

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8770 HOUSE STATE AFFAIRS

**HB**

**13**

## Alaska State Legislature

WHEAT IN SESSION  
CAPITOL BUILDING  
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DISTRICT 10



CHAIR, OIL & GAS COMMITTEE  
VICE CHAIR, LABOR & COMMERCE  
COMMITTEE  
JUDICIARY COMMITTEE  
RESOURCES COMMITTEE  
INTERNATIONAL TRADE & TOURISM  
COMMITTEE

ECONOMIC TASK FORCE

**Representative Joe Green**

### Sponsor Statement

#### CSHB 13 - Campaign Disclosure Reports

HB 13 makes it easier for the public to know who is contributing money to non-party candidates for statewide office.

**Problem:** Currently, non-party candidates for legislative office who gain access to the general election ballot by going through the petition or write-in process are not required to file campaign finance disclosure reports during the primary election cycle. Alaska Public Office Commission Policy Decision 15.13-82-2 sets requirements for these candidates.

The Commission has ruled that non-party candidates, groups formed to influence the outcome of ballot issues not appearing on the primary ballot, and political party subdivisions and multi-candidate PAC's which do not make expenditures to benefit a candidate on the primary ballot "...need not file either Primary or General Election reports so long as their only activity during those reporting periods is the receipt of contributions or the expenditures of funds for administrative purposes."

When a campaign-related expenditure is made, the reporting cycle is triggered. Until that time, the public has no idea who is contributing money to non-party candidates.

**Solution:** HB 13 requires prospective non-party candidates for legislative office to disclose to the public, during the primary election reporting cycle, who is making campaign contributions to them.

9-I.S0068NG ✓

Chenoweth

2/3/95

CS FOR HOUSE BILL NO. 13( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GREEN, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring persons filing for nomination for, or campaigning for election  
2 for, state elective office, persons authorized to make or incur political campaign  
3 expenditures before formally filing for nomination to state elective office, and  
4 groups acting on behalf of any of these, to file certain election campaign finance  
5 disclosure reports."

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

7 \* Section 1. PURPOSE. It is the purpose of this Act to require that the campaign  
8 disclosure reporting requirements for the primary and general elections apply in the year of  
9 those elections to

10 (1) a person who, under the regulations adopted by the Alaska Public Offices  
11 Commission to implement AS 15.13.100, has filed a letter of intent to become a candidate for  
12 state elective office;

13 (2) a person who has filed a nominating petition to become a candidate at the

1 general election for state elective office;

2 (3) a person who campaigns as a write-in candidate for state elective office at  
3 the general election; and

4 (4) a group that receives contributions or makes expenditures on behalf of or  
5 in opposition to a person described in (1) - (3) of this section.

6 \* Sec. 2. AS 15.13.110 is amended by adding a new subsection to read:

7 (f) During the year in which the election is scheduled, each of the following  
8 shall file the campaign disclosure reports in the manner and at the times required by  
9 this section:

10 (1) a person who, under the regulations adopted by the commission to  
11 implement AS 15.13.100, indicates an intention to become a candidate for elective  
12 state executive or legislative office;

13 (2) a person who has filed a nominating petition under AS 15.25.140  
14 - 15.25.200 to become a candidate at the general election for elective state executive  
15 or legislative office;

16 (3) a person who campaigns as a write-in candidate for elective state  
17 executive or legislative office at the general election; and

18 (4) a group that receives contributions or makes expenditures on behalf  
19 of or in opposition to a person described in (1) - (3) of this subsection.

20 \* Sec. 3. AS 15.13.125 is amended to read:

21 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED  
22 REPORTS. A person who fails to file a properly completed and certified report within  
23 the time required by AS 15.13.040(f), [OR] 15.13.110(a)(1), (3), or (4), or 15.13.110(f)  
24 is subject to a civil penalty of not more than \$10 a day for each day the delinquency  
25 continues as determined by the commission subject to right of appeal to the superior  
26 court. A person who fails to file a properly completed and certified report within the  
27 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not  
28 more than \$50 a day for each day the delinquency continues as determined by the  
29 commission subject to right of appeal to the superior court. An affidavit stating facts  
30 in mitigation may be submitted to the commission by a person against whom a civil  
31 penalty is assessed. However, the imposition of the penalties prescribed in this section

1 or in AS 15.13.120 does not excuse that person from filing reports required by this  
2 chapter.

3 \* Sec. 4. APPLICATION. The provisions of AS 15.13.110(f)(1), added by sec. 2 of this  
4 Act, are intended to apply to a person who indicates an intention to become a candidate for  
5 elective state executive or legislative office under a letter of intent authorized by 2 AAC  
6 50.380 and who makes or incurs campaign expenditures by initiating early campaigning for  
7 the office.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 13

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An Act requiring persons authorized to make BRU: Alaska Public Offices Commission  
or incur political campaign expenditures . . ." Component: Alaska Public Offices Commission  
 Sponsor: Representative Green  
 Requestor: Representative Green COMPONENT SERIAL NO. 70

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES		9.0		9.0		9.0
TRAVEL						
CONTRACTUAL		0.3		0.3		0.3
SUPPLIES		0.1		0.1		0.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	9.4	0.0	9.4	0.0	9.4
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES ( )</b>						

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF		9.4		9.4		9.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>Total</b>	0.0	9.4	0.0	9.4	0.0	9.4

Estimate of current year (FY95) cost: \$0.0

POSITIONS:

POSITIONS:	FY96	FY97	FY98	FY99	FY00	FY01
FULL-TIME						
PART-TIME		1		1		1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would require the filing of campaign disclosure reports by prospective municipal and state candidates (those who file letters of intent). It would result in the filing of an estimated 270 additional reports by 70 prospective candidates.

Costs involved in administering this change include: a six month part-time seasonal administrative clerk during election cycles to deal with the additional paper processing, mailings, and copy requests; postage, envelopes, and paper.

Prepared by: Karen Boorman, Executive Director *K. Boorman* Phone: 907/276-4176  
 Division: Alaska Public Offices Commission Date: \_\_\_\_\_  
 Approved by Commissioner: *MB* Date: 1/26/95  
 Agency: Department of Administration

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ALASKA PUBLIC OFFICES COMMISSION

POLICY DECISION

AS 15.13.040(b) and (c), 15.13.110,  
15.13.130(4) and 2 AAC 50.332 in  
relation to:

Exemption from Primary Election  
Reporting Requirements  
No. 15.13 - 82 - 2  
November 18, 1982

Question: Shall non-party candidates, groups formed to influence the outcome of ballot issues not appearing on the primary ballot, and political party subdivisions and multi-candidate PAC's which do not make expenditures to benefit a candidate on the primary ballot, but which may receive contributions and/or make administrative expenditures during the primary reporting period, be required to file Primary Election Campaign Disclosure Reports (30 and 7 Day Pre and 10 Day Post)?

Decision: The Commission determined that such groups and candidates need not file either Primary or General Election reports so long as their only activity during those reporting periods is the receipt of contributions or the expenditure of funds for administrative purposes. If a group makes campaign-related expenditures (i.e., those intended to influence the election of a candidate or the outcome of a ballot issue), then the campaign disclosure reporting cycle is triggered, beginning with the report covering the period during which such an expenditure was made and covering all financial activity not previously reported. Failure to file timely reports once the reporting cycle is triggered will subject the candidate or group to the penalty provisions of AS 15.13 and 2 AAC 50. However, if no campaign-related expenditures are made during a calendar year, but contributions are received and/or administrative expenditures are made, then a comprehensive Year-end Report shall be filed.

Rationale: Historically, it has been the informal policy of the Commission to exempt non-party candidates and General Election ballot issue groups from the requirement to submit Primary Election reports. In light of AS 15.13.110(a), it seems reasonable to extend the exemption to multi-candidate PAC's and political party subdivisions with no campaign-related primary expenditures: AS 15.13.110(a)(1), (2), and (3) state that the "report shall be filed at the following times: 30 days before the election; one week before the election; ten days after the election..." (emphasis added). Presumably, the election to which .110 refers is the specific one that the candidate or group is attempting to influence. No public harm results and timely disclosure is not compromised if primary reports are not submitted since the election in question is the general.

Such an exemption would make the reporting requirements less burdensome, eliminate the submittal of extraneous reports, and expedite the auditing and review process.

References: Patrice Stendahl Memorandum of August 11, 1982, and attachment.

**HB**

**22**

# Alaska State Legislature

REPRESENTATIVE  
SEAN R. PARNELL



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## HOUSE OF REPRESENTATIVES

### SPONSOR STATEMENT

#### HOUSE BILL 22

"An Act relating to long-term plans of certain state agencies"

With declining state revenues, the governor and the legislature need a more rational, objective mechanism for establishing funding priorities. Those funding priorities should reflect a long-term focus on performance and accountability for expenditures.

House Bill 22 requires state government to engage in long-range planning. Second, it provides for the establishment of performance measures by which the Governor and Legislature can evaluate an agency's achievement of its goals and objectives under the long-range plan, assisting the Governor and Legislature to make better informed fiscal decisions. Third, the bill provides for reporting to the public of the long-range plans and agencies' performance measures and results.

The Office of Management and Budget (OMB) will spearhead the administrative oversight function for the agencies' long-range planning effort. In the first year, three agencies will be chosen by OMB to participate in the new planning process, and the following year the rest of the agencies will come on line.

The development of long-term plans would follow this five point timeline.

(1) At the beginning of the calendar year, the Governor will develop statewide goals for strategic planning purposes. These goals will be used in developing agency goals.

(2) By May 1 of each year, the Governor issues state goals for long-term planning and the Office of Management and Budget (OMB) will provide economic and population data and forecasts to all departments.

(3) By July 1 of each year, OMB will review and approve the agencies' goals. OMB will develop forms and instructions for developing the long term plans and work with the agencies to develop measures of workload and results.

(4) By October 1 of each year, each agency will issue their long-term plan. The plan will cover six years from date of issue and include: a statement of goals; an analysis of workload and results of agency programs; an identification of the people served by the agency, their needs and how each will change; an analysis and projection of agency resources and how they are used; an explanation of expected changes in the agency due to new state or federal laws; the strategy for achieving the goals of the agency and improving program functions; and other information necessary for the long-term plan.

The Legislative Budget & Audit (LB&A) and OMB will review each plan, hold hearings and request additional agency information if necessary, in order to determine how each agency can best serve its consumer group.

(5) By December 15 of each year, OMB shall compile a comprehensive six year state long-range plan of the agencies. Any duplication of services or inefficiencies of service could then be examined and proposed to the legislature for elimination or improvement.

By requiring long-range agency plans consisting of goals, performance measures, and reporting of results, and utilizing them yearly in the budget process, we can better prioritize our use of state funds and reshape government so it is more mission driven and customer oriented (i.e. citizen oriented). I urge your support of HB 22.

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. HB 22

Revision Date: \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title: Act relating to long-term plans of certain state BRU: Office of Management/Budget  
agencies. Component: Director's Office  
 Sponsor: Parnell, Hanley, et al.  
 Requestor: House State Affairs Committee COMPONENT SERIAL NO. 1385

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 2000	FY 01	FY 02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

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

Estimate of any current year (FY96) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

This analysis assumes that 1 OMB policy analyst and 1 OMB budget analyst would need to devote approximately 1.0 months each FTE in FY 97 (for three pilot departments) and 3.0 months each FTE in FY 98 (for remainder of departments) to assist agencies in the development of long-term plans. These and other related OMB costs, as well as associated agency costs of the legislation, would be financed out of normal budget appropriation levels but would reduce staff availability in OMB and agencies for other duties.

Prepared by: Jack Fagnoli *Jack Fagnoli* Phone: 465-4678  
 Division: Office of the Director Date: 2/3/96  
 Approved by Commissioner: Annalee McConnell *Annalee McConnell* Date: 2/6/96  
 Agency: Office of Management and Budget

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## Public Safety



Legislative Finance Division  
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COMPONENT SUMMARY - OPERATING BUDGET

\*\*\*\*\* Department of Public Safety \*\*\*\*\*

Page	Budget Component	FY93 Act	FY94 Auth	FY94 Sup	Gov Amd	ConfComm	Enacted	FY94 Auth - Enacted Comparison	
Fish and Wildlife Protection									
1	Enforcement/Investigative Svcs	9,765.4	10,092.4		10,446.8	10,212.2	10,212.2	119.8	1.2%
2	Director's Office	224.5	225.3		242.5	221.7	221.7	-3.6	-1.6%
3	Aircraft Section	1,520.4	1,391.0		1,643.0	1,489.5	1,489.5	98.5	7.1%
4	Marine Enforcement	2,643.3	2,429.1		2,572.2	2,463.0	2,463.0	33.9	1.4%
	* BRU Total	14,153.6	14,137.8		14,904.5	14,386.4	14,386.4	248.6	1.8%
Fire Prevention									
5	Fire Prevention Operations	1,485.1	1,468.3		1,546.7	1,477.0	1,477.0	8.7	.6%
6	Fire Service Training	616.1	548.0		530.0	422.7	422.7	-125.3	-22.9%
	* BRU Total	2,101.2	2,016.3		2,076.7	1,899.7	1,899.7	-116.6	-5.8%
Highway Safety Planning Agency									
7	Hwy Safety Planning Operations	185.1	214.1		231.4	221.7	221.7	7.6	3.5%
8	Federal Grants	660.9	865.1		3,642.6	3,642.6	3,642.6	2,777.5	321.1%
	* BRU Total	846.0	1,079.2		3,874.0	3,864.3	3,864.3	2,785.1	258.1%
Motor Vehicles									
9	Driver Services	1,114.6	1,310.3		1,305.5	1,277.9	1,277.9	-40.4	-3.1%
10	Flood Services	5,724.4	5,687.7	150.0	6,351.8	6,059.4	6,059.4	371.7	6.5%
11	Administration	962.4	906.2		912.5	873.6	873.6	-32.6	-3.6%
	* BRU Total	7,801.4	7,912.2	150.0	8,569.8	8,210.9	8,210.9	298.7	3.8%
Alaska State Troopers									
12	Detachments	27,982.2	29,064.5		30,023.2	29,238.6	29,238.6	174.1	.6%
13	Special Projects	381.8	592.7		500.1	500.1	500.1	-92.6	-15.6%
14	Criminal Investigations Bureau	4,999.1	5,094.7		5,455.5	3,754.1	3,754.1	-1,340.6	-26.3%
15	Director's Office	680.7	680.1		684.4	675.8	675.8	-4.3	-.6%
16	Judicial Services-Anchorage	2,008.2	2,102.7		2,019.9	1,996.1	1,996.1	-106.6	-5.1%
17	Prisoner Transportation	996.5	956.5		1,031.5	1,018.5	1,018.5	62.0	6.5%
18	Search and Rescue	428.5	292.9		292.9	291.1	291.1	-1.8	-.6%
19	Rural Trooper Housing	422.0	373.1		386.5	386.5	386.5	13.4	3.6%
20	Narcotics Task Force	2,649.2	2,495.3		2,498.4	2,493.8	2,493.8	-1.5	-.1%
21	Commercial Vehicle Enforcement	341.0	411.3		414.7	412.5	412.5	1.2	.3%
	* BRU Total	40,889.2	42,063.8		43,307.1	40,767.1	40,767.1	-1,296.7	-3.1%

COMPONENT SUMMARY - OPERATING BUDGET

\* \* \* \* \* Department of Public Safety \* \* \* \* \*

Page	Budget Component	FY93 Act	FY94Auth	FY94 Sup	Gov Amd	ConfComm	Enacted	FY94Auth - Enacted Comparison	
Village Public Safety Officer Program									
22	Contracts	4,929.9	4,930.5		4,930.5	4,930.5	4,930.5		
23	Support	1,616.0	1,659.7		1,661.5	1,659.5	1,659.5	-.2	-.0%
24	Administration	251.2	263.3		264.6	262.7	262.7	-.6	-.2%
	* BRU Total	6,797.1	6,853.5		6,856.6	6,852.7	6,852.7	-.8	-.0%
Alaska Police Standards Council									
25	Ak Police Standards Council	260.4	276.0		276.9	274.0	274.0	-2.0	-.7%
	* BRU Total	260.4	276.0		276.9	274.0	274.0	-2.0	-.7%
Violent Crimes Compensation Board									
26	Violent Crimes Comp Board	815.3	982.7		1,014.7	1,014.7	1,014.7	32.0	3.3%
	* BRU Total	815.3	982.7		1,014.7	1,014.7	1,014.7	32.0	3.3%
Council on Domestic Violence and Sexual Assault									
27	Domestic Viol/Sexual Assault	6,121.2	6,314.8		6,338.9	6,358.0	6,358.0	43.2	.7%
	* BRU Total	6,121.2	6,314.8		6,338.9	6,358.0	6,358.0	43.2	.7%
Statewide Support									
28	Community Jails	4,470.0	4,402.8	70.4	4,473.2	4,445.2	4,445.2	42.4	1.0%
29	Commissioner's Office	634.2	692.6		696.2	686.5	686.5	-6.1	-.9%
30	Training Academy	1,160.2	1,144.9		1,172.2	1,154.1	1,154.1	9.2	.8%
31	Administrative Services	1,795.2	1,791.0	2,715.7	1,992.0	1,806.6	1,806.6	15.6	.9%
32	Civil Air Patrol	478.0	503.0		509.5	503.1	503.1	.1	.0%
33	Laboratory Services	2,139.6	2,105.9		2,025.9	1,975.3	1,975.3	-130.6	-6.2%
34	APSIH	1,611.8	1,626.0		1,404.5	1,390.8	1,390.8	-235.2	-14.5%
35	Building Security/Maintenance	158.5	54.9		54.9			-54.9	-100.0%
36	Alaska Criminal Records and ID	1,007.8	1,085.4		1,317.5	1,220.0	1,220.0	134.6	12.4%
	* BRU Total	13,456.3	13,406.5	2,786.1	13,645.9	13,101.6	13,101.6	-224.9	-1.7%
	*** Total Agency Expenditures	93,241.7	95,042.8	2,936.1	100,865.1	96,809.4	96,809.4	1,766.6	1.9%

COMPONENT SUMMARY - OPERATING BUDGET

\*\*\*\*\* Department of Public Safety \*\*\*\*\*

<u>Page</u>	<u>Budget Component</u>	<u>FY93 Act</u>	<u>FY94 Auth</u>	<u>FY94 Sup</u>	<u>Gov Amd</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>FY94 Auth - Enacted</u> <u>Comparison</u>	
	*** Total Agency Funding								
	Fed. Receipt	3,876.6	4,439.3		6,858.2	6,857.5	6,857.5	2,418.2	54.5%
	General Fund	87,024.0	87,621.7	2,936.1	91,023.0	86,881.6	86,881.6	-740.1	-.8%
	Other Funds	2,341.1	2,981.8		2,983.9	3,070.3	3,070.3	88.5	3.0%

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement/Investigative Svcs  
 BRU: Fish and Wildlife Protection  
 Agency: Department of Public Safety

	<u>FY93 Act</u>	<u>FY94 CC</u>	<u>FY94Auth</u>	<u>FY94 Sup</u>	<u>FY94 R/L</u>	<u>Gov Amd</u>	<u>House</u>	<u>Senate</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>Bills</u>
01 Pers. Serv.	8,011.0	8,274.4	8,446.5	0.0	0.0	8,710.5	8,670.5	8,653.4	8,653.4	8,653.4	249.0
02 Travel	310.5	341.8	376.4	0.0	0.0	376.4	376.4	376.4	376.4	376.4	0.0
03 Contractual	970.3	1,008.8	1,021.6	0.0	0.0	1,112.0	1,062.0	999.2	999.2	999.2	0.0
04 Commodities	310.1	231.6	247.9	0.0	0.0	247.9	247.9	247.9	247.9	247.9	0.0
05 Equipment	163.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
06 Lands/Bldgs.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
07 Grants, Clms	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
08 Misc.	0.0	235.5	0.0	0.0	0.0	0.0	-129.5	0.0	-64.7	-64.7	0.0
** Total Expend.	9,765.4	10,092.4	10,092.4	0.0	0.0	10,446.8	10,227.3	10,276.9	10,212.2	10,212.2	249.0
1004 Gen Fund	9,678.8	10,092.4	10,092.4	0.0	0.0	10,446.8	10,227.3	10,276.9	10,212.2	10,212.2	249.0
1007 I/A Rcpts	86.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Perm Full Time	95.0	95.0	95.0	0.0	0.0	95.0	95.0	95.0	95.0	95.0	0.0
Perm Part Time	40.0	40.0	40.0	0.0	0.0	40.0	40.0	40.0	40.0	40.0	0.0
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit  
 DRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Perp Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFI	PPT	Imp
***** Changes from FY95 Gov Amd to Conference Committee *****													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
HWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Health Ins Increment	MisAdj	-17.1	-17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reverse In-service training	Dec	-60.0	0.0	0.0	-60.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-2.8	0.0	0.0	-2.8	0.0	0.0	0.0	0.0	0.0	0	0	0
House Unallocated Reduction	Dec	-64.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-64.7	0	0	0

Legislative Intent: It is the Intent of the legislature that the Department of Public Safety support accountability of the Safeguard program through audit access to accounting and other administrative records while protecting the confidentiality of persons who provide information regarding fish and wildlife violations.

