

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11136 SENATE HEALTH, EDUCATION & SOCIAL SERVICES

Length of Stay Extensions at Bartlett FY 03

- Difficulty in stabilizing on medications; developed many side effects to medications
- Placement, working w/ courts to get guardianship
- Difficulty in stabilizing medications, many reactions
- Placement, unable to release safely by self, not appropriate for API
- MD felt API placement inappropriate, better to stay within the southeast community
- Stabilizing on medications
- Difficulty in stabilizing on medications related to reactions/EPS
- Was off medication completely, restarted and stabilized
- Stabilizing on medications
- Co-occurring ETOH abuse, needing extra time
- Newly diagnosed, stabilizing on medication

Hospital CEO notes that most delays occurred with patients sent from across the region where resources tend to be less than in Juneau. Sixty-four percent of the delays were related to medication issues. More assertive discharge planning may be able to facilitate earlier discharges. Discharge planning should begin on Day of Admission by hospital staff and local programs. More active management by DBH/API/First Health may facilitate more timely discharges.

2003 Monthly Federal Poverty Guidelines for Alaska

Effective 9/1/2002

Household Size	QMB Working Disabled (Premium Level)	SLMB Base	SLMB Plus	Denali KidCare (limit for insured children)	Denali KidCare (limit for uninsured children) Pregnant Women	Transitional Medicaid DET	QDWI	Working Disabled (eligibility)
	100%	120%	135%	150%	175%	185%	200%	250%
1	\$935	\$1,121	\$1,262	\$1,402	\$1,635	\$1,729	\$1,869	\$2,336
2	\$1,262	\$1,514	\$1,704	\$1,893	\$2,208	\$2,335	\$2,524	\$3,155
3	\$1,590			\$2,384	\$2,782	\$2,940	\$3,179	\$3,973
4	\$1,917			\$2,875	\$3,355	\$3,546	\$3,834	\$4,792
5	\$2,245			\$3,367	\$3,928	\$4,152	\$4,489	\$5,611
6	\$2,572			\$3,858	\$4,501	\$4,758	\$5,144	\$6,430
7	\$2,900			\$4,349	\$5,074	\$5,364	\$5,799	\$7,248
8	\$3,227			\$4,840	\$5,647	\$5,970	\$6,454	\$8,086
Ea Addl	\$328			\$492	\$574	\$606	\$655	\$819

Proposed DET Monitoring Process

DBT Admission & Review Process	Existing Practice	Administered by DBH/API/1st Health
<p>I. <u>Registration:</u> Provides ability to identify level of utilization for program management. Type of Information obtained:</p> <ul style="list-style-type: none"> • Basic demographics • Program Criteria: <ul style="list-style-type: none"> • Mental status • Level of acuity (dangerousness) <p>(Note: Discharge Planning is to begin at Day 1)</p>	<p>I. <u>Registration:</u> 1. The treating physician certifies on admission that the patient meets involuntary commitment criteria. Reference AS 47.30.700-47.30.915</p> <p>Note: registration does not involve authorizing admission.</p>	<p>I. <u>Registration:</u> All registration would be sent to DBH/API</p> <p>(Note: it is possible to have online data entry into AKAIMS from the provider or API)</p>
<p>II. <u>Eight Day Review:</u></p> <p>It is assumed that the "evaluation" period is up to three days, and can be extended to 7 days. The "treatment" period is implemented from this point forward.</p> <p>Note: Updating the means for documentation to more clearly articulate that criteria for continued stay is evident.</p> <p>(NOTE: Discharge planning should be updated)</p>	<p>II. <u>Eight Day Review:</u> 1. The treating physician makes a daily notation n each patient's care chart regarding whether the patient continues to meet the involuntary commitment criteria, and recertifies every 7 days, whether the patient continues to meet criteria.* (Reference the <u>Mental Health Treatment Assistance Eligibility Manual</u>, p.3)</p> <p>2. "The division will reimburse a designated evaluation facility for no more than 7 days for evaluation and crisis stabilization or for transition to community-based services if the division determines the amount of time is clinically appropriate" (Reference the <u>Mental Health Treatment Assistance Eligibility Manual</u>, p.6) Reference 7 AAC 75.520(b) and (c).</p>	<p>II. <u>Eight Day Review: (est. # 60-70)</u> DBH/API staff would conduct the 8 day review.</p> <p>1. Does the evaluation period exceed 7 days?</p> <ul style="list-style-type: none"> • No.....No review is conducted • Yes... Medical necessity of extension is reviewed: Criteria met? <ul style="list-style-type: none"> • Yes...extension is approved. • No....provider contacted for more information. Criteria met? <ul style="list-style-type: none"> • Yes...extension is approved. • No...DBH medical director consults with provider. Criteria met? <ul style="list-style-type: none"> • Yes...extension approved • No... payment denied
<p>III. <u>Retrospective Review</u></p> <p>This review would occur within 90 days of admission, after discharge.</p> <ul style="list-style-type: none"> • Same as time limit for bill submission • Note: this would involve, on average, 275 clients annually. 	<p>III. <u>Retrospective Review</u> 1. The division will reimburse a designated treatment facility for no more than 40 days for evaluation, treatment, and crisis stabilization or for transition to community-based services if the division determines the amount of time is clinically appropriate</p> <p>(Reference the <u>Mental Health Treatment Assistance Eligibility Manual</u>, p.7) Reference 7 AAC 75.520(b) and (c).</p>	<p>III. <u>Retrospective Review</u> API staff would conduct review. Sources used: the client file Process:</p> <ol style="list-style-type: none"> 1. Paperwork is filed in a timely manner 2. Admission criteria is met? 3. File contains medical necessity that matches length of stay with client need? 4. File contains discharge planning that includes referral linkage to community based programs?

Summary of DES/T for FY00 to FY03 Hospitals Only

		Clients Served in Fiscal Year				
Region	Facility	FY00	FY01	FY02	FY03	
ARO	Providence Hospital	2	0	0	0	
ARO	North Star Hospital	0	0	2	0	
NRO	Fairbanks Memorial Hospital	127	185	207	178	
NRO	YKHC	6	6	2	0	
SCRO	Providence Kodiak Island Medical	12	9	0	1	
SCRO	Valdez Community Hospital	0	0	2	0	
SERO	Bartlett Memorial Hospital	44	68	65	57	
SERO	Ketchikan General Hospital	33	21	0	0	
SERO	Mt Edgecombe Hospital	2	1	8	8	
SERO	Petersburg General	0	1	0	0	
	Statewide	226	291	286	244	
		Days of Evaluation and Treatment Services in Fiscal Year				
Region	Facility	FY00	FY01	FY02	FY03	
ARO	Providence Hospital	6	0	0	0	
ARO	North Star Hospital	0	0	6	0	
NRO	Fairbanks Memorial Hospital	874	791	892	991	
NRO	YKHC	8	12	2	0	
SCRO	Providence Kodiak Island Medical	22	24	0	4	
SCRO	Valdez Community Hospital	0	0	6	0	
SERO	Bartlett Memorial Hospital	235	460	430	670	
SERO	Ketchikan General Hospital	59	33	0	0	
SERO	Mt Edgecombe Hospital	2	2	28	21	
SERO	Petersburg General	0	1	0	0	
	Statewide	1206	1323	1364	1686	
		Average Length of Stay in Fiscal Year				
Region	Facility	FY00	FY01	FY02	FY03	
ARO	Providence Hospital	3	0	0	0	
ARO	North Star Hospital	0	0	3	0	
NRO	Fairbanks Memorial Hospital	6.9	4.3	4.33	5.6	
NRO	YKHC	1.3	2	1	0	
SCRO	Providence Kodiak Island Medical	1.8	2.7	0	4	
SCRO	Valdez Community Hospital	0	0	3	0	
SERO	Bartlett Memorial Hospital	5.3	6.8	6.6	11.8	
SERO	Ketchikan General Hospital	1.8	1.6	0	0	
SERO	Mt Edgecombe Hospital	1	2	3.5	2.6	
SERO	Petersburg General	0	1	0	0	
	Statewide	3	2.9	3.6	6	
		Cost of Increase 01 to 03				Estimated
Statewide		FY01	FY02	FY03	Cost Increases	
Average Daily Medicaid Rate		1178	1449	1493		
Percentage of Increase in Rate					27%	\$534,090
Total Bed Days		1323	1364	1686		
Percentage of Increase in Days					27%	\$612,018
Total DES/T		\$1,410,745	\$2,470,511	\$2,831,728		
Percentage of Increase in Cost					100%	\$1,420,938

SB 364 / HB 535 -- DET Bill Summary -- 3/31/04

Background/Intent

The existing statutes require the State to cover the costs of diagnosis, evaluation and treatment (DET) for financially eligible patients who need to be involuntarily committed to non-state-operated hospitals. The costs of these services and the related transportation cost have increased over the years. The intent of this bill is to:

- Establish that this is not an entitlement
- Clearly communicate that costs incurred will only be covered up to the amount appropriated by the legislature
- Require hospitals to notify the Department within 24 hours of admission of a potentially eligible individual, allowing the Department to assist in timely and appropriate discharge to community based programs
- Establish that the Department is under no obligation to pay for services a hospital delivers to a patient beyond recommended discharge date
- Funding is decreased between FY04 and FY05

Program Effects

- Contains costs on an annual basis
- 24-hour registration assists Department to determine costs at time they are incurred and thus allow for fiscal management
- Limit State responsibility to funds appropriated by legislature

Cost Progression 2000-2005

FY00	\$	1,901,480	
FY01		2,055,420	
FY02		2,284,930	
FY03		3,384,430	
FY 04 Budget		3,096,800	
FY 05 Budget		1,901,480	Strategies being explored to expand federal participation via Disproportionate Share (DSH)

Cost Saving Strategies

- Update transportation policies and procedures
 - Ambulances

DET Sites

- Fairbanks
- Juneau

Other Sites

Palmer, Ketchikan, Cordova, Homer, Valdez, Sitka,
Bethel, Kodiak

Cost Comparisons between API and DET/S Facilities

- API daily rate 757.46
- Fairbanks 1,646.91
- Bartlett 1,636.04
- Ketchikan 1,800.68
- Mt. Edgecombe 2,049.00
- Bethel 2,049.00

Explanation for Cost Increases over years

100% of Hospital cost increases between 01 and 03

27% of Hospital increases in average daily Medicaid between 01 and 03

27% of Hospital increases in total beds used between 01 and 03

Management of Costs

Costs within existing budget – if retrospective reviews are changed from DBH staff to First Health the cost would be about \$31,800/year based on a current charge of \$111.44/review X 275 reviews (average # of admissions / last 3 years).

