

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8277 SENATE HEALTH EDUCATION & SOCIAL SERVICES

SB

304

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/11/94

FURTHER: State Affairs
Finance

Date of 5-Day Notice: 4/24/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/26/94

HES Committee considered SB 304

Issuance and authorizing bonds by the Alaska Housing Finance Corporation to pay for the costs of repair and rehabilitation of student housing facilities of the University of Alaska; amending powers of the Alaska Housing Finance Corporation; amending the definition of "public building"; relating to Alaska debt retirement fund; etc.
and recommends:

replace with _____ CS SB 304 (HES)

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

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Dept of Revenue	2/11/94	✓	
Office of Governor	2/11/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Mike Miller
Duncan
Jy Ellis
Bob May

OTHER RECOMMENDATIONS:

Joseph E. Balo (No Rec)
Ronan J. Lerman Note
~~_____~~

Alone Rec No Recommendation

HB 466/SB 304 — Bonding for repair and rehabilitation of UA facilities

The Background

After years of inadequate funding, the backlog of deferred maintenance projects now totals more than \$150 million for the University of Alaska system. Over the past decade, the university has sought nearly \$180 million for maintenance projects, and received less than one third of that amount. The result is that the facilities on every campus, particularly the oldest campuses in Fairbanks and Ketchikan, are in dangerous states of disrepair.

Over the past decade, the university has sought nearly \$180 million for maintenance projects, and received less than one third of that amount.

Colleges and universities

around the country face similar problems. In 1988, inadequate funding forced U.S. colleges and universities to defer \$4 of needed maintenance for every dollar spent. The combination of flat funding and increasing enrollments continue to force institutions of higher education to "spend down" plant assets to meet these conflicting demands. The associated costs of these efforts are considerable. In addition to obvious problems of health and safety, there is a major loss of program flexibility, energy efficiency, and optimum space utilization in deteriorating facilities.

The Board of Regents has made capital improvement maintenance its highest priority and the university wants the problem resolved this year either through passage of bonding legislation or direct appropriation. Further, to avoid slipping backwards, the regents are requiring a three-to-four year plan to increase the amount of funds directed to ongoing maintenance.

Current Status

The governor and the legislature have a strong commitment to protecting the state's investment in its infrastructure. At the request of Governor Hickel, House Bill 466 and Senate Bill 304 have been introduced to

address \$75 million of the problem. The bills call for the Alaska Housing Finance Corporation to issue \$30 million in bonds for student housing, and the university to issue another \$45 million in bonds for repair of classroom, office and laboratory facilities throughout the system.

Anchorage campus	\$ 7,408,300
Kodiak Campus	230,300
Kenai Peninsula Campus	65,000
Mat-Su Campus	465,000
Prince William Sound Community Coll.	900,000
Fairbanks Campus	26,524,500
Bristol Bay Campus	300,000
Chukchi Campus	372,000
Kuskokwim Campus	1,047,100
Northwest Campus	756,700
AFES Palmer	402,000
AFES Mat Su	822,500
Juneau Campus	462,600
Ketchikan Campus	319,300
Sitka Campus	300,000

Bonds make sense this year because the state's outstanding debt service is declining, and bond interest rates last year were the lowest since the 1960s.

Position Paper

contact:

Wendy Redman 474-4782, Fairbanks
463-3085, Juneau

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
Bill Version: SB 304
(S) Publish Date: 2-11-94

Revision Date: _____

Department Affected: Office of the Governor

Title: "An Act authorizing issuance of bonds..."

BRU: Elective Operations

Sponsor: House Rules Committee

Component: General & Primary

Requestor: Governor

COMPONENT SERIAL NO. 0022

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

IND SOURCE	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY94) cost: 0

ANALYSIS: (Attach a separate page if necessary.)
Should bond sale require approval of the voters, the fiscal impact will be 2.2 or 53.4 if additional ballot required.

Prepared by: Joe Swanson, Director
Division: Division of Elections

Phone: 465-4611
Date: 2/10/94

Approved by Commissioner: Lt. Governor John B. Coghill
Office: Office of the Lt. Governor

Date: 2/10/94

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FISCAL NOTE

No. 2

Bill Version: SB 304

(S) Publish Date: 2-11-94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

Revision Date: February 11, 1994

Dept. Affected: Department of Revenue

Title: An Act authorizing the issuance of bonds by AHFC to pay for

(IRU): Alaska Housing Finance Corp

the costs of repair and rehabilitation of student housing facilities of U of A

Component: Operations

Sponsor: _____

Requestor: _____

COMPONENT SERIAL NO. 0110

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY85	FY86	FY87	FY88	FY89	FY90
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:

(Thousands of Dollars)

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
1008 GF/MHTIA	0	0	0	0	0	0
1022 Corporation Receipts	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 (FY94) Impact: 5 0

ANALYSIS: (Attach a separate page if necessary.)

Alaska Housing Finance Corporation does not anticipate any increased cost with the proposed amendments to AS 18.55.100, AS 18.55.288 and AS 37.15.011. The fiscal note indicates no incremental costs to the AHFC. There are expected to be expenses, costs and reserve funds associated with the issuance of the bonds and servicing of debt. Reserve funds, while not a cost or expense, will reduce the loan amount available to the University of Alaska. The costs and expenses associated with the financing will be taken into consideration in determining the payment obligations of the University of Alaska.

Prepared by:

Judith DeSpain

Phone: (907) 561-1900

Division:

Alaska Housing Finance Corporation

Date: February 11, 1994

Approved by:

[Signature]

Date: 2/11/94

Agency:

REVENUE

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FISCAL NOTE

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BILL NO. SB304

Revision Date: _____ Department Affected: **University of Alaska**
 Title: **Authorizing issuance of bonds by Ak. Housing** BRU:
Finance and UA for deferred maintenance Component: **all**
 Sponsor: **Governor**
 Requestor: **(S)HESS** **COMPONENT SERIAL NO.**

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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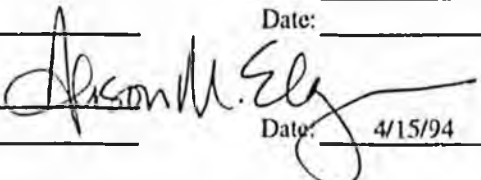
REVENUE FD SOURCE						
-------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)	FY95	FY96	FY97	FY98	FY99	FY00
1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND						
1006 GF/MHTIA						
OTHER						
TOTAL FUNDING	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
 The correction of deferred maintenance problems existing with University facilities is anticipated to reduce operations and maintenance costs of the facilities. The University is currently significantly underfunded for facility maintenance needs. Any realized savings will be reinvested in the maintenance of all University facilities to reduce deferred maintenance accrual.

Prepared by: Wendy Matheny, Budget Analyst Phone: 463-3086
 Division: Statewide Budget Office Date: _____
 Approved by: Alison Elgee, Director 
 Agency: Statewide Budget Office Date: 4/15/94

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

Analysis of Debt Retirement Needs

	\$45 million Facilities Repair & Rehabilitation	\$30 million Student Housing Repair & Rehabilitation
Construction	\$40,376,100	\$26,917,400
Issuance Expenses	\$900,000	\$600,000
	\$41,276,100	\$27,517,400
Financed Acquisition Cost	\$41,276,100	\$27,517,400
Required Debt Reserve (1 year payment)	\$3,723,900	\$2,482,600
	\$45,000,000	\$30,000,000
Total Project Cost	\$45,000,000	\$30,000,000
Term (years)	20	
Payments per year	4	
Interest rate	5.50%	
First payment due 1 year after issue		
Anticipated Annual Amount of Rental Obligatio	\$3,723,900	\$2,482,600
Total Lease Payments for 20 year term	\$74,478,084	\$49,652,058

*Bonds represent a three year construction program. Debt retirement for the second and third years of the program would be required for only those bonds issued and sold. Annual cost of debt service once all bonds have been sold will be \$6,206.5 utilizing a 5.5% Interest rate assumption.

**University of Alaska
Repair and Rehabilitation Bond Package
Student Housing Projects**

UA Anchorage

Anchorage Campus		\$2,455,000
Student housing complex	\$1,728,000	
Templewood Condominiums	\$727,000	
Prince William Sound Community College		\$664,000
Copper Basin Hall	\$40,000	
Cordova Hall	\$60,000	
Student Housing	\$394,000	
Valdez Hall	\$170,000	
Total UA Anchorage	\$3,119,000	

UA Fairbanks

Fairbanks Campus		\$22,793,700
Bartlett Hall	\$2,303,400	
Garden Apartments I & II	\$52,000	
Harwood Hall	\$1,534,500	
Hess Commons	\$294,200	
Hess Village	\$4,418,000	
Lathrop Hall	\$2,209,200	
McIntosh Hall	\$1,157,300	
Moore Hall	\$2,562,500	
Nerland Hall	\$1,117,200	
Skarland Hall	\$1,346,100	
Stevens Hall	\$1,068,000	
Student Apartment Complex	\$1,875,100	
Tilly Commons	\$1,381,000	
Wickersham Hall	\$1,475,200	
Kuskokwim Campus		\$75,000
Sackett Hall	\$75,000	
Total UA Fairbanks	\$22,868,700	

UA Southeast - Juneau Campus

Student Housing Complex	\$929,700	\$929,700
Total UA Southeast	\$929,700	

University of Alaska Total

\$26,917,400

	G	H	I
508	University of Alaska Deferred Maintenance		
509	Non-Residential Projects - by Campus, by Building		
510			
511	Arts Building		23,000
512	Auto/Diesel Building		35,000
513	Aviation Tec. Ctr.		19,000
514	Campus		2,904,435
515	Campus Center		175,000
516	College of Arts & Science		246,100
517	Cuddy Center		110,700
518	Downtown Center		337,950
519	Hartlieb		152,000
520	Buliding K		626,300
521	Library		440,000
522	McDonald		277,450
523	Monserud		604,500
524	Science Building		86,800
525	Short Buliding		564,000
526	Sports Center		412,265
527	Student Center		295,000
528	Williamson		98,800
529		Anchorage Campus Total	7,408,300
530			
531	Campus, KOC		194,800
532	Voc-Ed, KOC		35,500
533		Kodiak Campus Total	230,300
534			
535	Homer, KPC		65,000
536		Kenai Penninsula Campus Total	65,000
537			
538	Campus, MSC		240,000
539	Kertula, MSC		225,000
540		Mat-Su Campus Total	465,000
541			
542	PWSCC		900,000
543		PWSCC Total	900,000
544			
545	University of Alaska Anchorage		9,068,600
546			
547			
548	AIIRC		740,000
549	Brooks Building		427,414
550	Bunnell Building		1,910,000
551	Bunnell House		10,000
552	Coal Lab		25,000
553	Consitution Hall		180,000
554	Duckering Building		2,112,000
555	Elvey Building		400,000

	G	H	I
556	Fine arts		1,430,000
557	Geist Museum		1,039,350
558	Gruening Building		70,000
559	Irving I		1,803,000
560	Irving II		385,000
561	O'Neill Building		4,438,000
562	Patty Center		6,100,000
563	Patty Ice Arena		850,000
564	Physical Plant		170,000
565	Rasmuson		570,000
566	UAF Campus Wide		2,909,736
567	Utilities		765,000
568	Wood Center		190,000
569		Fairbanks Campus Total	26,524,500
570			
571	Dillingham		300,000
572		Bristol Bay Campus Total	300,000
573			
574	Admin/Classroom		347,837
575	MAU-WIDE		24,963
576		Chukchi Campus Total	372,800
577			
578	All		150,000
579	Phase I (YLC)		26,000
580	Phase I-II		10,000
581	Phase I-III		30,000
582	Phase III		756,138
583	Sackett Hall		74,962
584		Kuskokwim Campus Total	1,047,100
585			
586	Bookstore		80,000
587	Brown		225,648
588	CES/Storage		41,000
589	Classroom		90,000
590	MAU-WIDE		105,052
591	Nagozruk		115,000
592	Sats A-D		100,000
593		Northwest Campus Total	756,700
594			
595	HSG 1-8		110,008
596	Main Office/Lab		291,992
597		AFES Palmer Total	402,000
598			
599	AG Lab		150,000
600	All		300,000
601	North Garage		9,961
602	Sewage Treat		125,000
603	Straw Mix Facility		37,539

	G	H	I
604	Water Reservoir		200,000
605		AFES Mat-Su Farm Total	822,500
606			
607	University of Alaska Fairbanks		30,225,600
608			
609			
610	Anderson		78,005
611	Bill Ray		12,095
612	Child Care		9,333
613	Child Center		6,667
614	Egan		93,900
615	Lee Street		46,600
616	Marine Tech		14,666
617	Mourant		41,333
618	Novatney		24,000
619	UAS Site		20,000
620	Soboleff		33,334
621	Welding Lab		60,000
622	Whitehead		22,667
623		Juneau Campus Total	462,600
624			
625	Hamilton		16,000
626	Paul/Ziegler/Robert		216,800
627	Ziegler		86,500
628		Ketchikan Campus Total	319,300
629			
630	Hangar 332		300,000
631		Sitka Campus Total	300,000
632			
633	University of Alaska Southeast Total		1,081,900
634			
635	Total Non-Residential Deferred Maintenance Projects		40,376,100
636			
637		Bond Issuance Costs	900000
638		Required Debt Reserve	3723900
639	Total Bond Issue		45,000,000

A M E N D M E N T

TO: SB 304

Page 1, line 3, after "University of Alaska":

Insert "and for the construction of new student housing facilities at the University of Alaska Anchorage and the University of Alaska Southeast"

Page 2, line 23:

Delete "\$30,000,000

Insert "64,500,000. Of the bonds authorized by this section, bonds in an amount not to exceed \$30,000,000 may be issued"

Page 2, line 26, after "bonds":

Insert", bonds in an amount not to exceed \$28,500,000 may be issued for the planning, design, construction, and furnishing of new student housing facilities at the Anchorage campus of the University of Alaska and to pay related costs, including costs of issuing the bonds, and bonds in an amount not to exceed \$6,000,000 may be issued for the planning, design, construction, and furnishing of new student housing facilities at the University of Alaska Southeast and to pay related costs, including costs of issuing the bonds"

UNIVERSITY OF ALASKA ANCHORAGE
STUDENT HOUSING DEVELOPMENT PHASE II
FY 95

project need:

The University of Alaska, Anchorage needs and can support operationally additional STUDENT HOUSING. UAA's Housing Master Plan projects housing growth to 1,436 beds in 1995, today there are 384 beds. Today, the UAA housing office gives preference to those students living beyond the greater Anchorage area. The housing office maintains substantial waiting lists throughout the semester for any available housing openings and today can provide housing to only 2.6% of its students. Local students are seldom able to derive benefits from an on-campus living experience.

