

1977-78

SENATE HEALTH EDUCATION AND SOCIAL SERVICES COMMITTEE

TABLE OF CONTENTS

1977 INDEX TO MINUTES

1977 MINUTES: 1/19/1977 - 5/20/1977

1978 INDEX TO MINUTES

1978 MINUTES: 1/18/1978 - 6/5/1978

1977-78  
SHESS  
MINLOG



1977

INDEX TO  
MINUTES

T T O

O T N E D M T

S F U M M

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

M I N U T E S

January 19, 1977

- 1) Presentation by Dr. William Moseley, National Council on Crime and Delinquency
- 2) SB 10, Appropriation to Department of Education, Alaska Historical Library

January 21, 1977

- 1) SB 45, Radiation Protection

January 26, 1977

- 1) SB 38, Driving Under the Influence of Alcohol and/or Drugs
- 2) SB 54, Adoption Assistance

January 31, 1977

- 1) SB 44, Professional Teaching Practices Commission
- 2) SB 46, Student on the Board of Regents

February 2, 1977

- 1) SB 43, Investment Authority of Commissioner of Revenue
- 2) SB 77, Penalties for Fraud in Public Assistance Programs
- 3) SB 51, An Act Relating to Hospitals
- 4) SB 38, Driving Under the Influence of Alcohol and/or Drugs

February 4, 1977

- 1) SB 17, GO Bond - \$5,000,000 Pioneers' Home in Ketchikan

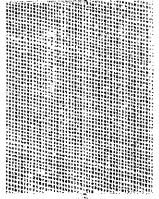
February 9, 1977

- 1) SB 44, Professional Teaching Practices Commission
- 2) SB 124, Membership on the State Board of Education
- 3) SB 121, Supplemental Appropriation to the Department of Health and Social Services - \$875,043
- 4) SB 129, Medical Assistance for the Needy

February 11, 1977

- 1) SB 122, Supplemental to Department of Health and Social Services \$3,093,894

1977  
FEBRUARY  
MINUTES



February 14, 1977

- 1) SB 122, Supplemental to Department of Health and Social Services  
\$3,093,894
- 2) CSSB 46, Student on the Board of Regents
- 3) SB 97, Longevity Bonus
- 4) SB 121, Supplemental to Health and Social Services - \$875,043

February 16, 1977

- 1) SB 129, Medical Assistance for the Needy
- 2) SB 110, State Physical Therapy Board

February 18, 1977

- 1) SB 150, Supplemental to Department of Education - \$13,768,325

February 20, 1977

- 1) SB 150, Supplemental to Department of Education - \$13,768,325

February 23, 1977

- 1) SB 139, Instructional Unit Allotment
- 2) SB 150, Supplemental to Department of Education
- 3) SB 96, Education in the Unorganized Borough

February 25, 1977

- 1) SB 155, Length of School Terms
- 2) SB 21, Appropriation to the Department of Health and Social Services  
\$400,000
- 3) SB 96, Education in the Unorganized Borough
- 4) SB 150, Supplemental to Department of Education

February 28, 1977

- 1) SB 168, Special Appropriation to Departments of Education and Health  
and Social Services; Alcohol-Related Programs

March 2, 1977

- 1) SB 152, Mental Health Advisory Council
- 2) CSHB 60, Compulsory School Attendance
- 3) HB 136am, WICHE Student Exchange

March 9, 1977

- 1) SB 71, Public School Foundation Program
- 2) SB 168, Appropriation to Department of Health and Social Services  
and Department of Education



March 11, 1977

- 1) SB 162, University of Alaska - \$10,000,000

March 14, 1977

- 1) SB 211, Teachers' Bargaining Groups

March 16, 1977

- 1) CSHB 215, Day Care Assistance Program

March 18, 1977

- 1) SB 245, Health and Welfare of Women Undergoing Abortion

March 23, 1977

- 1) SB 261, University of Alaska
- 2) SB 211, Teachers' Bargaining Groups

March 25, 1977

- 1) SB 200, Public School Foundation Program
- 2) SB 254, Eye Protection Devices
- 3) SB 226, Terms of Regional School Board Members
- 4) Studio Club Discussion

March 28, 1977

- 1) HB 304, Amending Appropriation to Department of Education for School at Anderson
- 2) HB 186, Outstanding Debt to the City of Hydaburg

March 30, 1977

- 1) SB 62, Teachers' Pension Adjustments, Post-Retirement
- 2) SB 44, Professional Teaching Practices Commission

April 1, 1977

- 1) SB 288, Certification of Social Workers
- 2) SB 263, Alaska Net Income Tax
- 3) SB 148, Child Support Enforcement

April 4, 1977

- 1) CSSB 263, Alaska Net Income Tax
- 2) SB 288, Certification of Social Workers



April 6, 1977

- 1) SB 271, Full Cost of Care
- 2) SCR 32, Annulling an Administrative Regulation Pertaining to the Maximum Indebtedness that a Student May Incur Under the Scholarship Loan Program.

April 11, 1977

- 1) HB 271, Motor Vehicle License Tax
- 2) HB 312, Post-Secondary Education
- 3) SB 289, Emergency Medical Services
- 4) CSSB 271, Full Cost of Care

April 13, 1977

- 1) CSSB 288, Certification of Social Workers
- 2) HCR 35, Health Care Facilities

April 18, 1977

- 1) SB 245, Women Undergoing Abortion

April 20, 1977

- 1) SB 242, Treatment of Alcoholism and Drug Abuse

April 25, 1977

- 1) CSHB 205, Licensing of Care Providers
- 2) SB 246, Commissioner and State Board of Education
- 3) CSSB 255, Religion in Public Schools

April 27, 1977

- 1) HB 179, Community Schools
- 2) SB 242, Alcoholism and Drug Abuse Treatment
- 3) CSHB 208, Child Custody Jurisdiction

April 30, 1977

- 1) HB 78am, Seward Skill Center
- 2) SB 333, Broadcasting of Alcohol and Drug Program
- 3) HB 463, Shelter for Assaulted Women and Children
- 4) CSSB 245, An Act Relating to Abortion
- 5) SB 300, Employment Preference - Handicapped
- 6) HCR 26, Food Stamp Eligibility

May 2, 1977

- 1) SB 106, Children's Code
- 2) CSHB 204am, Children's Code
- 3) CSHB 208, Child Custody Jurisdiction
- 4) HJR 36, Welfare Reform



May 4, 1977

- 1) CSHB 208, Child Custody Jurisdiction

May 9, 1977

- 1) CSHB 439, Alaska Longevity Bonus
- 2) CSHB 343, Teacher Retirement System
- 3) SR 8, Food Stamp Allotments
- 4) CSHB 487, Legislative Board of Retirement Benefits
- 5) SB 304, Binding Arbitration.

May 11, 1977

- 1) SCSCSHB 343, Teacher Retirement
- 2) SB 323, Accreditation of Private Schools
- 3) CSHB 465am, Equal Treatment of Persons

May 13, 1977

- 1) HB 251, Twin Hills School
- 2) SJR 28, ROTC

May 18, 1977

- 1) SB 258, Teachers' Retirement

May 20, 1977

- 1) CSHB 193am, Child Care
- 2) CSHB 224 (Fin), Post-Secondary Education



1977 Minutes



**Oxford Pendaflex**  
CORPORATION

**STOCK No. 752 1/3**



MADE IN U.S.A.

1977

MINUTES

1/19/1977 - 5/20/1977

TOP

SETU MM

17/02/21 - 17/02/21

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

January 19, 1977  
First Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

The members present constituted a quorum.

A joint House and Senate HESS meeting was called to order at 3:05 p.m. by Chairman Hackney. Sam Trivett, Alaska Parole Board, was introduced by the chair. Mr. Trivett was accompanied by Dr. William Moseley of the National Council on Crime and Delinquency.

Dr. Moseley provided information to those present on parole and determinant sentencing proposals which have been enacted by state legislatures in California, Maine, and Indiana. (See attached for information packets provided to HESS members.)

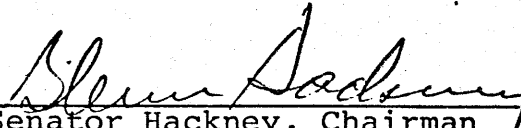
At 4 p.m. the meeting was recessed for five minutes and the House members excused. The meeting was called to order at 4:06 p.m. The Chair introduced Richard Engen, Director, Division of Libraries and Museums, Department of Education and Phyllis DeMuth, Readers' Services Librarian, to provide testimony on SB 10. Mrs. DeMuth and Mr. Engen presented reasons for the need of an appropriation to the Department relating to the Alaska historical library. Committee discussion on the bill resulted in Senator Sumner moving and asking unanimous consent that SB 10 receive a "do pass" recommendation with the provision a letter of intent be attached. (See attached.)

The motion was approved and the meeting adjourned at 4:45 p.m.



LETTER OF INTENT OF SB 10

With respect to use by the Department of Education, Division of State Libraries and Museums, of the sum appropriated in SB 10, it is the intent of the Legislature that in so far as possible, expertise available in Alaska be employed to perform the required work. It is further the intent that handicapped individuals be employed where possible. The Department of Education shall issue a short report to the Legislature on the implementation of the work detailed in SB 10.

  
Senator Hackney, Chairman  
Senate HESS

Date: Jan. 20, 1977



PAROLE: HOW IT IS WORKING

William H. Moseley

Associate Director  
Uniform Parole Reports  
National Council on Crime and Delinquency  
Research Center  
Davis, California 95616

## ABSTRACT

The purpose of this paper is to present some relevant information on parole and on several determinate sentencing proposals. Guidelines formulated by the United States Parole Commission demonstrate that release decisions can be structured to enhance equity, facilitate the giving of reasons for decisional variance, and expose decision policy to public evaluation and debate. Empirically, parolees have a higher success rate and/or lower proportion of new convictions than other prison release types. In contrast, the determinate sentencing proposals merely displace discretion to other areas of the criminal justice system, where it is less visible and, hence, less subject to control.

Controversy has recently surfaced over the structure and effectiveness of parole. This is an interesting paradox given the contemporary emphasis upon community corrections, of which parole is one of the earliest forms. The issue of abolishing parole is complex, and debate on its relative merits often has been devoid of data pertinent to the global deductions drawn. The purpose of this paper is to present some relevant information on parole and on several determinate sentencing proposals, which will hopefully enable future discussions to be held more on the basis of evidence and less on speculation.

#### Explicit Decision Guidelines

In a recent review, Kay Harris (1974-75) sorted criticisms of parole into three categories:

...Many critics focus on *procedural failings*, contending that present parole procedures lack the safeguards necessary for fair and accurate decision-making. Other critics believe that the present parole system creates a level of anxiety and frustration among confined populations that is *counter-productive* in terms of institutional management and the correctional process. A smaller, but growing, number of critics are questioning the wisdom of having a parole system at all, contending that the system is *not*, and perhaps cannot be, *effective* in achieving its stated goals.

The first criticism focuses primarily on concern for equity. It includes arguments that paroling decisions are arbitrary or capricious, or reflect the exercise of unfettered discretion without established boundaries.<sup>1</sup>

The second type of critique asserts that the parole decision-making process arouses a high level of tension and frustration in prisoners and "epitomizes for most inmates a system of whim, caprice, inequity, and nerve-racking uncertainty" (Kastenmeier, 1972)<sup>2</sup>--hence, it is counter-productive. Thus, this criticism is related to the first except for the "nerve-racking uncertainty."

The third area of contention involves the effectiveness of treatment. There appears to be a growing disenchantment with the concept of rehabilitation, a cry for abolishment of the "treatment myth," and a return to a punishment philosophy--renamed as "just deserts." Parole, some claim, doesn't work.<sup>3</sup>

Attention will be directed first to the criticisms of unfairness and uncertainty.

If models of parole decision-making can provide explicit guidelines providing for equity, thereby reducing uncertainty as to sentence length, then these models would seem pertinent to the first two criticisms. Paroling authorities make two general types of decisions

about parole: individual case decisions and policy decisions. The latter, which may be assumed to set the framework within which the former are made, generally have not been explicitly stated. Undoubtedly, this lack of explicitness has contributed to criticisms of arbitrariness and capriciousness in decision making.

Studies completed with the United States Board of Parole<sup>4</sup> showed the existence of an implicit policy that could be made explicit through an analysis of their individual case decisions. Judgments on offense severity, parole risk, and institutional performance were found to account for most of the variance in paroling decisions (Hoffman, 1972). Accordingly, "guidelines" were developed to combine these dimensions as a statement of general policy (Gottfredson, et. al., 1975).

Briefly, the guidelines are in the form of a two axis chart with six categories of offense severity on one axis and four categories of parole prognosis on the other. This format is illustrated in Table 1. The customary time to be served before parole (including credit for jail time) is demarked by a range. This range is set

TABLE 1 ABOUT HERE

for cases in which good institutional conduct and program performance are assumed. For example, an adult offender with a moderate severity offense (e.g., vehicle theft) and very good parole prognosis will customarily serve between 12 and 16 months before parole. On the other hand, an adult offender with a very high severity offense (e.g., armed robbery) and fair parole prognosis might expect to serve between 45 and 55 months before release. The width of the guideline ranges vary from 4 months in low severity cases to 10 months in very high severity cases. In general, the width of the guideline ranges are proportionate to the average time to be served. That is, the longer the average time specified, the wider the range. Separate guidelines for Youth and NARA (Narcotic Addict Rehabilitation Act) cases also have been developed (Hoffman and DeGostin, 1974:8-9).<sup>5</sup>

Whenever the time served in prison is set outside the projected ranges, either above or below, specific reasons are required.<sup>6</sup> For example, cases with exceptionally good institutional program progress may be considered for release earlier than specified by the guidelines; cases with poor adjustment or program performance are likely to be held longer. There is a two-level appellate process: first to the regional (within which the inmate is incarcerated) Parole Commission member, and

second to the National Appellate Board, composed of three other Parole Commission members.

The guidelines are reviewed every 6 months, by Commission policy, to consider possible changes. For example, social attitudes toward certain offenses (e.g., possession of less than \$500 worth of marijuana) may change; thus, modification of the severity scale may be indicated.<sup>7</sup> Similarly, as offender populations change, or as improvements are made in the development of predictive devices, modification of the guideline ranges or of the parole prognosis may be deemed appropriate (Hoffman and DeGostin, 1974:9-10).

Table 2 shows that the proportion of initial decisions within the guidelines was 84.4% during the first full year of regionalization--October, 1974 through September, 1975. Times set above and below the guidelines during the same time period were 6.9% and 8.7%, respectively.

TABLE 2 ABOUT HERE

Numerous advantages accrue from an explicit, clearly stated policy. Discretion is not removed, but it is structured in a way which can enhance equity, facilitate

the giving of reasons for decisional variance, and expose decision policy to public debate and criticism. An explicit policy model provides a tool for periodic examination of fairness, and it should substantially reduce the uncertainty felt by inmates under indeterminate sentences.

#### Structural-Functional Factors

Several structural-functional factors should also be considered in relation to the first two criticisms of inequity and uncertainty. Sentencing alternatives to parole usually include two basic elements: determinacy and a reduction of judicial discretion.<sup>8</sup>

Maurice Sigler, recently retired Chairman of the United States Parole Commission, has perceptively noted that discretion in the criminal justice system is marked by a "hydraulic" effect. "That is, if discretion is artificially compressed at one end of the system, pressure is increased at the other end." (Sigler, 1976). New York State provides an interesting example. Mandatory sentence drug laws there "...resulted in fewer dispositions, convictions and prison sentences for drug offenses in 1974 and 1975 than in 1973, the last year of the old drug laws." (NCCD, September 16, 1976:3). Discretion was transferred to prosecuting attorneys, for example, who obtained a significant increase in dismissals (NCCD, September 16, 1976:3).

New York's Second Felony Offender Law mandated that all but the most serious second felony offenders must be sentenced to a minimum prison sentence of one-half the maximum term set by statute (NCCD, September 1, 1975:2). This law resulted in "pressure" at a number of points:

*Soaring prison populations* - the number of inmates at state institutions was up from 12,444 on January 1, 1973 (before the law) to about 16,000 now (18 months after the law went into effect); the male incarceration rate per 100,000 New York residents jumped from 533.8 in 1972 to 570 in 1973....

*Congested courts* - the backlog of cases in New York City increased by 8.7% in the first year of the new law, while case processing time in the state's busiest district (Brooklyn) has at times doubled and is still rising despite increased court resources and personnel.

*More trials* - the rate of cases going to trial increased from 4.9% to 9.6% between 1971 and 1974; it reached 12% in the last two months of 1974, and has hit 25% in some districts.

*Fewer guilty pleas* - down from 74.8% of convictions in 1973 to 65.6% in 1974.

*Fewer convictions* - down from 83.4% of felony trials in the first quarter of 1974 to 77.2% in the final quarter.

*Longer sentences* - the proportion of sentences of five years or more increased from 31% of the felony total in 1972 to 40% of the total in 1973 (NCCD, September 1, 1975:2).

It is important to remember that sentencing equality does not necessarily mean that the same sentence should be imposed on all offenders who commit the same offense,

but rather that there should be justifiable reasons for variations in sentencing between individuals.

An overview of currently proposed and enacted legislation on determinate sentencing shows that the range of discretion is still very broad indeed.<sup>9</sup> Table 3 presents four examples.

TABLE 3 ABOUT HERE

In Indiana, persons with two or more prior, unrelated felony convictions can be sentenced to terms between 10 and 50 years for Class B offenses (Indiana, 1976: Article 50, Chapter 2, Section 5), 5 and 38 years for Class C (Indiana, 1976: Article 50, Chapter 2, Section 6), and between 2 and 34 years for Class D (Indiana, 1976: Article 50, Chapter 2, Section 7).

In Maine, fixed sentences can be imposed anywhere between 0 and 20 years for Class A offenses (Maine, 1975: Chapter 51, Section 1252.2A), 0 and 10 years for Class B (Maine, 1975: Chapter 51, Section 1252.2B), or 0 and 5 years for Class C (Maine, 1975: Chapter 51, Section 1252.2C). Use of a dangerous weapon elevates a crime one felony class (Maine, 1975: Chapter 51, Section 1252.4).

This new Maine law also provides that sentences in excess of one year are deemed "tentative," and it empowers the Department of Correction to petition the court for resentencing of a defendant (Maine, 1975: Chapter 47, Section 1154).

If, as a result of the department's evaluation of such person's progress toward a noncriminal way of life, the department is satisfied that the sentence of the court may have been based upon a misapprehension as to the history, character or physical or mental condition of the offender, or as to the amount of time that would be necessary to provide for protection of the public from such offender, the department may file in the sentencing court a petition to re-sentence the offender. The petition shall set forth the information as to the offender that is deemed to warrant his resentence and shall include a recommendation as to the sentence that should be imposed (Maine, 1975: Chapter 47, Section 1154.2).

In California, offenses are classified into five groups. For offenses in each of the four non-capital crime groups a person can be sentenced to one of three fixed terms, e.g., 2, 3, or 4 years<sup>10</sup> (California, 1976: Section 1170[2]). The law also provides for sentence aggregation of up to 5 years for any consecutive sentence and any prior prison terms<sup>11</sup> (California, 1976: Section 667.5[a], [b], and Section 1170.1a[e]). In addition, the possession of a firearm, use of a firearm, or the infliction of "grave bodily injury" can increase a sentence 1, 2, or 3 years, respectively (California, 1976: Section

1170.1a(c)). Thus, for example, the potential range for robbery is 2 to 10 years.<sup>12</sup>

The "Justice Model" authored by David Fogel<sup>13</sup> has received much publicity recently. It can be seen that the "aggravation/mitigation" and "enhancement" provisions give wide latitude to the sentences. The range, for example, is 12 years for offenses in Class 1 and 8 years for Class 2 (Illinois, 1975: Chapter 38, Section 1005-8-2). It might be argued that this is an exaggerated description because not all defendants are subject to the entire sentence range. However, those liable to the "enhancement" provisions include all "repeat offenders" who have "...been convicted of at least one other Class 1 or Class 2 felony or two or more lesser felony offenses within the 5 years immediately preceding commission of the instant offense, excluding time spent in custody for violation of the laws of any state of the United States (Illinois, 1975: Chapter 38, Section 1005-5-32).

Of defendants convicted in California Superior Court during 1974, 39.9% had a "major prior record"<sup>14</sup> and 12.8% had a prior prison commitment (Bureau of Criminal Statistics, 1976). In Federal District Court, of defendants convicted during fiscal 1973, 56.7% had a prior record of "probation," "prison 1 year and less," or "prison more than 1 year" (Administrative Office of U.S.

Courts, 1976). National data on males and females reported paroled in 1974 show that 26.8% had one or more prior prison commitments and 67.6% had one or more prior non-prison sentences (National Probation and Parole Institutes, 1976) and, therefore, could have been subject to "enhancement" at the time of their sentencing.

Thus, it can be estimated that a rather large proportion of felony defendants (perhaps as high as 70%) would be potentially liable to the "enhanced" provisions. Furthermore, as is also true of the previously discussed sentencing plans, there is considerable discretion in determining whether to grant probation or impose a prison sentence, what constitutes aggravating or mitigating circumstances, whether prior conviction(s) will be taken into account, whether sentences will be concurrent or consecutive, etc.

Another important area affecting actual time served is the provision for prison "good time." Table 4 summarizes the good time and work time provisions in the legislation of the 4 states discussed previously.

TABLE 4 ABOUT HERE

Indiana has a three level system: inmates in Class I earn one day of good time for each day of imprisonment, while those in Class II earn one day of good time for every two days of imprisonment, and persons in Class III obtain no good time (Indiana, 1976: Article 50, Chapter 6, Section 3). Assignment to Classes II and III are by the Department of Corrections for disciplinary infractions (Indiana, 1976: Article 50, Chapter 6, Section 4). There is no good time vestiture.<sup>15</sup> "A person may be deprived of any portion of the good time he has earned if he violates a rule or regulation of the department of correction." (Indiana, 1976: Article 50, Chapter 6, Section 5[a]).

In Maine, a person may earn 10 days per month for good behavior (Maine, 1975: Chapter 51, Section 1253.3) and an additional 2 days per month for work "...deemed to be of sufficient importance and responsibility...." (Maine, 1976: Chapter 51, Section 1253.4). There is no provision for vestiture.

California specifies 4 months reduction for every 8 months served; 3 months are for forbearance from a prescribed list of actions (e.g., "assault with a weapon; escape") (California, 1976: Sections 2931[n1-3]), and 1 month is earned "...upon participation in work, educational, vocational, therapeutic or other prison activities (California, 1976: Section 2931[c]) specified by

the Department of Corrections and agreed to by the inmate. Vestiture accrues every 8 months (California, 1976: Section 2932[a]).

The Illinois "Justice Model" would give one day of credit for each day served with good behavior. Good time credit is vested monthly (Illinois, 1975: Chapter 38, Section 1003-6-3).

It is important to note that vestiture provisions are *not* included in two of the three "determinate-sentencing" statutes which have been enacted. Inmates have no certainty of retaining "good time" earned. In the third state, vestiture accrues after an 8-month period. "Thus," as Marc Neithercutt has observed, "the 3 states where these 'determinate sentence' statutes have passed have merely shifted release discretion from parole to prison authorities and have constrained these decisions to release at no less than 50% of the sentence." (Neithercutt, 1976). The determination of good time within such broad ranges (e.g., up to 50%) has shifted the "indeterminacy" from judges to prison administrators. It is interesting to question how prison disciplinary proceedings can be assuredly less arbitrary and capricious than parole decisions, particularly when the decisions are made by prison administrators themselves.

### Empirical Findings

Attention is now directed to the third criticism that parole, as a form of release, does not work.

Since 1955 Uniform Parole Reports has been collecting data on parolees released in the United States. The project currently has parole performance information on approximately 250,000 males and females with one, two, and three year follow-up. These data are the only national information on parole outcome, collected in terms of uniform, agreed upon definitions, which include a large number of parolees from many agencies (Neithercutt, et. al., 1975).

Table 5 presents outcome data for national parole cohorts released each year from 1968 through 1974 with one year follow-up or until such lesser time that active supervision was terminated. Of the 1974 cohorts, 82% continued on parole.<sup>16</sup> They had a return to prison rate of 14%: technical violations accounted for 9% and new major conviction(s) were 5%.

TABLE 5 ABOUT HERE

Table 6 presents the same format for parolees released in 1968 through 1972 with two year follow-up. The 1972 cohort shows 74% continued on parole and 21% returned to prison; of the latter figure only 6% sustained new major conviction(s).

TABLE 6 ABOUT HERE

Table 7 presents a longitudinal perspective on parolees released in 1971 and reported on for each of the three following years. (This facilitates direct comparisons among the yearly samples.) The continued on parole category decreased from 80% at the end of one year to 72% after three years. Parolees returned to

TABLE 7 ABOUT HERE

prison increased from 15 to 23%. There was a 5 percentage point increase in technical violations and a 3 percentage point increase in new major conviction(s) over the three year period.

The national data show that parole is "working" very well indeed.

The 72% success rate after three years follow-up is particularly important to note in relation to the "Careers in Crime" report that: "Of those persons released on parole, 71 percent repeated..." (FBI, 1976: 44). The Careers in Crime "repeaters rate" is somewhat incomprehensible (at least to this writer), if not misleading. (1) Figures in that report are derived from a sample of 5,101 parolees (FBI, 1976:46). However, there is no explanation of how the sample was obtained. This is very significant since National Prisoner Statistics reported that 79,049 persons received conditional releases in 1972 (NPS, 1975). (2) The Careers in Crime report claims a four year follow-up (FBI, 1976:44) ending in 1975 for persons released in 1972. Given the above time frame, only the January, 1972 releases could have been "followed" a full four years. (3) Most importantly, arrest is used as the criterion of repeat criminality. An idea of how meaningful arrests are as an index of "recidivism" can be seen from noting that in the "Careers" report 1,011,000 "documented charges" eventuate in 355,308 "reported convictions" (FBI, 1976:42). This suggests that arrests overestimate convictions by a rate of 3 or 4 to 1.

Several comparative studies of prison release modes have indicated lower recidivism for parolees. All of the studies have certain methodological weaknesses, e.g., small sample size, limited follow-up period, failure to control for attribute differences between samples, etc. The purpose in presenting the following studies is merely to indicate basic trends in the findings.

Data from the New York Citizens' Inquiry on Parole and Criminal Justice (Table 8) show that in 1970 and 1971 parolees had a significantly lower violation rate than conditional releases had. Over the entire four year period analyzed (1968-1971), parolees had significantly fewer returned violators than did conditional releases (Citizens' Inquiry on Parole and Criminal Justice, 1975).

TABLE 8 ABOUT HERE

A 1972 Wisconsin study (Table 9) reported that the success rate of parolees was 9.3 percentage points higher than that of mandatory releases (Bureau of Planning, Development, and Research, Wisconsin, 1974).

TABLE 9 ABOUT HERE

A 1972 Florida study (Table 10A) found no significant difference in success rates between parole and mandatory-conditional release or expiration of sentence cases (Research and Statistics Section, Florida, 1975:9). (Parole has a 7.7 percentage point higher success rate than that of mandatory-conditional release.) However, Table 10B shows that parolees had significantly fewer new commitments than the other two release types (Research and Statistics Section, Florida, 1975:17).

TABLE 10A ABOUT HERE

TABLE 10B ABOUT HERE

A Canadian study by Irvin Waller (1974) (Table 11) found that the arrest rate of parolees was 24 percentage points lower than that of unconditional releases.

TABLE 11 ABOUT HERE

Figures from an English study (Morris and Beverly, 1975) (Table 12) show that parolees were reconvicted less frequently than non-parole releases.

TABLE 12 ABOUT HERE

Robert Martinson (of "nothing works" notoriety) and Judith Wilks recently concluded: "... (T)he mean recidivism rate for batches which are given standard parole in the U.S. is lower than those batches which are released from custody without parole supervision" (Martinson and Wilks, 1976).

Don Gottfredson recently reported an interesting study, based on the same sample of federal offenders used in the Parole Decision-Making project discussed earlier. First, he determined the "success" rate (defined as the absence of any convictions during the two year follow-up period) for three prison release modes (Table 13): parole, 89%; mandatory release, 74%; and expiration of

TABLE 13 ABOUT HERE

sentence, 633 (Gottfredson, 1976:11). Then, to provide a correction for demonstrable differences in risk of new conviction among the three release groups, he controlled (by an analysis of covariance) for selected offender attributes. Parole still had a significantly higher success rate (83%) than either mandatory release (77%) or expiration of sentence (71%) (Gottfredson, 1976:12).

Dr. Gottfredson stated:

It may be asserted, then, by supporters of parole that this (the restraint of crime) merely reflects one purpose of the process, and that the test of effectiveness of release procedures is to be found in the subsequent conviction rates of persons released by different means. This seems to be an argument only from the restraint perspective; perhaps it is of interest, however, since arguments for abolition of parole sometimes adopt this view--rejecting reform, rehabilitation, or reintegration as appropriate goals (Gottfredson, 1976:13).

### Conclusion

This paper has presented some specific, relevant information on parole and several determinate sentencing proposals.

Parole boards can formulate and use explicit decision guidelines, thereby providing for equity in and prescribed knowledge about prison time served. This is exemplified by the guidelines of the United States Parole Commission.

Sentencing discretion cannot be eliminated. The determinate sentencing proposals discussed above appear to have displaced discretion to other areas where it is less visible and, hence, less subject to control. Plea bargaining very likely will be exacerbated;<sup>17</sup> judges still have considerable breadth in sentencing ranges; and prison administrators can have a substantial effect on time served through the allocation and/or revocation of "good time."

Parole is "working" quite well! The studies presented in this paper indicate that parolees have a higher success rate and/or lower proportion of new convictions than other prison release types.

## FOOTNOTES

<sup>1</sup>See: American Friends Service Committee, Struggle For Justice. New York: Hill and Wang, 1971, Chs. 6 and 8; Fogel, David, "...We Are the Living Proof..." The Justice Model For Corrections. Cincinnati, Ohio: W. H. Anderson Co., 1975, Ch. 4; Citizens' Inquiry on Parole and Criminal Justice, Inc., Prison Without Walls: Report on New York Parole. New York: Praeger Publishers, 1975, Ch. 2; Orland, Leonard, Prisons: Houses of Darkness. New York: Free Press, 1975, Ch. 7; and Von Hirsch, Andrew, "Prediction of Criminal Conduct and Preventive Confinement of Convicted Persons," 21 Buffalo Law Review 717-758 (1972).

<sup>2</sup>Also see: American Friends Service Committee, op. cit., supra note 1, pp. 93-94; National Council on Crime and Delinquency, Criminal Justice Newsletter, Vol. 6, No. 5 (March 3, 1975), p. 5; and Illinois Law Enforcement Commission, "Commentary on Determinate Sentencing Bill," (1974? - undated, unpublished), p. 22.

<sup>3</sup>See, for example: Citizens' Inquiry on Parole and Criminal Justice, Inc., op. cit., supra note 1, Ch. 4; Illinois Law Enforcement Commission, "Commentary on Determinate Sentencing Bill," Springfield, Illinois: Illinois Law Enforcement Commission (1974? - undated); and McGee, Richard A., "A New Look at Sentencing," Federal Probation, Vol. XXXVIII, No. 3 (September 1974), p. 4.

<sup>4</sup>The Board has since been renamed the United States Parole Commission.

<sup>5</sup>There is a widespread interest among paroling authorities in the development of articulated policy along similar lines. Presently, parole boards in California, Louisiana, Minnesota, Missouri, New Jersey, North Carolina, Virginia, and Washington are actively participating in projects with this aim. Paroling authorities in 17 other states have volunteered to participate as observers.

<sup>6</sup>For a discussion of the reasons used and their frequency, see: DeGostin, Lucille K. and Peter B. Hoffman, "Administrative Review of Parole Decisions," Federal Probation, Vol. XXXVIII, No. 2 (June, 1974), pp. 24-28.

<sup>7</sup>"The Commission has also reported that its new guidelines will mean slightly lighter treatment for persons convicted of marijuana possession or other soft drugs for personal use (from 'low moderate' to 'low' severity rating). In contrast, possession and transportation of explosives will become more serious (from 'moderate' to 'high' severity), as will immigration law violations (from 'low' to 'low moderate')." National Council on Crime and Delinquency, Criminal Justice Newsletter, Vol. 7, No. 19 (September 27, 1976), p. 7.

<sup>8</sup>See, for example, Fogel, David, op. cit., supra note 1, Ch. 4.

<sup>9</sup>See also: Definite Sentencing: An Examination of Proposals in Four States. Lexington, Kentucky: The Council of State Governments, March, 1976; Neithercutt, M. G., "'Flat Time' Sentences: A Perspective," paper presented to the Judiciary Criminal Committee, Florida State Senate, Tallahassee, December 2, 1975; and Neithercutt, M. G., "Parole Legislation," Davis, California: NCCD Research Center, September, 1976 (unpublished).

<sup>10</sup>"When a judgement of imprisonment is entered the court shall order the middle of three possible terms of imprisonment, unless there are circumstances in aggravation or mitigation of the crime." (California, 1976: Section 1170 [2][b]).

<sup>11</sup>Enhancement is limited to prior prison terms within 5 years, or 10 years for specified violent crimes, of the present offense.

<sup>12</sup>The California law also includes a provision authorizing the Department of Corrections to petition the court for resentencing a "...defendant in the same manner as if he had not previously been sentenced, provided the new sentence, if any, is no greater than the initial sentence." (California, 1976: Section 1170[c]).

<sup>13</sup>See Fogel, David, op. cit., supra note 1, pp. 245-263, and Illinois Law Enforcement Commission, An Act to Provide Determinate Sentencing with Additional Penalties for Repeat Offenders. Springfield, Illinois: January 22, 1975.

<sup>14</sup>Major prior record is defined by the California Bureau of Criminal Statistics as: "Any number of convictions with sentences of 90 days or more jail, or probation of two years or more."

<sup>15</sup>"Vestiture," in this context, means that good time credit once earned cannot be taken away; it is permanently subtracted from the inmate's prison term(s).

<sup>16</sup>The term "continued on parole" means the parolee was not coded an absconder or a prison returnee as the result of any act he committed during his parole supervision period.

For a full description of Uniform Parole Reports codes see: National Probation and Parole Institutes, Uniform Parole Reports Project, Uniform Parole Reporting Coding Manual. Davis, California: National Council on Crime and Delinquency Research Center, 1966.

<sup>17</sup>"It is fascinating to note that these determinate sentencing moves, though they strip parole boards at least of power--if not life--move discretion to even a less fettered arena. The California law, for example, requires courts to give reasons for sentences--an encroachment parole boards now find familiar--simultaneously leaving the prosecutor's options untouched." (Neithercutt, 1976:14).

## REFERENCES

Administrative Office of the United States Courts,  
Federal Offenders in United States District Courts 1973.  
Washington, D.C.: Administrative Office of the United  
States Courts, July, 1976, p. 24.

Bureau of Criminal Statistics, State of California,  
"Convictions: Felony Defendants Disposed of in Superior  
Court," Sacramento, California: Bureau of Criminal  
Statistics (1976? - undated), unpublished table.

Bureau of Planning, Development, and Research, Division  
of Corrections, State of Wisconsin, "Outcomes for One  
Year Follow-up of 1972 Adult Institution Release Cohort,  
by Sex, Type of Release, and Type of Outcome," Madison,  
Wisconsin: Research and Evaluation Section, December 3,  
1974 (unpublished).

Citizens' Inquiry on Parole and Criminal Justice, Inc.,  
Prison Without Walls: Report on New York Parole. New  
York: Praeger Publishers, 1975, p. 163.

Federal Bureau of Investigation, Crime in the United  
States - 1975. Washington, D.C.: U.S. Government  
Printing Office, August 25, 1976.

Gottfredson, Don, "Some Positive Changes in the Parole  
Process," paper presented at the American Society on  
Criminology meeting, November 1, 1975, Toronto, Canada.

Gottfredson, Don M., Peter B. Hoffman, Maurice Sigler,  
and Leslie T. Wilkins, "Making Paroling Policy Explicit,"  
Crime and Delinquency, Vol. 21, No. 1 (January, 1975),  
pp. 34-44.

Harris, M. Kay, "Disquisition on the Need for a New  
Model for Criminal Sanctioning Systems," 77 West Virginia  
Law Review, p. 296 (1974-75). Italics added.

Hoffman, Peter B., "Paroling Policy Feedback," Journal of  
Research in Crime and Delinquency, Vol. 9, No. 2 (July,  
1972), pp. 117-133.

Hoffman, Peter S. and Lucille K. DeGostin, "Parole Decision-Making: Structuring Discretion," Federal Probation, Vol. XXXVIII, No. 4 (December, 1974).

House Enrolled Act No. 1259. Indianapolis: 99th Indiana General Assembly, Second Regular Session, 1976.

Illinois Law Enforcement Commission, An Act to Provide Determinate Sentencing with Additional Penalties for Repeat Offenders. Springfield, Illinois: January 22, 1975.

Kastenmeier, Robert W. and Howard C. Eglit, "Parole Release Decision-Making: Rehabilitation, Expertise, and the Demise of Mythology," 22 The American University Law Review, 477-488 (1972-73), reprinted in Amos, William E. and Charles L. Newman, Parole: Legal Issues, Decision-Making Research. New York: Federal Legal Publications, 1975, p. 82.

Martinson, Robert and Judith Wilks, "Knowledge in Criminal Justice Planning," Preliminary Report to the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, New York: The Center for Knowledge in Criminal Justice Planning, October 18, 1976, p. 17.

Morris, Pauline and Farida Beverly, On Licence: A Study of Parole. London: John Wiley and Sons, 1975, pp. 145-147.

National Council on Crime and Delinquency, Criminal Justice Newsletter, Vol. 6, No. 16 (September 1, 1975).

National Council on Crime and Delinquency, Criminal Justice Newsletter, Vol. 7, No. 18 (September 13, 1976).

National Prisoner Statistics, Prisoners in State and Federal Institutions on December 31, 1971, 1972, and 1973. Washington, D.C.: U.S. Government Printing Office, May, 1975, p. 25.

National Probation and Parole Institutes, Uniform Parole Reports Project, "1974 Parolees, One Year Follow-up and Trend Analyses," Davis, California: National Council on Crime and Delinquency Research Center, September, 1976.

Neithercutt, M. G., "Parole Legislation," Davis, California: NCCD Research Center, September, 1976 (unpublished), p. 10.

Neithercutt, M. G., William H. Moseley, and Ernst A. Wenk, Uniform Parole Reports: A National Correctional Data System. Davis, California: National Council on Crime and Delinquency Research Center, 1975.

Research and Statistics Section, Bureau of Planning, Research and Staff Department, Department of Offender Rehabilitation, A Study of Recidivism for Inmates Released from Custody During October Through December 1972. Tallahassee, Florida: Department of Offender Rehabilitation, December 18, 1975.

Senate Bill 42, Chapter 1139. Sacramento: State of California, 1976.

Sigler, Maurice H., "Parole: Law, Discretion, and Disparity," paper presented at the American Correctional Association Congress, August, 1976, p. 9.

S.P.113-L.D.314, An Act Creating the Maine Criminal Code, Title 17-A (Chapter 499, Public Law). Augusta, State of Maine, 1975.

Waller, Irvin, "Conditional and Unconditional Discharge from Prison," Federal Probation, Vol. XXXVIII, No. 2 (June, 1974), p. 10.

ADULT  
 Guidelines for Decision-Making  
 Average Total Time Served Before Release (Including Jail Time)

OFFENSE CHARACTERISTICS* Severity of Offense Behavior (Examples)	OFFENDER CHARACTERISTICS Parole Prognosis (Ballant Factor Score)			
	Very Good (11-9)	Good (8-5)	Fair (5-4)	Poor (3-0)
<b>LOW</b> Immigration Law Violations Minor Theft (Includes larceny and simple possession of stolen property less than \$1,000)	6-10 months	8-12 months	10-14 months	12-16 months
<b>LOW MODERATE</b> Counterfeit Currency (Passing/Possession less than \$1,000) Drugs: Marijuana, Possession (less than \$500) Forgery/Fraud (less than \$1,000)	8-12 months	12-16 months	16-20 months	20-25 months
<b>MODERATE</b> Counterfeit Currency (Passing/Possession \$1,000-\$19,999) Drugs: "Hard Drugs," Possession by drug user (less than \$500) Marijuana Possession (\$500 or more) Embezzlement (less than \$20,000) Theft, Forgery/Fraud (\$1,000-19,999) Theft of Motor Vehicle (Not Multiple Theft or for Resale)	12-16 months	16-20 months	20-24 months	24-30 months
<b>HIGH</b> Burglary or Larceny (Other than Embezzlement) From Bank or Post Office Counterfeit Currency (Passing/Possession \$20,000 or more) Counterfeiting (Manufacturing) Drugs: "Hard Drugs," Possession by drug dependent user (\$500 or more) "Hard Drugs," Sale to Support Own Habit Embezzlement (\$20,000-\$100,000) Robbery (No Weapon or Injury) Theft, Forgery/Fraud (\$20,000-\$100,000)	16-20 months	20-26 months	26-32 months	32-38 months
<b>VERY HIGH</b> Robbery (Weapon) Drugs: "Hard Drugs," Possession by non drug dependent user (\$500 or more) or by non-user (any quantity) Extortion Sexual Act (Force)	26-36 months	36-45 months	45-55 months	55-65 months
<b>GREATEST</b> Aggravated Felony (e.g., Robbery, Sexual Act, Assault), Weapon Fired or Serious Injury Aircraft Hijacking Drugs: "Hard Drugs," Sale for Profit (Prior conviction(s) for Sale of "Hard Drugs") Kidnapping Willful Homicide	(Greater than above--however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category)			

\*certain offenses omitted for space purposes

- NOTES: (1) If an offense is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offenses listed.  
 (2) If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.  
 (3) If an offense behavior involved multiple separate offenses, the severity level may be increased.  
 (4) If a continuance is to be given, allow 30 days (1 month) for release program provision.  
 (5) These guidelines are predicated upon good institutional conduct and program performance.  
 (6) "Hard Drugs" include heroin, cocaine, morphine or opiate derivatives, and synthetic opiate substitutes.

