

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9720 SENATE RULES

In response to a question by Representative Davies, Mr. Coghill noted that he would support the substitution of one-percent of registered voters.

In response to a question by Representative Grussendorf, Ms. Fenumiai explained that supports of the Liberation Party and the Constitutional Party are listed under the "other" category. Representative Grussendorf observed that these parties would not be likely to support AIP since they will be busy trying to gain recognition for their own party.

SCOTT KOHLHASS, ALASKA LIBERTARIAN PARTY, FAIRBANKS testified via the teleconference network in support of HB 112. He noted that the legislation opens new avenues for obtaining political party status. He pointed out that Alaska is one of the more difficult states to obtain ballot access. He noted that in some other states sufficient ballot signatures result in full party status. He asked why small parties are required to petition for each office as a limited political party.

In response to a question by Representative Davies, Mr. Kohlhas noted that he would support the substitution of one-percent of the registered voters. He maintained that requiring 10,000 registered voters, for a political party to retain its legal status without running a gubernatorial candidate, is "oppressive."

Co-Chair Therriault noted that the Division of Elections would need computer modifications.

Mr. Kohlhas observed that the Alaska Civil Liberties Union has advocated that one-tenth of one percent of the vote be required to maintain ballot status.

KEVIN MORFORD, MEMBER, GREEN PARTY testified via the teleconference network. He noted that he is an attorney. He emphasized that the legislation addresses important constitutional rights.

(Tape Change, HFC 97-52, Side 2)

Mr. Morford noted that there are two ways to get on the ballot. A candidate can run as a member of a recognized political party with ballot access or by nominating petition. The legislation will not change the manner in which political parties are able to initially qualify for ballot access. He observed that a party could register voters until they have ballot access. He noted that the Green Party is the only registered party that could not maintain its status without running a candidate for governor. He stressed the importance of maintaining a level playing field.

Mr. Morford referred to the sponsor statement for HB 112. He noted that the sponsor statement concludes that the legislation would result in Alaska's governors being elected by a larger plurality

of voters. He observed the intent of the bill is to cut down on the number of candidates for governor, and thereby achieve elections in which governors are more likely to be elected by a majority. He maintained that it is not legitimate to try to cut down on the number of candidates by limited ballot access. He suggested that multiple ballots could be utilized to achieve plurality. He maintained that the 10,000 requirement is not justified. He pointed out that 50 percent of Alaskan registered voters are not affiliated with a party. He noted that there were more votes cast for the Green Party than were registered members of the party. He stated that it does not make sense to require a higher number to be registered for a party than the amount it received in a general election.

Mr. Morford suggested the adoption of uniform rules, an even playing field and that ballot access be based on reasonable numbers. He supported the use of 3 percent of the vote or a smaller number of registered voters.

JIM SYKES, GREEN PARTY testified via the teleconference network. He acknowledged the need for other criteria to be considered. He questioned why other statewide races are not counted equally. He provided members with a memorandum presenting three options for amendment to HB 112 (attachment 1). He spoke in support of the amendments. He noted that AIP and the Green Party received more than 3 percent of the vote in several previous statewide races. Option B, under the proposed amendments, would require that a political party run at least three legislative races and receive 3 percent of the vote. He agreed that it takes a lot of time and energy to run races. He maintained that a requirement for 10,000 registered voters is different from the way any other states operate. He spoke in support of a registration requirement of one percent of the registered voters. He observed that the Alaska Supreme Court has a record of striking down unreasonable ballot access requirements. He urged the Committee to replace the requirement for 10,000 with the suggestions contained in Attachment 1. He noted that there are ballot options that would allow voters to prioritize their choices to allow a majority to be obtained. He emphasized that the Green Party should receive the same treatment as other parties.

Representative Vezey clarified that the 10,000 requirement was based on, what was at that time, 3 percent of the registered voters. He clarified that the legislation is not about ballot access. He maintained that the legislation is about the ability to maintain political party status without being on the ballot. He observed that political parties could have any number of gaming permits. He questioned if the Legislature wants to make it easy for inactive political parties to have access to gaming permits.

Representative Martin agreed with comments by Representative Vezey. He suggested that political parties not be allowed to have pull-

tab permits.

Representative Davies provided members with Amendment 1 (copy on file). Representative Davies MOVED to adopt Amendment 1. Representative Martin OBJECTED. Representative Davies explained that Amendment 1 would allow a political party to run in three other statewide races as a means to validate its status as a party. Representative Vezey spoke against the amendment. A roll call vote was taken on the MOTION.

IN FAVOR: Davies Grussendorf, Moses
OPPOSED: Davis, Foster, Kelly, Martin, Therriault, Hanley

Representatives Mulder and Kohring were absent for the vote.

The MOTION FAILED (3-6).

Co-Chair Hanley MOVED to adopt Amendment 2 (copy on file). He explained that Amendment 2 would provide that a political party have registered voters equal to 3 percent of the votes cast for governor at the proceeding general election. He observed that this is a lower standard than three percent of the registered voters. The number would fluctuate based on the number of registered voters.

Representative Davies MOVED to AMEND Amendment 2; delete "three-percent" and insert "one-percent." Co-Chair Therriault OBJECTED. Representative Davies spoke in support of the amendment. He noted that the amount would require that a party have 6,400 registered voters, before it could retain its legal status without running a gubernatorial candidate. He stressed that 6,400 would be greater than the Green Party currently has registered. He observed that one-percent would require that a party have 2,200 registered voters. He stated that this would be equal to the highest standard of any state in the nation.

Co-Chair Hanley spoke against the amendment. He pointed out that one-percent of the registered voters is more than one-percent of the vote. He maintained that three-percent is a defensible number. He stressed that it is less restrictive. Representative Martin spoke against the amendment. Representative Davies emphasized that the Green Party has consistently received more votes than its share of registered voters. He maintained that Alaskans value their privacy.

A roll call vote was taken on the MOTION to amend Amendment 2.

IN FAVOR: Davies Grussendorf, Moses
OPPOSED: Davis, Foster, Kelly, Martin, Therriault, Hanley

Representatives Mulder and Kohring were absent for the vote.

The MOTION FAILED (3-6).

Co-Chair Hanley clarified that the amendment pertains to votes at the last gubernatorial election. There being NO OBJECTION, Amendment 2 was adopted.

Representative Davies MOVED to adopt Amendment 3 (copy on file). Co-Chair Therriault OBJECTED. He explained that the amendment clarifies that, once a party reaches legal status, it retains legal status until it fails to have registered numbers equal to that percentage.

Representative Vezey spoke against the amendment.

Representative Davies MOVED to AMEND Amendment 3, delete "one-percent" and insert "three-percent" on lines 6 and 9.

Co-Chair Hanley observed that the amendment is based on registered voters. He summarized that the amendment eliminates the ability to qualify with the 3-percent of the votes cast for a gubernatorial candidate. He stressed that the amendment would be more limiting. He observed that, under the amendment, the Green Party would not be able to put up a candidate for governor.

While Representative Davies considered Amendment 3, Ms. Fenumiai discussed the fiscal note by the Office of the Lieutenant Governor. She explained that the Division would need to modify their computer system to track additional parties. In response to a question by Co-Chair Therriault, Ms. Fenumiai explained that the code table would require updates. She observed that voter registration reports and voter cards would also have to be modified. She clarified that the Division could not retrace voter records.

Representative Davies suggested that the amendment should be worded to allow the current provision or the provision contained in Amendment 3. He WITHDREW Amendment 3.

Representative Foster MOVED to report CSHB 112 (FIN) out of Committee with individual recommendations and with the accompanying fiscal notes. Representative Davies OBJECTED. He maintained that the legislation would allow AIP to not run a candidate and require the Green Party to run a candidate. The Green Party would be required to registered 50 percent more voters in order to not run a candidate. He stated that the bill could be interpreted to have political intent.

A roll call vote was taken on the MOTION.

IN FAVOR: Davis, Foster, Kelly, Kohring, Martin, Therriault, Hanley
OPPOSED: Davies, Grussendorf, Moses

Representative Mulder was absent for the vote.

HB 112 was reported out of Committee with a "do pass" recommendation and with a fiscal impact note by the Office of the Lieutenant Governor, dated 2/26/97; and with a zero fiscal note by the Department of Revenue, dated 2/26/97.