***** Changes from FY95 Gov Amd to Senate *****													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
HWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Health Ins Increment	MisAdj	-17.1	-17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reverse In-service training	Dec	-60.0	0.0	0.0	-60.0	0.0	0.0	0.0	0.0	0.0	0	0	0

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 Transactions - Funding Sources    Type    Total    1004    1007

***** Changes from FY95 Gov Amd to Conference Committee *****													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0										
HWCF rate reduction	Dec	-50.0	-50.0										
Deny Health Ins Increment	MisAdj	-17.1	-17.1										
Reverse In-service training	Dec	-60.0	-60.0										
Telecommunications Reduction	Dec	-2.8	-2.8										
House Unallocated Reduction	Dec	-64.7	-64.7										

***** Changes from FY95 Gov Amd to Senate *****													
Roll back Overtime to 9 hours	Dec	-40.0	-40.0										
HWCF rate reduction	Dec	-50.0	-50.0										
Deny Health Ins Increment	MisAdj	-17.1	-17.1										
Reverse In-service training	Dec	-60.0	-60.0										

COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit  
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFI	PPI	Imp
Telecommunications Reduction	Dec	-2.0	0.0	0.0	-2.8	0.0	0.0	0.0	0.0	0.0	0	0	0

Legislative Intent: It is the intent of the legislature that Public Safety Fish and Wildlife enforcement operations may be increased from sources other than general fund receipts (fund source #1004).

The Division of Fish and Wildlife Protection shall bring revised program receipt requests to the Legislative Budget and Audit Committee in an amount up to \$1,200,000 for enhanced protection.

\*\*\*\*\* Changes from FY95 Gov Amd to House \*\*\*\*\*

House Unallocated Reduction	Dec	-129.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-129.5	0	0	0
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
IWCF rate reduction	Dec	-50.0	0.0	0.0	-50.0	0.0	0.0	0.0	0.0	0.0	0	0	0

Legislative Intent: It is the intent of the legislature that the Department of Public Safety support accountability of the Safeguard program through audit access to accounting and other administrative records while protecting the confidentiality of persons who provide information regarding fish and wildlife violations.

\*\*\*\*\* Changes from FY94 Conf Com to FY95 Governor Amended \*\*\*\*\*

Conference Committee	ConfCom	10092.4	8274.4	341.0	1008.8	231.6	0.0	0.0	0.0	235.8	95	40	0
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Transactions - Funding Sources	Type	Total	1004	1007
Telecommunications Reduction	Dec	-2.8	-2.8	

\*\*\*\*\* Changes from FY95 Gov Amd to House \*\*\*\*\*

House Unallocated Reduction	Dec	-129.5	-129.5	
Roll back Overtime to 9 hours	Dec	-40.0	-40.0	
IWCF rate reduction	Dec	-50.0	-50.0	

\*\*\*\*\* Changes from FY94 Conf Com to FY95 Governor Amended \*\*\*\*\*

Conference Committee	ConfCom	10092.4	10092.4	
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COMPONENT DETAIL - OPERATING BUDGET

Component: Enforcement and Investigative Services Unit  
 DRU: Fish and Wildlife Protection

Agency: Department of Public Safety

<u>Transactions - Line Items</u>	<u>Type</u>	<u>Total</u>	<u>Pers Svc</u>	<u>Travel</u>	<u>Contract</u>	<u>Supplies</u>	<u>Equip</u>	<u>Land/Bld</u>	<u>Grant</u>	<u>Misc</u>	<u>PFT</u>	<u>PPT</u>	<u>Trp</u>
RP 12-4-0003 Miscellaneous Inc	MisAdj	0.0	172.1	34.6	12.8	16.3	0.0	0.0	0.0	-235.8	0	0	0
Increased Health Insurance Pre	MisAdj	17.1	17.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
To Marine Enforcement-PSvces	TrOut	-38.3	-38.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
To Directors Office	TrOut	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Lease Xfer to DOA #2080	ATrOut	-2.4	0.0	0.0	-2.4	0.0	0.0	0.0	0.0	0.0	0	0	0
Homer Bldg Rent Transfer In	ATrIn	5.4	0.0	0.0	5.4	0.0	0.0	0.0	0.0	0.0	0	0	0
Statewide Enf Needs & IWCF Inc	Inc	327.4	300.0	0.0	27.4	0.0	0.0	0.0	0.0	0.0	0	0	0
In-service training	Inc	60.0	0.0	0.0	60.0	0.0	0.0	0.0	0.0	0.0	0	0	0
***** FY 95 Bills *****													
Ch90 SLA 94 Labor Agree (PSEA)	Special	249.0	249.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0

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<u>Transactions - Funding Sources</u>	<u>Type</u>	<u>Total</u>	<u>1004</u>	<u>1007</u>
RP 12-4-0003 Miscellaneous Inc	MisAdj	0.0		
Increased Health Insurance Pre	MisAdj	17.1	17.1	
To Marine Enforcement-PSvces	TrOut	-38.3	-38.3	
To Directors Office	TrOut	-14.8	-14.8	
Lease Xfer to DOA #2080	ATrOut	-2.4	-2.4	
Homer Bldg Rent Transfer In	ATrIn	5.4	5.4	
Statewide Enf Needs & IWCF Inc	Inc	327.4	327.4	
In-service training	Inc	60.0	60.0	
***** FY 95 Bills *****				
Ch90 SLA 94 Labor Agree (PSEA)	Special	249.0	249.0	

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office  
 BRU: Fish and Wildlife Protection  
 Agency: Department of Public Safety

	<u>FY93 Act</u>	<u>FY94 CC</u>	<u>FY94Auth</u>	<u>FY94 Sup</u>	<u>FY94 RPL</u>	<u>Gov Amd</u>	<u>House</u>	<u>Senate</u>	<u>ConfComm</u>	<u>Enacted</u>	<u>Bills</u>
01 Pers. Serv.	198.9	198.8	198.8	0.0	0.0	214.9	214.9	198.0	198.8	198.8	0.0
02 Travel	8.1	5.2	5.2	0.0	0.0	5.2	5.2	5.2	5.2	5.2	0.0
03 Contractual	12.3	17.6	17.6	0.0	0.0	18.7	18.7	17.0	17.0	17.0	0.0
04 Commodities	3.7	3.7	3.7	0.0	0.0	3.7	3.7	3.7	3.7	3.7	0.0
05 Equipment	1.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
06 Lands/Bldgs.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
07 Grants, Clms	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
08 Misc.	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0.0	-3.0	-3.0	0.0
** Total Expend.	224.5	225.3	225.3	0.0	0.0	242.5	239.5	224.7	221.7	221.7	0.0
1004 Gen Fund	224.5	225.3	225.3	0.0	0.0	242.5	239.5	224.7	221.7	221.7	0.0
Perm Full Time	3.0	3.0	3.0	0.0	0.0	3.0	3.0	3.0	3.0	3.0	0.0
Perm Part Time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Non-Perm	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office  
 DRU: Fish and Wildlife Protection

Agency: Department of Public Safety

Transactions - Line Items	Type	Total	Pers Svc	Travel	Contract	Supplies	Equip	Land/Bld	Grant	Misc	PFI	PPT	Trp
***** Changes from FY95 Gov Ankl to Conference Committee *****													
House Unallocated Reduction	Dec	-3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0	0	0
Deny Health Ins Increment	MisAdj	-1.3	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny DOTPF HWCF Rate Increase	Dec	-1.1	0.0	0.0	-1.1	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-.6	0.0	0.0	-.6	0.0	0.0	0.0	0.0	0.0	0	0	0
***** Changes from FY95 Gov Ankl to Senate *****													
Deny Health Ins Increment	MisAdj	-1.3	-1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Deny DOTPF HWCF Rate Increase	Dec	-1.1	0.0	0.0	-1.1	0.0	0.0	0.0	0.0	0.0	0	0	0
Telecommunications Reduction	Dec	-.6	0.0	0.0	-.6	0.0	0.0	0.0	0.0	0.0	0	0	0
***** Changes from FY95 Gov Ankl to House *****													
House Unallocated Reduction	Dec	-3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-3.0	0	0	0

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Transactions - Funding Sources    Type    Total    1004

***** Changes from FY95 Gov Ankl to Conference Committee *****			
House Unallocated Reduction	Dec	-3.0	-3.0
Deny Health Ins Increment	MisAdj	-1.3	-1.3
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8
Deny DOTPF HWCF Rate Increase	Dec	-1.1	-1.1
Telecommunications Reduction	Dec	-.6	-.6
***** Changes from FY95 Gov Ankl to Senate *****			
Deny Health Ins Increment	MisAdj	-1.3	-1.3
Deny Pers Svces Underfund Inc	Dec	-14.8	-14.8
Deny DOTPF HWCF Rate Increase	Dec	-1.1	-1.1
Telecommunications Reduction	Dec	-.6	-.6
***** Changes from FY95 Gov Ankl to House *****			
House Unallocated Reduction	Dec	-3.0	-3.0

COMPONENT DETAIL - OPERATING BUDGET

Component: Director's Office  
 BRU: Fish and Wildlife Protection

Agency: Department of Public Safety

<u>Transactions - Line Items</u>	<u>Type</u>	<u>Total</u>	<u>Pers Svc</u>	<u>Travel</u>	<u>Contract</u>	<u>Supplies</u>	<u>Equip</u>	<u>Land/Bld</u>	<u>Grant</u>	<u>Misc</u>	<u>PFI</u>	<u>PPI</u>	<u>Imp</u>
		***** Changes from FY94 Conf Com to FY95 Governor Amended *****											
Conference Committee	ConfCom	225.3	198.8	5.2	17.6	3.7	0.0	0.0	0.0	0.0	3	0	0
Increased Health Insurance Pre	HisAdj	1.3	1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Reduce Pers Services Underfund	TrIn	14.8	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
DOTPF IIWCF Rate Increase	Inc	1.1	0.0	0.0	1.1	0.0	0.0	0.0	0.0	0.0	0	0	0

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<u>Transactions - Funding Sources</u>	<u>Type</u>	<u>Total</u>	<u>1004</u>
		***** Changes from FY94 Conf Com to FY95 Governor Amended *****	
Conference Committee	ConfCom	225.3	225.3
Increased Health Insurance Pre	HisAdj	1.3	1.3
Reduce Pers Services Underfund	TrIn	14.8	14.8
DOTPF IIWCF Rate Increase	Inc	1.1	1.1

of capital grants, particularly for small rural communities.

A \$20 million appropriation, doesn't go far among Alaska's municipalities. Because of their populations, large municipalities will get enough money to build something

If the program continues as a yearly grant it just perpetuates small capital grants as a kind of entitlement, encouraging small communities to dream up something just to get the money.

Instead, the program should allow

useful project. Also, villages should be able to pool their grants to build something of regional significance.

In its first year, the governor's capital matching program existed side-by-side with legislative grants,

*Continued on Page 6*

## As budgets thin, state agencies aim to improve performance, set standards

One of the lesser-recognized accomplishments of the 1994 legislature, passage of Rep. Sean Parnell's House Bill 347 that establishes performance-based budgeting, may have far-reaching implications as state agencies grapple with reduced funding.

Agency managers now have thinner resources. But they face rising demands as the state's population increases, particularly for vital services like education, police and road maintenance.

"There's no rational, objective way for the legislature or executive branch to make budget choices and establish priorities for funding in years of declining revenues," says Representative Parnell, a member of the House Finance Committee.

"There's too much focus on programs instead of public services. There's little sense of mission, and little use of goal setting."

HB 347, modelled after similar legislation in other states, requires each state department to establish mission statements, set goals and then establish objective performance standards. Parnell wants citizens, the "customers" of state services, to be involved in setting performance measures.

The bill requires three departments to be selected for a pilot program using

the process during FY 1995, with goals used in the FY 1996 budget. Performance-based budgeting would be fully implemented among all agencies by FY 1996, and will be used in preparing the FY 1997 budget.

"As I worked on the budget last year, I realized there was no meaningful way to assess an agency's performance," Parnell continues. "The Dept. of Public Safety will tell you they have 200 fewer troopers now than 8 years ago. Dept. of Transportation will tell you they how many lane miles of highway they have to maintain this year compared with last year. Or, the Dept. of Education will tell you about pupil-teacher ratios.

"Frankly, these are interesting numbers, but not particularly useful. For the Dept. of Public Safety, we should measure the department's performance by how safe the roads area, or how many people were killed on the Seward Highway this year compared with last year.

"For DOT, one measurement might be what level of road maintenance is acceptable to the public for a particular road. In education, the public wants to know whether their child can read at an acceptable level."

The approach sounds logical. But it will be a

challenge to develop objective performance standards, which are often expressed in some quantitative measure, for some agencies, according to Jack Fragnoli, who is working to develop the program in the Office of Management and Budget.

"Conceptually it's easy, but it's extremely difficult to get good measurements in practice," Fragnoli says. One of the main problems is to get a measure that reflects an agency's actual efforts and not some other influence in the environment."

Some will be relatively simple, such as a correlation between highway safety improvements or better

*Continued on Page 6*



meeting



Sen. Suzanne Little, testifying in committee

From British Petroleum's "Juneau Report", July 1994

What made designated grants popular among legislators, of course, was that they got to choose the projects. Constituents appealed directly to lawmakers for projects rather than a state agency or the governor. Come election time, legislators wanted constituents to know who brought home the projects. In theory, the governor is always involved in that process because he approves the final budget,

governors, Jay Hammond, Bill Sheffield, Steve Cowper and Walter Hickel generally acquiesced to legislators' priorities, although some vetoes were made (Alaska governors have "line item" veto authority). For Fiscal 1995, the state budget year that begins July 1, 1994, the \$99 million capital budget is "bare-bones," with only essentials. These include the required state matching

critical rural water and sewer projects, and \$20 million for the governor's capital matching grants.

In the future, thinner capital budgets may be the rule rather than the exception. Now that legislators have rid themselves of legislatively-designated grants they may be able to withstand calls for its reimposition.

*Continued on Page 7*

## Legislature tells agencies to set priorities

*Continued from Page 5*

policing with reduced traffic accidents and fatalities. Others are more subjective, such as the legal mandate of the Dept. of Natural Resources to protect state lands, or the Dept. of Environmental Conservation to protect the state's environment.

In defining performance for some agencies, it will be important to get public involvement in defining what's desired, Fragnoli says. For example, if there's strong public support for a goal of getting more state land into private ownership, a performance

standard is how many acres are made available each year.

"It's the setting of benchmarks by the public that drives the process," he adds.

States as diverse as Hawaii, Connecticut, Iowa, Louisiana, North Carolina, Oregon and Texas have implemented versions of performance-based budgeting. Parnell based HB 347 on the Texas law partly because that state is experiencing financial strains similar to Alaska.

Oregon is now five years into the

process, with good results. But it was developed with a substantial degree of public participation, and good cooperation between the executive and legislative branches, Fragnoli says.

In Texas, the goals were largely set by the legislature and governor. Alaska's system will be somewhere in-between, Fragnoli says, with some public participation and a high degree of involvement by the legislature and governor.

The new law requires:

- The governor to identify state-wide goals on May 1 of each year.
- On May 1, Office of Management and Budget gives each department information on the state's economy and population for use in developing agency long-range plans.
- On July 1, OMB will approve each agency's goals.
- By Oct. 1, agencies will submit long-range plans to achieve the goals.
- By Dec. 15, OMB and the governor will have compiled the plans into one strategic long-range plan.

Plans will cover six years, but will be revised yearly. The goals and mission statements will be used by the governor in preparing the next year's budget.

Parnell feels the process will allow the legislature, and the public, to require an accountability by state agencies for specific results. Now it is too easy for agencies to press for continued funding without having to justify themselves, he feels.



*Reps. Gary Davis of Soldoma, Bill Hudson of Juneau, Terry Martin of Anchorage.*

**GENERAL APPROPRIATIONS ACT, 1993**  
**STATE OF TEXAS**

EXCERPT FROM TEXAS DEPARTMENT OF PUBLIC SAFETY

TEXAS RIVER COMPACT COMMISSIONERS  
(Continued)

<b>C.1.1. Strategy: ANNUAL ACCOUNTING</b>		
Develop and implement an annual accounting system of water deliveries to each compacting state.	\$ 33,662	\$ 33,662
<b>Outputs:</b>		
Number of Users of Texas' Water Apportioned by the Red River Compact	250	250
<b>D. Goal: RIO GRANDE RIVER COMPACT</b>		
The Rio Grande River Compact Commission will ensure delivery of Texas' equitable share of quality water from the Rio Grande River and its tributaries as apportioned by the Rio Grande Compact.		
<b>D.1. Objective:</b>		
Ensure delivery of Texas' share of water from the Rio Grande River		
<b>Outcomes:</b>		
Percent of Texas' equitable share of quality water received annually as apportioned by the Rio Grande Compact	95%	95%
<b>D.1.1. Strategy: ANNUAL ACCOUNTING</b>		
Prepare and resolve the annual accounting of water deliveries to Texas by New Mexico and Colorado as apportioned by the Rio Grande Compact.	\$ 162,911	\$ 164,211
<b>Outputs:</b>		
Number of Acre-Feet of Quality Water Received by Texas as Apportioned by the Rio Grande Compact	750,500	750,500
<b>E. Goal: SABINE RIVER COMPACT</b>		
The Sabine River Compact Commission will ensure delivery of Texas' equitable share of quality water from the Sabine River and its tributaries as apportioned by the Sabine River Compact.		
<b>E.1. Objective:</b>		
Ensure delivery of Texas' share of water from the Sabine River		
<b>Outcomes:</b>		
Percent of Texas' equitable share of quality water received annually as apportioned by the Sabine River Compact.	100%	100%
<b>E.1.1. Strategy: ANNUAL ACCOUNTING</b>		
Prepare and resolve the annual accounting of water deliveries and diversions by Texas and Louisiana as apportioned by the Sabine River Compact.	\$ 54,534	\$ 54,534
<b>Outputs:</b>		
Number of Acre-Feet of Quality Water Available to Texas as Apportioned by the Sabine River Company	1,037,300	1,037,300
<b>F. Goal: SEC 146, 1993 SALARY INC</b>		
Section 146, 1993 Salary Increase	\$ 5,688	\$
<b>Grand Total, TEXAS RIVER COMPACT COMMISSIONERS</b>		
	\$ 393,157	\$ 393,769
<b>Schedule of Exempt Positions</b>		
Red River Compact Commissioner	\$24,225	\$24,225
Rio Grande Compact Commissioner	41,195	41,195
Sabine River Compact Commissioner	(2) 8,488	(2) 8,488
Canadian River Compact Commissioner	10,767	10,767
Pecos River Compact Commissioner	20,247	20,247

TEXAS RIVER COMPACT COMMISSIONERS  
(Continued)

Administrative and Support Cost as a Percent of Expenditures:

Canadian River Compact	\$ 1%	5.1%
Pecos River Compact	2.6%	2.6%
Red River Compact	8.0%	8.0%
Rio Grande River Compact	1.2%	1.3%
Sabine River Compact	4.5%	4.5%

I. Article V Exemption, Leave Provisions. It is specifically provided that the Red River Compact, Sabine River Compact, Canadian River Compact and Pecos River Compact Commissioners are exempt from Article V, provisions concerning, Employees Working Hours and Holidays, and, Employees Vacation and Leave, provisions of this Act.