SOURCE: Hoffman, Peter E. and Lucille K. DeGostin, "Parole Decision-Making: Structuring Discretion," in Federal Probation, XXVIII, p. 12, December, 1974.

TABLE 2  
 Use of Guidelines at Initial Hearings\*  
 United States Board of Parole  
 (10/74-9/75)

	N	%
Within guidelines	10,104	84.4
Below guidelines	1,043	8.7
Above guidelines	826	6.9
TOTAL	11,973	100

\*Beginning 8/75, decisions below the guidelines because of one-third policy limitation are excluded from consideration. All one-third hearings (commencing 8/75) are included.

Source: Meierhoefer, Barbara S., The First Full Year of Regionalization: A Statistical Summary (Report Eleven). Washington, D.C.: United States Board of Parole Research Unit, January, 1976, p. 6.

TABLE 3  
DETERMINATE SENTENCING TERMS

INDIANA (7-1-77)	MAINE (5-1-76)	CALIFORNIA (7-1-77)	ILLINOIS (PROPOSED)
<p>Fixed term within: 20-50 yrs.</p> <p>CLASS A With prior unrelated conviction Class A conviction Life</p> <p>With 2 or more prior unrelated felony convictions 20-80 yrs.</p> <p>CLASS B 6-20 yrs.</p> <p>With 2 or more prior unrelated felony convictions 10-50 yrs.</p> <p>CLASS C 2-8 yrs.</p> <p>With 2 or more prior unrelated felony convictions 5-38 yrs.</p> <p>CLASS D 2-4 yrs.</p> <p>With 2 or more prior unrelated felony convictions 2-34 yrs.</p>	<p>Fixed term within: Life 1° Homicide 2° Homicide (Imprisonment mandatory for 1° or 2° homicide)</p> <p>CLASS A 0-20 yrs.</p> <p>CLASS B 0-10 yrs.</p> <p>CLASS C 0-5 yrs.</p> <p>CLASS D 0-1 yr.</p> <p>CLASS E 0-6 mos.</p> <p>Dangerous weapon elevates crime one felony class</p>	<p>Capital offenses Death or 7 yrs.- Life (indeter- minate)</p> <p>Convicted offense One of three fixed terms: 5, 6, or 7 yrs. 3, 4, or 5 yrs. 2, 3, or 4 yrs. 16 mos., 2, or 3 yrs.</p> <p>Enhancement Provisions:*</p> <p>1 yr.** per prison term) Not 1/3 middle of consec- } exceeding utive term } 5 yrs.</p> <p>1 yr. if armed ) 2 yrs. if use ) 1 of firearm ) these 3 yrs. if inflict ) only bodily harm ) per or "take ) offense excessively" )</p> <p>*up to the value of the base term, with exceptions **3 yrs. for specified violent crimes</p>	<p>Murder Death, life, or 20-30 yrs.</p> <p>Fixed term within: 6-10 yrs. 12-18 yrs.</p> <p>CLASS 1 "Enhanced" 3-7 yrs.</p> <p>CLASS 2 "Enhanced" 7-11 yrs.</p> <p>CLASS 3 "Enhanced" 2-4 yrs. 3-7 yrs.</p> <p>CLASS 4 "Enhanced" 1-3 yrs. 3-7 yrs.</p> <p>*for recidivism/heinous offenses</p>

TABLE 4  
GOOD TIME AND WORK PROVISIONS

INDIANA (7-1-77)	MAINE (5-1-76)	CALIFORNIA (7-1-77)	ILLINOIS (PROPOSED)
<p>GOOD TIME CLASSES:</p> <p>1) DAY FOR DAY</p> <p>2) DAY FOR EACH 2 DAYS SERVED</p> <p>3) NONE</p>	<p>GOOD TIME:</p> <p>10 DAYS PER MONTH</p>	<p>GOOD TIME:</p> <p>3 MOS./ 8 MOS.</p>	<p>GOOD TIME:</p> <p>DAY FOR DAY</p>
	<p>WORK TIME 2 DAYS PER MONTH</p>	<p>PROGRAM TIME 1 MO./ 8 MOS.</p>	
<p>VESTITURE: NONE</p>	<p>VESTITURE: NONE</p>	<p>VESTITURE: EACH 8 MOS.</p>	<p>VESTITURE: EVERY 30 DAYS</p>

TABLE 5

NATIONAL PAROLE PERFORMANCE  
UNIFORM PAROLE REPORTS  
MALES AND FEMALES  
ONE YEAR FOLLOW-UP  
1968-1974

	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
<u>PAROLE PERFORMANCE</u>							
CONTINUED ON PAROLE	19,332 73%	20,122 74%	20,557 75%	22,067 78%	24,266 81%	22,965 82%	21,006 82%
ABSCONDER	1,913 7%	1,818 7%	1,668 6%	1,512 5%	1,440 5%	1,227 4%	955 4%
RETURN TO PRISON AS TECHNICAL VIOLATOR	3,937 15%	3,981 15%	3,831 14%	3,381 12%	3,194 11%	2,579 9%	2,306 9%
RETURN TO PRISON WITH NEW MAJOR CONVICTION(S)	1,283 5%	1,287 5%	1,240 5%	1,363 5%	1,197 4%	1,201 4%	1,266 5%
TOTAL CASES	26,465 100%	27,208 100%	27,296 100%	28,323 100%	30,097 100%	27,972 100%	25,533 100%

Source: Uniform Parole Reports Project, National Council on Crime and Delinquency Research Center, Davis, California.

TABLE 6

NATIONAL PAROLE PERFORMANCE  
UNIFORM PAROLE REPORTS  
MALES AND FEMALES  
TWO YEAR FOLLOW-UP  
1968-1972

PAROLE PERFORMANCE	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
CONTINUED ON PAROLE	15,783 65%	17,112 67%	17,579 70%	16,700 73%	20,173 74%
ABSCONDER	1,638 7%	1,621 6%	1,522 6%	1,095 5%	1,345 5%
RETURN TO PRISON AS TECHNICAL VIOLATOR	4,903 20%	5,097 20%	4,487 18%	3,468 15%	4,029 15%
RETURN TO PRISON WITH NEW MAJOR CONVICTION(S)	1,823 8%	1,817 7%	1,639 6%	1,586 7%	1,712 6%
TOTAL CASES	24,147 100%	25,647 100%	25,227 100%	22,849 100%	27,259 100%

Source: Uniform Parole Reports Project, National Council on Crime and Delinquency Research Center, Davis, California.

TABLE 7  
 NATIONAL PAROLE PERFORMANCE  
 UNIFORM PAROLE REPORTS  
 MALES AND FEMALES  
 1971 THREE YEAR FOLLOW-UP

<u>PAROLE PERFORMANCE</u>	<u>ONE YEAR</u>	<u>TWO YEARS</u>	<u>THREE YEARS</u>
CONTINUED ON PAROLE	16,338 80%	15,077 74%	14,785 72%
ABSCONDER	981 5%	968 5%	923 5%
RETURN TO PRISON AS TECHNICAL VIOLATOR	2,141 10%	2,869 14%	3,089 15%
RETURN TO PRISON WITH NEW MAJOR CONVICTION(S)	1,037 5%	1,577 8%	1,683 8%
TOTAL CASES	20,497 100%	20,491 100%	20,480 100%

Source: National Probation and Parole Institutes, Uniform Parole Reports Project, "You Asked For It--1971 Parolees, Three Year Follow-up and Trend Analysis," Davis, California: National Council on Crime and Delinquency Research Center, July, 1976.

TABLE 8  
COMPARISON OF RETURN RATES OF INMATES RELEASED ON PAROLE AND CONDITIONAL RELEASE

	1969		1970 <sup>1</sup>		1971 <sup>2</sup>		TOTAL <sup>3</sup>			
	PAROLE RELEASE	CONDITIONAL RELEASE	PAROLE RELEASE	CONDITIONAL RELEASE	PAROLE RELEASE	CONDITIONAL RELEASE	PAROLE RELEASE	CONDITIONAL RELEASE		
RELEASED TO COMMUNITY SUPERVISION	4623	1703	4086	1633	3860	1795	4051	1793	16620	6924
RETURNED AS VIOLATORS	475	191	414	189	393	250	325	194	1607	824
PERCENTAGE	10.3	11.2	10.1	11.6	10.2	13.9	8.0	10.8	9.6	11.9

<sup>1</sup>Parole release significantly different from conditional release:  $\chi^2 = 16.69$ ,  $df = 1$ ,  $P < .001$   
<sup>2</sup>Parole release significantly different from conditional release:  $\chi^2 = 11.67$ ,  $df = 1$ ,  $P < .001$   
<sup>3</sup>Parole release significantly different from conditional release:  $\chi^2 = 26.04$ ,  $df = 1$ ,  $P < .001$

Source: Citizens' Inquiry on Parole and Criminal Justice, Inc., Prison Without Walls: Report on New York Parole. New York: Praeger Publishers, 1975, p. 163.

TABLE 9  
 OUTCOMES FOR ONE YEAR FOLLOW-UP OF 1972 WISCONSIN  
 ADULT INSTITUTION RELEASE COHORT BY TYPE OF RELEASE

	SUCCESSFUL OUTCOME	UNSUCCESSFUL OUTCOME	TOTAL RELEASES
PAROLE <sup>1</sup>	1015 83.3%	203 16.6%	1218 80.3%
MANDATORY RELEASE	186 75.3%	61 24.6%	247 16.3%
DIRECT DISCHARGE	41 82%	9 18%	50 3.3%
TOTAL	1242 81.9%	273 18%	1515 100%

<sup>1</sup>Significant difference between parole and mandatory release:  $\chi^2 = 18.42$ ,  $df = 1$ ,  $p < .01$

Source: Bureau of Planning, Development, and Research, Division of Corrections, State of Wisconsin, "Outcomes for One-Year Follow-up of 1972 Adult Institution Release Cohort, by Sex, Type of Release, and Type of Outcome," Madison, Wisconsin: Research and Evaluation Section, December 3, 1974 (unpublished).

TABLE 10A

OUTCOMES BY RELEASE TYPE FOR TWO YEAR FOLLOW-UP OF 1972  
FLORIDA ADULT INSTITUTION RELEASE COHORT

TYPE OF RELEASE	SUCCESSFUL	UNSUCCESSFUL	TOTAL
PAROLE <sup>1</sup>	509 83.4%	101 16.6%	610 100%
MANDATORY CONDITIONAL RELEASE	81 75.7%	26 24.3%	107 100%
END OF SENTENCE	188 85.1%	33 14.9%	221 100%

<sup>1</sup>No significant difference between parole and other release categories

TABLE 10B

NEW COMMITMENTS BY RELEASE TYPE FOR TWO YEAR FOLLOW-UP OF  
1972 FLORIDA ADULT INSTITUTION RELEASE COHORT

TYPE OF RELEASE	NO NEW COMMITMENTS	NEW COMMITMENTS	TOTAL
PAROLE <sup>1, 2</sup>	561 92%	-49 8%	610 100%
MANDATORY CONDITIONAL RELEASE	88 82.2%	19 17.8%	107 100%
EXPIRATION OF SENTENCE	188 85.1%	33 14.9%	221 100%

<sup>1</sup>Significant difference between parole and mandatory conditional release:  $\chi^2 = 8.92$ ,  $df = 1$ ,  $p < .01$

<sup>2</sup>Significant difference between parole and expiration of sentence:  $\chi^2 = 7.92$ ,  $df = 1$ ,  $p < .01$

Source: Research and Statistics Section, Bureau of Planning, Research and Staff Development, Department of Offender Rehabilitation, A Study of Recidivism for Inmates Released from Custody During October through December, 1972. Tallahassee, Florida: Department of Offender Rehabilitation, December 18, 1975, pp. 9 and 17.

TABLE 11  
 CANADIAN PRISON RELEASE STUDY: NUMBER REARRESTED  
 IN CONNECTION WITH INDICTABLE OFFENSE WITHIN  
 TWO YEARS FROM RELEASE

TYPE OF RELEASE	NOT ARRESTED	ARRESTED	TOTAL
PAROLE <sup>1</sup>	117 56%	93 44%	210 100%
UNCONDITIONAL RELEASE	69 32%	144 68%	213 100%

<sup>1</sup>Significant difference between parole and unconditional release:  $\chi^2 = 22.40$ ,  $df = 1$ ,  $p < .001$

Source: Waller, Irvin, "Conditional and Unconditional Discharge From Prison," Federal Probation, Vol. XXXVIII, No. 2 (June 1974), p. 10.

TABLE 12  
 ENGLISH PRISON RELEASE STUDY:  
 NUMBER RECONVICTED WITHIN 12 MONTHS OF RELEASE

	NOT RECONVICTED	RECONVICTED	TOTAL
PAROLEES <sup>1</sup>	88 88%	12 12%	100
NON-PAROLEES	84 74.3%	29 25.6%	113

<sup>1</sup>Significant difference between parolees and non-parolees:  
 $\chi^2 = 5.25, df = 1, p < .05$

Source: Morris, Pauline and Farida Beverly, On Licence: A Study of Parole. London: John Wiley and Sons, 1975, pp. 145-147.

TABLE 13  
 PERCENTAGE OF OFFENDERS NOT RECONVICTED WITHIN  
 TWO YEARS FROM DATE OF RELEASE BY  
 FEDERAL BUREAU OF PRISONS, 1970-1972

	SUCCESS	ADJUSTED PERCENT SUCCESS*
PAROLE N = 450	89%	83%
MANDATORY RELEASE N = 473	74%	77%
EXPIRATION OF SENTENCE N = 300	68%	71%
TOTAL	100%	100%

\*F test significant,  $p < .001$

Source: Gottfredson, Don, "Some Positive Changes in the Parole Process," paper presented at the American Society of Criminology meeting, November 1, 1975, Toronto, Canada.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

JANUARY 21, 1977  
Second Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

The members present constituted a quorum.

Others Present

Mr. Sid Heidersdorf, Department of Health and Social Services  
Commissioner Ernst W. Mueller, Department of Environmental Conservation  
Mr. Dan Plotnick, Office of Aging

The meeting was called to order by Chairman Hackney at 3:00 p.m. Commissioner Ernst Mueller of the Department of Environmental Conservation was introduced by the Chairman. Commissioner Mueller explained the problem addressed in SB 45 is a question of responsibilities; the Department of Environmental Conservation as an environmental quality regulatory agency versus the Department of Health and Social Services as the state's health regulatory agency.

The power to regulate the use of and disposal of radioactive materials, radio nuclides and electronic product radiation was transferred from the Department of Health and Welfare (now known as Health and Social Services) to the Department of Environmental Conservation. Essentially, that put Environmental Conservation in the business of regulating hospitals, clinics, dental offices, microwave ovens, and everything else utilizing electronic products radiation and nuclear materials.

The Department of Environmental Conservation doesn't feel this is their responsibility. The Department of Health and Social Services, which regulates the health delivery systems in the state, should have the responsibility. However, the discharge of radioactive materials into the environment is in the domain of Environmental Conservation.

At the time the transfer of responsibility was made, Environmental Conservation developed staff capabilities to regulate the program; however, the position was abolished from the budget at the request of the Legislature. The program, then, was terminated.



The chair next recognized Mr. Sid Heidersdorf, Chief of the Environmental Health Section of the Department of Health and Social Services. Mr. Heidersdorf explained that it would be in this division that the responsibilities of SB 45 would fall.

Mr. Heidersdorf said that the radiation problem as it exists in Alaska today stems from the use of X-rays in doctors' and dentists' offices. X-rays are the primary source of unnecessary exposures. The exposures are occurring to both operators of the X-ray machines and to patients, but the major problem is to patients. The technique and manner in which a patient is exposed sometimes results in exposures up to five times what is required to get an adequate diagnostic X-ray.

The Department of Health and Social Services has a number of responsibilities that are related to radiation protection, yet they don't have statutory responsibility for radiation.

Mr. Heidersdorf said that the Department of Health and Social Services supports SB 45 with the qualifier that the fiscal note is approved with the bill. (See SB 45 file folder.) If not, there is very little the department can do to enforce the statutes.

Committee discussion on the bill resulted in Senator Sumner making the motion that line four and part of line five on page three of the bill be deleted. (See attached material.) The motion failed.

Senator Rodey motioned that the bill be passed out of committee with individual recommendations and with the fiscal note attached with a notation that the Finance Committee chairman examine the bill. The motion passed and the meeting adjourned at 4:10 p.m.



HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

January 26, 1977  
Third Meeting



Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice Chairman  
Senator Willis  
Senator Bradley

Members Absent

Senator Rodey

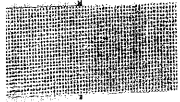
Others Present

Jean Kizer, Associated Press  
Irene Peyton, Child Advocacy Board  
Dennis Robertson, AS 28 Revision Interim Review Committee  
Pat Denny, Catholic Community Service  
Charles Sothan, Division of Corrections  
J. H. Barkley, Chief, Juneau Police Department  
Gregg Erickson, Legislative Affairs Agency  
Lee Dalby, Division of Corrections  
Gary L. Sheridan, Division of Social Services  
Dove Kull, Self  
Senator Chancy Croft, co-sponsor of SB 38

The meeting was called to order by Chairman Hackney at 3:05 p.m. The first bill on the agenda was SB 38. The chair recognized Senator Croft, co-sponsor of the bill. Senator Croft explained that several years ago the legislature passed a bill that for the first time established mandatory penalties for driving while intoxicated. However, at that time there was no mandatory jail sentence with regard to the first conviction. SB 38 provides for mandatory jail time on the first conviction and it also changes the jail time in second and third convictions. A second offense is changed from three days to 10 days; third offenses call for 30 days instead of the present 10 days.

Senator Croft went on to explain that with more people in jail, society will pay additional costs. However, the longer the jail term, the more effect it would have in stopping this type of crime.

The chair next recognized Chuck Sothern, Deputy Director of the Division of Corrections, who in turn introduced Mr. Leland Dalby, Administrative Officer, Division of Corrections. Mr. Dalby said the Department of Health and Social Services supports SB 38. However, he observed that the enactment of SB 38 would result in a great deal more litigation for first time offenders and he also suggested the bill be clarified to read that the time is to be served consecutively. Three days consecutively, 10 days consecutively; i.e., the second time offender doing 10 days could conceivably serve one day a week, one day a month, or two days a month which would give him



a period of a year or a year and one half to complete the sentence. Mr. Dalby also recommended that if the bill does pass from committee, perhaps an amendment could be added that would provide for a qualified alcohol counselor to be assigned to the second or third time offender to look into the case.

Next to testify was Dennis Robertson, AS 28 Interim Committee. Mr. Robertson explained that the law, as presently written, allows a person convicted for three days to begin the sentence at 11:59 p.m. one night and be released the following morning at 12:01 a.m. and, therefore, satisfy the one day requirement. In reality 24 hours are served in two minutes.

James Barkley, Juneau Police Chief, took a negative stand toward the bill questioning its practicality at this point in time. He also had some observations on the bill as presently written. Chief Barkley noted there was no limitation between the time the first, second or third offenses are committed. A person convicted of a second offense 20 years after the first offense receives the same sentence as the person who commits his second offense within one year of the first. He added that the committee may want to look into the possibility of making it an offense for having .10 percent content, period. Lawyers may argue that their client can "hold his liquor" and not be considered 'under the influence' at .10 percent.

Chairman Hackney announced no action would be taken on the bill at this time. The meeting was recessed for five minutes.

The meeting was called to order at 4 p.m. and SB 54 was taken up. The chair recognized Gary Sheridan, Acting Director, Division of Social Services, Department of Health and Social Services. Mr. Sheridan explained that the bill would amend AS 20.15.080 to extend the adoption subsidy program which is presently applicable only for handicapped children. The bill additionally provides for hard-to-place children who otherwise might not be provided subsidized adoption for adoption placement. It also provides a definition of hard-to-place children.

Mr. Sheridan explained the fiscal note indicated no impact because, in essence, the state would be providing permanent homes for the same children who require foster care.

Mrs. Dove Kull also testified on the bill voicing her concern that a person with expertise make the decision as to which children are defined as 'hard-to-place'.

Committee discussion resulted in Senator Willis asking that SB 54 receive a "do pass" recommendation. It was so moved and there being no further business, the meeting adjourned at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

January 31, 1977  
Fourth Meeting

Members Present

Senator Hackney, Chairman  
Senator Summer, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

The members present constituted a quorum.

Others Present

Alan Dill, National Education Association - Alaska  
W. D. Overstreet, Association of Alaska School Boards  
Bob Cooksey, National Education Association - Alaska  
Ric Davidge, Alaska Student Lobby  
Jean Kline, Senator Meland  
Ken Koelsch, Professional Teaching Practices Commission  
Margaret Green, Self  
Jerry LeParle, Regent  
Sue Green, Governor's Office

NOTE: Senators Rodey, Bradley and Willis were excused from the meeting at the beginning of discussion on SB 46.

The meeting was called to order at 3 p.m. by Chairman Hackney. The first bill on the agenda was SB 44, Professional Teaching Practices Commission. Mr. Bob Cooksey, Deputy Executive Secretary for NEA Alaska was recognized by the chair. Mr. Cooksey spoke in opposition to the bill and encouraged the committee to leave the PTPC as is. The present make up of the nine member PTPC (five teachers and the remainder representing administration, Department of Education and higher education) gives a broad perspective to the commission.

Mr. Cooksey went on to say that additional members would have a financial impact on the commission. Presently, the PTPC is funded by certification fees of teachers and administrators; an increase in membership would require additional funding.

Mr. Cooksey felt another teacher-type could better deal with the competency of a teacher than could a lay person.

Mr. Bill Overstreet, Executive Secretary, Alaska School Board Association was recognized next. Mr. Overstreet supported SB 44. The AASB attempted in the past to have this change made to the PTPC act. Lay-members would assist the commission in having a broader perspective. He



also suggested an amendment that public members be appointed from a list of three names each submitted by the Association of Alaska School Boards and the PTA of the state. He urged the committee's passage of the bill.

Alan Dill, President of NEA, was next to speak. Mr. Dill opposed the bill. He said that a misunderstanding of the purpose of PTPC exists. Essentially, its purpose is to deal with questions of ethics by members of the profession. Since the function does deal with revocation and suspension of licenses for the profession, it ought to be dealt with by members of that profession. Mr. Dill felt in terms of control of education, the public currently has a great deal of control. School boards in the state are composed of members of the lay-public and have the right to hire or fire teachers and to make judgments about the competency of the teachers hired.

Mr. Dill introduced Mr. Ken Koelsch, PTPC Chairman. Mr. Koelsch also opposed the bill. He explained if the board were to be enlarged it would have to look for additional monies. Mr. Koelsch told the committee that composition of the board has very little to do along teacher, administration, Department of Education lines as far as voting and discussion go.

The chair next introduced Sue Green, Special Assistant in the Governor's Office. She stated that the Governor's position behind the bill is partly of support for the improvements made by the commission over the last few years and partly of having consumers on the commission who are less intimately involved in the internal professional type of perspective to pass judgments.

Chairman Hackney announced the bill would be put aside for action by the committee at a later date.

The next bill on the agenda was SB 46, Student on the Board of Regents. The chair introduced Jerry LeParle, Regent.

Mr. LeParle made these comments on SB 46:

Section 1(b) 1 - Supposedly, these students would have a better understanding of the operations of the University; however, it specifically eliminates first year and transfer students from contention. Combined with section 1(b) (2) it would limit appointments to coming from the sophomore class since the regent holds a two-year term of office. It would also effectively eliminate individuals in the community college system. Mr. LeParle suggested elimination of this section.

Section 1(b) (2)- Mr. LeParle agreed with this section.

Section 1(c)- He felt a regent appointed by the Governor of the State of Alaska, confirmed by the Legislature, and sworn to an oath of office should not be fired by a registrar. The Governor's Office, legislature and courts should deal with such a situation.



Section 1(d) - Mr. LeParle felt this was an excellent provision; however, it is conceivable it could get jumbled up around election time. Perhaps a 60-day exemption prior to an election should be added.

Section 1(e) - There is a loophole in that a person who is enrolled in 12 credit hours may never go to class--enrolled and completes would eliminate such a loophole.

The chair next recognized Ric Davidge, Acting Chairman of the Alaska Student Lobby. Mr. Davidge explained the bill addressed a concern that the Student Regent position has not had the type of integrity which it should have had. The Governor directed him to write a report in July of 1976 specifically dealing with the selection of a student regent. (A copy of this report can be found in the committee file on SB 46.)

Chairman Hackney announced the bill would be held over until such time a Committee Substitute could be drafted. There being no further business on the agenda, the meeting adjourned at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 2, 1977  
Fifth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

The members present constituted a quorum.

Others Present

Sterling Gallagher, Commissioner of the Department of Revenue  
Bob Gates, Director of Retirement, Department of Revenue  
Jim Edenzo, Deputy Commissioner of the Department of Revenue  
Roger Lange, Department of Health and Social Services  
Kenneth Sather, Department of Health and Social Services  
Anna Wenzel, Department of Health and Social Services  
Dennis Robertson, AS 28 Revision Interim Committee  
William Huston, Director, Division of Corrections  
Leland Dalby, Administrative Officer, Division of Corrections  
Jean Kline, Senator Meland

The meeting was called to order at 3:05 p.m. by Chairman Hackney. The first bill on the agenda was SB 43, Investment Authority of the Commissioner of Revenue. The chair recognized Commissioner Gallagher to speak on the bill.

Commissioner Gallagher stated the purpose of the bill is to increase the earnings in the pension funds. In the first section of the bill an attempt is made to open up mortgages and make more verbal guidelines as to what sort of loan can be taken in. In the second section of the bill is a provision that would allow the department to invest in bonds guaranteed by any of the Canadian provinces. The third section has to do with enabling the Department to invest in bankers' acceptances and time certificates of deposit.

Commissioner Gallagher introduced Bob Gates, Director of Retirement for the State of Alaska. Mr. Gates explained to the committee the figures on pages 20 and 21 of the "Official Statement, \$40,000,000, State of Alaska 1977 Bonds, Series A" pamphlet distributed at the meeting (see attached).

Committee discussion resulted in Senator Sumner moving and asking SB 43 receive a "do pass" recommendation, there being no objection it was so moved and the bill was passed from committee.

212  
SB 43  
2.28



SB 77, Penalties for Fraud in Public Assistance Programs was next on the agenda. The chair recognized Roger Lange, Department of Health and Social Services to speak on the bill. He explained SB 77 was primarily designed to tighten up the law passed last year regarding fraud in welfare programs. As the statutes presently read, all offenses are to be tried as misdemeanors. The Department feels the magnitude of the abuses of the program is sufficient to warrant a felony penalty as a deterrent.

Mr. Lange introduced Mr. Kenneth Sather, Chief Investigator for the Fraud Section to the committee. Mr. Sather answered questions from the committee concerning a case of wilfull intent to defraud the state. Committee discussion on the bill resulted in defeat of an amendment proposed by the Department that would decrease the dollar amount to be classed as a felony from \$5,000 to \$2,000. Senators Hackney and Bradley supported the amendment while Senators Sumner, Rodey and Willis were opposed. Senator Rodey then asked that SB 77 be moved from committee with individual recommendations. It was so moved.

Next on the agenda was SB 51. The chair recognized Anna Wenzel, Chief of the Health Facilities Certification and Licensing Section of the Department of Health and Social Services. Ms. Wenzel explained the purpose of the bill. The major change the bill would make would be in license fees for health care facilities. Presently, licensing fees stand at \$10.00 for the initial license with no fee upon renewal. The bill would remedy this by establishing a sliding scale for facilities by numbers of beds. This would include hospitals, nursing homes, and facilities that are intermediate care facilities and have to be licensed under the statutes.

Ms. Wenzel also pointed out what was apparently a typographical error in the statutes in the definition of a hospital. It indicates that care is provided for "24 hours a week", she thought it should read "24 hours a day". However, the committee determined the statutes did read correctly--perhaps taking bush Alaska and clinics into account.

SB 38, An Act relating to Driving Under the Influence of Intoxicating Liquor or Drugs, was next. SB 38 was before the committee for the second time, as it was held over from a previous meeting. Chairman Hackney informed the committee as to the comments of Allen Bailey, Anchorage, on the bill. (See attachment.) The Chairman proposed an amendment to the bill that would change line 18 to read "72 hours" instead of "three days" and restore the original language to line 19. The amendment failed and Senator Sumner offered a second amendment. Senator Sumner proposed to change line 18 to read "twenty-four hours" instead of "three days" and restore the original language to line 19. The amendment passed and Senator Rodey moved that the bill receive a "do pass" recommendation from the committee. There being no objection, it was so moved.

There being no further business before the committee, the meeting adjourned at 4:45 p.m.



The ordinance was passed on January 11. There has been little experience with it in the way of legal challenges. The ordinance basically says it is unlawful to drive under the influence while in control of an automobile, motorcycle, or motor vehicle in Anchorage at such time as the alcohol content of a person's blood is .10 percent or greater as determined by a test of the person's blood, breath, or urine.

Similar statutes are in effect in Oregon, New York, Delaware, Florida, and North Carolina. Legal challenges have been made in all of those states and the law has been upheld. The laws all vary somewhat. The Oregon statute is closest to the one that is in the Title 28 revision. The North Carolina statute is fairly close to the Anchorage ordinance.

Defense attorneys have said they would move to dismiss the charges based on constitutional questions and the double jeopardy issues, as well as on the power of the municipality to enact the ordinance.

Anchorage made it a separate ordinance in addition to the DWI ordinance. This was done in order to be certain the court would not bring the new ordinance under rebuttable presumption against AS 28.35.033, because the new ordinance is an un rebuttable presumption.

The ordinance has the same maximum and minimum penalties as the DWI ordinance: twenty-four hours in jail on the first offense; three days on the second offense; and 10 days on the third offense. The minimum penalty is never recommended except on the first offense; second and third offenses are recommended at no less than five days and 30-60 days, respectively.

There have been cases of second and third offenses, but none have been put on the trial calander yet. Police officers have been giving breathalyzer tests, and in the event the results are .10 percent or greater, the drivers are charged with two counts--DWI and the ordinance. If a guilty plea is made at arraignment, APD is willing to dismiss one or the other of the charges because the end result is what they are after--conviction.

The alcohol situation is different in Anchorage and Fairbanks. The average of alcohol involvement in fatal accidents statewide and nationwide is considerably less than in those two cities. Last year in Anchorage, 18



out of 20 fatalities were alcohol-related.

If there were to be a state law more stringent than the current Anchorage ordinance, action would be taken to change the ordinance to one with identical penalties and the same effective date as the state law.

The Anchorage Assembly was educated as to what the .10 percent alcohol level is. They were provided with material from (a) a pathologist in Anchorage who has done three years of research on the affects of alcohol on driving , and (b) from the local alcohol program of the National Council on Alcoholism.

APD did their homework on the ordinance before it was passed by the assembly and there is no legal problem with it. It is something that has to be done in order to deal with drinking drivers. The National Highway Traffic Safety Administration also recommends it as a part of a program to reduce the alcohol and driving problem.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 4, 1977  
Sixth Meeting

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Summer, Vice-Chairman  
Senator Rodey

The members present constituted a quorum.

Others Present

Senator Ziegler, sponsor of SB 17  
Dove Kull, Self  
Jean Kline, Senator Meland  
Mike Morgan, Director of Vocational Rehabilitation

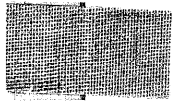
The meeting was called to order by Chairman Hackney at 3:21 p.m. The first bill on the agenda was SB 17, G.O. Bond - \$5,000,000 Pioneers Home in Ketchikan. Senator Ziegler was recognized by the chair and spoke in favor of the bill. Senator Ziegler explained that Ketchikan has many pioneers and a need for such a facility. The City of Ketchikan and ASHA have made a building site available at no cost for construction of such a home.

Committee discussion resulted in Senator Willis moving and asking that SB 17 be passed from committee with a "do pass" recommendation. There being no objection, it was so moved.

Next on the agenda was HB 59am, Handicapped Individuals. The chair recognized Mike Morgan, Director of Vocational Rehabilitation. He explained the bill is essentially a housekeeping measure to bring the state statutes up-to-date with the federal regulations.

Committee discussion resulted in Senator Willis moving and asking that HB 59am receive a "do pass" recommendation. There being no objection, it was so moved.

SB 73, Teacher Retirement Credit for Unused Sick Leave was next on the agenda; however, no one was present to offer testimony on this bill and it was returned to the files. There being no further business before the committee, the meeting adjourned at 3:40 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 9, 1977  
Seventh Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

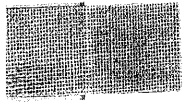
The members present constituted a quorum.

Others Present

Bob Van Houte, National Education Association, Alaska  
Ken Koelsch, Chairman, PTPC  
Bob Cooksey, National Education Association, Alaska  
Bill Overstreet, Alaska Association of School Boards  
Marshall Lind, Commissioner of the Department of Education  
Don Kemp, Acting Director, Division of Public Assistance, H&SS  
Robert Cole, Director, Office of Alcoholism, H&SS  
Sam Granato, Director, Division of Social Services, H&SS  
Gene Smith, Deputy Director, Division of Administrative Services, H&SS  
Marsha Hubbard, Budget Planning Unit, H&SS  
Jean Kline, Senator Meland  
Ron Castle, Self  
Beryl Johnson, Self

The meeting was called to order by Chairman Hackney at 3:05 p.m. The first bill on the agenda was SB 44, Professional Teaching Practices Commission. The chair recognized Bob Van Houte to speak on the bill. Mr. Van Houte said the National Education Association reviewed the legislation and is of the opinion that since the commission deals with professional people, it should be retained in its present form. They feel the PTPC is designed to have a narrow spectrum and, therefore, appointed members should have background which qualifies them to answer questions regarding professional competence and professional skills.

Next to speak on the bill was Ken Koelsch, PTPC Chairman. Mr. Koelsch presented information on the number of formal cases that have come before the PTPC in the last five years. He did not know the disposition of those cases. Twenty-one cases were filed against teachers; 26 against superintendents and principals; and six against school boards. The six against school boards were grievance arbitrations which the PTPC no longer participates in. Out of the 53 cases, 27 occurred in the last two years. He knew of no complaints made to PTPC which had not been followed up.



Mr. Koelsch described the screening process complaints pass through. First the initial complaint goes to Mr. Lintott, Executive Secretary of the PTPC. He then asks for a formal filing of the complaint. Next the formal complaint passes to the executive board composed of the chairman, secretary and treasurer (teacher, administrator and higher education). The complaint does not go to the executive board with a recommendation from Mr. Lintott. The executive board decides whether or not to hold an investigation. If the executive board decides an investigation is needed it so directs Mr. Lintott. If the committee feels Mr. Lintott would be in any way pressured as a teacher, they will do the investigation themselves. After the investigation, the executive board decides whether or not to hold formal hearings. If the executive board rejects a complaint, the Commission has a right to call it in and decide as a commission whether or not to reject it.

Committee discussion resulted in Senator Rodey moving to table the bill. Senators Sumner, Rodey and Willis were in favor and Senators Hackney and Bradley were opposed. The bill was tabled.

The next bill on the agenda was SB 124, Membership on the State Board of Education. Commissioner Lind presented the State Board of Education's position on the bill. The Board does not oppose addition of two people. They feel additional members would provide more views which would result in a better job being done with the approximate quarter of a billion dollars the Board is responsible for. Commissioner Lind estimated the cost per additional member would be \$8,000.

The board does, however, object to the portion of the bill which specifically designates three members from regional attendance areas. Student attendance or population from the regional attendance area is comprised of approximately one-ninth of the total student population, yet this bill would set out one-third of the Board membership coming from that particular area. The Board has been trying to treat all districts the same and feels this bill would result in fragmentation. An analysis of the distribution of districts within the present four judicial districts shows they are adequately represented.

	<u>REA</u>	<u>City and Borough</u>
Judicial District #1	3	14
Judicial District #2	3	4
Judicial District #3	6	10
Judicial District #4	9	3

Rural areas feel the present board members all reside within one of the major cities or boroughs. The board is composed of seven members: one from Nome; one from Sitka; one from Kodiak; two from Anchorage; one from Wasilla; one from Fairbanks; and two non-voting advisors, a student from Cordova and a military representative from Fort Richardson.

The board feels this matter can be resolved by some simple language changes in the bill such as: in line 19 after the word "state" delete



the period and insert "and he shall insure that each type of public school district is adequately represented."

Chairman Hackney announced the bill would be held until such time as the sponsor, Senator Ferguson, could be present to speak on the bill. Chairman Hackney then left the meeting in order to attend a Legislative Council meeting. Senator Sumner assumed the chair and a five minute recess was called.

Senator Sumner called the meeting back to order and took up SB 121, A Supplemental Appropriation to the Department of Health and Social Services in the amount of \$875,043. Present to testify for the Alcoholism portion of the bill was Robert Cole, Director of the Office of Alcoholism. Mr. Cole explained the bill does not ask for new monies. The supplemental is the result of a bill paying error made during the last fiscal year. \$291,400 was granted under contract to the municipality of Anchorage and improperly billed for. The error was not caught in time to prevent the money from lapsing back into the general fund before the bill was paid. The other portion of the supplemental in this area was a \$17,450 claim against H&SS for an alcoholism contract in FY 74 at the University of Alaska Center for Alcohol Addiction Studies.

Sam Granato, Director of the Division of Social Services was present to explain the other portion of the supplemental. As described in the department's position paper, the money is to meet obligations for foster care payments and payments for children in institutions within the state. However, there are two additional aspects not covered in that paper. The estimate of need in the 76 budget for these two items was considerably above last year's free conference committee appropriation which was reduced by \$741,900. There were two legislative notes of intent attached to the bill which indicated the legislature would be receptive to a supplemental. Mr. Granato assumed that in the judgment of the legislature last year there were so many unknowns that they budgeted at a low figure with the expectation there would be a supplemental.

In the meantime, the Department started a process of reducing costs all-the-way-around and utilizing other funds where available. These steps have reduced the original supplemental request. Health and Social Services is asking for an amendment to this portion of SB 121 that would reduce the state funds requested by \$225,600. The department is now asking for \$530,900, but only \$234,600 of that is from the state general fund. Additional federal funds are made up of Title XX funds originally planned for Alcantra. Those funds are still claimable from the federal government. The one factor in foster care institutionalization is that under the full cost of service statutes, the rates are established and it becomes difficult to make predictions in terms of the rate and what the total cost will be.

Senator Sumner announced the bill would be held over for further action at a later date. The next bill on the agenda was SB 129, Medical Assistance for the Needy. Mr. Don Kemp, Acting Director of the Division of Public Assistance was introduced to speak on the bill.



Mr. Kemp explained that SB 129 would amend the state's medicaid statutes to add another reasonable classification of individuals under the age of 21. These individuals would be persons who received in-patient psychiatric hospital services at the Alaska Psychiatric Institute. Essentially, these people are already in API and receiving services. The difference between the current situation and that covered by this bill is that patients are now funded through 100% state general funds and under this bill 50% of the funding would come from the federal medicaid funds. There would be no increase in the appropriation, it provides only for a different funding mechanism.

A potential problem with the bill is the department has been informed by the Federal Department of Health, Education and Welfare they plan to write regulations which will not allow states to add any new reasonable classifications and, at this point in time, will not consider state plan amendments for new reasonable classifications. Basically, the department felt it would be good to have this bill passed in case the federal position does change. Mr. Kemp submitted a new fiscal note for the bill.