HB

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Mary Pagenkopf

Senate Rules Committee 4/25/97 10:54 am

SENATE FINANCE
COMMITTEE

Amendment Number: 1 0-LS0490A.1-
Bill Number: HB 114
Sponsor: Sharp Date: 4/22/97 Lauterbach
Logged In By: K. S. Torres 4/18/97

AMENDMENT

OFFERED IN THE SENATE
TO: HB 114

BY SENATOR SHARP BY REQUEST

- 1 Page 1, line 14:
- 2 Delete "a condition or"
- 3 Insert "cancer required to be reported under 42 U.S.C. 280e - 280e-4, or a birth defect
- 4 or infectious"

- 5 Page 2, line 1, following "chapter.":
- 6 Insert "Disclosure of these health care records to the department does not constitute
- 7 a breach of patient confidentiality."

- 8 Page 2, line 5:
- 9 Delete "A record obtained or"
- 10 Insert "Data obtained or a record"

THIS AMENDMENT WAS ADOPTED BY SENATE
FINANCE (TORGERSON), BUT CLERICAL SUPPORT
FAILED TO PREPARE AND FORWARD THE FINANCE
COMMITTEE SUBSTITUTE.

BEING BROUGHT TO OUR ATTENTION, THE
SENATE RULES COMMITTEE ADOPTED IT,
AND PASSED UP A C.S. 4-25-97.

T. Benintendi

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

P.O. BOX V, JUNEAU 99811
(907) 465-3759



SPONSOR STATEMENT

SCS HB 114 (FIN)

"An Act relating to health care data and registration of births."

This bill will accomplish changes in law needed to assure that the Department of Health and Social Services has access to information on diseases and conditions of public health significance essential to carrying out disease surveillance, control, and prevention activities.

It will establish explicit civil immunity for providers who comply with requirements to report health care data and assure access by DHSS to health records needed to carry out its mandates and to conduct research for the purposes of protecting and promoting public health. These provisions are required to continue eligibility for a Federal grant of \$420,000 per year which supports operation of a registry of cancer occurrences within the state - an increasingly vital activity as cancer has become the leading cause of death.

HB 114 will also make changes needed to fully implement the Electronic Birth Certificate system and clarify rules for filing and registering births occurring en route to Alaska. The bill will:

- allow certification of births to occur by an electronic process rather than only by signature on a paper certificate and shift the place of filing to recognize electronic filing;
- reduce filing time from 7 to 5 days to comply with requirements of the National Center for Health Statistics;
- clarify rules for filing and registering births occurring on moving conveyances in international waters or air space or foreign waters or air space en route to Alaska to comply with the model Vital Statistics Act.

The Senate Finance Committee amended the bill to make it clear that the Department of Health and Social Services has access to patient records for only diseases and conditions of public health significance. The bill does NOT grant the department unlimited access to patient records and data. With this amendment, the bill is supported by the Alaska State Hospital and Nursing Home Association and the American Cancer Society.

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
Bill Version: HB 114
(H) Publish Date: 2/26/97

Revision Date: _____
Title: An act relating to health care data
and registration of births
Sponsor: HESS
Requestor: HESS

Dept. Affected: Health and Social Services
BRU: State Health Services
Component: Bureau of Vital Statistics
COMPONENT SERIAL NO. 981
See also (SN#): 296

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Should this bill not pass, the state would lose \$420.0/year in federal grant funds for the establishment of a cancer registry to monitor the occurrences within the state.

Prepared by: Peter M. Nakamura, MD, MPH
Division: Public Health
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: (907) 465-3090
Date: 02/10/97
Date: 2/13/97

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HB

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Mary Pagenkopf

Senate Rules Committee 4/30/97 10:55am

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MEMORANDUM

February 3, 1997

SUBJECT: 1997 Revisor's Bill (Work Order No. 20-LS0231\B)

TO: Representative Pete Kott
Chair, House Rules Committee

FROM: Pamela Finley *PF*
Revisor of Statutes

Attached is a final of the 1997 revisor's bill, which Legislative Council approved for introduction at its meeting on January 31, 1997.

The following is a sectional analysis of the bill. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes

...shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of...the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 15, 16, 28, 35, 36, and 39 delete, update, or repeal provisions that have become obsolete either through other legislative action or the passage of time.

Sections that correct errors or oversights: Sections 2, 3, 5-14, 17, 24, 25, 27, 29, 30, 34, 37, 38, 40 and 41 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 1, 4, 18-23, 26, 29, and 31-33, propose amendments to improve the form or substance of the statute law of Alaska.

SECTIONAL ANALYSIS

Section 1. This section corrects the sentence structure of a statute requiring publication of a book containing brands and marks on record.

Representative Pete Kott

February 3, 1997

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Section 2. This bill section substitutes "employees of one of the municipalities" for "employers of one of the municipalities" in AS 05.15.112(b), relating to charitable gaming. It corrects a typographical error in ch. 70, SLA 1993.

Section 3. This bill section amends the definition of "qualified organization" in the charitable gaming statutes by substituting "license or permit" for "license." Qualified organizations apply for permits primarily, although they also can apply for operator's licenses. This corrects an error in ch. 27, SLA 1960.

Section 4. While most occupational regulation is performed by various boards, the Department of Commerce and Economic Development has direct responsibility for certain occupations. See AS 08.01.010. The occupations regulated directly by the department have also been listed at AS 08.01.050(a)(4) and (9), which means that whenever the department is given responsibility for directly regulating an occupation, these two paragraphs must be amended. This is unnecessary since a general reference to occupations or activities that are regulated directly by the department would suffice. This section substitutes that general reference for the existing list.

Section 5. AS 08.02.010(a) requires members of certain occupations to use certain designations. Some of the occupations covered by subsection (a) are regulated directly by the Department of Commerce and Economic Development rather than by a board, i.e., acupuncturists, audiologists, and naturopaths. However, subsection (b), which sets penalties for a violation of subsection (a), refers only to the "appropriate licensing board." This bill section adds a reference to the department so that the department can enforce subsection (a) for those occupations regulated directly by the department.

Sections 6 and 7. These bill sections substitute "commission" for "board" in two statutes relating to the Real Estate Commission. Although real estate brokers were licensed by a board in 1959, a commission was substituted for the board in ch 95, SLA 1964. The amendment to AS 08.88.041(a) corrects an error in ch. 258, SLA 1976. The amendment to AS 08.88.281 corrects an error in ch. 95, SLA 1964.

Section 8. In ch. 119, SLA 1992, AS 09.50.250 (relating to claims against the state) was amended by deleting "superior court" at the end of the first sentence. The purpose was to give the state district court, as well as the state superior court, jurisdiction over claims against the state, except for small claims. The title of ch. 119, SLA 1992 was "Relating to the jurisdiction of the district court and to the district court's ability to hear actions as small claims." The Attorney General's Office has informed me that the deletion of the phrase "in the superior court" has been claimed to authorize claims against the state to be brought in federal court. To return the statute to what was intended in ch. 119, SLA 1992, "in a state court that has jurisdiction over the claim" is added at the end of the first sentence. This amendment was requested by the Attorney General's office.

Representative Pete Kort

February 3, 1997

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Section 9. This bill section amends the definition of "serious offense" in AS 12.62.900 by substituting "AS 11.51.130(a)(1)-(3)" for "AS 11.51.130(a)(1),(3), and (5)." AS 12.62.900 was added by ch. 118, SLA 1994. At the time it was drafted, AS 11.51.130(a)(1),(3),and (5) were the only paragraphs in AS 11.51.130(a), paragraphs (2) and (4) having been previously repealed. However, ch. 33, SLA 1994 redesignated paragraphs (3) and (5) as (2) and (3), respectively, and added new paragraph (4). Therefore the references to former AS 11.51.130(a)(1), (3), and (5) are equivalent to current AS 11.51.130(a)(1)-(3), and that change is made here. (AS 11.51.130(a)(4), added by ch. 33, SLA 1994 is not included because the legislature has not made the policy choice that (a) (4) should be included in the definition of "serious offense". If the legislature wishes to include (a)(4), that should be done in a different bill.)