UAA today needs 600 additional beds. Dorm style housing is the most cost effective and efficient method to provide this number of beds. Additionally, dorm style housing will provide UAA with a mix of housing types, that of new dormitory rooms and existing apartments.

This facility will include shared dorm rooms with associated compartmentalized bathrooms, accessory spaces for study, lounge, laundry etc. and food service. A food service plan will be a part of the housing program for dorm and apartment students and is an essential part of a campus residential life program.

An alternative that would meet a portion of the demand would be the reduction to a 300 bed facility with food service.

project budget: \$28,500,000

A capital appropriation of \$28.5 million, will fund planning, design and construction costs. This facility would be constructed adjacent to the existing student housing facilities on University land.

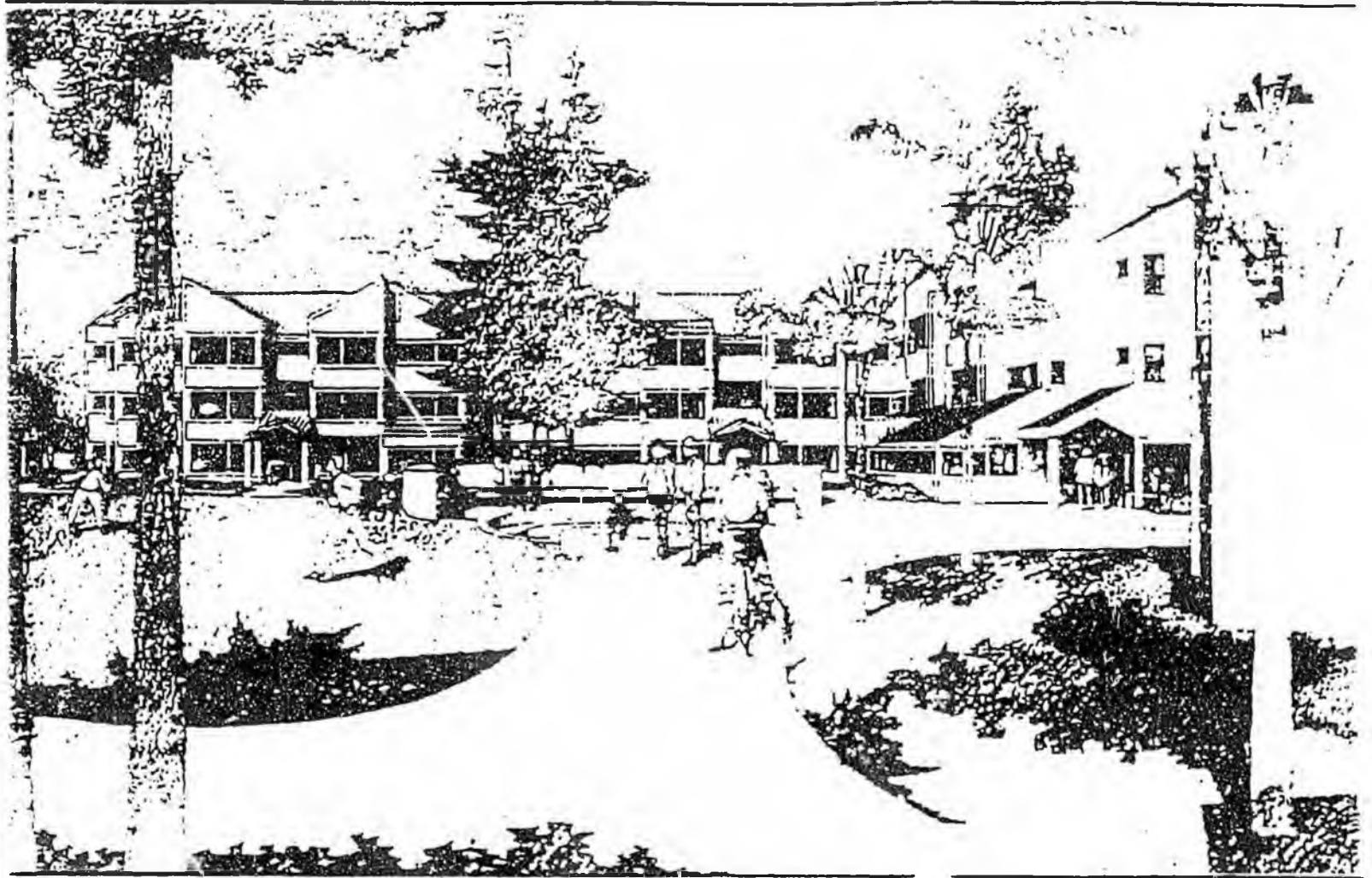
If bond indebtedness were to fund the 600 bed Phase II Housing Project, then the total cost would be \$57,150,000. This reflects a debt term of 15 years at an annual debt service cost of \$3,810,000 per year.

The cost for a 300 bed Phase II Housing Project would be capital cost of \$19 million, with a bond indebtedness cost of \$38,100,000 with a debt term of 15 years with annual debt service cost of \$2,540,000 per year.

project benefit:

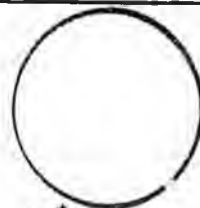
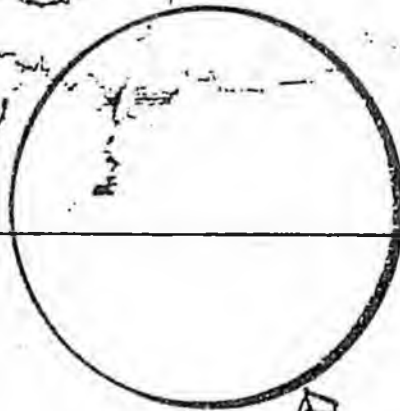
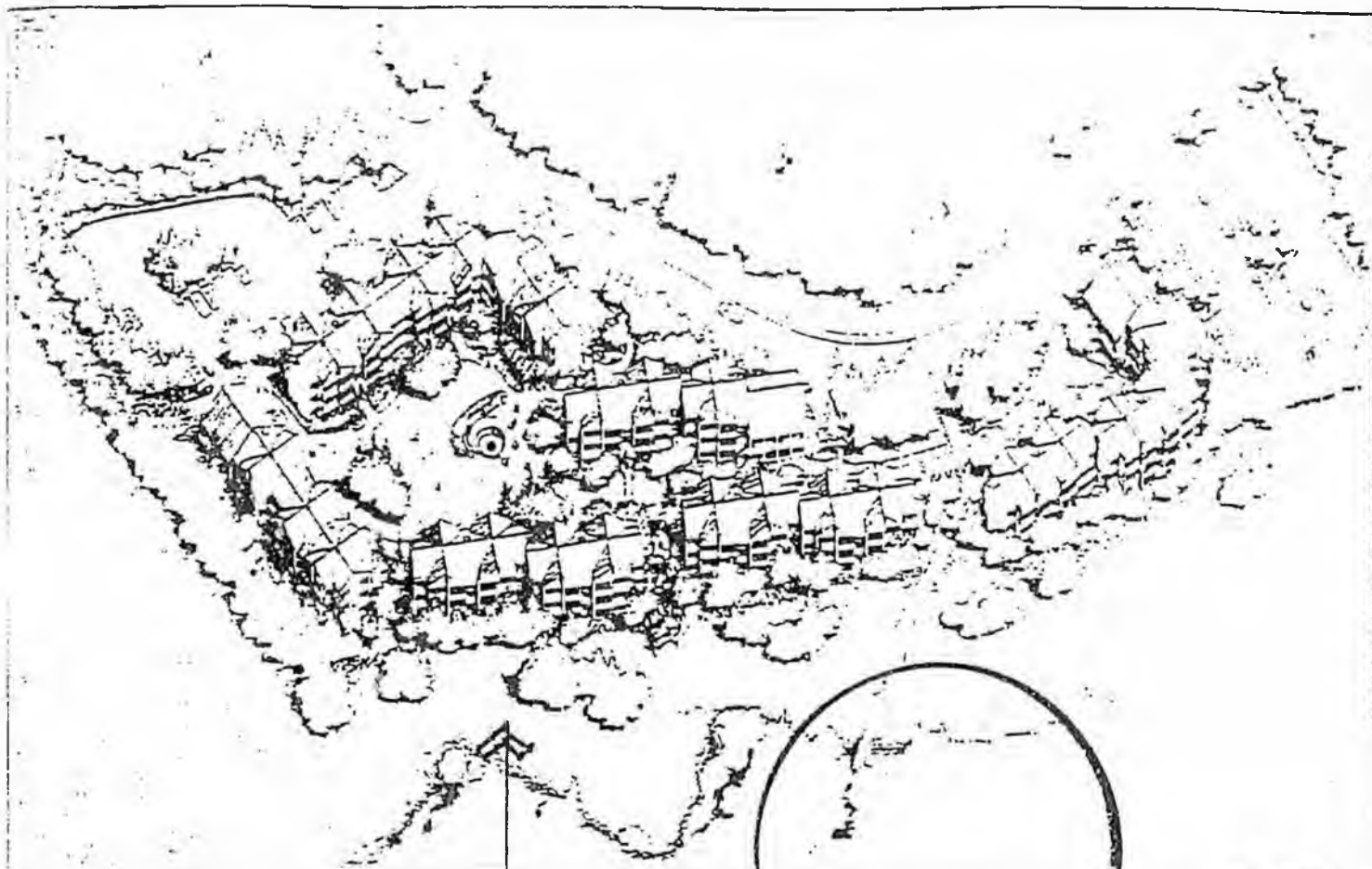
This additional student housing will benefit the University of Alaska Anchorage with additional beds, affording more students a residential campus-life experience. Additional benefits will accrue to the Municipality of Anchorage and State of Alaska with more students spending money in the community for goods and services, creating an economic benefit for those business. This would provide additional tax revenue in the community.

The additional beds will also provide the University of Alaska Anchorage a greater opportunity for summer educational conferences, which will bring educators from across the country to our city, which also translates into additional revenue to our community and the State of Alaska.