Marsha Hubbard, Budget Planning Unit of the Department of Health and Social Services explained the budgeting aspects of the medicaid program. She said the medicaid program is presently contained in one budget review unit called the medicaid program which is administered by the Division of Public Assistance. The API facility is operated by the Division of Mental Health. API has patients who qualify for the medicaid program. API, through the Division of Mental Health, bills the Division of Public Assistance to pay those bills. Therefore, certain costs at API are then paid for out of medicaid funds. Those costs are for the entire medicaid program at API and are in the budget. The only increasing cost ever incurred would be the cost of operating the hospital itself. These costs increase yearly. The group of persons would not increase either the cost of medicaid or the cost of operating the hospital. The FY 77 budget assumes no federal funds will be received but the FY 78 budget does.

Senator Sumner announced the bill would be held for further committee discussion and announced the meeting adjourned at 4:35 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 11, 1977  
Eighth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Gene Smith, Deputy Director of Administrative Service, H&SS  
Dick Branton, Assistant Director, Division of Mental Health, H&SS  
Dr. Gregovich, Coordinator, Division of Mental Health, H&SS  
Don Kemp, Acting Director of the Division of Public Assistance, H&SS  
Marsha Hubbard, Budget Analyst, H&SS  
Jean Kline, Senator Meland

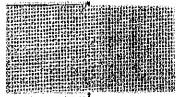
Chairman Hackney called the meeting to order at 2:00 p.m. The first bill on the agenda was SB 122, A Supplemental Appropriation to the Department of Health and Social Services in the amount of \$3,093,894. Gene Smith was recognized to speak on the bill.

He explained the \$3,093,894 is comprised of various amounts for different programs within the department. The request for malpractice insurance premiums was taken up first. The premiums are broken out by different departmental programs. They represent premiums for doctors employed on staff and premiums for institutions such as Alaska Psychiatric Institute and Harborview Memorial Hospital Developmental Center. The premiums are necessary for malpractice insurance under the new MICA (Medical Indemnity Corporation of Alaska) program. The bill creating MICA was passed by the legislature a year ago. The budget for the current fiscal year (FY77) was prepared just as MICA was getting underway and there was no established rate structure for premiums or experience on which to budget for premiums. Subsequently, MICA developed rate structures for both private and public physicians working on staff of public agencies. The private physician rate is based on gross receipts for services; the rate for salaried physicians in public agencies is based on gross salary; rates for institutions are based on the number of beds within.

The reason for malpractice insurance in the hospitals is that coverage is mandated by MICA regulations and the department has no alternative buy to buy-in. The MICA program is set up so all hospitals as defined within the Act shall be covered.

A table of rates which is the base for estimates on premium requirements is attached to the position paper on malpractice. Rates for staff positions were based on a rate of \$19.80 per \$1,000 of annual gross salary.

2/11  
58122



Calculations are based on estimated gross salary, based on salary schedules and earnings. There are temporary positions on an hourly salary which have not been calculated out based on monthly rates. They have been listed as estimated but the rates would be the same, \$19.80 per \$1,000 of salary. However, because of the nature of temporary employment the figure cannot be as precise as with permanent employees on a monthly salary.

Mr. Smith explained that prior to passage of malpractice legislation, insurance premiums were paid by the Department of Administration. A blanket policy covered all state employees and H&SS did not budget for it. The costs were absorbed by the Department of Administration. Mr. Smith did not know what the cost of the blanket premium was.

Senator Rodey said that it was a decision of MICAs own making to include hospitals and state employees under medical malpractice as there were no such requirements in the legislation passed last year.

Marsha Hubbard explained H&SS has a number of employees (nurses or program medical staff other than licensed physicians) in the medical field that are still being continued on the general liability policy by the Department of Administration.

Mr. Smith said in order to get a comparison between last year's cost and the sum presently being asked for, he would have to get figures from the Department of Administration and perhaps that department would have some method of pro-rating or allocating a portion of that cost to H&SS. This has never been done in the past. The Department of Administration always absorbed the cost without passing it on to the departments that had employees covered under the blanket policy.

The next portion of the supplemental requested \$216,500 for contract institutions within the Division of Mental Health. Mr. Branton and Dr. Gregovich testified on this portion of the bill. Mr. Branton explained the \$216,500 represented necessary additional funding for the Hope Cottage program. Hope Cottage provides an array of services for developmentally disabled in the Anchorage area and statewide. The budget they received their funding from is the contract institutions budget. In July of 1975, they gave the department a proposed budget figure for operations. After H&SS received its appropriation, it was negotiating a new contract with Hope and found the cost of their budget had been underestimated. H&SS reviewed the proposed contract; there is no substantial change in the service being offered, it is simply a matter of increased costs.

Mr. Branton said that one of the major contributing items in the Hope Cottage budget was a National Labor Relations Board decision concerning the payment of overtime salaries. It requires the payment of overtime to persons who are providing 24 hour a day house parent type services. As a result, salary expenses increased considerably. The overtime, however, did not have to be paid retroactively.



Dr. Gregovich further explained the cost increase. He said approximately \$116,000 was due to the NLRB ruling. About \$90,000 of the other \$100,000 was due to general salary increases. The reason is Hope Cottage and other privately run institutions throughout the state have had salary rates considerably lower than state salaries and, therefore, very poor selection ratios in obtaining staff. The Board at Hope Cottage raised salaries in order to be somewhat competitive with state salaries.

He also explained the remaining \$10,000 was used to plug holes as far as program goes. These costs included a half time person for the specialized foster care program and rental increases in residential programs.

The next portion of the bill was the medicaid program. Don Kemp, Acting Director of the Division of Public Assistance testified on this portion of the supplemental. He stated that the \$2,600,000 amount has been reduced to \$1,000,000. The reason for reduction is when the bill was originally submitted there was cost settling at the state mental health institutions. The \$1,600,000 will come from a series of revised programs in the legislative budget and audit committee. Basically, what happened is the Division of Mental Health already has the state general funds. They just have to transfer those general funds to the medicaid program.

The remaining million dollars in the amount requested is for cost settling purposes. Cost settling is a process whereby when an institution begins its fiscal year, the state, the medicaid program and the institution get together and project a per diem rate for patients in the upcoming fiscal year. After the fiscal year has closed often times revenues and costs have changed. The medicaid program does an audit of the costs and revenues of the institution. They will either make up the difference if costs have gone up and revenues down, or in some cases the projected rate was too high and the state gets money back. In most instances, because of inflation, the state and the medicaid program end up owing the institutions money.

Chairman Hackney announced the bill would be held over for further discussion and that SB 46, Student on the Board of Regents would also be held over. The meeting adjourned at 3:15 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 14, 1977  
Ninth Meeting

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Rodey

The members present constituted a quorum.

Others Present

Dan Plotnick, Office of Aging  
Dr. Gregovich, Coordinator, Division of Mental Health, H&SS  
Dick Branton, Assistant Director, Division of Mental Health, H&SS  
Jean Kline, Senator Meland  
Ric Davidge, Alaska Student Lobby  
Don Kemp, Acting Director of the Division of Public Assistance, H&SS  
Marsha Hubbard, Budget Analyst, H&SS  
Gene Smith, Deputy Director of Administrative Services, H&SS  
Marie Swanson, Administrator, Longevity Bonus Program  
Vernon, L. Perry, Director, Division of Pioneers' Benefits  
Frank Sisson, Administrative Officer, Division of Pioneers' Benefits

Chairman Hackney called the meeting to order at 3 p.m. SB 122, Supplemental Appropriation - Department of Health and Social Services was the first bill on the agenda. Mr. Don Kemp was recognized to speak on the bill.

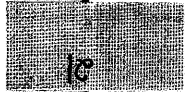
Mr. Kemp believed last year's legislature anticipated a supplemental in the program. Attached to the budget bills was a statement of legislative intent requesting the department come in for a supplemental if it appeared one would be necessary.

Mr. Kemp explained general relief medical as an emergency medical program for people not eligible for medicaid but who meet general poverty guideline standards.

Chairman Hackney entertained a motion to amend the bill as had been requested by the department in previous testimony. On page one, line 10 delete "\$3,093,894" and insert "\$1,486,094". In line 24, delete both "1,303,900" figures and in their places insert "500,000". It was so moved. Senator Willis moved and asked SB 122, as amended, receive a "do pass" recommendation. It was so ordered.

The next bill on the agenda was Committee Substitute for SB 46, Student on the Board of Regents. Ric Davidge was present to testify.





In his review of the committee substitute returned from Legislative Affairs, Mr. Davidge noted several changes not incorporated into the bill. He asked for the following amendments to the substitute: in line 13 strike the word "student" and in line 18 strike the word "student"; on page two, line 5 delete "a student regent is" and insert "the regent appointed from the general student body, University of Alaska, is"; and on line 6 strike "student regent" and insert "appointee".

Senator Willis asked the amendments be made. The Chairman stated, however, instead of amending the committee substitute, a redrafting of the bill would be ordered with those changes.

The next bill on the agenda was SB 97, Longevity Bonus. Vern Perry was recognized to speak on the bill. Mr. Perry stated the administration feels section A is acceptable. In section B, however, it is recommended a limiting clause be inserted such as: when satisfactory proof of eligibility is made at the time of or within 30 days after application or if not within that time, when the commissioner is satisfied that proof of eligibility could not reasonably have been made within that time. He said such language would give pioneers an incentive to get their papers in; if they know they will get paid retroactively there is very little incentive to get their papers in. This causes administrative problems for the Division.

Senator Sumner offered the following amendment to the bill: on line 21, after the word "later" delete the "." and add ", when satisfactory proof of eligibility is made at the time of or within 60 days after application or if not within that time, when the Commissioner is satisfied that proof of eligibility could not reasonably have been made within that time."

There was no objection to the amendment and it passed. Senator Bradley asked that SB 97, as amended, receive a "do pass" recommendation. There being no objection, it was so ordered. However, Senator Willis later asked the motion be recinded and the bill held over until the committee could meet with the Governor's Advisory Committee on Aging. Mr. Dan Plotnick announced the meeting would be held Tuesday, February 15 through Thursday, February 17. Chairman Hackney said the bill would be held over.

The final bill on the agenda was SB 121. Present to testify was Gene Smith. The committee discussed \$40,000 which the State Office of Alcoholism owes the University of Alaska for a training program. The committee determined the \$40,000 would be returned to the State general fund by the Department of Health and Social Services in the event an audit presently in progress found that bill to be void. Senator Sumner moved and asked unanimous consent the bill receive a "do pass" recommendation. It was so moved and the meeting adjourned at 4:15 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 16, 1977  
Tenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Willis

Members Absent

Senator Bradley  
Senator Rodey

The members present constituted a quorum.

Others Present

Marshall Lind, Commissioner of Department of Education  
Don Kemp, Acting Director of the Division of Public Assistance, H&SS  
Jean Kline, Senator Meland

Chairman Hackney called the meeting to order at 3:35 p.m. The first bill on the agenda was SB 129, An Act relating to Medical Assistance for the Needy. Mr. Don Kemp was recognized to speak on the bill.

He stated the purpose of the bill is to replace state general funds currently expended for the care of certain children at API with federal funds. Passage of this bill would establish a new reasonable classification under the medicaid program. However, H&SS was notified the federal government plans to publish proposed regulations which would not allow the establishment of new reasonable classifications under the medicaid program. Further, they will not accept any new state plan amendments which would establish a reasonable class until the proposed federal regulations have been published and finalized. If this bill was passed, whether or not it would ever be implemented is subject to question.

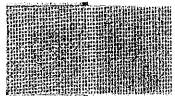
Senator Sumner moved and asked unanimous consent SB 129 receive a "do pass" recommendation. Senator Willis concurred, it was so ordered.

The next bill on the agenda was SB 110, State Physical Therapy Board. Chairman Hackney explained the bill changes the manner in which potential members of that board are presented to the Governor. The bill says a list would not be sent to him by the American Physical Therapy Association, Alaska Chapter. Senator Willis moved and asked SB 129 be moved from committee with individual recommendations. It was so ordered.

The final bill on the agenda was SB 124, Members on the State Board of Education. Chairman Hackney suggested the bill be held until Senator Ferguson could speak on the bill.

There being no further business before the committee, the meeting adjourned at 4:10 p.m.

SB 129  
2/16/77



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 18, 1977  
Eleventh Meeting

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Rodey

Members Absent

Senator Sumner, Vice-Chairman  
Senator Willis

The members present consisted a quorum.

Others Present

None

Chairman Hackney called the meeting or order at 2:35 p.m. SB 70, Sale of Alcoholic Beverages on Credit was the only bill on the agenda.

There being no one in attendance to offer testimony on SB 70, the committee members present discussed the bill. Chairman Hackney stated he could not endorse the bill as he believed it would lead to the use and abuse of alcohol. Senator Rodey shared Chairman Hackney's concern and stated he sensed the committee had no enthusiasm for the bill. Chairman Hackney asked that if it were the consensus of the committee the bill would be returned to the files. There being no objection, it was so ordered.

The meeting adjourned at 2:45 p.m.

218  
SB 70



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 21, 1977  
Twelfth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Willis

Members Absent

Senator Bradley  
Senator Rodey

The members present constituted a quorum.

Others Present

Bill Thompson, Department of Education  
Jean Kline, Senator Meland

Chairman Hackney called the meeting to order at 3:10 p.m. The only bill on the agenda was SB 150, A Supplemental Appropriation to the Department of Education in the amount of \$13,768,325. Present to testify was Bill Thompson.

FOUNDATION PROGRAM - REGULAR, \$2,000,000

The Commissioner of Education is required by law to report annually on December 15 as to the amount needed to fully fund the foundation program. The Department uses school districts' first quarter reports to project the D.O.E. budget and as the base for payments the districts will receive. A district receives no less dollars than children reported in the first quarter report in terms of average daily membership.

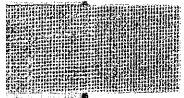
Districts changed their method of reporting and do not pick up any extra number of children until after October 31. Those children are not reflected in first quarter reports. In order to fully fund the foundation program, the Department must pick up the additional costs at the end of the year.

FOUNDATION PROGRAM - REAAs, \$7,638,000

Approximately \$2,000,000 is tied to a 17.5% increase in enrollment caused by settlement of the Hootch case and REAA take over of six Bureau of Indian Affairs schools.

Due to a federal ruling, the P.L. 874 funds which were projected in the FY 77 budget will now go directly to REAAs. First payments of P.L. 874 funds are made about March of the current fiscal year and in October of the next fiscal year. Such delays would cause severe cash flow problems for REAAs. In order to relieve this problem, the Department is proposing that foundation payments be continued to REAAs. This would require an estimated \$5,000,000 increase in state funding for FY 77 since the current projected 874 receipts are \$21,300,000 and \$26,300,000 is budgeted.

26  
150



PUPIL TRANSPORTATION, REGULAR - \$2,163,100

The State funds regular pupil transportation at 100%. Regular transportation is defined as those children living more than one and one half miles from school.

Substantial increases in transportation costs are attributable to newly negotiated contracts with the bus companies. Fairbanks, for example, went from \$1.12 to \$1.91 per pupil mile.

LOCAL FORMULA - REAAs, \$1,217,470

Due to the take over of six Bureau of Indian Affairs schools (Kiana, Emmonak, Kotzebue, Hooper Bay, and Upper and Lower Kalskag) last year's budget estimate of \$575 ADM was low. The additional six schools raised the ADM cost to \$611.

AVEC, \$615,000

\$615,000 is needed in order to fund subsidies for community service in the REAA school districts where the Alaska Village Electrical Cooperative supplies power to the schools.

The original cost for this electrical service was \$1,200, in 1971 AVEC raised their rates to \$2,400 and again in 1974 adjusted their rates to \$2,835 regardless of the amount of electricity a school uses. The \$615,000 represents the difference between the state contract and what the REAAs actual useage is.

SAFE WATER, \$103,000

Safe water facilities are being subsidized by Department of Environmental Conservation. However, the subsidy varies from site to site. Three sites, Selawick, Alakanuk, Nulato, with identical plants and similar costs, receive different Department of Environmental Conservation subsidies, while the school districts are charged unlike rates. Whereas Selawick district pays an annual fee of \$20,500, Alakanuk and Nulato districts pay \$72,000. To be treated equitably, Alakanuk and Nulato should pay the same rate as Selawick district. A \$51,500 subsidy is needed per site.

The last two portions of the appropriation will be discussed at the next meeting. Chairman Hackney announced the meeting adjourned at 4:20 p.m.

3



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 23, 1977  
Thirteenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Rodey  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Bradley

The members present constituted a quorum.

Others Present

Bill Thompson, Director of Management, Law and Finance, Dept. of Education  
Senator Ferguson, sponsor of SB 139  
Jean Kline, Senator Meland

NOTE: Senator Rodey left the meeting after a quorum had been established.

Chairman Hackney called the meeting to order at 3:10 p.m. and took up SB 139, Instructional Unit Allotment. Senator Ferguson, sponsor of the bill, was present to testify.

Senator Ferguson asked to hold the bill over until certain changes could be made and a sponsor substitute was introduced. Chairman Hackney announced the bill would be held as Senator Ferguson requested.

The next bill on the agenda was SB 150, Supplemental Appropriation to the Department of Education. Mr. Bill Thompson was present to explain the last two portions of the bill.

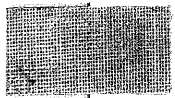
ASSOS FY 76 NEGATIVE BALANCE - \$15,866

SB 35 (which passed and became law last session) mandated the dissolution of the state operated school system. Funding for the system was broken up in accordance with legislative intent. The state operated school system had between 800 and 1,200 classified employees (cooks, custodians, maintenance people, etc.) who were eligible for termination pay when they ceased to be state employees on June 30, 1975. The cost of their termination pay, however, was never taken into consideration when SOS funding was being broken up, so after the employees were compensated the Department of Education had a \$15,866 deficit.

AUDIT EXCEPTION - VOCATIONAL EDUCATION, \$15,889

This last portion of the supplemental deals with an audit exception to vocational education. Department of Education entered into an agreement with AMU for vocational education related to staff development. AMU stated that it had acted "in good faith" under the direction of the DOE grant supervisor, and therefore, the ineligible federal funds withheld by the DOE from final payment to AMU was not justified. \$15,889 is needed for reimbursement to AMU for the above services.





Chairman Hackney announced SB 150 would be held until Friday, February 25 and the committee would take action on the bill at that time.

The next bill on the agenda was SB 96, Education in the Unorganized Borough. Mr. Thompson was present to testify on this bill also.

He explained that SB 96 is basically clean-up legislation to eliminate references to the state operated school system in the statutes.

Chairman Hackney announced SB 96 would be held over until Friday, February 25 and adjourned the meeting at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 25, 1977  
Fourteenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

Nat Cole, Deputy Commissioner of the Department of Education  
Dr. Gregovich, Coordinator, Division of Mental Health, H&SS  
Jean Kline, Senator Meland

Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was SB 155, Length of School Terms. Dr. Cole was present to testify on the bill.

He stated the Department of Education is opposed to the bill. The term "strike" could result in a shortened number of days and hours a student has an opportunity to for education. It is a deprivation to the child and a detriment to the educational program.

As far as fire and natural disasters are concerned, the department currently has a regulation (4 AAC 09.010(d) PUBLIC SCHOOL FOUNDATION PROGRAM) which covers this subject. The regulation reads as follows:

"(d) Any reduction below 180 school days of actual school made necessary by catastrophes, epidemics, or unusual circumstances shall be specifically approved by the commissioner if these days are to be counted as part of the minimum required school term. Upon approval, all pupils currently enrolled may be counted as present for these days. A school holiday as defined by law may not be counted as a day in session."

Chairman Hackney announced the bill would be put aside. There was no objection from the committee.

The next bill on the agenda was SB 21, A Special Appropriation to the Department of Health and Social Services in the amount of \$400,000. Senator Willis, SB 21 sponsor, explained the purpose of the bill.

Senator Willis said the idea behind the bill is to decentralize API and relieve some of the workload at that facility by trying to get certain people out into the community and into programs the Hope Cottage organization is running. Chugiak School would be a building to consider





utilizing.

Dr. Gregovich, Program Administrator for the Developmental Disabilities Section of the Department of Health and Social Services gave the history behind SB 21. The idea of using the Chugiak School came about when twenty-five mentally retarded people were placed in the charge of the State upon closure of a nursing home. The Department had no where to place them and even explored the possibility of placing them outside the state. The individuals were moved to a staging area at API and placed on a one-at-a-time basis from that facility.

Senator Sumner moved and asked unanimous consent the bill receive a "do pass" recommendation, there was no objection.

The next bill on the agenda was SB 96, Education in the Unorganized Borough. Chairman Hackney explained the bill was held over from the previous meeting. The purpose of the bill is to remove "state operated rural school" from the statutes.

Senator Sumner moved and asked unanimous consent the bill receive a "do pass" recommendation. There being no objection, it was so ordered.

The next bill before the committee was SB 150, Supplemental Appropriation to the Department of Education. The bill, having been before the committee twice previously, was moved out on a unanimous "do pass" recommendation by Senator Sumner.

There being no further business on the agenda, Chairman Hackney adjourned the meeting at 4:10 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

February 28, 1977  
Fifteenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Rodey  
Senator Willis  
Senator Bradley

Members Absent

None

Others Present

Jean Kline, Senator Meland  
David Freer, Special Assistant to the Commissioner, H&SS  
Robert Cole, Director, Office of Alcoholism, H&SS  
Diane LeResche, Health Education Specialist, Dept. of Education

Chairman Hackney called the meeting to order at 3:20 p.m. The first bill on the agenda was SB 168, A Special Appropriation to the Departments of Education and Health and Social Services; Alcohol-Related programs. Robert Cole was present and addressed the committee.

MEDICAL ALCOHOL DETOXIFICATION SERVICES, \$100,000

There are twenty-four alcohol programs funded in twenty communities throughout the state. Depending upon the community, there is either very good medical crisis care back-up service for alcohol programs or none at all. The \$100,000 is for the purpose of putting together a program that would allow H&SS to do demonstration projects with selected hospitals as to their willingness to provide emergency medical detoxification.

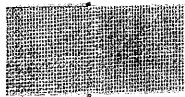
NON-MEDICAL ALCOHOL DETOXIFICATION ACQUISITION GRANTS, \$367,100

This is a plan to share the cost with the local community of putting detoxification centers not medically supervised in communities that do not now have that capacity. Those communities include: Valdez; Ketchikan; Seward; Kenai; Barrow; Kotzebue; Wrangell; Petersburg; Cordova; Yakutat; Unalaska; and perhaps Juneau and Dillingham.

The plan would be for the state to pay half the cost of acquisition, transportation, site preparation, and installation for single or double-wide mobile homes meeting the basic fire code standards for Class B facilities.

In response to a question by Chairman Hackney regarding BIA Indian Desk monies for alcoholism facilities, Mr. Cole explained the communities named above did not receive Indian Desk funds. The state had no involvement with those monies; it was a direct grant from the National Institute on Alcohol Abuse and Alcoholism to the Alaska Native Commission on

208  
2/28



Alcoholism and Drug Abuse. He went on to describe how and by which communities those funds were used.

Mr. Cole made the point in regard to this proposal that no money would be granted to any agency but would go directly to local communities on a 50-50 match basis.

OPERATION OF 30-DAY RESIDENTIAL INTENSIVE  
TREATMENT FACILITY FOR ALCOHOL AFFECTED PERSONS, \$600,000

There is no high-quality, in-patient intensive alcoholism treatment program in Alaska. This 30-day residential facility would be for people who enroll themselves or enrolled by the courts for a period not to exceed 30 days. During that time they would receive and participate in a very energetic regimen of education and treatment.

The facility in mind for this project is in Anchorage, the Alaska Alcoholism Treatment Center. The facility is a new construction and has a capacity for 50-75 persons. Presently, it is operated by a corporation receiving a small grant fund from the federal government and some support through the Veterans' Administration, but not enough to keep it operating. It is expected that at 100% funding, \$600,000 would operate the facility for a period of one year with a patient load of 50 people.

If this program were operated properly the department feels it would be self-supporting within one or two years. The critical factor is the quality of staff. The department expects substantial self-payments by individuals in attendance as well as reimbursements from Blue Cross, Blue Shield and other insurance entities.

PUBLIC INFORMATION AND EDUCATION REGARDING ALCOHOL ABUSE, \$350,000

The State of Alaska has never provided any preventative health education with regard to alcohol abuse either through state government or through a grants-in-aid program except in limited instances by the use of films and filmstrips.

About \$225,000 would be used for media, \$125,000 is proposed to be used through the Division of Public Health for creation of two positions. These regional preventative people would hold local community workshops on alcohol with various consumers and providers of health services.

TRAINING OF PERSONNEL FOR SERVICE IN ALCOHOL  
TREATMENT AND COUNSELING PROGRAMS AT VARIOUS LOCATIONS, \$104,500

This amount would be given to the Office of Alcoholism for the purposes of a grant to the Center for Alcoholism Addiction Studies at the University of Alaska. The grant would provide for two types of training: (1) training directed at the medical profession and health practitioners already providing services to people but who have a resistance to dealing with people with alcohol problems. A great portion of the medical community in Alaska doesn't want to deal with alcohol problems in any capacity whatsoever. They don't understand



alcoholism; they are not interested in learning about it; they are afraid of people with alcohol problems, and don't want their hospitals and clinics burdened with these people. (2) The other portion of this would be for training persons working in fields other than the medical profession who already provide services to people. It would also develop a certification program for alcohol and drug counsellors in Alaska.

Present to speak on the Department of Education's portion of the bill was Diane LeResche. She stated the \$66,000 is for development of an appropriate alcohol education program for Alaskan schools. Currently, there are no alcohol education materials for elementary and secondary schools.

The money will be for materials, the writing and putting together of a total curriculum package. The approach taken will show kids how to deal with peer pressure; how to find positive ways of using their leisure time; how to make responsible decisions about what they do and don't do in regard to in-take of chemicals and other substances; and how to solve problems in constructive ways.

Chairman Hackney announced the bill would be held until the following Wednesday (March 9) and adjourned the meeting at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 2, 1977  
Sixteenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis  
Senator Rodey

Members Absent

None

Others Present

Bob Van Houte, NEA Alaska  
Bill Thompson, Department of Education  
Elizabeth Arnold, Department of Law  
Betsy McGuire, Office of Child Advocacy  
Ben Iverson, Department of Health and Social Services  
Jean Kline, Senator Meland

Chairman Hackney called the meeting to order at 3:15 p.m. The first bill up for consideration was SB 175, Base Salary Computation of Teachers Service Salaries. Present to testify on the bill was Bob Van Houte.

If a teacher goes on disability, the salary he is presently receiving is used in computation of disability benefits. However, if he retires while on disability, an average of the last three years salary is used to compute retirement benefits. This bill would provide that the salary received immediately before becoming disabled will be used in determining disability retirement benefits.

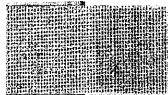
Senator Bradley moved and asked unanimous consent that SB 175 receive a "do pass" recommendation. There being no objection, it was so ordered.

The next bill on the agenda was SB 95, School Hot Lunch Program. Senator Rodey, co-sponsor of the bill, stated SB 95 would provide state support for local hot lunch programs. The bill is aimed at bringing the cost of hot lunches down.

Bill Thompson explained that the cost per pupil per meal has increased drastically since 1970, mainly due to the increased cost of personal services. Presently, there are three lunch categories: children who are eligible to receive free lunches; children who receive a reduced price; and children required to pay full price. Local school districts had been subsidizing lunch programs; however, when that subsidy became exorbitant in two districts, the lunch program was dropped entirely.

The bill provides the state assist five cents per meal per

32  
SB 175  
03/02/77



student for the first two fiscal years; the next two fiscal years assistance would be ten cents; the fifth fiscal year at fifteen cents and so on until a maximum of fifty cents state reimbursement per child is reached.

Senator Hackney suggested the committee follow up SB 95 with a committee bill that would put \$264,000 into the budget to cover the costs involved with SB 95. The committee agreed, Senator Rodey moved and asked SB 95 receive a "do pass". It was so ordered.

The next bill on the agenda was SB 148, Child Support Enforcement. Present to testify was Elizabeth Arnold. She stated that last year a child support enforcement act was passed and the purpose of this bill is to make that act conform with the federal support enforcement act.

Section 1

Added definitions to make the section more specific.

Section 3

Added "this or" to give the obligator the same protection in Alaska that he has in other states.

Section 4

Attempted to bring Alaska in alignment with other states by not charging an obligee a filing fee. No other states charge a filing fee.

Section 5

Adds a provision for bail.

Section 6

Simply states that the agency is also the locator agency as required under the federal child support law. Also, "child support enforcement agency" has been substituted for the previous wording. (3) attempts to make it possible for the child support enforcement agency to locate absent fathers through the records of other state agencies and attempt to waive the privacy provisions of other state agencies only to the extent that the last known address and the last known employer of an obligator must be given out.

Section 7

In this section "child support enforcement agency" was substituted for "court" and makes a provision that the agency itself should attempt to locate the obligator.

Section 8

The section was repealed due to unworkable wording. (b) was added to insure cooperation with other states.

Section 9, 10, 11, 12

Substitutes "child support enforcement agency" for "court".

...with ... ..  
... ..  
... ..

... ..  
... ..

... ..

Section 13

New section which states the court shouldn't stay proceedings on child support matters.  
Section 25.25.254 provides for registration of foreign support orders.

Section 14

Gives statutory life to the fact that the agency on behalf of the state can enforce child support.

Section 15

The word "voluntary" was removed.

Section 16

The language was thought to be confusing, as infact the child support enforcement agency and not the parent is the administrator.

Section 17

The portion repealed was out of compliance with the federal child support enforcement act.

Section 18

Clears up language that was slightly unclear. It doesn't change the substance at all.

Section 19

The first change is to take out an order to the court and to make it discretionary with the court about accepting reasonable agreements. Under (2) there was an attempt to tie enforcement of child support to interference by the custodian with the rights of custody or visitation and this change does the opposite. It makes it clear that one doesn't affect the other.

Section 20

The first change is only to correct a grammatical error. Modifications were made in (2) and (3). There has been discussion with the child support enforcemnt agency and they suggest removing both (2) and (3) entirely as being inappropriate. In (1) insert "obligator may present evidence that the arrears are not owed." It was also suggested that instead of saying at the hearing it become at a hearing. The point being to destroy the appearance of a mandatory hearing.

Section 21

Corrects an incorrect numerical reference.

Section 22

Creates immunity from criminal prosecution for an obligator to testify as to his resources at a child support hearing.

Section 23

Adds new definitions which were not set out in last year's bill.

Section 24

Gives statory basis to the fact that the state can bring an action



against the person who is liable for care of the recipient of state funds.

The Committee discussed staffing and organizational problems within the Child Support Enforcement Agency with Mr. Ben Iverson.

Senator Hackney suggested that the bill be held over until March 18. There being no objection, the meeting adjourned at 4:45 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 7, 1977  
Seventeenth Meeting

017  
HB 152  
HB 60

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis  
Senator Rodey

Members Absent

Senator Sumner, Vice-Chairman

The members present constituted a quorum.

Others Present

Jean Kline, Senator Meland  
James Price, Department of Health and Social Services  
Ken Grieser, Department of Education  
Kerry Rhomesburg, Department of Education

Chairman Hackney called the meeting to order at 3:15 p.m. The first bill on the agenda was HB 152, Mental Health Advisory Council. Present to testify on the bill was James Price.

Mr. Price endorsed the legislation. H&SS believes the bill is required to meet the mandated council requirements of Public Law 94-63.

He stated the Mental Health Advisory Council has a broad representation and balance of members, and provides useful and good advise to the department. Council members reside in the following communities: Ketchikan, Sitka, Juneau, Yakutat, Anchorage, McGrath, Barrow, Fairbanks, and Karluk on Kodiak Island.

Senator Willis moved and asked the bill be passed from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill on the agenda was CSHB 60, Compulsory School Attendance. Present to testify was Ken Grieser.

He stated CSHB 60 started out to be mostly a housekeeping measure which would remove references to State Operated Schools; however, in so doing it was observed that wording in the statutes was such that it would allow a student to obtain signatures from three board members and be exempt from school attendance. Technically, a board member doesn't have any authority unless he is in a board meeting. An amendment was made to the statutes to say signatures could only be obtained by action at a regular board meeting.

Senator Willis moved and asked unanimous consent that CSHB 60 receive a "do pass" recommendation. There was no objection and it was



so ordered.

The final bill on the agenda was HB 136am, WICHE Student Exchange. Present to testify was Kerry Rhomesburg.

Mr. Rhomesburg explained WICHE as a program by which Alaskan students may attend graduate programs out-of-state. They receive a break in tuition and favorable admissions attention when they register. The department is asking that architecture and graduate nursing education be added to the program. The total fiscal impact estimated by addition of those two fields is \$45,200 this year.

The Committee discussed different aspects of the WICHE program with Mr. Rhomesburg.

Senator Bradley moved and asked that HB 136am receive a "do pass" recommendation. There being no objection, it was so ordered.

Chairman Hackney announced the meeting adjourned at 4:10 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 9, 1977  
Eighteenth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Jean Kline, Senator Meland  
Robert Cole, Office of Alcoholism, H&SS  
Bill Overstreet, AASB  
Bob Van Houte, NEA Alaska  
Bill Thompson, Department of Education  
Senator Croft, co-sponsor of SB 71  
Marshall Lind, Commissioner, Department of Education  
Vern Williams, Department of Education  
Dick Luther, Department of Education

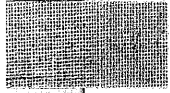
Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was SB 71. Present to testify was Bob Van Houte.

He stated school districts are slightly under the amount of money needed from the state to have an effect upon reducing local tax levies. School districts have been responsible in their requests for funding to both the state and local boroughs and councils. Evidence shows, however funding should be somewhat higher than it currently is. He suggested funding rise from the projected \$27,500 to \$30,000 this year and to \$33,000 the following years. A two-year projection would enable school districts to have a clear picture of their funding for budgetary planning purposes. Some local communities have had to increase their taxes in order to meet the needs of schools.

Senator Croft said what this bill seeks to address is full state funding. There is a notion that the state funds the public school foundation program at 93 or 95 percent of need. That is not true. Less than half of the budget for the Anchorage school system is paid by the State of Alaska, the rest is local effort or federal funds. Unless there is a substantial change in the foundation program, local and federal funds will have to continue to increase. There is a large fiscal note with this bill. Expenditures for education have usually comprised about forty percent of the total expenditures of the State of Alaska; education has always been one of the primary functions of state and local government.

Bill Thompson explained to the committee how the Department of Education arrived at the figures appearing in the fiscal note.

20



Bill Overstreet stated school boards like to know two years in advance as to the amount of money they will be receiving. He hoped the increased funding for years to come would be considered; however, school boards negotiated and planned on the basis of receiving \$27,500 and ask the figure be left alone. Next year they would ask the legislature to look critically at the problems developing in connection with REAAs and adjust those regional differentials in a manner that would address those problems. They also recommend adjusting the formula determining the number of instructional units in a manner which would afford relief to Anchorage and Fairbanks. Beyond that, they ask that for the year following the value of instructional units be set at approximately \$29,000. But it is the school boards' position that the legislature satisfied their demands for the next year by its action last year.

Chairman Hackney suggested the bill be rescheduled for the following Monday, there being no objection it was so ordered.

The next bill on the agenda was SB 168, A Special Appropriation to the Departments of Health and Social Services and Education. The bill, having been before the committee at an earlier date, was passed from committee on a "do pass" motion by Senator Willis. There being no objection, it was so ordered.

The proposed accreditation model of the Department of Education was before the committee for discussion. Messers. Vern Williams and Dick Luther, authors of the model, were present and answered questions from the committee as to the reasons behind the model and how proposed standards would be monitored by the Department of Education.

Mr. Luther explained the mandate for accreditation is contained in the duties of the Department of Education in the "Compiled School Laws of the State", section 14.07.020. He defined accreditation as the development of a curriculum, implementation of that curriculum, and evaluation as to the curriculum's effectiveness.

Commissioner Lind discussed a question from the committee regarding accreditation of private denominational schools. The department is looking at possible adoption of the National Christian Accreditation Standards. Those standards are presently being reviewed, if they meet with approval private denominational schools would be required to adopt those standards.

If school board members sign-off, as a body, that they will go through a particular planning and goal establishment process and report their actions to their community then it is not necessary for the state to serve in a policeman role. If that is not done and the community doesn't care, then no matter what the state did would probably make no great difference. However, if the community did care and the board still would not follow the standards, then the department would say "unless you honor the wishes of your community, we are going to withhold your funds". It is the last alternative that would be used. The Department of Education has the right to withhold funds for any reason determined by the State Board of Education or the Commissioner for non-compliance

↑  
90

with the rules and regulations of the department.

In the past six year's there has been one instance where such a provision was ever envoked. Commissioner Lind explained it is not a method for the department to get heavy-handed with school districts. The department is attempting to respond to the legislature as to what is happening in the schools and at the same time provide a mechanism the school districts can use to respond to their communities.

Bob Van Houte expressed the concerns of teachers around the state that the model was not completely developed and perhaps needed to be reassessed.

Senator Hackney stated he felt the model was poorly drawn and he would ask the State Board of Education to remove consideration of this model from their agenda.

The meeting adjourned at 4:45 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 11, 1977  
Nineteenth Meeting

3/11  
SB 162

Members Present

Senator Hackney, Chairman  
Senator Rodey  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Bradley

Others Present

Erin VonBronkhorst, Fairbanks Daily News-Miner  
Joe LaRocca, Reporter

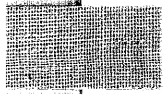
Senator Hackney called the meeting to order at 3:05 and took up SB 162, University of Alaska, \$10,000,000 Loan.

Chairman Hackney asked that if it were the consensus of the committee the bill would be passed out to the Finance Committee. However, if the committee wanted to restructure the bill or approach the University problem in another way, he would entertain a motion to amend the bill.

Both Senators Rodey and Willis expressed the opinion that Senate Finance would be the committee best equipped to handle the bill.

Senator Willis moved the bill be passed onto the Finance Committee with individual recommendations and with a letter of intent attached. The letter is to say that passage of this bill from the Senate HESS committee is not indicative of committee endorsement.

Chairman Hackney announced it would be so ordered and adjourned the meeting at 3:30 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 14, 1977  
Twentieth Meeting

Members Present

Senator Hackney, Chairman  
Senator Willis  
Senator Bradley

Members Absent

Senator Sumner, Vice-Chairman  
Senator Rodey

Others Present

Senator Ferguson, sponsor of SB 211  
Bob Van Houte, NEA Alaska  
Bill Overstreet, AASB  
Jean Kline, Senator Meland

Chairman Hackney called the meeting to order at 3:05 p.m. and took up SB 211, Teachers Bargaining Groups.

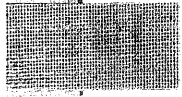
Senator Ferguson testified on the bill. SB 211 proposes principals and vice-principals be put in a bargaining unit along with superintendents. One problem of negotiating is it tears the relationship between superintendents and principals. This bill would alleviate such conflicts.

Bob Van Houte said those in the superintendent's offices are exempt from collective bargaining and NEA favors the posture that those people remain in a different category than the building principals. This would be especially important in a large school district where there are 35 or more principals. The principals need to have some way of making their needs felt and an opportunity for an organization.

Next to testify was Bill Overstreet. He spoke in support of the bill. Collective bargaining needs to have two sides to exist. If middle management people are put into the situation of having to negotiate what happens is a complete breakdown. At the present time, the only persons excluded by law from bargaining are the principal and superintendent. The National Labor Relations Act excludes management in the private sector from having to bargain with management employees. AASB feels that principle is valid in this case.

Senator Bradley moved and asked the bill be held for further information. There being no objection, it was so ordered and the meeting adjourned at 4:25 p.m.

311  
580



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 16, 1977  
Twenty-first Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis  
Senator Rodey

Members Absent

None

Others Present

Ted Burns, Municipality of Anchorage  
Harry Reimer, Self  
Susan Clark, League of Women Voters  
Reed Stoops, Community and Regional Affairs  
Judith Pinero, Representative Rudd  
Rocky MacKinnon, Representative Parr

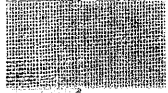
Chairman Hackney called the meeting to order at 3: 05 p.m. The only bill on the agenda was CSHB 215, Day Care Assistance Appropriation.

Senator Sumner shared his findings of a recent meeting in Anchorage on this subject. Approximately 30 to 35 parents attended. These were single parents who were working and needed the service. The request was that we take Title XX money and put it to use in some other sector and fund this program from the general fund. The cost of child care outside a day care facility is extremely high, effectively \$200 per month per child. Those who said they were being cut from the program would either have to go back to welfare or stay home with their children, but they didn't feel it was a viable alternative to hire a private sitter. I came away impressed that this bill should be supported.

Ted Burns explained the municipality of Anchorage's concern over the use of Title XX funds. Twenty-one day care centers were surveyed in the Anchorage area; ten of which stated they would not accept new children if that meant participating in a Title XX program.