Sections 10 and 11. Ch. 2, FSSLA 1996 rewrote AS 14.17.021, so that the definition of "basic need" that had previously appeared in subsection (b) now appears in subsection (c). The definition in current subsection (c) is the same as the definition in former subsection (b). However, a reference to "basic need as determined under AS 14.17.021(b)" still appears in AS 14.17.025(a)(2) and (b)(2). Bill sections 10 and 11 make the conforming changes to AS 14.17.025 that should have been made when AS 14.17.021 was amended in ch. 2, FSSLA 1996. Because § 6, ch. 2, FSSLA 1996 made the amendment to AS 14.17.021 retroactive to July 1, 1995, the conforming changes in bill sections 10 and 11 are also made retroactive to that date under bill sec. 40.

Section 12. This bill section amends AS 14.20.020(a), governing teachers certificates. In ch. 105, SLA 1992, an additional requirement for a certificate was added as subsection (h). However, a cross-reference to this requirement was omitted from subsection (a). That oversight is corrected in this bill section.

Section 13. This bill section amends AS 14.20.177(a) (relating to reductions in force) by substituting "AS 14.17.021(c)" for "AS 14.17.021(b)." See explanation for sections 10 and 11. This change is needed because ch. 31, SLA 1996, which added AS 14.20.177, passed the legislature before ch. 2, FSSLA 1996 amended AS 14.17.021. Because § 6, ch. 2, FSSLA 1996 made the amendment to AS 14.17.021 retroactive to July 1, 1995, the conforming change in bill section 13 is also made retroactive to August 16, 1996 (the effective date of AS 14.20.177) under bill sec. 41.

Section 14. AS 14.03.160, requiring suspension or expulsion of students for certain weapons violations, was enacted by ch. 33, SLA 1995. At that time, AS 14.30.010(b), which lists exceptions to required attendance at school, should have been amended to include a reference to children suspended or expelled under AS 14.03.160. This section makes that amendment. This section also substitutes "paragraph" for "subsection" in AS 14.30.010(b)(7) and improves the sentence structure in (b)(11).

Representative Pete Kott

February 3, 1997

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Section 15. This bill section removes a dated reference from AS 14.36.030(b), which relates to community school program grants.

Section 16. This bill section amends AS 14.43.120(b)(2)(B) to give the current name of the Council of Recognition of Postsecondary Accreditation. It was requested by the Attorney General's Office.

Section 17. This bill section amends AS 14.43.140, relating to the enforceability of student loan obligations agreed to by minors 16 years of age or older. The reference to "19" years of age (as the age of majority) is changed to "18" years of age. This change should have been made in 1977 when the age of majority was reduced from 19 years of age to 18 years of age.

Sections 18- 23. These bill sections substitute "division of state libraries, archives, and museums" for "division of state libraries" in several statutes. Although this division has not been established by statute, it is referred to in quite a few statutes and should at least have its current name.

Section 24. AS 21.18.100(h) contains a definition of "plan type" ---a term used in AS 21.18.100(f)--- but subsection (h) indicates that the definition in that subsection applies to "this subsection" when it should apply to "this section". This bill section makes that change.

Section 25. This bill section amends AS 23.30.195(a), relating to workers' compensation, by deleting a reference to AS 23.30.190(a)(20). AS 23.30.190(a)(20) ceased to exist when AS 23.30.190 was amended in ch. 79, SLA 1988.

Section 26. This bill section amends AS 24.05.135(c), relating to tapes of legislative proceedings, by substituting " division of state libraries, archives, and museums" for "division of libraries". See explanation for sections 18-23.

Section 27. This bill section amends AS 28.10.431(b) by substituting "registration fee" for "license fee." The referenced fees are for registration, not licensure.

Section 28. This bill section amends a definition of "department" in AS 30.30.170, relating to abandoned and derelict vessels, to remove a reference to the "division of waters and harbors." This division does not exist in statute or in the state directory.

Section 29. This bill section reorganizes AS 37.05.146, the definition of "program receipts" into two subsections and moves the receipts of certain employee programs from the paragraph listing funds to paragraphs of their own. (The employee programs are not, properly speaking, "funds".) It also substitutes "public school trust fund" for "public school fund" to correct an error in ch. 141, SLA 1988, which changed the name of the fund.

Section 30. This bill section substitutes "public school trust fund" for "public school fund" in AS 37.05.530(g)(2). This amendment should have been made in ch. 141, SLA 1988, when the name of the public school fund was changed.

Section 31. This bill section substitutes "under or subject to AS 14.25.180" for "under AS 14.25.180" in a definition relating to the Alaska State Pension Investment Board. AS 14.25.180 sets out management duties of the Board and is referred to in regard to other funds managed by the Board, e.g., AS 39.35.080. While "under AS 14.25.180" probably would be interpreted as including funds managed by the Board that are not in AS 14.25 but are to be managed in accordance with AS 14.25.180, adding the phrase "subject to" makes that result clearer. Note that the phrase "subject to AS 14.25.180" also appears later in the same definition.

Sections 32-33. These bill sections amend two sections in the Pipeline Act. Bill section 32 corrects a grammatical error and breaks a long sentence into shorter ones. Bill section 33 rewrites another section for clarity.

Section 34. This bill section deletes a reference in the tax code to AS 43.58. The tax under AS 43.58 terminated on December 31, 1977 and AS 43.58 was repealed in 1984.

Section 35. This section substitutes a cross-reference to a section for a cross-reference to a paragraph within that section. The paragraph number has been changed and a reference to the specific paragraph is not necessary.

Section 36. This bill section corrects the name of the Council on Recognition of Postsecondary Accreditation. It was requested by the Attorney General's Office.

Sections 37 and 38. These bill sections amend the Alaska temporary assistance program, which was established by legislation passed last session. The paragraph amended by bill section 37 (AS 47.27.015(a)(1)) contains subparagraphs that establish exceptions to the 5 year maximum period of assistance. Subparagraph (D) contains a general "hardship" exception and also limits the maximum number of families for which an exemption may be in effect under that "paragraph" to 10 percent or the maximum allowed under federal law, whichever is greater. It is my understanding that the limitation was indeed intended to apply to all of the subparagraphs in paragraph (1) so that the reference to "this paragraph" is correct. However, under the drafting style used in the Alaska Statutes, a provision that applies to an entire paragraph should not appear in an indented subparagraph. Accordingly, the limiting language is removed from subparagraph (D) and moved to a new subsection (f), added by section 38. If the legislature will be considering other amendments to the Alaska temporary assistance program, these bill sections could be removed from the revisor's bill and included in the other bill.

Representative Pete Kort
February 3, 1997
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Section 39. This bill section repeals the definition of "department" in AS 30.15 because the term does not appear in AS 30.15, except in a reference to a different, specified department. The text of the statute being repealed is attached.

Section 40. This bill section makes the amendments in bill sections 10 and 11 to AS 14.17.025(a) and (b) retroactive to July 1, 1995, the date to which the 1996 amendment to AS 14.17.021 was made retroactive. See explanation for bill sections 10 and 11.

Section 41. For the same reason given for section 40, this bill section makes the amendment to AS 14.20.177(a) made by bill section 13 retroactive to August 16, 1996. August 16, 1996 was used rather than July 1, 1995 because AS 14.20.177 did not exist until August 16, 1996. See explanation for bill section 13.

Section 42. This bill section gives the bill an immediate effective date.

Please let me know if you have any questions about the above.

PF:pl
WKP7\053

Representative Pete K...
February 3, 1997
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TEXT OF STATUTES BEING REPEALED

AS 30.15.070(2):

(2) "department" means Department of Transportation and Public Facilities;

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Version: CSHB 115(JUD)
(H) Publish Date: 3/19/97

Revision Date: _____
Title: An act making corrective amendments to Alaska Statutes
as recommended by the revisor of statutes
Sponsor: House JUD
Requestor: Legislative Council

Dept. Affected: Health and Social Services
BRU: Public Assistance
Component: ATAP
COMPONENT SERIAL NO. 220
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURE						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES	()					
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation makes technical amendments to the Alaska temporary assistance program. It has no fiscal impact.

SH/4/97

Prepared by: Jim Nordlund, Director
Division: Public Assistance
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-2680
Date: 02/12/97
Date: 2/17/97

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HB

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Mary Pagenkopf

Senate Rules Committee 4/28/97 10:59 am

SPONSOR STATEMENT

HB 119, INCREASE SMALL CLAIMS LIMIT TO \$7,500.

House Bill 119 would change the small claims limit in (AS 22.15.040(a)) from \$5000 to \$7,500. This increase more accurately represents the real dollar costs involved in small claims litigation.

Small claims cases allow creditors without legal representation in relatively small claims cases; it increases the maximum amount of a claim from \$5000 to \$7,500.

