal participation to be available for the medical care cost for future adoptions.

If adoptive parents with an existing adoption subsidy agreement want to replace that agreement to access Medicaid coverage, the Department will evaluate the child's medical costs and other eligibility criteria pertinent to the option. If the child meets the Medicaid requirements for the option, a new subsidy agreement will be written considering the availability of Medicaid funding.

It is our estimate that this bill will save the state \$17.7 the first year; an amount equal to the federal matching funds received for new adoptions for children with special medical needs. This amount will grow over the following years as new children are placed and existing subsidy agreements are replaced.

POSITION

The Department supports the passage of this bill. Given Alaska's short and long-term revenue picture, it is important that we take advantage of every legitimate opportunity we have to reduce state expenditures by claiming new federal matching funds for the necessary medical services we furnish to needy Alaskans.

Recommended by: Kimberly B Busch  
Kimberly B. Busch  
Director  
Div. of Medical Assistance

Date: 3/3/93

Recommended by: for Candace Harris, acting  
Deborah R. Wing  
Director  
Div. of Family and Youth Services

Date: 3/3/93

Approved by: Theodore A. Mala  
Theodore A. Mala, MD, MPH  
Commissioner

Date: 3/4/93

# HOUSE COMMITTEE REPORT

(9)

Date Referred: February 24, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-19-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 178

HOUSE BILL NO. 178

MEDICAID FOR CERTAIN CHILDREN

"An Act adding children under the age of 21 who are eligible for adoption assistance because of special needs to the optional Medicaid coverage list and revising the order of priority in which groups eligible for optional Medicaid coverage are eliminated; and providing for an effective date."

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

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept Date)

②  fiscal impact H+SS

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

zero fiscal note \_\_\_\_\_

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				

*[Signature]*  
 CHAIRMAN'S SIGNATURE



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: 3/19/93

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 HB 171  
 HB 178

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/WHICH BILL?
Dave W. Williams	DHSS				465-5826	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 171 HB 178
Judy Mathis	Rep Larson				3878	<input type="radio"/> Y <input type="radio"/> N	
Ritnie Sonnen	Hospice + Home Care of Juneau				483-3113	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 171
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

LTN1100-R01  
03/22/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
18:11:59

TCN: 30416 DATE & TIME: 03/19/93 15:00 TO 16:00 STATUS:7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNN TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 99 MINUTE LIMIT  
TCN REQUESTED ON 03/19/93 AND HAS 1 UPDATES

\*\*\*\* AGENDA \*\*\*\*

1. HB 171 MEDICAID COVERAGE FOR HOSPICE CARE

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

\* JNU JUNEAU CAPITOL CAP106 LOCATION STAFF  
MAT MATSU 165 E PARKS HWY. LOCATION STAFF

PARTICIPANTS IN:JUNEAU

JNU

1	REP	KOTT		TSFY. HB 171
			AK	(907)000-0000
2	REP	VEZEY		TSFY. HB 171
			AK	(907)000-0000
3	REP	G. DAVIS		TSFY. HB 171
			AK	(907)000-0000
4	REP	TOOHEY		TSFY. HB 171
			AK	(907)000-0000
5	REP	OLBERG		TSFY. HB 171
			AK	(907)000-0000
6	REP	BRICE		TSFY. HB 171
			AK	(907)000-0000
7	STAFF	STAFF		OBSV. HB 171
			AK	(907)000-0000
8	STAFF	STAFF		OBSV. HB 171
			AK	(907)000-0000
9	STAFF	STAFF		OBSV. HB 171
			AK	(907)000-0000
10	2	TESTIFY		TSFY. HB 171
			AK	(907)000-0000
11	2	TESTIFY		TSFY. HB 171
			AK	(907)000-0000
12	2	TESTIFY		TSFY. HB 171
			AK	(907)000-0000

PARTICIPANTS IN:MATSU

MAT

1 MS	DORIS	LUM	VALLEY HOSPITAL	TSFY. HB 171
	BOX 1687		PALMER	AK 99645 (907)376-1625

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 178

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act adding children under the age of 21 who are eligible for adoption....to the optional Medicaid BRU: Medial Assistance  
 Sponsor: House Labor & Commerce Component: Medicaid Non Facility  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0229

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
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	35.4	40.2	43.0	48.2	53.2	58.2
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>35.4</b>	<b>40.2</b>	<b>43.0</b>	<b>48.2</b>	<b>53.2</b>	<b>58.2</b>

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

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

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts	17.7	20.1	21.5	24.1	26.6	29.1
1003 GF Match	17.7	20.1	21.5	24.1	26.6	29.1
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>35.4</b>	<b>40.2</b>	<b>43.0</b>	<b>48.2</b>	<b>53.2</b>	<b>58.2</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$0.0

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

See attached for more.

Prepared by: Dave W. Williams  
 Division: Medical Assistance

Phone: 907-465-5826  
 Date: 3/2/93

Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health and Social Services

Date: 3/4/93

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Fiscal Note Analysis continuation  
HB 178

"An Act adding children under the age of 21 who are eligible for adoption assistance because of special needs to the optional Medicaid coverage list and revising the order of priority in which groups eligible for optional Medicaid coverage are eliminated; and providing for an effective date."

The Division of Family and Youth Services currently pays a direct monthly subsidy to adoptive parents of hard-to-place children. A hard-to-place child is a child who is not likely to be adopted or to obtain a guardian by reason of physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial or ethnic factors, or any combination of these.

The monthly subsidy is considered a reimbursement for costs of supporting hard-to-place children. AS 25.23.190 provides for continuation of the subsidy if necessary to assure placement of a hard-to-place child. The subsidy covers many ongoing maintenance costs including, food, shelter, clothing, school supplies, recreation and transportation costs, counseling or other types of therapy, as well as medical costs.

The bill would authorize Alaska to add the Medicaid option to provide medical coverage for state-subsidized adoptive children who are not otherwise eligible for Medicaid. Medicaid would then pay for these children's medical needs eliminating the need for the DFYS payments to cover those medical costs in their subsidies, and accessing federal Medicaid funding available to the state at a 50 percent match rate.

Future subsidy agreements for hard-to-place children will allow for the Medicaid coverage available under the bill. Subsidy agreements already in force, however, do not provide for an offset for the cost of medical care that may be paid under the bill. For this reason the fiscal note only considers the coverage available for future adoptions of hard-to-place children with special medical needs.

The experience under the program shows that the number of new subsidy agreements have begun to lessen. For FY91 new agreements for children with special medical needs totaled 46. After FY92 there have been 14 placements that have special medical needs. The projected number of special needs placements and the associated medical cost is anticipated to show only slight growth in future years.

A December 1992 review of DFYS files established a FY 93 base year average medical cost per child of \$2,400. The current medical inflation rate of 5.5% is assumed to continue. Medical costs for FY94 are calculated to be 35.4 (14 placements X \$2,400 X 1.055 medical inflation rate = \$35,448). There will be a one time transfer of funding for medical costs associated with subsidized adoptions.

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB178

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act adding children under the age of 21 who are eligible for adoption....to the optional Medicaid BRU: Purchased Services  
 Component: Foster Care  
 Sponsor: HOUSE LABOR & COMMERCE  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0252

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-35.4	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>(35.4)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
REVENUE FUND SOURCE						

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(35.4)	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>(35.4)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This fiscal note represents a one-time transfer of funding responsibility from DFYS component #0252 to DMA component #0229. See attached analysis for more.

Prepared by: fa Deborah R. Wing, Director Phone: 465-3191  
 Division: Family & Youth Services Date: 03/03/93  
 Approved by Commissioner: Theodore A. Mala, MD, MPH Date: 3/4/93  
 Agency: Department of Health and Social Services

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Fiscal Note Analysis continuation  
HB 178

"An Act adding children under the age of 21 who are eligible for adoption assistance because of special needs to the optional Medicaid coverage list and revising the order of priority in which groups eligible for optional Medicaid coverage are eliminated; and providing for an effective date."

The Division of Family and Youth Services currently pays a direct monthly subsidy to adoptive parents of hard-to-place children. A hard-to-place child is a child who is not likely to be adopted or to obtain a guardian by reason of physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, membership in a sibling group, racial or ethnic factors, or any combination of these.

The monthly subsidy is considered a reimbursement for costs of supporting hard-to-place children. AS 25.23.190 provides for continuation of the subsidy if necessary to assure placement of a hard-to-place child. The subsidy covers many ongoing maintenance costs including, food, shelter, clothing, school supplies, recreation and transportation costs, counseling or other types of therapy, as well as medical costs.

The bill would authorize Alaska to add the Medicaid option to provide medical coverage for state-subsidized adoptive children who are not otherwise eligible for Medicaid. Medicaid would then pay for these children's medical needs eliminating the need for the DFYS payments to cover those medical costs in their subsidies, and accessing federal Medicaid funding available to the state at a 50 percent match rate.

Future subsidy agreements for hard-to-place children will allow for the Medicaid coverage available under the bill. Subsidy agreements already in force, however, do not provide for an offset for the cost of medical care that may be paid under the bill. For this reason the fiscal note only considers the coverage available for future adoptions of hard-to-place children with special medical needs.