If we add an early review at 8th day of admission (transitioning from evaluation to treatment) we can also add discussion about eligibility and discharge planning, the cost would increase by \$7,000 based on 63 admissions over 8 days in FY03. The total First Health review costs would be about \$40,000/year.



Health, Education, and Social Services Committee Alaska State Senate

SB 364—Letter of Intent

It is the intent of the legislature that the Department of Health and Social Services continue to develop and support a continuum of mental health care that includes community-based outpatient and supportive services, community hospital-based inpatient evaluation and treatment services, and tertiary mental health care through the Alaska Psychiatric Institute. In developing this system the Department of Health and Social Services shall be guided by the principles that mental health services should be clinically appropriate, cost effective, offered in the least restrictive setting available, and provided as close to the client's home as possible.

It is further the intent of the legislature that in the event of a shortfall in appropriations for mental health evaluation and treatment at community hospitals to stabilize persons experiencing a psychiatric emergency or crisis, and who meet the criteria for involuntary commitment under AS 47.30.700 – AS 47.30.915, the Department of Health and Social Services shall make every effort to identify additional financing sources or reallocate appropriations available for the purpose from lesser priorities to continue these important services for the remainder of the fiscal year.

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/8/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 4.5.04

Health, Education and Social Services Committee considered

SENATE BILL NO. 364

SB 364 LIMIT STATE AID FOR MENTAL HEALTH CARE

"An Act relating to liability for expenses of placement in certain mental health facilities; relating to the mental health treatment assistance program; and providing for an effective date."

and recommends:

be replaced with _____ CS SB 364 (HES)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by H.E.S.S. Committee

further referral to _____ Committee

Senate Bill:

- Same Title
 New Title

House Bill:

- Same Title
 Technical Title Change
 New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
					4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	2/05	✓			1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>				✓
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>		X		
CHAIR: <i>[Signature]</i>	✓			

SB

372

Interim:
600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax



Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
(907) 465-3805 Fax

SENATOR LYDA GREEN
SENATE DISTRICT G

SB 372 Sponsor Statement

“An Act relating to secondary school assessments for students with disabilities; and providing for an effective date.”

SB 372 ensures that the Exit Exam regulations address the needs of the learning disabled student while still holding schools accountable. SB 372 provides for individualized assessment mechanisms, not just the use of tools to assist the student on the standardized exit exam, to address the needs of learning disabled students.

SB 372

- (1) Allows *disabled students* (who do not achieve a passing score on the exit exam) to receive a diploma if the student successfully completes an *individualized assessment* which demonstrates proficiency on the performance standards established and required by the student's individualized education plan.
- (2) Allows for students with a *severe cognitive disability* to participate in an assessment based on alternate academic standards and *to receive a diploma without taking the exit exam* if the student meets graduation requirements and successfully completes the assessment. This would address a void in the statute wherein the statute does not provide a system for a severely cognitively disabled student to earn a diploma.
- (3) Delays for one year the deadline for a student's IEP to provide for an individualized assessment mechanism.

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


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 30, 2004

SUBJECT: Secondary School Assessments (SB 372)

TO: Senator Lyda Green
Attn: Kim Carnot

FROM: Jean M. Mischel
Legislative Counsel 

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

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

Section 1. Expresses the legislature's intent that regulations adopted for individualized assessment programs under AS 14.03.075 may not limit the programs to modified versions of the secondary school competency examination.

Section 2. Adds an exception for certain students with disabilities to take an alternate assessment to the secondary school competency examination in addition to the current system of requiring some students with disabilities who have failed the competency examination to take an individualized assessment. Changes the name of "alternative assessment" to "individualized assessment." The individualized assessment is to be based upon performance standards established for the student in the student's IEP or education plan. Deletes requirements that the individualized/alternate assessment conform, to the maximum extent possible, to state performance standards and that the department approve an alternative assessment program for a student. Provides that a student with a severe cognitive disability shall receive a diploma even if the student does not pass the regular competency examination or an individualized/alternate assessment if the student is eligible under board regulations to participate in our alternate assessment, successfully completes that assessment in grade 10, and meets other graduation requirements, such as those relating to credit hours.

Section 3. Adds references to the individualized and the alternate assessments to the requirement that the department establish uniform standards in regulations for the assessments. Deletes a prohibition against changing an assessment system in a student's junior year. This prohibition is reinstated by sec. 4.

Senator Lyda Green

March 30, 2004

Page 2

Section 4. Effective July 1, 2005, adds back in the prohibition against changing an assessment system in a student's junior year.

Section 5. Changes the reference in the school performance reporting requirement to "individualized assessment" from "alternative assessment."

Section 6. Provides a delayed effective date for section 4.

Section 7. Provides an immediate effective date for the Act except as provided in section 6.

JMM:mdr

04-125.mdr

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 372
 () Publish Date: 3/19/2004

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title An Act relating to secondary RDU Teaching & Learning Support
school assessments Component Quality Schools
 Sponsor Senate HESS
 Requester _____ Component No. 2147

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 372 requires a student to successfully complete an alternate assessment. Currently the costs for this assessment are covered by federal funds as it is a federal requirement for grade 10 only and students are not required to be proficient. If a student is required to successfully complete they would need to be proficient and therefore may be required to repeat the assessment in 11th and 12th grade. At the same time, SB 372 removes the requirement for a department approved alternative assessment program and replaces it with an individualized assessment program determined for the student under their IEP for those special education students that do not fall under the severely cognitively disabled category. The department believes that existing staff in the agency would be able to provide technical assistance and guidance to district IEP teams in establishing individualized assessment programs and also address the cost for repeating the alternate assessment, if necessary.

Prepared by: Les Morse, Director of Assessment Phone 465-8691
 Division Teaching and Learning Support Date/Time 3/31/04 8:58 AM
 Approved by: Karen J. Rehfeld, Deputy Commissioner Date 3/31/2004
 Agency Department of Education & Early Development

SB

373



Health, Education, and Social Services Committee Alaska State Senate

SB 373 Sponsor Statement

Current Alaska statutes require that all residents participating in the WAMI/Family Practice Residency program receive a permit by the State Medical Board for a period not to exceed 18 months after the date of issue. Renewal permits to continue residency or internship are also issued by the Board, for a period not to exceed 18 months after the date of renewal.

Given that the WAMI/Family Practice Residency program is a three-year program, all residents are required to get a renewal. The reapplication process has been fraught with logistical problems, to the point that residents have needed to interrupt their training on multiple occasions because the renewed permits were not issued efficiently. This legislation would extend residency and internship permits issued by the State Medical Board from 18 months to 36 months.

Dr. Harold Johnston, head of the Family Practice Residency, discussed this issue with members of the State Medical Board, and as a result, the Board unanimously passed a resolution supporting this change at their recent January meeting. Dr. Alex Malter, President of the Alaska State Medical Association, also has indicated that his organization is not opposed to this change.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 373
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Physician Interns RDU Occupational Licensing (117)
and Residents Component Occupational Licensing
 Sponsor Senate HESS
 Requester Senate HESS Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 373 increases the number of months that a residency or internship permit is valid. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144
 Division Occupational Licensing Date/Time 3/23/04 2:45 PM
 Approved by: Edgar Blatchford, Commissioner Date 3/23/2004
 Agency Department of Community and Economic Development

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 3/19/04

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3.23.04

Health, Education and Social Services Committee considered

SENATE BILL NO. 373

SB 373 PHYSICIAN INTERNS AND RESIDENTS

"An Act relating to residency and internship permits issued by the State Medical Board; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
CED	3/23			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>Karla Green</i>	✓			
<i>Fred</i>				
<i>Samuel</i>	✓			
<i>Betty Deves</i>	x			
CHAIR: <i>Fred Dym</i>	✓			

SB

383



Health, Education, and Social Services Committee Alaska State Senate

SPONSOR STATEMENT

SB 383—*"An Act relating to the Alaska children's trust grant awards."*

The Alaska Children's Trust Board awards grants to community-based programs and projects that aim to prevent child abuse and neglect. Recipients of these grants must certify financial feasibility and demonstrate a plan for effective intervention. The Board measures these grantees according to their goals. To modify the parameters of this grant program, the Alaska Children's Trustees have developed SB 383.

SB 383 removes the \$50,000 cap on maximum annual grant awards. This provides more flexibility to in determining grant amounts, and prepares the program for an anticipated increase in federal funding.

SB 383 also refines the funding formula in these awards, as depicted in the following table.

<u>Grant year</u>	<u>Previous funding amount</u>	<u>New funding amount</u>
1	up to 75% of the program costs	up to 75% of the program costs
2	up to 75% of the program costs	up to 50% of the program costs
3	up to 50% of the program costs	up to 25% of the program costs
4	up to 50% of the program costs	up to 25% of the program costs
Subsequent	up to 25% of the program costs	

In addition to creating a 4-year limit on grant awards, SB 373 requires the grant recipient to include a plan for self-sustainability. The Trustees also seek the enforce grant reductions upon programs that do not accomplish their objectives.

Article 03. ALASKA CHILDREN'S TRUST

Sec. 37.14.200. Alaska children's trust established.

- (a) The Alaska children's trust is established as a separate endowment trust of the state.
- (b) The principal of the trust consists of
 - (1) legislative appropriations to the trust; and
 - (2) gifts, bequests, and contributions of cash or other assets from a person.
- (c) The net income of the trust shall be determined by the commissioner of revenue in accordance with investment accounting principles and in a manner that preserves the distinction between principal and income.

Sec. 37.14.210. Powers and duties of the commissioner of revenue.

The commissioner of revenue is the treasurer of the trust and has the power and duty to

- (1) act as official custodian of the cash and investments belonging to the trust by securing adequate and safe custodial facilities;
- (2) receive all items of cash and investments belonging to the trust;
- (3) collect the principal and income from investments owned or acquired by the trust and deposit the amounts in separate principal and income accounts for the trust;
- (4) invest and reinvest the assets of the trust as provided in this section and as provided for the investment of funds under AS 14.25.180(c) and AS 37.14.170 ;
- (5) exercise the powers of an owner with respect to the assets of the trust;
- (6) maintain accounting records of the trust in accordance with investment accounting principles and with distinction between the principal and income accounts of the trust;
- (7) engage an independent firm of certified public accountants to annually audit the financial condition of the trust's investments and investment transactions;
- (8) enter into and enforce contracts or agreements considered necessary for the investment purposes of the trust;
- (9) report to the board the condition and investment performance of the trust;
- (10) do all acts, whether or not expressly authorized, that the commissioner of revenue considers necessary or proper in administering the assets of the trust.

Sec. 37.14.220. Administration of the trust.

The trust shall be administered by the Alaska Children's Trust Board.

Sec. 37.14.225. Trust board established.