Susan Clark said the League of Women Voters favored the bill in its original language, before Title XX monies were to be used. There is a great number of children in Alaska being cared for outside the home in unlicensed facilities. One of the things resulting from this Community and Regional Affairs program is the number of slots available in licensed facilities has started growing. In order to participate in the program, a child has to be in a licensed facility. When parents discover their eligibility for the program, they pressure their babysitters into becoming licensed.

316  
CSHB



The reason this supplemental is required is, for example, in Fairbanks the program cut back services to only those families whose combined income is \$8,000 or less. That is a small income level and means the program is more or less a local program rather than an upward mobility program as it was originally designed to be.

Sam Granato explained that even if the committee substitute were passed and signed by the Governor, it would not achieve a purpose because no one could spend any money. Community and Regional Affairs cannot claim the federal money and the Department of Health and Social Services does not have the authorization or power to transfer any money to that department. If the legislature decides to use Title XX money, it will still be necessary to amend the bill to increase the appropriation to H&SS so they are empowered to transfer money to C&RS. The reason for that technicality is that under federal regulations only a single State agency can be designated by the Governor as recipient of Title XX money. H&SS has been so designated by the Governor.

Mr. Granato expressed his personal concern that it would be unwise to use Title XX money as it could possibly invite a federal audit.

Reed Stoops told the committee the Community and Regional Affairs budget for day care this year was about \$1.39 million. All funds were contracted to municipalities which, in turn, provided care to the eligible parents who placed their children in licensed centers.

Senator Rodey moved that the committee draft an amendment to return the appropriation to its original language form, i.e., the money will come from the state general fund rather than federal Title XX money. The motion passed and Senator Rodey moved the bill pass with individual recommendations. It was so ordered and the meeting adjourned at 4:50 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 18, 1977  
Twenty-second Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley

Members Absent

Senator Rodey  
Senator Willis

Chairman Hackney called the meeting to order and took up SB 245, Health and Welfare of Women Undergoing an Abortion.

JAN CARNAHAN, JUNEAU: I'm a mother and a homemaker. I'm not well versed on the subject of abortion. I just know how I feel about abortion and I wanted to make myself known. I'm a member of the Church of Christ of Latter Day Saints which is the Mormon Church. Our stand is against abortion and I favor this amendment that is before us today. I feel if a woman feels that she has the right to her own body that this is before the fact. She has control of her body before the fact of the child being conceived; after the child is conceived that child has a right to its own life and to be born. I would just like to go on record to say that I am not for abortion. I know that there are many women who will not stand up for what they believe and that there are many women who do not have the opportunity to speak out against abortion. If they had the opportunity and the chance I'm sure they would.

SENATOR HACKNEY: Thank you very much. I would like to point out that SB 245 does not inhibit abortion in itself, it only lays out certain ground rules under which an abortion may be undertaken.

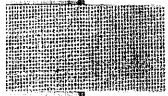
JAN CARNAHAN: I realize that abortion is here, I think we all realize it. But there has to be some guidelines and rules set. You just can't have indiscriminate abortion. There has to be some thought. A woman gets depressed and her emotions are down. She does things on the spur of the moment that maybe she wouldn't have done otherwise and then spends the rest of her life regretting. So, I think there have to be some guidelines--more than what we have now.

SENATOR SUMNER: Are you representing the Church here today or is this your personal view?

JAN CARNAHAN: I'm representing myself.

FATHER LEWIS MCKERNAN, NORTH POLE: I personally think that the law is a very weak instrument used to try to reform society. The law powerfully influences the way many people think and today many people believe the decision of the U. S. Supreme Court which made abortion by demand is a perfectly acceptable practice. To my mind, a society which places absolutely no limits on abortion and appears to be indifferent to the growing number of abortions is a sick society. I do support SB 245. It seems to me to be a very reasonable and moderate kind of measure.

318  
5801



Thank you for the opportunity to testify.

SENATOR HACKNEY: I would like to point out, Father McKernan, that this bill does not prohibit abortions by any matter or means. It only lays down guidelines under which an abortion may be performed.

FATHER MCKERNAN: I particularly thought that was a good approach in view of the court decisions.

SENATOR HACKNEY: There aren't any specific items in the bill that you want to comment on?

FATHER MCKERNAN: No, I haven't seen a copy of the bill. I'm really going on what I've read in the newspapers and the News-Miner last night.

VERNE GEIDL, JUNEAU: As has been pointed out, this bill we have before us today is not a bill to prohibit abortion and it may not oppose the Supreme Court decision concerning abortion. It is a bill that guarantees the rights of the many individuals, however, who are affected by the process of abortion. It protects the rights of those persons related to the unborn child by requiring they be notified before the abortion is performed. Not that they give consent but they be notified. It protects the rights of the woman by insuring the consent she gives is informed consent. What a tragedy for a woman who has had an abortion thinking it is only the removal of a shapeless glob of protoplasm only to find out afterward the object of the abortion is unmistakably a tiny, living human being. The bill protects the unborn baby from abortion only partially during the last six months before birth.

If the baby should somehow survive the abortifacient act itself and is considered viable, it protects that aborted alive baby from the ultimate degradation of some sort of curious scientific experimentation such as decapitation or dissection. It also protects those who morally cannot participate in this act of purposely taking the life of the smallest member of the human family. I believe that this bill falls far short of restoring the rights of the unborn, but it is a step and so I speak for it. I am certain that someday common human justice will come around to protect the smallest members of our society. Thank you for being able to testify.

SENATOR HACKNEY: Thank you Mr. Geidl. You obviously have read the bill because you have pointed out a number of things I feel the bill does. I think there has been a great deal of misinformation that may have gotten loose around the state as to what the bill does. Are there any provisions that you'd like to see changed in the bill?

VERNE GEIDL: Well, as I said, I believe the bill falls short of what I morally can justify; however, I am partly well-read on the life issues of today and I do believe from what I read that this bill is in conformity with the Supreme Court decision on abortion. It will doubtlessly be challenged in the courts. I notice the wording of part of the bill,

1952

1952

1952

1952

1952

Section 11.15.350 part (c) 2 says that no abortion may be performed after the first trimester of pregnancy except when necessary to preserve the life or health of the mother and the attending physician attests to this in writing. This is the partial protection that I spoke of in my statement. I believe this is too broad in allowance--to prevent the death of the mother would be, perhaps, more in line with the keeping of human life. However, this does follow exactly the wording of the Supreme Court decision on abortions. So if someone speaking against this bill uses this particular section to say it is unconstitutional, it is not in light of the Supreme Court decision on abortion. This is their wording, as I recognize it anyway. You are the drafter of the bill so you could say if that is true.

SENATOR HACKNEY: Actually, the bill was drafted by Legislative Affairs. We're not trying to do something here that is going to be open to challenge on all accounts, so it was drawn quite carefully.

SENATOR SUMNER: Verne, you seem knowledgeable on this subject. Are you associated with any association or organization?

VERNE GEIDL: I speak for myself today; however, I'm proud to say that I am associated with the pro-life movement. But I am speaking for myself today and I'm glad for the opportunity to speak.

SENATOR HACKNEY: Mr. Geidl, how do you mean that you are associated with a pro-life group?

VERNE GEIDL: I am a member of a pro-life group.

SENATOR SUMNER: What particular pro-life group?

VERNE GEIDL: Alaskans for Life is the local pro-life group in Juneau. There are groups in other cities around the state. I presume that most people have heard of the National Right to Life Committee and several other large groups which coordinate pro-life action.

SENATOR HACKNEY: Thank you very much Mr. Geidl, we appreciate your testimony.

DR. JOSEPH RUDE, JUNEAU: I'm mostly retired. I have been in the state and territory for 47 years practicing medicine. I don't want to tackle every angle of this bill. We all know that abortion is here and I think this bill is trying to do its share in making the selection of cases for abortion more exact, more difficult and maybe also more scarce.

We had the privilege four or five years ago to hear a doctor, I can't recall his name, from New York. He was in charge of a large clinic in New York, and as you know, New York has pretty much the same law we have regarding abortions. They thought they'd have an occasional abortion in a family, maybe a woman would come in once or twice a year. Much to their surprise they had women, younger women and unmarried girls come in



sometimes every month or two for an abortion. Leave it to your own imagination as to what becomes of a woman who wants to be a mother and who has had dozens of abortions.

Another argument, not against this bill as it does not prohibit abortion, you hear in favor of abortion is that a mother has a right to her own body. I think any child in the fourth or fifth grade will tell you that a fetus is not part of a mother's body. We are equipped with all kinds of organs; we have gallbladders, appendices, eyes, etc. If we lost an eye or an appendix we say, 'we're all here except for that'. But you never heard a woman say, 'I'm all here except my baby' because she had delivered a baby or had aborted. In other words, that baby is entirely a separate life from the mother and that is the important thing. You may want to grant a woman the right to have the say so about her own body but this is not the case here because the fetus is not a part of the mother's body.

I want to give you one short example of my long experience. Thirty some years ago in Petersburg, Alaska, I was awoken one morning by a father who came to my house and said his wife had miscarried. I went up to the house and the mother had miscarried a pair of twins. They maybe were in the third or fourth month. People say the fetus is not alive at that stage of the game. Here were two little fetus on the bed, both of them perfectly alive for the time being. So, if you hear the argument that the fetus is not alive, that fetus is alive from the instant of conception and from then on. I limit myself to that.

SENATOR HACKNEY: What is your feeling as a medical man about the dangers of repeated abortions?

DR. RUDE: There are many dangers in connection with repeated abortions. But it is now known that if abortions are repeated again and again--the same result if the pill is taken for years and years--it very often occurs that a woman becomes sterile.

SENATOR SUMNER: Doctor, how many abortions would you estimate that it would take for that to happen?

DR. RUDE: I would say that if it were done several times a year, four or five times, it would certainly happen. I mean the danger of it happening would be there.

SENATOR SUMNER: To your knowledge, are you aware that it does happen that frequently?

DR. RUDE: In my reading it brings out the fact that that is about usual.

LINDA DIAN, VALDEZ: I would like to know if you can read the bill over the radio. We have terrible coverage here in Valdez.

SENATOR HACKNEY: Perhaps I should have done that to begin with. I've

NO TO B. 1971  
RECORDS OF A GREAT MAN

FROM THE LIBRARY

OF THE UNIVERSITY

OF CALIFORNIA

BERKELEY, CALIF. 94720

assumed that copies of the bill were readily available around the state. The bill starts out telling when abortion is allowed. An abortion may not be performed before the end of the first trimester of pregnancy except by a physician and then only after the woman certifies in writing her consent to the abortion and that her consent is informed and freely given. In other words, the informed consent provision. Then after written notice, when reasonably feasible, is given by the physician to the parents, if living, or the custodian or legal guardian if the woman is under eighteen years of age and unmarried or to the husband if she is married. Then the bill says no abortion may be performed after the first trimester of pregnancy except when the above provisions are satisfied and the abortion is performed in a hospital. It goes on to say when there is reasonable medical certainty that the unborn child is viable, or able to live outside the womb, no abortion may be performed except when all the foregoing provisions are satisfied. And then only when necessary to preserve the life or health of the mother. Informed consent would be as follows: the woman would be informed of the physical development and competency of the unborn child; the general dangers of abortion; the particular dangers of the procedures to be used; and the alternatives to abortion including childbirth and adoption. Then it goes on into the violations and says that no one can perform an abortion who is not a physician; that you can't sell any drug, medicine, instrument or other substance known to be an abortifacient unless upon prescription of a physician and then gives the penalties for that. The bill goes into the preservation of the life and health of the unborn child as a provision prohibiting experimentation. It gives the reports that have to be made and has a provision which says if a woman does not wish to keep a baby in the event that the abortion results in a live birth, the baby becomes a ward of the State. Does that give you sort of a picture?

LINDA DIAN: Yes, it does. Thank you very much.

SENATOR HACKNEY: You don't want to respond to that?

LINDA DIAN: I haven't had too much time to think about it. But I'm curious, you covered the under eighteens and the married women. What about the women who are from 19 to 55 who are not married and do not have husbands? Do they have to get their parents permission to get an abortion?

SENATOR HACKNEY: No, there is no provision in the bill that requires any permission at all. It's purely a consent provision. If you can give me your mailing address we'll see that a copy of the bill gets out to you in tomorrow's mail.

LIZ WERBY, JUNEAU: (Juneau Women's Health Collective) I think this is going to be a little bit longer than the testimony that has been given by some of the other witnesses but I'm speaking on behalf of a large number of women who have helped to prepare this statement.

SB 245 is an unacceptable intrusion into the right of the women of this



state to make fundamental decisions about their bodies and their lives. While not actually prohibiting abortions, the bill effectively creates a situation in which it may become impossible to obtain an abortion in Alaska. Although an apparent attempt to legislate caution and rationality, the bill is drafted in a sensationalistic and misleading manner expounded on questionable information and irrational belief.

To document these charges with reference to specific sections to the bill, I'd like to turn first to the section requiring written notice to parent or guardian of an unmarried minor or to the husband if the woman is married. Regardless of the constitutionality of this provision, the notice requirement represents an unwarranted invasion of a woman's most fundamental right--the right to her own decisions about her body and her life. Requiring notice appears to be less intrusive than requiring the consent of others but from a practical standpoint, a notice requirement may be functionally equivalent to a requirement of consent in many cases.

SENATOR HACKNEY: May I interrupt? Would you rather that we ask questions as we go along or would you like to read your entire statement first?

LIZ WERBY: I'd like to read the entire statement. Also, there are other members of the Collective here and may wish to respond to the questions.

SENATOR HACKNEY: Thank you, please continue.

LIZ WERBY: Once informed of a pregnancy, a woman's parents or husband may employ psychological and/or physical coercion to prevent an abortion. Thus, forcing her to suffer the physical, social and psychological trauma of carrying an unwanted child for nine months and then of making the decision about wanting to keep the child. That the parents or husband should possess this kind of control is particularly disturbing in the case of an unmarried minor who must face the social ostracism often occasioned by a pregnancy. Alternatively, the parents of a minor may force a marriage. Statistics show that these marriages are unstable; resulting in divorce within an average of six years and creating hardship not only for the women but also for a young husband. Clearly this provision seems intended for no purpose other than to create additional physical and emotional roadblocks in the path of a woman who has already made an extremely difficult decision.

I want to point out a number of additional situations in which the notice rule requirement will result in emotionally or physically harmful or absurd consequences. Even if the woman is ultimately permitted to have an abortion, there are many cases in which notification is not in the best interest of a minor. In such situations for example, the mere prospect of notification may encourage runaways. There are also instances in which it is not in the best interest of the family or marital relationship. For example, when the pregnancy is the result of a forced incestuous relationship, the result of an extra-marital relationship, or where the husband and wife are separated or embarking on a divorce. These and other situations may result in physical brutality

1914

1914

1914

1914

1914

against women and other family members. But even more important is the point that the State has no legitimate role in interfamily affairs. It cannot legislate communication. The woman must be left free to choose with whom she will discuss her pregnancy and its implications for her life.

Finally, the fact that notice must be written. The open-ended language requiring notice when reasonably feasible could be used to effectively delay an abortion until such time it would become physically or legally impossible to terminate the pregnancy. Why must notice be written? Who is to determine whether or not such notice is reasonably feasible? What if, for example, a woman's husband has abandoned her and she is not sure of his whereabouts? If the decision regarding feasibility of notice is left to the doctor it seems not unlikely that he or she will be afraid not to make extensive efforts to find the parents or husband. Thus, in this as in other respects which I will discuss later, the proposed statute places a heavy burden on the doctor who will understandably be fearful of potential criminal and civil sanctions. Extensive attempts to provide notice will be time consuming in a situation where time is of the essence. Likewise, in cases where judicial determination of feasibility of notice may be necessary, an abortion could be delayed until it is too late.

I want to turn now to the information which must be given as the basis for informed consent. This section of the bill represents the most outrageous provision in the entire piece of legislation. For few women is an abortion an easy decision or one lightly taken. For most it is a final resort in a situation which is either physically or emotionally intolerable or both. This section of the bill assumes that by themselves with chosen friends and counselors, women are incapable of understanding the seriousness of their choice and the workings of their own mind and bodies. It assumes that women are incompetent and irresponsible. The purpose of informed consent is presumably to aid a woman in making a conscientious and rational decision. The biased information required to be provided by this bill is obviously intended to create overwhelming feelings of fear and guilt; to awe women through the use of emotional scare tactics which are reminiscent of the tortures presented to accused witches to make them confess. It is unfortunate and astounding that a twentieth century legislature might condone much less require such medieval methodology and subscribe to an even more ancient and equally irrational view of women.

I do not want to respond to the sensationalism in subsection (1) which requires a showing of the physical development and competency of the unborn child with emotionalism although it is hard. I think it is sufficient though to point out that last year in Alaska nearly two-thirds of all abortions were performed before the tenth week of pregnancy. At this time the mass of cells which the bill calls the unborn child is approximately three-quarters to one inch in length.

Subsection (2) which speaks to the dangers of abortion seems to have little factual basis. Where abortions are carefully and properly performed



there seems to be relatively little damage to subsequent children or the woman herself. I know the doctor testified that there may be dangers of sterility. I also think I'd like to see statistics about how many women are having a number of abortions on which he is basing his conclusion. Moreover, as a recent article in Scientific American documented, "the increased availability of legal abortions has resulted in better medical procedures and decreased risks. Apart from the medical validity of this information, however, the bill is dangerously misleading in that it presents pregnancy and childbirth as alternatives to abortion without requiring a similar exposition of danger, risk and guilt feelings resulting from each of those choices. Even the United States Supreme Court has acknowledged that mortality rates for women undergoing early abortions where the procedure is legal, appear to be as low or lower than rates for normal childbirth. Moreover, in presenting childbirth as an alternative for minors, the bills fails to recognize the significance of the following information. Babies of young teens are two to three times more likely to die in the first year. The maternal death risk is 60% higher for young teenagers than for other women. Pregnancy is the most common cause of teenage school drop out. Teenage mothers face a greater risk of unemployment and welfare dependency. The younger the woman at first birth the poorer the family. I've already mentioned some of the consequences which might result if a woman is forced by her family to continue the pregnancy and to marry. I have no medical documentation about the guilt feelings produced in a woman who for social, psychological or financial reasons is forced to give up her child for adoption. However, I have read numerous newspaper and magazine articles concerning the guilt and shame of women who have given up their children and years later have attempted to locate them without success or who having found them have been rejected because of their decision.

Moreover, the bill doesn't require the woman be informed of the kind of future that awaits her child if she gives it up and it is not adopted because of race, physical or mental handicaps. I want to point out while the statute does permit abortion to save the health of the mother, it makes no provision for abortion where it is medically certain the child will be born with physical or mental defects or disease which will result in death during infancy. Obviously, none of the alternatives presented in the statute is free from pain, guilt or fear. Again I want to stress it is not the role of the State to make the choice harder than it is; to complicate it with misleading and biased information.

My final point concerns the position of physicians under this legislation. The statute places a heavy burden on doctors. Apparently it's the physician's obligation to insure compliance with the written notice requirement and to determine the point of viability in order to know how and when to act. This term, although defined in the statute, remains vague and broad. Confronted with the possibility of criminal sanctions and civil penalties, including loss of license to practice medicine, it is not unlikely that a doctor will decline to perform abortions altogether. This, coupled with the fact the bill would permit institutions not limited to those which are religiously affiliated, and presumably including those which receive public funds, to decline to perform abortions on the

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY

CHICAGO, ILLINOIS  
MAY 1964

RECEIVED  
MAY 19 1964

basis of conscience may make abortions virtually unavailable in Alaska during the first trimester; the time when the United States Supreme Court has stated that the privacy of the woman outweighs the State's interest. The State of Alaska does have a legitimate interest in protecting the health and welfare of all its citizens and should insure that abortions are performed with skill and care either in duly licensed hospitals or surgical facilities of the kind operating in other states. It does not have a legitimate interest in excessively burdening and complicating the process with irrelevant and misleading unnecessary and dangerous requirements which circumscribe a woman's fundamental right to make critical choices about her body and her life. Thank you.

SENATOR HACKNEY: Thank you very much. I would like to ask questions, but I'm afraid our time constraints are not going to allow. May we have your testimony?

LIZ WERBY: Yes, I'll make it available.

TERRY STONEBURGER, ANCHORAGE: I'm a Vista lawyer this year and I speak for myself. I just listened to the last woman's testimony and I have very little to add. I would like to agree with everything that she said. The very first requirement of the bill that the abortion be performed in the exercise of the physician's best clinical and medical judgment seems to me to shift the responsibility from women to the medical doctor and I believe that this responsibility must rest with the woman herself.

SENATOR HACKNEY: If you were facing an operation, let's say a rather serious operation on your heart would you rather make the decisions on that yourself about the clinical end of it or would you rather a physician exercise his best clinical judgment in that area?

TERRY STONBURGER: I believe the current state of the law, especially in the medical malpractice law, does require a physician inform a patient of all dangers connected with any treatment given the patient. In any operation I face I would want to have that information including abortion or childbirth or heart surgery.

SENATOR HACKNEY: Then do you have any strong objections to the written notice provisions that tell what abortion involves and what it's all about?

TERRY STONBURGER: I have very strong objections to that. First of all, I believe that most women are aware of what a fetus looks like. I also believe that the section about dangers of abortions, as the woman who testified before me pointed out, is limiting. It does not require the physician tell the dangers of childbirth. I also believe that number (4) requiring the woman be told the alternatives to abortion is really ludicrous. I can't believe there is a woman who does not know what the alternatives to abortion are.

SENATOR HACKNEY: I thought I just heard you say a woman should be advised as to what childbirth involved and it seems to me as though this



would be an opportunity to do that. I'm not arguing with you, I'm just pointing out some things in the bill.

TERRY STONEBURGER: What I am pointing out is the current law does require a physician to do this already and the State does not need to have a separate requirement in the area of abortion. It is an unnecessary interference and unnecessary legislation.

SENATOR SUMNER: I would like to identify again who she is and how she is affiliated or associated.

TERRY STONEBURGER: I am a lawyer, I am not a member of the Alaska Bar. I am a Vista volunteer and I am speaking for myself. I am thirty-one years old and I do not have any children. I would also like to say that one man testified about the effects of continuing abortions and continuous taking of the pill, but I haven't heard any testimony about the physical effects, emotional effects and economic effects of continued pregnancies.

SENATOR HACKNEY: That's a very good point. Would inclusion of this in the bill make it more palatable to you?

TERRY STONEBURGER: No, I believe my position on this bill is that the only legitimate interest the State has is in controlling abortions after the first trimester and anything beyond that is unnecessary legislation and an interference with the woman's privacy.

SENATOR HACKNEY: Do I hear you saying that a baby is a baby after the first trimester but not before?

TERRY STONEBURGER: I'm saying the Supreme Court and many medical opinions have deemed it most safe to have an abortion before the first trimester. The Supreme Court has identified the state's interest in the fetus as beginning after the first trimester and the states are free to legislate after that, period.

SENATOR SUMNER: I wonder if she would write to the Health, Education and Social Services Committee with any proposed changes she might have.

ANDREW JONES, ANCHORAGE: I, too, am profoundly concerned about the sacredness and quality of human life and strongly support any moral rebellion to the system which encourages this concern. I agree there must be some regulation on abortion procedures; but the decision of whether or not to have an abortion should not be regulated. To have or not have an abortion is a moral decision. No one person nor any government whether it be local, state or federal has any business dictating moral values. If this bill becomes law, it seems like it would be another penetration of government into the life of individuals. This law would almost immediately freeze the moral issue which will always have many different points of view. It seems that in a free society moral issues should be pretty flexible and change as times change and people change.



The State seems to be making a highly personal decision concerning people it doesn't even know. I would say, Mr. Chairman and members of the committee, to leave moral encouragement concerning abortion and many other issues to families, churches, physicians and loved ones. But most importantly let the individual decide according to his own moral value and beliefs. I really think that Senator Hackney's bill would be a mockery in any free society.

SENATOR HACKNEY: Thank you for your comments. Are there parts of the bill you find particularly repugnant?

ANDREW JONES: Yes, there are a few and I won't go into specifics because I think a lot of people already detailed their concerns. I pretty much share their concern so I would just basically like the individuals whether male or female to have the right to decide for themselves on issues concerning them and not have the State interfere. The bill itself I think has good intentions but concerning quality and dignity of human life but as far as freedom goes it's awful, it's almost absurd I'm afraid.

SENATOR HACKNEY: If the Supreme Court were to reverse its decision what would your reaction be?

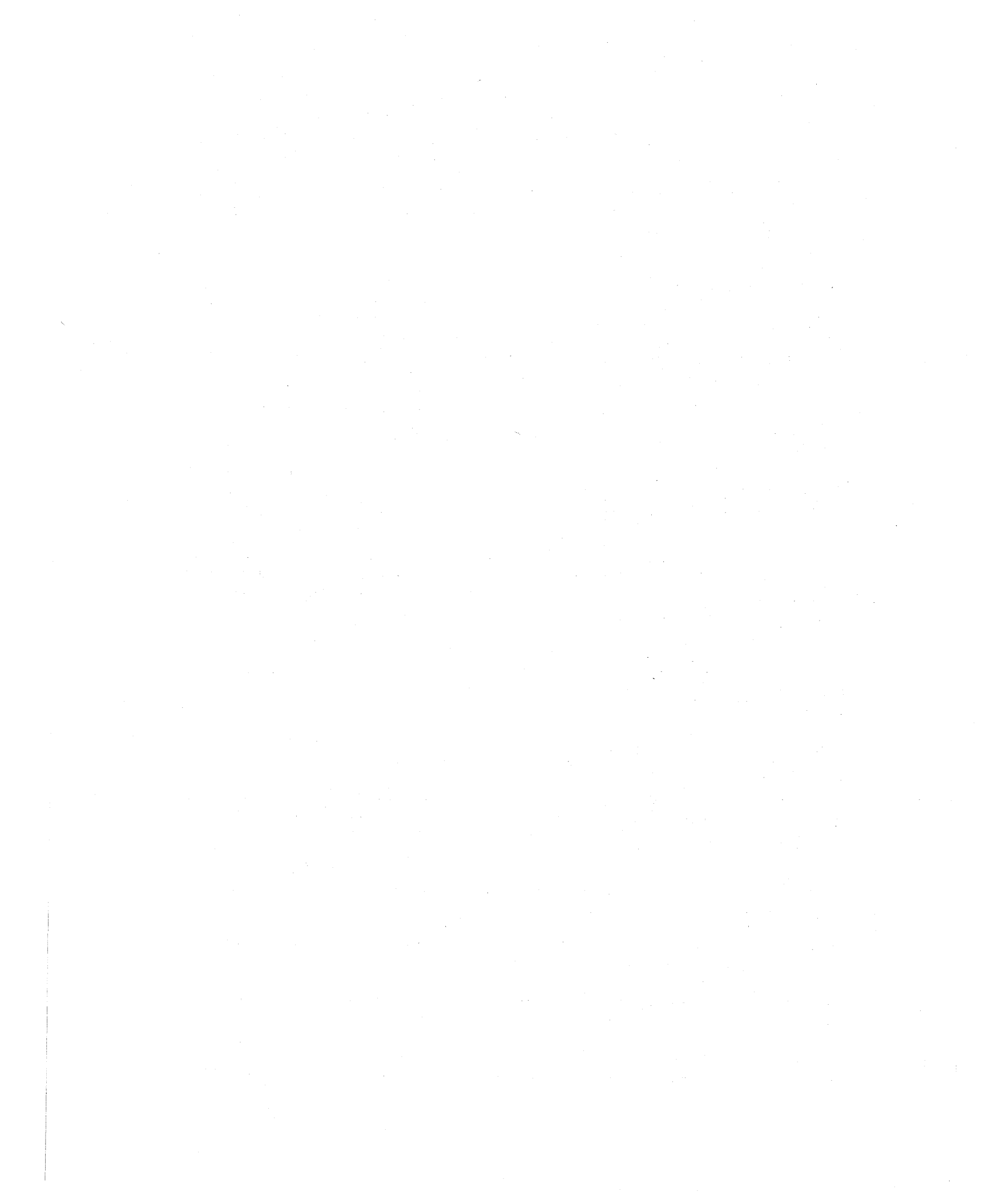
ANDREW JONES: I would say it would be another illustration of government trying to keep up with moral issues which are bound to change from time to time. As soon as any legal entity starts legislating moral issues then it is bound to have to reverse itself several times and really not get at the crux of the problem.

SENATOR HACKNEY: At the same time we have some rather strict laws in our state dealing with battery against children, is this an incursion into people's moral values if the state interposes itself between the family in that type of family situation?

ANDREW JONES: In a sense it does. Some things I guess you have to react to because, let's face it, the family and the church and general social values haven't really been able to support a good quality human environment. So there are some laws that have to react to abuses. As far as the decision for an individual to have an abortion or not it would seem not to be even a reaction but a dictation.

JOAN SCOTT, JUNEAU: I believe in abortion and I was very glad to see that lady give her comments she had written down. I agree completely with the reasons this should not be passed. Your comment about battered children is one of the reasons I am pro-abortion. I have worked with unwanted and abused children in a counseling setting. To see those children would break your heart. To me it would seem much nicer and just better off if an unwanted child was just not born. I have seen many of these children; if you've worked in the field long enough you just have to agree with abortion.

A question I would like to ask is in the newspaper last night it said a



doctor would be guilty of manslaughter under the bill if he did not try to save a fetus. I'd like to know what effect this is going to have on malpractice insurance as far as rates and everything and is there going to have to be new legislation in doctors' insurance? Are you going to have to get new legislation for that? Who is going to be the one who decides whether a doctor is guilty? Are you going to have to set up a committee in each hospital that gets abortions to decide whether the baby is viable or not?

SENATOR HACKNEY: Thank you very much, that is a good point. I guess I could only say in response that in the case of a baby born naturally premature, if a doctor in that case declined to give any life sustaining support to that baby he could possibly give, he would be liable for a medical malpractice suit. I think perhaps there may not be a big problem in that area although it is a good point and we will check it out.

JOAN SCOTT: I want to make one other comment. I was offended the other night and I believe it was Senator Hackney who was on TV and said you were "kind of tired of women having this kind of hi-ho and away we go attitude about abortion" and I was extremely offended by that. You're categorizing all women in feeling that pregnancy in itself is a hi-ho and away we go thing. It is not true and I'm sure if you have a wife and talk to her you would know it is not.

SENATOR HACKNEY: I do indeed have a wife. I'd like to advise you it does seem to me that is the attitude taken in many cases. I would point out to you in the testimony we heard from Ms. Werby earlier she indicated this should be of no more moment to a woman than perhaps a decision about a tonsillectomy.

LIZ WERBY: Excuse me, I did not say that.

SENATOR HACKNEY: You didn't use the word "tonsillectomy" but the inference here, taken lightly, was very much part of the testimony.

LIZ WERBY: I think that's what you were reading into it.

JOAN SCOTT: I did not get that out of her testimony either. Pregnancy can be an extremely emotional and traumatic experience for a woman. To then have to make a decision as whether to have an abortion or not is even more traumatic. I know a few people who have had abortions and it was a very traumatic experience for them. In no way was taken in a "hi-ho and away we go" attitude. I don't know anyone who takes pregnancy lightly.

SENATOR HACKNEY: Thank you very much, we appreciate your calling in and I'm sorry if I offended you.

JOAN SCOTT: I hope you realize women do not take pregnancy or abortion in that manner. I wish that you could give women a little more credit.

SENATOR SUMNER: Mr. Chairman, I really know that while your views are different than some of the other legislators in the Senate, I know they aren't



as flippant as that expression might have implied. I would like to come to your defense to that extent and clarify that, conceivably, you may have the view that some women are, but I'm sure you didn't mean it in terms of generality of all women. I know that to be true and I'd like to offer that as an explanation.

CLARK KING: Mr. Chairman and members of the committee, I represent the Alaska Medical Society. We do not have a formal testimony at the moment but would like the option of submitting written testimony to the committee in the immediate future.

SENATOR SUMNER: Have you developed a position?

CLARK KING: No, Senator Sumner, we have not. This is why we would like some extended time to submit to the committee formal testimony.

SENATOR SUMNER: Do intend to take a position?

CLARK KING: I believe the association is going to take a position. We will have that position to you within a week's time.

PAM SEIGFRIED, ANCHORAGE: Last year I was Alaska's delegate to the Board of Directors of the National Right to Life Committee and I am calling in support of this bill.

The Hungarians have had a permissive abortion law since 1954 and have found that after three, four or more abortions prematurity rates can hit as high as twenty to twenty-five percent.

Abortion carries a sterility risk. Studies have placed the risk as high as nine to ten percent. Abortion carries a significant risk of subsequent miscarriage even after one abortion.

There was a study in a British medical journal in 1976 which matched a set of people who had one legal abortion to another set of people who had one spontaneous miscarriage. In the second pregnancy, the miscarriage rate among those who had miscarried before was seven percent; the miscarriage rate among the legal abortees was seventeen percent.

One person said earlier that this mass of differentiated tissue or whatever is about three-quarters of an inch long prior to ten weeks. This mass of differentiated tissue is capable of independent motion, has its fingerprints, and every organ is in place. The only major difference in this child, aside from continued maturity, is puberty when he hits 12 or 13. They have heart beats and brain waves. You can teach them things, very limited, but you can communicate with them a little bit.

I would like to see something having to do with saline abortions in this bill. When the saline is injected, the unborn child is pickled to death. He is burned and goes into convulsions and dies a couple of hours.



SENATOR HACKNEY: Thank you very much. I'm afraid we will have to limit this a bit because we're going to run short of time on the radio section.

SENATOR SUMNER: She quoted some statistics for which the data that I have does not agree. I am not disputing her numbers but I would like her to send that information to the committee: the references to sterility and the statistices dealing with abortion versus the ability to have children in the future and the dangers involving abortion.

POLLY LOUDON, FAIRBANKS: I represent a group of mothers who just got together to listen to the program and thought we would try to get in. First of all, does our tax money support abortion?

SENATOR HACKNEY: It does indeed. We have the figures on that if you'd like to have them.

POLLY LOUDON: My feeling is that abortion as a means of birth control is a pretty drastic measure. I would certainly favor spending more time and energy on education to avoid pregnancy in the first place rather than to abort the pregnancy after it has already begun. I feel that if abortion has to be legal, it makes good sense to make absolutely certain the person involved knows exactly what they are doing and what to expect in the future as a result of the process whether it be mental, emotional or physical. After considering all the facts, and they still wish an abortion, then they should give their consent and there is no doubt as to what is happening. It seems like in a divorce it is much easier to go ahead with the whold thing if you're not faced with the facts of what's happening and the ramifications of the feelings involved. I think abortion is the same way. If you still want to go ahead with it after there is no doubt in your mind as to what is happening, then fine.

I also feel very strongly about your point that the father or guardian of the perspective mother be consulted. By not bringing the family into the decision, whether it be the family or the guardian of that pregnant mother, it completely cuts off any communication that should be going on in the family in the first place. The father is just as much a part of that new life as the mother is.

I also feel strongly about your position that if the fetus is aborted alive any attempt to do away with that life should be prosecuted. The age of the victim when one voluntarily ends another's life doesn't matter; the act and the result are the same. The laws in our land are there to protect life, liberty and the pursuit of happiness.

I am a mother and I am concerned about the right of the children regardless of their age. I'm also concerned about the moral values of the society that my own children are growing up in and becoming adults in.

SENATOR HACKNEY: Thank you for calling in.

SID HEIDERSDORF: I have appeared before this committee on other matters



representing the Division of Public Health within the Department of Health and Social Services. I want to emphasize that I am not representing the Department today.

I am here as President of Alaskans for Life. We endorse SB 245. While not in any way limiting abortion, we support the goal of this bill to safeguard the health and safety of women who have abortions. We are totally opposed to abortion for moral and civil rights viewpoints as these relate to the unborn child. However, we are concerned about the life and health of the mother and believe such items as informed consent, prior notification of the parents or the spouse, and reporting of abortions and complications all contribute in their own way to women's health as it relates to abortion. We do not mean abortion in any way is desirable from the health standpoint. It simply acknowledges the present legal atmosphere regarding abortion and the restrictions placed on the State by the Supreme Court.

We have reviewed the bill for its constitutionality under the ROE vs WADE and the PLANNED PARENTHOOD vs DANFORTH Supreme Court decisions. Our examination reveals nothing unconstitutional in light of present Supreme Court rulings.

On notification, and I would like to say to the young lady testifying earlier about the possible consequences of having the parents or the husband notified, I would just hope the parents or spouse would be judged as at least having an interest in the woman's welfare equal to an abortion counselor.

There is another issue which I urge the committee to consider and it revolves around whether or not the woman's right to an abortion includes the right to demand the death of a child. Before viability, of course, this is immaterial since abortion will result in the death of the child. However, after viability the termination of pregnancy is possible without violating the basic right to life of either the mother or the child. It is necessary to properly define abortion from the medical standpoint. Use of this term after viability is incorrect. Present Alaska Statutes acknowledge this and define abortion only in terms of the non-viable fetus. Termination of pregnancy after viability simply results in a premature birth and should be considered as such. As a practical matter, the State cannot forbid abortion procedure after viability since any termination of pregnancy predicated on health presently has constitutional sanction according to the Supreme Court. However, the State can protect the child by clearly affirming that a woman's right to terminate her pregnancy after viability of the child does not include the right to demand the death of that child. Further, we recommend that the presence of another physician be required in these instances to care for the child at the time of the birth. This is not an academic discussion. Children have survived abortions. A number of court cases similar to the Edlin case have resulted from legal abortions in which the abortionist either encouraged death or failed to attempt to save the child. We urge the committee to demonstrate its bias in favor of life by incorporating this concept into the bill.



Next I would like to comment on one aspect of the consent requirements, the one that requires the information regarding fetal development. It is a patient's right to be fully informed in all aspects of any medical procedure. Informed consent is a cornerstone of sound medical practice. We heard it described here as mid-evil methodology. I'm kind of disappointed in that, I would hope that everyone would be fighting for the concept of informed consent. With regard to the issue at hand, abortion cannot be fairly compared to any other medical procedure because human lives are involved. Abortion, pure and simple, involves the taking of lives of unborn children. This is a harsh statement in view of our traditional values; however, it is a biological fact. The woman deserves for her mental and psychological well-being to have all the facts, including the facts of fetal development to make a truly knowledgeable decision on abortion. It is essential for her to know before the abortion what it involves rather than to discover after that the so-called product of conception was in fact a living, human child and not simply an unidentifiable mass of protoplasm. If this information results in guilt feelings, I would suggest the matter deserved further consideration on the part of the woman to take a look at exactly what she is doing. While we do not agree that a woman should have the freedom to choose between the life and death of her unborn child, we certainly support the concept that she is entitled to all the facts. Therefore, we support a requirement for effective, informative counseling. Present regulations simply are too general. We recommend something similar to the life before birth publication of Life Magazine or the First Nine Months of Life by Geraldine Flanigan. There is nothing fictitious about this, it is based on medical fact. These are the types of information that I believe would be very useful in counseling women. It covers fetal development from the very early stages of conception right up through full term.

One final comment regarding section 11.15.410, Ward of the State. We believe that a woman's desire for an abortion which in effect wishes the death of her child, should be adequate cause for the mother to forfeit her right to that child if the child survives the abortion. As the statute is presently worded, this is not the case. It would essentially be the choice of the mother.

SENATOR HACKNEY: What was the Edlin case?

SID HEIDERSDORF: It involved a late pregnancy abortion. Facts were disputed at the trial but it involved a pregnancy of at least 16 to 20 weeks in which apparently Dr. Edlin, I guess the correct description is, smothered the child in the womb of the mother after he saw that the child was alive and apparently going to result in a live birth. This went to court because a nurse in the surgery ward could not tolerate such a thing. Dr. Edlin at that time, during the court testimony stated that abortion to him automatically meant the death of the child.

SENATOR SUMNER: Does this bill as regards the first trimester conflict with the Supreme Court's view?

SID HEIDERSDORF: No, as we see it it does not. The DANFORTH case is one that impinges directly upon this particular portion of the bill.

THE NATIONAL ARCHIVES AT COLLEGE PARK, MARYLAND  
1000 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20540  
TELEPHONE (301) 837-1000  
FACSIMILE (301) 837-1000  
INTERNET: WWW.NATIONALARCHIVES.GOV

The Supreme Court addressed themselves directly to the words they used in the ROE vs WADE case in which they said the State could not in any way regulate abortions in the first trimester and they further went in the DANFORTH case to say, consent, however, is certainly an acceptable thing.

SENATOR SUMNER: Do you know or have you been associated with in any capacity women of any age who have gone through abortions who made the decision to have an abortion?

SID HEIDERSDORF: Yes, I do know of one case.