The experience under the program shows that the number of new subsidy agreements have begun to lessen. For FY91 new agreements for children with special medical needs totaled 46. After FY92 there have been 14 placements that have special medical needs. The projected number of special needs placements and the associated medical cost is anticipated to show only slight growth in future years.

A December 1992 review of DFYS files established a FY 93 base year average medical cost per child of \$2,400. The current medical inflation rate of 5.5% is assumed to continue. Medical costs for FY94 are calculated to be 35.4 (14 placements X \$2,400 X 1.055 medical inflation rate = \$35,448). There will be a one time transfer of funding for medical costs associated with subsidized adoptions.

H B

1 8 9

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 1, 1993

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 3-16-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 189

HOUSE BILL NO. 189

SERIOUS CRIMES BY MINORS

"An Act relating to the charging, prosecuting, and sentencing of certain minors concerning offenses of murder in the first degree, attempted murder in the first degree, murder in the second degree, and certain other offenses; and providing for an effective date."

RECOMMENDATIONS: | ] the same title

be replaced with \_\_\_\_\_ | ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

[x] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_ <sup>Admin</sup> 3/1/93

[ ] zero fiscal note \_\_\_\_\_

(6) [x] zero fiscal note(s) Public Safety, Law, H+SS, Corr

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	
<i>[Signature]</i>	✓	<i>[Signature]</i>		✓	

*[Signature]*

CHAIRMAN'S SIGNATURE

# FISCAL NOTE

No. 6  
 Bill Version: HB 189  
 (H) Publish Date: 3/1/93

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: " An Act relating to minors concerning offenses of murder and attempted murder..." BRU: Alaska State Troopers  
 Component: Criminal Investigations Bureau  
 Sponsor: Rules  
 Requestor: Governor COMPONENT SERIAL NO. 830

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

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

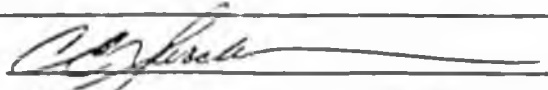
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

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

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary.)**  
 No fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 02/09/93  
 Approved by Commissioner:  Date: 2/10/93  
 Agency: Richard J. Burdon, Dept. of Public Safety

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*A Fiscal Note - Public Safety*

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

No. 5  
Bill Version: HB 189  
(H) Publish Date: 3/1/93

Revision Date: February 22, 1993  
Title: "...charging, prosecuting, and sentencing certain minors...  
murder in the first degree..."  
Sponsor: Rules Committee/Reg. of the Governor  
Requestor: Governor's Office/OMB

Department Affected: Department of Law  
BRU: Prosecution  
Component: All  
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

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

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Peques, Director  
Division: Administrative Services Division  
Approved by Commissioner: Charles E. Cole, Attorney General  
Agency: Department of Law

Phone: 465-3672  
Date: February 22, 1993  
Date: February 22, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. 189

NO. 5

PG 2 of 2

ANALYSIS (Continued):

This bill amends AS 47.10 to provide that 16- and 17-year-olds accused of murder in the first degree, attempted murder in the first degree, or murder in the second degree are automatically prosecuted in "adult" court and, if convicted, are sentenced as an "adult."

Currently, juveniles are prosecuted in accordance with the Children's Proceedings process provided in AS 47.10, unless the court finds that the minor is not amendable to treatment as a juvenile. In such cases, the state is required to petition the court for a waiver of jurisdiction so that the minor may be prosecuted as an adult in the superior court. In determining whether or not a minor is amendable to treatment, the court considers the seriousness of the offense the minor is alleged to have committed, the minor's history of delinquency, the probable cause of the minor's delinquent behavior, and the facilities available for treating the minor. A minor may be tried as an adult only if the court finds probable cause to believe that the minor is delinquent and that the minor is not amendable to treatment through the juvenile system. The court must base its findings on whether the minor "probably cannot be rehabilitated...before reaching 20 years of age."

Under existing law, it is often difficult for prosecutors to demonstrate to the court's satisfaction that the statutory requirements have been met, even though the minor is accused of murder in the first or second degree or attempted murder in the first degree. This showing is especially difficult to make for first offenders, who do not have a pattern of convictions and unsuccessful rehabilitation in the juvenile system to demonstrate to the court.

The Department of Law currently handles only a handful of waivers of jurisdiction involving serious offenses of this nature annually. Although there will be a small increase in the number of serious felonies handled by the state's District Attorney offices, the overall increase in the felony workload will be less than one percent. Consequently, there should not be a fiscal impact significant enough to warrant fiscal note funds.

FISCAL NOTE

Bill Version: HB 189  
 (H) Publish Date: 3/1/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: "An act relating to the charging, prosecuting, and sentencing of certain minors..." BRU: Youth Facilities Services  
 Component: MYC, FYF, NYF, JYC & BYF  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0264,0265,0266,0267&0268

**Expenditures/Revenues:** (Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
<b>REVENUE FUND SOURCE</b>						

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

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

If waived juvenile offenders under this bill are incarcerated by the Department of Corrections in adult facilities, there would be no fiscal or program impact for DHSS.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191  
 Division: Department of Health & Social Services Date: 02/09/93  
 Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 2/9/93  
 Agency: Department of Health & Social Services

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# FISCAL NOTE

No. 3  
 Bill Version: HB 189  
 (H) Publish Date: 3/1/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date: February 8, 1993 Dept. Affected: Corrections  
 Title: Automatic waiver of serious juvenile offenders to adult court BRIL: Institutions  
 Component: Institutions  
 Sponsor: Governor  
 Requestor: Governor COMPONENT SERIAL NO. 1860

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)  
 See Attached Analysis

Prepared by: Dana LaTour, Special Assistant Phone: 465-3376  
 Division: Commissioner's Office Date: 2-8-93  
 Approved by Commissioner: Lloyd G. Rupp Date: 2-8-93  
 Agency: Department of Corrections

HB 189

NO. 3

pg 282

ANALYSIS OF FISCAL IMPACT

PROPOSED BILL RELATING TO AUTOMATIC WAIVER OF JUVENILES

This bill would increase the number of juvenile offenders who are waived into adult court, and subsequently sentenced to adult corrections. There will be some fiscal impact on the Department of Corrections, but with the information available at this time, it is not possible to project the extent of the impact. The Department of Law data shows that roughly 25 to 30 unclassified and class A felonies are committed by minors 16 years of age or older each year. If these were charged as adult crimes, it is not clear how many convictions would end up with these same levels of seriousness. Only those juveniles who were actually convicted and sentenced as unclassified or class A felons would come under the jurisdiction of DOC.

It is unlikely that the impact of this bill would be sufficient to cause the construction of additional facilities. The additional caseload of inmates would add to the current population, and would require funding for food, clothes, medical, education, and other programs. If this number ends up being substantial (over 5 or 10 per year), additional costs beyond budget would be incurred, especially given that the minimum sentence for these offenders would probably be 5 years.

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

No. 2  
Bill Version: HB 189  
(H) Publish Date: 3/1/93

Revision Date: \_\_\_\_\_  
Title: 'An Act relating to automatic waiver of certain serious juvenile offenses to adult court.'  
Sponsor: Rules Committee  
Requestor: Governor

Department Affected: Administration  
BRU: Public Defender Agency  
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender Phone: 279-7541  
Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usery Date: 2/10/93  
Agency: Administration

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

No. 1  
Bill Version: HB 189  
(H) Publish Date: 3/1/93

Revision Date: \_\_\_\_\_  
Title: 'An Act relating to the charging, prosecuting, and sentencing. . .'  
Sponsor: Governor  
Requestor: Rules Committee

Department Affected: Administration  
BRU: Office of Public Advocacy  
Component: Office of Public Advocacy  
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate  
Division: Office of Public Advocacy

Phone: 274-1684  
Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura  
Agency: Administration

Date: 3/10/93

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# Alaska State Legislature

House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: MARCH 16, 1993

PLACE: Capitol Room 106

**SUBJECT OF MEETING:**

\*HB 189: SERIOUS CRIMES BY MINORS  
 HB 82: SCHOOL CONSTRUCTION & MAINTENANCE GRANTS  
 HB 83: APPROP: SCHOOL CONSTRUCTION, GRANT FUND

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Attorney General Cole	Law	P.O. Box 10600	99511		3600	<input checked="" type="radio"/>	<input type="radio"/>	HB 189
GERRIE GORE	AK Women's Lobby	P.O. Box 22156	99502		463-6744	<input checked="" type="radio"/>	<input type="radio"/>	HB 189
Nels Anderson	LKSD	Box 234 Dillingham	99576		6-3737	<input type="radio"/>	<input checked="" type="radio"/>	HB 82 HB 83
GARY BADER	DOE	801 W. 10th ST JUNEAU	99802		5-8650	<input checked="" type="radio"/>	<input type="radio"/>	HB 82 HB 83
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	

