

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9834 HOUSE JUDICIARY

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its By-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

#### ARTICLE XI

##### COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

Any state, as defined in Article II of this compact, is eligible to become a Compacting State. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than 35 of the States. The initial effective date shall be the later of July 1, 2001, or upon enactment into law by the 35<sup>th</sup> jurisdiction. Thereafter it shall become effective and binding, as to any other Compacting State, upon enactment of the Compact into law by that State. The governors of Non-member states or their designees will be invited to participate in Interstate Commission activities on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

#### ARTICLE XII

##### WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Governor, the Chief Justice or Chief Judicial Officer of the state; the majority and minority leaders of the defaulting state's legislature, and the State Council.

The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission By-laws, or duly promulgated Rules. The Interstate Commission shall immediately notify the Defaulting State in writing of the penalty imposed by the Interstate Commission on the Defaulting State pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the Defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of suspension. Within sixty days of the effective date of termination of a Defaulting State, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer and the Majority and Minority Leaders of the Defaulting State's legislature and the state council of such termination.

The Defaulting State is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the Defaulting State unless otherwise mutually agreed upon between the Interstate Commission and the Defaulting State. Reinstatement following termination of any Compacting State requires both a reenactment of the Compact by the Defaulting State and the approval of the Interstate Commission pursuant to the Rules.

#### **Section C. Judicial Enforcement**

The Interstate Commission may, by majority vote of the Members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District where the Interstate Commission has its offices to enforce

compliance with the provisions of the Compact, its duly promulgated Rules and By-laws, against any Compacting State in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

**Section D. Dissolution of Compact**

The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the By-laws.

**ARTICLE XIII**

**SEVERABILITY AND CONSTRUCTION**

The provisions of this Compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

The provisions of this Compact shall be liberally constructed to effectuate its purposes.

**ARTICLE XIV**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

**Section A. Other Laws**

Nothing herein prevents the enforcement of any other law of a Compacting State that is not inconsistent with this Compact.

All Compacting States' laws conflicting with this Compact are superseded to the extent of the conflict.

THE INTERSTATE COMPACT FOR THE SUPERVISION  
OF PAROLEES AND PROBATIONERS

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

- (1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (hereto called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (hereto called "receiving state"), while on probation or parole if
  - (a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;
  - (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.
- (2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.
- (3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the persons to be retaken. All legal requirements to extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons.

The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state, provided, however,

that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

- (4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.
- (5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.
- (6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.
- (7) That this compact shall continue to force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Section 2. If any section, sentence, subdivision or clause of this act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Section 3. Whereas an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage.

**RESOLUTION OF THE  
AMERICAN PROBATION AND PAROLE ASSOCIATION**

Whereas: The interstate compact for the supervision of parolees and probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;

Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers across state lines, and it currently has jurisdiction over more than a quarter of a million offenders;

Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as victim input, victim notification requirements and sex offender notification;

Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about effective management capacity that addresses public safety concerns and offender accountability;

**BE IT THEREFORE RESOLVED,**

That the Board of Directors of the American Probation and Parole Association hereby endorses and recommends adoption of the amended and newly titled Interstate Compact for Adult Offender Supervision by all 50 states and affected territories of the United States of America on this, the first day of November, 1999.



# International Community Corrections Association

POST OFFICE BOX 1987 • LA CROSSE, WISCONSIN 54602  
(608) 785-0200 • FAX (608) 784-5335 PETER R. KINZIGER, EXECUTIVE DIRECTOR  
E-mail: icca@execpc.com web site: ICCAWEB.ORG

## Board (1998-99)

**President**  
Richard Billak, Ph.D.  
Youngstown, OH • (330) 744-5143

**President-Elect**  
S. Anne Walker  
Columbia, SC • (803) 799-2400

**Treasurer**  
Dun Evans  
Toronto, Ontario • (416) 422-1173

**Secretary**  
Denise Robinson  
Columbus, OH • (614) 252-8402

**Immediate Past President**  
John Lanvec  
Boston, MA • (617) 426-9800

### Vice Presidents

**Region I**  
Jerome Weiner  
Springfield, MA • (413) 781-2145

**Region II**  
Gregory V Smith  
Wilmington, PA • (717) 326-7220

**Region III**  
Karen V Chapple  
Greensboro, NC • (336) 691-9888

**Region IV**  
Michael T. Smith  
Cleveland, OH • (216) 431-4979

**Region V**  
Joseph A. Mahoney, II  
Mobile, AL (334) 694-6441

**Region VI**  
Richard Staley  
Nashville, TN • (615) 371-9146

**Region VII**  
Bruce McManus  
St. Paul, MN • (612) 222-4488

**Region VIII**  
Eric McManis  
Lincoln, NE • (402) 485-4444

**Region IX**  
Lewin Rosenthal  
Elgin, TX • (512) 281-3441

**Region X**  
Hal Nees  
Denver, CO • (303) 556-5160

**Region XI**  
Jeff Fly  
Visalia, CA • (209) 732-8086

**Region XII**  
Mike Thatcher  
Butte, MT • (406) 234-0006

**Region XIII**  
Brian Saunders  
Frederickton, N.B. • (506) 457-9810

**Region XV**  
Patrick Connor  
Keston, Ont. • (613) 546-2888

**Region XVI**  
Graham Reddich  
Winnipeg, Manitoba • (204) 555-1511

**Region XVII**  
Wayne Oster  
Vancouver, BC • (604) 666-2087

**U.S. Bureau of Prisons Liaison**  
Jim Beck  
Washington, DC • (202) 307-3171

**Correctional Services  
of Canada Liaison**  
James Murphy  
Ottawa, Ontario • (613) 992-8374

## BOARD RESOLUTION *INTERSTATE COMPACT*

Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago;

Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers, and it currently has jurisdiction over more than a quarter of a million offenders;

Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as sex offender registration and victim notification requirements.

Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about a more effective compact that addresses the public safety concerns and offender accountability;

Be it resolved: That the International Community Corrections Association endorse and pledge its support to this effort to amend the compact.

Passed by unanimous vote of the Board  
on March 10, 1999.

Richard J. Billak, Ph.D.  
President

RJB:kjb

ACA  
PROPOSED RESOLUTION RELATING TO  
THE INTERSTATE COMPACT FOR THE SUPERVISION OF  
PROBATIONERS AND PAROLEES

Whereas: The interstate compact for the supervision of Parolees and Probationers was established in 1937, it is the earliest corrections "compact" established among the states and has not been amended since its adoption over 62 years ago,

Whereas: This compact is the only vehicle for the controlled movement of adult parolees and probationers, and it currently has jurisdiction over more than a quarter of a million offenders;

Whereas: The complexities of the compact have become more difficult to administer, and many jurisdictions have expanded supervision expectations to include currently unregulated practices such as sex offender registration and victim notification requirements;

Whereas: After hearings, national surveys, and a detailed study by a task force appointed by the National Institute of Corrections, the overwhelming recommendation has been to amend the document to bring about a more effective compact that addresses the public safety concerns and offender accountability;

Be it resolved: That the ACA endorse and pledge its support to this effort to amend the compact.

Passed January 1999

**HB**

**3**

3/10

1-LS0040H  
Luckhaupt✓  
3/8/99

CS FOR HOUSE BILL NO. 3( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE BRICE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to controlled substances and to the possession of certain  
2 chemicals."

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

4 \* Section 1. AS 11.71.020(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of  
6 misconduct involving a controlled substance in the second degree if the person

7 (1) manufactures or delivers any amount of a schedule IA controlled  
8 substance or possesses any amount of a schedule IA controlled substance with intent  
9 to manufacture or deliver;

10 (2) manufactures any material, compound, mixture, or preparation  
11 that contains

12 (A) methamphetamine, or its salts, isomers, or salts of

13 isomers; or

14 (B) an immediate precursor of methamphetamine, or its

1           salts, isomers, or salts of isomers;

2                   (3) possesses an immediate precursor of methamphetamine, or the  
3 salts, isomers, or salts of isomers of the immediate precursor of  
4 methamphetamine, with the intent to manufacture any material compound,  
5 mixture, or preparation that contains methamphetamine, or its salts, isomers, or  
6 salts of isomers; or

7                   (4) possesses a listed chemical with intent to manufacture any  
8 material, compound, mixture, or preparation that contains

9                           (A) methamphetamine, or its salts, isomers, or salts of  
10 isomers; or

11                           (B) an immediate precursor of methamphetamine, or its  
12 salts, isomers, or salts of isomer.

13 \* Sec. 2. AS 11.71.020 is amended by adding a new subsection to read:

14           (c) In this section, "listed chemical" means a chemical described under  
15 AS 11.71.200.

16 \* Sec. 3. AS 11.71.030(a) is amended to read:

17           (a) Except as authorized in AS 17.30, a person commits the crime of  
18 misconduct involving a controlled substance in the third degree if the person

19                   (1) under circumstances not proscribed under AS 11.71.020(a)(2) -  
20 (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled  
21 substance or possesses any amount of a schedule IIA or IIIA controlled substance with  
22 intent to manufacture or deliver;

23                   (2) delivers any amount of a schedule IVA, VA, or VIA controlled  
24 substance to a person under 19 years of age who is at least three years younger than  
25 the person delivering the substance; or

26                   (3) possesses any amount of a schedule IA or IIA controlled substance

27                           (A) with reckless disregard that the possession occurs

28                                   (i) on or within 500 feet of school grounds; or

29                                   (ii) at or within 500 feet of a recreation or youth center;

30                           or

31                           (B) on a school bus.

1 \* Sec. 4. AS 11.71.195 is amended to read:

2           **Sec. 11.71.195. Exempted drugs.** Except as otherwise provided in this  
3 chapter, a [A] substance the manufacture, distribution, dispensing, or possession of  
4 which is explicitly exempt from criminal penalty under federal law is exempt from the  
5 application of this chapter and AS 17.30. This exemption includes any substances that  
6 [WHICH] may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully  
7 sold over the counter without a prescription. This exemption also includes those  
8 substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

9 \* Sec. 5. AS 11.71 is amended by adding a new section to article 2 to read:

10           **Sec. 11.71.200. Listed chemicals.** Listed chemicals are chemicals that are  
11 used in manufacturing a controlled substance in violation of AS 11.71. Listed  
12 chemicals include

- 13                   (1) anthranilic acid, its esters, and its salts;  
14                   (2) benzaldehyde;  
15                   (3) benzyl cyanide;  
16                   (4) ephedrine, its salts, optical isomers, and salts of optical isomers;  
17                   (5) ergonovine and its salts;  
18                   (6) ergotamine and its salts;  
19                   (7) N-acetylanthranilic acid, its esters, and its salts;  
20                   (8) nitroethane;  
21                   (9) norpseudoephedrine, its salts, optical isomers, and salts of optical  
22 isomers;  
23                   (10) phenylacetic acid, its esters, and its salts;  
24                   (11) phenylpropanolamine, its salts, optical isomers, and salts of optical  
25 isomers;  
26                   (12) piperidine and its salts;  
27                   (13) pseudoephedrine, its salts, optical isomers, and salts of optical  
28 isomers;  
29                   (14) 3,4-methylenedioxyphenyl-2-propanone;  
30                   (15) any salt, optical isomer, or salt of an optical isomer of the  
31 following chemicals:

- 1 (A) ethylamine;
- 2 (B) hydriodic acid;
- 3 (C) isosafrole;
- 4 (D) methylamine;
- 5 (E) N-methylephedrine;
- 6 (F) N-methylpseudoephedrine;
- 7 (G) piperonal;
- 8 (H) propionic anhydride;
- 9 (I) safrole;
- 10 (16) acetic anhydride;
- 11 (17) acetone;
- 12 (18) anhydrous ammonia;
- 13 (19) benzyl chloride;
- 14 (20) ethyl ether;
- 15 (21) hydriotic acid;
- 16 (22) hydrochloric gas;
- 17 (23) hydrophosphoric acid;
- 18 (24) iodine and crystal iodine;
- 19 (25) lithium metal;
- 20 (26) potassium permanganate;
- 21 (27) red phosphorous;
- 22 (28) toluene;
- 23 (29) 2-butanone (or methyl ethyl ketone).

CS FOR HOUSE BILL NO. 3( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE BRICE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to controlled substances and to the possession of certain  
2 chemicals."