DEPARTMENT OF PUBLIC SAFETY

A. Goal: PROMOTE TRAFFIC SAFETY

To promote traffic safety.

A.1. Objective:

Reduce death, injury & economic loss by containing traffic death rate

Outcomes:

Annual Texas Rural Traffic Death Rate

For the Years Ending  
August 31, 1994      August 31, 1995

*recount*

A.1.1. Strategy: HIGHWAY PATROL

Supervision of traffic on rural highways by uniformed officers.

Outputs:

Traffic Law Violator Contacts

Rural Traffic Accidents Investigated

Efficiencies:

Average Cost of Patrolling a Mile of Rural Highway

A.1.2. Strategy: PATROL COMMERCIAL TRAFFIC

Supervision of commercial and "for hire" traffic on rural highways by uniformed officers.

Outputs:

Traffic Law Violator Contacts

Commercial Vehicles Placed Out of Service

A.1.3. Strategy: DRIVER LICENSE & RECORDS

Ensure the competency of Texas drivers through testing of new drivers, determining the eligibility of renewal applicants, and through the improvement or delicensing of problem drivers.

Outputs:

Number of Examinations Administered

Number of Drivers Licenses Issued

Number of Driver Records Established and Maintained

	2.2	2.2
Supervision of traffic on rural highways by uniformed officers.	\$ 84,001,551	\$ 83,823,203
Traffic Law Violator Contacts	2,070,355	2,121,925
Rural Traffic Accidents Investigated	48,498	48,498
Average Cost of Patrolling a Mile of Rural Highway	417	416
Supervision of commercial and "for hire" traffic on rural highways by uniformed officers.	\$ 15,310,665	\$ 15,055,355
Traffic Law Violator Contacts	394,937	394,937
Commercial Vehicles Placed Out of Service	29,983	29,983
Number of Examinations Administered	5,704,377	5,704,377
Number of Drivers Licenses Issued	4,337,826	4,381,203
Number of Driver Records Established and Maintained	13,366,100	13,499,761

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

A.1.4. Strategy: BREATH & BLOOD TESTING

Operate a scientific breath alcohol and blood testing program statewide. Supervise and maintain this program, train operators, and testify to its validity in court.

Outputs: \$ 1,620,257 \$ 1,592,527

Number of Breath Alcohol Tests Supervised 45,000 45,000  
Number of Blood Alcohol and Toxicology Cases Completed 5,225 5,225

A.1.5. Strategy: VEHICLE INSPECTION

Administer the state's vehicle inspection program. \$ 8,244,413 \$ 7,686,483

Outputs:  
Number of Inspection Stations Supervised 9,598 9,790  
Number of Inspectors Supervised 30,498 31,107  
Number of Inspector Certifications Suspended/Revoked 295 295

A.1.6. Strategy: TRAFFIC ACCIDENT RECORDS

Administer the traffic accident records system for the State of Texas. \$ 2,296,812 \$ 2,282,702

Outputs:  
Number of Accident Reports Processed 450,000 450,000  
Number of Reports and Summaries Prepared 110,000 110,000  
Efficiencies:  
Average Cost per Accident Report Processed 5.11 5.11

A.1.7. Strategy: EDUCATION & TRAINING

Provide appropriate alcohol, drug, traffic safety, and crime prevention educational programs for the citizens of Texas and provide operational and technical training for law enforcement, emergency management, and support personnel in the state. \$ 3,956,094 \$ 3,914,394

Outputs:  
Number of Alcohol, Drug, Traffic Safety, and Crime Prevention Programs Conducted 7,374 7,374  
Number of Personnel Instructed 8,500 8,500  
Number of Traffic Safety Literature Items Produced 131,060 131,060

Total, Objective A.1: Reduce death, injury & economic loss by containing traffic death rate \$ 174,931,272 \$ 168,449,623

Total, Goal A: PROMOTE TRAFFIC SAFETY \$ 174,931,272 \$ 168,449,623

B. Goal: PREVENT & DETECT CRIMES

To promote the preservation of the peace and the prevention and detection of crime.

B.1. Objective:

Reduce death, injury, & economic loss by working to reduce crime

Outcomes: Annual Texas Crime Index Rate 7,806 7,798

B.1.1. Strategy: NARCOTICS ENFORCEMENT

Administer the Narcotics enforcement program. \$ 23,182,099 \$ 24,568,320

Outputs:  
Number of Criminal Investigations of Narcotics Violations Conducted 4,529 5,049  
Number of Arrests for Narcotics Violations 1,657 1,777  
Efficiencies:  
Average Cost of Criminal Investigation 4,933 4,933

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

B.1.2. Strategy: VEHICLE THEFT ENFORCEMENT

Administer the Motor Vehicle Theft enforcement program. \$ 4,432,811 \$ 4,829,822

Outputs:  
Number of Criminal Investigations for Motor Vehicle Theft Conducted 4,224 4,437  
Number of Arrests for Motor Vehicle Theft 614 646  
Efficiencies:  
Average Cost of Criminal Investigation 1,165 1,175

B.1.3. Strategy: CRIMINAL INTELLIGENCE

Administer the Criminal Intelligence enforcement program. \$ 6,559,237 \$ 6,483,758

Outputs:  
Number of Criminal Investigations in Criminal Intelligence Conducted 3,205 3,205  
Number of Criminal Intelligence Arrests 284 284

B.1.4. Strategy: TEXAS RANGERS

Administer the Texas Rangers enforcement program. \$ 6,123,476 \$ 6,243,321

Outputs:  
Number of Criminal Investigations 4,878 4,878  
Number of Traffic Actions 323 323

B.1.5. Strategy: PUBLIC SECURITY/PARKING

Provide appropriate security for public officials and property during the period 1992 through 1998. \$ 9,396,878 \$ 9,303,855

Outputs:  
Number of Parking Transactions 50,256 50,256  
Hours of Security Provided 372,233 381,184

B.1.6. Strategy: TECHNICAL ASSISTANCE

Provide high quality and timely technical assistance programs to requesting criminal justice agencies in Texas during the period 1992 through 1998. \$ 6,764,814 \$ 6,160,638

Outputs:  
Number of Drug Cases Examined 24,400 24,400  
Number of Criminalistics Cases Worked 4,500 4,500

B.1.7. Strategy: OPERATIONAL ASSISTANCE

Provide high quality and timely operational assistance programs to requesting criminal justice and other authorized agencies and entities during the period 1992 through 1998. \$ 11,361,688 \$ 11,554,658

Outputs:  
Number of Law Enforcement or Emergency Aircraft Hours Flown 4,164 4,164  
Number of Criminal History Inquiries From Authorized Agencies/ Entities Processed 1,171,800 1,230,300  
Number of Fingerprint Cards Processed Through Automated and Manual Systems 645,000 645,000

Total, Objective B.1: Reduce death, injury, & economic loss by working to reduce crime \$ 67,821,025 \$ 69,144,372

Total, Goal B: PREVENT & DETECT CRIMES \$ 67,821,025 \$ 69,144,372

C. Goal: DISASTER RESPONSE

To respond in a timely fashion to emergencies and disasters and administer a comprehensive emergency-management program.

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

C.1. Objective:

Reduce death, injury & economic loss through emergency management

Outcomes:

Percentage of Jurisdictions Receiving Planning Guidance and Assistance in Emergency Preparedness	39%	39%
Percentage of Jurisdictions Receiving Recovery and Mitigation Assistance	57%	57%

C.1.1. Strategy: PLANNING ASSISTANCE

Provide emergency management planning assistance and guidance to state agencies and local governments in Texas.

Outputs:

Number of Planning Documents Processed	2,139	2,139
Number of Student Hours of Emergency Management Instruction Provided	17,400	17,400

C.1.2. Strategy: RECOVERY & MITIGATION

Process and monitor all requests and applications for recovery and mitigation assistance based upon requirements and procedures.

Outputs:

Number of Jurisdictions Assisted	767	767
Efficiencies:		
Average Cost per Assistance Request Processed	1,989	1,989

C.1.3. Strategy: RESPONSE COORDINATION

Review and coordinate emergency and disaster response operations.

Outputs:

Number of Emergency Incidents Coordinated	745	745
Number of Local Governments Assisted	521	521

Total, Objective C.1: Reduce death, injury & economic loss through emergency management

\$ 4,063,838 \$ 4,055,538

Total, Goal C: DISASTER RESPONSE

\$ 4,063,838 \$ 4,055,538

D. Goal: SEC 146, 1993 SALARY INC

Section 146, 1993 Salary Increase \$ 4,742,024 \$

Grand Total, DEPARTMENT OF PUBLIC SAFETY

\$ 251,558,159 \$ 241,649,533

Method of Financing:

State Highway Fund No. 006	\$ 213,632,378	\$ 205,768,333
Operators and Chauffeurs License Fund No. 099	12,500,000	11,043,996
State Parking Fund No. 125	29,000	295,000
Motor Vehicle Inspection Fund No. 274	12,000,000	11,423,680
Criminal Justice Planning Fund No. 421	4,813,177	4,813,177
Motorcycle Education Fund No. 501	850,034	844,528
Federal Funds	6,066,671	6,066,671
All-Terrain Vehicle Safety Fund No. 598	4,000	4,000

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

Appropriated Receipts	58,927	58,927
Interagency Contracts	1,137,972	1,137,972
Earned Federal Funds	2(X) (XX)	193,249

Total, Method of Financing \$ 251,558,159 \$ 241,649,533

Schedule of Exempt Positions

Director \$84,660 \$84,660

Bond Debt Service \$ 436,918 \$ 438,510

Administrative and Support Cost as a Percent of Expenditures 9.0% 9.0%

1. Capital Budget. None of the funds appropriated above may be expended for capital budget items except as listed below. The amounts shown below shall be expended only for the purposes shown and are not available for expenditure for other purposes. Amounts appropriated above and identified in this provision as appropriations either for "Lease payments to the Master Equipment Lease Purchase Program" or for items with an "(MELPP)" notation shall be expended only for the purpose of making lease-purchase payments to the Texas Public Finance Authority pursuant to V.T.C.S., Art. 601(d), Sec. 9A.

	1994	1995
a. Acquisition or Lease-Purchase of Land and other Real Property	\$ 300,000	\$ 460,000
b. Construction of Buildings and Facilities	7,300,000	3,090,000
c. Repairs or Rehabilitation	1,000,000	1,000,000
d. Acquisition or Lease-Purchase of Information Resource Technologies	9,838,915	\$ 5,403,000
e. Transportation Items	6,308,522	5,948,522
f. Purchase or Lease-Purchase of Capital Equipment and Items	2,374,800	2,120,800
g. Capitol Security Equipment	248,398	U.B.
Total, Capital Budget	\$ 27,370,635	\$ 18,022,322

Method of Financing (Capital Budget):

State Highway Fund No. 006	\$ 25,345,635	\$ 16,181,322
Criminal Justice Planning Fund No. 421	1,350,000	1,390,000
Operators and Chauffeurs License Fund No. 099	675,000	451,000

Total, Method of Financing(Capital Budget) \$ 27,370,635 \$ 18,022,322

2. Sale of Vehicles. Funds derived from the sale of passenger vehicles and aircraft operated by the Department of Public Safety are hereby reappropriated to the Department of Public Safety and are to be deposited in appropriations where like purchases can be made as per Article 601b, V.A.C.S.

3. Abandoned Vehicles. Funds accruing to the department under the provisions of Article 4477-9a, Section 5.01 et. seq. are hereby appropriated to the department to assist in the administration of the Act.

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

4. **Unexpended Vehicle Appropriations.** Any unexpended balance in funds appropriated for automobile purchases in the various strategies and identified in capital budget, for the 1994 fiscal year are hereby reappropriated for the 1995 fiscal year.
5. **Controlled Substances.** All amounts received under Chapter 481, Health and Safety Code and deposited to the credit of the Controlled Substance Fund No. 098 are hereby appropriated to the Department of Public Safety to be used for law enforcement purposes. Any funds unexpended at the close of each fiscal year are reappropriated for the following year.
6. **Academy Costs.** The Department of Public Safety may charge employees and students of the DPS Academy for tuition, lodging, and meals at such prices as may be set by the department. Such funds as received are hereby appropriated to cover the expenses entailed in providing such students and employees their lodging, meals, incidental expenses, and to pay visiting instructors.
7. **Clothing Allowance.** All commissioned officers holding an exempt position and other required uniform personnel are to receive a clothing and cleaning allowance of \$500 per year. Those commissioned officers who are not provided a uniform shall receive a clothing and cleaning allowance of \$1,200 per year.
8. **Witness Fees.** From the appropriations made herein the Department of Public Safety may pay the witness fees and travel expenses of out-of-state witnesses, subject to the advance, written approval of the District Attorney for the county having venue over the law violation under investigation.
9. **Medical and Funeral Costs.** Monies appropriated above may be expended for drugs, medical, hospital, laboratory and funeral costs of law enforcement employees or other employees performing duties involving unusual risk when injury or death occurs in the performance of such duties. It is the intent of the Legislature that monies appropriated above shall not be expended for drugs, medical, hospital, laboratory or funeral costs of employees who are not actively engaged in the performance of law enforcement or other hazardous duties or of law enforcement employees when injury or death occurs in the performance of clerical or office duties as distinguished from law enforcement or other duties involving unusual risk. Monies appropriated above may also be expended for physical examinations and testing when such examinations and tests are a condition of employment or exposure to infectious diseases or hazardous materials occurs in the line of duty.
10. **Aircraft Authority.** The Department of Public Safety is authorized to own, maintain and operate helicopters in performance of its responsibilities. In addition to authority to own, maintain and operate aircraft under the provisions of Section 411.013 of the Government Code, and Article V, Section 20 of this Act, the department is authorized to own, maintain and operate any aircraft seized pursuant to authority contained in Chapter 481, Health and Safety Code or under any other statute authorizing the Department to own, maintain, or operate seized aircraft. The department is directed to submit, as part of its Annual Report, details on the acquisition and disposition of seized aircraft.
11. **Purchase of Evidence.** From the amounts appropriated for the support and maintenance of the Department of Public Safety, an amount not to exceed One Million Dollars (\$1,000,000) each year of the biennium, exclusive of amounts forfeited to the Department of Public Safety by any court of competent jurisdiction and amounts received from the United States government derived from the forfeiture of monies and property, is hereby designated for the purchase of evidence and/or information and surveillance expenses deemed necessary by the Department of Public Safety; and accountability for expenditures as set forth above shall be governed by such rules and regulations as the Director of the Department of Public Safety

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

- may recommend, subject to review and approval by the State Auditor. Such amounts may be maintained in cash to facilitate the purchase of evidence, information and/or surveillance expense.
12. **Driver License Facilities.** It is the intent of the Legislature that the driver license facilities and personnel provided for in this Act be dispersed over the entire State in both rural and urban areas, and that driver license service to counties with populations equal to or less than 50,000 shall not be reduced below the service levels currently provided by the Department of Public Safety.
  13. **Marked Vehicles.** None of the funds appropriated hereinabove may be expended for the salaries of personnel operating motor vehicles used to stop and actually arrest offenders of highway speed laws unless such vehicles are patrol vehicles of the standard black-and-white color, plainly marked with the department's insignia.
  14. **Aviator Reimbursement.** From the amounts appropriated above, an amount not to exceed \$10,000 each year of the biennium may be used only for aviator search, rescue or disaster-related functions, limited to reimbursements for actual costs of aircraft operation to include fuel, oil and routine maintenance costs incurred by trained and certified private volunteer aviators using privately-owned aircraft in state-authorized flight operations. The reimbursement shall not exceed the rate of \$60.00 per flying hour, when such aircraft costs are not reimbursable by other governmental agencies in accordance with Chapter 418, Government Code.
  15. **Gasoline Contingency.** In addition to funds appropriated above and contingent upon certification by the Comptroller of Public Accounts, the Department of Public Safety is hereby appropriated up to \$40,000 annualized per year from State Highway Fund No. 006 for each cent increase in the average gasoline cost per gallon to the department above \$.90 per gallon.
  16. **Disaster Relief Funds.** In addition to the appropriations otherwise provided in this Act, there is hereby appropriated to the Department of Public Safety any federal funds, including those authorized under the Disaster Relief Act of 1974, received by the department either directly or as agent of the Governor. Such funds may be used for any purpose for which the federal grant, allocation, aid, or payment was made or for any purpose for which the funds they replace were appropriated, and funds otherwise appropriated to the department may be used in carrying out the department's duties.
  17. **Texas Rangers.** It is the intent of the Legislature that the Texas Rangers shall be a separate division of the Department of Public Safety and the Senior Captain of the Texas Rangers shall report directly to the Director of the Department of Public Safety.
  18. **Appropriations of Receipts - Parking Violation Revenues.** The Texas Department of Public Safety shall collect a \$10.00 (Ten Dollars) fine for all parking violations on state-owned property in the Capitol Complex. All revenue received from parking violations shall be deposited to the General Revenue Fund and is hereby appropriated for use by the Department of Public Safety for Capitol Police Security and parking for the 1994-95 biennium.
  19. **Appropriation of Parking Fees.** All parking fees collected by the Texas Department of Public Safety pursuant to Art. 601b, Sec. 4.12(c), V.T.C.S., shall be deposited by the department into the State Parking Fund No. 125 to be used by the department, according to general law, for the operation, maintenance and improvement of state parking facilities, temporary or permanent. The department may expend these funds only to the extent

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

Identified in Article I of this act. This fund shall serve as a method of finance for parking operations in the Capitol Complex. The Texas Department of Public Safety shall deposit all funds to the State Treasury, except for a \$500 petty cash account for payment of refunds. This account shall be administered in accordance with approved procedures established by the Comptroller of Public Accounts. Any unobligated balances shall remain in the fund, available for appropriation by the Legislature in subsequent years for the same purpose and subject to the same restrictions.