LTN4100-R01

LEGISLATIVE TELECONFERENCE NETWORK

03/22/93

TCN: 30393

DATE & TIME: 03/16/93 15:30 TO 17:00

STATUS: 7 STATS. IN

PARTICIPANTS IN: JUNEAU

LINE	NAME	STATUS	LOCATION	PHONE
9	STAFF	STAFF	JNU	ORSV, HB 82 (907)000-0000
10	STAFF	STAFF		ORSV, HB 82 (907)000-0000
11	STAFF	STAFF		ORSV, HB 82 (907)000-0000
12	STAFF	STAFF		ORSV, HB 82 (907)000-0000
13	2	TESTIFY		TSFY, HB 82 (907)000-0000
14	2	TESTIFY		TSFY, HB 82 (907)000-0000
15	2	TESTIFY		TSFY, HB 82 (907)000-0000
16	2	OBSERVE		ORSV, HB 82 (907)000-0000
17	2	OBSERVE		ORSV, HB 82 (907)000-0000
18	2	OBSERVE		ORSV, HB 82 (907)000-0000
19	2	OBSERVE		ORSV, HB 82 (907)000-0000
20	2	OBSERVE		ORSV, HB 82 (907)000-0000
21	2	OBSERVE		ORSV, HB 82 (907)000-0000
22	2	OBSERVE		ORSV, HB 82 (907)000-0000
23	2	OBSERVE		ORSV, HB 82 (907)000-0000
24	2	OBSERVE		ORSV, HB 82 (907)000-0000
25	2	OBSERVE		ORSV, HB 82 (907)000-0000

PARTICIPANTS IN: KEN/SOL

1 MR. DICK SWARNER SOL (2) KPSCHOOL DIST. TSFY, HB 82  
 148 N BINKLEY ST SOLDOTNA AK 99669 (907)262-5846

PARTICIPANTS IN: TOK LIO

1 MS. CATHERINE WILSON TOK AGSD ORSV, HB 82  
 P.O. BOX 226 TOK AK 99780 (907)883-5151

PARTICIPANTS IN: VALDEZ

1 MR. GREG WILLIAMS VAL ORSV, ALL ITEMS  
 P.O. BOX 467 VALDEZ AK 99686 (907)835-4665

---

2 MR. JOHN TONGEN VALDEZ SCHOOLS ORSV, ALL ITEMS  
 P.O. BOX 398 VALDEZ AK 99686 (907)835-4924

LTN1100-R01  
03/22/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
09:43:03

TCN: 30393

DATE & TIME: 03/16/93 15:30 TO 17:00 STATUS:7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNNE TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

3/16/93

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 99 MINUTE LIMIT  
TCN REQUESTED ON 03/16/93 AND HAS 7 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 82 SCHOOL CONSTRUCTION & MAINTENANCE GRANTS
- 2 HB 83 APPROP:SCHOOL CONSTRUCTION GRANT FUND

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BET BETHEL	301 WILLOW ST.	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL CAP106	LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY	LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

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FBX HEA HEALY TRI-VALLEY LIBR. JUDY ENGLEMAN (907)683-2507

PARTICIPANTS IN: ANCHORAGE

ANC

1 KATHI GILLESPIE AK PTA TSFY. HB 82  
2741 SEAFARER LOOP ANCHORAGE AK 99516 (907)345-5335

PARTICIPANTS IN: HEALY

FBX HEA

1 MS. JENASY JENSEN SCHOOL BOARD OBSV. HB 82  
HC1 BOX 3102 A HEALY AK 99743 (907)683-2327  
~~2 MS. THERESA HALL SCHOOL BOARD OBSV. HB 82  
BOX 373 HEALY AK 99743 (907)683-2796~~  
3 MR. JOHN NOVAK OBSV. HB 82  
BOX 280 HEALY AK 99743 (907)683-2278

PARTICIPANTS IN: JUNEAU

JNU

1 REP KOTT TSFY. HB 82  
AK (907)000-0000  
2 REP VEZEY TSFY. HB 82  
AK (907)000-0000  
3 REP G. DAVIS TSFY. HB 82  
AK (907)000-0000  
4 REP BUNDE TSFY. HB 82  
AK (907)000-0000  
5 REP TOOHEY TSFY. HB 82  
AK (907)000-0000  
6 REP OLBERG TSFY. HB 82  
AK (907)000-0000  
7 REP B. DAVIS TSFY. HB 82  
AK (907)000-0000  
8 REP BRICE TSFY. HB 82

## Juvenile Waiver

Any changes in the juvenile waiver system will have a significant impact on how the process functions. The experts in Health & Social Services are still unable to predict what the impact of the changes will be. Furthermore, the Department of Corrections is concerned by any proposal that requires adult facilities to be provided for significant numbers of juveniles. In the face of this uncertainty, we think that gradual changes make the most sense.

- *automatic waiver* means that you can tell enough simply from the charge to know that the minor should be treated as an adult. We believe that this is true in the Governor's bill, which establishes automatic waiver for 16 and 17 years old who are prosecuted for murder in the first degree or second degree. It isn't always true for other crimes, however, or for younger minors.
  - CSSB 54 (Fin) and HB 100 currently allow automatic waiver for much more than just murder offenses.
  - HB 100 currently requires automatic waiver for 15 year olds, as well; CSSB 54 (Fin) requires automatic waiver for 14 and 15 year olds
- The Department of Health and Social Services is very concerned about *bounce-backs* -- that is, taking back a minor who was waived and has been incarcerated with adults. It is difficult for the minor to go back and forth between the two systems and it is very difficult for other minors to be exposed to someone who has been treated as an adult. This issue does not arise in the Governor's bill, but comes up in CSSB 54 (Fin) and HB 100 in two different ways:
  - First, CSSB 54 (Fin) and HB 100 currently both allow the minor to petition the court for return to the juvenile system either in all cases (HB 100) or when the automatic waiver was based on a prior delinquency adjudication or adult conviction (CSSB 54 (Fin)).
  - Second, both CSSB 54 (Fin) and HB 100 bounce the minor back to the juvenile system if after waiver the juvenile is ultimately only convicted of a lesser, non waivable offense.

We agree that this type of "bounce back" provision is necessary in CSSB 54(Fin) and HB 100 to avoid equal protection problems -  
- a minor who is overcharged by the state should not be worse off than a minor who was charged properly at the outset.

We believe, however, that this type of bounce-back provision is not necessary in the Governor's bill because of the seriousness of the crimes (murder in the first or second degree) and because waiver occurs only after presentment to the grand jury.

Comparison of "Juvenile Waiver" Bills

March 1, 1993

	CSSB 54(FIN)	HB 100	HB 100 (draft CS)	SB 140/HB 189
<p>First degree murder Att. first degree murder Second degree murder</p>	<p>Ages 14-17: automatic trial as an adult</p>	<p>Ages 16-17: trial as an adult <i>unless</i> juvenile proves amenability to rehab. w/in juvenile system</p>	<p>Ages 16-17: automatic trial as an adult</p>	<p>Ages 16-17: automatic trial as an adult</p>
<p>All other unclassified and Class A felonies</p> <ul style="list-style-type: none"> <li>•Kidnapping or att. kidnapping</li> <li>•Rape (incl. "date rape") or att. rape</li> <li>•Sexual abuse of minor—first degree (penetration of child under 13 by 16 or 17-year-old) or att. sexual abuse</li> <li>•Sale of cocaine to minors or att. sale</li> <li>•Member of 6-person drug ring</li> <li>•Sale of heroin</li> <li>•Manslaughter (drunk driving death)</li> <li>•Armed robbery</li> <li>•Assault causing serious injury</li> <li>•Arson</li> </ul>	<p>Ages 16-17: automatic trial as an adult</p> <p>Ages 14-15: trial as an adult <i>if</i> previously delinquent for a felony against a person, <i>unless</i> the juvenile can prove amenability to rehabilitation within juvenile system</p>	<p>Ages 16-17: trial as an adult <i>if</i> previously a delinquent for a felony <i>unless</i> juvenile proves amenability to rehabilitation within juvenile system</p>	<p>Ages 16-17: automatic trial as an adult</p>	<p>Retain current law.</p> <p>Current law imposes a burden on the state to prove the juvenile is not amenable to rehabilitation within the juvenile system before 20th birthday.</p>
<p>All other felonies against a person</p> <ul style="list-style-type: none"> <li>•Assault with deadly weapon</li> <li>•Sexual assault (noncensual contact)</li> <li>•Sexual abuse of minor—second degree (penetration of 13-year-old by 16 y.o. penetration of 14-year-old by 17 y.o. or sexual contact with someone under 13 by a 16 or 17-year-old) or attempted penetration or contact</li> </ul>	<p>Ages 16-17 <i>if</i> previously delinquent for a felony against a person; or ages 14-15 <i>if</i> previously convicted as an adult for a felony against a person: trial as an adult <i>unless</i> the juvenile can prove amenability to rehab. within juvenile system</p>	<p>For all other felonies, trial as an adult for ages 16-17 <i>if</i> the juvenile has previously been convicted as an adult for a felony <i>unless</i> juvenile proves amenability to rehabilitation within juvenile system</p>	<p>Retain current law</p>	<p>Retain current law</p>
<p>Transfer back to the juvenile system if the defendant is convicted of a lesser offense</p>	<p>Yes</p>	<p>Yes, if misdemeanor. Yes for felonies <i>if</i> juvenile can prove amenability to rehab.</p>	<p>No</p>	<p>No</p>

POSITION PAPER

HB 189

For An Act Entitled: "An Act relating to the charging, and sentencing of certain minors concerning offenses of murder in the first degree, attempted murder in the first degree, murder in the second degree and certain other offenses; and providing for an effective date."