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

4 \* Section 1. AS 11.71.020(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of  
6 misconduct involving a controlled substance in the second degree if the person

7 (1) manufactures or delivers any amount of a schedule IA controlled  
8 substance or possesses any amount of a schedule IA controlled substance with intent  
9 to manufacture or deliver;

10 (2) manufactures, or possesses with intent to manufacture, any  
11 material, compound, mixture, or preparation that contains

12 (A) methamphetamine, or its salts, isomers, or salts of  
13 isomers; or

14 (B) an immediate precursor of methamphetamine, or its

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

salts, isomers, or salts of isomers; or  
(3) possesses a listed chemical with intent to manufacture any  
material, compound, mixture, or preparation that contains  
(A) methamphetamine, or its salts, isomers, or salts of  
isomers; or  
(B) an immediate precursor of methamphetamine, or its  
salts, isomers, or salts of isomer.

\* Sec. 2. AS 11.71.020 is amended by adding a new subsection to read:

(c) In this section, "listed chemical" means a chemical listed under AS 11.71.200.

\* Sec. 3. AS 11.71.030(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the third degree if the person

(1) under circumstances not proscribed under AS 11.71.020(a)(2)  
or (3), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance  
 (A) with reckless disregard that the possession occurs  
 (i) on or within 500 feet of school grounds; or  
 (ii) at or within 500 feet of a recreation or youth center;

or

(B) on a school bus.

\* Sec. 4. AS 11.71.195 is amended to read:

**Sec. 11.71.195. Exempted drugs.** Except as otherwise provided in this  
chapter, a [A] substance the manufacture, distribution, dispensing, or possession of  
which is explicitly exempt from criminal penalty under federal law is exempt from the  
application of this chapter and AS 17.30. This exemption includes any substances that

1 [WHICH] may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully  
2 sold over the counter without a prescription. This exemption also includes those  
3 substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

4 \* Sec. 5. AS 11.71 is amended by adding a new section to article 2 to read:

5 **Sec. 11.71.200. Listed chemicals.** Listed chemicals include

- 6 (1) anthranilic acid, its esters, and its salts;  
7 (2) benzaldehyde;  
8 (3) benzyl cyanide;  
9 (4) ephedrine, its salts, optical isomers, and salts of optical isomers;  
10 (5) ergonovine and its salts;  
11 (6) ergotamine and its salts;  
12 (7) N-acetylanthranilic acid, its esters, and its salts;  
13 (8) nitroethane;  
14 (9) norpseudoephedrine, its salts, optical isomers, and salts of optical  
15 isomers;  
16 (10) phenylacetic acid, its esters, and its salts;  
17 (11) phenylpropanolamine, its salts, optical isomers, and salts of optical  
18 isomers;  
19 (12) piperidine and its salts;  
20 (13) pseudoephedrine, its salts, optical isomers, and salts of optical  
21 isomers;  
22 (14) 3,4-methylenedioxyphenyl-2-propanone;  
23 (15) any salt, optical isomer, or salt of an optical isomer of the  
24 following chemicals:  
25 (A) ethylamine;  
26 (B) hydriodic acid;  
27 (C) isosafrole;  
28 (D) methylamine;  
29 (E) N-methylephedrine;  
30 (F) N-methylpseudoephedrine;  
31 (G) piperonal;

- 1 (H) propionic anhydride;
- 2 (I) safrole;
- 3 (16) acetic anhydride;
- 4 (17) acetone;
- 5 (18) benzyl chloride;
- 6 (19) ethyl ether;
- 7 (20) hydrochloric gas;
- 8 (21) iodine;
- 9 (22) potassium permanganate;
- 10 (23) toluene;
- 11 (24) 2-butanone (or methyl ethyl ketone).



Better Health  
Through Responsible  
Self-Medication

NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION

**NDMA  
Proposed Amendment to Alaska HB 3**

**Proposed amendment to Alaska HB 3, An Act relating to controlled substances and to the possession and distribution of certain chemicals.**

**Strike Section 11.71.195 (Exempted Drugs) in its entirety.**  
[page 2, lines 2 through 8]

**Add (d) to Section 17.30.090:**

(d) The provisions of Section 17.30.090 (a)-(c) shall not apply to any substance that may be lawfully sold over the counter without a prescription under the federal Food, Drug and Cosmetic Act (21 U.S.C. 301-392).

*Explanation: By including OTC exemption language in Section 17.30.090, and deleting Section 11.71.195, the proposed criminal penalty provisions in HB 3 will be applicable to OTC products while exempting these legitimate products from the reporting requirements.*



Better Health  
Through Responsible  
Self-Medication

NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION

*Nonprescription Drug Manufacturers Association<sup>1</sup>*  
Position Paper

**Restrictions on Possession of  
Precursor Substances With Intent  
to Manufacture Methamphetamine**

The epidemic of methamphetamine abuse is a growing problem across this country. Methamphetamine is a highly addictive and dangerous substance, causing violent behavior, psychosis, and delusions among its abusers. Unfortunately, in addition to the large quantities of this substance that are smuggled into the United States from Mexico, drug dealers have also learned how to acquire otherwise legitimate chemicals and convert these products into methamphetamine. Among the precursor chemicals that are diverted for this illicit activity are the active ingredients in most over-the counter cough/cold, allergy, sinus and asthma medicines. Ephedrine, pseudoephedrine and phenylpropanolamine (PPA) are safe and effective ingredients in these medications that are approved by the Food & Drug Administration and relied upon by millions of consumers but, when added to the deadly mix of other compounds, these chemicals can be converted into methamphetamine.

Alaska House Bill 3, with NDMA's proposed amendment, would make unlawful the possession of ephedrine, pseudoephedrine or PPA with the intent to manufacture methamphetamine or other dangerous drugs. It criminalizes such possession of the precursor materials while also recognizing that possession of ephedrine, pseudoephedrine and PPA for other uses (like treating a cold, allergy or flu) is hardly criminal behavior. This legislation does *not interfere* with retail sales of normal consumer quantities of these nonprescription medicines but allows law enforcement to respond when other circumstances and evidence establish the likelihood that these drugs are being diverted to create an illicit substance. Law enforcement officials have indicated the need to be able to prevent illicit production of methamphetamine by charging people who possess large quantities of these precursor materials or certain drug paraphernalia for the creation of methamphetamine even before the transformation process has begun.

---

<sup>1</sup> The Nonprescription Drug Manufacturers Association (NDMA) is the 118-year-old trade association which represents manufacturers -- both large and small -- of nonprescription or over-the-counter (OTCs) medicines such as cold remedies, antacids, pain relievers, and many others. The Association's members account for approximately 95 percent of all OTC medicines sold in the United States. A nonprescription drug is one that the U.S. Food and Drug Administration has found to be safe and effective for direct consumer use based on the required label directions and warnings.

Page 2

Arkansas, California, Idaho, Illinois, Iowa, Minnesota, Missouri, Montana, North Carolina and Washington have already enacted laws that punish those with intent to manufacture methamphetamine while still allowing retailers to make these products available to legitimate consumers. Like those laws, Alaska House Bill 3 would punish wrongdoers, give law enforcement an additional tool to prevent methamphetamine production, and distinguish between legitimate use of over-the-counter medicines and diversion activities. It would attack methamphetamine production without burdening legitimate consumers. NDMA would support House Bill 1087 with the inclusion of NDMA's proposed amendment.

NDMA/smm/s 2/16/99



Better Health  
Through Responsible  
Self-Medication

NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION

**NDMA<sup>1</sup>**  
**RESPONSIBILITIES UNDER THE COMPREHENSIVE METHAMPHETAMINE CONTROL ACT**

The federal Comprehensive Methamphetamine Control Act of 1996 (MCA) was enacted in response to the increased production and abuse of methamphetamine in the United States. The MCA imposed stringent requirements upon the sale or transfer of products containing precursor chemicals but also created a retail exemption for sales of "safe harbor" packaged products. Safe harbor packages are those containing pseudoephedrine and phenylpropanolamine with 3 grams or less in each package and no more than 2 tablets in each blister of the package. Liquid products, such as cough medicine, containing under 3 grams of pseudoephedrine or phenylpropanolamine are also considered safe harbored products.

Under the MCA, retailers and distributors must adhere to strict requirements imposed on sales of products containing ephedrine, pseudoephedrine and phenylpropanolamine. Retailers who sell only safe harbor products directly to consumers for personal use are exempted from the recordkeeping, registration and reporting requirements of the MCA.

**Distributors**

**REPORTING:** There are no periodic reporting requirements for distributors. However, distributors must report any and all "suspicious orders" to DEA before completion of the sale or as soon as possible thereafter. A suspicious order is described as a transaction involving an extraordinary quantity of a precursor chemical, a transaction involving an uncommon method of payment or delivery, or any other types of sales that would indicate that the purchased product will be used to manufacture illicit controlled substances

**RECORDS:** The distributor must keep records of all sales that exceed distributor threshold amounts set by the MCA. The safe harbor exemption does not apply to distributor transactions. The thresholds are calculated by the amount a customer purchases cumulatively over the course of a month. For single entity ephedrine, there is no threshold and the distributor must keep a record for all sales. For combination ephedrine and pseudoephedrine, the threshold is 1 kilogram each and for phenylpropanolamine, the threshold is 2.5 kilograms. These records must be kept for 2 years and be available for inspection.

---

<sup>1</sup> The Nonprescription Drug Manufacturers Association (NDMA) is the 118-year-old trade association which represents manufacturers -- both large and small -- of nonprescription or over-the-counter (OTCs) medicines such as cold remedies, antacids, pain relievers, and many others. The Association's members account for approximately 95 percent of all OTC medicines sold in the United States. A nonprescription drug is one that the U.S. Food and Drug Administration has found to be safe and effective for direct consumer use based on the required label direction and warnings

**MCA RESPONSIBILITIES**  
**PAGE 2 OF 2**

**REGISTRATION:** If not already registered with DEA as a controlled substance registrant, the distributor must obtain a list chemical registration from DEA. Persons applying for a DEA controlled substance or list chemical registration must provide detailed background information before receiving the registration and DEA personnel must also inspect the distribution facility or warehouse prior to issuing the registration.

**IDENTIFICATION:** The distributor must verify and know the purchaser's identity, no matter the amount of product purchased (one box or many cases). Proof of identity would include a valid driver's license or other photo identification.

**SECURITY:** The distributor must provide adequate security against theft or diversion of drug products containing precursor chemicals. They must "exercise caution" in screening employees who will have access to these products and inform the employees of their responsibility to report information on diversion by a fellow employee to the distributor's security personnel.

**Retailers**

Retailers who sell only safe harbor products directly to consumers for personal use are exempted from the recordkeeping, registration and reporting requirements of the MCA.

For those retailers selling products not covered by the MCA's safe harbor exemption, they must keep of a record of all sales over 24 grams.

Although exempted by the MCA, many retailers have chosen to implement a variety of control measures to reduce diversion of legitimate products. These measures include voluntary reporting of suspicious transactions, employee education programs and voluntary limits on sales.

NDMA/NAB/s

# FISCAL NOTE

STATE OF ALASKA  
1999 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date/Time (Note if correction) _____	Dept. Affected _____	Law _____
Title <u>"An Act relating to controlled substances and</u>	BRU _____	<u>Criminal Division</u>
<u>to the possession and distribution of certain chemicals."</u>	Component _____	<u>1st-4th Jud Dist, Crim Apps/Spec Lit</u>
Sponsor <u>Representative Brice</u>	Component Serial No. <u>2198-99/226179/01/03</u>	
Requester <u>House Judiciary Committee</u>		

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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 (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 3 creates a new crime of "possession of a listed chemical" if the listed chemical is intended for the manufacture of a controlled substance. For example, under this bill, chemicals that can be used in the manufacture of methamphetamines would be listed. Depending on the chemical, commission of the new crime would be a class A or class B felony. The bill further requires anyone distributing listed chemicals to positively identify with a picture identification the person receiving the chemical, and report to the Commissioner of the Department of Public Safety certain information about the individual and the chemical.

Passage of this bill is not anticipated to have a fiscal impact on the Department of Law. The department already has the ability to prosecute most instances of manufacture of a controlled substance under existing law.

Prepared by <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone <u>465-5370</u>
Division <u>Attorney General's Office</u>	Date/Time <u>2/16/99, 12:31 PM</u>
Approved by Commissioner <u>Katherine</u> <i>Katherine</i>	Date <u>2/16/99</u>
Agency <u>Department of Law</u>	

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

FEB 16 1999 10:52 P.M.

**Public Safety Employees Association, Inc.**  
***"Representing Alaska's Finest!"***

February 16, 1999

Honorable Representative Tom Brice  
State Capitol  
Juneau, AK 99801-1182

**Re: House Bill 3**

Dear Representative Brice:

Thank you for sponsoring House Bill 3. This legislation establishes a felony crime for those who possess certain chemicals with the intent to manufacture schedule IA, IIA, IIIA, IVA or VA drugs.

The Public Safety Employees Association fully supports this bill and advocates its quick passage so that Alaska's law enforcement officers can charge people who are using these dangerous chemicals to make methamphetamine and or other illegal drugs.