UNIVERSITY OF ALASKA STUDENT HOUSING

Anchorage, Alaska



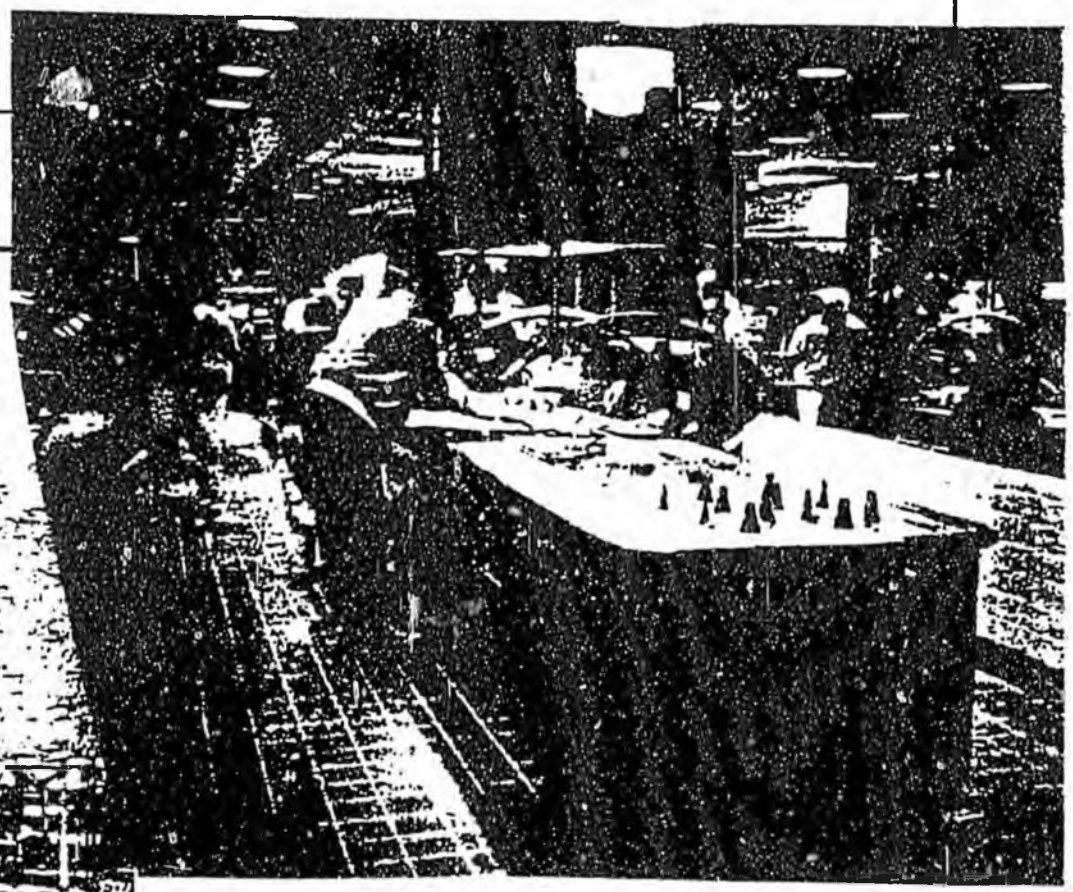
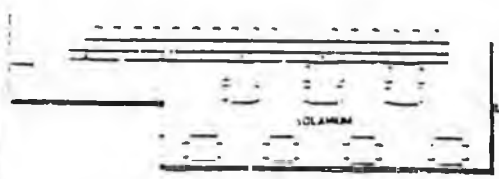
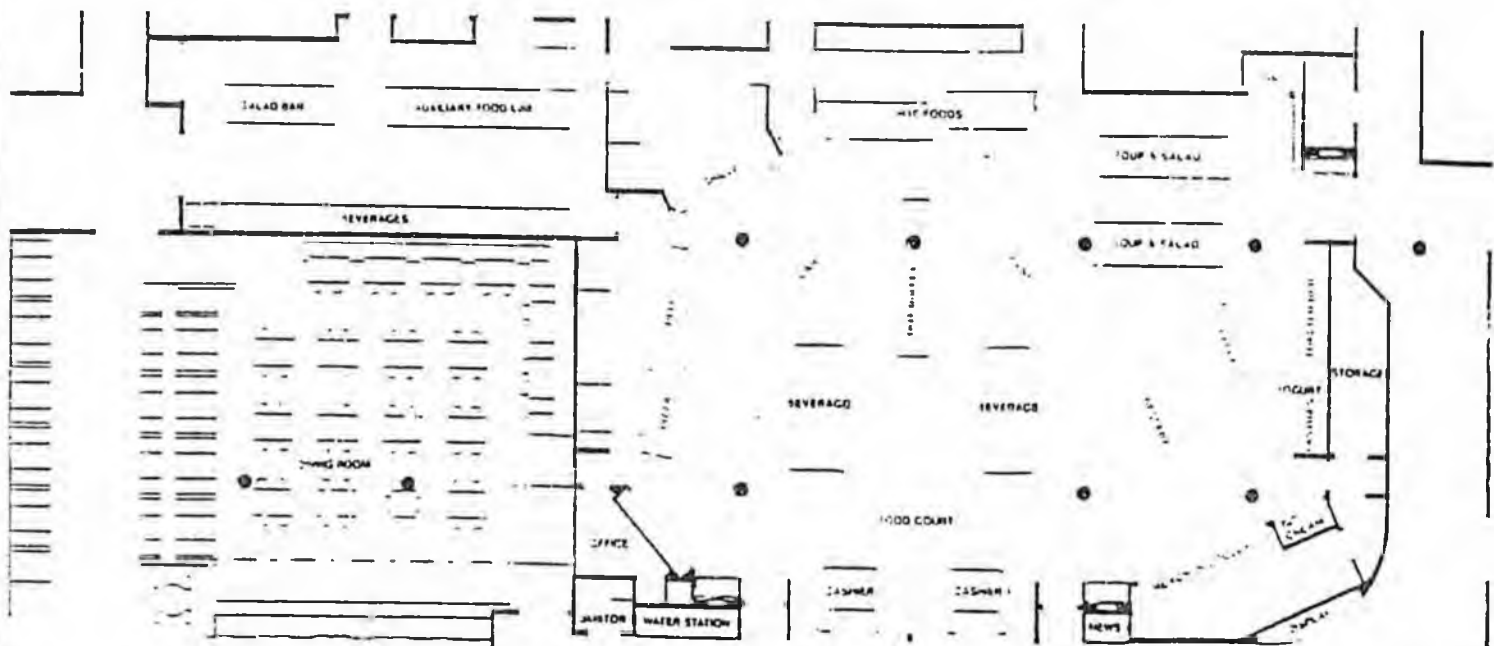
Existing Housing
Gagnon Lane

Student Housing Phase II

Existing Templewood Housing

STUDENT HOUSING PHASE II will support both existing and new housing with food service.

FOOD SERVICE - an essential part of a campus residential life program



	300 Beds Plus Food Service	600 Beds Plus Food Service
Project Costs		
Food Service for 600 300 Beds	\$7,500,000	\$7,500,000
600 Beds	\$11,500,000	N/A
	N/A	\$21,000,000
Total Project Cost	\$19,000,000	\$28,500,000
Bond Issuance Costs		
Fees	\$100,000	\$100,000
Issuer Discount	\$243,000	\$364,500
Capitalized Interest	\$2,756,600	\$4,134,900
Required Debt Service Reserve	\$2,641,250	\$3,961,375
Interest Earned during Construction	(\$451,385)	(\$677,323)
Rounding	\$1,035	\$1,555
Total Bonds Issued	\$24,290,000	\$36,385,000
Debt Term	15 years	15 years
Annual Debt Service	\$2,540,000	\$3,810,000
TOTAL BOND PAYBACK	\$38,100,000	\$57,150,000

TABLE IV.12: **

Expected Occupancy of Students

<u>Phase</u>	<u>Occupancy By Phase *</u>	<u>Accumulated Occupancy *</u>	<u>Demand for Occupancy</u>	<u>Occupancy Year</u>
1	224	224	950	1985
2	224	448	1,060	1987
3	224	672	1,162	1989
4	448	1,120	1,436	1995
5	448	1,568	1,634	2000
6	248	1,816	1,813	2005

* = Expected occupancy per construction schedule

The recommendation is for the purpose of facility programming rather than just demand for student housing.

** Information from Campus Housing Feasibility Study/Market Analysis by Leonard Lane Associates.

TABLE IV.13: *

Applications and Placement in Housing
As a Percentage of Full-Time Enrollment,
By Control and Type of Institution,
Fall 1980

Control and Type of Institution	Housing Applications as a Percentage of Full-time Enrollment	Students Placed in Housing as a Percentage of	
		Housing Applications	Full-time Enrollment
All Institutions	46	35	39
Universities	40	34	33
4-year Colleges	51	37	45
2-year Colleges	43	75	32
Public Institutions	38	33	32
Universities	36	86	31
4-year Colleges	43	79	34
2-year Colleges	28	36	24
Private Institutions	61	88	53
Universities	53	79	42
4-year Colleges	62	95	59
2-year Colleges	76	66	50

UAA % of students placed in housing is 2.6%

* Information from Campus Housing Feasibility Study/Market Analysis by Leonard Lane Associates.

SB

312

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 3/10/94
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/17/94

HESS Committee considered SB 312

"An Act relating to school construction grants; and providing for an effective date."

and recommends:

- replace with _____ CS SB 312 (HES)
- attaches amendment(s)

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

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Education	3/14/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Nick Miller
Don DeLuca
Bob Murphy

OTHER RECOMMENDATIONS:

Jim Moran - No Rec
Bill Miller - No Rec
Judy Sals - No Rec

8-LS1734E ✓

Ford

3/14/94

CS FOR SENATE BILL NO. 312(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to school construction grants and to interscholastic school
2 activities; and providing for an effective date."

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

4 * Section 1. AS 14.11.013(c) is amended to read:

5 (c) The department may

6 (1) modify a project request when necessary to achieve cost-
7 effective school construction;

8 (2) require that school construction in a project request be phased;

9 and

10 (3) reject project requests and omit them from the six-year schedule due

11 to

12 (A) [(1)] incomplete information or documentation provided by
13 the district;

14 (B) [(2)] a determination by the department that existing

1 facilities can adequately serve the program requirements, or that alternative
2 projects are in the best interests of the state;

3 (C) [(3)] a determination that the project is not in the best
4 interest of the state.

5 * Sec. 2. AS 14.07.058 and 14.07.059 are repealed.

6 * Sec. 3. This Act takes effect July 1, 1994.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SPONSOR STATEMENT Senate Bill 312

Under current law, the Department of Education must accept or reject a school construction project *in toto*; a project can only be rejected if found to be "not in the best interests of the state", an undefined standard that could easily lead to litigation if used by the department. SB 312 would allow DOE to modify or revise the scope of submitted projects to assure that schools are adequately sized for the community to be served. In addition, SB 312 would allow DOE to require that school construction projects be phased, an approach which has worked extremely well for other grant programs such as village safe water. A phased-in approach will allow DOE an opportunity to review projects through their development and make adjustments as needed.

An all-or-nothing approach to approval of school construction projects is not effective either for school districts or for the department, and this bill seeks to remedy the situation.

DP:jf
3/16/94

FISCAL NOTE

STATE OF ALASKA

BILL NO. SB312

1994 LEGISLATIVE SESSION

Revision Date: March 14, 1994

Department Affected: Education

Title: "An Act relating to school construction grants; and providing for an effective date."

BRU: School Finance

Component: Educational Facilities Support

Sponsor: Senate Finance Committee

Requester: Senate Finance Committee

COMPONENT SERIAL NO. 1957

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

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

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

FUNDING:

(Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary.) The proposed legislation provides an opportunity for the department to modify a school construction or major maintenance capital improvement project request in order to achieve cost effective construction and provides for phased funding of capital improvement projects.

Please see the attached continuation page for additional detail.

Prepared by: Duane Guiley

Division: School Finance

Phone: 465-8679

Date: March 14, 1994

Approved by Commissioner: [Signature]

Jerry Covey

Agency: Education

Date: March 14, 1994

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FISCAL NOTE (continued): DEPARTMENT OF EDUCATION

Division School Finance Bill Number SB 312

Bill Title "An Act relating to school construction grants; and providing for an effective date."

Sponsor Senate Finance Committee

As proposed, Senate Bill 312 provides an opportunity for the department to modify a school construction or school major maintenance capital improvement project request in order to achieve cost effective construction. Further, the proposed legislation provides for phased funding of a capital improvement project.

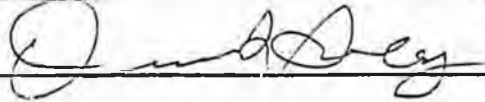
In 1993, the eligibility, classification, evaluation and prioritization of public school capital improvement projects changed significantly, due to passage of CSSB 7(FIN) am H. Section 9 of Chapter 78 of the 1993 Session Laws of Alaska established a new Bond Reimbursement and Grant Review Committee (BR&GRC). In addition to other duties, the committee shall develop criteria for construction of schools in the state, including requirements to achieve cost effective construction and establish a form for the grant applications. SB312 matches the recommendations of the BR&GRC.

The committee has forwarded a recommendation to the commissioner which requires a standardized facility evaluation and condition survey to be attached to each 1996 full funding project request. The committee also recommended that applications lacking the detailed architectural and engineering facility condition survey, which documents the deficiencies of the existing facility, should receive no more than a planning grant. These standardized documents will allow the department to objectively assess the feasibility and the merits of phase funding the project. The BR&GRC indicated that a district can not reasonably determine the scope or cost of a project without conducting a detailed analysis of the existing facilities.

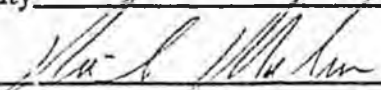
This proposed statute will facilitate the implementation of the recommendations of the Bond Reimbursement and Grant Review Committee.

APPROVED:

Director Duane Guiley Division School Finance

Signature  Date March 14, 1994

Commissioner/Deputy _____

Signature  Date 3/15/94

Alaska State Legislature

Senator Steve Rieger, Chair
Senator Bert Sharp, Vice Chair
Senator Loren Lemman
Senator Mike Miller
Senator Jim Duncan
Senator Johnny Ellis
Senator Judith Salo



State Capitol
Room 516
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

MEMORANDUM

TO: HESS Committee Members
Senator Bert Sharp, Vice Chair
Senator Mike Miller
Senator Johnny Ellis
Senator Loren Lemman
Senator Jim Duncan
Senator Judy Salo

FROM: Senator Steve Rieger, Chair *SR*

DATE: March 16, 1994

The Committee Substitute for SB 312 adds Section 2, which repeals AS 14.07.058 (Alaska School Activities Association), and 14.075.059 (Alaska school activities fund). These statutes are attached.

Alaska School Activities Association was incorporated in 1986, and is supported solely through private funding. ASAA became ASAA, Inc. It was formed as a non-profit corporation so that it could accept donations from private sources. It was formulated with the same personnel, virtually the same by-laws, constitution, and function as ASAA.

Repealing existing statutes AS 14.07.058 and .059 would accomplish the following:

1/ ASAA, Inc., would continue to operate as a nonprofit corporation, supporting statewide tournaments, administrative functions, litigation defense and other expenses, etc., through private fundraising efforts

2/ The repeal of these statutes would remove the Department of Education's exposure to litigation over rulings of the Board of Control of ASAA, Inc. (on eligibility waivers or penalty rulings, for example).

Sec. 14.07.035. Accounting and disposition of receipts. [Repealed, § 28 ch 90 SLA 1991.]

Sec. 14.07.040. Supplies and equipment for state-operated schools. [Repealed, § 34 ch 46 SLA 1970.]

Sec. 14.07.050. Selection of textbooks. Textbooks for use in the public schools of the state shall be selected by district boards for district schools. (§ 1 ch 98 SLA 1966; am § 1 ch 96 SLA 1970; am § 2 ch 205 SLA 1970; am § 25 ch 59 SLA 1982)

Sec. 14.07.052. State Textbook Commission. [Repealed, § 2 ch 96 SLA 1970.]