The Alaska Children's Trust Board is established in the Office of the Governor. The board is composed of

- (1) the governor or a designee of the governor;
 - (2) the commissioner of health and social services or the commissioner's designee;
 - (3) the commissioner of education and early development or the commissioner's designee;
- and
- (4) four public members appointed by the governor; in appointing the public members, the governor shall give a preference to persons who have experience and expertise in
 - (A) children's or prevention programs; or
 - (B) private sector finance.

Sec. 37.14.230. Powers and duties of the board.

When acting as administrator of the trust, the board shall

(1) hold regular and special meetings it considers necessary; the board may hold meetings by teleconference;

(2) award grants from the net income of the trust to community-based programs and projects that the board finds will aid in the prevention of child abuse and neglect;

(3) monitor approved programs and projects for compliance with AS 37.14.200 - 37.14.270;

(4) before providing assistance to a program or project, approve written findings on the program or project that include a consideration of the means of measuring the effectiveness of the program or project;

(5) apply for, and use net income from the trust to obtain, private and federal grants for the prevention of child abuse and neglect;

(6) solicit contributions, gifts, and bequests to the trust;

(7) keep audio tape recordings of each meeting of the board to be made available on request; and

(8) submit to the governor and make available to the legislature by February 1 each year a report describing

(A) the child abuse and neglect prevention services that were provided by the programs and projects to which the board awarded grants; and

(B) the annual level of contributions, income, and expenses of the trust.

Sec. 37.14.240. Fund utilization.

(a) Except as provided in (d) of this section, the principal of the trust and any capital gains or losses realized on the principal shall be retained perpetually in the trust for investment as specified in AS 37.14.210, and may not be used for the awarding of grants.

(b) The net income of the trust may be appropriated only for the following purposes:

(1) the awarding of grants;

(2) obtaining private and federal grants for the trust;

(3) soliciting contributions, gifts, and bequests for the trust; and

(4) reimbursement to the Department of Revenue for the costs of establishing the trust.

(c) Realized net income that has not been appropriated, or that has been appropriated but not expended, shall be invested until appropriated and expended.

(d) Up to \$150,000 per year may be appropriated from the principal of the trust for the administrative expenses of the board relating to AS 37.14.200 - 37.14.270.

Sec. 37.14.250. Grants.

(a) In awarding grants from the net income of the trust, the board shall consider the proposals of a qualified applicant only after the applicant has submitted a detailed proposal in the form prescribed by the board. The board may not award a grant unless the board makes written findings that

(1) the proposed project, if successful, will help prevent child abuse or neglect;

(2) the application for financial assistance contains an adequate plan for project implementation, including both financial feasibility and project effectiveness;

(3) the applicant demonstrates that sufficient technical expertise is available to accomplish the objectives of the proposed program or project; and

(4) the applicant has identified costs associated with and ancillary to the project, additional governmental costs, future obligations generated by the program or project, and necessary operating, maintenance, or other support costs for the life of the program or project.

(b) The board may establish other requirements for the award of grants under this section if necessary to carry out the purpose of the trust.

(c) The board shall award grants in amounts that

(1) are appropriate to the conditions of the applicant and the proposed program or project; and

(2) will make the most effective use of the money available.

(d) The amount of all grants awarded by the board during a 12-month period to a single project or program may not exceed \$50,000. The board may not finance more than 75 percent of the cost of a program or project during each of the first two years for which the program or project receives a grant, 50 percent during each of the third and fourth years, and 25 percent during each year thereafter.

(e) A recipient of a grant may not use more than 10 percent of the grant for administration of the program or project.

(f) To the extent consistent with the terms or conditions of the grant, a private or federal grant awarded to the board shall be distributed in the same manner as provided for grants under this section and AS 37.14.260 .

Sec. 37.14.260. Eligibility for grants.

The board may award a grant to an applicant if

(1) the applicant has submitted a proposal that is acceptable to the board; and

(2) programs and projects, if any, of the applicant that have previously received a grant from the board have complied with all requirements of that assistance and have performed with sufficient success or promise to warrant further financial assistance.

Sec. 37.14.270. Definitions.

In AS 37.14.200 - 37.14.270

(1) "board" means the Alaska Children's Trust Board;

(2) "child abuse and neglect" has the meaning given in AS 47.17.290 ;

(3) "prevention of child abuse and neglect" includes primary and secondary prevention programs; in this paragraph

(A) "primary prevention program" means an educational or training program intended to raise the awareness of and change attitudes concerning child abuse and neglect and its prevention;

(B) "secondary prevention program" means a service intended to reach high-risk groups and to prevent the occurrence or recurrence of child abuse and neglect;

(4) "trust" means the Alaska children's trust established in AS 37.14.200.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB383-DHSS-OCS-04-08-04

() Publish Date: _____
Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction): _____

Title RELATING TO ALASKA CHILDREN'S TRUST GRANT AWARDS

RDU Children's Services

Component Children's Trust Programs

Sponsor SENATE (HES)

Requester SENATE(HES)

Component No. 2251

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 383 amends the funding formula for the Alaska Children's Trust (ACT) grants and makes additional amendments regarding the administration of these grants. It eliminates the maximum amount of a grant (\$50,000), giving more flexibility to the Trustees in determining grant amounts. It provides for a new funding formula by reducing the length of time funding is awarded to any one project to a maximum of four years, currently a grant can be awarded beyond six years at the 25 percent level of the original amount of the grant. SB 383 also changes the percentage of funding during the second year from 75 percent to 50 percent, and changes the (continued on next page)

Prepared by: Marcia Kennai, Deputy Commissioner
Division: Office of Childrens Services
Approved by: Joel S. Gilbertson, Commissioner
Agency: Department of Health and Social Services

Phone 465-3191
Date/Time 04/05/2004
Date 04/08/2004

FISCAL NOTE
FN #

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. SB383-DHSS-OCS-04-08-04

ANALYSIS CONTINUATION

third year from 50 percent to 25 percent. The fourth year of funding would be at 25 percent of the original grant amount. The bill also gives the ACT the ability or latitude to reduce or discontinue a grant at any time if outcomes are not achieved and it requires grantees to include in their project or program a plan for sustainability and self-sufficiency. This bill does not impact the amount of funds available for ACT grants, as it only relates to the method of distribution of these funds. The department does not anticipate any fiscal impact should this bill become law.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Health & Social Services	DIVISION OCS	BILL NUMBER SB 383	SPONSOR SENATE (HES)
SHORT TITLE OF BILL RELATING TO ALASKA CHILDREN'S TRUST GRANT AWARDS			
DEPARTMENT POSITION Support			
PREPARED BY Joanne Gibbens	DATE 04/05/2004	COMMISSIONER'S SIGNATURE Joel S. Gilbertson	DATE 04/08/2004

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Grantees and potential grantees of the Alaska Children's Trust	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL Alaska Children's Trust Trustees	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 383 amends the funding formula for the Alaska Children's Trust (ACT) grants and makes additional amendments regarding the administration of these grants.

ANALYSIS OF BILL/PROGRAM EFFECTS

Section 1 - This section amends AS 37.14.250(a) by adding an additional requirement that the board may not award a grant unless it makes written findings that the applicant has included a plan for sustainability and self-sufficiency of the project or program after the grant period.

Section 2 - This section repeals and reenacts AS 37.14.250(d). It eliminates the maximum amount of a grant (\$50,000) giving more flexibility to the Trustees in determining grant amounts. It provides for a new funding formula by reducing the length of time funding is awarded to any one project to a maximum of four years. Currently a grant can be awarded beyond six years at the 25 percent level of the original amount of the grant.

AMENDMENTS PROPOSED

None

BILL ANALYSIS

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. SB 383

Additional Comments

SB 383 also changes the percentage of funding allowable during the second year from 75 percent to 50 percent, and changes the third and fourth years from 50 percent to 25 percent.

Section 3 - This section amends AS 37.14.250 by adding a new section (g) which gives the ACT the ability or latitude to reduce or discontinue a grant at any time if outcomes are not achieved.

The Department supports SB 383. These statutory changes will provide greater flexibility and accountability in the use of Trust funds.



Working in partnership with communities to prevent child abuse and neglect.

There may be errors in this document.

Alaska Children's Trust
Summary of FY 2004 Grant Awards
In partnership with the
Alaska Mental Health Trust Authority

Continuing Grantees

Organization: Alaska Legal Services Corporation
Project Name: Children At-Risk
Community: Anchorage
ACT / AMHTA Grant Award: \$18,000

The *Children At-Risk* project will empower parents and children facing domestic violence to use the legal system to increase family safety, stability and self-sufficiency. The project will also coordinate with other family support providers to give parents and children access to a seamless continuum of holistic services.



Organization: Bartlett Regional Hospital
Project Name: Fathers Project
Community: Juneau
ACT Grant Award: \$6,688

The *Fathers Project* will provide a pre- and postnatal support group for new fathers, as well as education to health care providers about the importance of fathers and ways to encourage their involvement.



Organization: Center for Community
Project Name: Teach Your Children Well
Community: Sitka
ACT Grant Award: \$20,000

Teach Your Children Well is a parent support program featuring a radio program on parent and child health. Additional services include prenatal classes, newborn home visits, parenting classes, and a parent-child playgroup.



Organization: City of Saxman
Project Name: Saxman Youth Breakfast and Homework Club
Community: Saxman
ACT Grant Award: \$15,000

The Saxman Youth Breakfast and Homework Club is a unique program that offers Saxman youth a nutritious morning snack prior to boarding the school bus. Youth are encouraged to participate in a variety of activities and discussions that teach them the skills to handle conflicts and build confidence. In addition, youth receive after school assistance with school projects and homework. Parent volunteers, a youth liaison and a local social worker staff the club.



Organization: Covenant House Alaska
Project Name: Project Nurture
Community: Anchorage
ACT Grant Award: \$7,000

Passage House is a residential facility for single pregnant and parenting women ages 16 to 20. The ACT funds *Project Nurture*, an aftercare program that provides home visiting and supportive services over the 12-month period following discharge from Passage House. ACT funds will support a Young Mothers Empowerment Conference/Retreat for all residents and graduates of Passage House.



Organization: Fairbanks Counseling and Adoption
Project Name: Responsible Fathers
Community: Fairbanks
ACT Grant Award: \$4,999

Responsible Fathers is a two-phase program to help teen fathers increase involvement with, and responsibility for, their children. The interactive components include supervised playtime, teen parent mediation services, work exchange for baby items, and parenting education. Outreach will be to all teens but will target teen fathers in the Fairbanks Youth Facility, new recruits at Ft. Wainwright Army base and senior high classes.