This important tool will allow officers to apprehend and deter methamphetamine traffickers and ensure our neighborhoods are safer places to live.

Please call us if you need any assistance in passing this bill. We have members who are involved with drug enforcement and who, on behalf of PSEA, would gladly testify as to the importance of this legislation.

Sincerely,



Keith Perrin  
Business Manager



Founded 1881

Better Health  
Through Responsible  
Self-Medication

NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION

This facsimile transmission is intended only for the addressee shown below. It may contain information that is privileged, confidential or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons other than the addressee is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone and mail the original to us at the address below.

DATE: 2/17/99

TO: Rep. Pete Kott (907) 465-2819

FROM: Steven M. Mister, Associate General Counsel & Deputy Director of  
Government Relations

NUMBER OF PAGES: 4 (including this cover page)

MESSAGE: \_\_\_\_\_

NIDMA Model Act attached.

If there is a transmission problem, please contact Jodi at 202-429-9260.

Nonprescription Drug Manufacturers Association  
Proposed Model State Legislation:

**Restrictions on  
Possession, Sale & Marketing  
of Precursors To Methamphetamine**

Instead of  
lists ↓

(1) **Possession For Illicit Purposes Prohibited.** It shall be unlawful for a person to possess ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product as a precursor to any illegal substance. A violation of this section shall be a Class \_\_\_ [misdemeanor/felony] punishable by \_\_\_\_\_.

(2) **Sales For Illicit Purposes Prohibited.** It shall be unlawful for any person to sell, distribute, or otherwise make available any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows that the purchaser will use the product as a precursor to any illegal substance. A violation of this section shall be a Class \_\_\_ [misdemeanor/felony] punishable by \_\_\_\_\_.

(3) **Effective Date.** This law shall become effective on \_\_\_\_\_.

*Nonprescription Drug Manufacturers Association  
Explanation & Rationale for Model Legislation:*

**Restrictions on Marketing of Precursor Chemicals  
and the Possession of Those Substances With Intent  
to Manufacture Methamphetamine**

The Nonprescription Drug Manufacturers Association (NDMA) has developed model legislation for states seeking to place restrictions on certain kinds of nonprescription medicines that can be diverted and used for the illicit production of methamphetamine.

This model legislation responds to the increasing reports that some drug traffickers are diverting large quantities of ephedrine, pseudoephedrine or phenylpropanolamine (PPA) as raw precursors to the production of methamphetamine, a highly dangerous and illicit drug. At the same time, this model legislation recognizes that all three chemicals have legitimate therapeutic uses and are approved by FDA as safe and effective over-the-counter medications. Millions of consumers depend on these products for relief from everyday problems like flu, common colds, hay fever, allergies, mild asthma attacks and sinus conditions. Over broad or draconian restrictions on these products would deny consumers access to these products and drive up health care costs.

**Section 1: Criminal Sanctions for the Possession of Certain Precursor Chemicals With Intent to Make Illicit Drugs**

Section 1 makes unlawful the possession of ephedrine, pseudoephedrine or PPA with the intent to manufacture methamphetamine. The federal Drug Enforcement Administration (DEA) has determined that all three of these chemicals can be used in large quantities to produce methamphetamine, an illicit drug. A recently-enacted federal law will require registration and reporting of manufacturers and wholesale distributors of these drugs and will establish strong, new penalties for possession of Ameth.

Nevertheless, state law enforcement officials have indicated a need to be able to prevent illicit production of Ameth by charging people who possess large quantities of the precursor materials or certain paraphernalia for the creation of Ameth even before the transformation process has begun. Section 1 criminalizes such possession of the precursor materials while also recognizing that possession of ephedrine, pseudoephedrine and PPA for other uses (like treating a cold or flu) is hardly criminal behavior. This provision permits continued retail sale of normal consumer quantities of these nonprescription medicines but allows law enforcement to respond when other circumstances and evidence establish the likelihood that these drugs are being diverted to create an illicit substance.

Arkansas, California, Iowa, Missouri, Montana and Washington have enacted similar laws.

**Section 2: Prohibiting the Sale of Certain Precursor Chemicals With Knowledge that They Will be Used to Make Illicit Drugs**

This section prohibits the sale of ephedrine, pseudoephedrine and PPA by merchants who know that the products are being purchased for the purpose of making an illicit substance. The federal Comprehensive Methamphetamine Control Act of 1996 does not place a quantity limit on retail sales of pseudoephedrine or PPA, but it does require manufacturers, wholesalers and retailers of these chemicals to report suspicious transactions involving these products, most typically, significantly large purchases or repeated purchases within a short time of products containing ephedrine, pseudoephedrine and PPA.

This proposed legislation is intended to insulate innocent or unsuspecting sellers from the criminal sanctions by requiring either actual criminal intent or a "reasonably should know" standard. However, it also recognizes that manufacturers, distributors and retailers cannot turn a "blind eye" to purchases or theft of their products or profit from such sales if they reasonably should know the intended use of the drug is the production of methamphetamine.

Similar language was enacted in Iowa in 1996.

For more information about this NDMA model legislation, contact Kevin Kraushaar or Steve Mister at NDMA, (202) 429-9260.

**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 / Fax: 451-9293

*While in Juneau*  
State Capitol  
Juneau, AK 99801-1182  
907-465-3466

JAN 22 1999

Memorandum

To: Representative Pete Kott, Chairman Judiciary Committee

From: Representative Tom Brice *TB*

Date: January 22, 1999

RE: HB 3: Drugs: possession of precursor chemicals

I respectfully request that this bill be scheduled for a hearing in your committee. Please find attached a sponsor statement, section analysis and a pertinent newspaper clipping.



# Representative Tom Brice

## ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 Fax: 451-9201  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1132  
907-465-3466

### REPRESENTATIVE TOM BRICE SPONSOR STATEMENT FOR HB 3

Currently, state statutes prohibit law enforcement from arresting people making methamphetamines until they are actually producing a drug. The chemicals involved are dangerous, as is the production process. HB 3 will criminalize the possession of certain chemicals used in manufacturing methamphetamines, giving law enforcement the ability to be proactive when fighting metamphetamine production in Alaska. This legislation also requires stores to notify authorities when a customer purchases large quantities of the chemicals that are used to make methamphetamines.

Given the volatility of the production process, passage of this bill will also protect the lives and property in the neighborhoods where a drug lab may go into operation. The sponsor was asked to create this legislation by employees in the Department of Public Safety who were unable to make an arrest until a methamphetamines lab started cooking a drug.



**Representative Tom Brice**  
**ALASKA STATE LEGISLATURE**

119 N. Cushman, Ste. 205  
Fairbanks, AK 99701  
907-456-7423 Fax: 451-9293  
*While in Juneau*  
State Capitol  
Juneau, AK 99801-1122  
907-465-3466

To: Representative Pete Kott, Chairman House Judiciary Committee  
From: Representative Tom Brice *TB*  
Date: January 22, 1999  
Re: Section Analysis, HB 3 Possession of precursor chemicals

**Section 1**

Amends AS 11.71 by creating new crimes that make it illegal to possess a listed chemical with the intent to manufacture a controlled substance. The offense will either be a class A or a class B felony depending upon what chemical is used.

**Section 2**

Amends as 11.71.95 to provide that unless a penalty is provided in AS 11.71, substances that are exempt from penalty under federal law are exempt from penalty under state law.

**Section 3**

Identifies what are listed chemicals for purposes of section one of the bill.

**Section 4**

Provides definitions for AS 11.71

**Section 5**

Requires that persons who distribute listed chemicals identified in section three to identify whom they distribute the chemical to and to report the distribution of the Commissioner of Public Safety. The Commissioner of Public Safety shall identify by regulation the amounts and quantities of the chemicals that the requirements of the section will apply to. Violation of this section is a class C felony.



THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# Meth lab suspect released

## Loophole in law halts charges

By JOLIE LEWIS  
Staff Writer

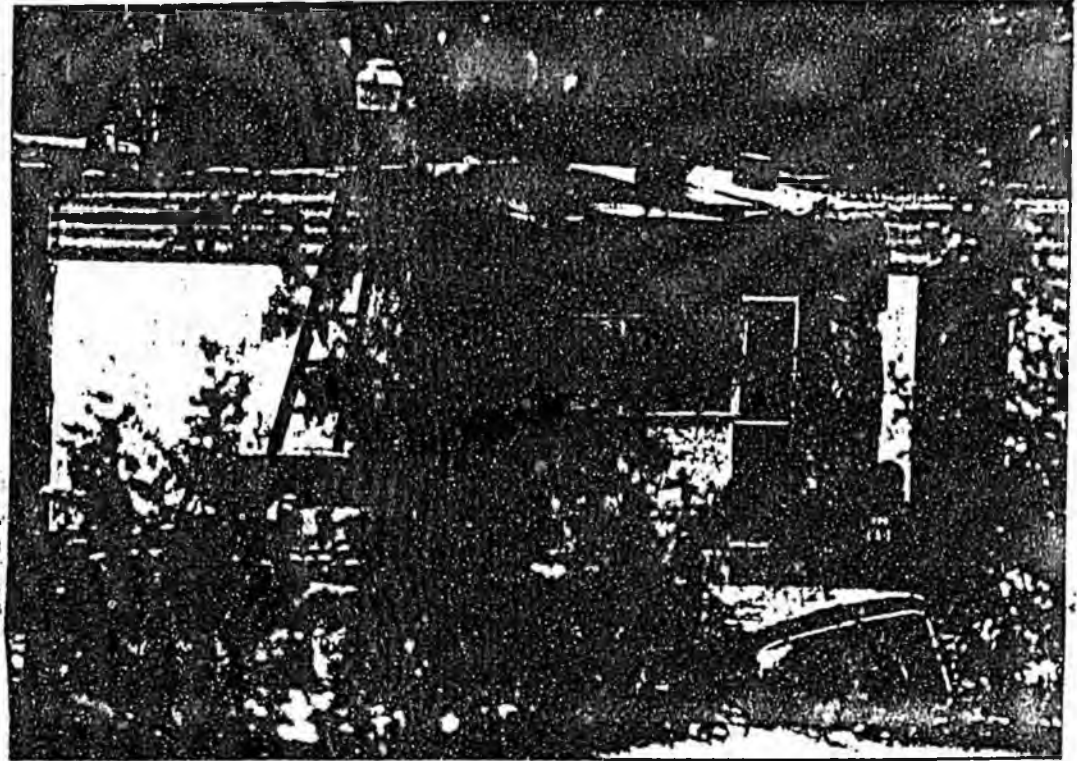
Highly explosive materials stored near exposed live wires; hazardous chemicals left uncapped in a trailer where two people lived. Authorities characterized the methamphetamine lab as extremely dangerous. To their disappointment, the 42-year-old Oklahoma transplant and the lab's alleged drug cook is now back on the streets three months after his arrest.

Oklahoma failed to produce a governor's warrant for Raymond C. Anderson's extradition before a 90-day window expired Sept. 21, and Alaska never filed drug charges.

Methamphetamine labs—described as extremely dangerous operations by Alaska State Troopers Statewide Drug Enforcement Unit investigators—are a new enough



RAYMOND ANDERSON



Sam Herald/News Miner

**METH LAB**—In this summer file photo, an investigator enters an Atco building suspected to be a methamphetamine lab Wednesday in a junk yard off the Old Richardson Highway south of North Pole.

criminal trend in Alaska that prosecutors are just now discovering, a possible loophole in state statute.

The chemical process Anderson allegedly used to cook the drug may not be illegal.

"Somewhere, the system has failed," said Jeff Deutch, the North Pole police officer who first sought a warrant for Anderson's arrest on a traffic charge. "Now it becomes a community problem again."

But Sgt. J.R. Roberts, chief of the local drug enforcement unit, said the setback should almost have been expected.

"It's something that's new to Alaska," Roberts said of meth labs. "It's new to the system. It's new to us. We're all novices when it comes to this."

North Pole police and drug investigators in mid-June converged on the junkyard Atco unit where Anderson apparently lived with his teen-age son. They had a warrant al-

leging Anderson had provided a false name during a traffic stop—his own license was suspended—and had fled from justice in Oklahoma.

Authorities didn't find Anderson that day, but they did discover hazardous chemicals and drug-manufacturing apparatus in a "poor man's" set-up that spooked even experienced methamphetamine lab investigators. There were no drugs, however.

Anderson was arrested a week later in a Fairbanks apartment on the warrant.

Oklahoma authorities said they would extradite. Though Anderson was wanted in two counties in southeastern Oklahoma, prosecutors from one took charge of extradition.