The effective date of the amendment is July 1, 1997.

FISCAL NOTE

No. 1
 Bill Version: CSHB 119(JUD)
 (H) Publish Date: 3/10/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: 3/7/97 Dept. Affected: Courts
 Title: _____ BRU: _____
 _____ Component: _____
 Sponsor: Hodgins
 Requester: House Judiciary COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Lisa Kirsch
 Division: House Judiciary Committee
 Approved by Commissioner:
 Agency: Chairman, House Judiciary Committee

Phone: 465-4990
 Date: 3/7/97
 Date: 3/7/97

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HB

120

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Mary Pagenkopf

Senate Rules Committee 3/5/97 11:55 am

FISCAL NOTE

No. 1
 Ill Version: CSHB 120(JUD)
 (H) Publish Date: 2/12/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: ...power of attorney general to waive immunity BRU: Civil Division
from suit in federal court...effective date Component: General Legal Services
 Sponsor: Representative Hudson
 Requester: House Judiciary COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact for the Department of Law.

Prepared by: Fred Fisher Phone: 465-3672
 Division: Administrative Services Division *Fred Fisher* Date: 2/7/97
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/7/97
 Agency: Department of Law

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Alaska State Legislature



REPRESENTATIVE BILL HUDSON

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Juneau, Alaska
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Fax (907) 465-2273

COMMITTEES

CO-CHAIR
Resources Committee

MEMBER
Transportation Committee
Labor & Commerce Committee

Sponsor Statement for CSHB120

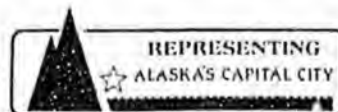
The Eleventh Amendment to the United States Constitution prohibits suits against states in federal court for damages brought by citizens of that state. Recent decisions of the United States District Court for the District of Alaska have prohibited the Attorney General from waiving this immunity without express legislative authority to do so. Although the Attorney General has statutory authority to represent the state in all civil actions in which the state is a party, there is no specific legislative grant to waive Eleventh Amendment immunity where it is in the state's best interest.

From time to time there are cases where it is procedurally advantageous for the state to waive its Eleventh Amendment immunity and have a case heard in federal court - there are presently two such cases before the state of Alaska.

The first case is addressed in the original language for HB120. The United States is being sued by plaintiffs in Alaska who seek a judgment that the US owns the tidelands in the Tongass National Forest. The State has not been named as a defendant, however it would like to intervene to determine its title to the lands in dispute.

Only by joining as a defendant in this lawsuit can the state litigate this title. The Quiet Title Act requires that the United States "claim and interest" in the disputed property. In this case, the United States has carefully avoided taking any formal position as to whether it believes it or the State has title to the tidelands in question. Therefore, by joining as a defendant, the State would secure the opportunity to establish title to lands it owns.

The second case where it would be procedurally advantageous to waive Eleventh Amendment immunity involves tort claims where the state and federal government are both potentially responsible. This issue is addressed in the amendment before you. Because of the Eleventh



Amendment immunity, and because the federal government will not appear in state court, the claims cannot be litigated in one court, and fault allocated among all parties. The state is put in a position where it cannot have fault allocated to federal agencies and employees and loses this valuable substantive right. If the state is unable to waive the Eleventh Amendment and appear and defend in federal court, it will lose its ability to have a fair allocation of fault among all responsible parties. This places the state at a substantial economic disadvantage in defending the lawsuit.

The purpose of HB120 is to ask the Alaska State Legislature to allow the Attorney General to give the State's consent to appear in Federal Court as a defendant in a case that involves the state's title to submerged lands. The amendment before you would further enable the Attorney General to waive Eleventh amendment immunity and litigate in federal court in cases where the state seeks to allocated fault to the federal government or a federal employee under AS 09.17.080.

HB

1 22

CSHB 122(JUD)

- ▶ **Further reduces frivolous, repetitive litigation by prisoners and closes loopholes created by the courts**
- ▶ **Promotes finality of judgments of conviction, so important to victims and the public, while preserving the rights of defendants to appeal**
- ▶ **Makes it a crime for a prisoner to refuse to give a sample for the DNA bank created in 1995, which is important in solving many cases of sexual assault and homicide**
- ▶ **No fiscal impact (four zero fiscal notes)**
- ▶ **Passed 40 - 0 in House**

CS for HOUSE BILL 122 (JUD)

Sectional Analysis

CSHB 122 was submitted to make additions and improvements to the comprehensive legislation adopted in 1995 to reduce the volume of frivolous litigation filed by prisoners against the state. That enactment has been very successful in reducing unnecessary lawsuits, while at the same time allowing prisoners to raise legitimate issues and enabling state attorneys to focus attention on those issues.

The 1995 legislation requires a prisoner to pay a filing fee to the court for pursuing a lawsuit, as other litigants are required to do, or to request an exemption from the fee based on need. The law currently requires a prisoner to supply certain information in support of a request for an exemption. Section 1 of the bill adds the requirement that the prisoner include information about money held in bank accounts outside the prison in the request for a filing fee exemption.

Section 2 makes a technical correction to the statutes and repairs an omission in the 1995 legislation. Current law provides that the automatic disclosure requirements of Civil Rule 16.1 do not apply to prisoner litigation; however, that rule has been deleted from the Civil Rules. The bill amends the law to reflect the deletion. Additionally, the bill provides that the automatic disclosure requirements of Civil Rule 26 do not apply to prisoner litigation. The rationale for automatic disclosure - reducing the cost and duration of litigation by cooperative discovery - does not readily apply in most cases filed by prisoners.

Section 3 expands the definition of "litigation against the state" to include all proceedings in the appellate courts. This clarifies that the laws regulating prisoner litigation apply to all litigation, not only to cases filed in the trial courts.

Sections 4 - 7 and 11 also concern a law enacted in 1995. The legislature enacted a provision that expands the use of DNA profile evidence in criminal prosecutions. In addition, the law requires the Department of Public Safety to establish a DNA identification system to help in the investigation of crimes in Alaska. It requires the department to obtain blood samples, oral samples, or both, from adults convicted of a crime against the person (except custodial interference) and arson, and minors 16 years of age or older adjudicated delinquents based on

similar conduct. Unfortunately, enforcement of the sample requirement is inadequate if a person refuses to cooperate. The bill provides several enforcement options, including making it a class A misdemeanor if a person is required to provide a sample and refuses a lawful request from a health care provider.

Section 8 clarifies that the Parole Board may revoke mandatory parole before the actual release of a prisoner if the prisoner has violated a court order to participate in the treatment plan of a rehabilitation program.

Section 9 is a technical amendment to the parole statutes.

Section 10 limits the time an appellate court may allow extensions of time to file an appeal or request for review of a criminal conviction or sentence to 60 days after the last deadline for filing the appeal or request. This does not limit requests for an extension of time filed before a deadline; rather, it disallows requests filed two months after a deadline has passed, when no request for an extension has been filed.

Section 12 limits the time a court may relax the deadline for filing a motion to reduce or modify a sentence under Criminal Rule 35(b) in the trial court to 10 days beyond the 180 days in which a defendant may file the motion under the terms of the rule. Criminal Rule 35(b) motions allow a court to reconsider a sentence in the six months following imposition. It is not intended to allow a court to change a sentence after that period. The Parole Board is in a better position to make decisions about the release of a person at this time.

HB

127

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Mary Pagenkopf

Senate Rules Committee 5/10/97 10:54 am

Alaska State Legislature

CHAIR
HOUSE HEALTH, EDUCATION
& SOCIAL SERVICES COMMITTEE

VICE-CHAIR
HOUSE JUDICIARY COMMITTEE

MEMBER
LEGISLATIVE BUDGET & AUDIT COMMITTEE
HOUSE SPECIAL COMMITTEE ON OIL & GAS
SELECT COMMITTEE ON LEGISLATIVE ETHICS

REPRESENTATIVE CON BUNDE

District 18

DURING SESSION
STATE CAPITOL, ROOM 104
JUNEAU, AK 99801-1182
(907) 465-4843 (800) 892-4843

DURING INTERIM
716 W. FOURTH AVE.
ANCHORAGE, AK 99501-2133
(907) 258-8168

E-MAIL
Representative_Con_Bunde@legis.state.ak.us

SPONSOR STATEMENT CSHB 127 (FIN)

" An Act relating to the Citizens' Review Board and panels for permanency planning for certain children in state custody; renaming the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board; relating to disclosures about certain minors; and providing for an effective date."