SENATOR SUMNER: You made a statement that women at the time of making the decision to have an abortion essentially make the decision to kill the child. I don't know that I've paraphrased you totally accurately. I know there are two widely opposite viewpoints on this subject but it seems to me there might be some trauma involved and I'm inclined to believe that's the case and maybe ought to be addressed within the scope of this bill.

SID HEIDERSDORF: I would like to clarify that statement. I did not intend to say that the woman makes the decision to kill the child, because she may indeed not know that she is talking about a living child. People have different views on the subject; however, there are facts dealing with the subject and the facts are irrefutable that we are talking about a living being.

SENATOR SUMNER: Are those medical facts or legal facts?

SID HEIDERSDORF: For fetal development they are medical facts.

SENATOR SUMNER: Does the Supreme Court decision tend to dispute the fact of life, as you understand it, to be a medical fact?

SID HEIDERSDORF: Yes. They say if there is difference among theologians and list a few different professional categories and honest men on the subject of life, we are not about to attempt to settle the issue. You can always get someone to take any position you want but I have to come back to the facts that we are hoping to get out. I don't make any judgment about women who have abortions, but I believe many of them, probably a majority are deceived. They really don't know the facts. In the past four years I've been quite active in talking with various groups and people and there is no doubt in my mind that people truly don't know about the facts.

MRS. VANDERPOOLE, ANCHORAGE: I just have a few comments to make on this. I don't think the husband should be notified or the wife should have his permission. It is an individual choice. Also, for girls, I don't think parents should have to be notified because a lot of them would not give their consent for the abortion. The girls would have to go ahead and have the child and give it up for adoption. There are a lot

... ..  
... ..  
... ..  
... ..  
... ..

of things that I don't agree with in the bill.

SENATOR HACKNEY: The bill doesn't say that there has to be any permission it's only consent the bill speaks to. Permission is not mentioned in the bill at all. The informed consent provision is in the bill merely says the woman should be advised as to what she is getting into and she should give her consent, no one else's. The other provision merely says her husband, if he's locatable should be notified, no permission required, and if she's under age the parents should be notified, again no permission.

MRS. VANDERPOOLE: I agree that a person should be informed as to all the facts, whether physical or mental because I know it is a very emotional and difficult choice to make. I am a licensed nurse and I've dealt with people who have come into the hospital to obtain abortions and it's a very emotional thing for them to go through. I think that after 20 weeks gestation abortion should not be legal unless it is a life or death situation. I can't see where multiple abortions for one person are necessary because there are so many contraceptives now.

SENATOR HACKNEY: Thank you for your testimony.

SENATOR SUMNER: One thing I think may be misunderstood is in the area of notification. There are two schools of thought there. One is in the absence of notification there would, conceivably, be legal action arising because presumably, if notified, they would have had an option. The notification, as I understand it, provides a defense against that sort of litigation and thus if the woman who decides to have an abortion, the doctor performing the abortion--once assured notification has been given--can then perform the abortion without fear of legal repercussion. Once notification has been given it would provide a barrier for any legal action coming back to his performing the abortion.

SENATOR HACKNEY: That was the intent in the bill. The intent was not that there be any pressure put on the woman, but only that she be advised as to what the procedure is.

EUGENE BUCK, ANCHORAGE: Thank you very much for the opportunity to testify before your committee on this highly emotional subject. This is not a question of the moral rightness or wrongness of abortion, but a question of preserving the right to free, informed decisional choice by women. There are several sections in the bill that I feel could bias that choice. There are three sections I wish to speak to and I speak as the father of two daughters.

First, section .350 A (c), notification of the guardian, parents or husband. I feel this section is an invasion of privacy for the woman. Every individual has the right to free choice and privacy. I see this notification as an excessive invasion of that privacy and a possible source of potential coercion in abridging that free choice.

Secondly, section .350 (c) I find the requirements for going and performing an abortion under this section are unreasonable. Since

The following information is being provided to you for your information only. It is not intended to be used for any other purpose. The information is confidential and should be kept confidential. If you have any questions, please contact the person listed below.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of January, 2001.

currently all persons are not using absolutely reliable contraceptive methods this section is not practical because there will always be the chance of unwanted pregnancies. The recourse is necessary to prevent the birth of unwanted children. Entire lifetimes can be scarred being born as unwanted. The case of rearing amidst abuse and neglect I consider of far greater concern. What we might do in this case is condemn unwanted children to a living hell which is currently impossible to adequately protect them from under law no matter what kind of legislation is passed.

Third, I wish to speak to section .360. I find the consent requirements in this section entirely biased. I see no where in this section information to the pregnant woman as to the psychological danger risk to both the parents and the child of having an undesired or unwanted child. I feel this section is entirely biased and both sides need to be presented.

SENATOR HACKNEY: You've pointed out a very good point in .360 and one that, I think, could be addressed very easily.

DELSEY L. KINNY: I am a Registered Nurse in the State of Alaska. It is not enough to be biologically human to enjoy the right to life since the Supreme Court decision on abortion of January 22, 1973. Going back to the beginning, it's a scientific fact that human life begins when the ovum and the sperm unite. This is called fertilization. From that point on human life continues to grow and mature until death. Even a student in genetics can determine the humanity of the unborn child from its earliest beginnings. A lay person should be able to recognize the human baby even from the earliest weeks of pregnancy. I might add here that the terms embryo, fetus, adolescent, etc., simply describe the human stage of development. Fetus like the adolescent does not imply inhumanity but merely describes the developmental stage of the human being. So it is clear the abortion issue is not a biological question but a value issue. It is not enough to be a human life. Now it has to be meaningful, wanted, with dignity, without imperfections and with value. Human life can now be judged expendable by these relative value measures.

While women can readily be assured the mortality rate for abortion is low, at least in the first trimester, these same women are not made aware of the possible consequences of induced abortions. A one to twentyfive percent chance of sterility, a three to ten percent risk of relatively serious immediate complications, and thirty percent long-range morbidity rates. Some of the risks to subsequent pregnancies are increased still births, forty percent increase in spontaneous abortions, 100 to 150 percent increases in pregnancies developing outside the uterus. There is a forty percent increase in premature babies accompanied by their own set of complications including nervous system damage, cerebral palsy and retardation, just to name a few. Another complication is prolonged and complicated deliveries following an abortion and a fifty percent increase in prenatal death. This is death around the time of a child's birth. What I am stating here is that the woman has the right to know the risks in future pregnancies for both her and her child.

... ..

... ..  
... ..  
... ..  
... ..  
... ..  
... ..  
... ..  
... ..  
... ..  
... ..  
... ..

... ..  
... ..

It would seem prudent as well that the husband, parent or guardian of a minor be informed not only of the abortion procedure but be fully informed of the facts which put the woman into a high risk category for future pregnancies.

The unborn child has no value and no legal protection and may be legally killed anytime from its very beginning until birth. I openly challenge anyone to prove differently. I suspect the common citizen is unaware of this grizzly fact. The young child is expendable because of its lack of value not because the child lacks humanness. It should not be startling for you to know that verbal gymnastics and value measures used to destroy the unborn child are actively being applied to those who are already born. Scientists, doctors and philosophers are applying the same arguments to do away with the retarded and mentally ill, anyone devoid of value and who is a financial burden on the State.

My purpose here today is: (1) To salvage the viable unborn child and clothe him with the legal protection of life, liberty, and pursuit of happiness. Abortion by definition of the word is the expulsion of the non-viable fetus or little one from the uterus. The State of Alaska has pinpointed this viability to be 150 days after the first date of a last menstrual period, which calculated to the gestational age of the viable fetus to be approximately five months and three days. To make my point completely clear, after viability is reached there is no such thing as abortion. By a definition we can conclude this. At viability the unborn child is capable of living on his own, independent of his mother and at that point he should be entitled to the human rights each one of us enjoy. That child is entitled to life and the loving and diligent care demanded by our society for a premature baby. Any person who intentionally kills a viable child either in the uterus or out of the uterus should be guilty of manslaughter. (2) How can a woman make an important decision without the true facts? In any other medical procedure information is made readily available as to the procedure, the equipment, and the biological facts are explained in detail as they relate to the patient's condition. Great efforts are made to be sure the patient understands everything and most of all to be sure that she is not deceived either indirectly or directly. I think this is especially important in the case of minors.

At this point I would like to make reference to the sterility consent form issued by the State of Alaska's Department of Health and Social Services. It is extremely factual and explicit in every detail and it only seems to be prudent that society should demand an equally informed consent for every woman having an abortion. I state this not only for the rights of the woman in this pregnancy but she should know the abortion procedure jeopardizes not only the health of her future children in subsequent pregnancies but her health as well. There are extremely important factors to be considered for any woman who desires to have a family later on.

I recommend the reports required under 11.15.400 be detailed in information in order to provide satisfactory quantitative data on the morbid consequences of induced abortion for both the woman and for subsequent

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list includes names such as Mr. J. H. Smith, Mr. W. D. Jones, and Mrs. A. B. White.

2. The second part of the document is a list of the names of the members of the committee who have been elected to the office of Chairman and Secretary. The names are listed in alphabetical order, and the offices are given in full.

3. The third part of the document is a list of the names of the members of the committee who have been elected to the office of Treasurer and Recording Secretary. The names are listed in alphabetical order, and the offices are given in full.

4. The fourth part of the document is a list of the names of the members of the committee who have been elected to the office of Corresponding Secretary and Publicity Secretary. The names are listed in alphabetical order, and the offices are given in full.

5. The fifth part of the document is a list of the names of the members of the committee who have been elected to the office of Finance Secretary and Membership Secretary. The names are listed in alphabetical order, and the offices are given in full.

6. The sixth part of the document is a list of the names of the members of the committee who have been elected to the office of Education Secretary and Social Secretary. The names are listed in alphabetical order, and the offices are given in full.

7. The seventh part of the document is a list of the names of the members of the committee who have been elected to the office of Entertainment Secretary and Publicity Secretary. The names are listed in alphabetical order, and the offices are given in full.

8. The eighth part of the document is a list of the names of the members of the committee who have been elected to the office of Finance Secretary and Membership Secretary. The names are listed in alphabetical order, and the offices are given in full.

9. The ninth part of the document is a list of the names of the members of the committee who have been elected to the office of Education Secretary and Social Secretary. The names are listed in alphabetical order, and the offices are given in full.

10. The tenth part of the document is a list of the names of the members of the committee who have been elected to the office of Entertainment Secretary and Publicity Secretary. The names are listed in alphabetical order, and the offices are given in full.

11. The eleventh part of the document is a list of the names of the members of the committee who have been elected to the office of Finance Secretary and Membership Secretary. The names are listed in alphabetical order, and the offices are given in full.

12. The twelfth part of the document is a list of the names of the members of the committee who have been elected to the office of Education Secretary and Social Secretary. The names are listed in alphabetical order, and the offices are given in full.

13. The thirteenth part of the document is a list of the names of the members of the committee who have been elected to the office of Entertainment Secretary and Publicity Secretary. The names are listed in alphabetical order, and the offices are given in full.

14. The fourteenth part of the document is a list of the names of the members of the committee who have been elected to the office of Finance Secretary and Membership Secretary. The names are listed in alphabetical order, and the offices are given in full.

15. The fifteenth part of the document is a list of the names of the members of the committee who have been elected to the office of Education Secretary and Social Secretary. The names are listed in alphabetical order, and the offices are given in full.

16. The sixteenth part of the document is a list of the names of the members of the committee who have been elected to the office of Entertainment Secretary and Publicity Secretary. The names are listed in alphabetical order, and the offices are given in full.

17. The seventeenth part of the document is a list of the names of the members of the committee who have been elected to the office of Finance Secretary and Membership Secretary. The names are listed in alphabetical order, and the offices are given in full.

18. The eighteenth part of the document is a list of the names of the members of the committee who have been elected to the office of Education Secretary and Social Secretary. The names are listed in alphabetical order, and the offices are given in full.

children.

SENATOR SUMNER: You had indicated that viability according to the Alaska Statutes can be five and one half months.

DELSEY KINNY: Five months and three days.

SENATOR SUMNER: Do you have a different view as to what viability is and have you offered it to the professional and vocational people?

DELSEY KINNY: Viability is that time at which the child can live outside the uterus. This is where you get into the area of haziness--trying to decide at what age that is. There is no way in which a doctor can be guaranteed a patient comes to him and is not deceiving him. I think the doctor deserves some protection under the law too. All of this is based on the patient's last menstrual period which may be a month or two off. This happens all the time in obstetrics. I might add to that the period of viability is going to change as our ability to keep these little ones alive changes. In the next few years viability age will be greatly decreased. We will be saving babies at four months and three months.

CHRISTINE FAIRBANKS, NORTH POLE: I am speaking for the Fairbanks Chapter of the American Association of University Women. I am chairman of their committee on Women and chairman of the Legislative Committee. The National Association's legislation priorities put the freedom of choice and the right to choose very high up on the list. We were very concerned of some of the restrictions being put through SB 245. We feel strongly the time, money and effort going into the anti-abortion work and the restrictive things on abortion would be much better spent in the areas of sex education and research and development on more effective and safer birth control methods. Dr. Rude mentioned in his testimony about women who have had multiple abortions, this sort of thing would be virtually illiminated if these women had access to and information about birth control. The need for abortion as a birth control method would be illiminated if conception never took place.

Part of the bill that concerns us very much is the notification of family or guardian. What this is doing is dividing women into three groups: the minor, the married woman and the unmarried woman over 18. By requiring notification of the minor's family and the married woman's family we are treating the married woman as a child. This is something that not only AAW and other women's organizations are trying to get out of the state and federal laws.

We agree with Senator Hackney that we would like to see abortions illiminated but we don't feel that this can be done by legislating it out. We realize this bill is not forbidding abortion, it is simply making it a little bit more difficult. Abortion is very much a moral issue. You cannot legislate morality. If you look back into the history of our country you will see other times when attempts were made to legislate morality and they were colossal failures. The biggest example would be



prohibition. Abortion could be outlawed or it could be made extremely difficult to obtain; women are going to get them anyway. A woman who is determined to end her pregnancy is going to do it whether she does it herself or goes to a backroom abortionist where her risk for hemorrhage, sterility or any one of a number of things that could happen to her is much greater. I have heard of, in the last two hours, a lot of statistics on the safeness of the legal hospital abortion as opposed to the illegal backroom sort of thing.

There are approximately 55 to 60 women in Fairbanks who belong to the association. There are about 350 to 400 at the statewide level. We meet in state conventions every year to set up legislative priorities which go into the National Association. At their convention they set up the legislative priorities for the next two years. The right to choice and the freedom to choose is very high on their list.

SENATOR SUMNER: Do you feel that in the instance of a pregnant married woman that she has any commitment or obligation to the husband to terminate that pregnancy? Does she feel he has any rights in the pregnancy?

CHRISTINE FAIRBANKS: I'm sure there are many women who have become pregnant accidentally by a failure on their birth control and would discuss it with their husbands. In a marriage this should be a couple decision, you can't legislate that it will be. You can educate people through the high school level in a marriage type class, family that marriage is a partnership and not a domination of one over the other. If the couple has an unwanted pregnancy and they don't agree it is unwanted, for example the wife does not want another child and the husband does, no matter what happens, whether the pregnancy is terminated or goes through birth there has been a tremendous strain on the relationship of the couple because of the disagreement on this position.

SENATOR HACKNEY: You made one comment about the right of choice, but do you think there is a right of choice that does extend to an unborn child who has no one to speak for that child? I wish you'd bounce that off your organization and as a matter of very serious discussion. We talk very much about the right of choice among people who can sit down and rationally discuss their problems and make a choice of some kind. But there is no choice for an unborn child.

CHRISTINE FAIRBANKS: The Fairbanks branch will be meeting next Monday evening. I will be giving the Legislative and Women's committee reports and perhaps I can get some feedback on that and let you know the individual feeling from the organization. Speaking for the organization, I have to give the association's viewpoint and cannot speak my personal views if they are different.

SENATOR HACKNEY: I understand and I do want to thank you for your patience in waiting your turn to testify and for some very reasoned opinion.

JUNE ULZ, FAIRBANKS: First of all I would like to say that I am opposed



totally to any form of abortion at all. I am not terribly impressed with compromises but I feel SB 245 is a step in the right direction. Anything that can possibly be done in order to have some control over this ludicrous act existing in our state today would be a great benefit to all the citizens of the State of Alaska.

MARLENE LESH, JUNEAU: Thank you very much for the opportunity for me to testify on this bill. I'll be as brief as I can. First, I'd like to say I'm grateful for the excellent testimony from the Women's Health Collective. I felt that was very well reasoned and thought out and echoed every feeling I originally had when I read the bill.

First of all, the notification section, I agree with the fact it is a deterrant and possibly evidences the bias I can feel is in the bill, anti-abortion very strongly. Probably the consent part has been echoed enough in other comments but it seems entirely correct if you are going to put this bill in perspective to add new sections including advising women of the dangers and physical changes and stresses of pregnancy if carried to term. And the general dangers for herself and the fetus if pregnancy is carried to term, including the term infant death of deformity and depression, dependency and any number of other things. Probably my strongest comment could be made by telling you what I think would put the bill in perspective in the section on Violations. It certainly seems to me a section (d) should be added saying something to the effect that any person or persons including parents, physicians, attendants and others who are in any way responsible for the successful birth of a viable infant who is subsequently not provided adequate physical and emotional care and socialization shall be guilty of a felony. We say that just because we can save a heartbeat and a brain wave at certain number of months we are really cherishing life and improving the quality of life. I would ask you to think about your question as to what choice does this fetus have. What choices do our young children really have today in our society? I think there is a lot more that we can do in answering that question than in spending our energy on this one. I would like to close by saying that I do not believe that women in general take the decision to have an abortion very lightly. In fact it's really a matter of that not having an abortion is easy but that having the child is such a serious thing. I would like to see that given the emphasis rather than the concentration this bill seems to focus on.

SENATOR HACKNEY: On the notification provision, in the case of a married couple if the man went out and was sterilized without letting his wife know, would you consider that a reasonable act?

MARLENE LESH: I certainly would. It would not happen in my case. We are going to be communicating on a much better level than that. If he so chooses and so chooses not to tell me I still don't think you can legislate that he shall.

BARBARA HOLMS, JUNEAU: In listening to all of this, no one has mentioned a fact I think has got to be a part of this. That is the trauma a woman



goes through in having an unwanted child. It was quite a few years ago and long before abortion was available. A friend of mine ended up pregnant, got married, had a child and about a year and one half later had to go into therapy. She was in therapy for nearly three years to try and get squared away so she no longer hated the child. To me that has got to be considered in this abortion issue. They talk about the unborn child but what about the woman and what her life is like after she has the child? This bill, as far as I can see, makes it much more difficult for a woman to get an abortion.

SENATOR HACKNEY POINTED OUT TO THE AUDIENCE THAT REPRESENTATIVE AL NAKAK OF NOME, ALASKA HAD JOINED THE MEETING.

ALICE BREWER, ANCHORAGE: I commend Senator Hackney for introducing this bill. I think we certainly need it. Our present Alaska Statutes has a provision requiring parental consent for a girl under eighteen to get an abortion. This bill substitutes a notification of the parents instead. Presumably, the parents get a letter in the mail saying their daughter is either planning to get an abortion or has already had one, depending on mail service. Parents are held responsible by the state for the care and upbringing of their children and the state shouldn't prevent them from carrying out this responsibility regarding medical care. In the case of abortion, the U. S. Supreme Court has ruled unconstitutional parental consent clauses that act as a veto; however, it has ruled in favor of informed consent requirements. Even when putting down parental consent in their reasoning they still agree that the abortion decision is a grave one. If we wish to continue parental consent for a minor's abortion, and this is important whether you are pro-life or pro-abortion, it will have to be rewritten to a verification of informed consent rather than a parental veto. Who knows better the capacity of a minor than the parents? I suggest the wording be changed to something like no abortion may be performed on a woman under eighteen years of age except upon written verification by the parent or guardian unless the abortion is certified by a licensed physician as an emergency in order to preserve the life of the mother. And further language to read if this verification cannot be obtained the woman may petition the superior court for a speedy hearing on her capacity to understand the consent requirements and they could verify it. This would not stop a teenager with capacity to make an informed consent from getting an abortion but it should satisfy the Supreme Court as to the constitutionality. It would preserve the parents' right to participate in the kind of medical care the girl is getting. I don't think this will increase or decrease the number of abortions done, but it may increase the number reported. I think its also valuable protection to the viable unborn child in the case of abortion under the threat of manslaughter to the physician if he treats it other than a child intended to be born. Thank you very much for the opportunity to testify.

MRS. DOLAN, PALMER: I believe from what I have been able to read and what the newspapers have covered that it is a good bill. I think it strengthens the family unit whether or not the female having the abortion

... and ... ..  
... ..

... ..

is unmarried. It also shows responsibilities the parents might have toward that girl. The family can show that responsibility greater if they know. If a woman is married and wanting an abortion I think her husband should be aware of the fact. I am concerned of the breakdown of the family unit.

FATHER THOEDORE FRYNTZKO: I am grateful to you people that I can testify. I would like to make a statement our church took in 1975 at the Council of Orthodox Churches. The Council means all the bishops, all the priests and two laymen representing each church brought together; it was a unanimous decision that the Orthodox Church condemned abortion. We cannot accept the fact of the willful destruction of the developing child at any stage of its development. Whatever the decision of human legislatures and courts as anything other than the destruction of life. We as Orthodox Christians affirm the dignity and value of human life in the likeness of God. Quoting the scripture in Genesis 127, "man was made in the image of God." Therefore, wilfully aborting unborn children is an act of murder contrary to the will of God. I'm afraid in our legislature we have a tendency to go to our human thinking instead of doing what God wants us to do.

JOY MEKETA, JUNEAU: As a woman and a parent of six daughters, I would like SB 245 passed so I have the chance to show my daughters other alternatives to abortion and preserve my right to be a grandmother. Also, the pro-abortionsists talk about rights. I am a believer in rights, both those that are man given and God given but I understand that I, by my own actions can place these rights in jeopardy and have no defense to protest when they are taken from me if it is my own doing. I have the man given right to use our public streets and highways, but if I drive too fast or too recklessly, the people can take this right away from me. I have the God given right to personal freedom and liberty, but when I take on the responsibilities of a family I give up my right to certain of these freedoms. I can't just take off and move somewhere and abandon my children. The people then have the right to force me to resume these responsibilities or pay the penalty. I have the man given right to live in this community, but if I choose not to abide by the rules and regulations that the people of this community adopt I can be removed from it. I have the God given right to life itself, but we all know that even this right can be forfeited by our own actions.

A girl or woman who becomes pregnant gives up certain of her rights. She automatically takes on the responsibility for another life which involves certain responsibilities on her part possibly at the expense of some of her own rights. If the pregnancy is unwanted it doesn't relieve her of these responsibilities even if the pregnancy was forced upon her. Rights are not free. One of the prices we pay is responsibility. N.O.W. claims they represent women, well, they don't represent all women. I am one they don't. In fact I would bet they only represent a very small percentage. I know of one group of women they obviously do not represent; it is a small group now but it is getting bigger everyday. They were the future women, the female babies being aborted everyday.



Who is representing them?

CATHERINE SULLIVAN, JUNEAU: I have to give a little bit of my background to explain why I am speaking to the section on informed consent. I am a wife, a mother of four adopted children, have been a nurse for 33 years, and a mid-wife, so I guess you know my stand. I don't believe in abortion but I've been ten and one half years in Alaska and in that time have worked in clinics and hospitals. I have seen what is happening to the young kids and young women that really feel they want an abortion. In most instances, they are not informed. They are in a state of panic, they are upset, they are confused. If they are lucky enough to go to a clinic, maybe they will have a counselor to help them. If they go to a physician, because abortion is allowed, is permissible, is the law, that is an automatic conclusion it can be done. They are not counseled.

I worked at McLaughlin Youth Center for about a year and one half with some very great kids. There are counselors there.

If the woman is married and goes to a physician, because abortion is allowed by law, then it is done. Most physicians indeed feel that if a wife or a mother or a young woman wants an abortion then it is done.

I feel very strongly the major part of this whole act is the informed consent provision. The kids are not being informed. Kids know when they are pregnant. They know it is a human life but because abortion has been permitted state by state it is believed to be right. I'm not going to argue that point, it is a very real feeling within each person.

I sat here years back when they were putting the law through that allowed abortion and it was almost ironic; four weeks before the Supreme Court and the Alaskan Court allowed abortion to happen they put through a bill that protected completely the full life cycle of the salmon. They wiped out the full life cycle of a human by saying that abortion could be allowed between the first three months. It is unbelievable how we can protect our salmon and not protect a fetus.

There has been much said on emotions and trauma for women, it is. It is a very big decision, it is traumatic but it sure is for the fetus. It's nothing for the fetus except pure wipe out. We talked about improving the quality of life and what choice do our children have today--well they have life. First and foremost they have that and many have much more than that. But I don't think we can determine that the life is not allowed. We talk about the rights of womanhood to the point of no return.

I think when you begin to get into life and abortion we are always talking about somebody else. I've been there with kids, unwed mothers, that are really in a trauma pot of life and they've worked it out. People say they knew somebody that should have had an abortion but couldn't because it wasn't around. I know plenty that didn't have an abortion and had their children and they were all right and far better off psychologically.



Many women when they get around 40 get uptight if they've had an abortion. What we need is to have the kids informed to what's going on within themselves. Give them all the help and all facts on all sides.

SENATOR HACKNEY: Criticisms that I've heard of the bill say there is no point in bringing unwanted children into the world.

CATHERINE SULLIVAN: My real feeling on that is unwanted by whom? There are so many people in line waiting to adopt children. Specifically look around Alaska. The era of birth control pills began to wipe out adoptions and then we got into abortion which almost totally wiped out adoptions. I think the young kids themselves, in the past five or six years, have begun to turn full circle. If they become pregnant, they want to carry their babies. It seems strange that in some instances where the abortion law has gone through the kids are rejecting it completely and totally. But there are those who, because it is legal, want it.

NORMAN BESMAN, ANCHORAGE: I'm an attorney from Anchorage traveling through Juneau at the present time. I became aware of this bill and the hearing yesterday. I'd like the record to reflect that Senators Sumner and Bradley have left this hearing and that Senator Hackney is still conducting the meeting. The bill that is before us, SB 245, at the present time has concern for me. Not only as a representation of a policy decision to further restrict the availability of abortions to women but further that some of the controls which the bill seeks to create are constitutionally suspect. In other words, in my eyes, it is a misdirected proposal containing bad law. My purpose here is not to give a detailed legal analysis of the bill but only to bring briefly to the attention of the sole remaining member of this committee what I believe are constitutional infirmities present within the bill.

Section .350 (a) of the bill deals with the first trimester of pregnancy. In general, the ROE decision after determining the state must show compelling state interest before it can enter into any legislation in the first trimester at all and after reviewing the state of present medical knowledge found no compelling state interest to exist. Therefore, any regulation during that period gives rise to some level of potential constitutional challenge. (a) 2 and (a) 3 seem to present such potential challenges. (a) 2 is the informed consent part of the bill which is defined later in section .360.

For the record I would note that Senator Sumner has returned.

PLANNED PARENTHOOD vs FITZPATRICK, a federal case in Pennsylvania, in the judges descent, I believe the head judges' descent of the case, wrote in his descending decision that informed consent was in his view unconstitutional as an invasion of the physician/patient relationship. Although the courts majority found that such was not unconstitutional there is clearly an issue involved. I would assume there is a strong possibility that this case will be taken further along in the judicial process. The regulation of regulating abortions more stringently than other medically indistinguishable procedures was one of the bases upon which the court,



or the particular justice, felt this was an intrusion. Further, this also creates an extra layer and burden of regulation in the right of women to receive an abortion within that first trimester.

The case of PLANNED PARENTHOOD vs DANFORTH, which was briefly mentioned by one of the previous individuals testifying, while permitting a form of informed consent declined to go further than assuming that its proper breadth was the general concept of what would be done in its consequences. The bill before us gives specific items of which the physician is required to inform the woman. This is seemingly a very strong intrusion into the patient/physician right of privacy and into the practice of the physician of his profession to the best of his professional capacity which we all assume physicians do attempt to achieve.

Section .350 (a) 3, the notice requirement has ambiguous difficulties. The reference to ambiguous in the last line of section (a) 3 "; or to the husband if she is married", I assume that's to all women if they are married whether they're minors or not. Is that correct?

SENATOR HACKNEY: Yes, that would follow.

NORMAN BESMAN: That was unclear to me from the wording of the bill. Given that the Supreme Court has struck down the broad consent requirements to be given by husbands or parents, notice requirements have been introduced in this bill and may be introduced in other states as a backdoor attempt to achieve some of the same kind of restrictions and coercions the consent requirements have been found to give women. Further, it is an invasion of privacy. This notice requirement, I feel, is an invasion of privacy or may be arguable as an invasion of privacy. Right of privacy is one of the strong bases in the ROE decision. I question whether there is a compelling state interest which is indeed the test of any state action in this area; whether there is compelling state interest with respect to notifying husbands, particularly in the first trimester or with respect to minors. The broadness of the requirement seems to disregard potential situations where notice would be against the best medical interest of the patient. Again, this is an interference in the patient/physician relationship. The right of formerly emancipated minors who may no longer be married and the right of the mature minor both seem to be abrogated by making age a classification and indeed age may be found to be a suspect classification with respect to receiving abortions.

The concept of reasonable feasibility, presented in (a) 3 is also arguably to create a chilling effect on physicians if the situation is unclear with regard to reaching the parent, guardian, husband or whoever may be found or thought to be the proper person to be notified. With respect to the second and third trimesters, although previous decisions seem to grant state regulation it is related to health and safety of women which was found to be within compelling state interest. But it is unclear in the present state of the law whether the above issues are clearly within that realm. Nor is the limitation the operation be performed in a hospital. Nor is that limitation so compelling that the operation be performed within a hospital, it apparently, irrationally concludes the



rational and very strong possibility of the development of health clinics within the State of Alaska similar to those that have been created and maintained outside. Those are also subject to health regulations. I feel this bill would so limit the future of rendering medical services within the State of Alaska it may not be proper in this scope.

The definition and reference to the viable unborn child in .350 (c) and .430 7. A doctor must make this decision given whatever standards have been created in light of possible future criminal penalties and professional threats to licensure. This is a chilling effect which cannot but reduce the availability of the medical procedure to the population, the relevant population. There is vagueness within the standard given despite the fact the language is taken almost verbatim from the ROE decision. The Supreme Court in the ROE decision specifically declined to give any explicit definition of the term. Anything that attempts to give a specific definition or even the vague general definition as in .430 7 is certainly subject to a challenge in the courts.

The last issue that I would speak to is that of conscientious objection. The problem with conscientious objection is one of the balance of conflicting interests. While involuntary servitude may be prohibited, women still must have an effective right to medical treatment, particularly in situations where a single medical institution or medical person is available and requires women to travel long distances to obtain such medical procedures if denied to her within the local area. This works a very tragic effect on those individuals and is certainly an arguable denial of equal protections for any indigent women unable to provide funds to take themselves to another place.

I conclude by noting without comment that this bill is entitled "An act relating to the health and welfare of women undergoing an abortion" and that this bill would be placed in title 11 chapter 15 which is entitled "crimes against the person".

SENATOR HACKNEY: On the notification provision, at the present time if you were to live in Juneau and didn't pay your light bill they couldn't even cut your lights off without notification yet we allow abortion to take place and don't even require that the other party in the act or ones who are perhaps connected by family even be notified. Don't you find that curious?

NORMAN BESMAN: No, I don't. My understanding the reason utilities are not cut off is because it is very possibly detrimental to the health and welfare of the individual receiving those utilities. I do not feel the lack of notice to a minor's parents, guardians, etc., or to a married woman's husband in any way so severely threatens the health and welfare of that minor's parents, guardians, etc., or the woman's husband.

SENATOR HACKNEY: In another area, you cite the violation of the right of privacy. Assume a woman were to undergo an operation and that one of the possible results of that operation could be she might be sterile for life. Do you think the woman should be advised of the fact before the



operation takes place?

NORMAN BESMAN: I would hope the attending physician, if such is a possibility, would give the woman that information. I take no position on what information a doctor should give to a woman seeking an abortion. What is important to me is that this be left within the physician/patient relationship. I have extreme difficulty in legislating that relationship which is a private relationship.

SENATOR SUMNER: In recent history there was the subject of Viet Nam dissenters. What is your view on that? Did you support the right to dissent or did you not?

NORMAN BESMAN: I am wondering whether I want to answer the question or not, Senator.

SENATOR SUMNER: Is it your position a facility should not be allowed to object because they don't want to participate?

NORMAN BESMAN: The issue of conscientious objection is the most difficult one I had in attempting to make a statement to the legislature this afternoon. It is impossible for me to believe another individual should clearly be forced to do an act which is extremely repugnant to that individual. On the other hand, as I said, there is a balancing of interests. What I am scared about and what has already come up in at least one case within the federal courts is a situation where this is used as an escape clause by a whole hospital. By the only available facility in an area where it is not, perhaps, the individual belief of all of the people there but it is an attempt at a coercion of policy. If you want a job you will follow our procedures and our morality on these issues. I certainly see both sides of the issue and it does cause me problems. I am concerned, however, with the situations particularly in Alaska where the population is so spread out, where it is difficult to get from one place to another. I believe the right of a woman to receive an abortion must have some weight in the decision also.

SENATOR SUMNER: There are some similar arguments, you'd say, between this and the many sort of frustrating discussions that have been held in reference to the Viet Nam situation?

NORMAN BESMAN: Yes. I do not believe it is possible for any individual having lived through the last ten years to see the words "conscientious objection" and not recall the Viet Nam situation.

After some questions from the audience regarding the legislative process SB 245 would go through, Chairman Hackney adjourned the meeting at 6:00 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 23, 1977  
Twenty-third Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis  
Senator Rodey

Members Absent

None

Others Present

Senator Ferguson  
Bob Cooksey, NEA Alaska  
Bill Overstreet, AASB  
Sam Kito, AASB  
Dr. Robert Weiss, President, Alaska Secondary School Association  
Ken Baker, Anchorage Principals' Association  
Jerry Norum, Fairbanks Principal  
Bill Berrier, Legislative Affairs Agency  
Garrey Peska, Legislative Audit  
Michael Orelove, Budget and Management  
Erin Von Bronkhorst

Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was SB 261, University of Alaska. Present to testify on the bill was Bill Barrier.

Both the Attorney General's office and Legislative Affairs were asked for a legal opinion as to whether the University was subject to the Fiscal Procedures Act and to the Executive Budget Act. Both offices turned up constitutional questions. There is some University autonomy; however, the University is not autonomous in the fiscal area. The University argues erroneously that it is a fourth branch of government.

Garrey Peska was next to testify. There is a need for this legislation. The University's accounting philosophy has been that they are not bound by established legislative appropriation levels. They rolled forward the type of problem they are currently experiencing for several years. Legislative Audit didn't know about the problem because they didn't have the accounting controls at the University as they do in the executive branch and the legislature. The bill tells the University very clearly that it will follow the accounting philosophy the rest of the state follows.

Senator Willis moved and asked unanimous consent the bill be moved from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill on the agenda was SB 211, Teachers Bargaining Groups. Present to testify was Ken Baker.

He asked the committee to oppose SB 211 as it removes the right of



collective bargaining from only one segment of the classified personnel. From the viewpoint of the Anchorage Principals' Association, the bill affects only a few school district currently operating with such procedures.

Sam Kito testified in favor of the bill. One of the most significant problems in the educational system is the lack of identifiability of management. He explained that is difficult for one person who is a superintendent to run a school system, let alone be the only management person in that system who is responsible to the school board. It is very difficult for a system to function at its utmost if inbetween the chief executive officer and the employees in the school district is another organization bargaining collectively with the superintendent and the school board for what they feel are employment rights.

Dr. Robert Weiss said the members of the Alaska Secondary School Association consider themselves middle management. Principals have never been identified in the statutes; as far as statutes are concerned they are head teachers. The non-identification has meaning in that when it comes to working conditions, middle management is left out. He pointed out examples of decisions made between school boards and teachers where principals were never consulted: free time to teachers (not realizing there needs to be supervision on school grounds); not giving any help to the principal in charge; and doing away with orientation day. He explained that when the principals formed their organization, it was because of those types of reasons and not necessarily because of salaries or working conditions.

Senator Willis moved to table the bill. Senators Sumner, Willis and Rodey were in favor of the motion and Senators Hackney and Bradley were opposed. The bill was tabled.

The next bill on the agenda was SB 148, Child Support Enforcement. Senator Sumner requested the bill be held for further information. It was so ordered.

Senator Bradley requested SB 44, Professional Teaching Practices Commission be brought before the committee sometime during the forthcoming week. It was so ordered.

The meeting adjourned at 4:10 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 25, 1977  
Twenty-fourth Meeting

Members Present

Senator Sumner, Vice-Chairman  
Senator Rodey  
Senator Willis  
Senator Bradley

Members Absent

Senator Hackney, Chairman

Others Present

Senator Ferguson, sponsor of SB 200  
Dave Gray, Senator Ferguson's AA  
Mr. and Mrs. Nugen, Studio Club  
Representative Nels Anderson  
Dr. Helen Beirne, Municipality of Anchorage  
Bob Cole, Office of Alcoholism  
Gordon Stockdale, Municipality of Anchorage

Senator Sumner called the meeting to order at 3: 10 p.m. The first bill on the agenda was SB 200, Public School Foundation Program, Foundation Allotments. Senator Ferguson was present and testified on the bill.

He explained the bill deals with changing the foundation formula for the Nome district and the Aleutian Chain. Senator Ferguson provided an amendment he would like incorporated in the bill. He explained the amendment to the committee. SB 225 was a bill introduced by the Governor at the request of Commissioner Lind. Senator Ferguson proposed page 4, from line 5 on of SB 225 be inserted into SB 200. This would be much more equitable to all the REAAs and school districts in rural areas. The fiscal note for the bill was \$4 million.

The amendment was discussed within committee and resulted in Senator Rodey's motion to adopt the amendment. There was no objection and it was so ordered. Senator Rodey moved and asked SB 200am be passed from committee with a "do pass" recommendation. It was so ordered. (The bill was later changed at the request of the Senate Secretary to a Committee Substitute.)

The next bill up for discussion was SB 254, Eye Protection Devices. Committee discussion on the bill resulted in Senator Willis asking the bill receive a "do pass" recommendation. Senator Rodey signed "no recommendation".

SB 226, Terms of Regional School Board Members was the next bill on the agenda. Dave Gray was present to testify and explained the bill would put the election rotation of REAA school board members into line so the terms would expire in a regular rotational order.



Senator Willis moved and asked SB 226 receive a "do pass" recommendation. It was so ordered.

Senator Sumner introduced Mr. and Mrs. Nugen from the Studio Club in Anchorage. The purpose of having the Nugens and representatives of the Municipality of Anchorage in attendance at the committee meeting was to discuss contractual problems between the two parties.

Senator Sumner adjourned the meeting at 4:50.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 28, 1977  
Twenty-fifth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Representative Terry Gardiner  
Bill Thompson, Department of Education

Chairman Hackney called the meeting to order at 3:00 and took up HB 304, Amending the Appropriation to the Department of Education for a School at Anderson. Present to testify was Bill Thompson. It was Mr. Thompson's understanding the purpose of this legislation was to clean up legislation passed last year changing the words "high school" to "elementary school" but in reading the bill it seemed to him as though this was an additional appropriation.

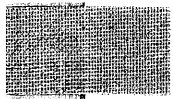
Chairman Hackney announced the bill would be held until clarification of bill intent could be obtained from the sponsor.

The next bill on the agenda was HB 186, Outstanding Debt to the City of Hydaburg. Representative Gardiner was present to testify. Small municipalities used to pledge their tobacco tax receivings to get a percentage of state tax revenue on tobacco to cover the costs of school construction. In 1963, Hydaburg received a total of \$294,000. They have been paying four or five thousand dollars a year and now the initial sum paid is \$55,000 with \$189,000 remaining. Through various pieces of legislation and bond issues, the other municipalities, Kake Dillingham, Bristol Bay, have had their debts forgiven by the state.

Bill Thompson explained that what the state did was make a loan to Hydaburg when their school was condemned by the Fire Marshall. The amount spent was \$294,000. The state made a loan on the basis that Hydaburg would pledge their tobacco tax in forgiveness of that loan.

Senator Rodey moved and asked the bill be passed from committee with a "do pass" recommendation. It was so ordered.

The meeting adjourned at 4:10 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

March 30, 1977  
Twenty-sixth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

Bob Van Houte, NEA Alaska  
Chuck Smith, Superintendent of Schools, Fairbanks  
Sue Greene, Special Assistant, Governor's Office  
Ken Koelsch, PTPC Chairman  
Paul Arnoldt, Deputy Director, Division of Retirement and Benefits

Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was SB 62, Teachers' Pension Adjustments, Post-Retirement. Present to testify was Mr. Paul Arnoldt.