In this case, it was Bryan County, where Anderson was wanted for failing to show up in court in January on charges of possessing methamphetamine and marijuana after a felony conviction. Further drugs

charges are pending in other cases, said assistant district attorney Greg Jenkins.

In neighboring Choctaw County, Anderson missed court dates in cases alleging he delivered drugs and conspired to manufacture them. Assistant District Attorney Marie Blakely said Anderson has a "whole slew" of prior drugs convictions.

Oklahoma bondsman Wayne Holder, an agent for a company that posted more than \$30,000 of bonds on Anderson's behalf in Choctaw County, searched for Anderson for approximately six months. He tracked Anderson to Fairbanks and provided information to local investigators.

"It was just a long, hard deal," said Holder, who ultimately salvaged the company's bond. "We did our job. We got him incarcerated up there. ... As bondsmen, we're exonerated."

See METH Page A-3

## METH: Suspected methamphetamine cook released; loophole found in law

Continued from Page A-1

To extradite, the Bryan County district attorney needed to submit a warrant request to the Oklahoma governor, who in turn would sign it and send it to Alaska Gov. Tony Knowles for approval. Local authorities could then send Anderson back to Oklahoma.

They had 90 days. Bryan County officials, however, didn't begin the process until early September, more than 70 days after Anderson's arrest in Fairbanks.

Beverly Jackson, an extradition secretary in Bryan County, said she waited because Anderson at first said he would return willingly and because she thought Alaska would file felony drugs charges.

The documents were still in the governor's office in Oklahoma when time ran out Sept. 21. Blakely said it was "absolutely" disappointing Anderson slipped through their fingers.

Anderson walked out of jail in Fairbanks on Sept. 22.

Meanwhile, the district attorney's office in Fairbanks had reached a plea agreement with Anderson. He pleaded no contest to driving with a suspended license; the state dismissed the false report charge. That case was resolved Sept. 16.

Despite provisions in Alaska statutes that say manufacturing methamphetamine constitutes third-degree drugs misconduct, a felony, charges were never filed.

"We don't have a statute which makes it illegal to possess precursor drugs," said District Attorney Harry Davis, adding that the state may yet consider pinning other charges on Anderson.

State law says it is illegal to manufacture "any amount" of a controlled substance—suggesting that some amount of finished product must be recovered for the charge to apply, Davis said. It's also a felony to be in possession of certain illegal substances with the intent of using them to make drugs—but many precursors and chemicals used to make methamphetamine apparently are not defined as illegal.

Yet some of those same chemicals are so toxic or volatile that investigators say methamphetamine cooks may be putting an entire neighborhood at risk.

State Rep. Tom Brice, D-Fairbanks, wants to make Alaska's methamphetamine law more clear by defining other precursors as illegal substances. He said he was approached by investigators this summer and plans to introduce legislation next session if re-elected.

"If (investigators) see the boxes of all the precursors going into a house, it will allow them to crack that house before it goes into production," Brice said. "There's nothing else you can do with all that stuff except blow up the block."

Brice's legislation also would require stores to notify authorities when someone buys extremely large quantities of legal, over-the-counter drugs that can be used to make methamphetamine.

Phil Moberly, chief of the Statewide Narcotics Unit based at the district attorney's office in Anchorage, said his team is researching interpretations of stat-

utes applying to methamphetamine labs. He didn't want to comment definitively until after attending a "clandestine lab" class in Anchorage this week.

"Prosecution of (labs) is an evolving thing up here. We don't have a lot of experience with it," Moberly said. "I think we're going to see more."

Moberly has been involved with three methamphetamine lab cases in Anchorage; two of which were prosecuted federally. In the third case, a defunct lab was found in someone's house; the defendant was charged with possession of methamphetamine and maintaining a dwelling con-

taining drug-producing apparatus.

In Fairbanks, two methamphetamine labs have been raided. Crist A. Bigler, the alleged cook at a lab found four days before authorities discovered one in Anderson's trailer, has been charged in federal court.

Assistant U.S. Attorney Stephen Cooper declined to comment Thursday on the possibility of prosecuting the Anderson case, but Roberts said it isn't likely.

Anderson's public defender speculated something must have gone awry in the investigation. If it were simply a loophole in state law, Jim Cannon said federal prosecutors would have just picked up the case.

"The feds have been bleeding chemical under (illegal)," Cannon said. "I guess they found you couldn't use the evidence. The feds never came up with the warrant, and the guy sat in jail for 90 days."

Roberts countered that investigators had done every-thing by the book—and if they had, attorneys would have told about it.

He pledged Saturday to sloughing out meth labs.

"Regardless of what the allegations are, it's not going to stop our efforts to investigate and bring them down," he said. "It's still illegal."

**HB**

**5**

# FISCAL NOTE

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. SS HB 5**

Revision Date/Time (Note if correction)	Dept. Affected	Education
Title	BRU	K-12 Support
education:	Component	New - Voucher Program
Sponsor	Representatives Kohring, Coghill	
Requester	House HES	Component Serial No. _____

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	****	****	****	****	****	
Miscellaneous						
<b>TOTAL OPERATING</b>	****	****	****	****	****	0.0

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

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	****	****	****	****	****	0.0

Estimate of any current year (FY99) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The legislation requires that the Department of Education administer an education voucher pilot program. The department is unable to evaluate the cost of the program as no data exists to show how many students would participate in the program or how that number would change over the life of the program that would sunset on June 30, 2004.

Prepared by	Eddy Jeans, School Finance Manager	Phone 465-8679
Division	Education Support Services	Date/Time 2/16/99 11:41 AM
Approved by Commissioner:	Shirley J. Holloway, Ph.D.	Date 2/16/99
Agency	Department of Education	

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

# ALASKA STATE LEGISLATURE



Telephone  
600 East Fairview Avenue  
Wasilla, Alaska 99654  
907-578-1542  
Fax 907-578-4729

OFFICE OF THE CLERK  
ALASKA STATE LEGISLATURE  
600 EAST FAIRVIEW AVENUE  
WASILLA, ALASKA 99654  
907-578-1542

REPRESENTATIVE VIC KOHRING  
DISTRICT 26

## **SPONSOR STATEMENT** **SPONSOR SUBSTITUTE HOUSE BILL 5** Representative Vic Kohring

"By any measure one wishes to apply, American schools still fail to provide many of our Nation's children with the education they need and deserve. Standardized test scores used to chart student performance have declined or remained static during the past three years. U.S. students score low in math and science when compared with their peers in other industrialized nations. The high school dropout rate remains unacceptably high.

Education reform measures have not generated the progress we need. It is now time to make basic structural changes in our system of education. President Bush and I view school choice as the cornerstone for restructuring America's system of elementary and secondary education.

The evidence favoring choice is too compelling to ignore. Often States and districts have implemented choice programs and witnessed dramatic educational improvements, Dropout rates decline. Teacher satisfaction improves. Test scores rise. Student behavior and attendance improve. Parents become more involved in their children's education.

Choice is successful because it improves schools from the bottom up. It encourages schools to develop distinctive "flavors" and unique qualities that meet the needs of students. Choice allows each school to excel at something special, rather than sinking to the lowest common denominator and suiting few.

No children, no matter their circumstances, should be held captive in a school that fails to meet their needs or is not doing a good job of educating. Choice offers youngsters a chance for a better education--and for a better life."

These are not my words, but the words of Lauro Cavazos, former U.S. Secretary of Education. I encourage your support for educational choice. Help pass Sponsor Substitute House Bill 5 for Alaska's future, its children.

# ALASKA STATE LEGISLATURE



100000  
500 East Fairview Avenue  
Wasilla, Alaska 99684  
907-575-1142  
Toll-Free 1-800-485-1129

State of Alaska  
Department of Education  
1000  
1000  
1000

REPRESENTATIVE VIC KOHRING  
DISTRICT 26

## SECTIONAL ANALYSIS SPONSOR SUBSTITUTE HOUSE BILL 5

**Section 1.** Adds a new chapter establishing an educational voucher program.

Section 14.45.150 - Requires the Department of Education to administer a pilot educational voucher program.

Section 14.45.155 - Allows a parent or guardian, who are below 200% of the federal poverty level, to apply for an educational voucher from the department. The value of a educational voucher is the actual cost of the child's education or the per student amount of state aid represented by the child in that school district, whichever is less. The educational voucher will be paid to the parent or guardian of the child, who is attending private, or home school, in quarterly payments. Allows the department to adopt regulations to administer the program.

Section 14.45.160 Provides that the legislature may appropriate money for educational vouchers. Provides for a pro rata reduction in each voucher if insufficient funds are appropriated.

**Section 2.** Provides a sunset clause that will repeal the educational voucher program June 30, 2004.

**Section 3.** Establishes an effective date.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

130 Seward Street, Suite 405  
Juneau, Alaska 99801-2155

## MEMORANDUM

January 22, 1999

**SUBJECT:** Vouchers for education (Work Order No. 21-LS0347)

**TO:** Representative Allen Kemplen  
Attn: Chris

**FROM:** Michael F. Ford . *2* ✓  
Legislative Counsel

You have asked if the legislature could create a voucher system for state education. A system under which the state distributes vouchers worth a certain amount of money to be used for tuition in public or private schools would violate Article VII, section 1, of the state constitution. That section provides, in part:

No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

The Alaska Supreme Court has interpreted that section to mean that a tuition assistance program awarding students attending private colleges an amount equal to the difference between public and private college tuition is unconstitutional. Sheldon Jackson College v. State, 599 P.2d 127 (Alaska 1979).

Sheldon Jackson is directly relevant to the proposed voucher system. In that case, the Court established a three-part test for determining the validity of public programs that provide economic benefit to private schools. First, the Court looks at the breadth of the class to which the economic benefits are directed. Second, the Court looks at how the public money is to be used; i.e., whether the benefit to the private school is incidental to education (as with fire and police protection) or whether it amounts to direct aid to education (as with tuition and books). Third, the Court looks at the magnitude of the benefit to private education. Significantly, the Court noted that channeling funds to a private school through an intermediary (such as the student or parent) will not save an otherwise unconstitutional program providing aid to private schools.

In the Sheldon Jackson case, the Court struck down the state's tuition assistance program as violative of all three parts of the test. The class which the tuition assistance program benefitted consisted almost entirely of private schools, the funds were to be used directly for educational purposes (tuition), the benefit conferred on these schools was quite substantial, and the fact that the money was actually paid directly to the students, not the schools, did not

mitigate the fact that the students were required to turn the money directly over to the private schools.

The proposed voucher system suffers the same infirmities as the tuition assistance program did. Although the tuition vouchers would be given to all students in the state, only students attending private schools would benefit since there is currently no tuition for attending public school. Thus, for the class of students attending public school, the vouchers would be meaningless. The effect would be the same as with the tuition assistance program: to benefit only the private schools.

This does not imply that a program giving equal benefit to public and private school students would survive judicial scrutiny, because any direct aid to private schools is constitutionally suspect. But the fact that the proposed voucher system benefits only private schools reduces the likelihood that the system is valid.

The second part of the test would also be violated because the vouchers would be used as a direct benefit to private education (tuition) rather than an incidental benefit.

It is not clear whether the third part of the test, the magnitude of the benefit, presents a problem. That would depend on the value of the vouchers in relation to the cost of the tuition. If the vouchers are to cover the entire cost of tuition, the benefit to private schools would be substantial, and consequently unconstitutional<sup>1</sup>. While there is no precise line on this issue, the voucher would appear to be a substantial and unconstitutional benefit unless the voucher was a small percentage of the actual cost of tuition.

Finally, the fact that the vouchers would be given to students or parents of students would not save the voucher system. As with the tuition grant program, the vouchers may be redeemed only through the private schools. Therefore, they confer a direct benefit on the private schools, in contravention of the constitutional prohibition.

The proposed voucher system is also potentially in violation of the "establishment" and "freedom of religion" clauses of Article I, section 4 of the Constitution of the State of Alaska. I am aware that a system in Wisconsin has survived a constitutional challenge under the First Amendment of the United States Constitution. However, the Court in Sheldon Jackson noted that first amendment cases upholding forms of assistance to religious schools have no relevance to the preceding analysis of Article VII, section 1 of the state constitution. The prohibition against state aid to any private schools in the Alaska Constitution is much broader than the prohibition under the First Amendment which relates only to religious schools. Thus, the United States Supreme Court case upholding a Minnesota program of tax credits for public and private school expenses against a First Amendment challenge (Mueller v. Allen, 463 U.S. 388 (1983)), as well as the voucher system approved in Wisconsin, are not relevant to the analysis of the proposed voucher system in Alaska. These cases did not consider the kind of prohibition against direct aid to private schools found in the Alaska Constitution. In other words, even if the voucher system could survive scrutiny

Representative Allen Kemplen

January 22, 1999

Page 3

under the First Amendment, it would still violate Article VII, section 1 of the state constitution.