Background

In Alaska, as in most other states the age of criminal responsibility coincides with the age of majority (18 years of age). This recognizes the fundamental differences between children and adults and is expressed in numerous other laws limiting the rights, privileges, and responsibilities of children. Because the designated age of criminal responsibility is an arbitrary standard, legal mechanisms are necessary to identify and properly address the inevitable exceptions. Waiver of juvenile jurisdiction is the generally established mechanism for differentiating between the vast majority of youthful offenders and those few offenders whose behavior identifies them more closely with adult criminals.

Waiver of juvenile Court jurisdiction occurs in Alaska through a formal Court process as a judicial determination. Alaska's law (AS 47.10.060) does not establish a minimum age for which a youth can be transferred to adult criminal jurisdiction. AS 47.10.060 allows the "waiver" of a youth of any age for any delinquent act. The Court must determine the youth to be "not amenable" to treatment as a juvenile. The state has the burden of proof. A youth is considered unamenable to treatment if the youth "probably cannot be rehabilitated under juvenile jurisdiction, before reaching 19 years of age. In determining amenability to treatment the Court may give consideration to four factors: (1) the seriousness of the alleged offense; (2) the youth's delinquent history; (3) the causation of the delinquent offense and (4) the availability of treatment facilities for the youth.

Analysis/Program Impact

Under present Alaska law the method of applying the waiver standard is a judicial proceeding. All evidence bearing on the waiver decision is considered by the Court. Waiver decisions made by judges require a threshold finding of

probable cause, that the accused juvenile offender committed the alleged offense. The probable cause standard is guided by statutorily established criteria, and is subject to judicial review.

The standards for making waiver decisions under a judicial process are legislatively determined and applied by the judiciary. Factors to be considered in determining which cases meet the standard for waiver are also legislatively established. A balance of society's interest in public protection, and rehabilitation is sought.

This balance becomes more difficult as the age of the offender approaches the age of majority (18 years of age). The department recognizes that the rehabilitative probability lessens as the offender increases in age due in part to the fact that older offenders cannot be held in the juvenile system past their 19th birthday. Exceptions to this rule would include an extension to the 20th birthday which can occur only with the consent of the minor.

HB 189 proposes adult prosecution for minors 16 years of age and older, who are arraigned on a charge of murder in the first degree, attempted murder in the first degree and murder in the second degree.

The department recognizes that these type of offenders could present a significant risk to the public if waiver under existing law fails or the offender cannot be rehabilitated before juvenile jurisdiction expires. HB 189 endeavors to prevent these offenders from continuing to endanger to the community by seeking conviction and sanction in adult court.

The Department estimates a high of 5 offenders per year could be prosecuted in adult court under this bill based on an analysis of FY 1992 youth offender statistics. The following youth offender statistics for crimes specified in the bill is provided.

DHSS Youth Offender Statistics			
	FY 1991	FY 1992	FY 1993
Total Referrals	2	6	1
Total Adjudicated	1	5	0

HB 189 would not significantly reduce the number of offenders referred to DHSS juvenile intake officers and subsequently confined in DHSS youth facilities. During the past three fiscal years the department has been averaging 6,704 youth corrections referrals per year statewide and of these referrals an average of 1,325 are admitted to a DHSS detention facility.

DEPARTMENTS POSITION

The department supports the automatic waiver for juvenile offenders 16 years and older who are charged with the crimes specified under this bill. HB 189 bridges a gap that can occur in cases where the offender cannot be successfully rehabilitated in the juvenile system and waiver has not been successful under AS 47.10.060.

The department believes that the capacity for reasoning at the age of 16 is sufficient to warrant prosecution in the adult court. This capacity carries with it the same responsibility for criminal conduct required of adult offenders.

The department assumes that juveniles charged under this bill would be incarcerated in facilities operated by the adult Department of Corrections. This assumption would be consistent with the current practice for juvenile offenders who are waived under AS 47.10.060. This practice does not violate sight and sound separation requirements for housing of juvenile and adult offenders under state and federal law. The department supports the continuation of this practice.

Recommended: Deborah R. Wing Date: 3/5/93

Deborah R. Wing, Director  
 Division of Family and Youth Services

Approved: Theodore A. Mala Date: 3/5/93

Theodore A. Mala MD, MPH  
 Commissioner  
 Department of Health and Social Services

HB

190

# HOUSE COMMITTEE REPORT

(9)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/30/93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 190

HOUSE BILL NO. 190

AK SCIENCE & TECHNOLOGY FOUNDATION GRANTS

"An Act relating to grants awarded by the Alaska Science and Technology Foundation."

**RECOMMENDATIONS:**

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

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

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

[ ] zero fiscal note \_\_\_\_\_

zero fiscal note(s) Revenue 3/26/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	x	<i>Harley Olberg</i>		✓	
<i>[Signature]</i>	x	<i>Betty Damm</i>	x		
<i>[Signature]</i>	x	<i>Tom Buis</i>	✓		
<i>[Signature]</i>	✓				

*[Signature]*  
CHAIRMAN'S SIGNATURE



Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: MARCH 30, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:

- \*HCR 15: SCHOOL BUS DRIVER APPRECIATION DAY
- HB 190: AK. SCIENCE AND TECHNOLOGY FOUNDATION GRANT
- \*HB 174: CONSOLIDATION OF SCHOOL DISTRICTS (TELECONFERENCE)

BILLS HELD OVER FROM PREV. CALENDARS MAY BE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Carl Rose	AA513	Juneau	99801		61083	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 174
Diane Guiley	DOE	Juneau	99801		5-2891	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 174
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

3/30/93

LTH1100-R01  
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATE: IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNNE SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

HB 174  
HB 190

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 5 MINUTE LIMIT  
TCN REQUESTED ON 03/30/93 AND HAS 9 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 174 CONSOLIDATION OF SCHOOL DISTRICTS
- 2 HB 190 AK SCIENCE & TECHNOLOGY FOUNDATION GRANTS

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

ANC ANCHORAGE	3111 C STREET		LOCATION STAFF
* JNU JUNEAU	CAPITOL	CAP106	LOCATION STAFF
KTN KETCHIKAN	352 FRONT STREET		LOCATION STAFF
SOL KEN/SOL	34824 KALIFONSKY		LOCATION STAFF
TOK TOK LIO	MP 1314 AK. HWY		LOCATION STAFF

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

DJT GAL GALENA	GALENA SCHOOL	LAUREL OSBORNE	(907)656-1805
SIT CRA CRAIG	CITY HALL	HELEN GRAY	(907)826-3277
ZZZ OF1 OFFNET 1	KUSPUK	BOBBETTE BUSH	(907)675-4250
ZZZ OF2 OFFNET 2	DILLINGHAM	DON RENERO	(907)842-5225
ZZZ OF3 OFFNET 3	TANANA	RON DELAY	(907)366-7207

PARTICIPANTS IN ANCHORAGE

1 MR. JOHN SIBERT	ANC	AK SCI & TEC FD TSFY. HB 190
550 W. 7TH AVE. #360	ANCHORAGE	AK 99501 (907)272-4333

PARTICIPANTS IN GALENA

1 DR. BILL MILLER	DJT GAL	SUPERINTENDENT TSFY. HB 174
BOX 299	GALENA	AK 99741 (907)656-1205
2 MRS. LAUREL OSBORNE	GALENA	BOARD MEMBER OBSV. HB 174
BOX 299	GALENA	AK 99741 (907)656-1805

PARTICIPANTS IN: JUNEAU

1	TEST	1	JNU	TSFY. ALL ITEMS
				AK (907)000-0000
2	TEST	2		TSFY. ALL ITEMS
				AK (907)000-0000
3	TEST	3		TSFY. ALL ITEMS
				AK (907)000-0000
4	TEST	4		TSFY. ALL ITEMS
				AK (907)000-0000
5	TEST	5		TSFY. ALL ITEMS
				AK (907)000-0000
6	TEST	6		TSFY. ALL ITEMS
				AK (907)000-0000
7	TEST	7		TSFY. ALL ITEMS
				AK (907)000-0000
8	TEST	8		TSFY. ALL ITEMS
				AK (907)000-0000

LTN1100-R01  
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 02  
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: JUNEAU

JNU

9	TEST	9		TSFY. HB 174
			AK	(907)000-0000
10	TEST	10		TSFY. HB 174
			AK	(907)000-0000
11	OBS	1		OBSV. ALL ITEMS
			AK	(907)000-0000
12	OBS	1		OBSV. ALL ITEMS