20. **Security - Aircraft Pooling Board.** The Texas Department of Public Safety shall be responsible for the security of state owned real property and facilities acquired for use by the Aircraft Pooling Board and shall recover costs through fees charged to the Aircraft Pooling Board.
21. **Seized Assets Report.** The Department of Public Safety shall file with the Governor and the Legislative Budget Board, no later than October 1 of each year, a report detailing the acquisition and use of seized assets. The report shall contain, at a minimum, the following information: the court in which the case was adjudicated, the nature of the assets, the value of the assets, and the actual or intended use of the assets.
22. **Disposition of Seized Funds.** The Department of Public Safety is hereby directed to deposit all funds currently held, or obtained in the future pursuant to seizure actions or judicial forfeiture according to rules and procedures developed by the State Treasurer. DPS shall cooperate with the State Treasurer in developing agreements and procedures for the deposit of seized state funds in accounts with the State Treasurer.
23. **Promotion Examination.** It is the intent of the Legislature that the Department of Public Safety obtain the services of a qualified and appropriate consultant, within the first year of the biennium, for the purposes of updating and validating the Department's written promotion exam. The Department shall report the findings of the consultant to the Governor, Lieutenant Governor, and the Speaker of the House of Representatives.
24. **Salary Provision - H.B. 9 Transfer of Personnel.** It is the intent of the Legislature that any commissioned peace officer transferred from the Driver's License Service or the Motor Vehicle Inspection Service to another Service within the Department, in compliance with H.B. 9, 72nd Legislature, First Called Session, shall not receive a decrease in salary as a result of the transfer. It is further the intent of the Legislature that applicable salary levels be reinstated in cases where such transfers have resulted in a reduction in salary.
25. **Polygraph Examinations.** None of the funds appropriated herein above may be expended for polygraph testing of commissioned law enforcement officers of the Department of Public Safety, unless requested by the officer.
26. **Sunset Contingency.** Funds appropriated above for fiscal year 1995 for the Department of Public Safety are made contingent on the continuation of the Department of Public Safety by the Legislature. In the event the agency is not continued, the funds appropriated for fiscal year 1994 or as much thereof as may be necessary are to be used to provide for the phase out of the agency operations.
27. **Encumbered Balances - AFIS.** Any encumbered balances remaining as of August 31, 1993, not to exceed \$6,336,254, in the appropriation made out of the State Highway Fund No. 006 to the Department of Public Safety in Article VII of S.B. 222, Seventy-first Legislature, Regular Session, and identified in rider provision 3 on page 1-269 of that Act, are hereby reappropriated to the Department of Public Safety for the fiscal year beginning September 1, 1993. Funds appropriated pursuant to this provision may be expended only for

DEPARTMENT OF PUBLIC SAFETY  
(Continued)

the completion of the contract for the Automated Fingerprint Identification System (AFIS) consistent with the provisions of Rider 3, page 1-269, S.B. 222.

28. **Contingency Appropriation Senate Bill 1.** Contingent upon the enactment of Senate Bill 1, Seventy-third Legislature, Regular Session, or similar legislation relating to administrative license revocation, there is hereby appropriated to the Department of Public Safety \$2,202,590 for fiscal year 1994 and \$3,306,853 for fiscal year 1995. Appropriations are made out of the Operator's and Chauffeur's License Fund No. 099 from reinstatement fees collected pursuant to the Act, and from the State Highway Fund No. 006, for the purpose of implementing the provisions of the Act. Appropriations made from State Highway Fund No. 006 shall be expended only to the extent necessary, in the absence of sufficient reinstatement fee revenue in the Operator's and Chauffeur's License Fund No. 099. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies.
29. **Contingency Appropriation for Senate Bill 510.** Contingent upon the enactment of Senate Bill 510, Seventy-third Legislature, Regular Session, or similar legislation, The Department of Public Safety is hereby appropriated \$574,519 out of the State Highway Fund No. 006 and \$56,942 out of the Operator's and Chauffeur's License Fund No. 099 for fiscal year 1994; and \$537,592 out of the State Highway Fund No. 006 and \$45,751 out of the Operator's and Chauffeur's License Fund No. 099 for fiscal year 1995 for the purpose of implementing the provisions of this Act. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.
30. **Contingency Appropriation for Senate Bill 536.** Contingent upon the enactment of Senate Bill 536, Seventy-third Legislature, Regular Session, or similar legislation, the Department of Public Safety is hereby appropriated the additional fee revenue collected pursuant to the provisions of that Act in an amount not to exceed \$146,794 for fiscal year 1994 and \$135,124 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.
31. **Contingency Appropriation for House Bill 945.** Contingent upon the enactment of House Bill 945, Seventy-third Legislature, Regular Session, or similar legislation, the Department of Public Safety is hereby appropriated the additional revenue collected pursuant to the provisions of that Act in an amount not to exceed \$774,192 out of the Motor Vehicle Inspection Fund No. 274 for fiscal year 1994 and \$729,404 out of the Motor Vehicle Inspection Fund No. 274 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.
32. **Contingency Appropriation for House Bill 1776.** Contingent upon the enactment of House Bill 1776, Seventy-third Legislature, Regular Session, or similar legislation, the Department of Public Safety is hereby appropriated the fee revenue collected pursuant to the provisions of that Act in an amount not to exceed \$5,017,390 out of the Handgun License Account in the General Revenue Fund No. 001 for fiscal year 1994 and \$2,938,942 out of the Handgun License Account in the General Revenue Fund No. 001 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.

\* See Veto Proclamation.

**HB**

**30**

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 30

Revision Date: \_\_\_\_\_  
Title: School Dress Code

Department Affected: Department of Education

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Bettve Davis  
Requestor: Representative Bettve Davis

COMPONENT SERIAL NO. 185

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:**

(Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

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

Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant

Phone: 465-2803

Division: Commissioner's Office

Date: January 24, 1995

Approved by Commissioner: Phil Matus

Jerry Covey

Agency: Education

Date: January 24, 1995

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## REPRESENTATIVE BETTYE DAVIS DISTRICT 21

### SPONSOR STATEMENT

#### **HB30 - " An act relating to a dress code for public schools"**

Today, many educators believe that school dress significantly influences student behavior. The adoption of an optional schoolwide uniform policy is a reasonable and economical way to provide some protection for students, without having to take teachers away from their normal duties to act as monitors and policemen.

This will also put parents in a position to choose the type of clothing they think is most suitable for their child and their child's school environment. With many School Districts moving to Site Based Management, principals, teachers and parents will be making decisions for their schools.

The schools that have adopted school uniforms experience a " coming together " feeling, greater school spirit and better behavior in and out of the classroom.

To minimize the inconvenience, the dress code policy shall not be implemented with less than six months notice. and parents will have the right to exclude their children from the dress code.

This would not preclude students who participate in a nationally recognized youth organization from wearing their uniforms on days when there are scheduled meetings.

Unfortunately, Alaska's is no longer isolated from the problems of the inner cities of the lower "48. The gang mentality, a product of poverty and abuse, is spreading inexorably toward Alaska.

In a society that seems to grow more violent each year, any steps that a school district can take to protect its students deserves our careful consideration.

# ALASKA STATE LEGISLATURE

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FORCE

REPRESENTATIVE BETTYE DAVIS  
DISTRICT 21

## MEMORANDUM

January 26, 1995

To Representative James  
Chair  
State Affairs Committee

From: Representative Bettye Davis *BD*

Re: Request for a hearing on HB30

=====  
I respectfully request a committee hearing of HB30 at your  
earliest convenience. Attached please find a sponsor  
statement, copy of the bill and zero fiscal note.

Thank you for your attention to this request.

Display 1993-1994 Bill Text - INFORMATION  
BILL NUMBER: AB 980

## BILL TEXT

CHAPTER	435 ✓
FILED WITH SECRETARY OF STATE	SEPTEMBER 24, 1993
APPROVED BY GOVERNOR	SEPTEMBER 23, 1993
PASSED THE ASSEMBLY	AUGUST 31, 1993
PASSED THE SENATE	AUGUST 26, 1993
AMENDED IN SENATE	JULY 8, 1993
AMENDED IN SENATE	JUNE 23, 1993
AMENDED IN ASSEMBLY	JUNE 7, 1993
AMENDED IN ASSEMBLY	APRIL 20, 1993

INTRODUCED BY Assembly Member Allen

MARCH 1, 1993

An act to amend Section 35294.1 of, and to add Section 35183 to the Education Code, relating to school districts.

## LEGISLATIVE COUNSEL'S DIGEST

11/19-1  
AB 980, Allen. School districts: dress codes.

Existing law has no specific provision authorizing school districts to require adherence to a dress code.

This bill would declare that gang-related apparel is hazardous to the health and safety of the school environment and that the governing board of any school district may adopt reasonable dress code regulations prohibiting pupils from wearing "gang-related apparel" if the board has determined that the regulations are necessary for health and safety purposes.

This bill would declare that school safety planning may include the establishment of a schoolwide dress code that would prohibit pupils from wearing "gang-related apparel" which could reasonably be determined to threaten the health and safety of the school environment as specified, and would require that the dress code be enforced.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 35183 is added to the Education Code, to read:

35183. The Legislature declares that "gang-related apparel" is hazardous to the health and safety of the school environment. The governing board of any school district may adopt reasonable dress code regulations that prohibit pupils from wearing "gang-related apparel" if the governing board has determined that the regulations are necessary for the health and safety of the school environment. Upon approval of the dress code regulations by the governing board of the school district, individual schools in the school district may adopt reasonable dress code regulations as part of its school

Display 1993-1994 Bill Text - INFORMATION  
BILL NUMBER: AB 980

BILL TEXT.

safety plan, pursuant to Section 35294.1.

SEC. 2. Section 35294.1 of the Education Code is amended to read:

35294.1. (a) School safety planning may include, but not be limited to:

- (1) Assessing the current status of school crime committed on school campuses and at school-related functions.
- (2) Identifying appropriate strategies and programs that will provide or maintain a high level of school safety.
- (3) Developing an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs and determining the fiscal impact of executing the strategies and programs. The action plan may identify available resources which will provide for implementation of the plan.

(4) Establishing a schoolwide dress code, pursuant to Section 35183, that prohibits pupils from wearing "gang-related apparel." For those purposes, the parties participating in the development of the comprehensive school safety plan shall define "gang-related apparel." The definition shall be limited to apparel that, if worn or displayed on a school campus reasonably could be determined to threaten the health and safety of the school environment. Any schoolwide dress code established pursuant to this section shall be enforced on the school campus and at any school-sponsored activity by the principal of the school or the person designated by the principal. For the purposes of this paragraph, "gang-related apparel" shall not be considered a protected form of speech pursuant to Section 48950.

(b) Existing schoolsite councils may be responsible for developing a safety plan. In any event, the plan may be developed with the participation of teachers, classified employees, parents, law enforcement, school administrators, and, if deemed appropriate, students.

(c) It is the intent of the Legislature that schools develop school safety plans using existing resources, including the materials and services of the School Safety Partnership, pursuant to Chapter 2.5 (commencing with Section 32260) of Part 19. It is also the intent of the Legislature that schools use the handbook developed and distributed by the School/Law Enforcement Partnership Program entitled "Safe Schools: A Planning Guide for Action" in conjunction with developing their plan for school safety.

(d) It is the intent of the Legislature that schools shall not contract with private consultants to develop school safety plans.

(e) Grants to assist schools in implementing their school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262 of the Education Code.

*Discard Earlier Pocket Supplement*

# 1994 POCKET SUPPLEMENT

ISSUED IN DECEMBER, 1993

COVERING LEGISLATION THROUGH  
THE 1993 SESSION OF THE 1993-94 LEGISLATURE

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## DEERING'S EDUCATION CODE

ANNOTATED

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OF THE STATE OF CALIFORNIA

§§ 18000-38999

Annotated and Indexed by the Publisher's Editorial Staff

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*Note*—An updated analysis of the Education Code appears at the beginning of the supplement to the first volume.

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ITEM-47

participation in extracurricular and cocurricular activities which shall be applied to extracurricular and cocurricular activities conditioned upon satisfactory educational progress as determined by this section consistent with that subdivision. Standards of proficiency pursuant to subdivision (a) shall be consistent with the intent of this subdivision.

"Activity" means a program that has all of the following characteristics:

- (1) It is a school district activity.
- (2) It is a selection, planning, or control of the program.
- (3) It is a performance and performance before an audience or other person.

"Regular activity" is not part of the regular school day and does not take place during classroom time.

"School activity" is defined as a program that may be associated with a course of study.

"University" means a university for a course which satisfies the entrance requirements of the University of California, is not an extension of a high school, and is not a section.

"Academic progress" shall include, but not be limited to, the following:

(1) A grade point average of at least a 2.0 in all courses taken during the high school graduation requirements prescribed in this section.

(2) A high school graduation requirements prescribed in this section.

"Grading period" does not include any grading period in which a student is on leave of absence, or the grading period due to absences excused for medical or personal reasons, or approved travel, or work. In that event, "previous grading period" means the grading period or periods immediately prior to the grading period or periods in which the student was enrolled.

"Academic or educational achievements" means the achievements defined by this section.

"Probationary period" means the part of its policy established pursuant to this section which requires a student to achieve satisfactory educational progress, or to remain eligible to participate in extracurricular and cocurricular activities. The probationary period shall not exceed one year, or such longer period as determined by the governing board of the school district, in the case of a student who fails to achieve satisfactory educational progress, as defined in paragraph (4), and who is required to participate in extracurricular and cocurricular activities.

"Governing board" means the governing board of a school district from imposing a subdivision. If the governing board of a school district is a governing board, the governing board shall establish the criteria for a meeting open to the public pursuant to this section.

"Review" means to review the school district policies adopted by the governing board of a school district.

"Each school district shall, as a condition for the adoption of rules and regulations establishing a dress code, adopt rules and regulations establishing a dress code for the district. This requirement does not apply to school districts with schools that do not serve any of the following categories of students:

(1) A child who is a resident in the district and whose particular locations of his or her residence are such that the authority to maintain appropriate racial and ethnic balance is in the districts' discretion or as specified in applicable law.

(2) A child who receives requests for admission in excess of the enrollment in the school is made through a random selection process. In this subdivision, the governing board of the school district shall, however, school districts of choice may adopt dress code regulations if the criteria are uniformly applied to all students in the district.

(C) It shall provide that no pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.

(3) It is the intent of the Legislature that, upon the request of the pupil's parent or guardian and demonstration of financial need, each school district provide transportation assistance to the pupil to the extent that the district otherwise provides transportation assistance to pupils.

Amended Stats 1990 ch 671 § 1, (SB 1029); Stats 1993 ch 161 § 1 (AB 1114), ch 915 § 1 (AB 1310).

Amendments:

1990 Amendment: (1) Added subd (b)(4); and (2) redesignated former subs (b)(4)-(b)(8) to be subs (b)(5)-(b)(9).

1993 Amendment: Added subd (c).

§ 35179. (Operative until July 1, 1997) Interscholastic athletics

(a) Each school district governing board shall have general control of, and be responsible for, all aspects of the interscholastic athletic policies, programs, and activities in its district, including, but not limited to, eligibility, season of sport, number of sports, personnel, and sports facilities. In addition, the board shall assure that all interscholastic policies, programs, and activities in its district are in compliance with state and federal law.

(b) Governing boards may enter into associations or consortia with other boards for the purpose of governing regional or statewide interscholastic athletic programs by permitting the public schools under their jurisdictions to enter into a voluntary association with other schools for the purpose of enacting and enforcing rules relating to eligibility for, and participation in, interscholastic athletic programs among and between schools.

(c) Each governing board, or its designee, shall represent the individual schools located within its jurisdiction in any voluntary association of schools formed or maintained pursuant to this section.

(d) No voluntary interscholastic athletic association, of which any public school is a member, shall discriminate against, or deny the benefits of any program to, any person on the basis of race, sex, or ethnic origin.

(e) Interscholastic athletics is defined as those policies, programs, and activities that are formulated or executed in conjunction with, or in contemplation of, athletic contests between two or more schools, either public or private.

(f) This section shall become inoperative on July 1, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

Amended Stats 1991 ch 617 § 5 (AB 273), operative until July 1, 1994; Stats 1993 ch 487 § 6 (AB 1375), operative until July 1, 1997.

Amendments:

1991 Amendment: Substituted subd (f) for the former last paragraph which read: "This section shall remain in effect only until June 30, 1992, and as of such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1992, deletes or extends such date."

1993 Amendment: Substituted subd (f) for former subd (f) which read: "(f) This section shall remain in effect only until July 1, 1994, and as of that date is repealed, unless a later enacted statute, which is enacted before July 1, 1994, deletes or extends that date."

Note—Stats 1993 ch 487 provides:

SECTION 1. This act shall be known and may be cited as the "B.T. Collins Interscholastic Athletic Act of 1993."

SEC. 7. (a) Not later than January 1, 1995, the California Interscholastic Federation shall complete a strategic long-range plan, which shall address the manner in which the federation has implemented interscholastic athletic policies and procedures including, but not limited to, governance and gender equity.

(b) On or before January 1, 1996, the State Department of Education shall report to the Legislature on the methodology, process, and participation of parties in interest relative to the California Interscholastic Federation, which shall include a review of the definition of interscholastic athletics and a critique of the recommendations made in the plan required in subdivision (a).

§§ 35179.5. [Section repealed 1994.]

Amended Stats 1990 ch 1212 § 1 (AB 2063), operative until January 1, 1994. Repealed, operative January 1, 1994, by its own terms. The repealed section related to establishment of qualifications for persons supervising athletic activities on limited assignment.

NOTES OF DECISIONS

The state Department of Education regulation requiring school districts to conduct annual searches among certificated employees to fulfill district's athletic coaching needs, which was otherwise unauthorized, was not authorized under Ed. Code, § 35179.5, applicable to minimum qualifications of temporary employees. Other aspects of employment not embraced within the meaning of "qualifications," such as duration of employment, selection process, and terms and conditions of employment, are, therefore, outside the statute's scope. The statute cannot be read without reference to Ed. Code, § 35179, which vests control over interscholastic athletics in the school district. Because Ed.

Code, § 35179.5, is the exception to the general rule stated in Ed. Code, § 35179, it should be strictly and narrowly construed. Under the rule that a proviso or exception carved out of a general enactment must be construed strictly, and one who relies on the exception must establish it within the words as well as the reason. Therefore, to the extent that the regulation required an annual search by school districts, it was beyond the scope of Ed. Code, § 35179.5, and thus void. *San Jose Teachers Assn. v. Barozzi* (1991, 6th Dist) 230 Cal App 3d 1376, 281 Cal Rptr 724.

§ 35183. Legislative declaration regarding "gang-related apparel"

The Legislature declares that "gang-related apparel" is hazardous to the health and safety of the school environment. The governing board of any school district may adopt reasonable dress code regulations that

Beginning in 1992,

Italics indicate changes or additions. \* \* \* indicate omissions.

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prohibit pupils from wearing "gang-related apparel" if the governing board has determined that the regulations are necessary for the health and safety of the school environment. Upon approval of the dress code regulations by the governing board of the school district, individual schools in the school district may adopt reasonable dress code regulations as part of its school safety plan, pursuant to Section 35294.1. Added Stats 1993 ch 435 § 1 (AB 980).

§ 35184. Contract with feeder elementary school district to provide instruction at schools of high school district to sixth grade pupils; Reporting of daily average attendance

(a) Notwithstanding any other provision of law, the governing board of a high school district may enter into a contract with the governing board of any of its feeder elementary school districts to provide instruction at the schools of the high school district to all or a portion of the pupils enrolled in the sixth grade at the contracting elementary school district.

(b) For the purpose of computing allowances and apportionments pursuant to Chapter 4 (commencing with Section 41600) and Article 2 (commencing with Section 42230) of Chapter 7 of Part 24, the contracting elementary school shall continue to report average daily attendance for those sixth grade pupils. Upon receipt of any funds allocated to the elementary school district based upon the average daily attendance reported for those sixth grade pupils, the contracting elementary school district shall transfer those moneys to the contracting high school district. Added Stats 1993 ch 1296 § 3 (AB 369).