Secs. 14.07.053 — 14.07.054. [Renumbered as AS 14.07.053 — 14.07.059.]

Sec. 14.07.055. Expenses and per diem. [Repealed, § 19 ch 53 SLA 1973.]

Sec. 14.07.057. Transmittal of textbook selections. A school board that selects its own books shall forward a list of the selections to the department. (§ 1 ch 98 SLA 1966)

14.058. Alaska School Activities Association. (a) There shall be within the department the Alaska School Activities Association.

(b) The purposes of the association are to provide for the efficient governing of interscholastic activities through the promotion of those activities and other interschool contests or programs sanctioned by the association and to assist in the promotion of those other activities and interests as it may from time to time elect.

(c) A public or private school or school district in the state may become a member of the association if it applies for membership. The department shall make applications available to all public or private schools or school districts in the state.

(d) The governing body of the association shall be the board of control with at least one member from each judicial district on the board of control. A member of the board shall be elected from each regional activities association by the members of that region. The term of office for each member is two years.

(e) The board of control in consultation with the department shall appoint an executive secretary and prescribe the duties and fix the salary of that executive secretary. The executive secretary shall serve at the pleasure of the board of control.

(f) *[Repealed, § 21 ch 14 SLA 1987.]*

(g) The department shall approve the association's constitution and bylaws to ensure that all regions of the state are treated on an equitable basis and in the best interests of the state. (§ 1 ch 128 SLA 1976; am § 45 ch 6 SLA 1984; am § 21 ch 14 SLA 1987; am § 10 ch 30 SLA 1992)

Revisor's notes. — Formerly AS 14.07.053. Renumbered in 1982.

Effect of amendments. — The 1992 amendment, effective May 16, 1992, deleted an exception clause from the end of subsection (d).

Opinions of attorney general. — The Alaska School Activities Association still

exists as a legal entity within the Department of Education, its board of control is still responsible for making eligibility decisions in accordance with its bylaws, and the state board still acts as an appeal body under those bylaws. Jan. 6, 1988 Op. Att'y Gen.

Sec. 14.07.059. Alaska school activities fund. (a) The Alaska school activities fund is established in the general fund under the administration of the department.

(b) The commissioner shall review the budget request of the Alaska School Activities Association and request a sum the commissioner approves that is equitable to all regions of the state.

(c) School districts and member schools of the Alaska School Activities Association may appropriate money to the fund.

(d) The department shall deposit in the Alaska school activities fund all fees, including membership fees and activity and events fees collected by the Alaska School Activities Association. (§ 1 ch 128 SLA 1976; am §§ 17, 18 ch 138 SLA 1986; am § 4 ch 90 SLA 1991)

Revisor's notes. — Formerly AS 14.07.054. Renumbered in 1982.

amendment, effective July 3, 1991, in subsection (d), deleted the former second and third sentences.

Effect of amendments. — The 1991

Sec. 14.07.060. Regulations. The board shall adopt regulations that are necessary to carry out the provisions of this title. All regulations shall be adopted under AS 44.62 (Administrative Procedure Act). (§ 1 ch 98 SLA 1966; am § 8 ch 96 SLA 1967)

NOTES TO DECISIONS

Quoted in State v. Northern Bus Co., 693 P.2d 319 (Alaska 1984).

Stated in Turley v. Municipality of Anchorage Sch. Dist., 631 P.2d 67 (Alaska 1980).

Cited in State v. Bering Strait Regional Educ. Attendance Area Sch. Dist., 658 P.2d 784 (Alaska 1983).

Sec. 14.07.070. Withholding state funds. State funds may not be paid to a school district or teacher that fails to comply with the school laws of the state or with the regulations adopted by the department. (§ 1 ch 98 SLA 1966)

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85. Appoin-
95. Term
105. Quoru-
115. Remov-
125. Meetin-
135. Legal
145. Comm.

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SB

313

STATE COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: L&C
Finance

Date of 5-Day Notice: 3/17/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/21/94

HESS Committee considered SB 313

"An Act relating to the Comprehensive Health Insurance Association and to health insurance provided to residents of the state who are high risks; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
- attaches amendment(s)

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

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DEED	2/15/94	✓	

Department	Date	Zero	Fiscal

- Appropriation No Fiscal Note
- Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

[Signature]

OTHER RECOMMENDATIONS:

Mike Miller No Rec.

John Ellis No Rec.

Patrick G. Heals No Rec

Drew A. Homan No Rec

[Signature] Vice Chr. No Rec

Chair: Signature and Recommendation



Alaska State Legislature

SENATE

Official Business

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

SB 313 HIGH RISK HEALTH INSURANCE SENATOR JAY KERTTULA

The amendments to current statute as set out in this bill are intended to address problem areas identified by the Comprehensive Health Insurance Association after two years of experience.

First, the Association requests that the law be extended to cover health maintenance organizations or other managed care arrangements on the approval of the director and provides that these entities become members of the Association. Membership is a condition of doing business in the state. This amendment would ensure equity among business by providing an even playing field.

If health maintenance organizations and managed care arrangements are brought into the Association, then the Association may provide insurance to residents through these organizations.

Section 3 and 4 of the bill provide additional forms of deductibles, copayments and maximums. This amendment does not change the requirement to offer a policy with the original limitations, but does respond to requests by residents seeking only catastrophic insurance with high deductibles. This change enables the director to respond to this type of request.

Section 5 broadens the ability of the Association to offer policies to groups that maintain healthy life styles without changing the basic requirement that premium rates be based on age and geographic location. This amendment will enable the Association to offer nonsmokers, for example, a lower premium rate.

Section 6 further defines eligibility for the state plan. This section would disqualify those residents who were eligible to be covered by a plan subject to the Small Employer Health Reinsurance Association and states that when a resident moves out of state, they cannot renew or purchase insurance from this Association. However, their current insurance is allowed to lapse at the regular date.

Section 7 and 8 require payment of the premium with the request for insurance instead of being billed by the Association. This is an administrative convenience and will save the Association from sending out the initial bill. Presently, the Association sends the billing information when the application is accepted.

Section 9 explicitly gives the Association director the ability to formulate policy and adopt regulations.

Section 10 provides a member of the board of the association with immunity from civil or criminal liability for an act or omission in good faith and within the scope of the director's duties. This is especially important to the public members of the board to protect them from lawsuits when they have acted in good faith in fulfilling their duties on the board.

Section 11 essentially allows the director to accept an application for coverage in cases where two denials of coverage seem to be superfluous. Presently, an applicant is required to be rejected by two insurance organizations before they can apply to the Association. With this amendment, the director, under certain circumstances, can accept an application without the two rejections.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 313

Revision Date: _____
Title: Health Insurance for High Risk Residents
Sponsor: Senator Kerttula
Requestor: _____

Department Affected: Commerce and Economic Development
BRU: Insurance
Component: Operations
COMPONENT SERIAL NO. 354

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

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

Estimate of current year (FY 94) cost: \$ 0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Prepared by: Joan Brown, Administrative Officer
Division: Insurance

Phone: 465-2597
Date: 2/15/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 2-15-94

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FEB 16 1994

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Mail Stop 3101

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

MEMORANDUM

February 16, 1994

SUBJECT: Sectional Summary of SB 313

TO: Senator Jay Kerttula

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that health maintenance organizations and managed care arrangements are required to be members in the Comprehensive Health Insurance Association, as a condition of doing business in the state.

Section 2. Allows the association to make insurance available to residents through a health maintenance organization or a managed care arrangement.

Section 3. Technical amendment.

Section 4. Allows the association to offer other forms of deductible, copayment, or applicable maximums than specified under AS 21.55.120(c).

Section 5. Allows the association to base premium rates on factors other than age or geographic location, if approved by the director.

Section 6. Establishes eligibility requirements for enrollment in a state insurance plan.

Section 7. Requires payment of the first premium, before a person can enroll in the state insurance plan.

Section 8. Repeals the requirement that the association forward billing information to an enrollee.

Section 9. Provides that the director of the division of insurance may formulate general policy and adopt regulations necessary to administer AS 21.55.

Section 10. Provides a member of the board of the association immunity from civil or criminal liability, for an act or omission in good faith and within the scope of the director's duties.

Section 11. Amends the definition of "residents who are high risks" to include residents who meet other requirements adopted by regulation consistent with AS 21.55 and that indicate the person is unable to obtain insurance as would a person considered a standard risk.

Section 12. Effective date.

MFF:lmb:mi
94-060.lmb

SB

319

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

gms

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 2/17/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/23/94

HESS Committee considered SB 319

"An Act relating to the possession of controlled substances within 500 feet of recreation and youth centers; and permitting municipalities to install 'drug-free recreation and youth center zone' signs."

and recommends:

- replace with _____ CS _____ ()
- attaches amendment(s)
- adopts _____ Letter of Intent
- further referral to the _____

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

- do pass
- do not pass
- no recommendation
- individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Public Safety	2/22/94	✓	
HSS	2/22/94	✓	

Department	Date	Zero	Fiscal

- Appropriation No Fiscal Note
- Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Steven A. Lujan
Andrés G. Salo
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

Alan Rios Do Pass
Chair: Signature and Recommendation

Alaska State Legislature

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3111 C Street, Suite 150
Anchorage, AK 99503-3925
(907) 561-2038
Fax (907) 561-4194



During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-4993
Fax (907) 465-3872

Senator Drue Pearce
District F

Sponsor Statement

Senate Bill 319 takes the idea of "Drug-Free School Zones" and expands it to include the areas around "recreation and youth centers." This includes buildings, structures, playgrounds and athletic playing fields. The legislation stiffens the penalties on people who possess drugs where children go to play.

Criminal justice, education, and substance abuse prevention leaders agree that the best resolution to the current drug epidemic lies in reducing the demand for illegal drugs, particularly among youth. The reason we create neighborhood playgrounds and recreation centers is to provide healthy alternatives for our citizens. Children and adults should not be intimidated by people who push or possess illegal substances in these areas.

Under SB-319, if a person is caught with drugs within 500 feet of a recreation or youth center, they will be charged with either misconduct involving a controlled substance in the third degree or the fourth degree, depending on the nature of the drug. Both of these are felony charges. Current statutes provide for only misconduct involving a controlled substance in the fourth degree or fifth degree (a misdemeanor). The proposed penalties are the same as current statutes for "Drug-Free School Zones."

Anchorage Police Chief Kevin O'Leary says the area around recreation and youth centers are fertile ground for those who promote and sell drugs to children. Officer Patrick O'Brien, a police/school liaison officer, says the parking lot of the Fairview Recreation Center is the site of a huge drug trade. The director of Spenard Recreation Center says the local drug dealer lives across the street. We must give law enforcement officials additional weapons to stop this illegal activity.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB319

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to possession of controlled BRU: Alcohol & Drug Abuse
substance within 500 ft of recreation & Youth Center Component: Administration
 Sponsor: Senator's Pearce, Kelly & Lincoln
 Requestor: _____ COMPONENT SERIAL NO. 302

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year (FY94) cost \$ _____

ANALYSIS: (Attach a separate page if necessary)
 This Bill has no fiscal impact upon the Department of Health and Social Services

Prepared by: Suzanne Perry
 Division: Alcoholism and Drug Abuse
 Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Phone: 465-2071
 Date: 02/18/94
 Date: 2-22-94

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Mail Stop 3101

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

MEMORANDUM

February 22, 1994

SUBJECT: Sectional Summary of SB 319
(Work Order No 8-LS1736/A)

TO: Senator Drue Pearce .
Attn: Ken Erickson

FROM: Jerry Luckhaupt *JEL*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.71.030(a)(3)^{1/} by providing that it is illegal to possess any amount of a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center.^{2/}

Section 2 of the bill amends AS 11.71.030(b) to provide that it is an affirmative defense to a prosecution for possessing a schedule IA or IIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center and that the possession did not involve distributing, dispensing, or possessing with the intent to sell.

^{1/} AS 11.71.030 is misconduct involving controlled substance in the third degree, a class B felony, which is punishable as provided in AS 12.55.125(d)(imprisonment) and 12.55.035(fine).

^{2/} Schedule IA and IIA controlled substances are identified at AS 11.71.140 and 11.71.150, respectively.

Senator Drue Pearce
February 22, 1994
Page 2

Section 3 of the bill amends AS 11.71.040(a)(4)^{3/} to make it illegal to possess a schedule IIIA, IVA, VA, VIA controlled substance at or within 500 feet of a recreation or youth center.^{4/}

Section 4 of the bill amends AS 11.71.040(b) to make it an affirmative defense to a prosecution for possessing a schedule IIIA, IVA, VA, or VIA controlled substance at or within 500 feet of a recreation or youth center that the possession occurred entirely within a private residence located within 500 feet of the recreation or youth center.

Section 5 of the bill provides a definition of "recreation or youth center."

Section 6 of the bill amends AS 28.01.010(d) by providing a new paragraph (2) that allows municipalities to post "drug-free recreation or youth center zone" signs.

GPL:gc
94-148.glc

^{3/} AS 11.71.040 is misconduct involving controlled substances in the fourth degree, a class C felony, which is punishable as provided in AS 12.55.125(e)(imprisonment) and 12.55.035(fine).

^{4/} Schedule IIA, IVA, VA, and VIA controlled substances are identified at AS 11.71.160, 11.71.170, 11.71.180, and 11.71.190, respectively.