Organization: Fairbanks Resource Agency
Project Name: Supported Parenting
Community: Fairbanks
ACT / AMHTA Grant Award: \$5,669

Supported Parenting is a hands-on parent education program designed for parents with developmental disabilities or other limitations, which prevent them from benefiting from traditional parent education. The project has developed a skill-building format that acknowledges the personal learning styles and cultural diversities of this "at risk" group of individuals. Childcare is offered on-site to provide opportunities for parents to practice class skills while interacting with their children. Home visits are also offered to support ongoing application of skills.

Organization: Homer Children's Services Inc.
Project Name: The Birth 2 Three Project
Community: Homer
ACT Grant Award: \$7,353

The Birth 2 Three project is a universal access prenatal and early childhood family education and support program for families. The ACT funded project supports monthly pre and postnatal home visits to families to reinforce families' efforts to give infants and toddlers their best possible start in life.



Organization: Hoonah City Schools
Project Name: Parents As Teachers
Community: Hoonah
ACT Grant Award: \$20,000

This project will provide primary prevention services to ensure children receive the healthiest start in life. Parenting education and support will be offered in prenatal and postpartum personal home visits, encouraging breast feeding as an attachment behavior. Additionally assistance will be provided to all families seeking Denali KidCare health benefits.



Organization: Juneau Family Birth Center
Project Name: Young Families Program
Community: Juneau
ACT Grant Award: \$14,019

The Young Families Program is based on a holistic and attachment-based approach to the prevention of child abuse and neglect. The program supports teen families throughout pregnancy and the parenting experience with a combination of pregnancy and parenting education, labor and birth support, home-based support, mentoring and community resource/referral services.



Organization: REACH, Inc.
Project Name: Family Support Project
Community: Juneau
ACT / AMHTA Grant Award: \$18,650

The Family Support Project will provide behavioral and infant mental health training and consultation to staff of the REACH Infant Learning Program, Healthy Families Juneau, South East Regional Resource Center, Even Start and Tlingit-Haida Head Start home visiting programs.



Organization: Resource Center for Parents and Children (RCPC)
Project Name: Community Outreach Video Project
Community: Fairbanks and Northern Alaska
ACT Grant Award: \$30,000

RCPC will continue to develop and produce a series of three parenting videos relevant to rural villages and small communities scattered throughout Northern Alaska as well as Alaska Natives living in the Fairbanks area. These videos will feature Athabascan families with a focus on promoting culturally respectful and appropriate parenting skills.



Organization: Safe & Fear-Free Environment, Inc. (S.A.F.E.)
Project Name: SAFE for LIFE
Community: Dillingham
ACT / AMHTA Grant Award: \$14,976

The SAFE for LIFE program is an integrated and comprehensive approach to providing children and their families the tools and information necessary to prevent domestic violence, child abuse and other problems related to family violence. This grant supports a Child Advocate and a Children's Services Coordinator for the SAFE For Life program.



Organization: SeaView Community Services
Project Name: Incest Awareness Campaign
Community: Seward
ACT Grant Award: \$18,381

The Incest Awareness Campaign is a multifaceted approach employing education, prevention and early intervention strategies to raise awareness about abuse in families. Specific curriculum presented by trained staff and volunteers on incest, bullying, violence, and abuse provides assistance to parents, youth, health-care providers, and educators in creating healthy family environments.



Organization: Sutton Elementary School
Project Name: The Eagles Nest Transitional Preschool
Community: Sutton
ACT Grant Award: \$21,913

The Eagle's Nest is a family resource center located at the Sutton Elementary School. Early intervention and parental involvement is the focus. The ACT funded project funds a unique transitional preschool that shares its learning environment with the kindergarten class at the school.



Organization: Talkeetna Elementary School
Project Name: Early Childhood Initiative
Community: Talkeetna
ACT Grant Award: \$30,000

The Early Childhood Initiative at the Talkeetna Elementary School is a comprehensive early childhood program providing equal access to all young children. Services are designed to target "at-risk" children and their families. Parents will receive support through home-visits, parenting classes, and special activities focusing on Dads. The children will gain important readiness skills for entering Kindergarten.



Organization: Tundra Women's Coalition (TWC)
Project Name: Children's Program
Community: Bethel and surrounding villages
ACT Grant Award: \$30,000

TWC's Children's Program provides after-school groups to at-risk K-6 grade children, a support group for teen girls, parenting sessions with shelter residents, and the Talking About Touching (TAT) child sexual abuse prevention curriculum in Bethel and village classrooms. The Alaska Children's Trust will fund staff support in the Children's Program. Staff will be responsible for running after-school groups at TWC, conducting TAT presentations in schools, starting a parent support group and training to local service providers on a new project called "A Window Between Worlds."

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/31/04

FURTHER: Finance

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 4.14.04

Health, Education and Social Services Committee considered SENATE BILL NO. 383

SB 383 CHILDREN'S TRUST GRANTS

"An Act relating to the Alaska children's trust grant awards."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	4/05			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>				✓
<i>Linda Green</i>				✓
<i>Bohannon Davis</i>	X			
<i>Ermy Hill</i>			✓	
CHAIR: <i>[Signature]</i>	X			

SB

385

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: SB385-DMVA-HLS&ES-4
 Bill Version: SB385
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Military & Veterans' Affairs
 Title An act relating to homeland security BRU Homeland Security & Emergency Ser
 Component Homeland Security & Emergency Ser
 Sponsor Senator Fred Dyson
 Requester Military & Veterans' Affairs Component No. 2657

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	0.0	*	*	*	*	*
Travel	0.0	*	*	*	*	*
Contractual	0.0	*	*	*	*	*
Supplies	0.0	*	*	*	*	*
Equipment	0.0	*	*	*	*	*
Land & Structures	0.0	*	*	*	*	*
Grants & Claims	0.0	*	*	*	*	*
Miscellaneous	0.0	*	*	*	*	*
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	*	*	*	*	*
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CHANGE IN REVENUES ()	0.0	*	*	*	*	*
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	*	*	*	*	*
1003 GF Match	0.0	*	*	*	*	*
1004 GF	0.0	*	*	*	*	*
1005 GF/Program Receipts	0.0	*	*	*	*	*
1037 GF/Mental Health	0.0	*	*	*	*	*
Other (Specify Type--Do not abbreviate)	0.0	*	*	*	*	*
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	0.0	*	*	*	*	*
Part-time	0.0	*	*	*	*	*
Temporary	0.0	*	*	*	*	*

ANALYSIS: (Attach a separate page if necessary)

The department strongly supports this legislation. It is needed for implementation for Homeland Security programs. Implementation will have no fiscal impact to the Department of Military & Veterans' Affairs.

Prepared by: John Cramer, Director Phone (907) 465-4602
 Division Administrative Services Date/Time 4/5/04 2:07 PM
 Approved by: Commissioner Craig Campbell Date 4/5/2004
 Agency Department of Military & Veterans' Affairs

Sponsor Statement:

SB _____

“An Act Relating To Homeland Security”

updated: 4/04/04

contact: Senator Fred Dyson's office 907 465-2199

SB ___ revises the Civil Defense chapter (AS 26.20) of Title 26, Military Affairs and Veterans to apply to the new Division of Homeland Security created by Governor Murkowski on January 23, 2003 using Administrative Order # 203. The new division is organized under the Department of Military and Veterans Affairs. Among other things, SB ___ defines establishes duties of the Division, changes AS 26.23 relevant to homeland security and outbreaks of disease, and combines two divisions in the Department of Military and Veterans Affairs (Division of Emergency Services and Division of Homeland Security) into a single division, the “Division of Homeland Security and Emergency Management.”

Sectional Analysis:

- Section 1 of the bill states a purpose of furthering the consolidation of DMVA's Division of Emergency Services and its Division of Homeland Security into a single division, the Division of Homeland Security and Emergency Management.
- Sections 2, 3, 4, and 9 authorize and direct DMVA to exercise its existing statutory authority for “homeland security” as well as for existing “civil defense” purposes. The civil defense chapter, AS 26.20, was enacted in 1951 during the cold war, and including “homeland security” updates this chapter to reflect current focus. The overall scope of AS 26.20 is not significantly expanded, since “civil defense” presently is defined to include “the protection and defense of the civilian population by the organized efforts of the residents of the state other than those in the military service.” AS 26.20.200(1).
- Section 4 authorizes DMVA not only to prepare homeland security plans, but to implement them, and to coordinate state agencies in the state agencies in the preparation and implementation of the plans (including conducting exercises to implement homeland security plans). Coordination and implementation functions are necessary for departments' plans to be consistent, comprehensive, and integrated with plans and programs of the federal Department of Homeland Security.

- Section 4 also authorizes DMVA to advise the governor and the legislature on homeland security and civil defense and to coordinate state agencies in providing recommendations to the governor for response to changes in the threat level.
- Section 4 also authorizes DMVA, in coordination with DPS and DOT&PF, to establish checkpoints for the inspection of persons and vehicles using state roads, state property, or state facilities at times of a high (orange) or severe (red) threat level. This provides express statutory authority in the homeland security statutes for actions taken when the threat level was increased in December 2003.
- At the request of other departments, section 4 repeals existing statutory authority authorizing DMVA to “assume direct operational control” and to “give directions to state and local law enforcement officers and agencies” in certain circumstances. In the event the governor delegates additional authority to DMVA in a disaster or homeland security emergency, section 4 authorizes DMVA to exercise such additional authority as may be delegated by the governor.
- Section 5 establishes in statute the homeland security duties of the Division of Homeland Security and Emergency Management, duties the Division of Homeland Security has undertaken since it was established in January 2003 by Administrative Order No. 203.
- Section 7 authorizes the governor to declare an emergency and exercise existing powers under AS 26.20 in the event of a “credible threat of imminent attack” rather than having to wait for an actual attack. (Similarly, section 17 authorizes the governor to declare a disaster in the event of an attack or outbreak of disease, or a credible, imminent threat of an attack or outbreak.) Section 7 also adds to the governor’s powers in the event of a declared homeland security emergency to include certain powers already available in the event of a declared disaster, so the governor can exercise these powers without having to declare a “disaster” exists.
- Section 8 defines “credible threat of imminent attack,” which triggers the governor’s emergency powers. It requires certification by the commissioner of DMVA, in consultation with the commissioner of DPS, that a threat has a high probability of occurring in the near future, based on specific reliable information. Section 8 also authorizes the legislature to terminate a declared homeland security emergency at any time by law, as is presently the case with respect to declared disaster emergencies under AS 26.23.025(c).
- Section 13 defines the terms “attack” (meaning “the use of weapons, explosives, chemicals, biological or biochemical agents, or other instruments with the potential for major force or impact, with apparent intent and apparent

capability to inflict widespread or severe injury to persons or property”) and “homeland security” (meaning “the detection, prevention, preemption, and deterrence of, protection from, and response to, attacks targeted at territory, population, or infrastructure in this state”).