§ 35203. [Section repealed 1992.]

Repealed Stats 1992 ch 696 § 6 (AB 1344), effective September 14, 1992. The repealed section related to duty of district attorney to defend certain cases against governing boards of school districts and board members or employees.

§ 35204. Contract with attorney in private practice or use of administrative adviser

The governing board of any school district, may contract for the services of an attorney in private practice, as an employee or independent contractor, or utilize an administrative adviser for whatever purpose the governing board deems appropriate, and compensation of this attorney pursuant to contract shall be a proper use of school district funds . . . . For purposes of this section, "an attorney in private practice" includes a sole practitioner, partnership, or professional corporation. Amended Stats 1992 ch 696 § 7 (AB 1344), effective September 14, 1992.

Amendments:

1992 Amendment: Deleted (1) ", but the school district shall first obtain the written views of the district attorney or county counsel as to the merits of any litigation and the form of the proposed contract of employment with the private attorney" at the end of the first sentence; and (2) the former second through fourth sentences which read: "The district attorney or the county counsel shall furnish his or her written views within seven days from the time he or she is requested by the governing board of the school district. These written views shall not be binding upon the governing board, but shall be advisory only. The views of the district attorney or county counsel shall not be required for purposes of this section where the district attorney or county counsel represents the opposing party in any action for which an attorney in private practice has been contracted."

§ 35205. Contract for legal services

The governing board of any school district may contract with a qualified attorney in private practice to provide legal services and compensation of this attorney in private practice pursuant to contract under this section shall be a proper use of school district funds . . . . Amended Stats 1992 ch 696 § 8 (AB 1344), effective September 14, 1992.

Amendments:

1992 Amendment: Deleted (1) ", but the school district shall first obtain the written views of the district attorney or county counsel, which shall be furnished within seven days from the time of the request by the governing board, as to the need for legal services and on the form of the proposed contract with the private attorney" at the end of the first sentence; and (2) the former second and third sentences which read: "These written views shall not be binding upon the governing board, but shall be advisory only. The views of the district attorney or county counsel shall not be required for purposes of this section where the district attorney or county counsel represents the opposing party in any action for which an attorney in private practice has been contracted."

§ 35206. [Section repealed 1992.]

Repealed Stats 1992 ch 696 § 9 (AB 1344), effective September 14, 1992. The repealed section related to additional legal services by county counsel or district attorney.

NOTES OF DECISIONS

The trial court properly concluded that a county counsel's office was required to provide the county school districts with free legal services, even though an ambiguous amendment to Gov. Code, § 26520 (legal services for counties, school districts, and local public entities), made the legislative intent of the statute difficult to ascertain, where such a conclusion was consistent with related legislation. Specifically, Ed. Code, § 35206, enacted after Gov. Code, § 26520, authorized school districts to supplement 'be legal services that customarily were being rendered by

the county counsel by contracting with the county counsel or district attorney for additional services at a fee. By necessary implication, Ed. Code, § 35206, when enacted, indicated that county counsel were customarily rendering basic legal services to school districts without fee, and it did not authorize counties to charge school districts for traditional legal services. *Piedmont Unified School Dist. v County of Alameda* (1992, 1st Dist) 8 Cal App 4th 401, 10 Cal Rptr 2d 171.

§ 35230. Corrupt practices as misdemeanor

Collateral References:

Witkin & Epstein, Criminal Law (2d ed) §§ 1124, 1147. Witkin Summary (9th ed) Agency and Employment § 470.

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§ 35233. Prohibitions applicable to board members  
Statistical Reforms  
Witkin Summary (9th ed) Contracts § 624.

§ 35254.1. School Accountability Report Card;  
In addition to the information required under Section 35254.1, the information required under Section 35254.1 shall include the information required under Section 35254.1. Added Stats 1989 ch 1463 sec 1.

§ 35271. Power to acquire and construct on and adjacent to school district property  
(a) The governing board of any school district may acquire and construct on sites immediately outside its boundaries on sites immediately adjacent to its boundaries.

(b) This section shall become operative June 30, 1989. Added Stats 1989 ch 135 § 2, effective July 13, 1989.

Former Sections:

Former § 35271, similar to the present section, was repealed by Stats 1989 ch 135 § 1, effective July 13, 1989, and renumbered as § 35271.

Section

- 35294. Legislative intent
- 35294.1. Contents of plans
- 35294.3. Workshops on development of plans
- 35294.5. Grant to implement plan; Criteria

Collateral References:

Statutory support for use of metal detectors on school grounds.

§ 35294: Legislative intent

It is the intent of the Legislature that all CTE programs, operated by school districts, in cooperation with school leaders, parents, pupils, teachers, administrators of campus crime and violence, develop a comprehensive plan to address campus crime and violence. This plan shall include local police departments, probation departments, and district attorneys. "Develop a comprehensive plan" means a plan to develop strategies to address campus crime and violence on the campus. Added Stats 1989 ch 1253 sec 1.

§ 35294.1. Contents of plans

- (a) School safety planning may include, but not be limited to:
  - (1) Assessing the current status of school safety.
  - (2) Identifying appropriate strategies and programs to address school safety.
  - (3) Developing an action plan, in conjunction with appropriate safety strategies and programs. The action plan may identify a plan.

(4) Establishing a schoolwide dress code, prohibiting the wearing of "gang-related apparel." For those purposes, school safety plan shall define "gang-related apparel" as any clothing worn or displayed on a school campus that is prohibited by the principal. For the purposes of this section, the principal shall have the authority to prohibit the wearing of gang-related apparel on the school campus and at any school-sponsored activity by the principal. For the purposes of this section, the principal shall have the authority to prohibit the wearing of gang-related apparel on the school campus and at any school-sponsored activity by the principal.

- (b) Existing schoolwide councils may be retained and developed with the participation of teachers, administrators, and, if deemed appropriate, parents.
- (c) It is the intent of the Legislature that the materials and services of the School/Planning Guide for Action be developed and distributed by the School/Planning Guide for Action in conjunction with the materials and services of the School/Planning Guide for Action.
- (d) It is the intent of the Legislature that the school safety plan...



§ 35294.1

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(e) Grants to assist schools in implementing their school safety plan shall be made available through the School Safety Partnership as authorized by Section 32262 of the Education Code.

Added Stats 1989 ch 1253 § 1. Amended Stats 1993 ch 435 § 2 (AB 980).

Former Sections:

Former § 35294.1 was added Stats 1989 ch 82 § 3, effective June 30, 1989, ch 83 § 3, effective June 30, 1989, amended Stats 1989 ch 92 § 2, effective July 5, 1989, and renumbered § 35294.5 Stats 1989 ch 1253 § 2.

Amendments:

1993 Amendment: Added subd (a)(4).

§ 35294.3. Workshops on development of plans

The Department of Justice and the State Department of Education, in accordance with Section 32262, shall contract with one professional law enforcement trainer and one professional educator trainer, respectively, to coordinate and present statewide workshops for school districts, county offices of education, and schoolsite personnel, and in particular school principals, to assist them in the development of their respective school safety plans. The Department of Justice and the State Department of Education shall work in cooperation with regard to the workshops coordinated and presented pursuant to these two contracts. The enactment of this section of this act shall be subject to the availability of funds in the Budget Act of 1990.

Added Stats 1989 ch 1253 sec 1.

Note—Stats 1989 ch 1253 provides:

SEC. 4. Section 35294.3 of the Education Code shall be operative only to the extent funds are made available in the annual Budget Act for purposes of that section.

§ 35294.5. Grant to implement plan; Criteria

(a) The governing board of a school district, on behalf of one or more schools within the district that have developed a school safety plan, may apply to the Superintendent of Public Instruction for a grant to implement school safety plans. The School Safety Partnership shall award grants for school safety plans that include, but are not limited to, the following criteria:

- (1) Assessment of the recent incidence of crime committed on the school campus.
(2) Identification of appropriate strategies and programs that will provide or maintain a high level of school safety.
(3) Development of an action plan, in conjunction with local law enforcement agencies, for implementing appropriate safety strategies and programs, and determining the fiscal impact of executing the strategies and programs. The action plan shall identify available resources which will provide for implementation of the plan.

(b) In the 1989-90, 1990-91, and 1991-92 fiscal years, the Superintendent of Public Instruction shall award grants pursuant to this section to school districts for the implementation of individual school safety plans in an amount not to exceed five thousand dollars (\$5,000) for each school. No grant shall be made unless the school district makes available, for purposes of implementing the school safety plans, an amount of funds equal to the amount of the grant. Grants should be awarded through a competitive process, based upon criteria including, but not limited to, the merit of the proposal and the need for imposing school safety, based on school crime rates.

(c) Any school receiving a grant under this section shall submit to the Superintendent of Public Instruction verified copies of its schoolsite crime report annually for three consecutive years following the receipt of the grant to study the impact of the implementation of the school safety plan on the incidence of crime on the campus of the school.

Added Stats 1989 ch 82 sec 3, effective June 30, 1989, ch 83 sec 3, effective June 30, 1989, as § 35294.1. Amended Stats 1989 ch 92 sec 2, effective July 5, 1989. Renumbered Stats 1989 ch 1253 sec 2.

Amendments:

1989 Amendment (Ch 1253): (1) Substituted the last sentence for the former last sentence which read: "A grant shall be awarded only for school safety plans that include the following criteria:" in the introductory clause of subd (a); (2) added "In the 1989-90, 1990-91, and 1991-92 fiscal years," at the beginning of subd (b); (3) amended the last sentence in subd (b) by deleting (a) "(1)" after "not limited to,"; and (b) "(2)" after "the proposal and"; and (4) amended subd (c) by (a) deleting "district" after "Any school"; (b) substituting "submit" for "report" after "this section shall"; (c) adding "verified copies of its schoolsite crime report" after "Public Instruction"; and (d) substituting "to study" for "concerning" after "of the grant".

Editor's Notes—For application of constitutional provision on school funds, see Note following Ed C § 41200.

§ 35296. Establishment of earthquake emergency procedure system

The governing board of each school district and the county superintendent of schools of each county shall establish an earthquake emergency procedure system in every public school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. The governing board of each private school shall establish an earthquake emergency procedure system in every private school building under its jurisdiction having an occupant capacity of 50 or more pupils or more than one classroom. Governing boards and county superintendents may work with the Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedure systems.

Amended Stats 1990 ch 1263 § 9 (AB 2875).

Amendments:

1990 Amendment: (1) Amended the first sentence by (a) deleting "private school and" after "board of each" in the first

EDUCATION CODE

... (b) deleting "or private" after "every public" ... "50 or more"; and (2) added the second sentence

§ 35314. Deposit of fund money

Money in the fund shall be deposited in a bank and any money so deposited shall be in an account. The committee shall establish and maintain separate and distinct impressed trusts, if any, as reimbursed.

Amended Stats 1992 ch 115 § 1 (AB 3038).

Amendments: 1992 Amendment: Substituted (1) "federally insured" "that" for "such" near the end of the first paragraph.

§ 35330. Excursions and field trips

Collateral References: B-W Cal Civ Prac. Tort § 29:12, 1:12.

§ 35331. Provision for medical or hospital serv

(a) The governing board of any school district shall provide, or make available, medical or hospital services to any school district participating in any excursion or field trip under the authority of any school of the district or the authorities of any school of the district or the authorities of any school of the district.

(b) (1) The medical or hospital service, or both, shall be provided through any of the following:

- (A) One or more nonprofit membership corporation.
(B) One or more group, blanket, or individual policy.
(C) A self-insurance program of the school district.
(2) The cost incurred by the school district participating in any excursion or field trip under the authority of any school of the district, or by the insured pupil or his or her parent, shall be paid by the school district.
(3) The membership may be taken in, or the insurance may be provided through, a self-insurance program established for that purpose pursuant to Section 35330.

Amendments: 1989 Amendment: (1) Designated the former first sentence as "any excursion or field trip" for "such excursions and field trips"; and (4) added subd (b).

[Article 14, consisting of § 35340, was enacted by Stats 1989 ch 1253 and article heading was

Author: Collateral References: Within Summary (9th ed) Constitutional Law § 65

§ 35500. Utilization of current organization It is the intent of the Legislature to utilize the master plan for school district organization under the provisions of this chapter as they version of the master plan not inconsistent reorganization of districts in each county. Amended Stats 1990 ch 1263 § 10 (AB 2875).

Amendments: 1990 Amendment: Added "or any approved update" after "law."

§ 35501. Applicability of other provisions On and after January 1, 1981, this chapter and Part 3 (commencing with Section 400 Article 5 (commencing with Section 4310) reorganize school districts. Amended Stats 1990 ch 1372 § 189 (SB 1854).

LONG BEACH UNIFIED SCHOOL DISTRICT  
BOARD OF EDUCATION

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**SUBJECT:** Mandatory Uniforms for All Elementary and Middle Schools Beginning with the 1994-95 School Year, and Action to Obtain Legislative Authority for Such Requirement.

Enclosures: None

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**CATEGORY:** New Business

Reason for Board  
Consideration:  
Information/Action

Date: January 18, 1994

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### Background

The Board is taking a courageous and site-supported step in its policy making power. Together, we must do whatever it takes to help restore order in all schools. Obviously, the policies must be both wise and legal. The school choice initiative will not go away until we have safe schools and quality education. In spite of the recent positive results of our survey, a significant number of parents remain concerned and dissatisfied.

Individual schools cannot do the job alone. The policies of the Board can make their tasks easier. They have the fundamental responsibility of teaching and acquiring academic achievement of all their students, not that of solving all of the other ills of our society and communities. With the stated goals of our Superintendent, schools can be held accountable for this basic responsibility.

In addition, all of our students must learn the difference between right and wrong. They aren't born with this ability; neither do they gain it through osmosis. In our time, the difference becomes both sophisticated and complicated, especially in the area of human relations.

We Board Members believe school uniforms at the elementary and middle school level will simplify proper dress for school business, which is, indeed, very serious business. We know that dress significantly influences behavior. In education we have seen its influence on dress-up days and color days. We have also seen in the schools that have adopted school uniforms a "coming together," greater school pride, and better behavior in and out of the classroom. Moreover, with the complete elimination of gang attire, all of the students at those sites are safer, less intimidated or threatened. Finally, the students look great.

Enforcement of a dress code and the adoption of school uniforms have their opponents -- students, parents, teachers, and special interest groups. However, they are few. We, the Board, are willing "to take the heat." This Board makes policies; staff implements them on the important issue of dress and decorum in our public schools. It is time we act on dress regulations.

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SUBJECT (CONTINUED):

PAGE NUMBER 2

Mandatory Uniforms for All Elementary and Middle Schools  
Beginning with the 1994-95 School Year, and Action to  
Obtain Legislative Authority for Such Requirement.

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Recommendation

I move to require school uniforms of all elementary and middle schools by September, 1994. This will give each site time to decide on colors, et cetera. We strongly recommend the inclusion of parents, teachers, and staff in these deliberations. However, anything less than a proper and rational uniform is unacceptable.

The Superintendent has directed our lobbyist to seek legislative support for this initiative so that our efforts to make our schools safer will have the full backing of State law.

Prepared by:

Edward Eveland, Member  
Board of Education

b1

**OFFICE OF THE SUPERINTENDENT****GUIDELINES AND REGULATIONS FOR IMPLEMENTING THE  
MANDATORY UNIFORM POLICY  
IN GRADES KINDERGARTEN THROUGH EIGHT****I. BACKGROUND**

Over the past several years, many parents and community members have urged the District to adopt a uniform policy as a means of countering the influence of gangs, minimizing disruption and improving the learning environment. During the 1993-94 school year, the District tested student uniforms in eleven elementary and middle schools by implementing a "pilot" uniform policy at these schools. The pilot schools thus joined three other schools that had adopted uniform policies approximately three years ago. In evaluating these pilot programs, the District found that use of school uniforms enhanced school safety, improved the learning environment, reduced ethnic and racial tensions, bridged socio-economic differences between children, promoted good behavior, improved children's self-respect and self-esteem, and produced cost savings for participating families. Schools with greater compliance levels tended to enjoy commensurately better results. Accordingly, as announced in January 1994, the District determined to extend the benefits of the program throughout the District by implementing a mandatory uniform policy for all elementary and middle schools for the 1994-95 school year. For each of the first three years of the mandatory uniform program, the District will comprehensively assess the policy, modifying it as appropriate.

All participating schools will separately determine the appropriate uniform, programs for financial assistance, incentives and compliance measures. In implementing the mandatory uniform policy, it is the expectation of the District that each school will work closely with members of its local community to structure site-based procedures responsive to the community's specific needs.

**II. STATEMENT OF POLICY**

All elementary and middle schools in the Long Beach Unified School District shall implement, within the parameters set forth below, the mandatory uniform policy beginning with the 1994-95 school year. (The term "school" herein shall mean all elementary and middle schools.)

**III. COMMENCEMENT OF UNIFORM POLICY**

The mandatory uniform policy shall be effective in September of the 1994-95 school year.

#### IV. INFORMATION DISSEMINATION

- A. It is the responsibility of district and school support staffs to adequately communicate to parents information common to all school sites, including general guidelines for enforcement of the uniform policy. District administrators shall also work with schools to facilitate implementation of financial assistance programs (see Section V below).
- B. Each school shall communicate to parents information specific to the individual school sites, including:
  - 1. types and colors of uniform;
  - 2. requirements for jackets/outer garments;
  - 3. optional articles of attire, if any;
  - 4. compliance measures to be employed;
  - 5. the availability of financial support and the procedures for applying for assistance;
  - 6. methods to facilitate recycling of uniforms within the school community;
  - 7. notice of uniform sales and lists of competitive prices from vendors of uniform articles.
- C. The means by which this information is communicated shall include one or more of the following:
  - 1. District newsletters;
  - 2. school newsletters;
  - 3. parent forums;
  - 4. telephonic notification or through use of a telephone hotline;
  - 5. PTA meetings and newsletters;
  - 6. parent advisory meetings;
  - 7. television, radio, and/or newspaper announcements;
  - 8. posters displayed at school and in the community;
  - 9. registration materials.

#### V. FINANCIAL CONSIDERATIONS

- A. No student shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform by reason of financial hardship.
- B. With the commencement of the 1994-95 school year, each school shall:
  - 1. develop a procedure and criteria to identify families in need of financial assistance;

2. determine the form and type of financial assistance appropriate for the individual school community;
  3. designate a specific staff member or school volunteer to assist those families in need of assistance; and
  4. prepare a flyer describing in detail the uniform and listing the range of costs for each competitively priced item of clothing as provided by a variety of vendors. The flyer shall state that in cases of severe financial hardship, parents may contact their child's school by phone, mail or in person to request assistance.
- C. Each school shall work with staff, the local school community and business partners to identify resources for assisting families.
- D. The District shall compile and maintain a list of community agencies, uniform retailers, organizations and individuals willing to assist families in need. The District shall also promulgate procedures to link identified resources with participating schools.

#### VI. COMPLIANCE MEASURES

- A. If necessary, disciplinary action may be taken to encourage compliance with the policy. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall be suspended from class or from school, expelled from school, or receive a lowered academic grade as a result of not complying with the policy.
- B. Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of incentives and positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, schools shall communicate with parents so that expectations, rationale and benefits are fully understood by the student and his/her family.
- C. Prior to initiating any disciplinary action against a student not complying with the policy, a conference with the parent must be held with a school administrator or counselor to solicit parental cooperation and support.