**ALASKA COUNCIL ON
PREVENTION
OF ALCOHOL AND DRUG ABUSE, INC.**

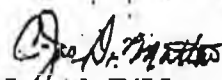
February 22, 1994

Senator Drue Pearce
Senate
State Capitol, Room 508
Juneau, AK 99801-1182

Dear Senator Pearce:

This letter is in support of S.B. 319. It seems logical to me that any area where young people gather we have a responsibility as a community to protect them as much as possible. This bill sends that kind of message. It also gives the police the authority to take action if these violations occur. Substance use and abuse have been on the decline for the past few years, however when it comes to young people that's still the area where most problems are occurring. So anything that can continue to assist this problem from rising again we should support. These areas where young people gather are most vulnerable for this kind of activity. We have to let the young people know that we are working in their best interest. I am very grateful for this legislation it proves to me that you and your colleagues are very concerned about the teenagers of our communities. Prevention is the only hope we have for the future. Best of luck with this bill.

Sincerely,


Joseph DiMatteo
Executive Director

/JDM



Tom Fink, Mayor

ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET ♦ ANCHORAGE, ALASKA 99507-1599
 TELEPHONE (907) 786-8500



Service since 1921

2/22/94

Senator Drue W. Pearce
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, Alaska 99801-1182

Dear Senator Pearce:

I have received a copy of proposed legislation, Senate Bill 319, which widens the scope of areas designated as drug-free zones. As you may already know, the areas around recreation and youth centers are indeed fertile ground for those who promote and sell drugs to our children. The fact that buildings, playgrounds and athletic fields have been included in the bill enhances the effectiveness of this important legislation.

The Anchorage Police Department, in cooperation with the School District, does its very best to protect our youth from drugs by education, counseling, and by vigilance in and near schools. However, it is time to attack the drug problem on as many fronts as possible. We enthusiastically support SB 319 and its goals to eradicate drugs from any area where children may be present, and to severely punish those who would possess, use, promote or sell controlled substances near our children.

Sincerely,

Duane S. Udland
 Duane S. Udland
 Deputy Chief of Police

~~XXXXXXXXXX~~ CORRECTED

Post-It™ brand fax transmittal memo 7871 # of pages 1

To <i>Senator Drue Pearce</i>	From <i>Chief O'Leary</i>
Co. <i>(Ken Erickson)</i>	Co. <i>APD</i>
Dept.	Phone # <i>786-8590</i>
Fax # <i>765-8872</i>	Fax # <i>786-7638</i>

Alaska Recreation and Park Association

PO Box 102664
Anchorage, Alaska 99510-2664

February 17, 1994

Representative Jim Nordlund
Alaska State Capitol
Juneau, Alaska 99801-1182

Rep. Nordlund:

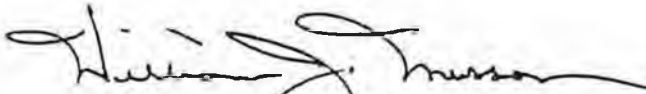
Thank you for your sponsorship of House Bill No. 337 and for sharing a copy of this proposed legislation with me. After studying the bill this week, asking for opinions from my membership and then sharing it with my own city Police Chief for his comment, I believe HB337 will greatly benefit communities throughout our state and will assist the goals of the Alaska Recreation and Park Association (ARPA).

Not only does HB337 clear up current law and make it more enforceable, but it extends stiffer penalties for possession of controlled substances to include zones where young people play and recreate, as well as where they attend school. It is an unfortunate fact of life that drugs are available and readily accessible throughout our state, but we should not tolerate this condition and should take steps like HB337 to "say no to drugs" and to drug dealers.

ARPA believes recreation and play should be a positive experience. We support HB337 and other efforts like it that would help say "NO!" to those who would enter our parks, play areas and recreation centers to ruin that positive experience and to potentially ruin the lives of those we serve.

Please feel free to contact me at any time regarding this issue or any other involving recreation and parks, and I thank you for your fine efforts.

Sincerely,



William J. Musson, President
Alaska Recreation and Park Association

cc: ARPA Board of Directors

Municipality of Anchorage



PARKS AND RECREATION

P O BOX 196650
ANCHORAGE, ALASKA 99519-6650

TOM FINK
MAYOR

Representative Jim Nordlund
Alaska State Capitol
Juneau, AK 99801
February 18, 1994

Letter of Support for House Bill No 337

As Director of the Spenard Community Recreation Center and speaking from a youth oriented perspective, I support House Bill No 337. Having read the bill I believe that setting up drug free zones for youth and recreation centers will greatly benefit not only the Spenard Community Recreation Center, but similar areas across the state. The bill will benefit the youth of the community and hopefully prevent any problems with controlled substances.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Perrin".

Sharon Perrin, Director
Spenard Community Recreation Center

ANCHORAGE POLICE DEPARTMENT EMPLOYEES ASSOCIATION

4501 South Bragaw Street

Anchorage, Alaska 99507-1599



Representative Jim Nordlund
Alaska State Legislature
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

February 3, 1994

Dear Representative Nordlund:

The Anchorage Police Department Employees Association strongly endorses House Bill 337. The Association feels that youth and recreation centers should be drug free zones that offer families and children recreational opportunities free of infringements from street predators.

Recognizing that the expanded wording in this statute is the first step toward aggressive, proactive enforcement, the A.P.D.E.A. encourages all legislators to support HB 337. This will send a clear message throughout the state's criminal justice system that this legislature means business by targeting specific elements of the criminal community who have blatantly and deviously infringed on areas which should be oases of childhood innocence and strongholds of wholesome family activities.

The represented employees of the A.P.D.E.A. stand firm in our support of HB 337 and commend your efforts pertaining to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Heun". The signature is fluid and cursive.

Sgt. Rob Heun
President, A.P.D.E.A.

Survey of State Attorneys General Shows Encouraging Signs

Recently, the National Coalition for Drug-Free School Zones conducted a national survey of state Attorneys General to determine which states have Drug-Free School Zone (DFSZ) legislation and to discover new innovations in the area of Drug and Weapon-Free School Zone legislation. The survey questioned whether:

- Each state has a DFSZ law in effect or pending before its legislation.
- There has been a legal challenge to that DFSZ law.
- The legislation has been amended.
- A Weapon-Free School Zone (WFSZ) law is in effect, pending, or proposed.

Of the forty-five states which responded to the survey:

- Forty have DFSZ laws in effect.
- Sixteen have amended their DFSZ legislation, enhancing the penalties for drug offenses or designating specific places (such as public housing facilities) as Drug-Free Zones.
- Twelve states have enacted WFSZ legislation
- Seven states have a WFSZ provision pending before the state legislature.

Currently, Drug and Weapon-Free School Zone legislation is pending before the Texas and Nebraska state legislature.

The states of North Dakota, Ohio, and West Virginia do not have DFSZ or WFSZ legislation enacted or proposed.

In Nevada, legislation has been enacted which extends the boundaries of a Drug-Free Zone to encompass a 1,000 foot area surrounding playgrounds, public swimming pools, recreational centers for youths, and college campuses. This amendment poses an additional penalty for violations occurring within 1,000 feet of a school bus stop, one hour before school begins and one hour after school ends during scheduled school days. The legislation also designates the 1,000 foot area surrounding a video arcade as a Drug-Free Zone.

The Coalition supports the position taken in Nevada because these provisions recognize that any area in which children congregate should be protected from drug offenders. The Nevada legislature has also passed a provision prohibiting the possession of dangerous weapons on the property of the University of Nevada system, as well as public or private schools, and within vehicles of a public or private school.

New Jersey, which has been a leader in the Drug-Free School Zone initiative,

has amended its legislation clarifying that in a case involving DFSZs: the fact that no juveniles were present or that school was not in session at the time of the offense, is not an adequate defense. The state successfully defended a legal challenge to its DFSZ law in which the court upholds the law which finds the 1,000 foot distance provision in the statute not vague or over-broad. A bill establishing Weapon-Free Zones is pending before the State of New Jersey Senate and General Assembly. This bill, if passed, will make it a crime to knowingly possess a dangerous weapon "in or upon any part of the buildings or grounds of any school, college, university, or other educational institutions...irrespective of the fact that the offender possesses a valid permit to carry the firearm."

Utah's DFSZ legislation has been amended to include shopping malls, public parks, churches, recreation centers, video arcades, parking lots, and stadiums. The statute also includes increased penalties for offenses involving persons under 18, regardless of where the offense occurs.

An amendment extends to Wisconsin's DFSZ law to include public parks, pools, youth and

**NATIONAL COALITION FOR DRUG-FREE SCHOOL ZONES
NATIONAL SURVEY RESULTS**

STATE	DFZ	DFZ PENDING	LEGAL CHALLENGE	AMENDED	WFZ	WFZ PENDING
AL	.			.		
AK	.					
AZ	.			.		.
AR	.					
CA	.					
CO	.					.
CT	.			.	.	
DE	.					
DC	.					
FL	.					
GA	.					
HI	.					
ID	.					.
IL	.			.	.	
IN	.					
IA	.		.	.		
KS	.				.	
KY	.					
LA	.				.	
ME	.					
MD	.		.			
MA	.		.			
MI	.			.		
MN	.			.	.	
ME	.					
MO	.		.			
MT	.					
NE	.	.				.
NV	.			.	.	
NH	.					
NJ
NM	.					
NY	.			.	.	
NC	.				.	
ND	.					
OH	.					
OK	.					
OR	.			.		
PA	.					
RI	.			.		
SC	.			.		
SD	.					
TN	(no response)					
TX	.	.				.
UT	.			.	.	
VT	.				.	
VA	
WA	.					.
WV	.					
WI	.			.	.	
WY	.					

community centers, and school buses. This amendment also contains a provision enabling officials to increase the maximum term of imprisonment prescribed by law by five years. However, Wisconsin's WFZ law is restricted to areas designated as a "school zone."

Connecticut has added a provision which extends the DFZ law to include public housing projects and has

enacted a WFSZ law. This is similar to the Minnesota DFSZ legislation which provides for increased penalties for drug and weapon offenses which occur within a school zone, public housing zone or park zone.

The NCDFSZ is encouraged by the developments in the Drug-Free School Zone initiative, especially those provisions including public housing

projects, recreational centers and parks. Hamish Park, Coalition Program Director, anticipates that more states will expand their Drug-Free Zone legislation to include additional public places. The Coalition is currently compiling Weapon-Free Zone legislation in order to provide a model for those states wishing to enact WFSZ laws. ♦

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO: SB 319

Revision Date: _____ Dept. Affected: Public Safety
 Title: Drug Free Recreation and Youth Centers BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: SENATOR PEARCE
 Requestor: SENATOR PEARCE COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
<small>Revenue Code</small>						

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

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact anticipated.

Prepared By: Lee Ann Lucas Phone: 465-4322
 Division: Commissioner's Office Date: 2/22/94
 Approved by Commissioner: *[Signature]* Date: 2-22-94
 Agency: Richard J. Burton Dept. of Public Safety

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SB

323

Alaska State Legislature

SENATOR
MIKE MILLER

P.O. Box 55004
Nashville, Alaska 99705
(907) 488-1500

Senate District 12

State Capitol
Juneau, Alaska
99801-1182
(907) 586-4979

Senate

SENATE BILL 323

Requiring DFYS to videotape interviews with minors

Senate Bill 323 requires the State Division of Family & Youth Services (DFYS - housed within the Department of Health & Social Services) to videotape initial interviews with children who are alleged to have been abused through reports made to the Division. This measure is aimed at strengthening the process social workers use to conduct investigations into reports of abuse or suspected abuse.

Currently, when the DFYS receives a report, an initial interview is conducted to determine whether further action is necessary in the interest of the child who is alleged to have been abused. This is done privately and the official record of the interview is derived from notes taken by the case worker. This record, and similar records taken from subsequent interviews, are extremely important in that they provide the basis for serious action including police involvement and the state taking custody of a child if deemed necessary.

These investigations into reports of abuse and neglect are subjective in nature and at times lead to unwarranted action that can have severe and lasting impacts on families. No matter what the level of dedication and professionalism of social workers, improper judgement is as much a reality as the correct and proper assessments of situations of abuse or neglect. The state has emphasized the importance of responding to child abuse to protect the well being of children and to ensure the most stable and supportive environment possible for growth, nurturing and development.

In many cases removal from the home is absolutely necessary and, without question, the most appropriate action. However, it is equally important to ensure that when such action is inappropriate it does not take place. In both cases, it is the well being of the child that is the priority.

There can be no more accurate record of the substance of an interview than the actual interview itself which would be obtained through a video tape recording as required by Senate Bill 323. It will provide factual, objective information when a review of an interview is necessary to back up actions taken by DFYS. Conversely, it will verify for a case worker's supervisor or for a court those unfortunate circumstances when the state's action subsequent to an interview is not appropriate.