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- **They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.**
- **They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.**
- **They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.**
- **They do not give local panels the authority to develop priorities for early reviews of the worst cases.**
- **They require the existing foster care review system to sunset on June 30, 1997.**

HB 127 corrects the weaknesses in our current statutes and gives a strong independent voice to local review panels. This legislation will establish local review panels throughout the state that will advocate for children, their families and for needed changes in our child protection system.

The National Association for Foster Care Reviewers will guide the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of CSHB 127 (HES).

NECESSARY CHANGES:

The reasons why

HB 127 changes existing state laws for the Citizens' Foster Care Review Panel because they are inadequate. The existing statutes don't give enough power to the local panels.

- They make foster care review panels look like a weak duplication of some Division of Family and Youth Services (DFYS) functions.
- They do not permit the local panel's recommendations to be placed into the court records for consideration in the disposition of a case.
- They do not require state departments to supply necessary aggregate data. Specific data is needed to measure the performance of the child protection system.
- They do not give local panels the authority to develop priorities for early reviews of the worst cases.
- They require the existing foster care review system to sunset on June 30, 1997.

HB 127 corrects the weaknesses in our current statutes. This legislation will give a strong independent voice to the Citizens' Foster Care Review Panels.

The existing statutes make foster care review panels look like a weak duplication of some DFYS functions.

Currently, DFYS does federally mandated Title IV-E reviews of eligible children in out-of-home care every 180 days. The review process allows DFYS to collect federal funds for eligible children. The local panel reviews the same children every 180 days. The two separate reviews are seen as duplicative, but in reality the hearings are very different.

The differences are noted:

- DFYS schedules reviews every 30 minutes; half of that time is used to finish paperwork.
- The Citizens' Foster Care Review Panel's reviews take from 30 minutes to more than an hour.
- DFYS reviews are completely internal.
- The Citizens' Foster Care Review Panel's reviews are external; volunteers who are objective and independent of the system perform review.
- DFYS reviews include one community member chosen from employees of the department.
- The Citizens' Foster Care Review Panel members are chosen from the local community and have no vested interest in the system.
- DFYS makes no special effort to locate interested parties.
- The Citizens' Foster Care Review Panel goes to great lengths to locate and obtain information from all parties in a case.
- DFYS reviews are used as an advocacy forum for parents and lawyers.
- The Citizens' Foster Care Review Panel obtains factual information by reading case files and interviewing all parties, then writes recommendations to change case plans.
- DFYS reviews often run ahead of schedule which allows them to complete more reviews than anticipated. The problem with an unanticipated review is, interested parties are not notified and are unable to attend, eg, GAL, CASA, PD, parents, foster parents, relatives.
- The Citizens' Foster Care Review Panel notifies all interested parties 30 days in advance of reviews, sends questionnaires, and confirms attendance of the participants.

The perception of duplicate functions makes it difficult for the Legislature to fund foster care review panels as a statewide program. HB 127 clearly gives the authority to the local review panels to do the Title IV-E reviews. The burden of doing reviews is taken away from DFYS and allows their staff more time to focus on higher-level work.

The existing statutes do not permit the recommendations of a local panel to be placed in the court records for consideration in the disposition of a case.

The Citizens' Foster Care Review Panel in Anchorage reviews more than 200 cases per year. The existing statutes do not give the local panels the ability to advocate for children in the court system. HB 127 authorizes the local panels to submit their recommendations to the court for consideration in the disposition of a case. This provision gives the local panels credibility in a system that has discounted and often ignored their recommendations.

The existing statutes do not require state departments to supply any type of aggregate data.

Local panels need the authority to collect data from various state offices. With such data, the panels could locate interested parties and notify them of scheduled hearings. Access to such data would also make it easier to identify what policies and practices are succeeding in reducing the amount of time a child spends in out-of-home care. HB 127 gives the state board and the local panels the authority to collect data on all cases and requires agencies to cooperate. The information gained through data collection will result in an objective independent overview of our state's child protection system. The data will also be an excellent tool for future improvements to our system.

The existing statutes do not give local panels the authority to develop priorities for early reviews of the worst cases.

The depth of the cases reviewed by a local panel varies. The state board needs the ability to develop priorities for hearing cases, so that the worst cases can be heard early, and others can be heard later. Existing statute sets the first date for a case review at 180 days after the child has been removed from the home. HB 127 moves the first hearing forward to 90 days and authorizes the state board to set priorities for cases that need expedited hearings. The earlier a case is reviewed, the better the chance of decreasing the time a child spends in out-of-home care, and the more state dollars we can save.

The existing foster care review system will sunset on June 30, 1997.

HB 127 extends the Foster Care Review Board to June 30, 2000. The extension will provide enough time to create a state board, expand the Anchorage panel and implement new local review panels in Fairbanks and in Southeast Alaska.

The National Association for Foster Care Reviewers guides the implementation of our program in Alaska. There are 26 states with active state review boards and foster care review panels. Those who have served on foster care review panels throughout the United States have found the effort worth their time. All state boards and local review panels share the same goal to decrease the amount of time children linger in out-of-home care. HB 127 corrects the inadequacies in our existing statutes. It will help our existing review panel function at a higher level and it will expand the use of local review panels throughout Alaska. This legislation is needed by everyone who deals with our child protection system. I urge your positive consideration of this legislation.

HOW THE REVIEW PROCESS WORKS

The Citizens' Foster Care Review Panel (CFCRP) is a unique partnership between a state program and private citizen volunteers working together to benefit children in Alaska. Panel members are dedicated volunteers appointed by the Governor. They donated hundreds of hours of time and emotional energy to help children exit the foster care system as quickly as possible. CFCRP offers an independent, objective, community-based forum where our state's response to children who are in trouble due to abuse and neglect is monitored. The panelists play an active role in the child protection process by participating in case review hearings, monitoring the progress of cases, and offering specific recommendations for achieving a permanent placement for each child as quickly as possible.

Volunteers complete mandatory training before they serve on a review panel. The panelists' basic skills, abilities and commitments to ensure every child has a permanent safe home are enhanced by their participation in required training on topics relating to children who have been abused and neglected. This training teaches volunteers about the legal systems in Alaska, the child protection system, children's and parents' mental health problems, dynamics of dysfunctional families, and children's special needs.

An administrative clerk and two review specialists support the review panel. DFYS produces a list of cases that need reviews each month. A review specialist selects cases from that list for the panel to review. They select a combination of cases some are new and have never had a panel review and others are selected for a second or third review because the child or children are still in out-of-home care.

The review specialist and the DFYS caseworker identify all interested parties in a case. The CFCRP administrative clerk invites all of the interested parties 30 days in advance. The number of parties invited varies from three to as many as 20 in some cases. Interested parties include the child if over 10 years old and the child's parents, relatives, out-of-home care provider, guardian, guardian ad litem, caseworker, designated representative of the child's tribe, Indian custodian, and others with a close personal knowledge of the case. Bringing all interested parties in a case together offers a forum for communication that results in greater cooperation and understanding among the most important people in the child's life.

The review specialist writes a case summary for each case from material in the DFYS files. Three or four volunteers attend each review, with one of them takes the lead in questioning each participant. CFCRP reviews are thorough and comprehensive; they often last up to an hour per case. When the review is complete the panelists discuss their findings, reach a unanimous conclusion, then forward their recommendations to the CFCRP's administrative clerk for processing. Upon approval by the lead questioner the clerk mails copies to all participants.

LEGAL SERVICES

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MEMORANDUM

April 25, 1997

SUBJECT: Sectional Summary of CSHB 127(FIN) (Foster Care Review System)

TO: Representative Con Bunde, Chair
Health, Education and Social Services Committee
Attn: Patti Swenson

FROM: Terri Lauterbach
Legislative Counsel 

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

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

In general, this bill renames the Citizens' Review Panel for Permanency Planning as the Citizens' Foster Care Review Board and renames the local citizen out-of-home care review panels as, more simply, local review panels.

Section 1. Reflects the new name for the former Citizens' Review Panel for Permanency Planning and extends its termination date to the year 2000.

Section 2. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 3. Reflects the name change for the local panels.

Section 4. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 5. Reflects the name changes.

Section 6. Requires DHSS to notify the state board, rather than a local panel, about a child that DHSS removes from a home.