- Section 14 is a cleanup provision, authorizing the governor to allocate or redistribute medicine and other supplies in the event of a disaster, which adds to the governor’s existing authority to allocate or redistribute food, water, fuel and clothing in the event of a disaster.
- Section 15 adds a cross-reference to existing statutory disaster planning and response duties of the renamed Division of Homeland Security and Emergency Management.
- Section 16 states the relationship of AS 26.20 (homeland security and civil defense) and AS 26.23 (disasters). The governor may find it necessary to declare a disaster emergency under AS 26.23 in the event of an attack or an imminent threat of an attack. If the governor does so, this section makes it clear statutes in AS 26.23 shall govern if a conflict arises between statutes in AS 26.20 and statutes in AS 26.23.
- Section 17 authorizes the governor to declare a disaster and exercise the governors’ disaster management powers in the event of an attack or imminent threat of attack or in the event of an outbreak of disease or an imminent threat of an outbreak of disease, requiring certification of the threat from the commissioner of DMVA or the commissioner of DHSS respectively.
- Sections 2, 4, 6, 9, 11, and 18 repeal several existing statutory provisions that DMVA considers obsolete and that could be viewed as giving the government unnecessary and potentially overreaching powers. These include existing provisions (1) authorizing the establishment of local organizations for civil defense, with authority to issue orders and adopt regulations; (2) giving civil defense orders and regulations adopted by the governor, DMVA, local districts, and other authorized agencies the “effect of law”; (3) automatically suspending conflicting laws, ordinances or regulations; (4) directing the federal government and local law enforcement to enforce civil defense orders and regulations; (5) requiring a loyalty oath from civil defense personnel; and (6) prohibiting civil defense organizations from participating in any form of political activity.

AMENDMENT

OFFERED IN THE SENATE
HEALTH, EDUCATION, AND
SOCIAL SERVICES COMMITTEE

BY _____

TO: SB 385

Page 3, line 18

Following "coordinate"

Insert "with"

Page 6, lines 6-10:

Delete "(14) when the governor orders state action in response to a high or severe threat of attack, at the direction of the governor and in coordination with the Department of Public Safety, establish and operate checkpoints for the reasonable inspection of persons and vehicles for weapons or explosives, using state roads, state property, or state facilities"

Page 10, line 19:

Following "designee"

Insert "of the adjutant general, in consultation with the commissioner of public safety or a designee of the commissioner of public safety,"

Page 10, following line 19:

Insert a new bill section to read:

*Sec. 9. AS 26.20.100 is amended to read:

Sec. 26.20.100. Traffic control. In coordination with the department of public safety and the department of transportation and public facilities, the

[THE] department may

(1) formulate and execute plans and regulations for the control of traffic for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for homeland security and civil defense [NATIONAL DEFENSE OR FOR USE IN A DEFENSE INDUSTRY, AND MAY COORDINATE THE ACTIVITIES OR AGENCIES OF THE STATE AND OF THE DISTRICTS CONCERNED WITH PUBLIC HIGHWAYS AND STREETS, IN A MANNER THAT WILL BEST CARRY OUT THOSE PLANS]; and

(2) establish and operate checkpoints along private or public roadways serving critical property or facilities in the state, at the direction of the governor when the governor determines that a sufficiently high threat of attack exists to warrant such action. The checkpoints established under this subsection may be in conjunction with closure of the roadway under AS 19.10.100. Operation of a checkpoint shall be limited to enforcement of the roadway closure or reasonable inspection of persons and vehicles for weapons, explosives, chemicals, biological or biochemical agents, or other

instruments capable of causing widespread of severe injury to persons or
property.

Renumber the following bill sections accordingly.

Page 14, line 5:

Delete "firearms,"

Insert "[FIREARMS,]"

Page 15, line 26

Delete "26.26.100,"

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 04/05/04

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4.08.04

Health, Education and Social Services Committee considered SENATE BILL NO. 385

SB 385 SECURITY;DIV. HOMELAND SECURITY/EMER. MGT

"An Act relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date."

and recommends:

- be replaced with _____ CS SB 385 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title
House Bill:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
MVA	4/05		✓		

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>Bettye Davis</i>			✓	
<i>Gary Wilkins</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

SENATE COMMITTEE REPORT

DATE: 04/02/04

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 4.16.04

Health, Education and Social Services Committee considered CS FOR HOUSE BILL NO. 385(JUD)

HB 385 AWARDDING CHILD CUSTODY

"An Act relating to awarding child custody; and providing for an effective date."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS fr HB 385 (JUD)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
ACS	2/25			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>Betty Davis</i>	X			
<i>[Signature]</i>	 			
CHAIR: <i>[Signature]</i>	✓			

THE
FOLLOWING
DOCUMENT(S)
ARE
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COPIES



Alaska State Legislature

Please enter into the record my testimony to the

Senate HESS

committee name

Committee on

HB 385

, dated

4-16-04

bill # / subject

public hearing date

Senators,

My name is Ronda Blough, I live in Kenai, Alaska. I am the mother of 3 children and step-mother of 2 children. I have been divorced and am now remarried with a combined family of 7. I give you this background information so it will be easier to understand why I am writing you.

My basic issue is with the initial custody placement of children where by precedence the mother generally gets the benefit of the doubt as to who can provide the best home for the child resulting in the standard 70/30 split of custody. Very rarely in disputed cases does the father get to even be considered as a candidate for equal custody in disputed cases, therefore attorneys generally will not advise them to even try, no matter how good of a person the father is.

The system points to the poor mother left at home to raise the children with no income or help, however in society today that is rarely the case. Women are dominant in the workforce today and divorced or not usually are pursuing a career in the midst of raising a family, just as the men are. Women want equality in every, and more power to them, but in this area there are some that would like a double standard. Both parents deserve the right to equal time with the child if that is what either parent wants.

Instituting an opportunity for both parents to be equally be involved in a child's life as a matter of precedence at the inception of a divorce or separation would promote a more peaceable and cooperative relationship with regards to the children. As it is now women have this sense of empowerment, if they are so inclined, simply because precedence has dictated policy. The legal system needs to have the tools necessary to ensure that the parents have an equal opportunity to parent a child. The only reference in any of the custody statutes that mention anything equal is the temporary custody Sec. 25.20.070.

I know that there are other issues that this affects, but the fact is that there are changes needed in a lot of areas. The placement and best interest of the child should be considered before anything else. A child will only be a child for so long, the other issues surrounding this revision will always be there and be able to be dealt with at some point in time, but the ability to have the much desired influence and involvement in a child's life by either parent will not, and should not in any way harm that ever-so-important time in life. A case can always be argued if there is a prevailing problem, and many are, like ours. Parents do not as far as I know go to court to fight for less custody and they do not fight over custody if they can agree. What is there to fight over when shared custody starts at equal.

SHES HB385 4-16-04 R. Blough testimony PAGE 2 of 2

The following should be added to HB 385, under Section 1. AS 25.20.060, and below (a)

AS 25.20.060

(c) The court **shall primarily provide for equal access to both parents** if shared custody is determined by the court to be in the best interest of the child, **unless the presumption under AS 25.24.150(g) is present.** An award of shared custody shall assure that the child has frequent and continuing contact with each parent to the maximum extent possible.

The language is consistent with that of Section 2 HB 385 and Sec. 25.20.070 referring to temporary custody. At some point in time it was considered to be in the best interest of the child to be with both parents equally for the interim. There is no reason for that not to be considered primarily in the best interest of the child when initially determining permanent custody of a child.

The additional language is of course pointing towards the obvious need to protect the welfare of the child if that need in fact exists.

This would give parents the option, should they want it, to be as involved in their child's every day life as much as possible, while establishing grounds for cooperation between the parents immediately as opposed to one parent having "control" over the other and mis-using their custody award to cause harm to the relationship between the child and the other parent

This bill speaks a lot for the establishment or re-establishment of custody on behalf of offenders of violent crimes, but it does not give either parent the benefit of having equal custody if there are no grounds to establish that the parents are otherwise not qualified.

Please feel free to call me at any time to discuss this issue and I will be happy to persuade you should you have any doubts as to the necessity of this revision.

Thank you,

Ronda A. Blough

Signed:

Ronda Blough

Testifier

Self

Representing (optional)

PO Box 1630 Kenai, AK 99611

Address

Phone number

SCR

10



SENATOR FRED DYSON

SCR 10

Sponsor Statement

"A Resolution Establishing the Joint Legislative Charter School Task Force."

Updated: April 17, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

There are a few principles that are accepted in our society to be universal. Virtually all Alaskans agree completely that a quality education is one of the greatest gifts we can possibly give our children, our State, and ourselves. A quality education includes, at a minimum, adequate reading, computing, and writing skills. All Alaskans would be utterly delighted if we produced students with the highest National Assessment of Education Progress (NAEP) scores, or the highest Scholastic Aptitude Test (SAT) scores, or the highest score on any other national or international evaluation in the Nation.

It is clear that we must carefully re-evaluate the way we are currently doing business if we hope to, among other things, produce results that meet the minimum legal standards that have been laid down by the No Child Left Behind Act (NCLB).

Charter schools will be one part of Alaska's education future. They can provide new options for increased public school choice required for failing and at-risk schools. Charter schools may also be designed to provide supplemental services and alternative school governance which are also required by NCLB if schools continue to fail.

SCR 10 establishes a task force tasked to make legislative suggestions on how to improve our weak charter school law. The resolution is written to emphasize the need to consider recommendations for charter school laws in the context of the potential role charter schools can play in continued successful education reform.