- D. Disciplinary action is to be initiated only after all other means to secure support and cooperation as mentioned above have not succeeded. A "progressive discipline" approach is to be employed by the school support staff so as to encourage full and consistent compliance with the least amount of disciplinary action. The same disciplinary actions applied to enforce other school and district rules may be utilized, with the exceptions noted in Section VI. A. and F.
- E. In order to ensure a smooth transition to the mandatory uniform policy, and in order to ensure that incentives and positive reinforcement measures are employed before resorting to disciplinary action, no school shall take disciplinary action until after October 14, 1994 unless those not in compliance materially or substantially interfere with the requirements of appropriate discipline.
- F. No student shall be considered noncompliant with the policy in the following instances:
1. When noncompliance derives from financial hardship.
  2. When a student wears a button, armband or other accouterment to exercise the right to freedom of expression as provided by Education Code 48907, unless the button, armband or other accouterment signifies or is related to gangs, gang membership or gang activity as provided by Education Code 35183.
  3. When a student wears the uniform of a nationally recognized youth organization such as the Boy Scouts or the Girl Scouts on regular meeting days.
  4. When wearing a school uniform violates a student's sincerely held religious belief.
  5. When a student's parent or guardian has secured an exemption from the uniform policy by following the procedures set forth in Section VI. G.
- G. If the parent(s) or guardian desires to exempt his or her child from the uniform policy, the parent(s) or guardian must observe the following procedure:
1. Request by mail or in person an Application for Exemption from Uniform Program ("Application"). The parent(s) or guardian may obtain an Application at the student's school site.

2. Complete the Application in full and submit it to the designated administrator for uniform program exemptions at the student's school.
3. Meet with the designated administrator to discuss the uniform policy and the nature of the parent(s) or guardian's objections to the policy. The purposes of this meeting include (1) ensuring that the parent(s) or guardian understands the reasons for, and goals of the uniform policy; (2) verifying the accuracy of the information on the Application; (3) preventing fraud or misrepresentation.
4. For purposes of consistent administration of the uniform policy, meet with a designated district administrator to discuss the nature of the parent(s) or guardian's objections to the policy.

#### VII. ANNUAL EVALUATION

- A. All schools will participate in an evaluation at the end of each school year for the first three years of the mandatory uniform program. Thereafter, the evaluation of the uniform program may be included in the school's regular review process.
- B. The District shall design an evaluation for districtwide use. Each school shall complete its respective evaluation by May 1 of each year. The schools and the District shall review the results of the evaluations and the District shall consider proposed modifications to the uniform policy as appropriate.

These guidelines and regulations may be amended or modified as a result of the final version of SB 1269 as signed by the Governor of the State of California.

Effective: July 12, 1994

8/11/94 • MJC:ajb

1 principal, staff, and parents of the individual school.  
 2 (d) A dress code policy that requires pupils to wear a  
 3 schoolwide uniform shall not be implemented with less  
 4 than six months' notice to parents and the availability of  
 5 resources to assist economically disadvantaged pupils.  
 6 (e) *The governing board shall provide a method*  
 7 *whereby parents may choose not to have their children*  
 8 *comply with an adopted school uniform policy.*  
 9 (f) If a governing board chooses to adopt a policy  
 10 pursuant to this section, the policy shall include a  
 11 provision that no pupil shall be academically penalized  
 12 nor denied attendance to school if the governing board  
 13 determines that the pupil's family refuses to comply with  
 14 the adopted dress code. In these cases, notwithstanding  
 15 any interdistrict attendance agreement as required by  
 16 subdivision (f), the district governing penalized  
 17 academically or otherwise discriminated against nor  
 18 denied attendance to school if the pupil's parents choose  
 19 not to have the pupil comply with the school uniform  
 20 policy. The governing board shall continue to have  
 21 responsibility for the appropriate education of those  
 22 pupils.  
 23 (f) If a governing board chooses to adopt a policy  
 24 pursuant to this section that results in a districtwide  
 25 school uniform policy for all children in a school or grade  
 26 level, the district shall also adopt a policy to implement  
 27 an interdistrict attendance agreement with a  
 28 neighboring district or districts to ensure that a pupil's  
 29 parent or guardian has the option to have their child  
 30 attend a school that does not mandate a school uniform.  
 31 (g) A policy adopted pursuant to this section shall not  
 32 preclude pupils that participate in a nationally  
 33 recognized youth organization from wearing  
 34 organization uniforms on days that the organization has  
 35 a scheduled meeting.

AMENDED IN ASSEMBLY JUNE 30, 1994

AMENDED IN SENATE APRIL 14, 1994

AMENDED IN SENATE APRIL 4, 1994

AMENDED IN SENATE MARCH 8, 1994

## SENATE BILL

No. 1269

Introduced by Senator Wyman

(Principal coauthor: Assembly Member Karnette)

(Coauthors: Senators Campbell, Hughes, Kopp, Peace, and  
Presley)(Coauthors: Assembly Members Andal, Ferguson, Harvey,  
Murray, and Richter)

January 3, 1994

An act to amend Section 35183 of the Education Code,  
relating to schools.

## LEGISLATIVE COUNCIL'S DIGEST

SB 1269, as amended, Wyman, Schools: dress codes;  
uniforms.

Existing law authorizes the governing board of a school district to adopt reasonable dress code regulations that prohibit pupils from wearing "gang-related apparel" if the board determines that the regulations are necessary for the health and safety of the school environment. Under existing law, individual schools in a district that have approved a dress code regulation may adopt a reasonable dress code as part of its school safety plan.

This bill would authorize the governing board of a school district to adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing "gang-related apparel" if the governing board of the school district approves a plan that may be

initiated by the principal, staff, and parents of an individual school within the district and the governing board determines that the policy is necessary for the health and safety of the school environment. If a schoolwide uniform is required, the bill provides that the specific uniform would be selected by the principal, staff, and parents of the individual school.

The bill would also require a school district that adopts a districtwide school uniform policy to adopt a policy to implement an interdistrict attendance agreement with a neighboring school district.

The bill would require the school district to provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.

This bill would contain a declaration of legislative declarations and findings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35183 of the Education Code is  
2 amended to read:

3 35183. (a) The Legislature finds and declares each of  
4 the following:

5 (1) The children of this state have the right to an  
6 effective public school education. Both students and staff  
7 of the primary, elementary, junior and senior high school  
8 systems have the constitutional right to be safe and  
9 secure in their persons at school. However, children in  
10 many of our public schools are forced to focus on the  
11 threat of violence and the messages of violence contained  
12 in many aspects of our society, particularly reflected in  
13 gang regalia that disrupts the learning environment.

14 (2) "Gang-related apparel" is hazardous to the health  
15 and safety of the school environment.

16 (3) Instructing teachers and administrators on the  
17 subtleties of identifying constantly changing gang regalia  
18 and gang affiliation takes an increasing amount of time  
19 away from educating our children.

20 (4) Weapons, including firearms and knives, have

1 become common place upon even our elementary school  
2 campuses. Students often conceal weapons by wearing  
3 clothing, such as jumpsuits and overcoats, and by carrying  
4 large bags.

5 (5) The adoption of a schoolwide uniform policy is a  
6 reasonable way to provide some protection for students.  
7 A required uniform may protect students from being  
8 associated with any particular gang. Moreover, by  
9 requiring schoolwide uniforms, teachers and  
10 administrators may not need to occupy as much of their  
11 time learning the subtleties of gang regalia.

12 (6) To control the environment in public schools to  
13 facilitate and maintain an effective learning environment  
14 and to keep the focus of the classroom on learning and  
15 not personal safety, schools need the authorization to  
16 implement uniform clothing requirements for our public  
17 school children.

18 (7) Many educators believe that school dress  
19 significantly influences pupil behavior. This influence is  
20 evident on school dressup days and color days. Schools  
21 that have adopted school uniforms experience a "coming  
22 together feeling," greater school pride, and better  
23 behavior in and out of the classroom.

24 (b) The governing board of any school district may  
25 adopt or rescind a reasonable dress code policy that  
26 requires pupils to wear a schoolwide uniform or prohibits  
27 pupils from wearing "gang-related apparel" if the  
28 governing board of the school district approves a plan  
29 that may be initiated by an individual school's principal,  
30 staff, and parents and determines that the policy is  
31 necessary for the health and safety of the school  
32 environment. Individual schools may include the  
33 reasonable dress code policy as part of its school safety  
34 plan, pursuant to Section 35294.1.

35 (c) Adoption and enforcement of a reasonable dress  
36 code policy pursuant to subdivision (b) is not a violation  
37 of Section 48950. For purposes of this section, Section  
38 48950 shall apply to elementary, high school, and unified  
39 school districts. If a schoolwide uniform is required, the  
40 specific uniform selected shall be determined by the

10-18-94 11:38 AM FROM LBUSD ADMIN. ELDG.

P10

1995 SESSION

*New  
Hampshire*

0120L  
95-0114  
04/08

HOUSE BILL      **206-LOCAL**

AN ACT            allowing local school districts to implement dress codes and uniform requirements.

SPONSORS:        Rep. Vaughn, Rock 35; Rep. Syracuse, Rock 33

COMMITTEE:      Education

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ANALYSIS

Section 1 of this bill sets forth its purpose and intent and section 5 of this bill allows local school districts to implement dress codes and uniform requirements.

The remainder of this bill amends certain RSA provisions making them gender neutral and consistent with other sections amended by the bill in accordance with RSA 17-A:6 relative to gender neutral drafting.

---

EXPLANATION: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears in [brackets].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 206-LOCAL

STATE OF NEW HAMPSHIRE

In the year of Our Lord  
One Thousand Nine Hundred and Ninety-Five

AN ACT

allowing local school districts to implement dress codes  
and uniform requirements.

Be it Enacted by the Senate and House of Representatives  
in General Court convened:

1           1 Purpose; Intent.

2           I. The children of this state have the right to an effective public school education and both  
3 students and staff of the elementary, junior and senior high school schools have the right to be secure  
4 in their persons while at school. However, children in many of our public schools are being forced  
5 to focus on the threat of violence and the messages of violence contained in many aspects of our society,  
6 particularly reflected in violence-depicting apparel which disrupts the learning environment.

7           II. Violence-depicting apparel is hazardous to the health and safety of the students and the  
8 school environment. Weapons, including firearms and knives, have become commonplace on even  
9 elementary school grounds. Students often conceal weapons by wearing certain clothing, such as  
10 jumpsuits and overcoats, and by carrying large bags.

11           III. The adoption of a schoolwide dress code or uniform requirement is a reasonable way to provide  
12 some protection for students. A dress code or uniform requirement may protect students from being  
13 associated with a particular anti-social group. Moreover, by requiring schoolwide dress codes or  
14 uniforms, teachers and administrators may not need to occupy as much of their time dealing with  
15 violence-depicting apparel.

16           IV. Many educators believe that school dress significantly influences student behavior. This  
17 influence is evident on school dress-up days and color days. Schools that have adopted dress codes  
18 and uniform requirements experience greater school pride and better student behavior in and out  
19 of the classroom.

20           V. To facilitate and maintain an effective learning environment and to keep the focus of the  
21 classroom on learning instead of personal safety, schools need the authorization to implement dress  
22 codes and uniform requirements for public school children.

23           2 Gender Neutral Language Substitution. Amend RSA 194:5 to read as follows:

24           194:5 Taxation. In the assessment of school district taxes [every person] *all persons* shall be taxed  
25 in the district in which [he lives] *they live* for [his] *their* personal estate subject to taxation in town.  
26 Real estate shall be taxed in the district in which it is situated.

1           3 Gender Neutral Language Substitution. Amend RSA 194:8 to read as follows:

2           194:8 Collection. If such taxes are assessed after July 1 in any year upon the property of  
3 nonresidents, the collector shall send to the owners of [said] *the* property, or to their agents, if known,  
4 a bill of their taxes within 2 months after the delivery of the list to [him] *the collector*, and shall,  
5 at the expiration of 4 months after such delivery, advertise and sell the property on which the taxes  
6 have not  
7 been paid in the same manner as if such taxes had been assessed in April preceding.

8           4 Gender Neutral Language Substitution. Amend RSA 194:11 to read as follows:

9           194:11 Payment. The district treasurer shall pay to the school board and other district officers  
10 their salaries granted by the district, and [he] shall likewise pay the truant officer upon the order  
11 of the school board, they certifying that [he] *the district treasurer* has performed the duties required  
12 [of him] by law.

13           5 New Section; Dress Codes; Uniform Requirements. Amend RSA 194 by inserting after section  
14 15-b the following new section:

15           194:15-c Dress Codes; Uniforms.

16           I. A school district may adopt or rescind a reasonable dress code or policy which prohibits pupils  
17 from wearing violence-depicting apparel or requires pupils to wear schoolwide uniforms if the district  
18 approves a plan that may be initiated by an individual school's principal, staff, and parents and  
19 determines that the policy is necessary for the health and safety of the school environment. Individual  
20 schools may include the reasonable dress code policy as a part of its school safety plan.

21           II. If a district implements a schoolwide uniform requirement, the specific uniform selected shall  
22 be determined by the principal, staff, and parents of the individual school.

23           III. A schoolwide uniform requirement shall not be implemented with less than a 6-month notice  
24 to parents and the availability of resources to assist economically disadvantaged pupils.

25           IV. The district shall provide a method whereby parents may choose not to have their children  
26 comply with an adopted dress code or uniform policy.

27           V. If the district chooses to adopt a policy under this paragraph, the policy shall include a  
28 provision that no pupil shall be penalized academically, denied attendance to school, or otherwise  
29 discriminated against if the pupil's parents choose to not have the pupil comply with the dress code  
30 or uniform policy. The district shall continue to have responsibility for the appropriate education  
31 of such pupils.

32           VI. A policy adopted under this section shall not preclude pupils who participate in a  
33 nationally-recognized youth organization from wearing organization uniforms on days that the  
34 organization has a scheduled meeting.

35           6 Gender Neutral Language Substitution. Amend RSA 194:24 to read as follows:

1           194:24 Transfer of Scholar. Whenever it shall appear that the attendance of a pupil at the school  
 2 with which the contract is made will work a manifest hardship, which may be avoided by permitting  
 3 the child to attend another approved school, the pupil through [his] *the* parents, guardian or some  
 4 other responsible person may apply to the school board for an order transferring the pupil to the  
 5 more accessible school.

6           7 Gender Neutral Language Substitution. Amend RSA 194:27 to read as follows:

7           194:27 Tuition. Any district not maintaining a high school or school of corresponding grade shall  
 8 pay for the tuition of any pupil who with parents or guardian resides in [said] *the* district or who,  
 9 as a resident of [said] *the* district, after full investigation by the state board of education is determined  
 10 to be entitled to have [his] *the* tuition paid by the district where [he] *the pupil* resides, and who attends  
 11 an approved public high school or public school of corresponding grade in another district or an  
 12 approved public academy. Except under contract as provided in RSA 194:22, the liability of any school  
 13 district hereunder for the tuition of any pupil shall be the current expenses of operation of the receiving  
 14 district for its high school, as estimated by the state board of education for the preceding school year.  
 15 This current expense of operation shall include all costs except costs of transportation of pupils and  
 16 except capital outlay and debt obligations, provided that to the above may be added a rental charge  
 17 of 2 percent of the capital cost of such secondary school facilities as may be defined by the state board  
 18 of education.

19           8 Gender Neutral Language Substitution. Amend RSA 194:27-a to read as follows:

20           194:27-a Tuition Liability for Nongraduating Pupils. A pupil who has attended a high school, or  
 21 schools of corresponding grades, for such time as is usually required and who has not been graduated  
 22 may be required to certify to the school board of the district liable for the pupil's tuition that [he]  
 23 *such pupil* will make the effort required to profit from [his] attendance before [he is] *being* entitled  
 24 to *have* any further tuition payments [on his behalf] *made*. The school board of the district liable  
 25 for tuition for any such pupil may refuse tuition for such pupil when it has been determined that  
 26 such [pupil is grossly neglecting his school work] *pupil's school work is being grossly neglected*. A  
 27 decision of the board to refuse tuition under such circumstances stands, subject only to review by  
 28 the state board of education. The decision of the state board of education is binding and final on both  
 29 the district and the pupil. Nothing in this section shall be construed to prevent a school board from  
 30 making tuition payments beyond the time usually required for the completion of a high school program  
 31 if in the board's judgment it is desirable to extend the educational opportunity for a pupil.

32           9 Gender Neutral Language Substitution. Amend RSA 194:47 to read as follows:

33           194:47 Hearing. The justice shall appoint a time and place of hearing upon the petition, and order  
 34 notice [thereof] *of the hearing* to be given to all parties interested, and after hearing [he] *the justice*  
 35 shall appoint a referee.

HB 206-LOCAL

- 4 -

1           10 Gender Neutral Language Substitution. Amend RSA 194:49 to read as follows:

2           194:49 Referee's Procedure. The referee shall cause notice of [his] *the* hearing to be given to all  
3 parties interested, in the same manner as is provided in RSA 194:48. [He] *The referee* shall hear  
4 the parties, make [his] *a* report in writing, and file a copy [thereof] *the report* with the clerk of the  
5 dissolved district and the clerk of each town interested; and the report, so made and filed, shall be  
6 final.

7           11 Effective Date. This act shall take effect 60 days after its passage.

**HB**

**32**

Alaska State Legislature

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DISTRICT 10




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COMMITTEE  
JUDICIARY COMMITTEE  
RESOURCES COMMITTEE  
INTERNATIONAL TRADE & TOURISM  
COMMITTEE  
ECONOMIC TASK FORCE

Representative Joe Green

MEMORANDUM

TO: Representative Jeannette James

FROM: Representative Joe Green 

DATE: January 25, 1995

RE: HB 32, PFD Administrative Hearings

I would like to request that The House State Affairs Committee hear HB 32, an act relating to PFD administrative hearings, as soon as it can be scheduled. Thank you for your consideration.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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

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

**MEMORANDUM**

February 1, 1995

**SUBJECT:** Administrative proceedings involving permanent fund dividends  
(HB 32)

**TO:** Representative Joe Green

**FROM:** Tamara Brandt Cook  
Director *TBC*

Here is the sectional summary you requested.