Section 7. Reflects the name changes and adds the "safety of the minor" as a reason for disclosure of otherwise confidential information to school officials.

Section 8. Renames and reconstitutes the state board for review of foster care.

Section 9. Reflects the new make-up and name of the state board. Allows for reappointment of board members.

Section 10. Sets quorum and voting requirements for the state board.

Section 11. Reflects the name change of the state board.

Section 12. Sets twice yearly meeting requirement as a minimum.

Section 13. Allows the state board to have an executive director to whom the board may delegate its powers.

Section 14. Adds new duties for the state board: to ensure that board members and local panel members have received adequate training, to apply for private and federal grants and solicit contributions, to award grants or contracts to carry out projects or studies related to improving the foster care system, and to use board staff to evaluate applicants for positions on local review panels and to provide training of board members and local review panel members. Changes the board's annual reporting requirement so that the report must include a description of systemic barriers to achieving permanency for children and so that the report itself must be provided to the legislature rather than just a notification that the report is available. (The legislature recently changed almost all annual reporting requirements to be a notification to the legislature; this change would reverse that decision for this board.) Also specifies certain provisions that must be in the board's regulations, including provisions that set priorities for expedited review of the cases of certain children.

Section 15. Allows the board to adopt regulations to require DHSS to provide certain types of information to the board or to a local review panel.

Section 16. Sets the composition requirements for local review panels and makes miscellaneous other changes relating to local panels.

Section 17. Reflects the name change and new composition of the local review panels.

Section 18. Reflects the name change and new composition of the local review panels.

Section 19. Reflects the name change of the local panels. In subsection (b), changes the review time to 90 days after the child is initially removed from home in a priority case. In

Representative Con Bun

April 25, 1997

Page 3

subsection (c), adds a provision to give flexibility to the 30-day notice requirement of current law. In subsection (g), shortens the time for submission of a report on a case.

Section 20. Requires other executive branch agencies to disclose confidential information to the local panels to assist them in locating persons entitled to participate in a case review.

Section 21. Requires DHSS to cooperate with the state board in the development of DHSS's information systems so that information about children's cases is readily available to the board and local panels.

Section 22. By deleting references to AS 47.12.300 and 47.12.310 in subsection (a), this section apparently seeks to restrict the review panels' access to delinquency records. AS 47.12.300 relates to court records, and AS 47.12.310 relates to agency records. However, sec. 7 of the bill allows disclosure of agency records to the board and local review panels, so there is some inconsistency here. If the legislature wishes to ensure that the panels have access to both court and agency delinquency records, I recommend that sec. 22 be amended to restore the references to AS 47.12.300 and 47.12.310 throughout the section.

Section 23. Describes the interaction between the court and the local review panels.

Section 24. Reflects the name changes for the board and local panels and introduces a new gross negligence standard for their civil liability. Adds immunity for persons serving as staff to the board or to a local panel.

Section 25. Changes definitions to reflect the name changes for the board and local panels.

Section 26. Repeals subsections of law whose subject matter (quorum and officers) has been added in other parts of the bill.

Section 27. Allows phased-in implementation of the bill with full implementation within two years.

Section 28. Gives the bill an immediate effective date.

TML:jdr
97-299.jdr

FISCAL NOTE

No. 4

Bill Version: CSHB 127(FIN)

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. (H) Publish Date: 5/5/97

Title: Related to the citizen review board & panels for permanency planning for certain children in state custody
Sponsor: House HESS
Requestor: _____

Dept. Affected Administration
BRU: Central Admin. Services
Components: Citizen's Foster Care Review
Serial # 1888

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	45.0	68.0	68.0	68.0	68.0	68.0
Travel	6.0	15.0	15.0	15.0	15.0	15.0
Contractual	50.0	0.0	0.0	0.0	0.0	0.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	5.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	50.0	200.0	400.0	400.0	400.0	400.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	160.0	287.0	487.0	487.0	487.0	487.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	160.0	287.0	487.0	487.0	487.0	487.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	160.0	287.0	487.0	487.0	487.0	487.0

POSITIONS :

Full-Time	1	1	1	1	1	1
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: House Finance Committee

Date: 5/2/97

Rep. Mark Hanley, Co-Chair

Phone: 465-4939

Rep. Gene Therriault, Co-Chair

Phone: 465-4797

Fiscal Note

STATE OF ALASKA
1997 Legislative Session

Bill No. CS HB 127(FIN)

Updated Analysis (5/2/97)

Personal Services (45.0)

This money will fund a new program coordinator (range 20) for 9 months, totaling 51.2. It will also bring the existing Social Worker II position, which is currently funded at 10.5 months to a full 12 months, costing 6.0. An additional Administrative Clerk III (Range 10) has been funded for 9 months at a cost of 37.6. The funding level also assumes the elimination of the Social Worker IV position, with a cost savings of 49.8.

Travel (6.0)

Travel will fund one face to face board meeting the first year.

Contractual (50.0)

Contractual line will fund a one-time contract with an attorney to complete regulation writing and review and to prepare policies and procedures.

Supplies (4.0)

Equipment (5.0)

Grants (50.0)

Grant funds are for grants to local nonprofit agencies to support the work of the local volunteers panels, to help panel members gather information about cases, arrange and coordinate case review hearing/witness notification, etc. Amount listed for FY 98 will fund the first quarter of FY 98 to bring Anchorage in full operation (remaining 2/3 of the reviews). In following years, additional money has been listed to cover the rest of the state.

HB

133

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Mary Pagenkopf

Senate Rules Committee 4/29/97 10:52 am

FISCAL NOTE

No. 1
 Version: CSHB 133(L&C)
 Publish Date: 3/21/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to Architects, Engineers & BRU: Occupational Licensing
Land Surveyors Component: Operations
 Sponsor: House Rules
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 407.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 133 extends the Board of Registration for Architects, Engineers and Land Surveyors to June 30, 2003. Funding for continuation of the board in the amount of \$407.6 is included in the department's FY 98 operating budget request; therefore, new funds are not needed. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144
 Division: Occupational Licensing Date: 3/14/97
 Approved by Commissioner: William L. Hensley Date: 3-14-97
 Agency: Commerce and Economic Development

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 2
 Bill Version: CSHB 133(L&C)
 (S) Publish Date: 4-25-97

Revision Date: _____
 Title: An Act relating to Architects, Engineers &
Land Surveyors
 Sponsor: House Rules
 Requestor: House Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.5	2.5	2.5	2.5	2.5	2.5

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

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
--------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other 1091 Designated PR	2.5	2.5	2.5	2.5	2.5	2.5
TOTAL	2.5	2.5	2.5	2.5	2.5	2.5

Estimate of any current year (FY 97) cost: \$ 407.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 133(L&C) extends the Board of Registration for Architects, Engineers and Land Surveyors to June 30, 2001. Travel costs shown in this fiscal note represent funding for the new board member position to attend board meetings required by AS 08.48. Funding for continuation of the board in the amount of \$407.6 is included in the department's FY 98 operating budget request. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: William L. Hensley
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/20/97
 Date: 3-26-97

3/20/97

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HB

137

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Mary Pagenkopf

Senate Rules Committee 2/18/98 11:38 am

Differences between Blank CS (LS0549\B)
and CS HB 137 (LS0549\E)
as presented to the Senate State Affairs Committee
February 10, 1998

Section 2: This section deals with INITIAL licensure of veterinarians.

Page 1, Lines 13-14 Subsection (a)(2) was amended to ensure that a licensee, before applying for a license, has within the preceding 5 years, passed the national exam(s) approved by the Board. Generally, graduates of veterinary schools will have passed their national exams concurrent with graduation, but the Board wanted this language inserted. The national exam(s) referred to are currently the National Board Exam; and the Clinical Competency Test. The experts consulted by the Board advised the board that these tests may in the future be merged into one test. Thus the requirement for a "practical examination of skills" was deleted from the initial licensure requirements. The Board will still require, in regulation, that applicants for initial licensure must pass the NBE and the CCT, but the bill's language leaves them the room to change the name of the test, should the national move to one test happen.

Page 2, Lines 6-8; After consulting with national experts on this topic, the Board would like to define the term "in good standing" in regulation. A copy of what is envisioned to be included by that regulation is in your packet. The Board is given 18 months to hold public hearings to finalize those regulations (Sec. 9).