SB 323 is not intended to hinder the efforts of DFYS toward stopping child abuse. It is intended to provide an accurate record of the interviews conducted so that subsequent appropriate action can be verified and inappropriate action can be reversed. Thank you for your consideration of Senate Bill 323.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Southcentral Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	850.2	872.9	898.5	923.7	952.1	980.9
TRAVEL						
CONTRACTUAL	26.8	26.8	26.8	26.8	26.8	26.8
SUPPLIES	33.0	57.7	61.0	63.9	67.2	70.5
EQUIPMENT	173.3		2.5	2.5	5.0	5.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	1,083.3	957.4	988.8	1,016.9	1,051.1	1,083.2

POSITIONS:

FULL - TIME	21	21	21	21	21	21
PART - TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/18/94
 Date: 2-22-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Northern Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	658.3	675.9	703.0	722.5	745.4	767.8
TRAVEL						
CONTRACTUAL	20.4	20.4	20.4	20.4	20.4	20.4
SUPPLIES	28.0	29.2	30.4	31.6	32.8	34.0
EQUIPMENT	132.0		1.3	1.3	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	838.7	725.5	755.1	775.8	801.1	824.7

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	838.7	725.5	755.1	775.8	801.1	824.7
1006 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	838.7	725.5	755.1	775.8	801.1	824.7

POSITIONS:

FULL-TIME	16	16	16	16	16	16
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/18/94
 Date: 2-22-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB323

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Requiring Interviews of Children BRU: Family & Youth Services
Allegedly Abused or Neglected to be Videotaped Component: Southeastern Region
 Sponsor: Senator Miller
 Requestor: Senate (HES) COMPONENT SERIAL NO. 0258

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	364.4	374.1	385.1	395.9	408.1	420.4
TRAVEL						
CONTRACTUAL	11.5	11.5	11.5	11.5	11.5	11.5
SUPPLIES	5.0	14.5	15.0	15.5	16.0	16.5
EQUIPMENT	74.3			1.3	2.5	2.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	455.1	400.1	411.6	424.2	438.1	450.9

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	455.1	400.1	411.6	424.2	438.1	450.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	455.1	400.1	411.6	424.2	438.1	450.9

POSITIONS:

FULL-TIME	9	9	9	9	9	9
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

This bill would require that all interviews with children alleged to have been abused or neglected be videotaped. DFYS would need to purchase video camera's for every field office, multiple cameras for larger offices where generally several interviews are occurring at the same time; for example, Anchorage may have four to six interviews proceeding at the same time. Staff would need to operate the camera's, there are not sufficient staff as it is to provide existing services. DFYS envisions hiring Social Service Associate III's to accompany social workers and operate the camera's.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
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 Date: 2-22-94

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FAIRBANKS

Daily News - Miner

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JACK KNEFCE
Asst. Managing Editor

SAM BISHOP
Editorial Page Editor

Tape the child abuse interviews

The ability to take abused children from their homes constitutes one of the most important yet intrusive powers we citizens have granted our governments. We should make every effort to make sure that when it's done, it's done right.

Two Fairbanks legislators have introduced legislation that would advance that goal. Sen. Mike Miller and Rep. Jeannette James, Republicans from North Pole, want to require the state Division of Family and Youth Services to videotape the interviews it conducts with children who the agency suspects have been abused.

The division opposes the bills, HB 350 and SB 323, saying they would cost millions to implement. A representative claims the agency would have to hire 16 more people just in the Interior to handle the videotaping. Overstatement is a kind word for this kind of reaction.

The rule would force the division to take children from schools and homes to a central office for the interviews, intimidating and potentially embarrassing them, the representative said. That again seems to be an overreaction. Video cameras are so portable and inconspicuous these days, and children are so familiar with them, that the interviews could be conducted virtually wherever the child is found.

Storage of the tapes could also pose a problem, the agency claimed. So transfer the video to CDs, which take far less space.

In fact it's surprising the agency does not create at least an audio tape of each interview already. Such a tape would provide the decision makers in such situations—judges and juries—with an irrefutable record of the interview.

That should build trust in the system, which we obviously need. Right now in Fairbanks, we have a citizen's group bashing division employees for being overzealous and twisting the facts in these cases. They foster suspicions that social workers ask leading questions, stimulate the imaginations of the young minds and exploit the children's natural desire to give the "right" answer. Well-meaning social workers might also fall for a vengeful child's fantasy, they note.

Division employees, as trained professionals, are understandably appalled at such accusations. So if they believe they are in the right, they should welcome this bill as an opportunity to strengthen their position, a way to tell the critics to put up or shut up.

The video rule also should give parents more confidence that the system is treating them fairly. They will know that the basic building blocks of the state's case will not have been sifted through the written notes and recollections of a social worker bent on bagging an abuser.



Another Devastating
Hot-Air Strike.

Laws seeking ac erode buying po

When completing every detail of paperwork, including full graphic displays on the latest word processor printout, becomes more important, absorbs more time, talent and treasure than solving the problem for which the program was created, then the lawmaking field has failed.

For example, let's assume that a real need has been identified, that the intent of the lawmakers to meet that need is clear, that funding is adequate—yet, if the focus is upon procedures rather than results, the program is likely to come up short of expectations.

Perhaps there are so many conditions or restraints in place limiting performance that the agent for doing what needs to be done is constrained, at times even blocked, from taking appropriate action. Is the harness too cumbersome for the action to flow?

Instances of this seem to abound at all levels of government. Why? Our system of governance was not designed to produce poor results for the money spent.

Let's say that \$1 million has been appropriated for the year-long maintenance and upkeep of a major public facility. It is in reasonably sound condition, no roof to replace, no heating or ventilating system to overhaul, no access arrangements for handicapped people to be added, no critical major renovation—just day-to-day maintenance that will keep the facility functional serving the millions assigned to it.

Changing a light
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than bulb-changing
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name of "account-
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Willia
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come greater than the
hired to do the maintain

Changing a light bulb
comes an expensive prop-
there is more paper-hand-
ly than bulb-changing.
then, that lawmakers keep
sing highly detailed legi-
the name of "accountabi-
reams of "conditions
pliance." Here are mor-
locks that add to the bur-
many "worker watchers
maintenance may not get
the paperwork does. Y
budget ax falls, the maint
deferred. The \$1 million
legally spent, but not
maintenance tasks origi-
tended.

FEBRUARY 4TH 1994

SENATOR MIKE MILLER;

HB350

I AM WRITING WITH GREAT CONCERNS THAT THE FULL EFFECT OF PASSING HB350 ARE NOT BEING REALIZED ! THIS CAN HELP US ALL FULL CIRCLE ... INCLUDING IT'S OWN FUNDING BY AUTOMATIC LESSENING OF THE REPORTS... Alaska leads the U.S. by 60% in child abuse rate BECAUSE WE DO NOT DEAL WITH FALSE ALLEGATIONS! (PER, D.F.Y., SOCIAL WORKERS DO NOT EVEN LEARN ABOUT THIS) THUS CREATING A VEHICLE OR TOOL FOR THOSE TO USE TO DESTROY THE LIVES OF INNOCENT FAMILIES. ARE WE PROUD TO LEAD THIS IN OUR COUNTRY? THE FUNDING THAT IS GOING FOR THIS NOW, COULD BE USED FOR TRAINING SOCIAL WORKERS TO LEARN HOW TO RECOGNIZE..DEAL WITH...AND TO HOLD ACCOUNTABLE, THE PERSON(S) MAKING FALSE ALLEGATIONS OF CHILD ABUSE (FED. PL100-294 / OR STATES IGNORING THESE LAWS PL96-272)WHICH ADDRESSES ("FALSE ALLEGATIONS OF ABUSES OR NEGLECT ON JUVENILES") THE REALITY IS THAT WE ARE OVERDUE... FOR THIS CHANGE! THERE ARE (STATE-VS.-PERRONE WASH. STATE 1993, SUED C.P.S.) STATES WHERE THE SOCIAL WORKERS ARE BEING SUED FOR THE DIRECT EFFECT, THAT THE DECISIONS THAT ARE BEING MADE ON ONES FAMILY, HAS ON THIER LIVES... AND A FALSE ALLEGATION IS A SERIOUS ALLEGATION TO THE CHARACTER OF ANY INNOCENT PERSON. THERE IS NO ANY ONE WAY THAT THIS IS HANDLED IN OUR COURTS, DFYS, SHELTERS OR FOSTERCARE PROGRAMS. NO ONE HAS OR GIVES THE TIME TO LISTEN, OR TO WORK WITH THE FACT THAT KIDS LIE !!!!! AS DO THE PEOPLE I HAVE DEALT WITH THRU THE ENTIRE SYSTEM ! DO WE WANT TO SEE "ACCOUNTABILITY" FOR ALL OR FOR THOSE WHOSE LIVES ARE BEING DESTROYED.... JUST TO DEAL WITH A DYSFUNCTIONAL SYSTEM..: THERE IS NO GOING BACK ONCE YOU'VE WRONGED SOMEONE ...OR AN ENTIRE FAMILY. I AM TRYING TO JUSTIFY ... WHY ARE WE AFRAID TO PROTECT THE FOUNDATION OF OUR STATE... THE PEOPLE, ...OUR FAMILIES. I CAN ASSURE YOU THAT WE HAVE ENOUGH FAMILIES CRYING OUT TO YOU THAT WOULD VOLUNTEER TO HELP PUT THIS SYSTEM INTO PLACE SO THAT THIS COULD NEVER HAPPEN AGAIN IN OUR SYSTEM.

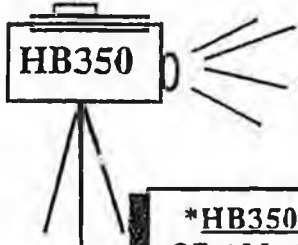
AT A JUVENILE MEETING OF A "CHILD IN NEED " I OBSERVED 8 STATE EMPLOYEES TO DECIDE WHERE THE CHILD WOULD SPEND CHRISTMAS... WITH THE "SPECIALIZED-FOSTERCARE PARENTS OR MOM... AT THE RATE THESE PEOPLE WERE PAID, ALONG WITH THE TIME TAKEN TO DECIDE WHAT???.? WELL THERE WAS A "TOP OF THE LINE VIDEO RECORDER" IN WASTED MEETING \$\$\$\$ THESE AGENCIES NEED AUDITED...! IN THE D.F.Y.S. REGULATIONS IT STATES AMIDST THE INTERVIEW... "NOW TURN ON THE RECORDER"... WE HAVE REPORTS BEING WRITTEN AS AFTER THOUGHTS DUE TO LACK OF TIME FOR SOCIAL WORKERS HAVE TO SPEND ON A CASE... WHO LOOSES???.? THE KIDS, PARENTS AND THE FAMILY UNIT. THERE IS A TRUE FEAR OF "ACCOUNTABILITY" FROM THE AGENCIES...TO THOSE WHO GOVERN THOSE AGENCIES, TO THE REPORTERS THEMSELVES. (and everything in between) THIS IS A BEGINNING STEP IN A CHANGE THAT IS HAPPENING EVERYWHERE, IT IS IN EPIDEMIC PROPORTIONS NATIONWIDE. PLEASE ADDRESS THIS ISSUE WITH FULL FORCE TO PASS IT THRU. I WOULD LIKE TO RECOMMEND A STATEWIDE TELECONFERENCE THAT WOULD BE FOR PUBLIC COMMENT, A.S.A.P., AS WE WOULD SHOW ONCE AGAIN THE (RE; FAMILY REVIEW TASK FORCE WHICH ADDRESSED HUNDREDS OF CASES AS EXAMPLES OF WRONGS BY THE SYSTEM.) THESE ARE REAL PEOPLE... WITH REAL FEARS OF THE POWER OF A SYSTEM ..."THAT IS BROKEN" ! For 10 years Alaskans have cried-out-ignored!!! FALSE ALLEGATIONS = \$\$\$\$\$\$ OPEN CASES = \$\$\$\$\$\$ MATCHING GRANTS!!!! THIS CAN BE REFERED TO IN REDUNDANT CASES AS "DOUBLE DIPPING" IT SEEMS THAT COUPLED WITH HB314, THE RICO BILL, HUSH RUSH, THEY JUST WANT US TO SHUT-UP AND GO AWAY... WHICH FUELS MY FIRE TO WANT CHANGE !!! THE LESS WE SPEND ON DESTROYING FAMILIES, WE COULD EDUCATE OUR SYSTEM TO DEAL WITH THIS. LET THE PENDULUM SWING FULL CIRCLE AS NO ONE INCLUDED FALSE ALLEGATIONS, THUS LEAVING OUT THE LARGER PART OF AN ABUSED SYSTEM WHICH SET OUT "FOR THE PEOPLE". BUT AS ALWAYS... PEOPLE ABUSE ITS REAL INTENT, FROM WITHIN AND FROM WITHOUT... !!!

SINCERELY

JODI DELANEY

488-1931

P.O. BOX 56873 North Pole, Ak. 99705 (home address)



SENATOR MIKE MILLEK
REPRESENTATIVE JANET JAMES
REPRESENTATIVE GENE THERRIAULT

***HB350 MANDATORY VIDEO RECORDING
OF ALL ALLEGATIONS OF CHILD ABUSE, SEXUAL
ABUSE OF A MINOR, OR NEGLECT. (this would
include any and all interviews, including the
report of harm)**

To omit intimidating interviews! With hidden cameras, many such rooms already exist, thus saying this system is in reality... in place in most areas this can be a shared facility to hold interviews, where they are doing this now!

*** ACCOUNTABILITY ***

TO LESSEN SYSTEM ABUSE
CUTBACK / FALSE ALLEGATIONS
PROTECT FAMILIES / AGENCIES
EDUCATE SOCIAL WORKERS (W/ \$\$ SAVED ABOVE)

KEEPING FAMILIES TOGETHER
WORKING WITH FAMILIES
HARD COPY BACKUPS / REPORTS OF ALL INTERVIEWS
BACKGROUND CHECKS / S. WORKERS
BACKGROUND CHECKS / FOSTERCARE PROVIDERS
LOOSEN CONFIDENTIALITY / PARENTAL ACCESS
1ST STEP TOWARDS OUR FAILING SYSTEM
RESTITUTION TO FAMILIES
(HOW DO YOU TAKE IT ALL BACK...?)
REVERSE (highly abused) IMMUNITY TO REPORTERS
LIMIT THE # AGENCIES INVOLVED / REDUNDANT \$\$\$
(I.E.; DFYS CONTRACTING A CHILD IN NEED TO ANOTHER AGENCY
+ COUNSELORS, + G.A.L., MULTIPLE MIDDLE MAN \$\$) most often
omitting the family of the child in need...!