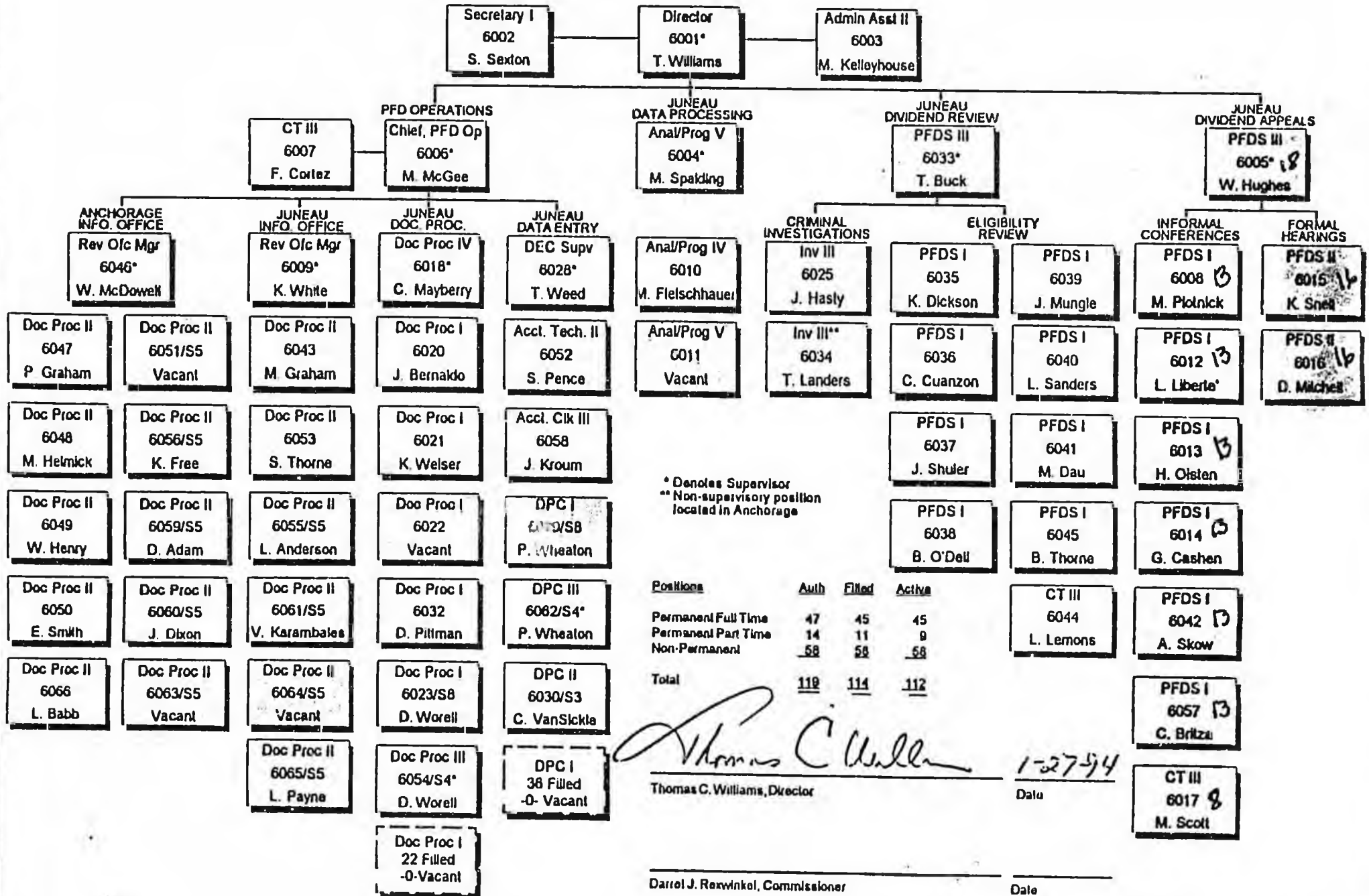
Sec. 1. Adds a requirement that an individual pay a \$25 review fee to the Department of Revenue if the individual requests the department to review its decision regarding the individual's eligibility for a permanent fund dividend or authority to claim a dividend on behalf of another. If the individual prevails, either at the administrative level or on appeal, the review fee must be returned to the individual.

TBC:lmb  
95-105.lmb

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

**ORGANIZATION CHART**

January 18, 1994



\* Denotes Supervisor  
\*\* Non-supervisory position located in Anchorage

Positions	Auth	Filled	Active
Permanent Full Time	47	45	45
Permanent Part Time	14	11	9
Non-Permanent	58	58	58
<b>Total</b>	<b>119</b>	<b>114</b>	<b>112</b>

*Thomas C. Williams*  
Thomas C. Williams, Director

1-27-94  
Date

Darrel J. Rexwinkel, Commissioner

Date

## Alaska State Legislature

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DISTRICT 10



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JUDICIARY COMMITTEE  
RE-SOURCES COMMITTEE  
INTERNATIONAL TRADE & TOURISM  
COMMITTEE  
ECONOMIC TASK FORCE

Representative Joe Green

### SPONSOR STATEMENT HB 32

HB 32 addresses a serious problem with the number of appeals filed after an applicant is denied a Permanent Fund Dividend, and the length of time that it takes to process those appeals. As of January 1, 1994 there were 9,579 appeals pending, and as of January 1, 1995 there were approximately 10,000 appeals pending, the highest number since the PFD program's inception. One district 10 resident is still waiting to be heard almost 2 years after filing, and there are people who have waited even longer for their appeals to be processed and resolved. Processing such a large number of appeals is costly as well as being unfair to those who have a legitimate claim. Currently there are 10 permanent full time employees in the Permanent Fund Division and three appeals officers in the commissioners office working on processing the appeals, yet there are still almost 10,000 appeals pending, with no end in sight. Part of the problem is that it only costs a 32 cent stamp to file an appeal. Many people who are clearly unqualified protest their denial simply because they have the opportunity to do so at no risk to themselves. The 1994 denial rate was 64%. In years prior to 1994 the percentage rate of denials has been significantly higher.

HB 32 would implement a \$25 filing fee for individuals protesting the denial of their PFD application (the department will adopt a regulation to allow indigent individuals to be exempt from the fee). The filing fee would be refundable if their appeal is successful, and non-refundable if the denial is upheld. It is anticipated that the implementation of a filing fee would discourage clearly unqualified individuals from appealing, thereby reducing costs which are deducted from the amount of the dividend, and making the appeals process significantly shorter for legitimate claims.

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 32

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Revenue  
 Title: PFD Administrative Proceedings BRU: Permanent Fund Dividend Division  
 Component: Permanent Fund Dividend Division  
 Sponsor: Representative GREEN  
 Requester: House State Affairs COMPONENT SERIAL NO. 981

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

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES		(7.9)	(52.7)	(97.5)	(142.3)	(142.3)
TRAVEL						
CONTRACTUAL					(21.0)	(29.4)
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	(7.9)	(52.7)	(97.5)	(163.3)	(171.7)

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

CHANGE IN REVENUES ( )	121.8	129.0	129.0	129.0	129.0	129.0
------------------------	-------	-------	-------	-------	-------	-------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
1050 Dividend Fund		(7.9)	(52.7)	(97.5)	(163.3)	(171.7)
<b>TOTAL</b>	0.0	(7.9)	(52.7)	(97.5)	(163.3)	(171.7)

Estimate of any current year (FY95) cost: \$ 0.0

**POSITIONS**

FULL-TIME			(1)	(2)	(3)	(3)
PART-TIME						
TEMPORARY						

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

See Page 2.

Prepared by: Thomas C. Williams, Director *Thomas C. Williams* Phone: 465-2323  
 Division: Permanent Fund Dividend Division Date: 2/6/95  
 Approved by Commissioner: *[Signature]* Date: 2/6/95  
 Agency: Department of Revenue

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ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

ANALYSIS OF HB 32

As of February 6, 1995

Assumptions

- A. This legislation would be effective in FY 96.
- B. 55% of all appeals received involve bright line issues and 45% of all appeals received involve non-bright line issues. Bright line issues are those that are clearly definable by objective criteria, such as whether an individual was physically present in state during the two previous calendar years or met an application deadline. Non-bright line issues are those that involve issues that are more subjective, such as whether an individual demonstrated an intent to return to Alaska.
- C. The addition of a fee will mean some of those individuals whose denial involved a bright line issue as well as some of those individuals whose denial involved a non-bright line issue will not appeal.
- D. Necessary data processing programming updates to the PFD masterfile computer system would require approximately 4 staff weeks work for PFD Division data processing staff. Other data processing programming projects would be delayed to make time for the initial programming.
- E. Additional data entry and fee processing could be accomplished by current staff, since with the adoption of the appeal fee requirement the total number of appeals received is expected to decline.
- F. See the attached *Projected Revenues Resulting From HB 32* and *Projected Inventory Resulting From HB 32* regarding the number of appeals to be received and the required staffing levels. If these assumptions are correct then:
  - 1. in FY 97 one PFDS II could be reallocated to a PFDS I resulting in a savings of \$7.9. In FY 98, FY 99 and again in FY 00, a PFDS I position could be eliminated each year for an additional savings of \$44.8 each; and
  - 2. funding for one range 22 Formal Hearing Officer in the Commissioner's Office could be reduced to 75% in FY 00, and 65% in FY 01.
- G. To the extent that the number of appeals does not decline as projected, staffing levels could not be reduced as reflected. Similarly, to the extent that the number of appeals declines more than projected, staffing levels might be able to be reduced more than the amount reflected.

*Attachments*

ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
PROJECTED INVENTORY RESULTING FROM HB 32

As of February 6, 1995

	<u>FY95(A)</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>	<u>FY01</u>
<u>Informal Conference Appeals</u>							
Beginning Appeal Inventory	9,704	8,954	6,714	3,224	984	0	260
Total New Appeals	3,000	5,260	5,260	5,260	5,260	5,260	5,260
Total Resolutions	<u>(3,750)</u>	<u>(7,500)</u>	<u>(8,750)</u>	<u>(7,500)</u>	<u>(6,244)</u>	<u>(5,000)</u>	<u>(5,000)</u>
Ending Inventory	<u>8,954</u>	<u>6,714</u>	<u>3,224</u>	<u>984</u>	<u>0</u>	<u>260</u>	<u>520</u>
<u>Formal Hearing Appeals</u>							
Beginning Appeal Inventory	978	988	735	509	282	55	4
Total New Appeals	535	447	473	473	473	473	473
Total Resolutions	<u>(525)</u>	<u>(700)</u>	<u>(700)</u>	<u>(700)</u>	<u>(700)</u>	<u>(525)</u>	<u>(455)</u>
Ending Inventory	<u>988</u>	<u>735</u>	<u>509</u>	<u>282</u>	<u>55</u>	<u>4</u>	<u>22</u>
<u>Staffing Levels</u>							
Permanent Fund Dividend Division							
Informal Conference Staff	6	6	7	6	5	4	4
Formal Hearing Staff	2	2	1	1	1	1	1
Total Permanent Fund Dividend Division Staff	8	8	8	7	6	5	5
Commissioner's Office Formal Hearing Staff funded by PFD Division	<u>1.5</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>0.75</u>	<u>0.65</u>

(A) Beginning Inventory for FY95 is as of January 1, 1995

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. HB 400**

Revision Date: 03-10-94	Dept. Affected: Revenue
Title: PFD Administrative Proceedings	BRI: Permanent Fund Dividend
Sponsor: Rep. GREEN	Component: Permanent Fund Dividend
Requestor: House Finance Committee	COMPONENT SERIAL NO. 0 8 1

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	-0-	(7.9)	(52.7)	(187.1)	(187.1)	(187.1)
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	7.5	(86.6)	(86.6)	(86.6)	(86.6)	(86.6)
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>7.5</b>	<b>(94.5)</b>	<b>(139.3)</b>	<b>(273.7)</b>	<b>(273.7)</b>	<b>(273.7)</b>
<b>CAPITAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>REVENUE FUND SOURCE: 1050</b>	<b>121.8</b>	<b>121.8</b>	<b>129.0</b>	<b>129.0</b>	<b>129.0</b>	<b>129.0</b>

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (Dividend Fund 1050)	7.5	(94.5)	(139.3)	(273.7)	(273.7)	(273.7)
<b>TOTAL</b>	<b>7.5</b>	<b>(94.5)</b>	<b>(139.3)</b>	<b>(273.7)</b>	<b>(273.7)</b>	<b>(273.7)</b>

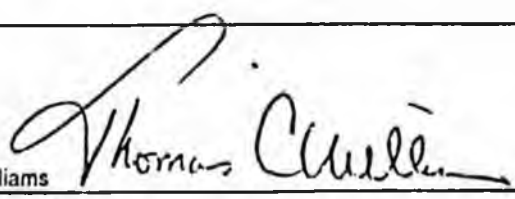
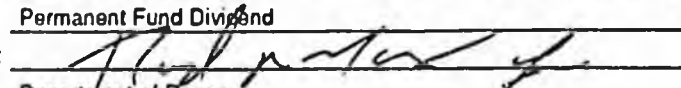
**POSITIONS:**

FULL-TIME			(1)	(4)	(4)	(4)
PART-TIME						
TEMPORARY						

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

**ANALYSIS:**

See Pages 2 through 4, as well as the attachments.

Prepared by: Thomas C. Williams   
 Division: Permanent Fund Dividend  
 Approved by Commissioner:   
 Agency: Department of Revenue

Phone: 465-2323  
 Date: 03-10-94  
 Date: 3/10/94

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ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

**ANALYSIS OF HB 400**

As of March 10, 1994

**Assumptions**

- A. This Legislation would be effective in FY95.
- B. 55% of all appeals received involve bright line issues and 45% of all appeals received involve non-bright line issues. Bright line issues are those that are clearly definable by objective criteria, such as whether an individual was physically present in state during the two previous calendar years or met an application deadline. Non-bright line issues are those that involve issues that are more subjective, such as whether an individual demonstrated an intent to return to Alaska.
- C. The addition of a fee will mean some of those individuals whose denial involved a bright line issue as well as some of those individuals whose denial involved a non-bright line issue will not appeal.
- D. The Department would adopt regulations to:
  - 1. allow an indigent individual to be exempt from the fee and outline the specific requirements for qualifying for such an exemption;
  - 2. require payment of the fee by checks or money orders only (no cash payments);
  - 3. consider any appeal to be invalid if
    - a. the appeal was not accompanied by the fee;
    - b. an insufficient amount was submitted;
    - c. accompanied by a cash payment; or
    - d. which the check was returned for non-sufficient funds; and
  - 4. make it clear that the Department would not issue receipts over the counter;
- E. The PFD Division would continue to receive the vast majority of appeals and the associated fees in the mail. The Anchorage and Juneau Dividend Information Offices would receive and accept a relatively small number of appeals and the associated fees across the counter. The Information Offices would forward all appeals and fees to the Dividend Appeals unit for processing;
- F. The PFD Masterfile Computer System would be modified:
  - 1. adding a field to indicate whether the applicant was exempt from the fee as the result of indigence or if not exempt whether the fee actually accompanied the appeal;

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

ANALYSIS OF HB 400

As of March 10, 1994

2. to send a redesigned computer generated appeal receipt letter not only advising the applicant that their appeal has been received, but whether a required fee in the appropriate amount was included. If the fee was not included or the amount was less than the required fee, the receipt letter would advise an applicant that the appeal would not be valid unless the Department received the additional amount within 30 days of the date of the notice. It would also advise the applicant that if they did not send in the additional amount or request in writing a return of the insufficient amount within 30 days of the date of the notice that the fee would be forfeited. If an appellant's check was returned for non-sufficient funds, the Department would send the appellant a notice advising an applicant that the appeal would be invalidated unless the Department received the additional amount within 30 days of the date of the notice.
  3. automatically refund fees when an appeal decision overturned the original denial; and
  4. produce a daily reconciliation report for fee receipts.
- G. Necessary data processing programming updates to the PFD System Masterfile would require approximately 3 weeks work at a contractual services cost estimated to not exceed \$7,500 in FY95.
- H. Additional data entry and fee processing could be accomplished by current staff, since with the adoption of the appeal fee requirement the total number of appeals received is expected to decline.
- I. See the attachments for the assumptions regarding the number of appeals to be received and the required staffing levels. If these assumptions are correct then:
1. In FY96 one PFDS II could be reallocated to a PFDS I resulting in a savings of \$7.9. In FY97 a PFDS I position could be eliminated for an additional savings of \$44.8. Starting in FY98 three more PFDS I positions could be eliminated for an additional savings of \$134.4.
  2. Starting in FY96 funding for one Formal Hearing Officer in the Commissioner's Office could be eliminated.
- J. To the extent that the number of appeals does not decline as projected, staffing levels could not be reduced as reflected. Similarly, to the extent that the number of appeals declines more than projected, staffing levels might be able to be reduced more than the amount reflected.

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND DIVISION

**ANALYSIS OF HB 400**

As of March 10, 1994

Attachments: *Projected Revenues Resulting From HB 400*  
*Projected Inventory Resulting From HB 400*  
*FY91 - FY94 Appeals Statistics*  
*Appeal Status Summary Report*  
*Age of Unresolved Appeals*

ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
PROJECTED REVENUES RESULTING FROM HB 400

As of March 10, 1994

	<u>FY 94</u>		<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>
	<u>7 Mos</u>	<u>Annualized</u>						
<b><u>Informal Conference Appeals</u></b>								
Beginning Appeal Inventory	7,974	7,974						
Appeals Received without a fee	6,339	9,339	8,500	8,000	8,000	8,000	8,000	8,000
Decisions Issued	4,545	7,791						
Ending Appeal Inventory	9,768	9,522						
Bright Line Issue Appeals Received without a fee (55%)	3,486	5,136	4,675	4,400	4,400	4,400	4,400	4,400
Non-Bright Line Issue Appeals Received (45%)	2,853	4,203	3,825	3,600	3,600	3,600	3,600	3,600
Bright Line Issue Appeals with Fee (50% of those without a fee)			2,338	2,200	2,200	2,200	2,200	2,200
Non-Bright Line Issue Appeals with Fee (85% of those without a fee)			3,251	3,060	3,060	3,060	3,060	3,060
Total Appeals with Fee			5,589	5,260	5,260	5,260	5,260	5,260
Amount Collected			\$139,725	\$131,500	\$131,500	\$131,500	\$131,500	\$131,500
Projected Overturn Rate	35%	30%	20%	15%	10%	10%	10%	10%
Amount Refunded			\$27,950	\$19,725	\$13,150	\$13,150	\$13,150	\$13,150
Amount Retained at Informal before Formal Overturns			\$111,775	\$111,775	\$118,350	\$118,350	\$118,350	\$118,350
<b><u>Formal Hearing Appeals</u></b>								
Projected Appeal Rate with fee		16%	10%	10%	10%	10%	10%	10%
Beginning Appeal Inventory	978	978						
Appeals Received	749	1,284	447	447	473	473	473	473
Decisions Issued	698	1,197						
Ending Appeal Inventory	1,029	1,065						
Amount Collected			\$11,175	\$11,175	\$11,825	\$11,825	\$11,825	\$11,825
Projected Overturn Rate	11%	8%	5%	5%	5%	5%	5%	5%
Amount of Formal Hearing Fee Refunded			\$550	\$550	\$600	\$600	\$600	\$600
Amount of Related Informal Conference Fee Refunded			\$550	\$550	\$600	\$600	\$600	\$600
Amount Retained at Formal			\$10,625	\$10,625	\$11,225	\$11,225	\$11,225	\$11,225
<b><u>Net Retained</u></b>			\$121,850	\$121,850	\$128,975	\$128,975	\$128,975	\$128,975

ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
PROJECTED INVENTORY RESULTING FROM HB 400

As of March 10, 1994

	<u>FY94(A)</u>	<u>FY95</u>	<u>FY96</u>	<u>FY97</u>	<u>FY98</u>	<u>FY99</u>	<u>FY00</u>
<b><u>Informal Conference Appeals</u></b>							
Beginning Appeal Inventory	9,768	9,522	7,111	3,371	631	891	1,151
Total New Appeals	3,000	5,589	5,260	5,260	5,260	5,260	5,260
Total Resolutions	<u>(3,246)</u>	<u>(8,000)</u>	<u>(9,000)</u>	<u>(8,000)</u>	<u>(5,000)</u>	<u>(5,000)</u>	<u>(5,000)</u>
Ending Inventory	<u>9,522</u>	<u>7,111</u>	<u>3,371</u>	<u>631</u>	<u>891</u>	<u>1,151</u>	<u>1,411</u>
<b><u>Formal Hearing Appeals</u></b>							
Beginning Appeal Inventory	978	1,014	261	108	0	0	0
Total New Appeals	535	447	447	473	473	473	473
Total Resolutions	<u>(499)</u>	<u>(1,200)</u>	<u>(600)</u>	<u>(581)</u>	<u>(473)</u>	<u>(473)</u>	<u>(473)</u>
Ending Inventory	<u>1,014</u>	<u>261</u>	<u>108</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b><u>Staffing Levels</u></b>							
Permanent Fund Dividend Division							
Informal Conference Staff	6	6	7	6	3	3	3
Formal Hearing Staff	2	2	1	1	1	1	1
Total Permanent Fund Dividend Division Staff	8	8	8	7	4	4	4
Commissioner's Office Formal Hearing Staff funded by PFD Division	2	2	1	1	1	1	1

(A) Beginning Inventory for FY94 is as of February 1, 1994

ALASKA DEPARTMENT OF REVENUE  
 PERMANENT FUND DIVIDEND DIVISION  
FY91 - FY94 APPEAL STATISTICS  
 Through February 1, 1994

	<u>FY 94</u>	<u>FY 93</u>	<u>FY 92</u>	<u>FY 91</u>
<u>Informal Conference Appeals</u>				
Decisions Issued	4,545	9,337	4,912	4,625
Denials Overturned	1,598	2,309	1,859	1,378
Overturn Rate	35%	25%	38%	30%
Ending Appeal Inventory	9,768	7,974	7,679	5,167
Age of Oldest Appeal in Inventory in Months	29	20	19	15
<u>Formal Hearing Appeals</u>				
Decisions Issued	698	1,031	712	433
Denials Overturned	74	51	128	61
Overturn Rate	11%	5%	18%	14%
Ending Appeal Inventory	1,029	978	334	610
Age of Oldest Appeal in Inventory in Months	15	7	12	8

Notes

The relatively high informal conference overturn rate for the first seven months of FY94 is the result of:

1. applicants incorrectly answering questions on the revised 1993 Adult Supplemental Schedule, such as those pertaining to motor vehicle exemptions and out-of-state employment;
2. a question on the revised 1993 Adult Supplemental Schedule regarding fish and game licenses which needed to be more specific (this has been corrected on the 1994 Adult Supplemental Schedule);
3. a refinement of the working out-of-state policy which allowed a number of previously issued denials to be overturned; and
4. the PFD Division's efforts to resolve obvious errors as quickly as possible, artificially inflating the overturn rate during the first half of the fiscal year.