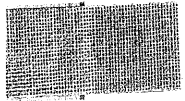
Mr. Arnoldt said the administration estimated in its fiscal note the bill will cost \$11.3 million the first year with an increasing cost of approximately 12 percent per year thereafter. The fiscal note does not take into account the cost to the school districts which is estimated at \$9 million.

Compared to the Consumer Price Index (CPI) in Anchorage, the base benefit for the retired teachers has more than kept up with the CPI; therefore, the retroactive provision of this bill seems inappropriate. As the bill is written, a teacher could retire in June and receive a three percent Post-Retirement Pension Adjustment (PRPA) the following month. The administration recommends a teacher receive benefits for at least six months before becoming eligible for the PRPA. Most teachers' retirements become effective July 1, therefore the administration recommends the PRPA become effective January 1.

Since the PRPA is granted to offset increases due to inflation, PRPA should be compared to the CPI of Anchorage. In years when inflation is less than three percent, the PRPA should only be granted for the actual increase. In years when there is no change or a decrease occurs in the CPI, no PRPA should be granted. The way the bill is currently written, teachers would receive three percent each year regardless of the activity in the CPI.

Bob Van Houte was next to testify. He stated NEA will probably ask for a committee substitute for SB 62 because of high costs. He pointed out it is easy to use figures and come to an erroneous conclusion. To get the true picture, look at the number of people who have retired since

357  
SB 62  
41



1970, the number constitutes about 72 or 73 percent of all the retirees. The cost of living since 1970 has gone up between 47 and 50 percent. The average benefit increase has been 10.45 percent. Those retired people have had a 40 percent reduction in their purchasing power. NEA is concerned about that fact.

After committee discussion on the bill, Sue Greene announced the Governor's intention to study all retirement bills introduced as to how they might all tie together.

Chairman Hackney announced SB 62 would be put aside for further information. It was so ordered.

The next bill on the agenda was SB 44, Professional Teaching Practices Commission. The first person to testify was Chuck Smith. He stated he was speaking for himself but that his comments are echoed almost unanimously by the state's superintendent association. The bill is supported only as a second choice. The first choice would be to disband the PTPC for the reason it is not doing the job it was originated for.

Ken Koelsch testified next. He opposed the bill. Mr. Koelsch answered questions from the committee regarding a law conference to be sponsored by the commission and also general questions about the body.

Senator Bradley moved SB 44 be moved from committee with individual recommendations. Senator Willis objected and Senators Sumner, Hackney and Bradley were in favor. The bill passed from committee.

The meeting adjourned at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 1, 1977  
Twenty-seventh Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Cecelia 'Pudge' Klinekoff, Alaska Chapter of the  
National Association of Social Workers

Senator Hackney called the meeting to order at 3:15 p.m. and took up SB 288, Certification of Social Workers.

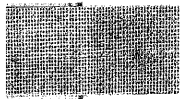
Present to testify was Cecelia Klinekoff. She explained the profession of social work is practiced by several levels of different expertise and competence, education and training. The Chapter's hope in the State of Alaska is to provide certification for purposes of protection of the public. There would be two levels of social worker practice: professional social work and certified professional social work. Professional social work practice is seen as social work practiced by an individual with a Masters degree in social work. Certified professional social work is that practiced, frequently independently, by persons with a Masters degree in social work plus an additional supervised two years of clinical practice beyond that degree.

The major area in which the Chapter has problems with SB 288 is in its provision for certification of three levels of social work practice. It is probably neither wise nor feasible in the State of Alaska to attempt to certify individuals with Bachelors degrees. That is a difficult area to address in bush, in state employment, and in the cities, thus it was seen by the organization as wiser to simply enable the public to identify a professionally trained social worker and a professionally trained social worker with an additional time or length of practice beyond the Masters degree. It is seen by the association that this will not rule out or in any way exclude from general social work practice people with credentials other than a Masters degree in social work or expertise and experience beyond that degree.

Mrs. Klinekoff then explained the changes the association would like incorporated in the bill.

Committee discussion on the bill resulted in Senator Rodey drafting a committee substitute to the bill which would be put before the committee at its next meeting.

41  
-6-28



The next bill on the agenda was SB 263, Alaska Net Income Tax. Senator Hackney explained the bill. At the present time in the case of a normal pregnancy, taxpayers can write-off certain expenses incurred during that time whereas with an adoption there is no way for the taxpayer to write anything off on his taxes.

Gary Jenkins testified that Alaska has tried to keep its tax law as closely alligned to the federal tax law as possible with a few specific exemptions. This bill would add one more exemption to the law. There are a limited number of people to benefit from this bill. An adopting parent currently has the possibility of deducting a portion of the expenses related to adoption. Under the Internal Revenue Code, if an adoptive parent pays the medical expenses of the child for the nursery, those costs are deductible. However, if the adoptive parent paid the cost of the natural mother's expenses those costs would not be deductible. Also, any kind of fees related to the adoption would not be deductible. Under this bill everything would be deductible.

Mr. Jenkins went on to explain that if a person puts out \$2,000 for 'medical expenses' he will only receive \$110 back. It is not a credit but a deduction. Natural birth deduction is subject to a three percent limitation of adjusted gross income.

Committee discussion on the bill resulted in a suggestion that the language limit the bill to applying only to adoption of United States citizens.

Senator Hackney announced he would prepare a committee substitute and bring it before the next meeting of the committee.

The next bill on the agenda was SB 148, Child Support Enforcement. Senator Sumner moved and asked unanimous consent that SB 148 be moved from committee with individual recommendations. It was so ordered.

The meeting adjourned at 4:15 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 4, 1977  
Twenty-eighth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Rodey  
Senator Bradley

Members Absent

Senator Willis

Others Present

Sam Granato, Director, Division of Social Services, H&SS  
Gary Jenkins, Director, Audit Division, Department of Revenue

Chairman Hackney called the meeting to order at 3:10 p.m. and took up CSSB 263, Alaska Net Income Tax. Present to testify was Gary Jenkins.

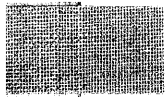
Mr. Jenkins said the impression given by proponents of a special deduction or credit for adoption expenses is that parents receiving a medical deduction get a great benefit while those adopting do not. There is, in fact, limited benefit to individuals as far as the state tax return is concerned for deducting childbirth medical expenses. Compare a \$1,000 direct tax deduction for adoptive parents to \$73 returned in the tax paying course to parents having childbirth. The tax credit of up to \$1,000 is an inordinate amount of benefit to a limited number of Alaskans who adopt children as compared to those having children naturally. Mr. Jenkins' recommendation to the committee was that serious consideration be given to allowing the adoption expenses as a "medical deduction" (which would be handled as though it were a medical deduction on tax forms) and afford equal benefits to both natural and adoptive parents.

The next person to testify was Sam Granato. He explained the bill may apply to step parents adopting; i.e., the natural mother's second husband adopting a child. He also pointed out that SB 54 which provides subsidies for 'hard to place' children had passed the Senate. The state could end up subsidizing adoption under one bill and giving tax credit under another.

Senator Hackney announced the bill would be held for further consideration.

The next bill on the agenda was SB 288, Certification of Social Workers. Sam Granato was present to testify.

Mr. Granato related one problem he saw in the bill to the committee. To become a certified professional social worker, one of the criteria to be met is to be supervised for two years under a certified professional social worker. But a person can't become a certified professional social



worker unless having been under one. There is a round-robin trap in the bill. Mr. Granato also pointed out a 'levels within levels' problem with the recertification provision of the bill and the problem of there being no school of social work in Alaska.

Senator Hackney announced the bill would be brought up for further consideration after new language for the bill could be obtained from the Legislative Affairs Agency.

The meeting adjourned at 4:10 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 6, 1977  
Twenty-ninth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

John Garvin, Executive Director of Alaska Children's Services and  
President of the Alaska Association of Helping Services  
H. LaVon Kindell, Director of the Alaskan Youth Village and Vice-President  
of the Alaska Association of Helping Services  
Billie Hardy, Director of Kenai Care Center, Treasurer of the Alaska  
Association of Helping Services  
Esther C. Downs, Hospitality House, Secretary of the Alaska Association  
of Helping Services  
Joy Jamison, League of Women Voters  
Roger Lange, Department of Health and Social Services

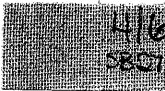
Chairman Hackney called the meeting to order at 3:00 p.m. The first bill on the agenda was SB 271, Full Cost of Care. Present to testify on the bill was John Garvin.

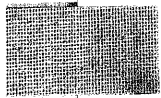
Mr. Garvin stated Alaska has had a law pertaining to the full cost of care for some time. It is basically a good and progressive law but interpretation of it has created problems for providing agencies. The Alaska Association of Helping Services endorses SB 271 as legislation that would help correct problems with the existing statutes.

Section one of the bill would repeal and re-enact AS 47.40.101(a). It is essential the Department of Health and Social Services adopt regulations concerning the purchase of service. It does have regulations but they are in need of up-dating.

In subparagraph three, "pay monthly to providers of services a sum equal to one-twelfth of the estimated billings last year", this concept would help small agencies operating on a shoestring budget. An amount coming monthly would stabilize agency costs. Small agencies have serious cash-flow problems; this provision would address those problems.

Extremely important is cost-settling allowable expenses related directly to the full cost of services. The department establishes a provisional rate at the beginning of each fiscal year. The provisional rate is on a per diem basis and at the end of the month the department receives





a billing from the agency for the number of child care days provided that month. Within 30 to 90 days providers are then paid by the department for the services delivered on a per day basis. As a result of this being set up on a monthly basis, it fluctuates considerably from month to month.

If, for instance, during the preceeding year it cost an agency \$100,000 to provide service, the following year their services would be reimbursed at one-twelfth of \$100,000 each month. If it cost only \$90,000 to provide services, the agency would reimburse the department \$10,000. On the other hand, if \$110,000 was spent providing service, the state would owe the agency and cost-settle in the amount of \$10,000.

Section three would seek to clarify the reimbursement formula for full cost of care. A concern at this point is it does not specifically spell out that depreciation is an allowable reimbursement. Providers agree the state should not reimburse for expenses in raising money and construction and major equipment, provided they are reimbursed for the depreciation of those items.

Providers of care are not able to provide the quality of child care they desire due to the rapid turnover of staff and low salaries. Child care workers at Alaska Children's Services work five days, twenty-four hours a day for \$800 a month. A person in a similar capacity working at McLaughlin Youth Center would receive about \$1,200 for five days a week, seven and one-half hours a day.

The Association feels the provision stating the Department of Health and Social Services complete its audit in 60 days does not allow the Department sufficient time. 180 days would be more realistic.

Next to testify was Mr. H. LaVon Kindell. He stated the department has not clearly defined standards of allowable costs. Until those standards of allowable cost are developed, it leaves a great deal of room for abuse of the bill. Care providers feel SB 271 is a good bill and do not want to see it damaged.

Mr. Kindell shared his concern that 60 days would work a hardship on the audit staff of the department and felt 180 days would be more reasonable.

He asked that cost of living be tied to some type of index. In addition, he expressed a need for incremental increases in longevity for employees. Providers are faced with the same problem the state has in hiring and retaining good employees. Hired at a given pay rate at the beginning level with only a cost of living increase is hardly a reward or incentive for longevity of personnel.

Mr. Kindell also expressed his interest in seeing depreciation be allowed for in the bill. Depreciation would help to maintain a building in a reasonable state of repair.

The last item Mr. Kindell spoke to was that of reference to levels of care. If such language were to be left in the bill there could be a possibility of winding up with a task force to define levels of care. That could conceivably result in: level one which would be basic



nurturance for a youngster; level two would add to that a social work component; beyond that would be a full-blown treatment program. If the department was to license an agency at one of those levels, it would mean the agency would serve only that level of youngster. There are not many communities in Alaska which could support three or four level institutions. He suggested that language be stricken from the bill and left so the department can purchase the service a youngster needs where ever it may be found and pay whatever the cost may be.

Next to testify was Joy Jamison. The League of Women Voters has been studying juvenile needs for the past few years and supports the concept of SB 271. They feel passage of the bill will help the state provide the best possible home situation for children which for some reason have been taken out of their homes. The League's juvenile needs position supports policies and services for young to develop a coordinated community program with emphasis on keeping the child in his own community without institutionalization. She went on to outline specific sections of the bill. (See attached written testimony.)

Next to testify was Roger Lange. The Department sees no big problem with the cost-settling concept as long as it is tied into the standards of allowable cost.

Mr. Lange felt the 60 days for audit was too short, particularly with the authorized staff now available for audit capability. He suggested there could be an interim settlement prior to audit verification as soon as the year-end expenditure report is submitted to the department. This would be faster than waiting for an audit as far as the provider agencies are concerned. Interim settlement could be accomplished within 45 days, depending on how quickly the agency closed its books. The interim settlement would allow the audit section to schedule its audits in a reasonable way.

Under the cost settling principal, any rate set at the beginning of the year is considered an interim rate and can be adjusted mid-year if the department finds expenses have exceeded the original interim rate. Therefore, the agency would not have to wait for year-end cost settling to recover if they were being underpaid, and not have to pay a large return of money at year-end if their rate of payment was higher than expenses.

The next person to testify was Billie Hardy. She shared some of her concerns about the bill and changes she would like to see incorporated into the bill with the committee.

On line 13 in (1) she thought it would be helpful to insert "within 180 days of implementation" due to the fact the department hasn't promulgated regulations for the present statutes. There are interim regulations but nothing that has been adopted by the providers or the department. A time limit on implementing regulations is quite necessary.

She felt the provision of paying monthly to providers of service a sum equal to one-twelfth of the sum expended the previous year would be extremely helpful. One month agencies have to scrimp, save and cut corners and the next month there is more money than needed to cover expenses.



Under the licensing section on page one, line 26, Ms. Hardy suggested placing a period after the word "licensed" and delete the remaining material in lines 28 and 29. It would be lumping too many different kinds of services under one type of license.

Ms. Hardy agreed that the 180 requirement for audit would be more workable and felt Mr. Lange's suggestion of an interim settlement was very good.

She stressed Mr. Kindell's comment asking for deletion of reference to levels of care.

The next person to testify was Esther Downs. She spoke in support of the bill.

Senator Hackney announced SB 271 would be held for drafting of a committee substitute and would be brought before the committee at a later date.

The next bill on the agenda was SCR 32, Annulling an Administrative Regulation Adopted by the Alaska Commission on Post-Secondary Education Pertaining to the Maximum Indebtedness That a Student May Incur Under the Scholarship Loan Program.

After committee discussion, Senator Willis moved and asked the bill pass from committee with individual recommendations. There being no objection, it was so ordered. The meeting adjourned at 4:30 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 11, 1977  
Thirtieth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Mr. Stickle, Department of Public Safety  
Kerry Romesburg, Department of Education  
Charles Ramage, Department of Health and Social Services

Chairman Hackney called the meeting to order at 3:00 p.m. The first bill on the agenda was HB 271, Motor Vehicle License Tax. Present to testify was Mr. Stickle.

The Department of Public Safety supports the bill with amendments. As the bill currently reads, it doesn't set a limit on the number of license plates a disabled individual may obtain. The department recommends a limit of one license plate be set. Conceivably, a disabled individual could own a parade of trucks and attempt to get this type of plate for his entire fleet and therefore avoid a registration tax on all the vehicles.

Mr. Stickle suggested AS 28.10.200 b(9) which deals with veterans 70% disabled be incorporated into this bill. The benefit would be that the plates would remain with the individual when vehicle ownership is transferred. The only other request was an effective date of January 1, 1978.

Senator Hackney announced the bill would be held until amendments could be drafted into the bill.

The next bill on the agenda was HB 312, Post-Secondary Education. Present to testify was Kerry Romesburg. HB 312 is a housekeeping bill. Current legislation has an exemption section; however the way it is worded, an institution is either exempt from the entire chapter or must adhere to the entire chapter. HB 312 would change the exemption clause to state that those institutions operating in the K through 12 area are exempt from the entire chapter and other institutions, in part b, are exempt from portions of this chapter as determined by the Commission. In other words, the Commission can exempt them from some parts of the chapter without having to exempt institutions entirely.

Current legislation, in terms of bonding, states an institution or an agent must post a surety bond. When the Commission started imposing





that last fall it immediately found out small educational institutions cannot get surety bonds. That meant if the Commission were to enforce the legislation strictly, a lot of people would be out of business. Post-secondary educational institutions as defined in legislation includes not only colleges and universities but business schools, including flight training and barber colleges, etc. A one-man flight operation cannot get a surety bond; in checking with the bonding agency in the state they simply won't sell it. The Commission asks for an alternative to the surety bond much like contractors have. In section five in lieu of a surety bond, the applicant may file with the Commission a cash deposit or other negotiable security acceptable to the Commission.

The original legislation states a person who goes out and solicits students must post a bond of \$10,000 or more. The highest bond posted anywhere else in the United States for this kind of individual is \$2,000. The \$10,000 stipulation might have been intended for the institution to post. Mr. Romesburg asked that be deleted and insert "an amount to be determined by the Commission."

Senator Hackney introduced a Committee Substitute for HB 312. The substitute would remove the words "post-secondary" in the title of the bill and on the last page would repeal section (6) AS 14.070.206 which would allow the Department of Education to mandate an accreditation program for every school in the state from K through 12.

Senator Sumner moved CSHB 312 be passed from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill on the agenda was SB 289, Emergency Medical Services. Charles Ramage was present to testify. The Department of Health and Social Services supports SB 289.

The bill seeks to accomplish three things. (1) The establishment of a new chapter, chapter 8, title 18 which would give the Department of Health and Social Services the responsibility for emergency medical services. (2) It would establish a state advisory council which would be funded at least for the next three years by 100% federal funds. The reason for establishment of the committee is that emergency medical services is a very complicated undertaking which is multidisciplinary and crosses many different professions and areas of expertise. The committee would provide for communication of these people to sit down and work out a coordinated system. Another thing the committee would do is help in negotiations when questions of territory arise and also add a bit of mediating and strength to the department. (3) The bill provides the department with authority to obtain grants. Presently, the agency is operating under an umbrella agency which means the money comes down through the department and is disbursed to the various regions. This new granting mechanism would make it easier on the entities in each region coordinating the program to receive their funds.

Mr. Ramage gave a budget breakdown of the \$725,000 received by the department from the federal government this year.



Committee discussion brought out a concern of program over-structuring. Senator Rodey moved the bill pass from committee with individual recommendations. There being no objection, it was so ordered.

The next bill on the agenda was CSSB 271, Full Cost of Care. Committee discussion as to what the committee substitute changed in the bill resulted in Senator Rodey moving the bill pass from committee with individual recommendations. It was so ordered. The meeting adjourned at 4:15 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 13, 1977  
Thirty-first Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Sharon Andrew, Director, Division of Occupational Licensing, Department of Commerce and Economic Development  
Elizabeth Roosen-Runge, Program Analyst, Division of Social Services, H&SS

Chairman Hackney called the meeting to order at 3:00 p.m. The first bill on the agenda was CSSB 288, Certification of Social Workers. Present to offer testimony on the bill was Sharon Andrew. She questioned the provision for reimbursing child care costs of board members. Presently, those costs are not reimburseable for any other board or commission.

The Department of Commerce and Economic Development has introduced legislation relating to occupational licensing fees. The bill addresses all of the licensing boards in Title 8. Basically, the intent is to allow the department to set fees and licensing periods by regulation. First, the department would establish proposed fees, take those fee structures to the board and seek their official approval. Upon receipt of approval, regulations would be promulgated concerning such. She stated the department would also like to see the provision for biennial renewal of licenses removed from the bill.

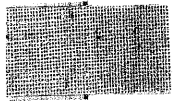
Senator Rodey stated if the committee wished, it could make the amendments sought by the department and he would carry them on the floor of the Senate. The committee amended the bill by placing a period after "examination" on line 13, page 1 and delete the remainder of the sentence. They also eliminated the provision relating to child care costs. There was no objection to the amendments.

Senator Rodey moved and asked the bill pass from committee with individual recommendations. There being no objection, it was so ordered.

The next bill up for consideration was HCR 35, Health Care Facilities in King Salmon. No one was present to offer testimony. Committee discussion resulted in Senator Rodey moving to pass HCR 35 with individual recommendations. There being no objection, it was so ordered.

The last item of business was a housekeeping measure relating to the Governor's appointments to various boards and commissions in the State. It was resolved Chairman Hackney would draft a letter conveying the committee's feeling of no strong objection to those appointees. The meeting adjourned at 4:00 p.m.





SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 18, 1977  
Thirty-second Meeting

Members Present

Senator Hackney, Chairman  
Senator Summer, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

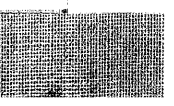
Ann Krekelberg, State Affairs Committee  
Bob Van Houte, NEA Alaska  
Betsey McGuire, Office of Child Advocacy

Chairman Hackney called the meeting to order at 3:15 p.m. The only bill on the agenda was SB 245, Women Undergoing Abortion.

Senator Hackney took the committee through the bill explaining provisions of the bill and outlining objections that have been raised to the bill. He discussed changes planned in the bill and announced SB 245 would come up for hearing again next week with proposed new language for a committee substitute.

The meeting adjourned at 3:40 p.m.

SECRET



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

April 20, 1977  
Thirty-third Meeting

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Rodey

Others Present

Bob Cole, Office of Alcoholism  
Lois Jund, Office of the Commissioner of Health and Social Services  
Rae Ann Hickling, Open Door Clinic  
Peggy Colletta, Self  
Richard Peter, Department of Law

Chairman Hackney called the meeting to order at 3:10 p.m. The only bill on the agenda was SB 242, Treatment of Alcohol and Drug Abuse. Present to testify was Lois Jund.

She gave an overview of the bill. SB 242 is responsive to the Legislature and to the Governor's efficiency team which recommended the offices of alcohol and drug abuse be combined. The department felt it important to get such legislation enacted this year since the FY78 budget was predicated on a combined office of alcohol and drug abuse with a combined advisory board.

Next to testify was Bob Cole. He explained the technical amendments to the present statutes.

Rae Ann Hickling voiced her opinion that the provision in SB 242 requiring licensing was good. She also expressed her problem with qualifications of board members provided for in the bill. The only qualification she felt necessary would be meeting the federal guideline mandating a certain number of minority people. It is also a good idea to have representation from community and regional health systems on the board.

Speaking in behalf of drug abuse people from across the state, Ms. Hickling said the definition of drug abuse on page 24 should be changed. Drug addiction means more than a person simply being addicted to some sort of drug.

Senator Hackney stated that no action would be taken on this bill as there were other people who were interested in appearing before the committee and presenting their testimony. He stated the bill would be held until Wednesday of the following week.

The meeting then adjourned at 4:30 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

April 25, 1977  
Thirty-fourth Meeting



Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley

Members Absent

Senator Rodey  
Senator Willis

Others Present

Sam Granato, Health and Social Services  
Commissioner Lind, Department of Education  
Pastor George McNeven, Self  
Bob VanHoute, NEA Alaska  
Representative Miles, HB 205 sponsor

Chairman Hackney called the meeting to order at 3:15 p.m. The first bill on the agenda was CSHB 205, Licensing of Care Providers for Dependent Adults. Present to testify was Representative Miles.

Representative Miles said there are a number of facilities around the state caring for dependent adults. These facilities are not licensed. In two such Anchorage facilities he visited, it seemed apparent someone was needed to come and check to be sure they are maintained at a minimum standard. Hence, the legislation was introduced.

Senator Sumner expressed his concerns of limiting the scope of what it is the department can require of these types of facilities.

Next to testify was Sam Granato. He stated the department is in support of CSHB 205. The department would try to limit regulations to fire, safety, health, sanitation, first-aid emergency procedures etc., the main areas for safety.

Representative Miles had an amendment to the bill which would clean up language: on page 1, line 12: after "children," add "and foster homes, group homes."; page 1, line 19: after "children," add "and foster homes, group homes."; and on page 1, line 26: after "age," add "or a foster home, group home or".

Senator Sumner moved and asked unanimous consent CSHB 205 as amended move from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill up for consideration was SB 246, Commissioner and State Board of Education. Present to offer testimony was Commissioner Lind. He stated the present system is a good one. He could not see the kind of arrangement proposed in the legislation as being beneficial to education.



Next to testify was Bob VanHoute. He was in support of the current concept.

Senator Hackney announced the bill would be held.

Next on the agenda was SB 255, Religion in Public Schools. Senator Bradley gave background behind the bill.

Present to testify was Pastor McNeven. He expressed a concern that transcendental meditation people would demand time with which to convert students and teach before a class.

After committee discussion, Senator Bradley moved and asked unanimous consent CSSB 255, receive a "do pass" recommendation. There being no objection, it was so ordered. The meeting adjourned at 4:30 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

April 27, 1977  
Thirty-fifth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Rodey

Members Absent

Senator Bradley  
Senator Willis

The members present constituted a quorum.

Others Present

Bob Van Houte, NEA Alaska  
Bob Cole, Office of Alcoholism  
Representative Jim Duncan  
Art Peterson, Attorney General's Office  
Rae Ann Hickling, Open Door Clinic, Anchorage  
Joe McGill, Juneau Community Schools  
Peggy Colletta, Self  
Rudy Johnson, Family Law Reform and Justice Council of Alaska  
Frank Gold, Fairbanks Drug Treatment Center  
Betsey McGuire, Office of Child Advocacy  
Peter Rutherford, Juneau Community Schools  
Marsha Hubbard, Health and Social Services  
Mary Beth Hilburn, Office of Drug Abuse  
Mike Walti, Narcotic Drug Treatment Center, Anchorage

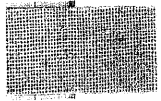
Chairman Hackney called the meeting to order at 3:10 p.m. The first bill on the agenda was HB 179, Appropriation to the Department of Education for Community Schools.

Representative Duncan explained in 1975 the Legislature established the Community School program with the intent of more efficient utilization of school facilities. HB 179 makes an appropriation of \$1,225,000 for funding of FY 78 up to the level set out in statute for the community schools program. The Governor's budget provided only \$860,000--short of the formula provided for in statute.

This bill does not represent a new approach, as last year the same process was taken to bring the program up to par.

Senator Rodey moved and asked the bill be passed from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill on the agenda for consideration was SB 242, Alcoholism and Drug Abuse Treatment. Mr. Cole outlined amendments alcohol and drug abuse components wanted to see made in the bill. However, Senator Sumner interjected his feeling that the two offices should not be combined. A



discussion followed as to the merit of combining the two agencies. Senator Hackney announced the bill would be held over.

The next bill on the agenda was CSHB 208, Child Custody Jurisdiction. Present to testify was Art Peterson. He supported the bill. The problem CSHB 208 deals with is the growing occurrence of parental child stealing. This comes about when divorced or separated parents don't like the custody decision of the court. One parent will receive the custody award and take the child home, the other parent does not like that decision and kidnaps the child, goes to another state and obtains a custody decision in his favor. This can go on and on. The bill attempts to eliminate the problem by dealing with the initial question of custody, the secondary question of who pays for judicial proceedings and it basically tries to insure the stability of the child's environment.

Next to testify was Rudy Johnson. He testified in opposition of the bill. He felt liabilities caused to the child by the bill would be tremendous. The basic complaint against CSHB 208 is that it complicates the procedure of getting into court.

He explained that every state has what is known as the Clean Hands bill. If a parent kidnaps his own child, he does not have a right of access to the courts. In fact, in Alaska if that is done there is a statute (AS 11.15.290) that provides a minimum of one year and up to ten years sentence for parental child stealing. However, it is not enforced.

Senator Hackney asked Mr. Johnson to put his testimony in writing as the remaining members of the committee were due at another meeting. The bill would be before the committee again on May 4, 1977. The meeting then adjourned at 4:20 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

April 30, 1977  
Thirty-sixth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

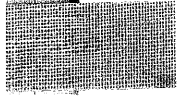
Joan Bailey, Representative Malone  
Kit Evans, Abused Womens Aid in Crisis  
Representative Lisa Rudd  
Eric Hansen, Health and Social Services  
Ron Betit, Health and Social Services

The meeting was called to order at 8:05 a.m. by Chairman Hackney. The first bill on the agenda was HB 78 am, Appropriation to the Seward Skill Center. After brief committee discussion on the bill, Senator Sumner moved and asked unanimous consent the bill pass from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill before the committee was SB 333, Broadcasting of Alcohol and Drug Programs. No one was present to testify on the bill and after committee discussion Senator Sumner moved SB 333 pass from committee with individual recommendations. There was no objection and it was so ordered.

Next on the agenda was HB 463, Shelter for Assaulted Women and Children. Representative Rudd was present to testify. The legislation is an attempt to gain answers to the increasingly evident problem of wife beating in the Anchorage area. The Status of Women report revealed approximately three reported wife beatings per day in the Anchorage area. It is surmised many more are not reported to police. A study shows beds available for emergency situations at 127 for men and only five beds are available for women. Those five beds, however, are not available if the woman brings her children along. This project involves money for renting a house and equipping it and also for the hiring of a counselor.

Next to testify was Kit Evans. She stated the program explores the alternative of providing women with refuge for a range of two days to 90 days. One of the problems police and the district attorney's office has is that beaten women won't press charged. The reason being the woman is faced with signing a complaint and waiting maybe 30 days until a hearing. In the meantime she has to live with the person she signed the complaint against. Usually the women wind up dropping the complaint. It is felt a shelter will alter the image of a woman who won't stand up for herself. It



hasn't been safe for her to do so.

There will be a number of women who make the decision to choose the alternative of establishing a separate household. That is the reason for the ninety-day provision. If program staff decides a particular woman would need longer than that, it could be arranged.

Senator Rodey moved the bill pass from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill up for consideration was CSSB 245, An Act Relating to Abortion. Senator Hackney explained the Committee Substitute for SB 245 addressed objections raised to certain provisions of the bill. He outlined for the committee exactly what the changes in the bill were.

Senator Bradley moved and asked unanimous consent CSSB 245 move from committee with individual recommendations. There being no objection, it was so ordered.

SB 300, Employment Preference - Handicapped, was the next bill on the agenda. No one was present to offer testimony on the bill. Committee discussion resulted in a committee substitute being offered. The major change would appear in line 11 where the word "rights" would be deleted.

Senator Rodey moved the bill pass from committee with individual recommendations. There being no objection, it was so ordered.

The last bill before the committee was HCR 26, Food Stamp Eligibility. Present to testify were Ron Betit and Eric Hansen. They explained the intent of the bill and how the department proposed to carry out the program. The department had an amendment to the bill which read: line 27, after "local" add "public assistance"; line 28, after "determinations of" add "food stamp"; line 29, delete and insert "in immediate food need situations as defined in the department's position paper of March 24, 1977."

Senator Willis moved that HCR 26 with the amendment be passed from committee. There being no objection, it was so ordered.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 2, 1977  
Thirty-seventh Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Elizabeth Arnold, Attorney General's Office  
Sue Greene, Governor's Office  
Joy Jamison, League of Women Voters  
Peggy Berck, Alaska Legal Services  
Karla Forsythe, Alaska Legal Services  
Chancy Croft, SB 106 sponsor

Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was SB 106, Children's Code; however, it was determined by the committee CSHB 204 am, Children's Code contained changes acceptable to the committee. Therefore, SB 106 was not taken up and CSHB 204am was before the committee.

Present to testify was Joy Jamison. She presented the League of Women Voters support of the bill.

Next to testify was Elizabeth Arnold. At the joint meeting held previously on SB 106 and HB 204 she had testified in support of the bills. At this time, she would just relay some of the objections to the bill by various members of the court system.

Senator Sumner moved and asked unanimous consent CSHB 204am pass from committee with individual recommendations. There being no objection, it was so ordered.

The next bill on the agenda was CSHB 208, Child Custody Jurisdiction. Present to testify was Karla Forsythe, Alaska Legal Services. She responded to Mr. Johnson's objections to the bill (see Johnson testimony of 4/27/77). She also explained various provisions of the bill to the committee.

Senator Hackney stated the committee was awaiting written testimony from Mr. Johnson and no action would be taken on the bill at this time. The bill was re-scheduled for Wednesday, May 5.

The next bill on the agenda was HCR 36, Welfare Reform. After brief committee discussion, Senator Sumner moved and asked unanimous consent HCR 36 pass from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The meeting adjourned at 4:15 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 4, 1977  
Thirty-eighth Meeting

Members Present

Senator Hackney, Chairman  
Senator Rodey  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Bradley

The members present represented a quorum.

Others Present

Sam Granato, Health and Social Services  
Karla Forsythe, Alaska Legal Services  
Liz Arnold, Attorney General's Office

The meeting was called to order by Chairman Hackney at 3:10 p.m. The only bill on the agenda was CSHB 208, Child Custody Jurisdiction. Present to offer testimony on the bill was Sam Granato.

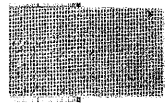
Mr. Granato stated that, as he read the bill, it was positive and in the best interest of the child. The bill clarifies which court has jurisdiction over the child. Such clarification would eliminate a situation of confusion, conflict and multiple trials to determine child custody.

Committee discussion followed with several questions being asked of Karla Forsythe concerning the notice provision and the incurred cost provision of the bill.

Senator Rodey moved and asked CSHB 208 pass from committee with a "do pass" recommendation. There was no objection and it was so ordered. The meeting adjourned at 3:30 p.m.

8/4  
CSHB 208

37



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 9, 1977  
Thirty-ninth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

The members present constituted a quorum.

Others Present

Peggy Burck, Alaska Legal Services Corporation  
Bob Gates, Division of Retirement  
Jessi Dodson, Governor's Office  
Sue Greene, Governor's Office  
Marshall Lind, Commissioner of Department of Education  
Bob Van Houte, NEA Alaska  
Bob Cooksey, NEA Alaska  
Bill Overstreet, Alaska Association of School Boards  
Nat Cole, Deputy Commissioner, Department of Education  
Senator Hohman, SR 8 sponsor  
Representative Mike Miller, HB 343 sponsor  
Dave Gray, Senator Ferguson

Chairman Hackney called the meeting to order at 3:08 p.m. The first bill on the agenda was CSHB 439, Alaska Longevity Bonus. Present to testify was Peggy Burck. She testified in favor of the bill stating it would mandate the Department of Administration to hold hearings when a person has been denied longevity benefits and that person requests a hearing. Present law provides the department 'may' hold hearings upon request.

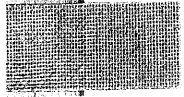
Senator Rodey moved CSHB 439 move from committee with individual recommendations. It was so ordered.

The next bill on the agenda was CSHB 343, Teacher Retirement System. Present to testify was Bob Gates. CSHB 343 provides for a 10% increase in the current base benefits for retired teachers receiving benefits on July 1, 1976. The effect of this amendment would be to increase the base benefit effective July 1, 1977. Estimated FY78 cost of this legislation is \$363,000.

Mr. Gates asked the committee to consider combining HB 332, Teachers' Retirement System, and HB 267, Retirement - Public Employees with CSHB 343. The reason being there are some cost controls contained in those bills which will effectively help to offset the increase in funding required by CSHB 343. In fact, over time those controls may negate the cost of CSHB 343.

Bob Cooksey stated that NEA is in support of CSHB 343 as is and he was not prepared to testify on a combination of the bills.





Senator Hackney announced the bill would be held until such time the three bills could be drafted into one bill under the title SCSCSHB 343.

The next bill on the agenda was SR 8, Food Stamp Allotments. Present to testify was Senator Hohman. He stated the resolution seeks to provide equity in food stamp distribution within the state. Food stamps are distributed on the basis of the United States Bureau of Labor statistics. Those statistics are available only for Anchorage and do not take into account the cost differentials in rural areas of Alaska.

Senator Rodey moved SR 8 pass from committee with a "do pass" recommendation. There being no objection, it was so ordered.

The next bill on the agenda was CSHB 487, Legislative Board of Retirement Benefits. Present to testify was Bob Gates. The bill provides for an ongoing board which makes it its primary assignment to review various types of retirement proposals and attempt to seek solutions to things coming up in the way of long-range planning in the retirement area. The fiscal note sets out \$5,000 in travel; however, to do the job that amount should be nearer \$15,000 - \$20,000.

Bob Van Houte stated it would be helpful if a representative from the retired teachers and a representative from the retired public employees retirement systems was added.

Senator Sumner offered the following amendment: page 1, line 28, add two new paragraphs to read (6) a member of the public employees' retirement system; (7) a member of the teachers' retirement system. Page 2, line 5, add ", retired members" after the word "members" There was no objection to the amendment.

Senator Sumner moved and asked that SCSCSHB 343 pass from committee with individual recommendations. It was so ordered.

The next bill on the agenda was SB 304, Binding Arbitration. Present to testify on the bill was Sue Greene. It is the governor's position that the mandate upon locally elected officials of binding arbitration prohibits an element of responsible decision-making on their part for which they should be held accountable.

Next to testify was Bill Overstreet. He testified in opposition to the bill. He believed local people elect citizens to serve as arbitrators and they call those people school board members.

Bob Van Houte was the next to testify. He spoke in support of SB 304. An arbitrator acts as a judge and exposes himself to all arguments as to the validity of the varying positions. Obviously, both groups are going to present supporting arguments for the validity of their positions. The arbitrator will be in a position to evaluate those positions and make his decision.



Nat Cole presented the State Board of Educations's position on the bill. They urged the Senate HESS Committee to defeat SB 304.

Senator Hackney announced the bill would be held and the meeting adjourned at 5:45 p.m.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 11, 1977  
Fortieth Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Rodey  
Senator Willis

Members Absent

Senator Bradley

Others Present

Bob Gates, Division of Retirement  
Bob Van Houte, NEA Alaska  
Jim McKenzie, Legislative Affairs Legal Services  
John Kuhn, Department of Health and Social Services

Chairman Hackney called the meeting to order at 3:15 p.m. The first bill on the agenda was SCSCSHB 343, Teachers' Retirement. Present to testify was Bob Gates.

Mr. Gates went through the bill section by section explaining what changes had been made. Most changes consisted of definition conformity and clarification.

Bob Van Houte stated his only concern with the bill was in section 3 and he would like to see that section deleted from the bill.

Senator Rodey moved and asked unanimous consent sections 3 and 4 be deleted from the bill. There was no objection and it was so ordered. Senator Rodey then moved and asked SCSCSHB 343 pass from committee with individual recommendations.

The next bill on the agenda was SB 323, Accreditation of Private Schools. Senator Sumner gave his reasons for introducing the bill and the intent of the legislation. He moved and asked unanimous consent SB 323 pass from committee with individual recommendations. There was no objection and it was so ordered.

The final bill on the agenda was CSHB 465am, Equal Treatment of Persons. Present to testify was John Kuhn. He stated that essentially, the Department of Health and Social Services is already carrying out the mandate of this bill.

Senator Hackney announced CSHB 465am would be held. The meeting adjourned at 4:20 p.m.





SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 13, 1977  
Forty-first Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

Bill Tompson, Department of Education  
Senator Ferguson  
Representative Anderson  
Vickie Cunningham, Republican Caucus AA

Chairman Hackney called the meeting to order at 3:05 p.m. The first bill on the agenda was HB 251, Twin Hills School. Present to testify was Representative Anderson.

He explained the Twin Hills school burned at the beginning of the year and insurance does not cover full replacement cost of the facility. \$266,000 is needed to do so.

Bill Tompson described the previous school as consisting of 3,700 square feet. The proposed replacement would comprise 4,200 square feet and house the elementary program and provide space for a secondary program. The \$266,000 represents the difference of rebuilding the elementary school and providing for secondary classrooms. The Department of Education is in support of the appropriation.

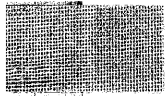
Senator Bradley moved and asked unanimous consent HB 251 receive a "do pass" recommendation. There was no objection and it was so ordered.

The next item up for consideration was SJR 28, Continue ROTC at U of A through Spring 1978. Present to testify was Vickie Cunningham. The problem SJR 28 addresses is one of allowing juniors in the ROTC program to complete the program. Usually, the secretary of the army gives one year's notice of program termination; however, this was not done.

Senator Sumner moved and asked the bill receive a unanimous "do pass" recommendation.

The meeting adjourned at 3:20 p.m.

513  
251



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

May 18, 1977  
Forty-second Meeting

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

None

Others Present

Paul Arnoldt, Division of Retirement  
Senator Ferguson  
Senator Colletta  
Bob Gates, Division of Retirement  
Bob Cooksey, NEA Alaska

Chairman Hackney called the meeting to order at 3:10 p.m. The only bill on the agenda was SB 258, Teachers' Retirement. Present to testify was Paul Arnoldt.

Mr. Arnoldt said the bill takes BIA service, presently creditable as outside service, and defines it as membership service. Membership service is usually considered to be teaching service in Alaska--actual teaching service covered while the teacher is teaching in Alaska and is a member of the retirement system, not as service bought-in. Under this bill, BIA service is being transferred from outside bought-in membership service. As such there would be no membership contribution required.