PARTICIPANTS IN: KETCHIKAN

KTN

1 MR.	JOHN	HOLST		TSFY. HB 174
	BOX 900		CRAIG	AK 99921 (907)826-3274
2 MR.	BOB	WEINSTEIN		TSFY. HB 174
	BOX 8340		KETCHIKAN	AK 99901 (907)225-9658

PARTICIPANTS IN: CRAIG

SIT CRA

1 MR.	PAUL	THIBODEAU		TSFY. HB 174
	BOX 38		CRAIG	AK 99921 (907)826-3275

PARTICIPANTS IN: TOK LIO

TOK

1 MS.	CATHERINE	WILSON	AGSD	OBSV. HB 174
	P.O. BOX 226		TOK	AK 99780 (907)885-5151
2 MR.	DICK	SCHULTZ		OBSV. HB 174
	P.O. BOX 487		TOK	AK 99780 (907)885-5858

PARTICIPANTS IN: OFFNET 1

ZZZ OF1

1	BOBBETTE	BUSH		TSFY. HB 174
---	----------	------	--	--------------

LTN1100-R01  
04/01/93

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 03  
18:22:18

TCN: 30444 DATE & TIME: 03/30/93 15:00 TO 17:00 STATUS:7 STATS. IN

PARTICIPANTS IN: OFFNET 1

ZZZ OF1

2	KUSPUK	SUPERINTEDENT		AK (907)675-4250
			KUSPUK	AK (907)675-4250

PARTICIPANTS IN: OFFNET 2

ZZZ OF2

1	DON	RENFR0		TSFY. HB 174
			DILLINGHAM	AK (907)842-5225

PARTICIPANTS IN: OFFNET 3

ZZZ OF3

1	RON	DELAY		TSFY. HB 174
			TANANA	AK (907)366-7207



**ALASKA SCIENCE & TECHNOLOGY FOUNDATION**  
—Putting Innovation to Work for Alaska—

## FACSIMILE TRANSMISSION

**Transmitted To:** Representative Con Bunde  
Representative Cynthia Toohey

**Fax Number:** 465-3871 & 465-2137

**Date:** March 30, 1993      **Time:** 12:12pm

**Pages** (including this one): 2      **Sent By:** John Sibert

### **MESSAGE:**

*The following material was sent to Representatives Hudson and Martin prior to the hearing on this HB 190 before the Labor and Commerce Committee. I understand that this amendment to the ASTF enabling legislation is friendly, however I do not believe it is necessary. The University of Alaska clearly knows that ASTF is here and provides research and development funds. Based on my experience with the university faculty, I do not believe that there would be any additional appropriate projects coming to ASTF from UA as a result of this bill.*

*The enclosed table shows the ASTF grant activity over the past three and one half years and the portion which involved the University of Alaska. Approximately 30% of the grants involved the university, but nearly all also involved an outside partner. In order to meet ASTF criteria, successful research must ultimately be used - we do not fund basic research. Experience has shown that the most effective way to achieve this application of technology is to insure that all the necessary players are involved from the beginning. For this reason, much of the basic research conducted at the university is not appropriate for ASTF funding.*

*I will be able to speak to any questions you might have on this issue of university research and ASTF's role via teleconference.*

550 West 7th Avenue, Suite 360, Anchorage, Alaska 99501-3555

Telephone: (907) 272-4333

Fax: (907) 274-6228

# Summary of Grant Activity

		<u>TOTAL</u>		<u>UA</u>
Full Proposals (Reviewed)	442	\$131,229,149	107	\$23,230,075
Full Proposals Funded	92	\$12,905,193	28	\$3,202,772
Proposals Requested to Resubmit	9	\$959,446	2	\$119,467
In-Kind and Matching Support		\$21,331,193		\$4,812,137



**ALASKA SCIENCE & TECHNOLOGY FOUNDATION**  
—Putting Innovation to Work for Alaska—

**FACSIMILE TRANSMISSION**

**Transmitted To:** *Representative Bill Hudson*  
*Representative Terry Martin*

**Fax Number:** 465-4565 & 465-6790

**Date:** March 24, 1993      **Time:** 5:40pm

**Pages** (including this one): 2      **Sent By:** John Sibert

**MESSAGE:**

*The enclosed table shows the ASTF grant activity over the past two years and the portion which involved the University of Alaska. Approximately 30% of the grants involved the university, but nearly all also involved an outside partner. In order to meet ASTF criteria, successful research must ultimately be used - we do not fund basic research. Experience has shown that the most effective way to achieve this application of technology is to insure that all the necessary players are involved from the beginning. For this reason, much of the basic research conducted at the university is not appropriate for ASTF funding.*

*I will be able to speak to any questions you might have on this issue of university research and ASTF's role via teleconference tomorrow during the hearing on HB 190.*

550 West 7th Avenue, Suite 360, Anchorage, Alaska 99501-3555

Telephone: (907) 272-4333

Fax: (907) 274-6228

*Alaska Science + Technology Foundation Grant Activity - past 2 years*

# Summary of Grant Activity

		<u>TOTAL</u>		<u>UA</u>
Full Proposals (Reviewed)	442	\$131,229,149	107	\$23,230,075
Full Proposals Funded	92	\$12,905,193	28	\$3,202,772
Proposals Requested to Resubmit	9	\$959,446	2	\$119,467
In-Kind and Matching Support		\$21,331,193		\$4,812,137

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1993

FURTHER REFERRALS:

HESS

Date of Committee Action: 3/25/93

The LABOR AND COMMERCE Committee considered:

HB 190

HOUSE BILL NO. 190

AK SCIENCE & TECHNOLOGY FOUNDATION GRANTS

"An Act relating to grants awarded by the Alaska Science and Technology Foundation."

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

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

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

zero fiscal note Revenue

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			✓
<i>[Signature]</i>	✓	<i>[Signature]</i>	X		
		<i>[Signature]</i>	X		
		<i>[Signature]</i>		✓	
		<i>[Signature]</i>		✓	

*[Signature]*  
 CHAIRMAN'S SIGNATURE

House Labor + Commerce Committee Report

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 190

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Revenue  
 Title: An act relating to grants BRU: AK Science & Tech. Foundat  
awarded by ASTF Component: \_\_\_\_\_  
 Sponsor: Terry Martin  
 Requestor: Terry Martin COMPONENT SERIAL NO. \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>					

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other	0					
<b>TOTAL</b>	<b>0</b>					

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ N/A

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

Prepared by: *Pamela Rasmussen-Dede*  
 Division: AK Science & Technology Foundation  
 Approved by Commissioner: *T. Martin*  
 Agency: Department of Revenue

Phone: 907-272-4333  
 Date: 3/22/93  
 Date: 2/24/93

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## Analysis

### Assumptions:

That by the addition of the word "university" to AS 37.17.090(h), the Alaskan universities will somehow receive a preference they are not currently benefiting from. This is a semantic change only as section AS 37.17.090(h) currently states "the board of directors shall give preference to an applicant who is an Alaska resident, association, organization, or institution." It is the position of ASTF that this language is inclusive of university(s).

### Program Summary

1. This fiscal note does not fund any additional positions.
2. This fiscal note does not justify major expenditure items.
3. This fiscal note does not result in a change in revenue and is not the basis of any estimate for "federal" or "other" funds.
4. **Section Cost Analysis**—The total cost of HB190 is \$0.00.

**Economic Impact**—HB190, An Act relating to grants awarded by the Alaska Science & Technology Foundation has no economic impact.

195

195

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act Authorizing Youth Courts BRU: Adminstration & Support  
 Component: Administrative Services  
 Sponsor: Sitton, Ulmer  
 Requestor: Sitton, Ulmer COMPONENT SERIAL NO. 684

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Remond Henderson Phone: 465-4708  
 Division: Administrative Services Date: 3/10/93  
 Approved by Commissioner: Ben R. J... Date: 3/10/93  
 Agency: Community & Regional Affairs

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8 Fiscal Note - C+RA

FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 195

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An Act authorizing youth courts for peer BRU: Family & Youth Services  
adjudication of minors... Component: Southeastern, Southcentral, & Northern  
 Sponsor: Representatives SITTON, Ulmer Regions  
 Requestor: House HHS Committee COMPONENT SERIAL NO. 0253, 0254, & 0255

Expenditures/Revenues:

(Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE FUND SOURCE

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the department if this bill were to become law.