THE
FOLLOWING
DOCUMENT(S)
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CHARTER SCHOOL LAWS: SCORECARD

CRITERIA	STRONG																		
	A							***B***											
State	AZ	DE	MN	DC	MI	IN	MA	FL	CO	NY	CA	NC	PA	OH	MO	OR	NJ	WI	TX
Year Law Passed	'94	'95	'91	'96	'93	'01	'93	'96	'93	'98	'92	'96	'97	'97	'98	'99	'96	'93	'95
Number of schools allowed	4.5	5	5	1.5	4.5	5	3.3	4	4.5	2.3	5	3	5	3	2	3.25	5	5	3
Multiple chartering authorities	4.5	4	4.5	4	4.5	4.5	3.5	1.75	3	4	3.3	3	1.75	3	3.5	1.5	3	3.5	3.25
Eligible charter applicants	5	5	5	5	5	4	4.3	5	5	4	5	5	5	5	4	5	4	5	4.25
New starts allowed	4.75	4.5	4.75	4.75	4.75	4.75	4.5	4.5	4.5	4.5	4.75	4.75	4.5	4.5	3	3.5	4.5	4.75	4.75
School may be started without evidence of local support	5	3.5	3.5	3	5	3	4	3	3	4	3	3	3.5	5	4	5	3	2.5	3.5
Automatic waiver from state and district laws	4.5	4.4	5	5	2.7	5	3	3	3.25	5	3	4	3	3	4	2.5	1	2.5	0
Legal/operational autonomy	5	5	4.5	4.5	5	3	1.7	3.5	2.75	5	3	3	3	3	3.5	3	2	2.5	2
Guaranteed full per-pupil funding	3.5	5	3.5	4.5	5	4	5	5	3.75	2.5	3	4.5	3	3.5	4	2.5	2	2	3
Fiscal Autonomy	5	5	5	4.5	5	5	5	5	4.5	4	4	4	3.5	3	4	2.5	5	1.8	3
*Exempt from collective bargaining agreement/district work rules	4.75	5	4.5	5	3	3	3	4.5	4.5	3	4	3	4.5	3	4	4.25	3	2.5	4
Total	46.5	46.4	45.75	44.75	44.45	41.25	40.3	39.25	38.75	38.3	38.05	37.25	36.75	36	36	33	32.5	32.05	30.75
RANK 2001	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Rank 2000	1	5	3	4	2	NA	6	9	13	10	8	11	12	23	14	16	17	19	7
Number of charters Fall 2001	437	11	77	42	188	NA	43	182	88	32	350	96	78	69	21	17	57	95	219

1. States with multiple chartering authorities received the highest scores in that category. Those requiring the approval of the local school board receive a 1; a binding appeals process adds only .75 as appeals are both lengthy and expensive.
2. Removing or raising caps on the number of schools permitted increased a state's score in this area.
3. States providing charter leaders full legal authority received the highest scores in that category.

Note: The scores on this table are based on the current status of each law (through October 2001). Amendments to the original law, state board regulations, legal rulings, department of education interpretation and actual implementation have all been factored into the ranking. Each state is ranked for each criterion on a scale of 0 to 5, based on how that state's provisions under that criterion support or restrict the development of a significant number of autonomous charter schools (strongly support = 5, strongly restrict = 0), or, in the case of recently passed or amended laws, are likely to do so. States are listed from left to right from the strongest to the weakest. The laws are also divided into two subsets: strong or moderately effective laws which do or are likely to support at least some significant development of autonomous charter schools, and weak or ineffective laws which have not, and are unlikely to lead to significant charter activity. This chart is part of the book entitled *Charter School Laws Across the States: Ranking Score Card and Legislative Profiles*, which includes detailed profiles of each state's law. Also available online at www.edreform.com.

SCORING LEGEND

CHARTER SCHOOL LAWS: SCORECARD AND RANKING

THE CENTER FOR EDUCATION REFORM

CRITERIA	*B*	WEAK																	*F*
		C											***D***						
State	NM	IL	GA	OK	SC	LA	ID	CT	NV	UT	WY	NH	AK	HI	AR	RI	VA	KS	MS
Year Law Passed	'93	'96	'93	'99	'96	'95	'98	'96	'97	'98	'95	'95	'95	'94	'95	'95	'98	'94	'97
Number of schools allowed	3.5	1.5	5	2	5	2	2.6	1.5	2	1.5	5	5	2.3	2	2	1	1.6	1	0
Multiple chartering authorities	1.75	1.75	1.5	1	1.75	1.75	1.3	2.5	1	1.75	1.75	0.5	1	1	2.5	1	1	1	1
Eligible charter applicants	5	4	5	4	4	3.5	5	1.5	2	4	5	3	5	1	2	2.5	2	4.5	0
New starts allowed	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	2	5	4.5	4.5	4.5	4.5	4.5	0
School may be started without evidence of local support	3	1	2.5	5	2	2	1	1	5	2.5	2.5	0	1	2	2.5	0	2.5	1	0
Automatic waiver from state and district laws	2	3	4	2.5	2.5	2.5	4.3	2.5	2.5	0.6	0.5	4	0	4.5	0	0.5	0.5	0.5	1.3
Legal/operational autonomy	2.75	3	1	1	2	1	0	1.5	1.5	1.6	0	2	0	0.5	0	0.5	0.5	0	0
Guaranteed full per-pupil funding	3	3	2	2	2	3	3	1.5	3.5	0.3	1.5	0	3.5	1.5	1.5	3.5	0.5	0.5	0
Fiscal Autonomy	2	3.5	2	3	2	4.5	1	1	1	1	1	0	1	1	0	1.5	0	0	0
Exempt from collective bargaining agreement/district work rules	2.5	4	1.5	4	3	1.5	1	2.5	0	4	0	5	0	0	0	0	0	0	0
Total	30	29.25	29	29	28.75	26.25	23.7	23	23	21.75	21.75	21.5	18.8	18	15	15	13.1	13	2.3
RANK 2001	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
Rank 2000	30	20	22	18	15	24	25	27	26	28	32	21	29	31	34	33	35	36	37
Number of charters Fall 2001	21	28	46	9	9	26	11	16	9	9	0	0	16	22	7	6	5	28	1

RATING CRITERIA

All 38 charter school laws in existence as of July 2001 are scored and ranked according to their degree of restrictiveness. The states are ranked from 1st (most restrictive) to 38th (most restrictive), as well as divided into Strong and Weak Charter Law States (see SCORING LEGEND on page 1), indicating which do or are likely to support at least some significant development of autonomous charter schools, and which do not.

Number of Schools: States that permit an unlimited or substantial number of autonomous charter schools encourage more activity than states that either limit the number of autonomous schools, or allow an unlimited number of charter schools with restrictions on their autonomy, demographics, etc.

Multiple Chartering Authorities: States that permit a number of entities in addition to or instead of local school boards to authorize charter schools encourage more activity than those that vest authorizing power in a single entity, particularly if that entity is the local school board, or permit an appeals process.

Variety of Applicants: States that permit a variety of individuals and groups both inside and outside the existing public school system to start charter schools encourage more activity than states that limit eligible applicants to public schools or public school personnel.

New Starts: States that permit new schools to start up encourage more activity than those that permit only public school conversions.

Evidence of Local Support: States that permit charter schools to be formed without having to prove specified levels of local support encourage more activity than states that require such demonstration of support.

Automatic Waiver from Laws and Regulations: States that provide automatic blanket waivers from most or all state and district education laws, regulations, and policies encourage more activity than states that provide no waivers or require charter schools to negotiate waivers on an issue-by-issue basis with charter granting authorities. (In no case should the state or district laws or regulations be waived by charter schools.)

Exemption from Collective Bargaining Agreements / District Work Rules: States that give charter schools complete exemption from collective bargaining agreements or work rules encourage more activity than those that require such agreements or work rules.

"No Child Left Behind Act"

Implementation Timeline*

The "No Child Left Behind Act" commits the nation's states and schools to a timetable that swiftly implements a multitude of major reforms. Most notably, the law requires states to ensure that within 12 years, all students in grades three through eight — including minority, low-income, disabled, limited-English-proficient and other traditionally low-performing student groups — meet state standards for academic proficiency in reading and math. To help school systems meet these ambitious aims, the legislation authorizes billions of dollars in new federal funds for teacher professional development, math and science initiatives, instructional technology, early childhood literacy, and other efforts.

Major compliance dates:

2002

January. President Bush signs the No Child Left Behind Act of 2001, providing \$22.1 billion in K-12 public school aid annually, up from \$18.7 billion under the previous Elementary and Secondary Education Act.

April-August. The U.S. Department of Education releases draft rules, reviews public comment, and issues final implementation rules.

July. The Secretary of Education approves state applications submitted before the July 1 deadline, releasing federal funds for implementation in the 2002-03 school year. Complete plans will follow.

2002-03 School Year

Proficiency Benchmarks. Each state defines the initial level of "proficiency" that must be met by all schools and all major student groups.

Assessment. School systems establish baseline achievement data, based on results from current assessments wherever states have not yet begun administering annual reading and math assessments in grades three through eight. These first-year data — detailed by school, district and student group — are the first that must be reported publicly.

Identifying Schools. Consequences are triggered immediately for previously identified schools.

2003-04 School Year

Accountability. States measure "adequate yearly progress" of all schools, districts and student groups toward proficiency on assessments aligned with state standards. All major student groups must show progress for schools to succeed.

Identifying Schools. Schools that do not show progress by this second year must create improvement plans within 45 days. These schools must meet progress goals two years in a row to succeed.

2004-05 School Year

Identifying Schools. Schools identified as needing improve-

ment after two years of failure must allow students to transfer to other public schools, provide transportation and carry out school improvement plans.

2005-06 School Year

Reading and Math Assessments. States must give annual assessments in reading and math to all students in grades three through eight. The tests, which must be aligned with state standards, are required to yield data that can be compared from one year to the next and from one school to another. States can use federal funds to cover the costs of creating and implementing tests.

Science Standards and Assessments. States must adopt academic standards and create aligned assessments in science.

Identifying Schools. Schools identified for a second year as needing improvement must provide students with supplemental services — such as tutoring and after-school and summer-school programs — as well as both a choice of other public schools and transportation.

Teaching Quality. By the end of the school year, states must show that all public school teachers are highly qualified, possessing at least a bachelor's degree and demonstrating proficiency in the subjects they teach.

2006-07 School Year

Identifying Schools. Schools that fail to show progress four years in a row receive corrective action, including requirements for new improvement plans, new curricula, and new policymaking structures.

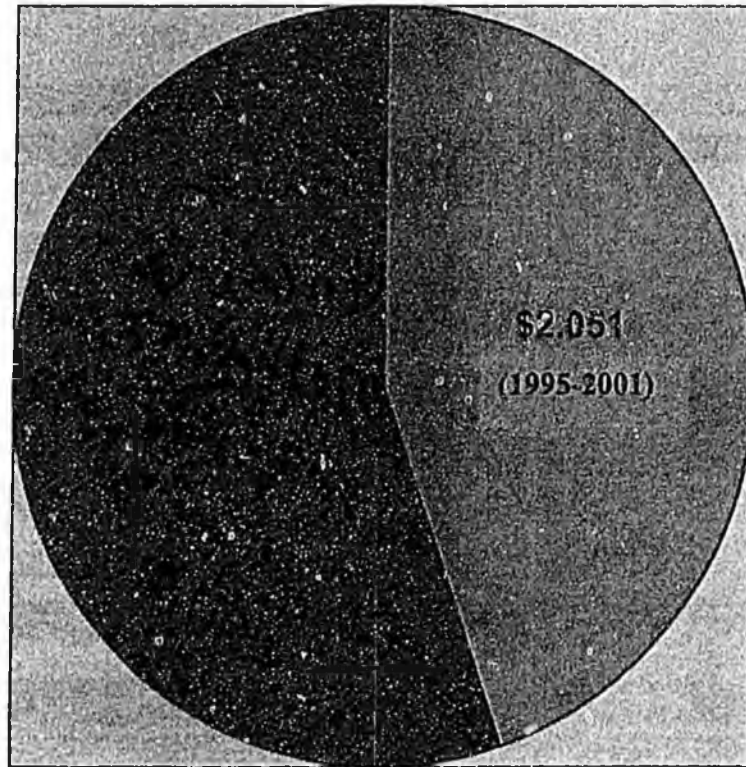
2007-08 School Year

Science Assessments. States must give science assessments to students in at least one grade in each of three clusters: from grades three through five, six through nine, and grades 10 through 12.