In order to survive constitutional scrutiny under the state constitution, a voucher system would have to satisfy all three parts of the Sheldon Jackson test. It is difficult to imagine a voucher system, as I understand the voucher system to work, which would not violate the constitution. The system would have to benefit students in public as well as private schools without giving any substantial direct benefit to education in the private schools. By its nature, the voucher system seems to militate against this.

Finally, the problem could be circumvented by amending Article VII, section 1 of the state constitution. You should be aware, however, that an attempt to do this in 1976 was rejected by the voters of the state in a ballot proposition. As you probably know, a proposed constitutional amendment and statutory voucher system are before the House in HJR 6 and HB 5.

In conclusion, the proposed voucher system suffers serious constitutional problems to which I see no simple solution. Unless amended, the state constitution will not allow such direct benefit to private education.

If I may be of further assistance, please feel free to contact me.

MFF:jdr  
99-030.jdr

TONY KNOWLES, GOVERNOR

PLEASE REPLY TO

1031 WEST JTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1232  
PHONE (907) 269-5100  
FAX (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4670  
PHONE (907) 451-2811  
FAX (907) 451-2846

P.O. BOX 110300-DIMOND COURT HCL  
JUNEAU, ALASKA 99811-0300  
PHONE (907) 465-3600  
FAX (907) 465-6735  
(FAX) 465-2539

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 22, 1999

FEB 25 1999

Honorable Fred Dyson  
Co-Chair, House HESS Committee  
Alaska State Legislature  
State Capitol - Room 428  
Juneau, AK 99801-1182

Re: Constitution Issues Raised by SSHB 5

Dear Representative Dyson:

You have asked for a quick response from the Attorney General to questions raised in your Committee regarding the constitutionality of a proposed school voucher program. SSHB 5 would establish an educational voucher program which would provide a voucher equal to the cost of private school tuition to the parents of students enrolled in private schools. We agree with the conclusion of the January 22, 1999, Opinion Memorandum of Legislative Counsel Michael F. Ford, that "the proposed voucher system suffers serious constitutional problems."

The SSHB 5 proposal to provide reimbursement of private school tuition appears to clearly violate Article VII, section 1 of the Alaska Constitution, as interpreted by the Alaska Supreme Court. Art. VII, sec. 1, in pertinent part, states:

No money shall be paid from public funds for the direct benefit of any religious or other private educational institution.

In *Sheldon Jackson College v. State*,<sup>1</sup> the Alaska Supreme Court directly considered the application of Article VII, sec. 1, to a state tuition grant program which was enacted by the Alaska legislature in 1976. Under that grant program, each state resident who attended a private college within the state was eligible for a state grant in an amount equal to the difference between the tuition charged by the private school and the tuition charged by a public college in the same area. The state payment was made directly to the student, not to the college. In interpreting Article VII, sec. 1, the Alaska Supreme Court decision set out several distinct principles or factors which were

---

<sup>1</sup> 599 P.2d 127 (Alaska 1979).

found applicable to that tuition voucher program, and which we believe would apply directly to the proposal of SSHB 5 as well. The Court concluded:

First, the class primarily benefited by the tuition grant program consists only of private colleges and their students. Though the appellants characterize the statute as merely equalizing the positions of private and public university students, effectively the chief beneficiaries are the private colleges themselves.<sup>2</sup>

Further:

the public funds expended under AS 14.17.776 constitute nothing less than a subsidy of the education received by the student at his or her private college, and thus implicate the core concern of the direct benefit provision.<sup>3</sup>

In regard to the fact that no direct payment was made by the state to the private schools under that program, the Court held:

Finally, though the tuition grants are nominally paid from the public treasury directly to the student, the student here is merely a conduit for the transmission of state funds to private colleges. Before the state will deliver the check to the student, the latter must certify under oath and under penalty of perjury that he or she will pay it over to the college. AS 14.40.786. Simply interposing an intermediary "does not have a cleansing effect and somehow cause the funds to lose their identity as public funds. . ."<sup>4</sup>

Article VII, sec. 1, of the Alaska Constitution unquestionably applies to elementary and secondary schools as well as to colleges and universities. We believe that under the express holdings of the *Sheldon Jackson* decision, the SSHB 5 proposed private school voucher program would be held unconstitutional.

The SSHB 5 proposal for vouchers to home schooling families raises constitutional implications from the establishment clause prohibitions of the state and federal constitution,<sup>5</sup> which have been uniformly interpreted to deny expenditures of public funds for sectarian educational programs and materials. We can also foresee challenges to the home schooling vouchers under the public purpose doctrine of the Alaska Constitution<sup>6</sup> due to the extremely broad category of costs and fees which appear to be compensable by the state under that section.

---

<sup>2</sup> *Sheldon Jackson*, supra at 131.

<sup>3</sup> *Sheldon Jackson*, at 131.

<sup>4</sup> *Sheldon Jackson*, supra at 132.

<sup>5</sup> U.S. CONST. amend. I; Alaska CONST. art. I, sec. 4.

<sup>6</sup> Alaska CONST. art. IX, sec. 6.

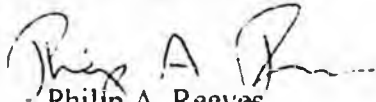
Honorable Fred Dyson  
Co-Chair, House HESS Committee

February 22, 1999  
Page 3

In summary, the private school voucher proposal of SSIB 5 appears to be fundamentally at odds with Art. VII, sec. 1 of the Alaska Constitution and we believe would be invalidated under the *Sheldon Jackson* analysis of the Alaska Supreme Court. In addition, the home schooling vouchers raise significant constitutional concerns under both the establishment clause and the public purposes clause of the Alaska Constitution.

Sincerely,

BRUCE M. BOTELHO  
ATTORNEY GENERAL

By:   
Philip A. Reeves  
Assistant Attorney General

PAR:ebc

cc: Honorable John Coghill, Alaska State House

DEPARTMENT OF EDUCATION  
OFFICE OF THE COMMISSIONER

GOVERNMENT PLACE  
301 WEST 7TH STREET, SUITE  
JUNEAU, ALASKA 99801-1802

PHONE: 467-2830  
FAX: 467-4176

February 23, 1999

The Honorable Fred Dyson, Co-Chair  
House Health, Education and Social Services Committee  
State Capitol, Room 104  
Juneau, AK 99801-1182

Dear Representative Dyson:

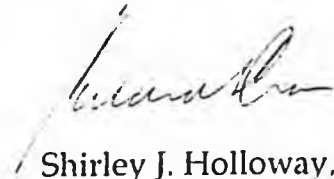
At the February 16 the Health, Education and Social Services Committee hearing on vouchers, questions were asked of Department of Education staff that I would like to answer.

- 1) Representative Brice asked how Sec. 14.31.020 (d) might be implemented, and how much direction from the legislature would be necessary to regulate and implement the bill. Sec. 14.31.020 (d) reads "the department may adopt regulations necessary to administer the education voucher program under this section." Therefore, assuming the program is constitutional, the only way to ensure program quality or accountability for this voucher system would be in Department of Education regulation.
- 2) Representative Whitaker asked if federal funding and local funding would also be provided for students participating in the voucher program. The answer is no. Only state aid would be made available for students participating in the voucher program.
- 3) Representative Kemplen asked if the legislature appropriated funds that were not equal to the amount applied for by parents with students in the voucher program, what would be the result? The bill states that if the legislature appropriates insufficient funds, the department would distribute the available funds on a pro rata basis.

Letter, Representative Dyson  
February 23, 1999  
Page 2 of 2

As you know, the State Board of Education is opposed to any voucher plan that would take public money from public schools and give it to private schools. As the Board considers the topic of choice within the public school system, we hope to continue this constructive dialogue with the legislature. We certainly share the same goal to improve student learning.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley J. Holloway".

Shirley J. Holloway, Ph.D.  
Commissioner

cc: The Honorable John Coghill, Jr.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF EDUCATION  
OFFICE OF THE COMMISSIONER

GOLDBELT PLACE  
801 WEST 10TH STREET, SUITE  
JUNEAU, ALASKA 99801-1884

PHONE 907 465-2500  
FAX 907 465-4176

February 16, 1999

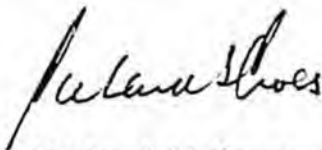
The Honorable John Coghill, Jr., Co-Chair  
House Health, Education and Social Services Committee  
Alaska State Legislature  
State Capitol, Room 104  
Juneau, AK 99801-1182

Dear Representative Coghill:

The State Board of Education has taken a strong position in opposition to any voucher plan that would take money from the public school system and give it to private schools. The Board is careful to note that it supports expanding parental choice within the public school system. Enclosed is the State Board of Education Motion passed January 21, 1999.

Thank you for your attention to the State Board of Education's position on this issue. Your Committee members and staff are invited to attend the upcoming Board meeting scheduled for February 24-26, at Goldbelt Place, 801 West 10<sup>th</sup> Street, Juneau. The Board plans to discuss school choice during its work session at 10:00 AM, Wednesday February 24.

Sincerely,



Shirley J. Holloway, Ph.D.  
Commissioner

cc: The Honorable Fred Dyson

Enclosure

*Exact of Unapproved minutes of the  
Alaska State Board of Education meeting  
January 21, 1999*

The following motion was unanimously carried by the Alaska State Board of Education at its meeting held on January 21, 1999 in Juneau, Alaska.

The State Board of Education opposes any voucher plan that would take public money from public schools and give it to private schools. The Board supports expanding parental choice within public schools. The motion was seconded and carried by unanimous roll call vote.



Lawrence a. Wiget, Ed.D.  
Executive Director, Public Affairs  
Anchorage School District  
4600 DeBarr Rd.  
Anchorage, Alaska 99519

(w) 907-269-2255 (fax) 907-269-2340

TO: HOUSE HESS COMMITTEE MEMBERS

SUBJECT: HB 5: VOUCHERS FOR EDUCATION

DATE: FEBRUARY 16, 1999

Attached please find a copy of **A Resolution Opposing Private and Parochial School Vouchers** passed by the Anchorage School Board on April 13, 1999.

The Anchorage School Board urges policy makers to oppose efforts to use public tax dollars to finance private and parochial school vouchers. The Anchorage School Board also urges policy makers to work with local communities to ensure that our public schools provide world-class educational opportunities for children.

**Rationale.** Public schools educate every child, regardless of race, ability, religion, economic circumstance or special need. Public schools, through their elected school boards, are directly accountable to the citizens of the community for the expenditure of public funds.

Taxpayer-funded vouchers for private and parochial school tuition and fees drain scarce resources from public school classrooms and diminish revenues available for public schools.

POSITION STATEMENT

Be it further resolved that we urge policy makers to work with our local community ensure that our public schools provide world-class educational opportunities for all our children.

**PASSED AND APPROVED** this 13th day of April, 1998.

ANCHORAGE SCHOOL BOARD

  
Debbie Ossiander, President

Kathi Gillespie  
Kelly Haney  
Dave Werdal

Rita Holthouse  
Harriet Drummond  
Peggy Robinson-Wilson

Bob Christal, Superintendent

# The New Accountability

*If schools can't do a better job of educating all students,  
parents will opt out of public education altogether*

BY MARC S. TUCKER AND CHARLES S. CLARK

**W**hen school officials vow to resign or take pay cuts if students' test scores don't rise, you can be sure the age of accountability in education is here. One example of the new accountability is Swanton, Ohio, Superintendent Roger Barnes, who has promised to resign if test scores fail to improve. Another is Philadelphia Superintendent David Hornbeck, whose contract stipulates that he will receive a \$16,000 annual bonus if test scores go up but an \$8,000 pay cut if scores stay low. Similarly, Alexandria, Va., Superintendent Herbert Berg stands to receive a bonus of up to \$30,000 if enough elementary and middle school student pass the state's new Standards of Learning examination.

Why is this happening now? Is it yet another fad that will once again draw the attention of managers and policy makers away from instruction, which is what really matters? Or is it somehow at the heart of the matter?

To find the answer, educators might look at some lessons from the business world—in particular, the transformation Xerox Corp. went through in the early 1980s. At the time, Xerox was among the world's most widely admired industrial corporations. Yet just as David Kearns was becoming the new chief executive officer, he found out that Japanese competitors were learning how to design copiers and build them in a fraction of the time it took Xerox to design and build comparable machines. He also learned that these machines were of substantially higher quality than Xerox mod-

els and—worst of all—that the Japanese were able to sell them to consumers for less than it cost Xerox just to build a comparable machine. The challenge was simple, if daunting: to make enormous improvements in quality and time to market and, at the same time, to greatly reduce cost. Xerox was forced to learn to produce more (or better) for less. And it did.