Prepared by: Deborah R. Wing, Director  
 Division: Department of Health & Social Services

Phone: 465-3191  
 Date: 03/10/93

Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health & Social Services

Date: 3/11/93

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*Fiscal Note - H+SS - Family + Youth Services*





Alaska State Legislature  
 House of Representatives  
 COMMITTEE ON HEALTH, EDUCATION  
 AND SOCIAL SERVICES

DATE: MARCH 31, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:  
 CONFIRMATION HEARINGS - AK BOARD OF EDUCATION  
 STOWELL JOHNSTONE  
 \*HB 195: AUTHORIZING YOUTH COURTS  
 \*HB 22: AK HEALTHY START PROGRAM  
 (\*HB195 AND \*HB 22 TO BE TELECONFERENCE)

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Valerie M. Jensen	Fairbanks North Star Borough	779 8th Fairbanks	99701	456 8113	4526194	<input checked="" type="radio"/>	<input type="radio"/>	HB 195
Ken Sykes	IDS/Trade	SOB 9th				<input type="radio"/>	<input checked="" type="radio"/>	HB 22
Bob Sims	" "	SOB 9th				<input type="radio"/>	<input type="radio"/>	HB 22
Caren Robinson	League of Women				586-1167	<input checked="" type="radio"/>	<input type="radio"/>	HB 195
Paty Merritt		4551 Drake St. FOLS	99709	479-5300	4740841	<input type="radio"/>	<input type="radio"/>	
Randal Hirus	DHSS	Box 110630 Juneau	99811		465-3187	<input checked="" type="radio"/>	<input type="radio"/>	HB 195
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	

3/31/93

LTN1100-R01

LEGISLATIVE TELECONFERENCE NETWORK

PAGE 01  
15:27:47

04/94/93

TCN: 30412 DATE & TIME: 03/31/93 15:00 TO 16:00 STATUS: 7 STATS. IN

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HHES HOUSE HEALTH, EDUCATION AND SOCIAL SERVI CHAIRS: TOOHEY  
PURPOSE: PUB PUBLIC HEARING BUNDE  
CONTACT: LYNNE SMITH TEL#: (907)465-6825  
CHAIRING SITE: JUNEAU CAPITOL CAP106

SPONSOR REMARKS(PUB): TESTIMONY: Y ALLOWED 5 MINUTE LIMIT  
TCN REQUESTED ON 03/31/93 AND HAS 8 UPDATES

\*\*\*\* AGENDA \*\*\*\*

- 1 HB 195 AUTHORIZING YOUTH COURTS
- 2 HB 22 ALASKA HEALTHY START PROGRAM

\*\*\*\* PARTICIPATING LIOS \*\*\*\*

ANC ANCHORAGE	3111 C STREET	LOCATION STAFF
BAR BARROW	COURTHOUSE #305	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
* JNU JUNEAU	CAPITOL	CAP106 LOCATION STAFF

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

ZZZ OF1 OFFNET 1	SEATTLE	STEVE LEBRUN	(206)467-2803
ZZZ OF2 OFFNET 2	HOONAH	MAXINE SANLAND	(907)945-3668

PARTICIPANTS IN ANCHORAGE ANC

1	MARY MCGINNIS	1000 MULCHATNA	ANCHORAGE	AK 99654 (907)373-7569	OBSV. HB 22
2	BRYAN CLARK	1981 COMMODORE	ANCH YOUTH CRT	AK 99507 (907)344-4486	TSFY. HB 195
3	JESSE KICHL	6301 TRAPPER TRACT	ANCH YOUTH CRT	AK 99516 (907)345-3394	TSFY. HB 195
4	ROBERT BUTTICANE	2600 PROVIDENCE DR.	ANCH YOUTH CRT	AK 99508 (907)562-2285	TSFY. HB 195
5	THELMA LANGDON	2363 CAPT. COOK DRIVE	ACTION OF CHILD	AK 99517 (907)248-0834	TSFY. HB 22
6	SHARON LEON	5205 STRAWBERRY RD	ANCH YOUTH CRT	AK 99502 (907)274-	TSFY. HB 195
7	BLYTHE MARSTON	3001 MC COLLIE AVE	ANCHORAGE	AK 99517 (907)248-7739	TSFY. HB 195
8	JUN EALY	5245 E. 147TH	AYC ANCH BAR	AK 99516 (907)345-7119	TSFY. HB 195
9	MARY BRISTOL	3305 GLENN DON DR.	ANCH SCHOOL	AK 99504 (907)333-6725	TSFY. HB 195
10	CAROLE CLARK	1981 COMMODORE DR.	ASD TEACHER	AK 99507 (907)344-4486	OBSV. HB 195
11	ROBERT OWENS	PO BOX 105035	ANCH BAR	AK 99510 (907)276-5152	TSFY. HB 195
12	JOSHUA WALTON	PO BOX 221166	ANCH YOUTH CRT	AK 99522 (907)248-1323	TSFY. HB 195
13	JUSTIN WALTON	PO BOX 221166	ANCH YOUTH CRT	AK 99522 (907)248-1323	TSFY. HB 195
14	BRYAN MERRILL	17613 RACHEL CIRCLE	ANCH BAR-YNG LAW	AK 99577 (907)272-6474	TSFY. HB 195
15	MARIGH HUGHES	509 W 3RD	AK BAR FND	AK 99501 (907)263-8359	TSFY. HB 195

04/04/93

15:27:47

TCN: 30412

DATE & TIME: 03/31/93 15:00 TO 16:00

STATUS: 7 STATS. IN

PARTICIPANTS IN: ANCHORAGE ANC

16	ROYH HENDERSON	JUV DIVERSION	TSFY. HB 195
	PO BOX 213-649	ANCHORAGE	AK 99521 (907)338-5548
17	STEVEN PRADELL		TSFY. HB 195
	715 L ST	ANCHORAGE	AK 99501 (907)279-4529
18	SCOTT ANDREWS		OBSV. HB 195
	3951 FURROW CRK RD	ANCHORAGE	AK 99516 (907)345-3601
19	DID NOT SIGN IN		OBSV. HB 195
			AK (907)000-0000
20	DID NOT SIGN IN		OBSV. HB 195
			AK (907)000-0000

PARTICIPANTS IN: FAIRBANKS FBX

1 MS.	KAREN PERDUE		TSFY. HB 22
	204 FRONT ST.	FAIRBANKS	AK 99707 (907)000-0000
2 MS.	JANE DEMMERT	FNA	TSFY. HB 195
		FAIRBANKS	AK (907)000-0000
3 MS.	ELLEN GANLEY		OBSV. HB 195
			AK (907)000-0000
4 MR.	MARK BOYER		OBSV. HB 195
		FAIRBANKS	AK (907)000-0000

PARTICIPANTS IN: JUNEAU JNU

1 REP.	CON BUNDE		TSFY. HB 195
			AK (907)000-0000
2 REP.	CYNTHIA TOOHEY		TSFY. HB 195
			AK (907)000-0000
3 REP.	PETE KOTT		TSFY. HB 195
			AK (907)000-0000
4 REP.	AL VEZEY		TSFY. HB 195
			AK (907)000-0000
5 REP.	GARY DAVIS		TSFY. HB 195
			AK (907)000-0000
6 REP.	HARLEY OLBERG		TSFY. HB 195
			AK (907)000-0000
7 REP.	BETTYE DAVIS		TSFY. HB 195
			AK (907)000-0000
8 REP.	IRENE NICHOLIA		TSFY. HB 195
			AK (907)000-0000
9 REP.	TOM BRICE		TSFY. HB 195
			AK (907)000-0000
10 REP.	JOE SITTON		TSFY. HB 195
			AK (907)000-0000
11 REP.	JIM NORDLUND		TSFY. HB 195
			AK (907)000-0000
12	TESTIFIER 1		TSFY. HB 195
			AK (907)000-0000
13	TESTIFIER 2		TSFY. HB 195
			AK (907)000-0000
14	TESTIFIER 3		TSFY. HB 195
			AK (907)000-0000
15	SHERRIE GOLL	T	TSFY. HB 195
			AK (907)000-0000
16	TESTIFIER 5		TSFY. HB 195

PARTICIPANTS IN: OFFNET 1 ZZZ OF 1

1	STEVE LEBRUN		TSFY. HB 195
			AK (907)000-0000

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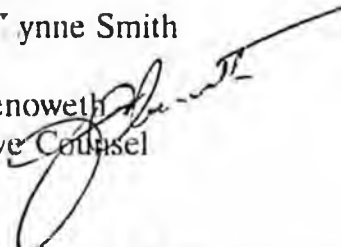
130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

April 1, 1993

**SUBJECT:** Draft CSHB 195 ( ) (Work Order No. 8-LS0599\R)

**TO:** Representative Con Bunde, Co-Chair  
Representative Cynthia Toohey, Co-Chair  
House Health, Education and Social Services  
Committee  
ATTN: Wynne Smith

**FROM:** Jack Chenoweth   
Legislative Counsel

In the enclosed draft I have made the changes requested. Please note especially:

Because of your substitution of "person" for "nonprofit corporation," I added some additional language in proposed AS 18.05.100(c), the source of authority to operate as a youth court, to cover situations where the applicant is an individual or an entity other than a corporation. Incidentally, I assume the committee does understand "person" to have the meaning given it by AS 01.10.060(8):

DEFINITIONS. In the laws of the state, unless the context otherwise requires,

...  
(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;  
....

All of what had been the juvenile justice grant component of the combined "Community Legal Assistance and Juvenile Justice Grant Fund" of the original bill has been separated out and reformatted as a separate grant fund unto itself. That appears in bill section 3. The last codified section, proposed AS 44.47.249, "Regulations," simply reflects what is now in law (AS 44.47.230) and would have been applicable to the combined fund. I don't think it is necessary to retain this provision in order for the department to prepare and adopt regulations under the Administrative Procedure Act for this new fund. If the committee is disposed not to allow the

Representative Con Bunde, Co-Chair  
Representative Cynthia Toohey, Co-Chair  
April 1, 1993  
Page 2

department to adopt regulations, it is not enough to remove AS 44.47.249 from the bill. Rather, that section should be rewritten to say that the department "may not" adopt regulations.