Section 3: This section sets out the requirements that a person seeking a temporary license must meet. With the amendment, the temporary licensee must:

- (a)(1): have graduated from an accredited veterinary school or successfully complete the EFVG certification process for foreign students;
- (a)(4): be in good standing as defined in regulation
- (a)(5): have paid all required fees.

Section 4 amends the portions of AS 08.98 dealing with LICENSURE BY CREDENTIAL - in other words, veterinarians already licensed in another state, territory or country.

Page 3, Lines 5-6: removes the requirement that licensed veterinarians entering Alaska practice must pass the Clinical Competency Test.

Page 3, Lines 8-12: After consulting with national experts on this topic, the Board would like to define the term "in good standing" in regulation. A copy of what is envisioned to be included by that regulation is in your packet. The Board is given 18 months to hold public hearings to finalize those regulations (Sec. 9).

Section 5: This section sets out the requirements that a person seeking a temporary permit must meet. With the amendment, the temporary permittee must:

- (a)(1): have graduated from an accredited veterinary school or successfully complete the EFVG certification process for foreign students;
- (a)(4): be in good standing as defined in regulation
- (a)(5): have paid all required fees.

Sections 7 and 8: Allows the Board to begin work immediately on regulations.

Section 9: All changes to the testing and licensing of veterinarians take effect January 1, 2000.

HB

141

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Mary Pagenkopf

Senate Rules Committee 5/8/97 1:10 PM

ALASKA STATE LEGISLATURE



House of Representatives
Special Committee on Fisheries

SPONSOR STATEMENT

HB 141

A VESSEL PERMIT MORATORIUM FOR THE ALASKA WEATHERVANE SCALLOP FISHERY

I have introduced HB 141 to implement a moratorium within the state waters off Alaska similar to the moratorium being implemented by the North Pacific Fisheries Management Council affecting the federal waters off Alaska. Without a moratorium implemented in state waters, it is probable that there would be an increase in effort on our state water scallop stocks, as well as on the associated marine habitat, and create an unmanageable fishery.

World wide scallops have proven to be susceptible to overfishing and boom/bust cycles. Scallops are long lived shellfish. The large scallop meats which bring premium prices come from scallops eight years or older.

The Alaska scallop fishery started in 1968. Nineteen east coast scallop vessels came to Alaska and took 1.7 million pounds of scallop meats. The fishery continued at a harvest level of 1.3 million pounds of meats annually until 1973. Catches dropped off sharply after 1973 and fishing ceased in 1978 when scallop beds were depleted. This boom and bust cycle was repeated in the 1980's and appeared to be repeating for a third time in the 1990's until the state developed a fishery management plan for scallops in 1993. All scallop fishing was stopped in February 1995 in order to prevent an east coast scalloper, Mr. Big, from fishing in unregulated federal waters. The fishery reopened in late 1996 under a federal management plan.

At present weathervane scallops are managed jointly by the federal government and the State of Alaska. There is a federal fishery management plan to delegate management authority of scallops to the state "in process" which has not been finalized. The management plan includes mandatory 100% observer coverage, caps on the amount of crab bycatch which can be

taken and area specific quotas. Under new language in the Magnuson-Stevens Fisheries Conservation and Management Act, the State of Alaska could exercise management authority out to 200 miles under delegated authority.

It is also in the State of Alaska's best interest that both the State and federal water scallop fisheries have a similar management plans and be managed by the State of Alaska. My goal is delegation of management authority by the U.S. Department of Commerce to the State of Alaska with a more restricted moratorium base. It should be noted that the North Pacific Fishery Management Council's Environmental Assessment and Regulatory Impact Review found that far fewer vessels than established by the federal moratorium could efficiently harvest the Alaska scallop quotas.

Within this legislation, I have separated out the weathervane scallop fishery conducted in Area H, Cook Inlet. The Area H scallop fishery is unique in that it is managed as an entirely separate fishery, has different gear specifications, and has more recently been developed. As amended in Senate Resources, this bill will allow Area H scallop boats to fish in the outside fishery as well.

HB 141 is needed to ensure careful conservation of the scallop stocks, as well as the marine habitat in which the scallops live, and to ensure that the bycatch of other marine animals, such as crabs, are properly controlled and managed. It is imperative to implement a moratorium on new entrants into the weathervane scallop fishery now.

HB

144

SENATE FINANCE
COMMITTEE

Amendment Number: #3
Bill Number: HB 144 (CONVERSION)
Sponsor: J. Morgan Date: 5/1/98
Logged In By: Mindy

AMENDMENT
CSHB 144 (FIN) Version 'C'

Offered in the Senate

Senator Torgerson

New Section:

"Notwithstanding other provisions of this section, the department may adopt regulations that prescribe reasonable hourly rates, and establish procedures for collection of the fees, for reapplication consultative services provided to an applicant at the request of the applicant, for any permit or approval required by the department.

pre application

— provides for DEC to consult before application for a permit.

— provides for reimbursement of DEC personnel time.

— TORGERSON was not part of a signed agreement.

— MICHELLE BROWN - HM - 790 - 7245
- CL - 723 - 8797

would still like to see agreement prevail.

THYS SCHAUB
KENT DAWSON
PAUL RICHARDS

May 8, 1998

Senator John Torgerson
State Capitol
Juneau, Alaska

RE: SCSCSHB144 - (FIN) Amendment #3


Honorable Senator Torgerson:

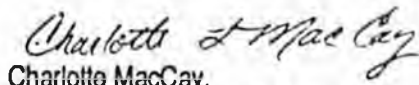
Yesterday representatives of the Alaska Miners Association, Council of Alaska Producers, Cominco Alaska Incorporated, Sealaska, and Usibelli Coal Mine, Inc. met with Janice Adair of ADEC to discuss amendments to SCCSSHB 144. At this time, we all agreed to modifications to HB 144 that addressed domestic wastewater fees differentiating between municipalities and other community based systems, and systems that serve only a discrete industrial operations. The agreement to these modifications was signed by the parties present, with a verbal understanding that the parties present would not consider any further amendments to this bill.

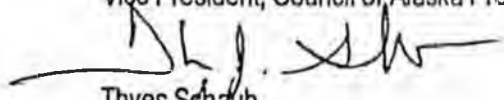
Therefore, we are extremely disappointed and alarmed to hear of an additional amendment being added to the bill regarding pre-application fees. A similar amendment had been proposed by ADEC a few days ago, in which Ms Adair had been clearly told that industry strongly opposed any type of pre-application fees. If this last amendment has been characterized as a modification that industry representatives agreed to, as you stated in the hearing, then the amendment has been seriously misrepresented to you.

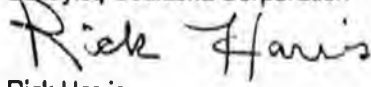
We appreciate your ongoing efforts in addressing HB 144, and hope that this letter serves to clarify the resource industry's stance on this bill.

Sincerely,


Steve Borell,
Executive Director, Alaska Miners Association


Charlotte MacCay,
Vice President, Council of Alaska Producers


Thyas Schaub,
Lobbyist, Sealaska Corporation


Rick Harris,
Senior Vice President Natural Resources, Sealaska Corporation


Charlie Boddy,
Vice President of Governmental Relations, Usibelli Coal Mine, Inc.

Amendments to work Draft 0-LS0573VZ of SCSCSHB144 (FIN)

Pg. 2, l. 6. After "(3)," insert the words "except as provided in paragraph (e)(4) of this section,"

Pg. 2, l. 8. Delete the words "if the systems are located within a municipality"

Pg. 3, l. 1. After the word "municipality," insert the phrase "and the system serves only a discrete industrial operation"

Pg. 3, l. 2. After "(a)," insert "(e)."

Pg. 3, l. 3. After the word "under", insert the phrase "(a)(3) or"

agree

AMIA

SBS/fehm

Types Study

Charlton & McLaughlin / Council of Malacca

* Janice Adams

Frank Harris

Chew Hee Seng

Analysis of Senate Finance Committee Amendment to SCSCSHB 144

The Senate Finance Committee amended HB 144 to broadly authorize ADEC to impose "reasonable hourly rates" for providing "pre-application consultative services." These new fees would be in addition to the permit fees that had heretofore been the subject of the legislation.

The amendment would considerably subvert the purpose of the legislation. HB 144 was intended to: (a) provide predictability in the cost of environmental permitting by requiring ADEC to establish fixed fees for various classes of permits; and (b) limit the amount of those fees to the "actual direct costs" of dealing with the applicant.