That is precisely the challenge faced by American education. The economic facts of life have dramatically changed in recent decades, and the facts of American education have not kept pace. Since 1950, the proportion of American jobs available to people with limited literacy and strong backs has been steadily decreasing, and the proportion requiring high-level skills and knowledge has been swiftly rising. Nevertheless, despite a slow, steady rise in the educational achievement of our high school graduates, as evidenced by the rising numbers attending college, the National Center on Education Statistics reports that half or more of the young people who leave our high schools with or without a diploma have no more than an eighth-grade level of literacy—well below what it will take to land jobs that enable wage earners to support a family above poverty level.

The only way public schools will survive is by learning how to educate virtually all of their students to a much higher standard at a cost no greater than current costs. That's why coming up with an adequate response to this challenge is no fad. It is a matter of survival. If public school districts do not muster a credible response, then those who have political power will opt out of the public school system and take as much public money with them as they can.

## Paving the way

In the past, when educators have talked about accountability, they have asked, how can we produce public data on

*Marc S. Tucker (mtucker@ncee.org) is president of the National Center on Education and the Economy in Washington, D.C. Charles S. Clark (cclark@ncee.org) is the center's senior writer-editor.*

performance? But the public has been asking a different question: If students are not performing, who (among the professional educators) is responsible, and what should happen to them? The public is fed up with what it sees as excuses. It demands improved student performance at no increase in cost. Public educators do themselves no good by complaining. Whether we call it accountability to the public (as educators would have it) or better management (as business and government would have it), the challenge is to get much better results at no increase in cost.

In the business world, this process begins with top management being very clear as to the organization's goals, formulating those goals in measurable terms, communicating them clearly and forcefully to everyone in the organization, and demonstrating in every conceivable way that the goals are not mere rhetoric but real core values on which the actions of top management will be based every day.

It continues with devising accurate measures of performance against the goals and then constructing a system in which managers produce data on those measures and send that information directly to the people who need it. Top management then seeks to make sure that the people who are in direct contact with the customer and who are actually making the products are empowered to decide how the product will be made and how the service will be rendered. This entails cutting intervening layers of staff and management and giving real authority over budget, hiring, staffing, and so on to the people who previously were simply told what to do.

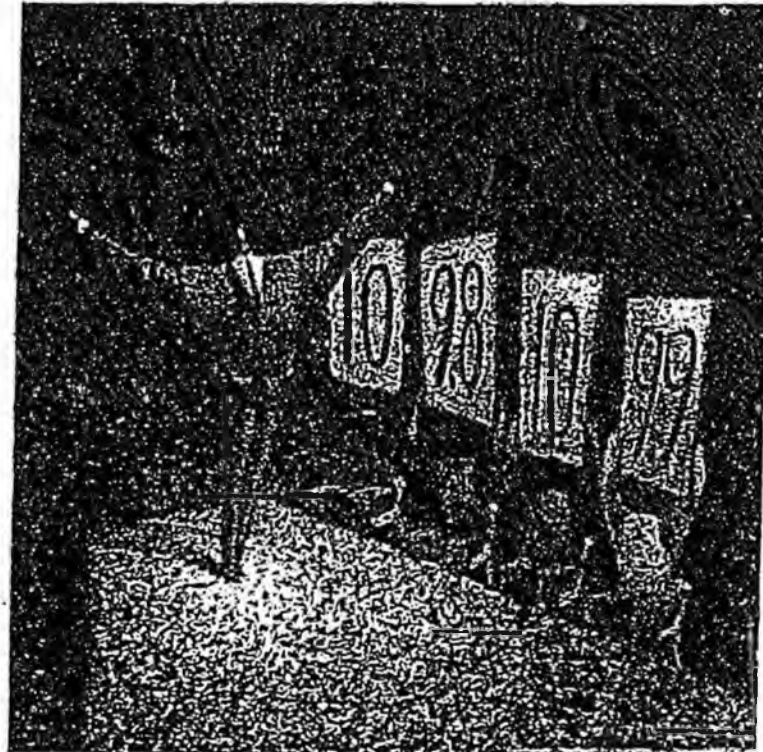
But none of this happens until the newly empowered people on the front line are given strong incentives to make every possible effort to reach the established goals. It is only by changing incentives that top management can be sure people on the front line will use their new power to benefit the organization. So systems are set up to make sure that units in the organization that make continuous improvements are rewarded and that units that do not improve face consequences.

Nowhere, we submit, are these ideas more applicable and more needed than in public education, especially since various school reform efforts over the past 20 years have helped paved the way for them.

The first such reform is site-based management, which responds to the call for pushing decisions about how to get the job done right, down to the people making the product or rendering the service. As the 1986 Carnegie report *A Nation Prepared* pointed out, the bureaucratic mode of management that dominates public education might well be replaced by something that looks more like the professional practice model that characterizes true professions such as architecture, medicine, and law. In that model, the faculty of the school would get to make the important decisions about how the needs of the students could best be met, within the

bounds determined by the standards set by the larger system. Whatever rewards came from doing a good job would be shared among the faculty, and the faculty would suffer whatever consequences came from a poor performance.

But in the real world, school boards and superintendents proved reluctant to give up power when they would still be accountable in the end. Instead, in many places, they instituted site-based councils composed typically of teachers and parents and presided over by the principal. Sadly, this conception of site-



based management produced the worst of all possible worlds. Power was not transferred from the central office to the school, because the central office did not trust the schools to do the right thing—nor did it want to give up long-held powers. Accountability, instead of being strengthened, was actually weakened. Weak principals in this system simply deferred to the site council, saying to the superintendent when something went wrong, "I knew that was the wrong way to go, but it was what the council decided to do." Strong principals spent much of their time subverting the council to get it to do what the principal thought right. The council became just another group of people who could say No but was not itself accountable.

Merit pay for teachers was the second precursor to modern accountability. Following the release of the famous federal report *A Nation at Risk* in 1983, many states decided to "get tough" on teachers and insist that their pay be related to the quality of their teaching. Tennessee took the most visible lead in this direction, but many other areas followed,

including local school districts such as the Fairfax County (Va.) Public Schools.

Teachers, however, hated this system and, in the end, successfully mobilized political power to defeat it. Many people concluded that it would never be possible to link teacher pay to student performance unless the unions were broken. That was the wrong conclusion. The reason these merit pay plans failed is that teachers perceived them as unfair. Teachers everywhere had seen principals using their power to reward those they believe to be loyal and punish those they believe to be disloyal. And the merit pay plans typically relied on principals to make the decision as to whose teaching was meritorious.

The third development that laid the groundwork for the new accountability was the move toward academic standards. From President Bush's call to governors to join him at the nation's first education summit in 1989 to President Clinton's call for "national—but not federal—standards" at the beginning of his second term, an enormous amount of work has been done by states, a consortium of states and districts, and national organizations devoted to teaching in the core disciplines.

In the eyes of many observers, however, the resulting standards vary widely in quality. Few make it clear what kind of student work will meet the standards, and few states have developed assessments that match the standards. Hence most of the standards are no more than symbolic. Teachers cannot teach to them, and few have any interest in doing so because they know their performance will be measured by the tests their districts administer—not by the standards their state has adopted.

The most important lesson from these precursors to today's accountability is how weak they are against the strength of the system they are intended to change. From one end of the nation to the other, the basic model of school system governance and organization is unvarying and deeply rooted. So was the mass production model in the business world. The only way to really change the way the organization functions is to see all these components as part of a much larger design for changing the way the system works.

### Three good starts

Though no school district we know of has succeeded in creating this larger design, we believe three contemporary models of accountability are much further along than the rest. They are the systems used in Kentucky, Chicago, and Edmonton in the province of Alberta, Canada.

The landmark Kentucky Education Reform Act of 1990 established a six-part "accountability index." Every two years, student progress has been measured by statewide test scores in reading, math, social studies, and science, as well as writing performance on open-ended test questions, a problem-solving activity, and portfolios of student work. An additional score has been factored in that measures attendance and graduation rates. Schools that outperform their improvement goals on these publicly released scores receive cash awards from the state, which the faculty may

choose to put in their own pockets in the form of salary bonuses or invest in staff development or a schoolwide improvement program. In this system, the schools have been essentially competing not against each other but against their own record, trying to do better each year than they did the preceding year. The rewards have gone not to individual teachers based on a supervisor's often biased or self-interested assessment, but on the basis of the scores that students received on an externally scored assessment.

Kentucky's statewide reform is not just a story of rewards for improved performance; it is also a story of consequences for failure. Kentucky identifies schools and districts that are not improving or are actually slipping behind and makes available highly skilled educators to serve as change agents. Kentucky schools that are unfortunate enough to earn this status usually improve quickly. But those that continue to perform poorly risk being reorganized, and their staff members risk dismissal.

If rewards are one side of the accountability coin, penalties are the flip side. In Chicago, 1995 reforms that brought schools under direct control of Democratic Mayor Richard Daley have prompted the school system's CEO to place more than 100 schools "on probation." Such schools are required to get help from one of a number of providers of outside technical assistance approved by the district central office and are assigned an "academic probation officer." This officer is empowered to recommend expedited dismissal of school staff, including the principal, and must approve of the school's program plan and budget every year before they are forwarded to the district central office. Students whose performance is exceptionally poor must attend a special summer school. Scores of principals and hundreds of teachers are at risk of being dismissed in Chicago under the provisions of this plan, and their schools reengineered or reconstituted.

The drive for accountability has not been simply a story of standards, assessments, empowerment, and rewards and consequences, however. Holding people accountable also requires being clear about who is responsible for what. That is the centerpiece of the Edmonton system, which has revolutionized relations between individual schools and the central office and attracted the attention of scholars and practitioners from three continents.

Edmonton's pioneering system streamlines the organizational hierarchy so that everyone reports to just one "boss." It then allocates district resources in dollars to the schools, each of which will be held accountable for student results on benchmarked tests, as well as the results of "customer satisfaction" surveys. The schools then acquire their own professional staff, learning materials, equipment, and supplies, from textbooks to globes to art supplies. If the schools are going to be held accountable for student results, the reasoning goes, then the schools, and not the central office, should control the mix of resources needed to produce those results.

The support functions in the central office, which account for by far the greatest fraction of central office employees,

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

must derive their budgets from the decisions that schools make about how to spend their money to get results for the students. And the schools can choose to spend that money outside the central office for services such as transportation or psychological counseling. This shift in budget power means that central office service staffs become accountable to the schools for their performance. Poor performance results in no dollars and therefore no employment for the central office service staff.

This system, of course, is likely to lead to many negative effects unless staff members at local schools are highly motivated to make decisions about the use of their new funds on the basis of student achievement rather than the convenience or ambitions of senior staff in the central office.

In all three cases—Kentucky, Chicago, and Edmonton—control of the program and budget of the schools moved from the central office to the school itself. And in varying degrees, control over the resources has been vested in the person or body that would get the rewards for good re-

sults—or suffer the consequences if results were poor. In all of these cases, too, many or all of the rules and regulations that had been in place to determine the inputs into the educational process were swept away. In their place was put a set of incentives related to the schools' success or failure in producing results.

### Putting the pieces together

What would an ideal relationship between the central office and individual schools look like under a first-class accountability system? In the box on this page we sketch such a relationship.

Almost every piece of this system is in place somewhere in the United States or in the world. But there is not yet any place where strong incentives for students to achieve have been combined with strong incentives for the professional staff to help students achieve. When these elements are finally combined, we will be watching for unprecedented gains in student performance. ❖

## A comprehensive accountability model

### Functions of the central office

• Set the student performance standards, including a base salary and entitlement of staff to having certain educational materials, equipment, and standards of pay for positions. (See our article "New Standards: Program of the National Center for Education Policy and the American Research and Development Center in the University of Illinois" in *Journal of the American School Board Association*.)

• Decide on the measures of student performance that will be used to assess progress toward the standards.

• Decide on other common measures of results, including customer satisfaction surveys.

• Decide on the responsibilities of individual groups of staff in the school and the way in which they will be rewarded for their positions.

• Decide on the results at the school level that will be rewarded and to whom the rewards will go.

• Define the results at the school level and how they will be measured that will determine those results.

• Decide on the formula to allocate resources to the schools.

• Negotiate contracts with all major unions.

• Set standards for each school level, which may include a model of school operation, program to be developed, and maintain a list of teachers and other staff available for assignment to schools.

• Publish a comparison of the data and standards by which the schools must abide.

• Monitor the compliance of the schools with laws and regulations, including audits of financial, personnel, and performance reporting systems.