THIS WILL ENFORCE ACCOUNTABILITY TO ALL... THUS PROTECTING
FAMILIES, SOCIAL WORKERS, FOSTER CARE PROVIDERS, CHILDREN, THE
SYSTEM WILL BE ABLE TO TRAIN TO RECOGNIZE A PART THAT
MUST HAVE BEEN AN OVERSIGHT
"FALSE REPORTING"

***ACCOUNTABILITY SEEMS TO SCARE THE SYSTEM
I GUESS THAT SPEAKS FOR ITSELF!
THUS JUSTIFYING OUR REASONS FOR ...**

CONCERNED PARENTS ^{FOR} REFORM
P.O. BOX 56054 , North Pole, AK. 99705-1054
488-1931 / 488-9323 / 488-7511

ALLIANCE OF ALASKA

CONCERNED PARENTS FOR REFORM
FAIRBANKS/NORTH POLE/INTERIOR
P.O. BOX 56054
NORTH POLE, ALASKA 99705-1054
ATTN; V. P. Jodi Delaney
(907 488-1931 / 488-9328/ 488-7511)

*HAINES
*WRANGLE
*BETTLES
*JUNEAU

**please send us any groups that you know of to continue our network. If we can all support the same items There is power in numbers*

FAMILIES FOR THE REFORM OF SOCIAL SERVICES

(907 -852-6047/852-5527)
BARROW, ALASKA
President; Reginald Bright

CONCERNED PARENTS FOR REFORM
ANCHORAGE
3740 BONIFACE PARKWAY #2
ANCHORAGE, ALASKA 99504
(907 337-6508)
*Jackie Lythgo

VICTIMS OF THE STATE HOMER
5023 Meadow Dr. Homer, Ak.
99603,
Walley, Linda Guthler
(former V.O.S./Valdez)

ALASKA FAMILY SUPPORT GROUP, INC.
P.O. BOX 111691
ANCH., ALASKA 99511-1691
(907 344 -7707 / 274-7358)
PRESIDENT; JIM ARNESEN

P.A.C.T.
PARENTS AND CHILDREN TOGETHER
1070 BISCAYNE DR.
KEANI, ALASKA 99611
(907 283-9502/ 283-1981
ATTN; RICH DEMELLO / JOHNNY BARR
FAX #262-5403

VICTIMS OF THE STATE/DELTA JCT.
P.O. Box 704
Delta Jct. Ak. 99737-0704
907-895-4805/Geanne Phipps
Gene Ottenstorer, Peter Rynard

CONCERNED PARENTS OF NOME
P.O. Box 820, NOME AK. 99762
907-
Attn: Maggie

BECAUSE WE CARE ENOUGH TO SEEK CHANGE...



A Family Affair

Advocating the Human Rights and Sovereignty of the Family unit

The strength of a Nation lies in the strength of the family

Thomas R Hiser, President . 1931 Eagan Street . Fairbanks, Alaska 99701

AUGUST 27, 1993

Senator Mike Miller
P.O. Box 55094
North Pole, Alaska 99705

Senator Miller;

I'm writing today, in regards to a problem that has seemed to become a serious local issue...that being the unwarranted and unlawfull removal of children from their families, by the Division of Family and Youth Services, here in Fairbanks.

I speak on these issues, because of my first-hand experience with this agency, and the things that I have observed them doing with my wife, and children. I have attached some information with this letter, that I would appreciate if you would review.

There are many things that are nt included in this letter, or information, and I would be more than happy to discuss these things with you, at your convienience. If you could please contact the attorney stated below, and give me a time which would be best for you, I would be greatfull.

Because of the unlawfull actions of DFYS, our children were unlawfully kept from my wife, for a period of a year, and I was arrested, charged with sexual abuse of a minor, and am now serving a 30 year sentence...even though the caseworker, (Cliff Robbins) stated that he coerced false testimony from my children, and my children also told Lynn (my wife) that "they" [the caseworker] made him say things that he knew wasn't right. I have attached an article that I have written, "And Justice for All", with this packet of information. All of the facts therein, are verifiable, and Mr. Robson, Attorney at Law, can discuss these things with you, if you could take a few minutes to please contact him.

This is a serious issue, and seems to be becomming more widespread, every day that I open a newspaper. Ultimately, the children are the ones paying the biggest price for the injustice, and transgressions of the "over-zealous" social workers, and prosecutors who apparently have no concern for "justice", so long as they can get a conviction. I would appreciate it if you could review this material, and please respond in some fashion. I look forward to hearing from you, and thank you for your time and concern in this matter.

Respectfully;

Thomas R. Hiser

Contact Attorney Arthur L Robson, Fairbanks, Alaska ... (907) 457-6983 ... FAX (907) 457-6987

FAIRBANKS DAILY NEWS-MINER

Letters to the Editor

Thursday, August 19, 1993

Victims of the State, Delta Branch

RE: DFYS

FAIRBANKS DAILY NEWS-MINER

Letter to the Editor
Thursday, August 19, 1993

To the Editor;

It has come to the attention of the Victims of the State, Delta Branch, that during a period of time 20 blue-eyed, blond-haired children under the age of 5 were taken from the North Pole area by the Division of Family and Youth Services.

We would like information from parents or friends on the status of these 20 children.

Contact Victims of the State, Delta Branch, 895-4805, or Concerned Parents for Reform, 452-7401.

We would also like to know of any children kidnapped by Health and Social Services, DFYS, for it is illegal for them to seize children under the federal law.

We would like to know how a caseworker aide of Delta Junction can prevent a teen age child from receiving a needed heart operation?

We would like to know why this caseworker and the state have not been charged with willfull neglect of a minor of the State of Alaska?

We again call for a grand jury investigation into the criminal activities of the Department of Health and Social Services, Family and Youth Services Division.

We want to know why the governor's and the state attorney general's offices have not acted on our legal complaints against Health and Social Services, to date?

We call for a grand jury investigation into their handling of the state of Alaska's children and their welfare.

Signed,

Victims of the State-Delta Branch

EMERGING GROUP CRITICAL OF DFYS ACTIONS

Fairbanks Daily News-Miner

Wednesday, July 28, 1993

By: KATIE RIPLEY

Staff Writer

Emerging Group Critical of DFYS Actions

Fairbanks Daily News-Miner

Wednesday, July 28, 1993

By: KATIE RIPLEY

Staff Writer

Out of control. Above the law. Accountable to no one. These are phrases a new parent group uses to describe the state Division of Family and Youth Services, an agency of social workers and counselors that, among other things, tries to protect children from abuse and neglect in the home.

Some members of the group Concerned Parents for Reform go even further when describing perceived problems at the division: "DFYS will steal your children," one member said at a recent meeting in North Pole.

The group, about 15 active members, said the agency has a policy of "take the kids now, investigate later" by presuming the parents are always guilty.

"They're hiding behind confidentiality laws," said Mike Floto of Fairbanks, president of Concerned Parents. He argued that the agency lacks accountability to the public because it can hide behind laws that prohibit discussion of cases.

Many members of the group are parents on the losing end of custody battles. Some claim their children, or their children's school counselors, have filed false sexual or physical abuse reports. Some believe the state wrongfully took their children and placed them in foster care.

Mike Floto, and his wife, Jackie, have been foster parents for the last three years. During that time, they saw caseworkers only a few times. Such workers, who are usually overwhelmed, cannot adequately oversee the foster-care program, they said.

The Flotos said a third party is needed to serve as a liaison between hurt and angry parents and social workers. An external audit of DFYS is needed as well.

Since the group formed in April, it has attracted the attention of Lt. Gov. Jack Coghill, and Health and Social Services Commissioner Ted Mala. Mala, DFYS Director Deborah Wing, and the agency's northern region administrator, Ron Parker, met with the group last week at North Pole City Hall.

Parents presented a slew of allegations, and asked dozens of questions, but few answers came that night. Later, Mala said, his division will listen to concerns but vague accusations won't help.

Any system that is a human system will always have different interpretations of rules and regulations, Mala said. "When you're dealing with a sensitive issue like your children, sometimes it's difficult to be objective."

But Mala said he wants a conference in Fairbanks before the summer is over to bring together representatives of his division, the courts, and attorney general's office. Police officers and legislators may also attend, he said. If change within the department is warranted, it likely would become obvious during such a gathering, Mala said.

"Other than the Ten Commandments, everything is subject to change and updating," Mala said.

As far as Pat Obrist-Druck is concerned, the system must change. Obrist-Druck claims Fairbanks Superior Court Judge Niesje Steinkruger this month wrongfully gave custody of her two children to their father, to whom she was never married. The judge allowed the father, who has been regularly unemployed in Fairbanks and supported himself and the children partially on welfare payments, to take the children to California with him to live. The father hopes to find more work there, through his union.

The children, now 9 and 10, lived with Obrist-Druck until October 1991, when the Court awarded the father primary custody. The court made the award after sexual abuse allegations were leveled at Obrist-Druck. The state never filed charges, and Obrist-Druck denies the allegations.

"To this day, I still don't know what I did wrong", she said. "There are no rights for parents. We're trying to explain the truth."

Obrist-Druck said she doesn't have the money to appeal the court's latest custody ruling, and doesn't know where to turn.

Rep. Harley Olberg, R-Delta Junction, said residents of his district seem to have constant run-ins with DFYS.

"The clearest thing that stands out is the kids know how the system works and how to play the game," Olberg said. "False reporting gets them out of the home, or exaggerated reporting, perhaps."

Olberg said he doesn't support creating more laws, but a critical review of existing laws might help.

Tina Barker of Fairbanks said the existing laws are too liberal. "The social worker has total control over the courtroom," Barker said. "Children are taught to use the system. If you can't get what you want, join the system.:

Barker alleges a DFYS social worker encouraged her 12 and 14 year old daughters to run away. The children said Barker abused them, which Barker denies.

The girls currently are in foster care, per a court order. Barker said she has another hearing in October and hopes to get them back.

During the 1992 fiscal year, the latest for which statistics are available, the division received 11,509 reports of harm to children in the home, according to the division's annual report. The number translates into 63 alleged victims per 1,000 children. The national rate is 39 per 1,000.

Of those 11,509 reports the division conducted investigations on 8,466 of them. Social workers substantiated 42 percent of those cases as abuse, neglect, or abandonment, the annual report says.

Less than a third of the children in these substantiated cases are taken away from the parents.

Wing, the statewide DFYS director, said her division over the past 1½ years has shifted its emphasis from intervention to family preservation.

"We're trying to work with the entire family, not just one individual," Wing told Concerned Presents. "Change is not easy."

A child's safety is the division's ultimate goal, Wing said. "We had protection laws in place for animals before we had them for children," she said.

Mala said he wants to keep talking with Concerned Parents and hopes the group recommends specific changes.

"We can't change all the laws for one or two cases," he said. "In an organized society, you're stuck with the law, like it or not."

WHEN PARENTS BECOME VICTIMS

Readers Digest, April 1993

By: TREVOR AMBRISTER

WHEN PARENTS BECOME VICTIMS
Readers Digest, April 1993
By TREVOR AMBISTER

Of all the crimes that afflict society, none is more reviled than child abuse. With 2.7 million allegations of abuse reported in 1991, no one can deny the seriousness of the problem. Yet the war against these heinous crimes should not lead to witch hunts that violate basic legal and civil rights - and tear apart innocent families.

In the Seattle suburb of Bothell, people were flabbergasted to hear that Bill and Kathy Swan had been charged with sexually abusing their three year old daughter. Bill, an electronic engineer, was a devout churchgoer who reveled in his role as a Dad. Kathy, equally religious, was an accomplished musician and spoke 12 languages. But the Swans' background didn't matter, prosecution insisted. This case was proof that anyone could commit child abuse. And when the trial began before Superior Court Judge Anne Ellington in April 1986, it seemed that the prosecutors were right. Lisa Conradi, the day care center worker who triggered the investigation, testified that the Swan child and her best friend had come forward with horrifying tales of sexual molestation by the Swans. Cindi Bratvold, Conradi's boss, said much the same things. Jurors needed less than three hours to convict Bill and Kathy on two counts of statutory rape each. They were sentenced to serve 50 months in prison, while their daughter remained in the custody of the Washington Department of Social and Health Services.

During the trial, however, defense attorneys had been prevented from inquiring about Conradi's background. The prosecution had argued successfully that such information was irrelevant. One month after the verdict, however, Conradi confided in an interview with a free lance writer that she had been abused for more than 20 years. "Damn near everyone that came near her" abused her, Conradi claimed. I was used regularly, daily, by three or four hundred guys, she later said. There are more perverts out there than normal people. Conradi asserted that she did drugs every day, that she hated men, and that on at least 20 occasions she had attempted to turn in sex offenders to authorities. "I went through our neighborhood and every other house had abuse in it." Others stepped forward to challenge

Bratvold's testimony as well. But Judge Ellington appeared to give little weight to the challenges and dismissed Conradi's comments as "typical puffery to a reporter." Moreover, although she had ruled in preliminary hearings that the Swan girl and her friend were incompetent to testify at trial, Judge Ellington allowed statements the girls allegedly volunteered to Conradi and Bratvold - statement corroborated neither by the tape recordings nor contemporaneous notes - into the record as evidence to convict the parents. Thus the jury never heard the two girls tell their story; they only heard Conradi's and Bratvold's version of it. In August 1990, Bill and Kathy Swan entered separate penitentiaries. The DSHS had placed their daughter, then eight, in a foster-home. Neither Kathy nor Bill have been allowed to see her since. To Bill's father, Episcopel minister William O. Swan, and step mother, Marian, this punishment seemed incredibly unjust. They volunteered to take custody of their granddaughter, only to be told, according to Swan, not to bother. In a 1990 meeting, Reverend Swan recalls two DSHS employees implied that he was guilty of child sexual assault himself, because "the acorn falls near the root of the tree." Swan says the caseworkers cited this "known certainty" as the reasons his visits with his granddaughter had to be supervised. But what infuriates the family most was that the five years after the alleged assault on the little girl, no medical authority who was an expert on child sexual abuse had examined her. In December 1990, the Swan child moved to the home of her great aunt, Jane Swan. To gain custody, Jane had promised the DSHS she would never tell the girl that her parents were innocent. That would violate the "case plan" and work against everything the child had learned in therapy. One month later, Jane decided her niece needed a complete physical exam including a gynecological exam. The result: the girl's genitals were perfectly normal, the hymen, a protective membrane whose absence in a young girl usually indicates rape, was present and bore no evidence of scarring or damage. As soon as they found out about the exam, caseworkers removed the child from Jane's custody and warned her, she says, that if she attempted to contact her niece, she would be subject to arrest. But Swan family attorney David Allen called the exam "Important New Evidence" and petitioned Washington's Court of Appeals to grant his clients a new trial. In July 1991, Allen's petition was turned down. "The Courts file in the above matter has been closed", it declared in a letter to Allen. The Swans are not out on work release, and their case will be back in the U.S. Court of Appeals this spring.