Identifying Schools. Schools that fail for a fifth consecutive year shut down and restructure. These schools may reopen as charter schools or regular schools with new staff and new curricula.

*Adapted with permission from a timeline developed by The Business Roundtable, 1615 L Street, N.W., Suite 1100, Washington, D.C. 20036

Title I Funding Increases (\$ in billions)



**UNDER THE FIRST TWO
YEARS OF PRESIDENT
BUSH'S
ADMINISTRATION WE
WILL HAVE SEEN
GREATER INCREASES
IN TITLE I THAN IN THE
PREVIOUS SEVEN
YEARS**

■ 1995-2001
■ 2002-2003*

*President Bush's 2003 Title I Budget Request

ALASKA

Department of Education Early Development-School Finance Statewide School District Revenues

These revenues do not include capital project revenues or debt reimbursements.

	Statewide ADM	Operating Fund Revenue by source			Special Revenue Fund Revenue by source			Totals by source			
		Local	State	Federal	Local	State	Federal	Local	State	Federal	Total Total
2002	130,875	\$ 311,095,253	664,843,242	106,999,347	51,444,822	54,593,452	130,594,203	362,540,075	719,436,694	237,593,550	1,319,570,319
\$ per ADM		\$ 2,377	5,080	818	393	417	998	2,770	5,497	1,815	10,083
2001	130,620	301,521,418	647,662,286	96,680,417	54,695,036	52,516,869	113,486,436	356,216,454	700,179,155	210,166,853	1,266,562,462
\$ per ADM		2,308	4,958	740	419	402	869	2,727	5,360	1,609	9,697
2000	129,948	290,235,382	647,585,365	109,917,058	50,485,589	49,241,678	97,950,310	340,720,971	696,827,043	207,867,368	1,245,415,382
\$ per ADM		2,233	4,983	846	389	379	754	2,622	5,362	1,600	9,584
1999	129,968	272,174,775	646,562,569	94,372,421	47,816,408	52,116,658	82,127,383	319,991,183	698,679,227	176,499,804	1,195,170,214
\$ per ADM		2,094	4,975	726	368	401	632	2,462	5,376	1,358	9,196
1998	127,677	257,727,490	633,743,706	74,076,641	45,538,922	39,055,321	75,940,376	303,266,412	672,799,027	150,017,017	\$ 1,126,082,456
\$ per ADM		2,019	4,964	580	357	306	595	2,375	5,270	1,175	\$ 8,820

Data compiled from school district audited financial statements and audited data as reported to federal agencies.

1. The State of Alaska spent \$5,497 per student for public K-12 education, \$5,360, \$5,362, \$5,376, \$5,270 in FY02, FY01, FY00, FY99, FY98; respectively.
This does not include capital project grants or debt reimbursement.
2. The Federal Government spent \$1,815 per student for public K-12 education, \$1,609, \$1,600, \$1,358, \$1,175 in FY02, FY01, FY00, FY99, FY98; respectively.
3. Local revenues were \$2,770 per student, statewide, for public K-12 education, \$2,727, \$2,622, \$2,462, \$2,375, in FY02, FY01, FY00, FY99, FY98; respectively.

23-LS0542I

Ford

4/25/03

CS FOR SENATE CONCURRENT RESOLUTION NO. 10(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): SENATOR DYSON

A RESOLUTION1 **Establishing the Joint Legislative Charter School Task Force.**2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 **WHEREAS** Alaskans clearly believe in the value of quality education; and4 **WHEREAS** school districts in Alaska and local school boards have implemented
5 innovations and programs that demonstrate a commitment to excellence in education,
6 including charter schools, district correspondence programs, boarding school programs,
7 quality schools/quality students, Alaska Initiative for Community Engagement, Alaska Staff
8 Development Network, Chugach School District's winning of the coveted Malcolm Baldrige
9 National Quality Award; and10 **WHEREAS** the legislature has acted to rejuvenate Alaska public education by passing
11 legislation to implement standardized testing and other accountability measures; and12 **WHEREAS** the legislature has provided for orderly, safe, disciplined, classroom
13 learning environments by mandating that each community establish and maintain its own
14 student behavior standards that, at a minimum, require respect and honesty; and15 **WHEREAS** Alaskans have spent \$6,152,800,833 on public K-12 education over the
16 past five years (fiscal year 1998 through fiscal year 2002), averaging \$10,083 a student in

1 fiscal year 2002; on top of this expenditure, Alaskans have spent liberally to build school
2 buildings and pay debt service; and

3 **WHEREAS** the No Child Left Behind Act of 2001 makes unprecedented demands on
4 states and local school districts to raise academic achievement and to take direct action to
5 improve poorly performing schools involving increased public school choice including
6 charter schools;

7 **RE IT RESOLVED** that the Alaska State Legislature establishes the Joint Legislative
8 Charter School Task Force to review Alaska statutes related to charter schools and other
9 alternative public schools regarding the establishment, organization, operation, and funding of
10 alternative schools; and be it

11 **FURTHER RESOLVED** that the duties of the task force include

12 (1) recommending improvements or additions to the laws regulating charter
13 schools;

14 (2) researching ways to improve charter schools or how charter schools can
15 develop tools to meet requirements imposed under the federal No Child Left Behind Act of
16 2001;

17 (3) examining issues related to how charter schools meet the requirement of a
18 school term imposed under AS 14.03.030; and

19 (4) taking public comments on charter schools and on ways to improve charter
20 schools; and be it

21 **FURTHER RESOLVED** that the task force shall be composed of nine members as
22 follows:

23 (1) four members of the legislature, of which two members shall be from the
24 senate appointed by the president of the senate and two members shall be from the house of
25 representatives appointed by the speaker of the house of representatives;

26 (2) one member appointed by the Governor;

27 (3) the chair and secretary of the Association of Alaska School Boards;

28 (4) two members appointed by the Alaska Charter School Association; and be
29 it

30 **FURTHER RESOLVED** that the president of the senate and the speaker of the house
31 of representatives shall jointly appoint the chair and vice-chair of the task force; and be it

1 **FURTHER RESOLVED** that the task force may meet during the session and during
2 the interim between sessions and that task force members are entitled to per diem and travel
3 expenses; and be it

4 **FURTHER RESOLVED** that the task force shall submit a report of its findings and
5 proposed legislative changes to the legislature by March 1, 2004, and may make any interim
6 reports it considers advisable; and be it

7 **FURTHER RESOLVED** that the task force is terminated at 11:59 p.m. on May 15,
8 2004.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SCR 10
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: EED
 Title Establishing the Joint Charter BRU Teaching & Learning Support
School Task Force Component Quality Schools
 Sponsor Senator Dyson
 Requester _____ Component No. 2147

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel	7.0					
Contractual	3.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	10.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	10.0					
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Men'al Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	10.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note represents costs related to eight member Charter School Task Force that will be created by SCR 10. Task force members will meet face to face one time and will complete work through subsequent audioconferences. The result of these meetings will be a report of recommended legislative changes related to charter schools that will be presented to the legislature by March 1, 2004.

Prepared by: Barbara Thompson, Acting Director
 Division: Teaching & Learning Support
 Approved by: Karen Rehfeld
 Agency: Department of Education

Phone 907-465-8727
 Date/Time 5/7/03 10:18 AM
 Date 5/7/2003

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/16/03

FURTHER:

Date of 5-Day Notice: _____
 (in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 5.7.03

Health, Education and Social Services Committee considered SENATE CONCURRENT RESOLUTION NO. 10

SCR 10 CHARTER SCHOOL TASK FORCE

Establishing the Joint Legislative Charter School Task Force.

and recommends:

be replaced with _____ CS SCR 10 (HES)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to SFIN Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
SHE	4/30	x		
EED	5/7	x		

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

ess
 1/1/03
 2003
 5-2

SCR

19

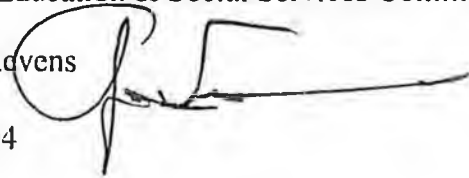
SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens
Alaska State Legislature

INTERIM ADDRESS:
112 Mill Bay Road
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

Memorandum

To: Senator Fred Dyson, Chair
Senate Health, Education & Social Services Committee

From: Senator Gary Stevens 

Date: January 27, 2004

Re: SCR 19

I would like to respectfully request that you schedule SCR 19, "Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs", for a hearing at your earliest convenience.

Thank you for your consideration of this request.

SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens

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SPONSOR STATEMENT – SCR 19

SCR 19, "Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs", comes before you as a recommendation from the Legislative Salmon Industry Task Force.

This resolution emphasizes the importance of fisheries education, training and research as a long-term solution for revitalizing the fishing and seafood industry.

Currently, there are no educational institutions in the United States that offer a seafood business degree; therefore, this resolution recommends that the education providers in this state collaborate to develop and provide fisheries education programs in Alaska.

I encourage you to support this resolution.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/23/04

FURTHER:

DATE TURNED
IN TO OFFICE: 2.25.04

Health, Education and Social Services Committee considered SENATE CONCURRENT RESOLUTION NO. 19

SCR 19 SUPPORTING FISHERIES EDUCATION

Relating to the support of fisheries education, training, and research and encouraging collaborative efforts between the state, the University of Alaska, and other educational institutions to provide fisheries education programs.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- Same Title
- New Title

House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LEG	2/20			✓	
DFG	2/25			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS.	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

SCR

26



**Health, Education, and Social Services Committee
Alaska State Senate**

To: Senator Gene Therriault,
President of the Senate

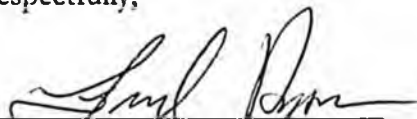
From: Senator Fred Dyson, Chair
Senate H.E.S.S. Committee

Date: May 7, 2004


RE: Waive SCR 26

I move and ask unanimous consent that HCR 26—Public Assistance Cost Containment—be waived from the Senate Health, Education, & Social Services Committee. Below I have the signatures of committee members who concur with this motion.