• Collect and publish data on the central office's performance system.

• Provide information on current and future programs, strategies, and services available to the schools and monitor the schools' use of available resources.

• Decide on a method of assigning students to schools and analyze the impact among public schools of the various methods regarding the rights of protected classes (racial, ethnic, gender, etc.) and not permitted to select their children as a private, nonpublic alternative.

• Provide parents from a particular condition or condition.

• Arrange for provision of analysis of services required by the schools, such as textbooks, maintenance, food services, and transportation.

### Functions of the individual schools

• Decide on the goals and plan for the school to develop and implement the school goals and plan.

• Decide on the code of conduct to establish order and discipline.

• Add their own standards and goals to those of the central office.

• Decide on the measures they will use to assess progress toward those goals and the methods they will use to track progress.

• Decide on the basic research, practices, or curricula and instructional programs designed to help students to meet the standards.

• Decide on the best staffing structure to implement the instructional program.

• Decide how to organize the school, how to assign students to classes, what the master schedule will be, and whether there will be after-school, Saturday, and summer school programs.

• Decide on the best way to use non-personnel resources to get their students to the standards.

• Decide what skills and knowledge the staff will need to execute the plan and what professional development program best provides those skills and that knowledge.

• Decide how the school wants to involve parents, social service, and public health agencies, local employers, and others in the life of the school and build a plan to make that involvement successful.

• Build a base on which a school is an operational plan and operating budget that will make best use of the available resources.

• Implement the plan and review it continuously based on analysis of the data on student performance gathered by the school and the central office.

• Be prepared to make school-level goals, whether the school would actively recruit a body of students and parents interested in those goals and to construct a recruiting plan.

• Provide information requested by the central office about monitoring and evaluating the school.



# NEA-ALASKA

*Affiliated with the National Education Association*

*Pres*

## SSHB 5 – Tuition Vouchers NEA-Alaska Position Statement

SSHB 5 is an attempt to provide low income Alaskans with an education voucher of an undetermined amount to educate children at home or at a private school. NEA-Alaska opposes SSHB 5 because it is unconstitutional, vouchers are too expensive and vouchers will not improve student performance in Alaska's public schools.

~ Article IX, sec. 6, Constitution of the State of Alaska states, "no money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

At a time when the State of Alaska is faced with a \$1 billion deficit, a voucher proposal extending public funding to children enrolled in private and denominational schools and home schools is an extravagance we cannot afford. Our schools are not adequately and equitably funded now.

At a time when our public schools are required to set new educational standards and will be requiring students to pass difficult graduation examinations, weakening educational opportunities of public school children by diverting fiscal resources from public school classrooms to private and home providers is counter productive. Taking money away from these efforts and giving it to students who aren't required to meet similar standards, pass tests or improve learning is inconsistent with the legislature's quality school initiative embodied in SB 36. Giving public money to private and home schools that have no accountability to the public or have no requirement to meet quality school standards is a poor exercise in fiscal and instructional responsibility.

How much will SSHB 5 cost? In 1997, a year for which data exists, there were 157,691 children between the ages of 5 and 19 of which 129,940 were

instead of a public education or if current funding is diverted from public classrooms to pay for the voucher, urban schools will be hurt most.

The only variable limiting voucher distribution is a parent's standing in relation to the federal poverty line. How many Alaskans with school age children fall above or below this line? SSHB 5 invites those with household incomes greater than 200 times the federal poverty guideline to receive an education voucher. The poverty level for a family of four in 1997, as reported by the Census Bureau, was \$16,400. We assume that any household of four with income of \$32,800 or less would qualify for a no strings attached cash voucher. If the 1997 Alaska per capita income is \$24,945, how many parents will qualify?

A significant barrier for low-income families seeking greater choices for their child's education is lack of transportation. Many families do not have the means to provide transportation for their children to attend other school alternatives, let alone private schools. The bill seems to accommodate greater benefit to those who educate at home.

If only a modest sum of money is appropriated for SSHB 5's voucher program, the bill provides for an unencumbered incentive for any qualifying parent to apply to receive the education cash. As the legislature demands greater accountability from schools, it makes no sense to add to the cost of education through cash vouchers.

Currently schools are working to implement new standards, preparing students to pass exit exams and designing new curriculum and opportunities for children. We oppose weakening those efforts through vouchers.

We believe in a strong system of public education. Schools have been critical to Alaska's economic, social and cultural development. Public education is critical to our state's future and its continued development. Public schools demonstrate the very spirit of our democracy by accepting and educating all students regardless of means or position in life. If our state does not continue to inspire that purpose, our most precious resource, our children, will be wasted.

NEA-Alaska wants to provide A+ Schools for Alaska's Kids. Cash vouchers do not contribute to making our schools A+.

# Memorandum

To: Co-chairs: Representative Fred Dyson  
Representative John Coghill  
Alaska State Legislature  
House BESS Committee

From: Tim Peterson – President  
Kenai Peninsula Education Association  
1124 Walnut  
Kenai, Alaska 99611  
907 – 283 - 5177

Date: 02/16/99

Re: House Bill 5 – Sponsor substitute

---

Please accept these thoughts regarding: Sponsor Substitute for House Bill 5 "An act relating to vouchers for education; and providing for an effective date."

We appreciate the concern of the legislature relative to improving education of Alaska's children. It is incumbent on all citizens of our great state to make every reasonable effort to provide a quality education for our children.

It is difficult to understand how this legislative act will meet that standard. The legislation seems to be predicated on the belief that home schooling and/or a private school education will provide an education equal to or better than that provided by the Alaskan public schools. Educational studies do not support that belief. To our knowledge there is no validated research comparing home schooling achievement in Alaska to that of the public schools.



Distributed by  
Rep. ... ..

**Anchorage has a warm heart**

My family and I moved up here last October from Arizona. I'm writing this letter solely as a compliment. Never in the Lower 48 have I seen more courteous, concerned and caring citizens on topics that most God-fearing Americans take for granted. As a father of three, I have found your school system has exceeded my expectations (Turnagain Elementary, specifically). I also have never seen more examples of neighbor helping neighbor on a day-to-day basis.

Clearly our system of things do need a little "fixing," but for the most part I feel this city has most of its act together. Believe me, I've seen worse in Arizona. I just felt the need to be on the record for this city that my family and I have adopted and call home. Anchorage may be a cold land, but it's people have a warm heart.

— Deciderio Gonzalez & family  
Anchorage

Anchorage Daily News  
02/16/99



# Alaska State Legislature

Please enter into the record my testimony to the House Health, Education & Social Service  
 committee name Social Service  
 committee on HB 5- Voucher, dated 2/16/99  
 bill/subject  
System for Education

Signed: Helene Antel Brocks, Esq.  
 Testifier self

Representing (Optional)  
HCO2 7516, Palmer, AK 99645  
 Address  
(907) 745-3394 (h); (907) 746-1547 (h)  
 Phone No.

**Ronald Nordquist**

From: Ronald Nordquist <ron.freda@worldnet.att.net>  
To: \_Vick\_Kohring@legis.state.ak.us  
Subject: ron.freda@worldnet.att.net  
Date: Tuesday, February 23, 1999 12:18 PM

In regard to Sponsor Substitute For House Bill No. 5

Education Vouchers

We are very much in favor of the voucher program. We have two young girls that are in a private school due to unhappy experiences with the Anchorage School District.

It would be very nice to have assistance in paying our education bills. We are property owners, also business owners, and we feel that we do pay more than our share in school taxes.

The Anchorage School District yearly budget is more than out of control.

Monies should be put for the students education, NOT for oversized Administration and their benefits.

It is very important that something be done about the cost of education in the State of Alaska, mostly in the Anchorage area.

The Nordquists

Ronald and Freda

**Date: Feb. 23, 1999**  
**To: Representative Vic Kohring**  
**From: Donna & Bill Walker**  
**2234 Kissee Ct.**  
**Anchorage, Ak. 99517**  
**Re: Education Vouchers**

**Thank you for sponsoring HB5. We support your effort wholeheartedly. All four of our children received their elementary education at Sunrise Christian School & it was the best decision we could have made for them. When Polaris K-12 opened several years ago we thought this might provide a comparable education as it was very difficult paying tuition for 4 children. But after one year, we moved them back to Sunrise--there simply was no comparison to the quality of education at Sunrise. As our children have moved into junior high & high school, they continue to be excellent students & are very involved in school, church & community activities. We credit the wonderful foundation they received at Sunrise for much of their success. The public school system could learn a lot from some of these small private schools that get by on a shoestring budget but provide an outstanding education program. Education vouchers will make this a viable option for others.**

2/18/99

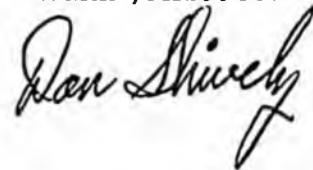
Dear Representative Kohring,

I'm writing concerning House bill 5. My sons are 16 and 18 years old and have been in private schools their entire lives. My oldest son will start collage for an Engineering Degree next fall at UAA, the other is still considering what he will do. Private education is a fine place for children to learn. We have borne the cost our selves and have been happy to do so. I do believe that we as citizens all have a right to the same funding resources regardless of where we choose to send our kids to school.

Thank you for your work on this bill.

Thank you,

Dan Shively  
PO Box 876137  
Wasilla, AK 99687

A handwritten signature in cursive script that reads "Dan Shively". The signature is written in black ink and is positioned below the typed name and address.

**Subject: SSHB5 School Vouchers**

**Date: Thu, 18 Feb 1999 09:51:22 -0900**

**From: Karl.Schleich@MSB.Mat-Su.k12.ak.us (Karl Schleich)**

**To: House HESS Committee Members;**

TO: Health, Education & Social Services Committee Members  
Alaska House of Representatives

FM: Ley Schleich, MHA, CHES  
P. O. Box 874216,  
Wasilla, AK 99687-4216

Honorable House HESS Committee Members,

This is a follow-up to my testimony February 15th during the House HESS hearing on SSHB5, School Vouchers. At the hearing I had only time to comment that I was pleased to hear the right questions being asked about Mr. Kohring's voucher legislation. The concerns raised by Mr. Rose especially mirrored my own. I would like to expand on my thoughts regarding the school voucher proposal.

I agree that "education for our children is so important that better ways to improve upon it must be found" (Mr. Kohring's words). Tweaking the system isn't enough; dramatic changes are needed to make our education system something in which we can be fully confident and proud. The sooner the better.

My two children go to a "government school" because their parents want them to become educated and believe that our public schools can do the job. Period. I submit that this is the reason almost all children go to school. We have the means to have chosen any of the alternatives to public school here. We examined them and rejected them in favor of the public schools. The claim that government laws rather than choice compel people to send their children to "government schools" disregards an inherent belief in public education that most of my friends and I still feel. The statements sound similar to what I have read from Milton Friedman and others. I would ask them, as I ask you: if public schools were producing adequately educated graduates, would we be challenging whether compulsory education is a good thing?

I strongly disagree with the premise that parents should be exempt from paying for public schools if their children do not attend one. Is it not in the best interest of all members of society to have an educated populace? Is not education the very foundation upon which democracy rests? The recognition of the need for an educated population of voters was the motivation for the formation of a public education system in our country in the first place. (Interestingly, a public education system was created in response to the perceived failure of the private schools to educate kids.) Given this, educating our nation's youth then must be seen as the obligation of every citizen of this land, whether or not they choose public education for their own children and indeed, whether or not they even have children.

I believe the voucher system is the wrong remedy for our education woes for the following reasons:

1) It will undermine current positive reform efforts currently under way. The Legislature saw fit to enact the mandated standards and other pieces of the Quality Schools Initiative. The assessments, curriculum alignment, and modification of teaching practices and programs is a huge undertaking statewide. To lay vouchers, complete with DOE regulations and oversight, over the QSI efforts would do it in before we even have a chance

to make it work. I would add that it would diminish the credibility of the Legislature: why did you endorse QSI if you don't believe it will result in change?

2) It lacks assurances that the education dollars will actually be spent on education, and fails to assure that the education provided would be what children deserve and need. Sure some of the money would be used exactly as you and I would want it used, but not in all cases. Vouchers would present too big of an incentive for economically struggling or greedy individuals to misuse. Regulating this would be an expensive nightmare for DOE. Furthermore, the legislation does not require private or other educational institutions to be held to the same standards we require of our public schools, and leaves much opportunity for what I call "educational abuse or neglect," whether intentional or not. The voucher approach discounts and leaves vulnerable those children whose family situation is suboptimal, whose parents or guardians cannot or will not act in their child's best interest.