In the last line of what is set out as AS 44.47.240 in this version, I have substituted "the match is" for "matching funds are" to reflect the fact that the required match may be in cash or in kind.

All else in the bill is unchanged.

JBC:gc  
93-300.glc

Enclosure

BILL HB 195 DATE 3/31/93  
 TAPE 93-54 NUMBER 010  
 SUBJECT OF VOTE to cut 164 LW4 SEAT  
to allow waiver option for poor child

MEMBER	YEA	NAY	ABS
Rep. Gary Davis	—	X	—
Rep. Al Vezey	X	—	—
Rep. Pete Kott	X	—	—
Rep. Harley Olberg	—	X	—
Rep. Bettye Davis	—	X	—
Rep. Irene Nicholia	—	X	—
Rep. Tom Brice	—	—	—
Rep. Cynthia Toohey	—	X	—
Rep. Con Bunde	—	X	—
TOTAL	<u>2</u>	<u>6</u>	—

+++++

BILL \_\_\_\_\_ DATE \_\_\_\_\_  
 TAPE 93- NUMBER \_\_\_\_\_  
 SUBJECT OF VOTE \_\_\_\_\_

MEMBER	YEA	NAY	ABS
Rep. Al Vezey	—	—	—
Rep. Pete Kott	—	—	—
Rep. Harley Olberg	—	—	—
Rep. Bettye Davis	—	—	—
Rep. Irene Nicholia	—	—	—
Rep. Tom Brice	—	—	—
Rep. Cynthia Toohey	—	—	—
Rep. Con Bunde	—	—	—
Rep. Gary Davis	—	—	—
TOTAL	—	—	—

# Alaska State Legislature

While in Fairbanks  
119 N. Cushman St.  
Suite 203  
Fairbanks, AK 99701  
907-456-8161

While in Juneau  
State Capitol  
Juneau, AK 99801-1102  
907-465-2327  
907-465-4713



Representative Joe Sitton

## Sponsor Statement

House Bill 195 - relating to the establishment of youth courts  
by

Representative Joe Sitton

House Bill 195 establishes the authority for the establishment of a youth program as a juvenile diversion program under the Department of Health and Social Services. Under the provisions of this legislation, youths under the age of 18 who have allegedly committed an offense may choose to go through a youth court proceeding instead of through the regular court system, provided they have the approval of the juvenile intake authorities and the consent of their parents.

While other states have youth (or teen) courts, in Alaska, only Anchorage has developed such a program; it has been in existence since 1989. It has enjoyed a tremendous success and is highly supported by the community. Out of a total of 69 cases, only four juveniles were arrested for a second offense.

Perhaps one of the greatest reasons for its success is the close working relationship between the different agencies involved: the Department of Health and Social Services, the Alaska Court System, the Alaska Bar Association, the Anchorage Bar Association, the school district, and law enforcement agencies.

In the Anchorage program, cases are referred by juvenile probation officers. Referrals may also be made by other entities, such as a store alleging shoplifting.

Defendants and their parents must agree to allow the Youth Court to hear the case and the Youth Court must accept jurisdiction. Court proceedings insure them the right to be represented by a lawyer, the right to trial by jury, the right to cross-examine witnesses, the right against self-incrimination, and the right to appeal.

The court is composed of students under 18 years of age who volunteer as judges, jurors, bailiffs, clerks, prosecutors and defense attorneys. To be

Sponsor Statement

eligible to sit on the court, students must attend an 8-10 week class and pass a youth court bar examination. Legal advisors are available to assist student prosecutors and defense lawyers in preparing their cases for trial.

House Bill 195 would provide a similar mechanism for other communities in Alaska, both rural and urban. Each community would be able to tailor the youth court system to its own unique needs and resources. A great deal of effort has gone into crafting legislation which would provide a structure for a youth court program while at the same time providing maximum flexibility for communities to create a program which would work best for them.

This legislation provides for the establishment of a youth court program under the aegis of the Department of Health and Social Services; it is this department's juvenile intake officers who have jurisdiction over juvenile offenders.

In addition, the legislation amends AS 44.47.200, the community legal assistance grant fund to provide for "juvenile justice" grants to communities and to non-profit corporations to establish and organize a youth court program in a community. The grant amount may not exceed \$5,000 and the grant must be matched by cash or in-kind contributions. The burden of success thus lies with a community's commitment.

**DIVISION OF LEGAL SERVICES**

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130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

March 4, 1993

**SUBJECT:** House Bill 195, relating to the use of youth courts for certain minors -- sectional analysis. (Work Order No. 8-LS0599\O)

**TO:** Representative Joe Sitton  
ATTN: Paula Terrel

**FROM:** Jack Chenoweth  
Legislative Counsel

This memo outlines the principal features of HB 195, a measure authorizing youth courts in order to provide for peer adjudication of minors charged with violations of state laws or municipal ordinances. The bill also proposes to broaden (and rename) the use of the community legal assistance grant fund as a source of financial support for new youth courts.

**Section 2.** This bill section, the measure's principal operative provision, adds a new section to the body of codified law. AS 18.05.100 is added as a part of the title concerned generally with health and safety matters. The section authorizes establishment of youth courts "to hear, determine, and dispose of cases involving a minor whose alleged act that brings the minor within the jurisdiction of [the Alaska Court System]" constitutes a violation of a state law or municipal ordinance. The section defines the jurisdiction of youth courts, sets out the process for establishment of a youth court, imposes significant standards and procedures that are to guide a youth court as it operates, and provides the Alaska Court System general authority to refer a possible delinquency matter to a youth court.

Bill sections 3 - 7 rename and revise the objectives of the existing Community Legal Assistant Grant Fund.

**Section 3.** The amendments proposed to AS 44.47.200 by this bill section change the name of the fund and authorize use of money in the fund to help nonprofit corporations start operations as youth courts.

Sectional analysis

**Section 5.** The addition of AS 44.47.210(b) proposed by this bill section permits nonprofit corporations planning to operate youth courts to apply for a grant from the fund, direct that the grant be matched, but permit waiver of the match requirement under the circumstances noted.

**Section 7.** The addition of AS 44.47.220(b) proposed by this bill section sets limits on the amount that may be awarded as a grant from the fund to a corporation planning to operate a youth court, and limits on the proper use by the grantee of the money received by the grant.

**Sections 4 and 6.** The changes made by these two bill sections are technical changes to existing law made in light of the proposed additions set out in bill sections 3, 5, and 7.

\*

The changes made by bill sections 8 - 10 affect the provisions of law generally covered under the title "Children's Proceedings" (AS 47.10.010 - 47.10.142).

**Section 8.** AS 47.10.020(a) currently sets out several options by which the courts may dispose of matters that involve minors. The amendment made to AS 47.10.020(a) by this bill section reorganizes and clarifies the existing options available to the court, and adds, as an option, referral of the matter to a youth court. The amendment notes the conditions under which a matter may be so referred. In addition, in order to assure cooperation with the youth court, the referring court is given explicit authority to "at the request of the youth court, issue a subpoena to a person whose testimony is required before the youth court."

**Section 9.** Provision is made in current law for the superior court to make use of "young adult advisory panels" to assist the court in making an adjudication and order involving a minor. The amendment proposed to AS 47.10.075(a) by this bill section limits the use of these advisory panels to situations in which the court does not informally dispose of a matter involving a minor and has not referred the matter to a youth court.

**Section 10.** As a general rule, records of a court generated in proceedings under AS 47.10.010 - 47.10.142 are, with exceptions, confidential. The addition proposed to AS 47.10.090 by this bill section extends that presumption to records of youth court proceedings.

\*

**Section 1.** In this uncodified section is set out a statement of purpose of the Act and a brief summary of the state's recent experience with youth courts.

## Youth court could help

We're intrigued by an idea that could help more of Alaska's young people decide to go straight instead of falling into a life of crime.

Already in place in Anchorage, youth courts in which first-time young offenders are tried and judged by other teens could be set up in other Alaska communities under legislation under consideration by Rep. Joe Sitton, D-Fairbanks.

Sitton's proposal, which has not been introduced yet, would provide \$5,000 state grants to communities that want to set up a youth court to handle first-time misdemeanor crimes committed by young people ages 12-18.

The Anchorage Youth Court has been operating since 1989. The American Bar Association recently gave the program its top awards for outstanding partnership programs and outstanding public education programs.

Under the program, volunteer attorneys train teen prosecutors, defense attorneys, judges, clerks, bailiffs and jurors in grades seven through 12. They represent and judge their peers in actual criminal cases of first-time offenders referred from Anchorage's juvenile court intake.

Youths prosecuted in these courts have a significantly lower rate of recidivism than defendants who participate in the traditional juvenile justice system, according to the bar association.

Youths serving on the court gain an awareness of their legal responsibilities to society in a way unmatched in an classroom setting.