The next person to speak was Senator Colletta. He explained it was his intent a BIA transfer-in, would perform an additional five years regardless of the number of years to be transferred into the Alaska System. Of course, there would be a provision that only time acquired in BIA rural Alaska schools would be transferrable.

Committee discussion resulted in Senator Hackney suggesting an amendment in SCSCSHB 343 might serve the same purpose as this bill. Senators Colletta and Ferguson had no objection to that suggestion.

Mr. Gates was asked to come up with language which would: (1) not extend the current 15 year maximum; (2) change the requirement of membership service to five years from the eight now required for outside service; and (3) make a person eligible for retirement with 15 years of BIA service or 20 years of combined BIA and membership service.

Senator Hackney announced the meeting adjourned at 4:15 p.m.

5/18  
258

1944

1944

1944

1944



1944

1944

1944

1944

HEALTH, EDUCATION AND SOCIAL SERVICES

May 20, 1977  
Forty-third Meeting

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Sumner, Vice-Chairman  
Senator Rodey

The members present constituted a quorum.

Others Present

Paul Gulyus, Assistant Director, Commission on Post-Secondary Education  
Reed Stoops, Division of Community and Rural Development  
Richard L. Peter, Assistant Attorney General

Chairman Hackney called the meeting to order at 3:30 p.m. The first bill on the agenda was CSHB 224 (Finance), Post-Secondary Education. Mr. Gulyus explained that the bill was a housekeeping measure. After committee discussion, Senator Bradley moved and asked unanimous consent CSHB 224 (Finance) pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

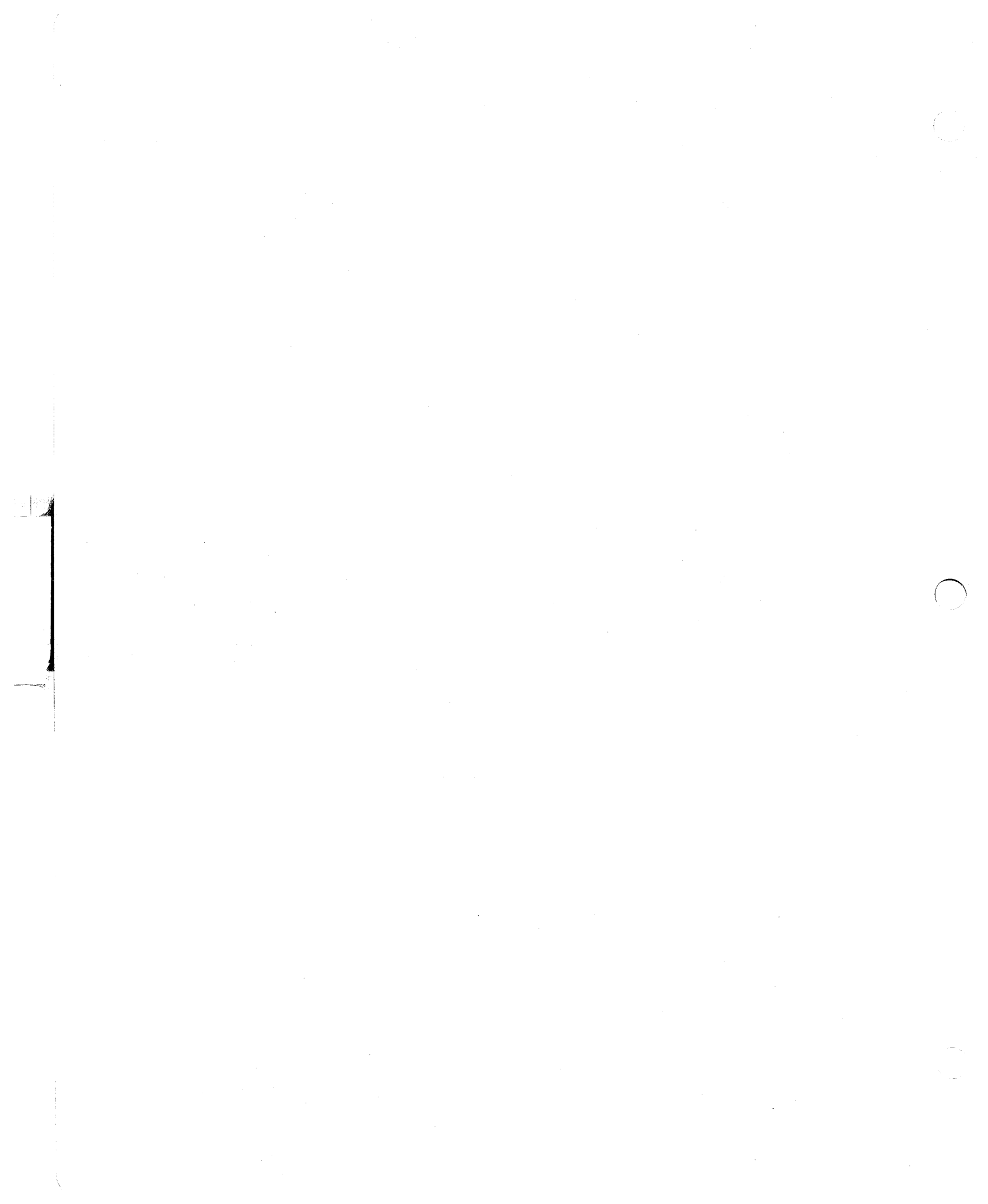
The final bill on the agenda was CSHB 193am, Daycare. Present to testify was Reed Stoops. He explained the changes the bill makes in the present statutes. After committee discussion on the bill, Senator Willis moved that CSHB 193am move from committee with individual recommendations. There was no objection and it was so ordered.

The meeting adjourned 4:05 p.m.





1978 INDEX



1978

INDEX TO  
MINUTES

FOR

OF THE

WIND

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

1 9 7 8

January 18, 1978

- SB 397 Appropriation Adjustments--Education, Foundation Program  
SB 407 Special Appropriation to the Department of Education  
for the Construction of School Facilities at Wrangell

January 23, 1978

- SB 382 Arctic Food Production Research Program Within the  
University of Alaska  
SB 383 Special Appropriation to the University of Alaska to  
Establish a Modern Experimental Dairy Farm  
SB 386 Special Appropriation to University of Alaska to Lease  
Land for Construction of a Geothermally Heated Greenhouse  
at Pilgrim Hot Springs  
SB 394 Supplemental Appropriation to Department of Health and  
Social Services - Homemaker Services

January 30, 1978

- SB 415 Possession or Control of Marijuana  
SB 437 Advisory Vote by Voters on Marijuana Possession (not taken up)  
SJR 33 Head Start Program (not taken up)  
SJR 35 Upgrading BIA Rural Schools  
Meeting with Alaska Association of School Board Members

February 1, 1978

- HB 365 Revolving Loan Fund for Residential Facilities  
HB 366 Appropriation to Commerce and Economic Development--  
Residential Care Facilities, Revolving Loan Fund  
SJR 33 Head Start Program  
SB 437 Advisory Vote by Voters on Marijuana Possession

February 6, 1978

- SB 257 Sick Leave as Service Credit in PERS  
SB 441 Special Appropriation; Governor's Office

February 8, 1978

- SB 415 Possession or Control of Marijuana

February 15, 1978

- SB 438 Increasing Assistance to Families; Dependent Children  
SB 363 State Program; Individual Reading Program  
SB 466 Mobile Dental Clinic  
SB 472 Appropriation to H&SS; Center for Children and Parents  
in Anchorage



February 22, 1978

SB 447 Capital Improvements; School Facilities  
SB 450 University of Alaska; Activities Facilities  
SB 451 Bond; \$9,200,000 University of Alaska  
HB 717 Supplemental Appropriation; University of Alaska  
SB 481 Restricting U of A Board of Regents Power (not taken up)

February 27, 1978

SB 453 Student Loans  
SB 458 School Construction  
SB 464 REAA School Board Elections  
SB 470 Relating to Instructional Unit Allotments  
SB 481 Restricting Power of the University of Alaska Board  
of Regents

March 1, 1978

SB 472 Appropriation to H&SS; Anchorage Child Abuse Board  
SB 132 State Educational Incentive Grant Program  
SB 447 Capital Improvements; School Facilities  
SB 458 School Construction  
HB 125 Alaska Native Educational Administration Internship Program

March 6, 1978

SB 474 Practice of Dental Hygiene  
HB 863 Appropriation to H&SS; General Relief  
Interview of PTPC appointee, Ronald Metzgar

March 8, 1978

SB 447 Capital Improvements; School Facilities (not taken up)  
SB 458 School Construction (not taken up)  
SB 485 Construction and Repair of Educational Facilities

March 13, 1978

SB 479 Special Appropriation to H&SS; National Council on Alcoholism  
HB 780 Special Appropriation to H&SS; Alcoholism Programs  
Meeting with Alaska Association of School Administrators

March 15, 1978

SB 389 Prisoners Compensated for Work in Prison  
SB 490 Truant Children (not taken up)  
SB 495 Parental Rights  
SCR 87 Annuling Water Regulations



March 20, 1978

HB 287 Prohibiting Sex Discrimination in Education  
HB 618 Human Rights Commission Annual Report  
HB 373 Tax Deduction for Child Adoption

March 22, 1978

SB 474 Practice of Dental Hygiene  
SB 518 Consolidating Alaska's Drug Laws

March 27, 1978

SB 520 Appropriation to Department of Education; Youth Employment  
Services  
SB 565 An Act Relating to General Relief Assistance  
HB 844 Blood Donation by Those 17 or Older

April 3, 1978

SB 389 Prisoners Compensated for Work in Prison  
SB 490 Truant Children  
SB 487 Teachers' Retirement  
SB 512 PERS Credit for Alaska State Housing Authority Employees  
SB 535 Emergency Medical Service by Municipalities  
SB 556 Medical Assistance for Needy Persons

April 5, 1978 NO MEETING DUE TO LACK OF QUORUM

SB 447 Capital Improvements; School Facilities  
SB 458 School Construction  
SB 485 Construction and Repair of Educational Facilities  
SB 567 Special Appropriation to Department of Education for  
Skill Center at Seward  
HB 783 Special Appropriation to Alaska State Council on the Arts  
HB 644 Appropriation to H&SS; Medicaid Miscellaneous, General  
Relief Medical, and Handicapped Children

April 7, 1978

HB 783 Special Appropriation to Alaska Council on the Arts  
SB 567 Special Appropriation; Department of Education; Alaska  
Skill Center at Seward  
HB 644 Special Appropriation to H&SS; Medicaid, Relief, Handicapped

April 10, 1978

HB 644 Supplemental Appropriation; H&SS; Medicaid, Relief, Handicapped  
SB 540 Special Appropriation to H&SS; Office of Alcoholism  
SB 163 Public School Facilities Construction  
SB 495 Parental Rights (not taken up)



April 12, 1978

HB 489 Labor Relations  
SB 542 Powers and Duties of Office of Alcoholism (not taken up)  
SB 543 Alcoholism Grants in Aid (not taken up)  
SB 544 Standards for Alcohol Treatment Facilities (not taken up)  
HB 25 Accrued Medical and Annual Leave of State Employees

April 17, 1978

SB 541 Health Education in Public Schools  
SB 542 Powers and Duties of Office of Alcoholism  
SB 543 Alcoholism Grants in Aid  
SB 544 Standards for Alcohol Treatment  
SB 545 Health Insurance

April 19, 1978

SB 546 Tax Credit for Contributions to Alcoholism Programs  
SB 547 Special Appropriation to Department of Revenue; Increased  
Enforcement in Alcohol  
SB 549 Serving Intoxicating Liquor  
SB 551 Rehabilitation of Criminals with Alcohol Problems

April 24, 1978

SB 543 Alcoholism Grants in Aid  
SB 547 Special Appropriation to Department of Revenue; Increased  
Enforcement in Alcohol  
SB 447 Capital Improvements; School Facilities

April 26, 1978

SB 546 Tax Credits for Contributions to Alcoholism Programs  
SB 551 Rehabilitation of Criminals with Alcohol Problems (not taken up)  
SB 518 Consolidating Alaska's Drug Laws  
HB 608 Supplemental to the Department of Education; Pupil Transportation

May 1, 1978

SB 485 Construction and Repair of Educational Facilities  
HB 901 Supplemental Appropriation; Community Developmental  
Disabilities  
SB 9 GO Bonds; Community Colleges  
SB 447 Bonds; Capital Improvements, School Facilities

May 3, 1978

HB 351 School of Justice and Amend Alaska Bar Rules  
HCR 103 Include Correctional Industry in Masterplan Advance Study  
SB 577 Sick Leave and Certified School District Employees  
SB 581 Special Appropriation; University of Alaska; Kenai Community  
College



May 8, 1978

SB 583 Special Appropriation; Student Scholarship Loan Program  
SB 591 Practice of Psychology, Counseling and Psychometrics  
SB 595 Special Appropriation, DOT; School Construction  
SB 600 Legal School Age for Exceptional Children  
SB 605 Purchasing Agent of the University of Alaska

May 10, 1978

SB 495 Parental Rights  
SB 591 Practice of Psychology, Counseling and Psychometrics  
SB 485 Construction and Repair of Educational Facilities  
SB 600 Legal School Age for Exceptional Children  
HB 271 Motor Vehicle License Tax  
HB 589 Alaska National Guard Senior ROTC Scholarship Program  
HB 797 Special Appropriation to U of A; Nurses Education Program  
HCR 122 Relating to Private Higher Education in Alaska

May 15, 1978

HB 319 Health and Hospital Insurance Policies  
HB 395 Community Mental Health Services Act Expenditures  
HB 628 Supplemental to H&SS  
HCR 128 Requesting a Plan to Minimize Otitis Media

May 17, 1978

HB 548 Education of Exceptional Children  
HB 752 Granting Athletic Leave  
SB 495 Parental Rights  
SB 485 Construction & Repair of Educational Facilities

May 22, 1978

HB 935 Supplemental to the University of Alaska  
HB 896 Emergency Medical Services  
HB 897 Emergency Medical Services  
HB 842 Library Distribution Center  
HB 820 Teachers' Retirement System

May 23, 1978

HB 917 Alaska Medical Facility Authority

May 24, 1978

HCR 91 University of Alaska; Power Plant Financing  
HB 934 Sick Leave and Certified Employees of School Districts  
HB 737 University of Alaska and School Employees Indemnification

May 25, 1978

HB 917 Alaska Medical Facility Authority



May 31, 1978

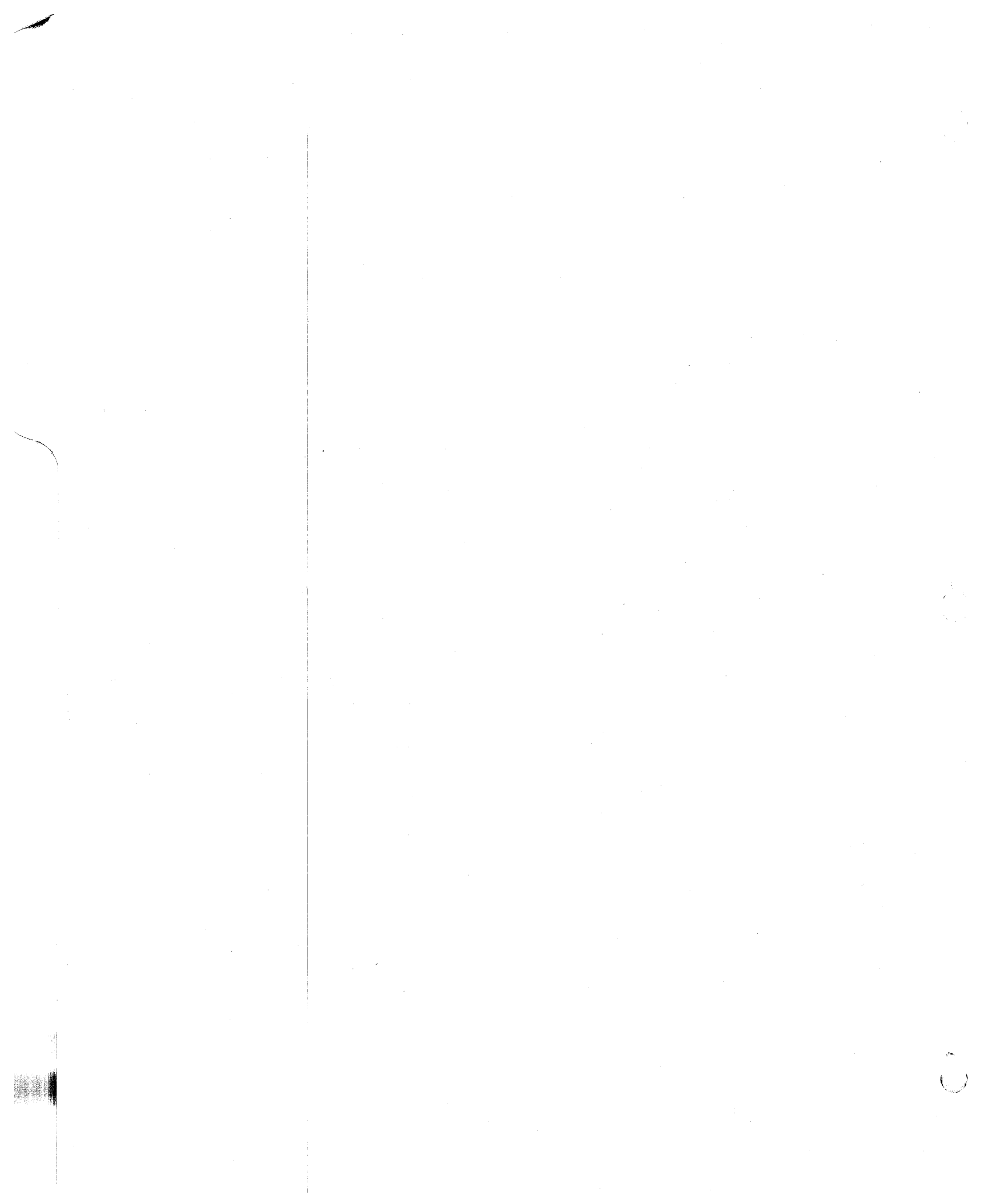
HB 917 Alaska Medical Facility Authority  
HB 681 State Aid for School Construction  
HB 804 Legislative Board of Retirement and Benefits

June 5, 1978

HB 806 Child Care Facility Revolving Loan Fund  
HB 719 State Aid for Schools



1978 Minutes



1978

MINUTES

1/18/1978 - 6/5/1978

STUMM

1818 - 1818

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

January 18, 1978

Bills on Agenda: SB 397 "Appropriation Adjustments--Education, Foundation Program"  
SB 407 "Special Appropriation to the Department of Education for the Construction of School Facilities at Wrangell"

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Sumner, Vice Chairman  
Senator Rodey

Others Present

Commissioner Marshall Lind, Department of Education  
Deputy Commissioner Nat Cole, Department of Education  
Chris Roust, Facilities and Planning, Department of Education  
Mia Spear, Senator Sumner  
Bob Cooksey, NEA - Alaska  
Carolyn Doggett, NEA - Alaska  
Jean Kline, Senator Meland  
Senator Meland

Chairman Hackney called the meeting to order at 2:10 PM, the first bill to be taken up was SB 407 "Construction of School Facilities at Wrangell - \$7,000,000".

Present to testify was Commissioner Lind. He stated \$7,000,000 represents a realistic figure for the City of Wrangell's needs and that Wrangell has the worst school facilities in the state.

The only concern the Department of Education brought forth was that SB 407 may be covered by a bill pending from the governor. The governor's bill has a provision which takes into account the wealth of a district as relates to required local contribution. Rather than the flat 50% match presently required, local contribution would be commensurate with the district's ability to pay.

Mr. Chris Roust testified as to the outdated, overcrowded and poor condition of the Wrangell facilities. He also stated Wrangell has been put on advisory status from the Northwest Association of Schools and Colleges which accredits high school programs, that the major deficiency is facility. If this is not corrected within a short time Wrangell may lose its accreditation as a secondary school.

Jean Kline stated that if Wrangell were to pass a bond issue to construct these facilities itself its tax rate would double. Senator Meland urged the members of the HESS committee to move the bill on to the Finance Committee.

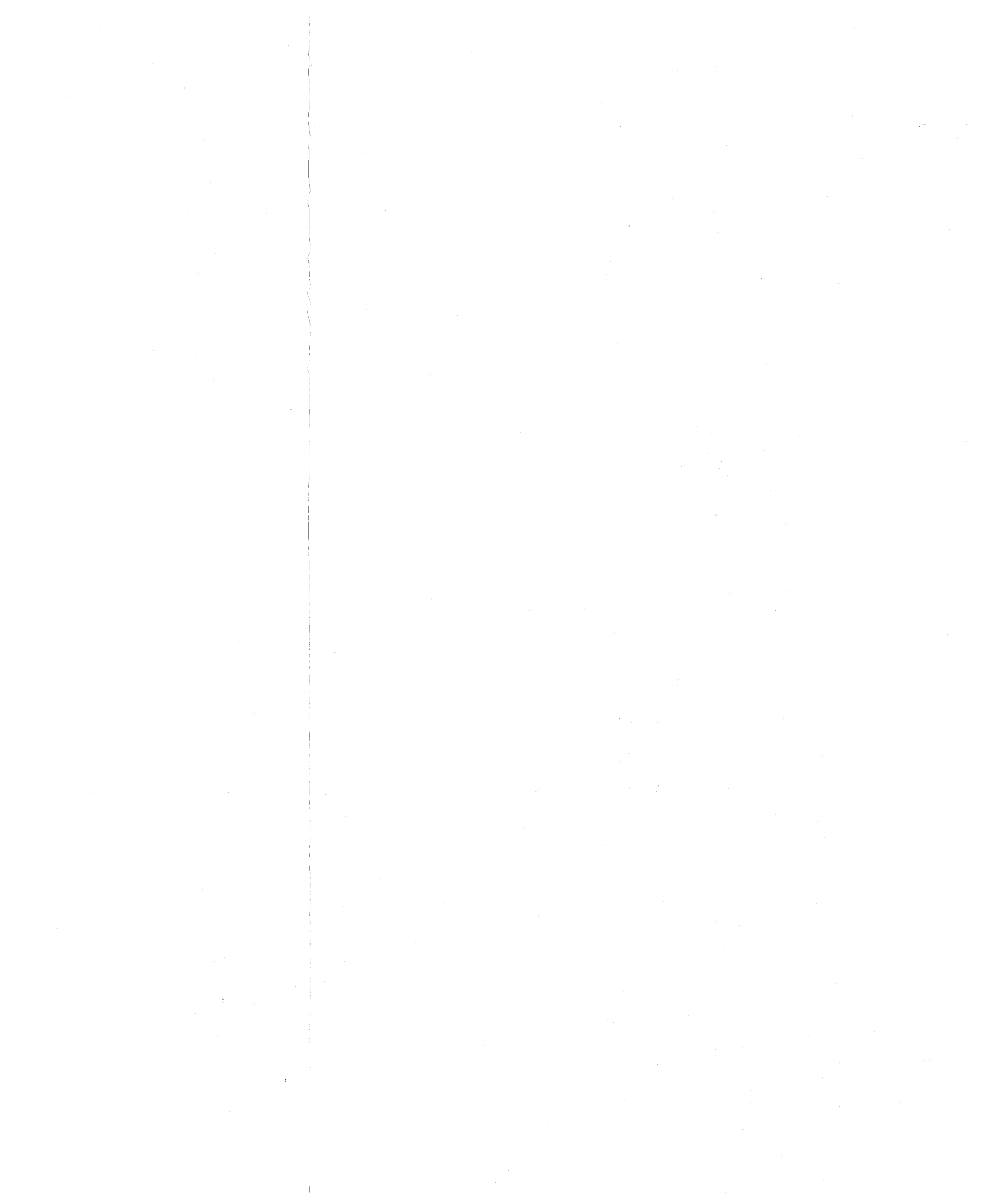


The bill pending from the governor was explained by Nat Cole and discussed by the committee.

Senator Willis asked unanimous consent SB 407 move from committee with individual recommendations. It was so ordered.

The next bill on the agenda was SB 397, Appropriation Adjustments. Present to testify was Nat Cole, Department of Education. Mr. Cole explained the bill would allow the department to shift funds from one appropriation to another in order to make up deficits in one program and overages in another. Formerly this shifting of funds was possible through mechanisms in the governor's office and the legislative budget and audit office. This is no longer possible, thus SB 397 was introduced to revise the appropriations as outlined.

Senator Bradley moved and asked unanimous consent SB 397 pass from committee with individual recommendations. It was so ordered and the meeting adjourned at 3:20 PM.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
January 23, 1978

Bills on Agenda: SB 382 "Arctic Food Production Research Program  
Within the University of Alaska"  
SB 383 "Special Appropriation to the University of  
Alaska to Establish a Modern Experimental  
Dairy Farm"  
SB 386 "Special Appropriation to University of  
Alaska to Lease Land for Construction of a  
Geothermally Heated Greenhouse at Pilgrim  
Hot Springs"  
SB 394 "Supplemental Appropriation to Department of  
Health and Social Services--Homemaker Services"

4/23

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice Chairman\*  
Senator Bradley  
Senator Willis  
Senator Rodey\* \* - late

Members Absent

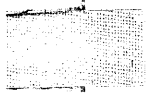
None

Others Present

Jean Kizer, AP  
Janice Gates, Health and Social Services  
Richard Hacker, Health and Social Services  
Commissioner Helen Beirne, Health and Social Services  
Senator Kerttula  
Representative Randy Phillips  
Dove Kull  
Sam Granato, Health and Social Services  
Marsha Hubbard, Health and Social Services  
Rocky McKinnon, House HESS  
Bonnie Jack, House Republican AA  
Dr. James V. Drew, Agricultural Experiment Station, U of A  
Dr. Charles E. Logsdon, Agricultural Experiment Station, U of A, Palmer  
Dr. Donald H. Dinkel, Agricultural Experiment Station, U of A, Fairbanks  
Marion Gotschall, Alaska Homemakers - Home Health Aide Service

Chairman Hackney called the meeting to order at 2:03 PM. The first bills on the agenda were the agricultural bills. Senator Kerttula introduced Dr. Drew, Dr. Logsdon and Dr. Dinkel to the committee.

Dr. Logsdon testified in favor of SB 382 explaining that it would direct the regents of the University of Alaska to expand the research program into more remote areas of the state. The program would investigate such things as geothermal energy use and other technological developments which might result in a modernized commercial agriculture in the state. SB 382 would provide for work experience, broadened economic base, and improved nutrition.



Dr. James Drew, Director of the Agricultural Experiment Station, University of Alaska testified in support of SB 383. He looked upon the general goal of the bill as providing a modern facility at the U of A, Fairbanks for research needed in the production of milk, small grains, forages, and vegetables to provide the technology necessary for an expanded agriculture in interior Alaska. The research component of modern agriculture is a very significant part of developing a viable agriculture industry anywhere.

SB 383 would be carried out in two phases: (1) basically a capital construction phase; and (2) would involve necessary technical, scientific research staff and their support in order to mount the research programs that the capital construction facility would be used for.

Mr. Drew went on to discuss the specific objectives the bill might accomplish and outlined a section in PL-113 relating to model farms and demonstration projects.

Dr. Donald Dingle testified on SB 386. He stated the specific purpose of the bill is to develop a commercial production potential for vegetables and fruits in remote sites using naturally geothermally heated soils and soils that could be heated artificially from the geothermal source. The bill would develop a model, totally-integrated horticulture production system and determine the production costs of such a system for arctic areas.

The bill would establish a model set-up for growing horticultural crops. It would involve the improvement of the field for growing the crop, building of a 4,000 square foot greenhouse and necessary living quarters for people doing developmental work, a fresh water supply, a diesel generation facility, and necessary farm, garden and greenhouse equipment. The additional benefits of SB 386 would be to provide a needed training in rural areas for such an activity for the residents, provide employment for diversification of the economic base.

After committee discussion, Senator Hackney presented the house-keeping amendments suggested by Senator Kerttula. Each bill was brought up separately with its respective suggested amendments. All bills passed from committee with those amendments. (To see the specific amendments see the committee files.)

The final bill on the agenda was SB 394. Present was Commissioner Helen Beirne who introduced herself to the committee and in turn presented Sam Granato and Marsha Hubbard to testify on the bill.

Mr. Granato explained the bill as a supplemental request for \$110,000 to carry the homemaker support program through the end of February. There would be an additional supplemental request of approximately \$275,000 which would carry the program through the rest of this fiscal year. The supplementals would allow the division of social services to continue service at the present level with no new people receiving homemaker services except where there may be a 'turnover' aspect.



Mr. Granato explained to the committee why these supplemental requests are needed. The division of social services based their budget for this program on the average of the first three months of this fiscal year. The average represented approximately 34,000 units of service each month. However, the month by month number of service units grew to 35,000 units in October, 43,000 in November and 45,000 in December. Mr. Granato put a freeze on the program at that time which dictated that no new people would be accepted into the program. The program ran out of money and the Governor had to use approximately \$30,000 of his contingency funds to keep the program operational until the end of February.

Mr. Granato stated he did not know the reason for the increases in units of service.

Warner's Bookkeeping Service of Juneau was contracted to manage the Homemaker - Home Health Aides Service contract for the Division because of dissatisfaction on the division's part regarding program management by the Homemakers Service.

Marsha Hubbard went into the fiscal aspects of the program.

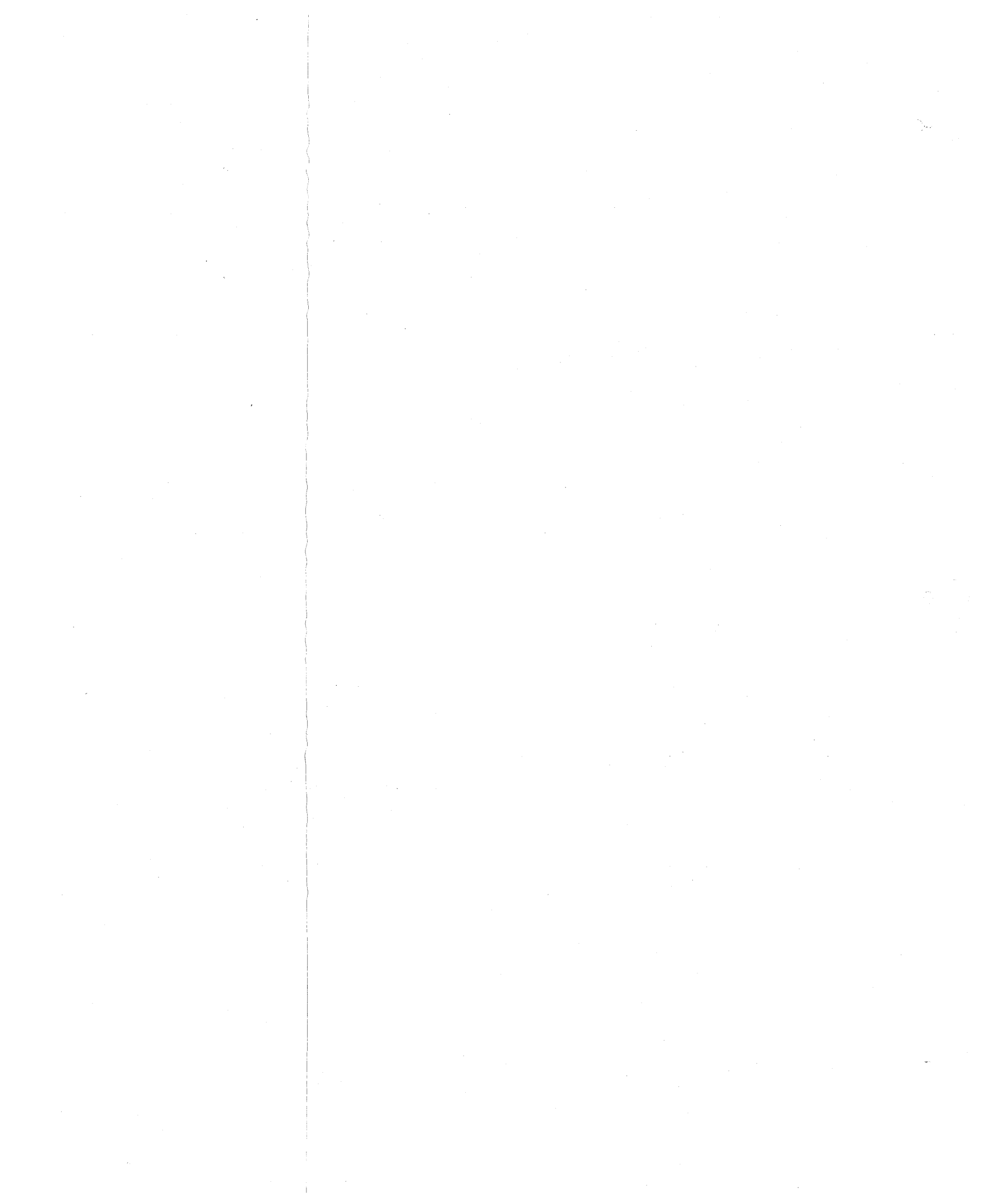
Next to testify was Marion Gotchall, past Acting Director of Alaska Homemaker - Home Health Aide Service. She stated she was in office during the time that problems developed in their contract with the division of social services.

Ms. Gotchall said the problem in the billing procedure was not in their process but in the time it took to get reimbursed for those billings from the Department. There were times when it took up to six weeks to obtain a reimbursement.

The difference between a homemaker and a home helper was explained to the committee. A home helper relates primarily to the environment of the person that is within the home. A homemaker has had training in and is responsible for direct personal care of the person.

Senator Sumner voiced an opinion of seeing the program go back to a competitive bid basis and leave it up to the contractor to meet the minimum requirements set down by the department.

Senator Sumner then moved and asked unanimous consent to pass the bill out of committee. It was so ordered and the meeting adjourned at 5:00 PM.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
January 30, 1978

Bills on Agenda:      CSSB 415 "Possession or Control of Marijuana"  
                              SB 437 "Advisory Vote by Voters on Marijuana Possession"  
                              SJR 33 "Head Start Program"  
                              SJR 35 "Upgrading BIA Rural Schools"  
  
Meeting with Alaska Association of School Board Members

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman\*  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

\* - late

Others Present

Commissioner Richard L. Burton, Department of Public Safety  
Colonel Tom Anderson, Director, Alaska State Troopers  
Chief Investigator Joseph Turner, Alaska State Troopers  
Don Hardison, Self  
Chief James H. Barkley, Alaska Association of Chiefs of Police  
Nancy Lange, Self  
Dr. Joe Sonneman, Self  
Pamela A. Myers, Self  
Gloria Barclay, Self

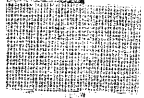
Chairman Hackney called the meeting to order at 2:00 PM. He explained that the CS for SB 415 would be heard before the committee.

Senator Ray was present and testified on CSSB 415 and SB 437. The original SB 415 was not drafted in the way he had intended and, therefore, there is a committee substitute. Under (1) any amount of marijuana in a public place is a misdemeanor punishable by a fine of up to \$1,000. Section (2) adds "watercraft of any kind". The fourth part specifically states persons under the age of 18 are subject to the criminal penalty if they possess, control or use marijuana in private. It eliminates minors under the age of 18 to use marijuana at any time either in public or in private.

Senator Ray explained SB 437 as being an advisory vote by the voters of the State of Alaska as to whether possession, control and use of marijuana at any time shall be made legal or illegal in the state.

Next to testify was Commissioner Burton. When legislation was passed three years ago that made possession of one ounce or less of marijuana a civil penalty, law enforcement was led to believe a civil citation would be enacted to enforce the civil penalty. As yet no mechanism has been set up.

130



Not one case has ever been enforced under the civil section; if it is unenforceable then it should be taken off the books.

The Commissioner stated he was concerned about kids who aren't mature enough to make the decision whether to smoke marijuana any more than they have the maturity to make the decision whether to smoke cigarettes or drink alcohol.

He provided the committee with state drug use figures: in 1976 779 pounds of marijuana were seized; in 1977, 2,614 pounds which had a street value of \$836,704.

Colonel Tom Anderson was the next to testify. He also pointed out the difficulty of enforcing the marijuana laws under civil penalties. The law enforcement sector considers use of the civil approach a waste of time as there still are no procedures from the Department of Law on how to handle this.

Joe Turner stated there are types of marijuana that are more potent coming into Alaska than there used to be.

Don Hardison felt that today's children are being exposed to things that they're unable to handle. He outlined an article by a Dr. Schuelman in Jerusalem. The article said that it is a fact marijuana causes a weakening in ability to think--memory capacity is slowly reduced. Mr. Hardison also outlined an article in the Readers' Digest by a Dr. D. Harvey Powelson of California. He was in favor of legalizing pot in California and wrote an article in 1967 supporting his position. Dr. Powelson thought marijuana was harmless with no evidence that it did anything except make people feel good. Within five years he knew he was totally wrong as he observed nearly 200 students he counseled and the affects marijuana had on them.

Once marijuana is legalized or penalties for its use and/or possession removed, hundreds of thousands of young people who have refrained from using it will be tempted to experiment.

Mr. Hardison read a letter from Marilyn Edwards. She stated she is against the liberalization of the use of marijuana. Mrs. Edwards would like to see a heavier restriction placed on liberalization, use and control of this drug.

Juneau Chief of Police, James Barkley was present representing the Alaska Association of Chiefs of Police. The association endorses CSSB 415 primarily for the harm that marijuana is doing to young people. In 1975 when the civil penalty was enacted, the JDPD put a serious emphasis on the drug problem in Juneau. Drug arrests rose to 135%. Of those arrests 31% were juveniles under the age of 18. In 1976, those figures had gone up to 46% of the total number of arrests. In 1977 the total number of juveniles arrested was 60% even though since 1975 no emphasis had been placed on narcotic arrests in Juneau. The prevalence of drugs in young people has increased since enactment of the marijuana laws that eased penalties. The Chief also stressed the uselessness of trying to enforce the civil penalties.



State figures indicate that since the enactment of previous legislation those numbers of users under 18 of age who are involved in hard narcotics (herion, coke, LSD and the sale of drugs) has increased percentage-wise.

Nancy Lange from Juneau was the next to testify. Marijuana has greatly increased in its availability for school age children. Maybe if there were something similar to the parking ticket for drug usage and particularly marijuana it might stop the processes going on now in the attitudes of school agers.

Next to testify was Pamela Myers. She testified that she uses marijuana and doesn't think of herself as a criminal and doesn't wish to be thought of as such. State stated that as a user, she has the right to her own personal consumption. She answered various questions from the committee.

Next to testify was Dr. Joe Sonneman. His concern for the bill had to do with a Supreme Court case--Raven vs. State. One of the main points of the case was the constitutional amendment which said the right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this decision. The constitutional provision itself says the right of the people and has nothing saying that minors are not people.

Gloria Barclay testified as a parent whose two children have been exposed to a 16 year old pushing cocaine. She testified in support of the bill.

No one wished to testify further on the bill and Chairman Hackney stated no action would be taken on the bill this day and would hold the bill for another meeting on 2/8/78. A five minute recess was called.

The meeting resumed and members of the Alaska Association of School Boards were presented to speak to the committee on various issues.

Jim Movious, President of the Fairbanks School Board spoke on binding arbitration. He was thankful that this matter is not now something they are complaining about having happened. The premise upon which they oppose binding arbitration is simply the philosophical one that the governors of the public school system should take the place in the community under the power of those who are elected locally, i.e., let those who bear the burden of accountability make the decision. They viewed the motivation for the binding arbitration bill as merely one of gaining an edge in negotiations and not having value from an education standpoint.

Carolyn Cannova, Kenai Borough School District spoke of school construction. The School Board Association has biases that lie with children, schools, and education. The Association asked for the committee's consideration of HB 681 which would increase state aid for school construction to 80%.



Ray Collins, Chairman of the Iditarod School District. The rural districts stand in support of the city and borough districts in the increase in foundation funding support mentioned by Ms. Cannova. He encouraged the committee to continue exploring ways of equalizing the application of state funds to both construction and instructional matters between the urban and rural schools.

Sharon Young, Gateway School District. In the REAA's there is a question of who holds the purse strings on school construction in rural areas. The buildings used by the REAA's are owned by the state. The Department of Transportation has control of who, how and where the schools are built. Last year during reorganization of the department it was suggested that REAA's could have more control over the type of schools they received, however, the actual construction process was faced with the same delays and loss of dollars as was under the state operated school system. REAA's believe that with closer local control they can wind up with a better product for less money.

Mrs. Houte, Chairman of the Lower Kuskowim Region School District spoke to recall petitions. She is one of the school board members who has been threatened with recall as part of the negotiation process with the teachers' union.

Current state law calls for a recall petition to have no more than 60 days between the date of the first signature and the date of the last. However, this does not preclude the persons passing around a petition from extending the period of time forever and ever if they don't get the required number of signatures within that 60-day period. She felt there should be some beginning point and some ending point.