3) It divides rather than unifies. Mr. Kohring's "delightful range of educational settings" to me is misguided labeling and homogeneous grouping. I believe our children (and indeed, adults too) need to learn the skills of living in a diverse population. This is no small task and cannot be accomplished if we have learning environments that don't embrace a full variety of kids with many kinds of backgrounds and a full array of talents and needs. I think we can offer children and parents adequate choices of programs, teachers, and expectations without sacrificing the benefits of living and learning together. Indeed, I believe kids learn better when they are in a heterogeneous setting, as long as their classmates can demonstrate good learning behavior.

4) It would lead to inequality. I fear that vouchers' drain on the public school resources would negatively affect public school instruction to the point that many of the higher-achieving kids would bail out of public schools, leaving the lower achieving students without role models and high standards, setting off a powerful downward spiral of performance and continued exodus of achieving students. And too, the more skillful teachers would likely become discouraged or be offered a more attractive job in an "alternative" site, and we would experience a drain of teaching talent in the public schools as well.

Why wouldn't it be the "difficult" students that would seek alternatives? Because as I understand the voucher system non-public schools would be free to deny entrance or to expel these students if their performance or behavior was deemed unworthy or if the school was not prepared to address the child's specific needs. And these students can challenge even the best and best intentioned homeschool parent/teacher. Eventually, I believe these students will be back in the public school classrooms. Would their voucher money follow them?

These are my major concerns with the voucher system of education. I believe the motivation to try vouchers as an alternative comes from a true desire to improve our children's education. I appreciate the frustration of friends and acquaintances who have struggled with meeting their children's educational needs. And although our own children are thriving in school, I can't say that we would never determine that they need a different type of schooling. But I think it's wrong to look to the government to pay for it. Vouchers may be good for some kids, but they are not in the best interest of children in general, and they can divert our attention from making the necessary significant reforms in public education.

Thank you for considering my views. I look forward to following this issue as it unfolds in Juneau and our own community.

Sincerely,

Ley Schleich

P.S. I realize that being married to a public school principal makes me vulnerable to having my opinion dismissed as biased or self-serving. Please consider my thoughts on their own merit, and know that I am many things in addition to the wife of a school administrator. My husband and I don't agree on all matters, and I am speaking for myself. I have a long history of speaking out on a variety of public policy concerns and hope you will accept my comments without regard to my association with my husband. In the same vein, I hope you don't dismiss the comments of all public school employees as union-fed self-serving bureaucrats. I think members of both "sides" of this issue have useful insights and valid points to make.



From: Ms Frances Jacobson  
POB 874152

Telephone: 376-8239

Wasilla, AK 99687

Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION

Message:

I ENCOURAGE YOU TO VOTE AGAINST HB 5 ON TWO POINTS: 1- VOUCHERS WILL ALLOW PUBLIC MONEY TO SUPPORT PRIVATE INSTITUTIONS, WHICH WOULD BE CONTRARY TO THE CONSTITUTION; 2- PRIVATE EDUCATIONAL INSTITUTIONS ARE NOT CURRENTLY HELD TO THE SAME STANDARD OF ACCOUNTABILITY AS ARE PUBLIC SCHOOLS AND EDUCATIONAL DOLLARS SHOULD PROVIDE ACCOUNTABILITY.

Entered in MAT on 2/16/99 POMID: 607

Distribution: 32

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 2 out of 12.

POM for Representative Kohring



From: Ms Carla Takesita  
367 N Valley Way

Telephone: 745-3589

Palmer, AK 99645

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I ASK YOU TO VOTE NO ON HB 5.

Entered in MAT on 2/16/99 POMID: 641

Distribution: 18

.  .  .  .

Message 12 out of 12.

POM for Representative Kohring



From: Ms Laurel Fortunoff  
501 McAdoo Way

Telephone: 376-1298

Wasilla, AK 99654

NON Constituent

Registered Voter: Y

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I AM URGING ALL OF YOU TO VOTE AGAINST HB5. I DON'T FEEL WE CAN AFFORD TO GIVE MONEY TO PRIVATE SCHOOLS AT THIS TIME. I MOST PARTICULARLY DO NOT FEEL WE CAN SUPPORT PRIVATE SCHOOLS WHEN WE CANNOT SUPPORT OUR PUBLIC SCHOOLSYSTEM. I AM NOT AWARE OF ANY STUDIES REGARDING THIS TYPE OF PILOT PROGRAM SHOWING ANY POSITIVE IMPACT ON THE EDUCATIONAL SYSTEM.

Entered in MAT on 2/16/99 POMID: 638

Distribution: 12

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 11 out of 12.

POM for Representative Kohring



From: Ms Mary Kay Flynn  
POB 1415

Telephone: 745-4588

Palmer, AK 99645

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION

Message:

**URGING YOU TO VOTE NO ON HB 5. I AM ADAMATELY OPPOSED,**

Entered in MAT on 2/16/99 POMID: 633

Distribution: 18

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 10 out of 12.

POM for Representative Kohring



From: Mrs Pattie Haugom  
307 N Chugach

Telephone: 000-0000

Palmer, AK 99645

NON Constituent

Registered Voter: Y

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION

Message:

I AM VEHEMENTLY OPPOSED TO THE VOUCHER SYSTEM PROPOSAL SPONSORED BY REP KOHRING. SUCH A SYSTEM WOULD PUT AN END TO PUBLIC EDUCATION IN ALASKA. PUBLIC EDUCATION IS ONE OF THE FEW THINGS THAT DOES WORK WELL IN A STATE AS WIDLY DIVERSIFY AS OURS. IF THIS LEGISLATION WERE TO PASS,ALASKAN CHILDREN WOULD QUICKLY FALL BEHIND THE REST OF THE NATION IN EDUCATION.

Entered in MAT on 2/16/99 POMID: 628

Distribution: 12

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 9 out of 12.

POM for Representative Kohring



From: Ms Margaret Kenshalo  
PO Box 1586

Telephone: 745-3115

Palmer, AK 99645

NON Constituent

Registered Voter: Y

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I AM VERY MUCH AGAINST THIS LEGISLATION.

Entered in MAT on 2/16/99 POMID: 625

Distribution: 12

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 8 out of 12.

POM for Representative Kohring



From: Ms Susan Blanton  
POB 1027

Telephone: 733-2142

Talkeetna, AK 99676

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**URGING YOU TO VOTE NO ON HB 5. I DON'T BELIEVE IN FUNDING PRIVATE  
INSTITUTIONS WITH PUBLIC MONEY.**

Entered in MAT on 2/16/99 POMID: 622

Distribution: 18

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 7 out of 12.

POM for Representative Kohring



From: Mr Cary Birdsall  
POB 403

Telephone: 733-1032

Talkeetna, AK 99676

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**I URGE YOU TO PLEASE VOTE AGAINST HB 5. IT IS DESTRUCTIVE TO FUNNEL PUBLIC EDUCATION MONEY INTO PRIVATE ENTERPRISE.**

Entered in MAT on 2/16/99 POMID: 621

Distribution: 34

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 6 out of 12.

POM for Representative Kohring



From: Mrs Margaret L Egelus  
PO Box 162

Telephone: 746-5610

Wasilla, AK 99654

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION

Message:

WE DESPERATELY NEED TO REVIEW ED FUNDING. PUBLIC SCHOOLS WILL SOON BE LEFT WITH ONLY SPECIAL ED KIDS WHOSE PARENTS CAN'T TRANSPORT THEM TO CHARTER OR HOME SCH & KIDS WHOSE PARENTS DON'T KNOW HOW BAD IT'S GETTING. PEOPLE MOVING TO THE AREA WANT TO KNOW ABOUT THE LARGE CLASS SIZES, LACK OF ACTIVITIES AND INCREASING NEEDS. AS A LONG TIME VOLUNTEER IN PUBLIC SCHLS AND REPUBLICAN VOTER, I ASK THAT YOU RETHINK YOUR POSITION ON ED. & GET MORE FUNDING

Entered in MAT on 2/16/99 POMID: 592

Distribution: 3

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 1 out of 12.

# POM for Representative Kohring



From: Ms Mary Gunderson  
HC 89 Box 621

Telephone: 733-2528

Willow, AK 99688

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**I URGE YOUR OPPOSITION TO HB 5.**

Entered in MAT on 2/16/99 POMID: 618

Distribution: 34

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 3 out of 12.

POM for Representative Kohring



From: Ms Ruth McMullen  
POB 874814

Telephone: 373-2086

Wasilla, AK 99687

NON Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

**CURRENTLY I AM AGAINST HB 5. IT HASN'T BEEN WELL THOUGHT OUT, IT REALLY DAMAGES ALREADY-SUFFERING PUBLIC SCHOOLS.**

Entered in MAT on 2/16/99 POMID: 619

Distribution: 34

[Main Menu](#)

[Store All](#)

[Store This One](#)

[Prev POM](#)

[Next POM](#)

Message 4 out of 12.

POM for Representative Kohring



From: Ms Pat Gakin  
POB 871304

Telephone: 373-4717

Wasilla, AK 99687

Constituent

Registered Voter: U

Bill: HB 5 Title: VOUCHER SYSTEM FOR EDUCATION  
Message:

I AM URGING YOU TO PLEASE VOTE AGAINST HB 5.

Entered in MAT on 2/16/99 POMID: 620

Distribution: 34

Main Menu

Store All

Store This One

Prev POM

Next POM

Message 5 out of 12.

FEB 23 1999

**COMMITTEE TESTIMONY** Regarding HOUSE BILL NO.5  
**"Voucher System for Education"**

My Name is Helene Antel Brooks. I am a wife, the mother of a student enrolled in the Mat-Su School District, an attorney, and a member of the Mat-Su School Board. I would have liked to present my views on this proposed piece of legislation in person; but, unfortunately other business commitments do not make that possible. These written comments will thus have to suffice.

It is with the utmost dismay that I find myself witness to intentional efforts by our elected representatives to dismantle the public school system. HB No. 5 is nothing more than a public attempt to validate parochial selfishness. Indeed, the public education system, not only in Alaska but across our great nation, is in need of care and revitalization. The appropriate response to this condition is to accept responsibility for it. The inappropriate response suggested by HB 5, is simply to run away. The temptation to flee public education by such means as a voucher system, is in reality a reflection of our inability to accept that we ourselves have created all of the alleged inadequacies of which we complain. As a society we have egregiously failed to support, nourish or adequately fund public education for several decades. We have diminished the potential success of our system of public education by abandoning it. The fault is not in the system; but, it is ours if public schools can no longer inspire and enable *all* young people to reach for the stars.

America was--and still is, a great experiment. It is based upon the precept that government is not something separate from the people. *Government is not they, it is we the people.* Democracy requires that we endeavor to *give all the same chances.* The weaker must grow strong and the ignorant more wise. The selfish must learn generosity. We must work together--not against each other, to strengthen our most vital public institution: education. If democracy as an institution is to live, we must recommit ourselves to it. We must not break that which binds diversity into a powerful whole by segregating ourselves into small pockets of like mindedness. Only as a diverse people united will we continue to stand.

America's system of public education gives both rich and poor, loved and unloved, the orphaned child and the child well cared for, the same chance to dream of limitless horizons. It is the cornerstone of our great nation. To even consider the voucher system proposed by HB 5, threatens to tear apart the American dream.

I am strongly opposed to HB 5

**Subject:** school vouchers

**Date:** Mon, 22 Feb 1999 08:46:47 -0900

**From:** "Dr. Kevin Tomera" <ktomera@alaska.net>

**To:** <Representative\_Vic\_Kohring@legis.state.ak.us>

I support school vouchers  
kelly tomera  
1820 stanford dr  
anchorage ak 99508  
ktomera@alaska.net

**Subject:** school voucher

**Date:** Mon, 22 Feb 1999 17:17:45 -0800

**From:** Hao <hao@alaska.net>

**To:** Randy\_Lorenz@legis.state.ak.us

**From:** Rick Hao     521 S Lane   Anch   Ak   338-1200

I support Rep.Vic Kohring bill to provide a school voucher system for the State of Alaska. This bill will help change the aptitude and attitude of education professionals and what the public demands from our public education system.

**Subject: Vouchers**

**Date: Mon, 22 Feb 1999 12:19:05 -0900**

**From: David Chapman <chapmand@mtaonline.net>**

**To: Randy\_Lorenz@legis.state.ak.us**

Dear Mr. Kohring,

We are a home school family and would like to give our opinion on vouchers.

We would only be in favor of them if there is absolutely no government intervention concerning what or how our children are taught at home. We

are not enrolled in any state supported program, and don't plan to be, and

we don't want to lose the freedoms we enjoy in this wonderful state.

Thank you very much for the fine job you have been doing in the legislature.

God Bless you and your family.

Sincerely,

David and Tina Chapman

PO Box 4088

Palmer, AK 99645