If youth courts could be set up in other Alaska communities, Rep. Sitton believes law-breaking would lose some of the glamor it now has among some groups of young people who apply peer pressure in negative ways. Students would be more likely to take their actions seriously if they are being judged in a court of their peers, he believes.

We think the idea has merit, and encourage lawmakers to give it serious consideration.

2/20/92 FDR

# JOURNAL of LAW

## Section B

1993

Section B to THE ALASKA JOURNAL OF COMMERCE

### Justice Kotzebue

...e forced the court to  
... expensive and time-  
... ing change of venue  
... e, he said.

...ier editor Desiree  
...rey wrote the story  
...torial. She said they  
...rt of routine news; cov-  
...stified by the public's  
... know, and her read-  
... expect more of the

...s say the town's judi-  
...tem and newspaper  
...an impasse that could  
...ouble in the future.

...onflict started when  
...kins, a Kotzebue store  
...was charged with six  
...of sexual assault of  
...The charges reflected  
...ged acts of sexual as-  
...16-year-olds, two al-  
...ts of sexual assault of  
...olds and two alleged  
...Continued on Page 4B

### Port Banking Shipment

...asing crime is to in-  
...ne sentence. But the  
...y, prisons are not a  
...od punishment. In  
...reasing sentences, if  
...g, increases recidi-

...port states one way

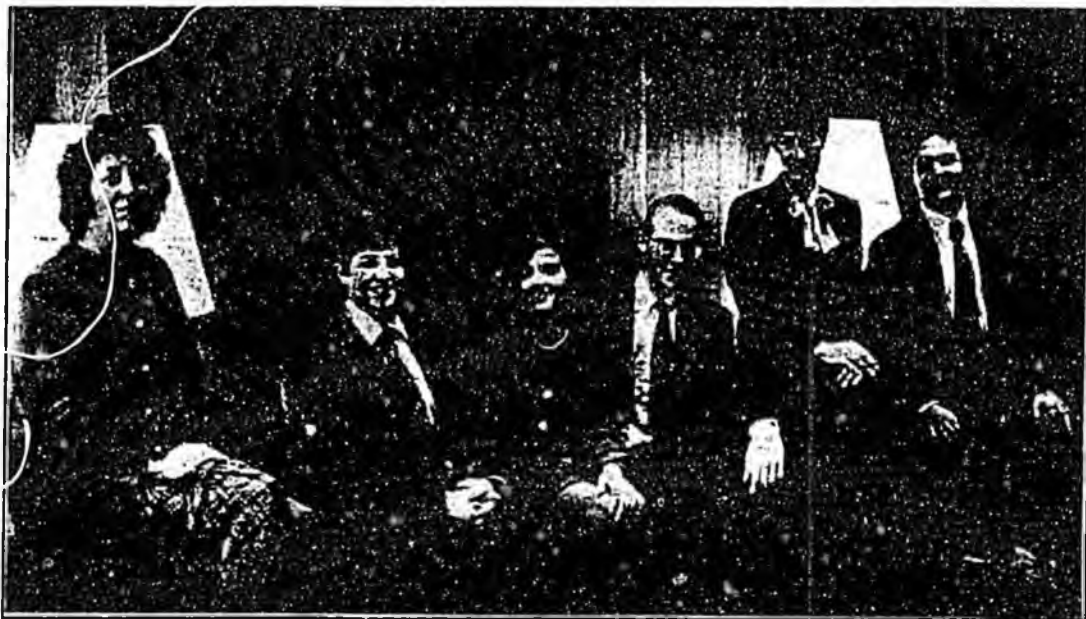


Photo by Naomi W. Klouda

Attorney Donna Willard, who will accept the award in Boston for the Youth Court, celebrates with Jesse Kiehl, Youth Court Chief Justice; Mina Kumar, Youth Court Mediator; Bryan Clark, Youth Bar President; and attorney volunteers Blythe Marston and Jon Ealy.

## Anchorage Youth Court wins national ABA award

By Naomi Warren Klouda  
For the Journal of Commerce

Anchorage Youth Court has won the 1993 American Bar Association/Information America Public Education Project award for working in partnership with the justice system to produce a program involving teen lawyers, judges and defendants.

Donna Willard, local attorney and ABA board governor for the district which

includes Alaska - will accept the award on behalf of the teen winners Feb. 5 in Boston at the National Conference of Bar Presidents luncheon. Some 188 teens, ranging from 7th to 12th graders are recipients of the award, which came with a \$5,000 cash grant as well as the Outstanding Partnership Award.

After finishing a 10-week law class, the students worked in actual courtroom settings with juvenile first-offenders arrested for misdemeanor and some felony

crimes.

Youth clients were represented and prosecuted by teenage lawyers - and sentenced by teenage judges. No adults are allowed to speak in the court, though teen attorneys can consult adult counsel present in the courtroom. Teen jurors were called in to decide some cases.

Sharon Leon, executive director of the four-year-old Youth Court, says the Anchorage program was

Continued on Page 2B

... (which the loan is paid back).  
This theory was used in many of our eastern states.

b. *Lien Theory*: Under the "lien" theory, the owner/mortgagor keeps both legal title and possession, and only gives the mortgagee a lien on the land which can be foreclosed upon in the event of a default under the loan. The lien theory is used in most western states, and is used today in Alaska.

the mortgagor may have built up a substantial investment in the pay-off of the loan. The law changed in order to protect those who had paid a sizeable amount of the installment debt before the default occurred, usually by giving the mortgagor either a "right to cure" the default, or a "right to redeem" the property.

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## Youth Court effective deterrent for first-time offenders

Continued from Page 1B

judged as unique in that it is the only one which gives teens "such a tremendous responsibility."

"It's also the most complete program — we even have a Youth Court Bar Association," Leon said.

Leon directs the program and is aided by a volunteer administrative board composed of attorneys, judges, police officers, businessmen, mediators and juvenile intake officers.

Peer advising and sentencing techniques seem to be working, Leon said. Out of a total of 69 cases involving first-time offenders, only four were arrested for a second time.

"Juvenile intake officers are pretty happy about that because the recidivism rate is usually 50 percent. All

the offenders are ordered to write an essay as part of their sentence reflecting on what they had done," Leon said.

"All of them said they never want to see the inside of a courthouse again." Some of them do, however. But the

**"All of them said they never want to see the inside of a courthouse again."**

next time they appear in court it is as youth court judges, lawyers, prosecutors or jurors as other offenders are brought into Youth Court.

On Jan. 25, 1993, another 119 young people were inducted into Anchorage Youth Court, joining the 188 already on the roster.

THE ALASKA JOURNAL OF COMMERCE

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ANCHORAGE YOUTH COURT:  
TRIAL BY PEERS

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I. PROJECT DESCRIPTION

The Anchorage Youth Court ("AYC") is a court in which the roles of attorneys, judges, bailiffs, clerks and jurors are filled by young people between the ages of twelve and eighteen. Defendant youths are afforded a chance via trial by their peers to resolve legal problems without receiving a criminal record. Simultaneously, the community benefits by receiving valuable work service as partial redress for the wrongs committed. Attorneys also have the opportunity to provide a service to their community. Most importantly, however, young people and adults work together through youth court to resolve conflict.

II. PLANNING

A. Needs Assessment

Often the juvenile justice system does not work for first time offenders. Two problems arise. First, due to the lack of resources, first time offenders are rarely punished. Juveniles become aware that the justice system will not follow through if an offense is committed. The result is a high recidivism rate. By the time the justice system takes action, many youthful offenders have established a lawbreaking behavior pattern.

Second, many juvenile defendants who maintain they are innocent cannot afford to hire legal counsel. They thus feel compelled to admit guilt to crimes they have not committed. They pay restitution as a cheaper alternative to hiring a lawyer.

A youth court can provide a solution to both problems. Attorneys, parents, school officials and students can join together to implement a court that will promptly respond to juvenile legal problems.

B. Determining Specific Objectives and Program Design

1. Decisions to be Made
  - a. Options - Objectives

The objectives of a youth court are four fold. First, a youth court provides a municipal wide alternative court where teenagers can be represented, prosecuted, and tried by a jury of their peers without incurring a record. Second, youth gain an awareness and respect for their legal responsibilities to society and are afforded the opportunity to play a positive role in the administration of justice. Third, a youth court reduces the volume of cases burdening a judicial system. Finally, attorneys are able to provide a service to the public by instructing youth about substantive and procedural criminal law.

- b. Options - Program Design

The AYC allows young people complete judicial authority. Young people are attorneys, judges, bailiffs, clerks, and jurors. Trials take place in the state courthouse. Defendants are referred by a referring authority, which for AYC is Alaska's Juvenile Intake Office. Once a defendant is referred to AYC, the defendant is arraigned. If he pleads guilty, he is tried by a jury or panel of judges. AYC confirms with the community service placement office that each defendant who is sentenced serves his sentence. If the defendant refuses to comply with the AYC process, AYC can return the case to Juvenile Intake for disposition. At completion of the case, the AYC closes the file and returns it to the referring authority. A criminal record is not accrued upon a finding of guilt.

2. Decision Making Process

AYC began with an ad hoc group of concerned attorneys, student's, teachers, juvenile authorities and

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