The 15 month old formal hearing appeal in FY94 relates to an appeal placed on hold pending the decision of the Superior Court in a related case.

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND PROGRAM  
APPEAL STATUS SUMMARY  
(A-1) RPFEN250

APPLICATION YEAR													
APPEAL STATUS	TOTAL	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982
INFORMAL	9,768	5,590	3,185	569	250	105	43	22	3	1	0	0	0
PLACING AT INFORMAL	0	0	0	0	0	0	0	0	0	0	0	0	0
FORMAL	312	29	56	109	51	36	15	10	3	1	1	0	1
FORMAL HEARING HELD	495	7	102	191	106	43	17	13	9	2	2	2	3
IN TION TO DISMISS	219	16	50	54	36	28	8	6	5	4	4	4	4
RECONSIDERATION	0	0	0	0	0	0	0	0	0	0	0	0	0
SUPERIOR COURT	94	0	5	12	19	22	10	7	7	6	3	1	2
SUPREME COURT	1	0	0	0	0	0	0	1	0	0	0	0	0
TOTAL UNRESOLVED	10,809	5,642	3,398	935	460	234	93	59	27	14	10	7	10
INFORMAL	11,893	734	1,120	1,059	405	213	140	349	530	318	2,863	1,991	2,171
DEPARTMENT FORMAL WITHDRAWAL	549	3	89	127	54	33	18	26	56	17	56	35	35
FORMAL	298	0	16	35	46	41	15	23	10	4	43	21	44
SUPERIOR COURT	8	0	0	0	3	4	0	0	0	0	0	0	1
SUPREME COURT	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL RESOLVED WITH DENIAL OVERTURNED	12,748	737	1,225	1,221	508	291	173	398	596	339	2,962	2,047	2,251
LATE APPEAL	624	0	0	0	0	0	0	0	0	105	239	132	148
INFORMAL	20,480	560	1,495	2,906	3,334	2,055	2,065	1,048	2,553	1,296	1,740	594	754
FORMAL	4,326	5	313	431	636	586	669	414	440	251	225	165	191
SUPERIOR COURT	143	0	0	1	6	14	36	26	20	12	11	10	7
SUPREME COURT	5	0	0	0	0	0	0	0	0	2	0	0	3
TOTAL RESOLVED WITH DENIAL UPHELD	25,578	565	1,808	3,418	3,976	2,655	2,770	1,488	3,013	1,666	2,215	901	1,103
TOTAL APPEAL	49,215	6,944	6,431	5,574	4,944	3,180	3,036	1,945	3,636	2,019	5,187	2,955	3,364
INVALID APPEAL CODES	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL RECORDS WITH APPEAL STATUS	49,215	6,944	6,431	5,574	4,944	3,180	3,036	1,945	3,636	2,019	5,187	2,955	3,364

ALASKA DEPARTMENT OF REVENUE  
PERMANENT FUND DIVIDEND PROGRAM  
AGE OF UNRESOLVED APPEALS  
(A-84) BREEN200

AGE OF UNRESOLVED INFORMAL CONFERENCE APPEALS

INFORMAL CONFERENCE APPEALS

AGE OF APPEAL	TOTAL	1993	1992	1991	1990	1982-89
OVER 12 MONTHS	2,636	0	2,220	305	52	59
9 TO 12 MONTHS	1,109	0	737	165	136	71
6 TO 9 MONTHS	1,154	879	128	70	37	30
3 TO 6 MONTHS	1,903	1,866	20	7	3	7
LESS THAN 3 MONTHS	2,975	2,844	80	22	22	7
TOTAL UNRESOLVED INFORMAL CONFERENCE APPEALS	9,767	5,589	3,185	569	250	174

AGE OF UNRESOLVED FORMAL HEARING AND COURT APPEALS

FORMAL HEARING AND COURT APPEALS

AGE OF APPEAL	TOTAL	1993	1992	1991	1990	1982-89
OVER 12 MONTHS	19	0	5	4	4	6
9 TO 12 MONTHS	12	0	1	1	1	9
6 TO 9 MONTHS	56	0	11	11	13	21
3 TO 6 MONTHS	328	6	83	122	58	59
LESS THAN 3 MONTHS	611	46	108	216	115	126
TOTAL UNRESOLVED FORMAL HEARING AND COURT APPEALS	1,026	52	208	354	191	221

RECORDS WITH INVALID APPEAL DATES 1

9-LS0161NCL  
Cook  
2/8/95

CS FOR HOUSE BILL NO. 32( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to administrative proceedings involving a determination of eligibility  
2 for a permanent fund dividend or authority to claim a dividend on behalf of  
3 another."

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

5 \* Section 1. AS 43.23.015(g) is amended to read:

6 (g) If an individual is aggrieved by a decision of the department determining the  
7 individual's eligibility for a permanent fund dividend or the individual's authority to claim  
8 a permanent fund dividend on behalf of another, the individual may, upon payment of  
9 a \$25 appeal fee, request the department to review its decision. If the individual is  
10 aggrieved by the decision of the department after all administrative proceedings,  
11 the individual may appeal that decision to the superior court in accordance with  
12 AS 44.62.560. An appeal to the court under this section does not entitle the aggrieved  
13 individual to a trial de novo. The appeal shall be based on the record of the administrative

1 proceeding from which appeal is taken and the scope of appeal is limited to matters  
2 contained in the record of the administrative proceeding. If, as a result of an  
3 administrative proceeding or a court appeal, the individual prevails, the \$25 appeal  
4 fee shall be returned to the individual by the department.

5 \* Sec. 2. AS 43.23.015 is amended by adding a new subsection to read:

6 (i) An indigent individual may apply for a waiver of the appeal fee required  
7 under (g) of this section. The department shall prescribe and furnish a waiver application  
8 form for that purpose. The department shall grant the waiver if the individual is a  
9 member of a family with an income equal to or less than the federal poverty guidelines  
10 for Alaska set by the United States Department of Health and Human Services for the  
11 year immediately preceding the year the waiver application is submitted to the  
12 department.

Alaska State Legislature

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DISTRICT 10

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VICE CHAIR, LABOR & COMMERCE  
COMMITTEE  
JUDICIARY COMMITTEE  
RESOURCES COMMITTEE  
INTERNATIONAL TRADE & TOURISM  
COMMITTEE  
ECONOMIC TASK FORCE

Representative Joe Green

Memorandum

TO: Chairman James and Members,  
House State Affairs Committee

FROM: Representative Joe Green

DATE: February 9, 1995

RE: CSHB 32 Work Draft Changes

*OK for CS final  
Haltpherr*

In response to questions raised during the February 7th hearing on HB32 concerning the definition of "indigent", I propose the following changes be made:

Page 2, line 5 add:

Sec. 2. AS 43.23.015 is amended by adding a new subsection to read:

(i) An indigent individual may apply for a waiver of the appeal fee required under (g) of this section. The department shall prescribe and furnish a form for that purpose. The department shall grant the waiver if during the year immediately preceding the year the waiver application is submitted to the department, the individual was a member of a family with an income equal to or less than the federal poverty guidelines for Alaska set by the United States Department of Health and Human Services.

Thank you for your consideration.

designated above at the following address.

OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20508.

Dated: January 28, 1994

Dennis P. Williams,

Deputy Assistant Secretary, Budget

[FR Doc. 94-3100 Filed 2-9-94; 8:45 am]

BILLING CODE 0160-04-M

**Annual Update of the HHS Poverty Guidelines**

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice provides an update of the HHS poverty guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

**EFFECTIVE DATE:** These guidelines will have effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

**ADDRESSES:** Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services (HHS), Washington, D.C. 20201.

**FOR FURTHER INFORMATION CONTACT:** For information about how the poverty guidelines are used in a particular program, contact the Federal (or other) office which is responsible for that program.

For general information about the poverty guidelines (but not for information about how they are used in a particular program), contact Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation, HHS—telephone: (202) 690-6141.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced-fee health care services at certain hospitals and other health care facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance, HHS—telephone: (301) 443-5658. The Division of Facilities Compliance notes that as set by 42 CFR 124.505(b), the effective date of this update of the poverty guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is sixty days from the date of this publication.

Under a recent amendment to the Older Americans Act, the figures in this notice are the figures that area agencies on aging should use to determine

"greatest economic need" for Administration on Aging programs. For information about those programs, contact Donald Fowles, Administration on Aging, HHS—telephone: (202) 619-2614.

For information about the Department of Labor's Lower Living Standard Income Level (an alternative eligibility criterion with the poverty guidelines for certain Job Training Partnership Act programs), contact Hugh Davies, Office of Employment and Training Programs, U.S. Department of Labor—telephone: (202) 219-6580.

For information about the number of persons in poverty or about the Census Bureau (statistical) poverty thresholds, contact Kathleen Short, Chief, Poverty and Wealth Statistics Branch, U.S. Bureau of the Census—telephone: (301) 763-8578.

**1994 POVERTY GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA**

Size of family unit	Poverty guideline
1	57,360
2	9,840
3	12,320
4	14,800
5	17,280
6	19,760
7	22,240
8	24,720

For family units with more than 8 members, add \$2,480 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

**1994 POVERTY GUIDELINES FOR ALASKA**

Size of family unit	Poverty guideline
1	\$9,200
2	12,300
3	15,400
4	18,500
5	21,600
6	24,700
7	27,800
8	30,900

For family units with more than 8 members, add \$3,100 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

**1994 POVERTY GUIDELINES FOR HAWAII**

Size of family unit	Poverty guideline
1	\$8,470
2	11,320
3	14,170
4	17,020
5	19,870
6	22,720
7	25,570
8	28,420

For family units with more than 8 members, add \$2,850 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

The preceding figures are the 1994 update of the poverty guidelines required by sections 652 and 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (Pub. L. 97-35). As required by law, this update reflects last year's change in the Consumer Price Index (CPI-U); it was done using the same procedure used in previous years.

Section 673(2) of OBRA-1981 (42 U.S.C. 9902(2)) requires the use of the poverty guidelines as an eligibility criterion for the Community Services Block Grant program, while section 652 (42 U.S.C. 9847) requires the use of the poverty guidelines as an eligibility criterion for the Head Start program. The poverty guidelines are also used as an eligibility criterion by a number of other Federal programs (both HHS and non-HHS). When such programs give an OBRA-1981 citation for the poverty guidelines, they cite section 673(2).

The poverty guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The poverty guidelines issued by the Department of Health and Human Services are used for administrative purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The poverty thresholds are used primarily for statistical purposes. Since the poverty guidelines in this notice—the 1994 guidelines—reflect price changes through calendar year 1993, they are approximately equal to the poverty thresholds for calendar year 1993 which the Census Bureau will publish in late summer 1994.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the

Alaska State Legislature

WHILE IN SESSION:  
CAPITOL BUILDING  
SITKA, ALASKA 99801-1182  
(907) 485-4931  
(907) 485-4316 FAX

INTERIM ADDRESS:  
116 WEST 4TH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 258-8198  
(907) 258-8171 FAX

DISTRICT 10

CHAIR, OIL & GAS COMMITTEE  
DEPUTY CHAIR, LABOR & COMMERCE  
COMMITTEE  
JUDICIARY COMMITTEE  
COMMITTEE ON SOURCES  
INTERNATIONAL TRADE & TOURISM  
COMMITTEE  
ECONOMIC TASK FORCE

Representative Joe Green

Memorandum

TO: Chairman James and Members,  
House State Affairs Committee

FROM: Representative Joe Green 

DATE: February 9, 1995

RE: CSHB 32 Work Draft Changes

In response to questions raised during the February 7th hearing on HB32 concerning the definition of "indigent", I propose the following changes be made:

Page 2, line 5 add:

Sec. 2. AS 43.23.015 is amended by adding a new subsection to read:

(i) An indigent individual may apply for a waiver of the appeal fee required under (g) of this section. The department shall prescribe and furnish a form for that purpose. The department shall grant the waiver if during the year immediately preceding the year the waiver application is submitted to the department, the individual was a member of a family with an income equal to or less than the federal poverty guidelines for Alaska set by the United States Department of Health and Human Services.

Thank you for your consideration.

## Organization Reference Chart

Section of 1984 Code	Description of organization	General nature of activities	Application Form No.	Annual return required to be filed	Contributions allowable
501(c)(1)	Corporations Organized Under Act of Congress (Including Federal Credit Unions)	Instrumentalities of the United States	No Form	None	Yes, if made for exclusively public purposes
501(c)(2)	Title Holding Corporation For Exempt Organization	Holding title to property of an exempt organization	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(3)	Religious, Educational, Charitable, Scientific, Literary, Testing for Public Safety, to Foster National or International Amateur Sports Competition, or Prevention of Cruelty to Children or Animals Organizations	Activities of nature implied by description of class of organization	1023	990 <sup>1</sup> or 990-PF <sup>1</sup>	Generally, Yes
501(c)(4)	Civic Leagues, Social Welfare Organizations, and Local Associations of Employees	Promotion of community welfare; charitable, educational or recreational	1024	990 <sup>1</sup>	Generally, No <sup>2</sup>
501(c)(5)	Labor, Agricultural, and Horticultural Organizations	Educational or instructive, the purpose being to improve conditions of work, and to improve products and efficiency	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(6)	Business Leagues, Chambers of Commerce, Real Estate Boards, Etc.	Improvement of business conditions of one or more lines of business	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(7)	Social and Recreation Clubs	Pleasure, recreation, social activities	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(8)	Fraternal Beneficiary Societies and Associations	Lodge providing for payment of life, sickness, accident, or other benefits to members	1024	990 <sup>1</sup>	Yes, if for certain Sec. 501(c)(3) purposes
501(c)(9)	Voluntary Employees' Beneficiary Associations	Providing for payment of life, sickness, accident or other benefits to members	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(10)	Domestic Fraternal Societies and Associations	Lodge devoting its net earnings to charitable, fraternal, and other specified purposes. No life, sickness, or accident benefits to members	1024	990 <sup>1</sup>	Yes, if for certain Sec. 501(c)(3) purposes
501(c)(11)	Teachers' Retirement Fund Associations	Teachers' association for payment of retirement benefits	No Form <sup>3</sup>	990 <sup>1</sup>	No <sup>2</sup>
501(c)(12)	Benevolent Life Insurance Associations, Mutual Ditch or Irrigation Companies, Mutual or Cooperative Telephone Companies, Etc.	Activities of a mutually beneficial nature similar to those implied by the description of class of organization	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(13)	Cemetery Companies	Burials and incidental activities	1024	990 <sup>1</sup>	Generally, Yes
501(c)(14)	State Chartered Credit Unions, Mutual Reserve Funds	Loans to members	No Form <sup>4</sup>	990 <sup>1</sup>	No <sup>2</sup>
501(c)(15)	Mutual Insurance Companies or Associations	Providing insurance to members substantially at cost	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(16)	Cooperative Organizations to Finance Crop Operations	Financing crop operations in conjunction with activities of a marketing or purchasing association	No Form <sup>4</sup>	990 <sup>1</sup>	No <sup>2</sup>
501(c)(17)	Supplemental Unemployment Benefit Trusts	Provides for payment of supplemental unemployment compensation benefits	1024	990 <sup>1</sup>	No <sup>2</sup>
501(c)(18)	Employee Funded Pension Trust (created before June 25, 1959)	Payment of benefits under a pension plan funded by employees	No Form <sup>4</sup>	990 <sup>1</sup>	No <sup>2</sup>
501(c)(19)	Post or Organization of Past or Present Members of the Armed Forces	Activities implied by nature of organization	1024	990 <sup>1</sup>	Generally, No <sup>2</sup>
501(c)(21)	Black Lung Benefit Trusts	Funded by coal mine operators to satisfy their liability for disability or death due to black lung diseases	No Form <sup>4</sup>	990-BL	No <sup>2</sup>
501(c)(22)	Withdrawal Liability Payment Fund	To provide funds to meet the liability of employers withdrawing from a multi-employer pension fund	No Form <sup>4</sup>	990	No <sup>2</sup>
501(c)(23)	Veterans Organization (created before 1880)	To provide insurance and other benefits to veteran	No Form <sup>4</sup>	990	Generally, No <sup>2</sup>
501(d)	Religious and Apostolic Associations	Regular business activities, Communal religious community	No Form	1065	No <sup>2</sup>
501(e)	Cooperative Hospital Service Organizations	Performs cooperative services for hospitals	1023	990 <sup>1</sup>	Yes
501(f)	Cooperative Service Organizations of Operating Educational Organizations	Performs collective investment services for educational organizations	1023	990 <sup>1</sup>	Yes
501(k)	Child Care Organization	Provides care for children	1023	990	Yes
521(a)	Farmers' Cooperative Associations	Cooperative marketing and purchasing for agricultural producers	1028	990-C	No

<sup>1</sup>For exceptions to the filing requirement, see Chapter 2 and the Form instructions.

<sup>2</sup>An organization exempt under a Subsection of Code Sec. 501 other than (c)(3), may establish a charitable fund, contributions to which are deductible. Such a fund must itself meet the requirements of section 501(c)(3) and the related notice requirements of section 508(a).

<sup>3</sup>Contributions to volunteer fire companies and similar organizations are deductible, but only if made for exclusively public purposes.

<sup>4</sup>Deductible as a business expense to the extent allowed by Code section 192.

<sup>5</sup>Deductible as a business expense to the extent allowed by Code section 194A.

<sup>6</sup>Application is by letter to the key District Director. A copy of the organizing document should be attached and the letter should be signed by an officer.

<sup>7</sup>Contributions to these organizations are deductible only if 90% or more of the organization's members are war veterans.