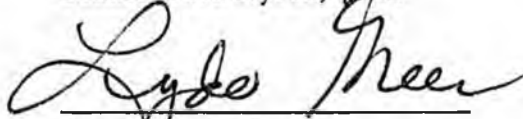
Respectfully,



Senator Fred Dyson, Chair

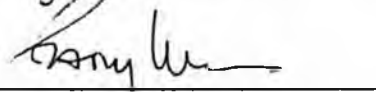


Senator Bettye Davis



Senator Lyda Green

Senator Gretchen Guess



Senator Gary Wilken

HB

18

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: May 16, 2003

TO: Senator Fred Dyson
Chairman, Senate Health, Education, and Social Services Committee

FROM: Representative Kevin Meyer *Kevin Meyer*

RE: CS HB 18(JUD)am Parental Liability for Child's Damages
Kevin

At your earliest convenience, please schedule CS HB 18(JUD)am Parental Liability for Child's Damages for a hearing in the Senate Health, Education and Social Services Committee.

CS HB 18(JUD)am establishes the limit on recovery of property damaged by a minor at \$15,000. CS HB 18(JUD)am will allow for a person, municipal corporation, village, school district, or religious or charitable organization to recover in an amount not to exceed \$15,000 in damages from parents or legal guardians of a minor who knowingly destroys property.

CS HB 18(JUD)am was amended on the House Floor to allow for the legal guardian of a child who has been adopted after being in state custody, including foster care, to be exempt from liability.

Thank you for your consideration of this matter.

Ford
5/14/03

S CS CS HB 18 ()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DYSON, Bunde, Davis, Guess

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to liability for destruction of property by an unemancipated minor;
2 and providing for an effective date."

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

4 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 INTENT. It is the intent of the legislature that this Act

7 (1) promote responsibility as well as the recovery of damages;

8 (2) require an unemancipated minor who causes civil damages to participate in
9 the justice process in order to provide a better remedy and to experience a learning
10 opportunity.

11 * Sec. 2. AS 34.50.020(a) is amended to read:

12 (a) Except as provided under (d) of this section, a [A] person, municipal
13 corporation, association, village, school district, or religious or charitable organization,
14 incorporated or unincorporated, may recover damages in a civil action in an amount

1 not to exceed \$25,000 [\$10,000] and court costs from either parent or [,] both parents
2 [, OR THE LEGAL GUARDIAN] of an unemancipated minor under the age of 18
3 years who, as a result of a knowing or intentional act, destroys real or personal
4 property belonging to the person, municipal corporation, association, village, school
5 district, or religious or charitable organization. However, for purposes of this
6 subsection, recovery in damages shall be apportioned by the court between the parents
7 [OR BETWEEN THE PARENTS AND LEGAL GUARDIAN, OR BOTH,] without
8 regard to legal custody but with due consideration for the actual care and custody of
9 the minor provided by the parents [OR LEGAL GUARDIAN].

10 * Sec. 3. AS 34.50.020(c) is amended to read:

11 (c) A parent [OR, IF ANY, A LEGAL GUARDIAN] of an unemancipated
12 minor under the age of 18 years who is a runaway or missing minor is not liable under
13 (a) of this section for the acts of the minor that are committed by the minor after a
14 parent [OR, IF ANY, A LEGAL GUARDIAN] of the minor has made a report to a
15 law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run
16 away or is missing. In this subsection, "runaway or missing minor" means a minor
17 who a parent [OR LEGAL GUARDIAN OF THE MINOR] reasonably believes is
18 absent from the minor's residence for the purpose of evading a parent [OR THE
19 LEGAL GUARDIAN OF THE MINOR,] or who is otherwise missing from the
20 minor's usual place of abode without the consent of a parent [OR THE LEGAL
21 GUARDIAN OF THE MINOR].

22 * Sec. 4. AS 34.50.020 is amended by adding new subsections to read:

23 (d) Subsection (a) of this section does not authorize the recovery of damages
24 from

25 (1) a legal guardian; or

26 (2) the adoptive parents of a hard-to-place child if the adoptive parents
27 are receiving, at the time the property is destroyed, financial assistance from the state
28 as a result of the adoption; in this paragraph, "hard-to-place child" has the meaning
29 given in AS 25.23.240.

30 (e) If damages are recovered in a civil action as allowed under (a) of this
31 section, the court shall require the unemancipated minor who caused the damages to



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provide a written report to the court regarding

(1) financial resources of the minor that are available for purposes of
restitution;

(2) restitution the minor has made to the claimants; and

(3) what, if anything, the minor has learned from the civil justice
process.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
read:

APPLICABILITY. This Act applies to a civil action that accrues on or after the
effective date of this Act.

* **Sec. 6.** This Act takes effect July 1, 2003.

L

SCS CS HB 18 ()

Sectional Analysis

"An Act Relating to Parental Liability"

Updated: March 18, 2003

Contact: Senator Fred Dyson's office at (907) 465-2199

Section 1

Clarifies that the intent of this act is two-fold. First, the act promotes responsibility in that it allows for recovery of damages caused by intentional vandalism by a minor. Second, it requires the involvement of the unemancipated minor in the resulting civil action to provide a better remedy and a learning experience for the minor.

Section 2

Raises the limit on what can be recovered to repair or replace real or personal property knowingly or intentionally destroyed by a minor from \$10,000 to \$25,000

Section 2 & 3

Deletions of "Legal Guardian" from this entire section of existing law. (34.50.020). The reason for this deletion is to clarify that legal guardians do not take on the parental responsibility of being liable for the actions of the minors in their charge. This change makes AS 34.50.020 consistent with AS 13.26.070 that specifically states that, "A guardian of a minor... is not liable to third persons by reasons of the parental relationship for acts of the ward." This deletion does not introduce a policy change, it clarifies what has been accepted as policy.

Section 4

(d) Specifically exempts (1) legal guardians and (2) adoptive parents from being liable to pay damages.

(e) If damages are recovered from a parent, the court will require the unemancipated minor to provide a report that reveals the minor's contribution toward restitution and the minor's learning progress.

Sections 5&6 set date this act goes into effect and date for applicability.

Notes on **SCS CS HB 18 ()**

I. The core intent of hb 18 is to raise the \$10,000 limit on the amount that can be recovered from parents when a minor intentionally and knowingly destroys or damages property. This core intent is maintained in SCS CS HB 18 ()

II. The intent is expanded in the CS to ensure that adults who have the love and resources to take on parental responsibilities for children not fortunate enough to have functioning parents be protected from incurring liability for destructive actions of the children they are trying to help. Passage of this CS will clarify the following:

- 1. Legal guardians* are held harmless (Section 3)**
- 2. Adoptive parents of "hard to place" minors are held harmless. (Section 3)**
- 3. Foster parents** are held harmless in existing law: AS 34.50.020 (b) (attached).**

***This is only a "technical revision" regarding legal guardians and not a policy change, as is demonstrated in another law: AS 13.26.070 (attached).**

****Foster parents are not addressed or effected in HB 18. They are already specifically exempted from liability in AS 34.50.020(b).**

III. The chances of involving the minor in reparations are increased in the CS by a mandate that a court "require" a report from the minor. While it is not typical to involve a third party in a civil dispute, it is justifiable because of the nature of the relationship between a parent and a child. In the circumstances where this law would be applied, family assets are potentially at stake. Clearly both the parent and the minor have an interest in family assets. To reduce the burden on the court, the only mandate is to require the report. No guidance is given regarding how the report is to be used or not used; the report has no effect on the civil action; and, there is no requirement to coordination with the juvenile justice system or for anyone to follow-up with the minor. This CS would simply require one court order per application that has the potential of being tool to be used by some caring adult to steer an errant minor down the right path. I believe this provision will in fact be used to good effect both by the civil court and the juvenile justice system.

Sec. 13.26.070. Powers and duties of guardian of minor.

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of a minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the ward **and is not liable to third persons by reason of the parental relationship for acts of the ward.** In particular, and without qualifying the foregoing, a guardian:

(1) must take reasonable care of the ward's personal effects and commence protective proceedings if necessary to protect other property of the ward;

(2) may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship; the guardian also may receive money or property of the ward paid or delivered by virtue of AS 13.26.015 ; any sums so received shall be applied to the ward's current needs for support, care and education; the guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall be paid over at least annually to the conservator; sums so received by the guardian may not be used for compensation for the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian; a guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward;

(3) may facilitate the ward's education, social, or other activities and authorize medical or other professional care, treatment, or advice; a guardian is not liable by reason of this consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented; a guardian may consent to the marriage or adoption of the ward;

(4) must report the condition of the ward and of the ward's estate which has been subject to the guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule.

Sec. 34.50.020. Liability for destruction of property by minors.

(a) A person, municipal corporation, association, village, school district, or religious or charitable organization, incorporated or unincorporated, may recover damages in a civil action in an amount not to exceed \$10,000 and court costs from either parent, both parents, or the legal guardian of an unemancipated minor under the age of 18 years who, as a result of a knowing or intentional act, destroys real or personal property belonging to the person, municipal corporation, association, village, school district, or religious or charitable organization. However, for purposes of this subsection, recovery in damages shall be apportioned by the court between the parents or between the parents and legal guardian, or both, without regard to legal custody but with due consideration for the actual care and custody of the minor provided by the parents or legal guardian.

(b) A state agency or its agents, including a person working in or responsible for the operation of a foster, receiving, or detention home, or children's institution, is not liable for the acts of unemancipated minors in its charge or custody. A state agency or an agent of a state agency, including a nonprofit corporation that designates shelters for runaways under AS 47.10.392 - 47.10.399 and employees of or volunteers with that corporation, is not liable for the acts of a minor sheltered in a shelter for runaways, as defined in AS 47.10.399.

(c) A parent or, if any, a legal guardian of an unemancipated minor under the age of 18 years who is a runaway or missing minor is not liable under (a) of this section for the acts of the minor that are committed by the minor after a parent or, if any, a legal guardian of the minor has made a report to a law enforcement agency, as authorized by AS 47.10.141 (a), that the minor has run away or is missing. In this subsection, "runaway or missing minor" means a minor who a parent or legal guardian of the minor reasonably believes is absent from the minor's residence for the purpose of evading a parent or the legal guardian of the minor, or who is otherwise missing from the minor's usual place of abode without the consent of a parent or the legal guardian of the minor.