After watching a T.V. account of the Swan's ordeal, Charles Nesson, professor of evidence at Harvard Law School, decided it couldn't be true. The show's producers, he thought, must have presented the story unfairly by leaving out crucial evidence against the Swans. Then Nesson looked into the proceedings and changed his mind. The Swan case, he wrote in a friend-of-the-court brief filed with the U.S. Court of Appeals for the Ninth Circuit in San Francisco, is "the most extreme example of erosion of the confrontation clause of which I am aware." In an interview, Nesson explained: "The Constitution says you have a right to confront your accusers, and that means the right to cross-examine them. Here two people were sent to prison, and their little girl taken away, on the basis of pure heresy that was not only uncorroborated but contradicted by evidence."

David and Renee Riegel of Brookville, Ohio, were concerned in October 1990, when their three month old daughter Chelsea, woke with a rash on her face, neck, and shoulders. Pediatrician Richard D. Smith and a colleague determined that it was petechiae, a hemorrhaging of tiny capillaries that can be caused by someone repeatedly shaking a child. "But you've known me for years", Renee protested. "You've treated my other children. How could you even think I'd do such a thing?" At Children's Medical Center in Dayton, doctors subjected Chelsea to a skeletal examination. The test produced a shock: Chelsea had fractured three ribs and maybe a leg. The Riegels were bewildered. Chelsea had never had any accidents or evidenced any pain. Then ophthalmologist William Wentling noticed a bluish tint to the whites of her eyes. That, together with her injuries, he told them was symptomatic of a rare "brittle bone" disease called osteogenesis imperfecta (OI). To Tommy Sampson, a case worker for the Montgomery County Children Services Bureau (CSB), which was contacted by Dr. Smith's office, the evidence was clear. "You slapped your daughter." She told the Riegels on October 22, "She won't be going home with you."

At the CSB's request, Brookville police launched a probe of the family. It turned up nothing. Still, the Riegels remained under suspicion. Finally, in late October, the judge awarded them custody of Chelsea. For the next 11 months, the Riegels tried to find someone who could tell them more about OI. In September 1991, they met with specialist Gary Williams at the Cleveland Clinic. He seemed upset when

X-rays revealed a healing fracture in Chelsea's femur. After conferring with other doctors at the clinic, two days later he called Renee and asked her to explain why she hadn't told him about it. So much had happened to Chelsea, Renee replied, that she'd forgotten to mention it. Still troubled by what seemed to be inconsistencies in her account, Williams thought it best to contact the CSB, which reopened the case and assigned it to social worker Patricia Holcomb. Then, another mother with an OI child suggested Renee take Chelsea to Meinhard Robinow, a specialist in birth defects and genetic disorders. "I am convinced that Chelsea has OI or some closely related connective tissue disease," he wrote to CSB after examining her. The skeletal X rays do not show the abnormalities found in cases of child abuse. Holcomb was apparently unimpressed. The investigation would go on. Another physician also examined Chelsea and informed the CSB he agreed with Robinow. Still, the agency continued to seek evidence of abuse. This is outrageous, thought Deborah C. Schran, the Riegel's attorney. Schram got the CSB to agree that Chelsea would undergo yet another examination by an independent physician. Then the Riegels would submit to psychological evaluations to see if they possessed tendencies of child abusers. If Chelsea had OI and the family passed its test, CSB would drop the case. Also submitted at that point to the CSB worker were three other physician's reports showing that her bones were far more likely to fracture than those of a normal child. Chelsea's exam with the independent physician turned out just as the Riegels expected. "I do not feel this patient is a victim of child abuse." Dr. Michael C. Albert wrote CSB last April 20. "She probably has connective tissue disorder or some mild form of OI." Now it was time for the Riegel's evaluation. But when David and Renee requested an evening or weekend appointment to avoid missing more work, CSB staffer Sonia Jordan became incensed. Meanwhile, at the agency, the word had spread that the Riegels were possibly mentally ill. Psychologist Phyllis Kuehnl's evaluation showed nothing of the kind. "Neither parent appears capable of intentionally inflicting injury on a child." Kuehnl concluded last May. In June, more than 19 months after its "investigation" began, CSB dropped the case. Since then, Chelsea has suffered additional fractures to her arms and legs. Now, almost three years old she weighs just 25 pounds. "Financially, this has devastated us", Renee says. The time lost with our kids, the stress, the financial

burden...none of this should happen to innocent parents. Where are the laws to protect us from social workers who are out to prove guilt no matter what?

In virtually all cases in which allegations of criminal conduct are made, police investigate and make arrests. Yet when the charge is child abuse, social workers call the shots, and the system doesn't hold them accountable. What's worse, once parents are accused, the burden is on them to prove their innocence, unlike in a criminal trial where the burden of proof is on the accusers. Children are often taken away without the parents even having a chance to state their case. "We've reached the point where an accusation is almost tantamount to a conviction," says Dr. Richard A. Gardner, clinical professor of child psychiatry at Columbia University and an expert on child sexual abuse. "Baseless charges are ruining thousands of lives."

In Harvey, Ill., steelworker James Norma earned enough to support his wife, Dorothy, and their two daughters. But in 1987, Dorothy's kidney condition got worse, and Norman gave up full time work, to care for her. That October, Dorothy died and he was told he had a serious heart condition. Norman enrolled in an auto-mechanics class and found part time jobs. But he was soon unable to pay his bills. One day while he was out looking for work, someone phoned a hot line to report that he was failing to supervise his kids, Lynetta and Jamie, then 12 and 10. On August 16, 1988, Illinois Department of Children and Family Services (DCFS) caseworker Sylvia Walker knocked on Norman's door. According to her report, there were "clothes and papers all over the place." Still, Walker acknowledged, the children "appeared to be healthy." Caseworkers often carry "risk assessment" forms. They assign a numerical value to different categories, and even though Norman was at home, Walker made judgements and scribbled numbers on a form. Then she botched some simple addition and wound up with a total indicating much higher risk to the children than she had intended. Before having to justify her decision to anyone, she placed Norman's daughters in foster care that afternoon. The next morning, Norman was charged with neglect. His part time jobs, and vocational education classes kept him away from home too much. Once he found a steady income, and adequate housing, DCFS would consider returning his children. This struck Norman as the classic Catch 22. He needed housing to get his children back. But he didn't qualify for welfare without custody of his kids, so he couldn't get housing. In 1989, Norman asked if attorneys at the Legal Assistance Foundation of Chicago might help him. After hearing his story, Diane Redleaf, director of the

foundations Children Rights Project, filed a class action suit against DVFS, claiming that poverty was insufficient grounds to yank kids from their families. Redleaf also helped Norman get disability benefits he was entitled to because of his heart condition. With that money, he found a new apartment. Then he filed a petition to get his children back. It was scheduled to be heard November 28, 1989. But on November 16, Norman died of a heart attack. He was 38. Today, Lynetta and Jamie are wards of the state.

Under federal law, and in all 50 states, everyone who regularly works with children; teachers, counselors, doctors, nurses, is required to report suspicions of child abuse to local authorities. Suspicion, however, is not fact, and when social workers make mistakes, the people the system is designed to protect - innocent children - often wind up its victims. In court papers, social worker Sylvia Walker admitted that she had made a mistake. "Hundreds of children each week are needlessly removed from families", says New York University law professor Martin Guggenheim. "Some will be more seriously harmed-whether physically or psychologically-than if the state officials had never heard of them.

Everyone agrees that the safety and welfare of our children must be paramount. Still, experts say we can help kids who need protection and prevent families from being torn apart. Some 450,000 children live in foster care. Did they all need to be removed from their homes? Under current law, social workers have an incentive to put children in federally funded foster care programs because the programs that keep families intact don't get anywhere near the same financial support. "The key is to reverse the financial incentives", says Richard Wexler, author of "Wounded Innocents: The Real Victims of the War against Child Abuse. Then, the foster care population will drop dramatically." Why is this crucial? "When you place a child in foster care," New York Assemblywoman Cecil D. Singer says, "you have sentenced him to a dysfunctional life." As a first step, Congress should prohibit caseworkers from removing children from their homes unless there is a clear, compelling threat to their well being. In far too many instances, caseworkers are using therapists to hammer out statements out of bewildered kids, while the police - who are trained to conduct investigations - just go along. That's the tail wagging the dog.

next, Congress should examine the broad category of "neglect" which accounts for 48 percent of all child abuse reports. Because there is no uniform definition, caseworkers and judges are free to interpret it as they wish. This invites abuse. Child protective agencies and their employees should also be held accountable. Confidentiality laws are supposed to protect kids; instead they shield bureaucrats. The immunity from lawsuits that caseworkers enjoy invites systematic abuse. Police can be charged with crimes and hauled into court. Child protective agencies should not be treated differently.

Finally, child abuse cases should never have been removed from the criminal justice system with its constitutional safeguards, including the right to a public trial by jury. Until it is returned there, where there is public scrutiny, and accountability of the actions of the child welfare agencies and judges, there is no remedy for the failures in our present system. The burden of proof should always rest on the state. As Assemblywoman Singer points out, "The law should give at least as much protection to a parent as it does to a criminal".



Alaska State Legislature

Please enter into the record my testimony to the Senate HESS
committee name

committee on # 323 , dated 4/13/94
bill/subject

Signed: *Jim Laake*
Testifier

Children of Alaska
Representing (Optional)

5905 Houghton DR.
Address

FBIS. AK.

DFYS - VIDEO

Bill 323

I have 1st hand experience with DFYS
 My children where taken out of class
 and questioned. The accusation about this
 abuse was not against my wife or myself.
 I feel we should have been notified ^{either} before or
 after such questioning. Instead my children told us at
 school about the noted pictures they were shown and
 asked to identify certain parts. My children were
 upset and confused. Mandatory video would allow
 the parents to see 1st hand what type of
 questions are asked and how ~~their~~ ^{is} child
 asked or treated through this ordeal. Video
 would certainly put to rest any accusations
 people might have as to "where these children
 coached or manipulated in any way by the state."
 I feel the people of the state of ALASKA and the
 children will feel this a small price to ensure
 our childrens rights are not being violated.



AN OGDEN COMPANY



Alaska State Legislature

Please enter into the record my testimony to the Senate
committee name
 committee on SB323, dated 4-13-94
bill/subject

You have 10 Cities (sites) on-line & you
 have Denied all of the people awaiting
 public testimony of how important it
 is that we implement SB323! The
 cost (2.3mil. + 16 emp.) is not factual! You
 All have just turned your backs on
YOUR PEOPLE! Families are our greatest
 Asset. — You have once again shown
 us you are not interested in Accountability
 to your employees, the agencies, parents,
 Kids Hotlines + ect... that creates false
 Reports of Harassment! \$2.3 million is wrong,
 however cheaper than Litigation!

Signed: _____
 Testifier Jodi Delaney
 Representing (Optional) Concerned Parents for Reform
 Address PO 52054 · NP · AK · 99705



Alaska State Legislature

Please enter into the record my testimony to the Small Hess
 committee name
 committee on SB 323 , dated 04/13/94
 bill/subject

The McMartin case in California, at 7 years and \$15,000,000, was the longest and costliest trial in American history. It ended in the acquittal of Raymond Buckley and his mother, Peggy McMartin Buckley, and the dismissal of charges against five others. But not before Raymond Buckley had spent 5 years and his mother 3 years in the county jail, and their family fortune (est. \$3,000,000) had been exhausted in legal fees.

The small Manhattan Beach Police Dept. felt overwhelmed and unequipped to handle investigating a sexual-abuse case potentially involving hundreds of children. The job was turned over to the nearby Children's Institute International. Social worker Kee MacFarlane, who at the time held only a driver's license in California, conducted hundreds of hours of videotaped counseling sessions with the McMartin children.

These sessions have been criticized by some mental-health professionals as suggestive and leading to an extraordinary degree. Jurors cited the coercive nature of the MacFarlane therapy sessions as the main reason they acquitted the Buckeys.

But the videotapes did two things. Not only did they reveal the coercive nature of these sessions, but also they provide a blueprint for controllers. Had it not been for the tapes, the State would have won the case against the Buckleys. The key to success in winning is to remove the threat videotaping offers and follow the coercive guidelines. Since the McMartin case, child welfare advocates have fought the recording of interviews with minors. I think Alaskan families deserve better than to be reduced to pawns in a controller's self-interested game of power. Is the object to protect children? Or, to provide controllers with millions at their disposal so they can feel good about themselves because they have manipulated a situation designed to "let them win"?

Signed: [Signature]
 Testifier

Boardman of Family Rights
 Representing (Optional)

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