The amendment removes both the predictability of the bill, as well as its "actual direct cost" limitation. It arbitrarily divides the work done by ADEC on a project into the period before a formal application is submitted, and the period after that application is filed. Fixed fees, based on direct actual costs (and thus excluding overhead), are still required for the agency's post-application activities. But ADEC is allowed to charge hourly fees for all pre-application functions, and those fees have no meaningful limitation. They need only be "reasonable"--a phrase that ADEC will likely define to include just the kind of overhead and administrative charges that the bill was originally intended to prohibit.

True, the new provision applies only to pre-application work requested by the applicant. But permits, and particularly complex permits, often require considerable pre-application discussions between the applicant and the agency. The applicant, in sum, will have little choice in the matter. Moreover, ADEC will now have an incentive to manipulate the permitting process to encourage more agency effort prior to formal submittal of the application, since it will be able to charge relatively unfettered fees for anything done in advance of formal application submittal.

Before this amendment, this "pre-application phase" would have been rolled into the fixed fees envisioned by the bill (and thus subject to the bill's "actual direct cost" limitations). By breaking out this phase and allowing essentially unlimited hourly fees for that phase, the amendment renders the legislation as a whole of rather limited value.

Prior to its adoption, the amendment had not been shown to the private sector stakeholders who had been involved with the legislation, nor had those stakeholders' views been solicited on the matter. To the contrary, a day previous--on May 7, 1998--representatives of Alaska's forest and mining industries, and municipal government, had jointly signed, with ADEC, a consensus agreement on HB 144 that included nothing dealing with "pre-application consultative services." The amendment thus came very much as a surprise and a disappointment.



Ketchikan Pulp Company
A wholly owned subsidiary of Louisiana-Pacific Corporation

Post Office Box 6600
Ketchikan, Alaska 99901
U.S.A.

TEL 907/225-2151
FAX 907/225-8260

via facsimile (907) 465-4779

May 8, 1998

Senator John Torgerson
Room 427
State Capitol
Juneau, Alaska 999801-1182

Re: Senate Finance Committee Amendment to HB 144

Dear Senator Torgerson:

Ketchikan Pulp Company and others in the resources development community have been involved in efforts to revamp the Department of Environmental Conservation's permit fees structure. If passed, HB 144 would help restore flexibility, fairness and predictability to the costs of obtaining approvals and authorizations under DEC's various programs. We believe the proposed legislation strikes a reasonable balance between the competing concerns of DEC and the private sector.

We take this opportunity to voice our support of HB 144 and to note our strong opposition to an amendment that would vitiate much of what would be achieved by HB 144.

First, we believe that the amendment arbitrarily distinguishes between pre-application and post-application periods of DEC review. The pre-application period is an important and necessary component of the permitting process. It makes little sense to establish different rules for this period.

Second, the line between implementation of a permit and the process of securing a reissuance or re-authorization of that permit is often unclear, particularly when an entity approaches the "end" of the authorization. Studies and data generated under a permit often serve a dual purpose to: (1) facilitate DEC's ongoing compliance oversight of an operation, and (2) support the reissuance or re-authorization of the underlying permit. The amendment would create confusion by imposing different fee structures for the same period in question (i.e., the end of one permit and the pre-application period for the new permit) or for data which is simultaneously

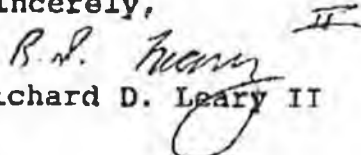
being reviewed to measure a permittee's ongoing compliance and also to support the reissuance of the underlying permit.

Third, the amendment creates an incentive for an entity to prematurely file an application so as to ensure that DEC review is prescribed by the post-application fee guidelines. The pre-application period is oftentimes an extended period during which a potential permittee generates studies and confers with DEC to develop the permit application. By forcing an entity to file an application at the outset of this administrative process, DEC and the permittee will be forced into situations whereby they will have to amend the application to reflect ongoing work, studies, and dialogue that would otherwise have taken place in the pre-application period.

Last, we are concerned with the lack of guidance given to DEC in its rulemaking authority. The "reasonable hourly rates" language will most likely result in the promulgation of DEC regulations that mirror the current fee structure whereby permittees are billed for a percentage of DEC's overhead and other associated expenses. This clearly is at odds with the flat fee/negotiated fee guidelines memorialized in other parts of the bill.

We are hopeful that you will give careful consideration to our comments and those submitted by other stakeholders. Please call me at 228-2287 if you have any questions.

Sincerely,


Richard D. Leary II

EBF:hs

cc via facsimile:

Senator Robin Taylor (907) 465-3922
Senator Tim Kelly (907) 465-3756

HB

145

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Mary Pagenkopf

Senate Rules Committee 5/2/97 3:22 pm

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



P.O. BOX V, JUNEAU 99811
(907) 465-3759

SPONSOR STATEMENT

SCS CSHB 145 (FIN)

"An Act relating to certification of teachers."

We all realize the importance of having well-qualified teachers in our school system. In an effort to provide our state with a quality teaching force, we must ensure that our prospective teachers demonstrate a minimum level of competency in basic skills.

There are over 40 states that include tests as a part of their teacher licensure. The passage of SCS CSHB 145 (FIN) would add Alaska to that list.

Beginning July 1, 1998, SCS CSHB 145 (FIN) would require people who are not now licensed to teach in the state to pass a competency examination designated by the Alaska State Board of Education before receiving their certification. It is our intention that the board will select a basic test for primary grades and a test for subject endorsements in secondary. The board will also establish the minimum acceptable level of performance for this examination.

Another provision of this bill requires the Department of Education to establish fees for teacher certification that when added to other fees collected from teachers will approximately cover the costs for certifying and disciplining teachers.

I urge you to support these increased standards for our teachers.

HB

146

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Mary Pagenkopf

Senate Rules Committee 5/4/97 11:34 am

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES



STATE CAPITOL, JUNEAU 99801
(907) 465-3759

SPONSOR STATEMENT

CS HB 146 (FIN)

"An Act relating to competency testing requirements for secondary students; and providing for an effective date."

Many of our high school graduates are finishing school and receiving high school diplomas without the skills necessary to survive in the world. This must not continue.

Beyond the present requirements for graduation, under the provisions of CS HB146 (FIN) a student is required to pass a competency examination in the areas of reading, English and mathematics before receiving a high school diploma. The test would be selected and implemented by the Alaska Department of Education.

The department would phase in the test beginning in the ninth grade giving students an opportunity to polish their skills before graduation. Pupils who failed this examination and were no longer in attendance would get a certificate of attendance indicating the number of years of attendance. Such pupils would have the opportunity to be re-examined, but would have to take such re-examinations within three years after leaving high school.

It is time for Alaska to take steps to ensure that their high school graduates have the knowledge they need to succeed in the world.

Possible Implementation Table for Exit Examination

1997-98	1998-99	1999-2000	2000-01	2000-02	2000-03
<p>Draft test in Reading, Writing and Mathematics, pilot subsets of items, pilot full test</p> <p>Mandate standards in Reading, Writing and Mathematics Disseminate performance standards in Reading, Writing and Mathematics related to the test</p>	<p>Field test</p> <p>Establish state norms Establish cut-off scores</p> <p>Districts develop remedial system</p> <p>Teacher training</p>	<p>Test 9th graders</p>	<p>Test 9th and 10th graders</p>	<p>Test 9th, 10th and 11th graders</p>	<p>Test 9th, 10th, 11th and 12th graders</p>
<p>***DEPARTMENT DOES NOT RECOMMEND A STATE-LEVEL TEST IN SCIENCE AND SOCIAL STUDIES DUE TO THE LACK OF CONSENSUS ON STANDARDS AND CONCERNS BEING CURRENTLY RAISED OVER TECHNICAL QUALITY OF TESTS IN THIS AREA</p>		<p>Draft test in Science and Social Studies</p> <p>See above line for tasks related to these tests</p>	<p>See above line for tasks related to these tests</p>	<p>Test 9th graders</p>	<p>Test 9th and 10th graders</p> <p>[Test moves out to test 12th graders by year 2004-05]</p>

To shorten the timeline to implement the exit examination in the year 2001, it would be imperative that there be a fail-safe mechanism to delay the process if technical quality (necessary to withstand legal challenge) cannot be achieved.