Mrs. Houte also felt that present statutes do not give school board members or other elected officials adequate opportunity to present facts in regard to the recall petition. In her own case she met with a small group of people who were working on the recall. They refused to give her any details as to the kinds of things they had against her. She felt that when people are accused of something that they are at least entitled to know the charges.

A resolution recently passed by the Lower Kuskowim School Board stated that there should be a standard recall form and on each page of the recall there should be explanations of the terms of "conduct", "competency", and "failure to perform prescribed duties". The specific charge(s) and the time and date of such charge(s) should be stated in 200 words or less and the accused person's answer should also be on the petition. If that were done people that see the petition would have all the charges and answers before them before they signed. There should also be a statement letting signers know they can't sign more than once and they must be voting residents and must use their true name. There should be an affidavit stating the signatures were obtained in a certain person's presence who was passing them out and that the signers were adequately informed of the content of the entire petition.



Next to address the committee was Ray Menneker, President of the Haines Borough School Board who spoke on community education. Alaska probably has the best community education law in the country, and there has been a tremendous response to community education throughout all the district. In the past this program has been inadequately funded and he asked the committee to do what they could to see that the community education program receive adequate funding.

Dale Thompson from Adak also spoke on community education. He stated that the program has become a vital part of the community of Adak and funding is vital to keep the program operational. He felt it is a vital program that needs to be ongoing.

Ann Grant from Ketchikan spoke next. She stated that in November the Alaska School Board Association passed a resolution and she read a portion of that resolution to the committee. Therefore, be it resolved that the AASB recommend to the legislature that AS.14.20.151 (a) and (b) be amended by substituting three years for two years as a requirement for obtaining tenure in the school systems of the State of Alaska. The prime concern of school board members is for the quality of education and not for job security of teachers.

The members and the committee discussed minimal competency testing in the schools.

The final item on the agenda was SJR 35, Head Start Program. Senator Ferguson was present to testify on the resolution which was addressed to the Alaskan congressional delegation and asked them to work with the BIA in trying to update many of the BIA schools to the state fire codes.

Senator Bradley moved and asked SJR 35 receive a unanimous "do pass" recommendation from the committee. There was no objection and it was so ordered. The meeting adjourned at 5:20 PM.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
February 1, 1978

Bills on Agenda:	CSHB 365	"Revolving Loan Fund for Residential Facilities"
	CSHB 366 am	"Appropriation to Commerce and Economic Development: Residential Care Facilities, R.L.F."
	SJR 33	"The Head Start Program"
	SB 437	"Advisory Vote by Voters on Marijuana Possession"

Members Present

Senator Hackney, Chairman  
Senator Sumner, Vice-Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

Pat Monroe, Department of Health and Social Services  
William J. Knight, Self  
Lee Stringer, Self  
Representative Miles

The Chairman called the meeting to order at 2:07 PM. The first item on the agenda was the list of Governor's appointments. It was determined that Dr. Helen Beirne, Commissioner of Health and Social Services and Sharilyn Mumaw, appointee to the Board of Regents, would each be invited to appear before the committee at a later date.

The first bill on the agenda was CSHB 365. Representative Miles was present to testify. He explained that in the course of touring facilities in regard to HB 205, Dependent Adult Health Care Facilities (passed and became law last year) he noted facilities lacking in condition. During the middle of the session last year he introduced two companion bills to HB 205 -- HB 365 and HB 366. Essentially, HB 365 is modeled after the children's revolving loan fund bill that has been in existence for several years and it sets up a small revolving loan fund that will authorize or enable the private industry people to receive loans at six percent of up to \$20,000. The capitalization bill, HB 366, just starts the fund rolling with a sum of \$200,000.

The next to testify was Pat Monroe. She presented committee members with a copy of the department's position paper. The department has taken a survey of facilities and has identified 18 residential facilities plus 34 adult foster homes. The 18 residential are resemble a business and not the family setting of the adult foster home. Capacity of those facilities reange from 5 to 50.



Senator Willis moved and asked unanimous consent CSHB 365 pass out of committee with a "do pass" recommendation. There being no objection, it was so ordered.

Committee discussion on CSHB 366am brought about the question of \$200,000 being adequate funding to cover the number of facilities which could possibly come in for loans. Senator Sumner moved and asked unanimous consent that on line 10 the sum of "\$200,000" be replaced with "\$300,000". There was no objection to the amendment and it passed. Senator Sumner then moved and asked unanimous consent CSHB 366am pass from committee with a unanimous "do pass" recommendation. There was no objection and it was so ordered.

Present to testify on SJR 33 was Pat Monroe. She provided committee members with copies of the department's position paper. Committee discussion on the bill resulted in Senator Bradley asking the bill pass from committee with a unanimous "do pass" recommendation. There was no objection and it was so ordered.

The final bill on the agenda was SB 437. Present to testify was William J. Knight. Mr. Knight spoke in support of the use of marijuana and against the bill.

Mr. Lee Stringer spoke against the use of marijuana.

Committee discussion resulted in Senator Bradley moving and asking unanimous consent that SB 437 pass from committee with a unanimous "do pass" recommendation. There was no objection and it was so ordered.

The meeting adjourned at 4:00 PM.



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
February 6, 1978

Bills on Agenda: SB 257 "Sick Leave as Service Credit in PERS"  
SB 441 "Special Appropriation; Governor's Office"

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Rodey  
Senator Willis

Members Absent

Senator Sumner

Others Present

Ken Kareen, Department of Administration  
Rod Mourant, Department of Administration  
Cherie Shelly, APEA  
Walt Jones, Health and Social Services  
Jonathon Sperber, Chatham Aquaculture/Marine Institute  
Phil Moreano, Chatham Aquaculture/Marine Institute

Chairman Hackney called the meeting to order at 2:05 PM. The first bill on the agenda was SB 257. Senator Rodey, the bill's sponsor, explained SB 257 would allow state employees to convert unused sick leave into retirement credit upon their retirement. Presently the state is penalizing workers who do not abuse their sick leave, as upon retirement they receive no compensation for accumulated, unused sick leave.

Ken Kareen and Rod Mourant presented the administration's opposition to the legislation. The bill would provide for credit of 50% of the accumulated and unused sick leave upon the employee's retirement. Presently, agencies have to pay off accrued annual leave upon vacancy of a position and then must leave that position vacant for a period of time to make up for the funding. The agency would have to leave that position vacant even longer if 50% credit of sick leave was a fact.

Mr. Kareen also pointed out inconsistencies in wording on lines 10 and 13. One line refers to "six months" and the other to "one year" -- both referring to the same time period.

Cherie Shelly testified in favor of the bill saying it was equitable and would discourage employee absenteeism and abuse of sick leave.

The committee determined to attach a letter of intent to the Senate Finance Committee which would suggest language being added to provide for payments on a regular basis rather than anticipate a lump sum upon the worker's retirement.

Senator Bradley then moved and asked unanimous consent that on line 13 the "one year" be amended to read "six months". There was no objection and the amendment was adopted.

Senator Rodey moved and asked unanimous consent the bill pass from committee with a "do pass" recommendation as amended and with an attached letter of intent for the Finance Committee. There was no objection and it was so ordered.

2/6

1948 JAN 10 11:17



1948 JAN 10 11:17

1948 JAN 10 11:17

1948 JAN 10 11:17

The final bill on the agenda was SB 441. Present to testify was Phil Moreano. There is a facility known as Chatham which is in excellent shape to be utilized as a facility for helping specific troubled youths from Southeast Alaska. The program would build character in the youths and teach them in the areas of marine navigation, boatbuilding techniques, knowledge of aquaculture and fish harvesting, processing and marketing of fish.

Walt Jones from the Division of Corrections has the committee an idea as to the number of youths in Alaska who would be designated as those able to attend the program and he also stated that the department endorses the program.

Senator Willis moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

100 100





SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
February 15, 1978

Bills on Agenda: SB 438 "Increasing Assistance to Families; Dependent Children" -- Sackett  
SB 363 "State Program; Individual Reading Program" -- Hackney  
SB 466 "Mobile Dental Clinic, Appropriation to Health and Social Services" -- Ferguson  
SB 472 "Appropriation to Health and Social Services, Center for Children and Parents in Anchorage" -- Croft and Colletta

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Sumner  
Senator Rodey

Others Present

Cecilia Kleinkauf, Alaska Chapter of National Association of Social Workers  
Clark Jones, Department of Education  
Linda Hulbert, Adult Learning Programs of Alaska  
Lynn Ferry, Anchorage Child Abuse Board  
Connie Munro, Juneau Adult Basic Education Program  
Eula Ruby, Department of Education  
Commissioner Helen Beirne, Department of Health and Social Services  
Janice Gates, Department of Health and Social Services  
Dr. Bob Frazer, Department of Health and Social Services  
Dick Wilson, Director, Public Assistance, Dept. of Health and Social Services  
Eric Hansen, Public Assistance  
Gordon Landis, Public Assistance  
Marsha Hubbard, Department of Health and Social Services  
Ray Pagenkoph, Public Assistance  
Henry Pratt, Lobbyist, Alaska Dental Society

Chairman Hackney called the meeting to order at 2:10 PM. The first bill to be taken up was SB 363. Senator Hackney explained the bill would allow the state to pick up the Federal Right to Read Statutes at about the time they expire. The bill's fiscal note of \$245,000 increases as the inflation rate rises.

Clark Jones testified on the bill from the Adult Basic Education and General Education program point of view. The cost of reaching all sites in the state with basic educational experiences is exceedingly high. The department has become involved with the satellite GED program and hopes to have 23 sites with a total of 25 to 50 persons involved. They are also in the process of developing correspondence study programs for both ABE and GED. This bill would provide the availability of volunteer tutors in almost every site to provide assistance to people involved in the satellite GED or correspondence study program.

2/15

Next to testify was Linda Hulbert. For the last four years she has been involved in teaching Adult Basic Education. About eight months of that time was involved with literacy education, working with the Fairbanks Literacy Program as the tutor trainer. It is very difficult to have professional teachers work with an adult who is just beginning to read or who is reading at about the second or third grade level. Every individual has different needs and different problems and the teacher or tutor needs to address them. With volunteer effort, people's programs can be designed to meet their individual needs. She feels that volunteer programs should be extended to areas of the state where they do not now exist.

Connie Monro who works part-time for the Adult Basic Education Program in Juneau testified in support of the bill. There are presently 14 active tutors in the Juneau area and about 26 tutors that are now in the third stage of training.

Eula Ruby stated that the volunteer effort for the Right to Read program was initiated about four years ago. There are about 15 certified trained tutors that would travel to other parts of the state and establish volunteer programs which is why the money this bill would provide is needed.

Senator Willis moved that SB 363 pass from committee with a "do pass" recommendation. There were no objections and it was so ordered.

The second bill before the committee was SB 466. Present to testify was Senator Ferguson. He explained that the bill was introduced on behalf of the Aleutian Chain Non-Profit Corporation. Their request was for a mobile dental clinic that could move around in the Aleutian Chain area. However, in discussing the bill with Commissioner Beirne, she came up with a better use for the money. Senator Ferguson outlined the changes he would like to see made in the bill as: on line 11: delete "a mobile"; on line 12: delete "clinic", insert "equipment" and place a "." after "state" and delete remainder of line; in line 13: delete the entire line.

The amendment would change the concept of the bill from a travelling mobile dental clinic to one of actually providing dental equipment in many areas of the state where dental facilities and equipment are lacking. Senator Ferguson explained that he would like to have the money appropriated by this bill go to the Department of Health and Social Services and have the Commissioner and her staff designate the appropriate communities in the State that need dental equipment.

Commissioner Beirne stated the department is interested in dental care in the State of Alaska. It is her personal feeling dental care is one of the highest priorities at this point.

The department's question with the mobile clinic concept was that there might possibly be a higher and better use for monies of this nature. The answer would be either in a permanent type of clinic that could be used in those same areas or in portable equipment which many dentists already have, but which could be furnished to be left in a community and then taken into smaller areas by barge or large plane. However, these concerns have been addressed by the proposed amendments by Senator Ferguson. Commissioner

Beirne stated that the department cannot indicate that more money be spent that is over the Governor's budget.

Next to testify was Dr. Bob Frazer. Dental services are presently administered in rural Alaska through Indian Health Service dentists who go to communities carrying portable dental equipment. The state, through the medicaid program to eligible children, pays for dental care and the Indian Health Service has funds for contract dental services. There is now quite a number of Alaskan dentists who are willing and go out on a regular basis to provide dental services in some communities.

Generally those dentists carry portable dental equipment. This consists of a small portable chair, drill, and so forth. Equipment of this nature limits the scope of activities. Dentists can do ordinary fillings, extractions, and fluoride treatments, but they are unable to do complicated work because of a lack of X-ray facilities. When the department looked at the bill in its original form and reviewed the dental situation in Alaska, it was thought that perhaps this money could be utilized by permanent equipment in a number of communities which had a clinic set up or a building where this equipment could be housed. This would permit a wider scope of activities when the dentist arrives.

Another possible utilization of the funds would be to supplement current funds that are available for contract to provide dental services. This would be used to supplement the Indian Health Service funds which are somewhat limited. It's been estimated that to equip a facility with X-ray, drill, would be between \$5,000 and \$6,000. This bill would provide the potential of improving on dental services in a large number of areas.

Senator Willis asked for adoption of the amendments proposed by Senator Ferguson, there was no objection and it was so ordered.

Henry Pratt, Lobbyist for Alaska Dental Society spoke on the bill. He brought the bill to the attention of the Alaska Dental Society during their meetings and there was some cause for alarm because portions of the bill were not understood. More importantly, the question went to the quality of dental care that would be received. He did not have any idea whether or not the dental society would have an opposition to the bill, his feeling was that they probably would not.

Senator Willis moved that SB 466 pass from committee as amended with a unanimous "do pass" recommendation. There was no objection and it was so ordered.

The third bill on the agenda was SB 438. The bill has impact in several different areas and Mr. Dick Wilson, Director, Public Assistance introduced members of his staff who would provide testimony on the impact of those areas.

Gordon Landis stated that the largest fiscal impact of this bill would be upon the AFDC program expenditures and grants to recipients. There would be two major effects: (1) the bill would appear to increase the actual payments received by approximately \$100 per family; and (2) the

effect would be to increase the number of recipients from current levels to a rather difficult to estimate future level because it would cause people who are now financially ineligible to become eligible. The department has estimated that the cost per current recipient would be approximately \$3,955.200 which would be 50% federal funding and 50% state match.

The program is mandated under state and federal law to accept applications from anyone who chooses to come and apply and to serve them in terms of providing the appropriate amount of benefits if they are found to be eligible.

The department has made an estimate primarily to give the committee an assessment of what could happen. Since the bill would approximately increase by 1/3 the payment for a standard AFDC family consisting of a mother and child -- it would produce approximately 1/3 increase in numbers of those recipients. There is virtually no economic data that's correlated or correlatable with AFDC program requirements that indicate how many potentially eligible AFDC recipients there are who are currently ineligible but who would become eligible and would seek the program out and apply were this bill passed.

Ray Pagenkoph discussed the Carter Welfare Reform bill. The fiscal impact of the reform bill not only on recipients but on the state is almost impossible to predict because it is almost on a case to case basis.

Eric Hansen stated the staffing costs related to this legislation are based on the straight forward application of the formula for staff based on caseloads. This formula, which is now three or four years old, is in need of revision. The department is finding that food stamp cases are requiring a great deal more effort and generating a great deal more actions. The budgeted six additional workers to accommodate the 989 new cases under this legislation is a conservative number.

Cecelia Klinkoph was present to testify. This bill was introduced at the request of the Alaska Chapter of the National Association of Social Workers. The bill really does three major things: (1) it increases the assistance level for a parent and one child and then also for parents with two, three, and four children so that there's a basic increase in the grant maximum; (2) removes the statutory ceiling that now exists in AS 47.25 which limits the maximum to \$520/mo. no matter how many children a mother might have; and (3) would require that payment amounts be adjusted according to cost of living figures.

Susan Clark representing the League of Women Voters of Alaska testified in support of the bill.

Senator Willis moved that SB 438 pass from committee with a "do pass" recommendation and he asked unanimous consent. There was no objection and it was so ordered.

The final bill on the agenda was SB 472. None of the sponsors of the bill were present to testify.

Commissioner Beirne stated that SB 472 provides for an appropriation to two Anchorage area agencies -- the Center for Children and Parents and the Anchorage Child Abuse Board, Inc. In the department's opinion paper they have a brief breakdown of what these two agencies encompass.

Both agencies have performed very worthwhile, very needed services and have been utilized by the department on many occasions. A great many of volunteer people contribute time and effort.

If this legislation is enacted it creates a grant to two agencies. The position of the department is that when this type of legislation is enacted they have no specific way of monitoring the money and exactly how it is to be spent. Commissioner Beirne suggested the agencies should be made accountable to the department in some way so the department could, in turn, be accountable to the legislature.

Senator Hackney said the bill would be held over until one of the authors was present to testify.

Lynn Ferry, Coordinator with the Anchorage Child Abuse Board discussed the purpose of her program and reasons behind child abuse and neglect in Anchorage and also what the monies provided by this bill would be used for.

The meeting adjourned at 4:30 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
February 22, 1978

Bills on Agenda:

SB 447	"Bonds; Capital Improvements; School Facilities" -- Rules/Governor
SB 450	"University of Alaska; Activities Facilities" -- Rules/Governor
SB 451	"Bond; \$9,200,000 University of Alaska" Rules/Governor
CSHB 717	"Supplemental Appropriation; University of Alaska" -- Rules/Governor
SB 481	"Restricting U of A Board of Regents Power" -- Ray

Members Present

Senator Hackney, Chairman  
Senator Sumner\*  
Senator Bradley  
Senator Rodey

Members Absent

Senator Willis

\* - late

Others Present

Commissioner Marshall Lind, Department of Education  
Ric Davidge, Alaska Student Lobby  
Steve Hold, Department of Education  
Ken Garrison, Director of Facilities Planning, U of A  
Chris Roust, Director, Planning and Facilities, Dept. of Education  
Lee Hayes, Department of Education  
Dr. Jones, University of Alaska, Juneau

Chairman Hackney called the meeting to order at 2:20 PM. The first bill on the agenda was CSHB 717. Senator Hackney stated one question he would like to have answered concerning CSHB 717 was the effect it has with respect to the funding of military classes on the University campus in Anchorage. However, no one was present from the University to speak on the bill.

Ric Davidge stated the Alaska Study Lobby position on the bill as one of being opposed. They are not convinced the information provided by the President of the Anchorage Community College and other individuals in the University administration is the complete story. He stated that materials provided to the lobby were not consistent and that the lobby is more inclined to support CSSB 462 which appropriates money at a campus level. CSSB 717 does not provide for a written guarantee that money given to the University would not be diverted.

Senator Hackney stated the committee would put the bill aside until the University of Alaska, Anchorage could provide the committee with some information.

The second bill before the committee was SB 450. Present to testify was Ken Garrison. The University in its capital development considerations went through a prioritization process in attempting to come to the legislature with a list of projects. Their respective priorities consist of: life safety projects, projects required through legislation by federal government or state regulation, improvement of existing program, and development of new programs.

The amounts requested are intended to be adequate amounts based upon the prediction of building costs and the University does not anticipate additional requests. However, prediction of building costs in the State of Alaska over the next couple of years is very tenuous.

Mr. Garrison answered questions concerning the bill from committee members, outlined and discussed many of the proposed expenditures.

Mr. Garrison also spoke to SB 451. This bill was explained as one having projects which can be identified as housekeeping expenditures. The University realized that in its extensive growth over the last five years some housekeeping expenses had lost its attention. He also outlined and discussed portions of the bill as requested to do so by committee members.

After testimony from Ric Davidge in which he identified the students' priorities for capital facilities on University campuses, committee discussion resulted in Senator Rodey's motion that SB 451 pass with a letter of intent. The letter would suggest to the Finance Committee the addition of a storage facility at Fairbanks and addition of the Arts and Humanities building on the Juneau campus.

Senator Rodey also moved that SB 450 receive a "do pass" recommendation. There was no objection and it was so ordered. A ten minute recess was called.

The meeting resumed and the final bill before the committee was SB 447. Approximately \$198,000,000 was the total the REAA districts identified as what they needed for school construction to meet the remaining building needs of the Hootch case. The Department of Education took that request, broke it down into priorities and came up with \$98,000,000 which was then further refined to \$72,000,000.

Commissioner Lind explained that \$65,702,000 of this bill would be used to settle all of the building needs. Of the remaining \$7,000,000 \$2,500,000 would go into a rural school insurance reconstruction fund. This fund would have a ready appropriation available if a school were destroyed. The department could immediately go ahead with construction in the same fiscal year. The remaining monies would be used for such things as oil storage, generators, district-wide facilities, etc.

Mr. Hole explained that he had gone over this bill with counsel for the plaintiff in the Hootch case and it is the mutual agreement of all parties concerned that should this bond issue pass there will be no outstanding requirement with which the department of the state will have to deal with with respect to the Hootch case.

If this bond issue does not pass, Mr. Hole is reasonably certain that attorneys for the plaintiff would enter into Superior Court and litigate the issue on its merits. It is his understanding that the base for that suit would be violation of the equal protection clause of the Fourteenth Amendment.

The department and the governor are obliged by the terms of the Hootch decree to split the bond issue requirements for the provision of rural secondary facilities. The first bonding issue passed in 1976.

Senator Sumner voiced his concerns of the high cost per facility. The committee discussed the cost aspects of the facilities and Mr. Roust explained the formula used to set building estimates as a formula used by the Department of Transportation. The committee decided to hold the bill until such time representatives from the Department of Transportation could be present to discuss the costs.

At this time Senator Rodey reverted to CSHB 717 and moved that the committee pass the bill to the Finance Committee with a letter of intent. The letter would be an admonition to the University that the committee is taking this action only because they are concerned about the students who attend the University and that holding the bill to require testimony on the University's part would only hurt those students and injure the educational institution. The bill passed from committee with individual recommendations with no objection.

The meeting then adjourned at 4:35 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
February 27, 1978

Bills on Agenda: SB 453 "Student Loans" -- Sackett  
SB 458 "School Construction" -- Ferguson  
SB 464 "REAA School Board Elections" -- Ziegler  
SB 470 "Relating to Instructional Unit Allotments"  
Ziegler  
SB 481 "Restricting Power of University of Alaska  
Board of Regents" -- Ray

Members Present

Senator Hackney, Chairman  
Senator Bradley \*  
Senator Willis  
Senator Rodey

Members Absent

Senator Sumner

\* - late

Others Present

Dr. Hugh Fate, President of the Board of Regents  
Ric Davidge, Facilitator, Alaska Student Lobby  
Bob Cooksey, NEA Alaska  
Dermot Cole, Fairbanks Daily News Miner  
Bob VanHoute, NEA Alaska  
Senator Ferguson  
Bill Overstreet, AASB  
Dr. Paul Gulyus, Commission on Post Secondary Education  
Bob Greene, AASB  
Don McKinnon, Department of Education

Chairman Hackney called the meeting to order at 2:10 PM. The first bill on the agenda was SB 481. Present to testify was Ric Davidge. Mr. Davidge explained that SB 481 was introduced at the request of the Alaska Study Lobby because of concern with actions taken by the Board of Regents over the past few years. The lobby feels some decisions regarding officers of the University have been based more on fiction than on fact. Most specifically, when the University official is removed, the students would like to know why. As the law presently stands, the Board of Regents is not required to give any reason for their action.

Mr. Davidge offered a rewrite to the bill which he felt was consistent with what the lobby had originally requested. Investigation has revealed the term "cause" has definite legal connotations calling for evidence and a variety of other things. The rewrite consists of: line 14 delete all of that section down to line 17 ending with the word "dissatisfaction" leaving in "an officer removed". On line 19 delete "for cause", and in line 19 change the word "cause" to "reasons". Mr. Davidge presented a letter confirming the position of the student governments in Anchorage and in Fairbanks which is required by the lobby's constitution and bylaws before a statewide position on an issue is presented.

Next to testify was Dr. Hugh Fate. He presented a written statement to the committee which read as follows:

"Aside from the constitutional question which may exist with SB 481, the bill does present some problems which would be untenable in the management of the University.

"The bill states, an officer of the University may be removed only for cause. It assumes all personnel removals are brought about by dissatisfaction, and that this dissatisfaction is the "cause" that must be publicly shown. The fact is that many personnel actions are taken as good management procedures. Example -- If two instructors become surplus to their program and one of them can adequately suffice, and if both are equally capable and qualified, but only one is tenured, then the untenured instructor is terminated without prejudice. Good conduct may not be an issue, only good management."

Dr. Fate stated that in line with these comments it would be disastrous if a cause had to be manufactured to remove personnel simply to comply with the statute. In many instances where misjudgment of conditions or honest mistakes were made, full disclosure of the cause might damage the removed officer's professional career unnecessarily. This would not only be tragic but might solicit a legal suit against the University which might be hard to defend.

Suits of this nature are often very large and if the plaintiff were successful it would impact the University financial condition to a point where indemnification by the legislature might be necessary.

There is, for any employee of the University, the availability of a grievance committee. There are federally, statewide and within the policy of the University of Alaska, more avenues for grievance and due process than ever before.

Ric Davidge explained the bill does not speak to faculty. The definition used for officers was full-time administrator. It may be appropriate that definitions be included in the bill.

Committee action was to hold the bill until the prime sponsor could be present.

The second bill on the agenda was SB 458. Senator Ferguson explained the bill was introduced at the request of the School Board Association. Many areas in the state are having difficulties with the Department of Transportation in the granting formula approved last year. The last school bond bill that passed for the rural areas was \$59,000,000. Out of that, from 5 to 10 percent has been absorbed for overhead for the construction of the schools by the Department. More school buildings could be built for that amount if the REAA's were allowed to receive the funding and contract out. However, if wished, the REAA may still work with the Department.

Next to testify was Bill Overstreet. He stated that in creating the REAAs the state, in effect, delegated responsibility for the operation of the

schools to local people in the bush areas. There has been some reluctance on the part of the state to fix the responsibility for construction with these REEA boards. The REEAs have experienced frustration in attempting to get schools constructed that the voters have authorized. What the REEAs are saying is that they can do this job as efficiently if not more so in most instances than the state can.

There are a few REEAs that would not feel comfortable contracting out, this bill gives the REEAs the option of contracting out or letting the Department of Transportation do it.

The committee held the bill until 3/8/78 when the Department of Transportation could have persons present to speak on the bill.

The third bill before the committee was SB 453. Present to testify was Dr. Paul Gulyus. He stated that the Post Secondary Education Commission has administrative responsibility for the student financial aid program. SB 453 would make the assumption that the additional \$500 difference between 2,000 and 3,000 is going to be available for every student. However, not every student that is an applicant for a loan at this particular point in time is eligible to receive the maximum amount. The overall effect of SB 453 is that 20 to 25 percent of the loans would move into a category where they would become eligible for more than the 2,500 currently received. The fiscal note with the bill indicates that actual fiscal impact will not be felt until FY 1981 and then will be estimated at around \$260,000 to \$265,000.

Committee discussion resulted in Senator Rodey moving that the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

Bob VanHoute was present to testify on SB 470. He stated the position of NEA as being in support of the Southeast Island School District being included in the areas receiving 108% of the base instructional unit allotment. The other districts that are in similar situations and that are in rural areas of Southeast Alaska are at the 108% level.

Senator Ferguson stated that he would like the Kodiak Borough School District brought up to a level of 115%.

Bob Greene supported the raise of the Southeast Island School District and also that of the Kodiak Island School District.

After committee discussion, Senator Willis moved to amend SB 470 to provide for the increase in the Kodiak School District. There was no objection to the amendment and it was so ordered. Senator Willis then moved to pass the bill as amended out of committee with a "do pass" recommendation. There was no objection and it was so ordered.

The final bill before the committee was SB 464. Senator Ferguson spoke in support of the bill stating that it would allow regional school boards to have either runoff elections or not. Don McKinnon of the Department of Education also spoke in support of the bill.

Senator Bradley moved that the bill pass from committee, there was no objection and it was so ordered. The meeting adjourned at 3:40 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
March 1, 1978

Bills on Agenda: SB 472 "Appropriation to Health and Social Services;  
Anchorage Child Abuse Board" -- Croft  
CSSB 132 "State Educational Incentive Grant Program" --  
Parr  
SB 447 "Capital Improvements; School Facilities" --  
Rules/Request  
SB 458 "School Construction" -- Ferguson  
CSHB 125 "Alaska Native Educational Administration  
Internship Program" -- Duncan

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis  
Senator Sumner\*  
Senator Rodey\* \* - late

Members Absent

Others Present

Senator Croft  
Bill Overstreet, AASB  
Mia Spear, Senator Sumner  
Kerry Romesburg, Director, Post Secondary Education Commission  
Commissioner Marshall Lind, Department of Education  
Deputy Commissioner Richard Holden, Department of Transportation  
Representative Charlie Parr  
Steve Hole, Department of Education  
Chris Roust, Department of Education  
Senator Ferguson

Chairman Hackney called the meeting to order at 2:10 PM. The first bill before the committee was SB 472. Senator Croft stated his bill would allow a private institution to carry out a function the state should be providing but isn't. He also stated that the private institution could probably provide this function more economically than the state could.

After committee discussion on the bill Senator Willis moved and asked SB 472 pass from committee with a "do pass" recommendation. There was no objection to the motion and it was so ordered.

The second bill before the committee was CSHB 132. Representative Charlie Parr explained the bill was introduced at the request of the Post Secondary Education Commission. The federal government has educational incentive grants available for low income students on a 50-50 matching basis. Alaska has not participated in this program in the past as money was never appropriated to do so.

3/1

The program would be administered by the Post Secondary Education Commission. Students applying for the grant would have to be Alaskan residents and either be enrolled in college or be a senior in highschool and have the financial need.

Representative Parr also stated that as long as the Alaska Legislature has not restricted student loan fund money to in-state use he would object to restricting this money to in-state use.

Kerry Romesburg pointed out a change in the fiscal note for the bill-- the figure of \$80,000 under this year's federal portion for Alaska should be changed to \$76,000. Mr. Romesburg also offered an amendment on page three, line 23: add a new section (C) to read "or the difference between the educational costs of the student and the student's expected family contribution is not less than \$90;" That amendment would provide that the commission would not give a grant to anyone who does not have a need of at least \$90. The maximum grant the commission can give is \$1,500 per student and that must be matched \$750 from the state, \$750 from the federal government.

After committee discussion on the bill Senator Bradley moved for adoption of the amendments. No objection was voiced and the motion was so ordered. Senator Willis then moved to pass CSHB 132 as amended with a "do pass" recommendation. There was no objection and it was so ordered.

The committee then took up both SB 447 and SB 458. Present to offer testimony on these bills was Dick Holden. He stated the Department of Transportation has made a request to the Division of Budget and Management, Office of the Governor for funds to develop prototypical designs for rural schools and to develop a contracting technique which is popularly called designed building.

The department has attempted to be very conservative with the estimated cost savings of a standardization program. The department intends to develop a series of design prototypes--two classroom plus a multipurpose room, three classroom plus a multipurpose room plus a kitchen, etc. The department estimates at least 40% of the total contract for professional services can be saved--1.3 to 1.4 million in design alone.

Senator Ferguson stated his concern that if the bond bill was reduced by 20 million dollars the courts might make the State pay the difference between the reduced bond bill and the amount actually settled upon by the governor and the Hootch attorneys (\$72,000,000).

Mr. Hole stated he was sure the Hootch attorneys would want to carefully look at what was changed in terms of dollar figures. However, he knew of nothing which would indicate that, if the same quality or comparable quality was provided to the sites named in the decree, the Hootch attorneys would care if 10 cents or 10 million dollars was actually expended.

The committee determined to hold the two bills for one week, giving the Department of Transportation further time to come up with additional information for the committee.

The last bill before the committee was CSHB 125. Present to testify was the sponsor, Representative Jim Duncan. Primary intent of the bill is to increase the number of minorities involved in educational administration throughout the state. This bill attempts to set up a program whereby minority students who are interested could become better involved in a program to give them not only experience but also provide them the educational opportunities to become education administrators. A section of the bill provides that as a condition of accepting a grant under the program the student would agree that upon completion of his course of study he would seek employment in the state.

After committee discussion on the bill which resulted in housekeeping amendments, Senator Bradley moved for adoption of those amendments and the motion was then made to pass the bill from committee with a "do pass" recommendation. There was no objection and it was so ordered.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

March 6, 1978

Bills on Agenda: SB 474 "Practice of Dental Hygiene" -- Hackney  
HB 863 "Appropriation to Department of Health,  
and Social Services: General Relief" --  
Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis  
Senator Rodley  
Senator Sumner\* \* - late

Members Absent

Others Present

Sharon Andrew, Department of Commerce  
Loisann Reeder, Alaska State Dental Hygienists Association  
Jana Varrati, Coalition of Health Providers  
Henry S. Pratt, Alaska Dental Association  
Cathy Lloyd, Department of Health and Social Services  
Marsha Hubbard, Department of Health and Social Services  
Dick Wilson, Department of Health and Social Services  
Ray Pagenkoff, Department of Health and Social Services  
Rod Betit, Department of Health and Social Services  
Robert Vazquez, Registered Dental Hygienist

Senator Hackney called the meeting to order at approximately 2:20 PM. The first bill before the committee was SB 474. Loisann Reeder explained the dental hygienists are attempting to update the dental hygiene act as far as terminology, clarification and education.

Dental hygienists are professional oral health educators and clinical practitioners who are licensed to provide direct patient care service to the public. In the field of dentistry the dental hygienist represents the equivalent of registered nurse in medicine.

Dental hygienist educational programs are accredited by the Commission on Accreditation of the American Dental Association and require a minimum of two years of basic education preparation for a certificate of an associate degree in oral hygiene. Basic education has become more detailed and intensive in recent years due to additional scientific and technical developments which have resulted in the establishment of numerous post graduate educational programs. These educational opportunities have led to a broader scope of theoretical knowledge and greater understanding of dental hygienists' patient's needs. However, the Alaska law relating to the licensing of dental hygienists which was originally enacted in 1953 and amended only in minor respects since that time has simply not kept up with the educational progress. The association strongly feels that this chapter is in basic need of revision to conform to current dental hygiene practices and education and it believes this bill would accomplish that.

3/6

Jana Varrati, Dental Coordinator for Alaska Coalition of Health Care Professionals, testified in support of the bill.

Sharon Andrew, Director of the Occupational Licensing Division, Department of Commerce and Economic Development understood the thrust of SB 474 as allowing for standard duties of dental hygienists. She stated the administration considers the bill a definite step in the right direction. Mrs. Andrew suggested several amendments dealing with the licensing sections which would only conform them to other Alaska licensing statutes.

Henry Pratt, Alaska Dental Society's lobbyist was present to testify on the bill. He stated a majority of the dentists support the concept of expanded duty for dental hygienists. His understanding was that the Alaska Dental Society was prepared to support the bill with the exception of the general supervision provision. He asked the committee to consider deleting that from the bill.

Robert Vazquiz, Dental Hygienist, said he was trained in expanded dental hygienist duties. He would see SB 474 as being a good consumer oriented bill. He estimated a dentist's chairtime in Juneau at \$182 per hour and that of a dental hygienist's at \$80 per hour.

Senator Hackney stated he would take the bill to the Legislative Affairs Agency and have a committee substitute drafted which would be brought before the committee for hearing at a later date. Discussion followed on indirect, direct and general supervision designations.

The committee next took up the confirmation hearing of Mr. Ronald Metzgar, the Governor's appointee to the Professional Teaching Practices Commission. The committee asked various questions of Mr. Metzgar regarding his views of the PTPC.

The final bill on the agenda was HB 863. Present to testify was Marsha Hubbard of the Department of Health and Social Services. The department has requested a supplemental in the amount of \$404,200 for the General Relief Program. For years the total General Relief program appropriation had been divided in half by six month allocations made by region. These allocations were based on the previous year's expenditures in each region. In order to avoid overspending, the regions followed a priority system for granting General Relief. The granting of aid by a priority system related primarily to family composition and allowed certain eligible persons to be denied assistance when funding was short. For the most part funds were usually available and aid was granted to eligible and needy families with young children.

In March of 1977 this priority system of controlling the General Relief funds was protested by Alaska Legal Services in Anchorage. It was agreed that the department should be meeting the full need in Anchorage. However, within a short time the expenditures started to go into an over expenditure pattern and the department met with the AG who

recommended immediate restrictions be placed on the fund in Anchorage. This was done at the end of August and the beginning of September. After placing restrictions on the program the situation in Anchorage became desperate. Legal Services as well as other agencies contacted the department regarding serious problems the poor were having in Anchorage. In response to this the department met with helping agencies in Anchorage to explain the funding situation. At this point Legal Services notified the department they would bring suit if the restrictions were not lifted immediately on a statewide basis. After consulting with the attorney general restrictions were lifted and the program began to operate as a full statewide program on October 3. Once the program was put in place again the expenditures began to increase. Unexpectedly however, the expenditures reported in early February 1978 disclosed an expenditure level of \$62,000 for January and an increase of \$19,000 over the \$43,000 forecasted in January. That rate of acceleration has not subsided.

At this moment for all intents and purposes the General Relief program has money on the books--it has not been overexpended. However, there are applications in excess of monies available. If the program were opened up it would be finished in two hours and maybe less.

Committee discussion on this bill resulted in Senator Hackney stating he would go to Legislative Affairs and have some legislation drafted that would place restrictions on the General Relief program and introduce such legislation through the committee.

Senator Willis then moved to pass out HB 863 with individual recommendations. There was no objection and it was so ordered.

The meeting adjourned at 4:35 PM.



Alternative (B) would make the same rules for municipalities as for REAAs and would give the commissioner some discretion as whether or not to grant construction funds to a district. On page 4, line 18 under section 3(f) the department proposes adding: "Regulations adopted under this section shall be developed by the department in conjunction with the Alaska Association of School Boards and the Association of Alaska School Administrators and shall be reviewed before promulgation by the department." It would give both organizations the opportunity to participate in development of regulations and a chance to oppose such regulations if it was felt they were not adequate.

Next to speak on the bill was Chris Roust of the Department of Education. He explained the reasons for surveying only 22 villages. In an effort to determine maintenance and code violation funding needs in various districts, funds were appropriated last legislative session to the Department of Transportation. The DOT at that time believed it had sufficient funds to survey the entire state, however it could only do 22 villages. DOT asked the Department of Education for a list of the most critical villages and was given four districts which in the Department of Education's opinion had the highest maintenance needs.

Only 22 out of 150 villages were surveyed and the Department of Education doesn't have an estimate of what the total maintenance amount (150 villages) would be. Last September different districts were told to relay their needs in maintenance and code violation with submission of their budget preparations. Very few of the districts turned in any requests.

The committee then discussed the Hootch case with Mr. Hole of the Department of Education in order to gain a better understanding of what the entire case entailed.

Sharon Young then commented on the proposed alternatives by the Department of Transportation. She stated a resolution was passed at the November conference of the AASB that requested the REAAs be given the option of school construction responsibility. There are 21 REAAs at various stages of development and sophistication. The proposal to give ownership is an overstatement on the part of the DOT which tends to discredit what the school districts are actually asking for. They are asking for reasonable positions with respect to the idea the state retains ownership. The districts realize their responsibility to the state and responsibility as to how the district handle the state's money as far as construction is concerned.

Mrs. Young felt Alternative (B) to be a reasonable position on the part of DOT. She felt the districts would take it up in good faith and would like to work with the department on the regulations. The districts are only asking to be involved.

As far as the districts budgets are concerned, Mrs. Young would like to be reassured that money expended is actually returned to the respective budget and she would like to see some method of accounting as to what is actually expended in a district's behalf.

Murray Snider, Division of Budget and Management stated the committee might want to consider overruns on prior construction projects and how that effects the total amount of this bond issue.

Bill Overstreet emphasized the frustration REAA board members have felt in trying to fulfil their duties.

After further committee discussion on the bills it was determined they would be held for another meeting at a later date. The meeting adjourned at 4:10 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
March 13, 1978

Bills on Agenda: SB 479 "Special Appropriation: H&SS; National Council on Alcoholism" -- Croft  
HB 780 "Special Appropriation: H&SS; Alcoholism Programs" -- Parr

Meeting with Alaska Association of School Administrators

Members Present

Senator Hackney, Chairman  
Senator Willis  
Senator Bradley

Members Absent

Senator Rodey  
Senator Sumner

Others Present

Chris Rouste, Department of Education  
Senator Croft  
George Mundell, Office of Alcoholism and Drug Abuse  
Bill Overstreet, Alaska School Board Association  
50+ members of the Alaska Association of School Administrators

Chairman Hackney called the meeting to order at 2:10 PM. The first bill before the committee was SB 479. Senator Croft explained the bill as providing a \$50,000 supplemental appropriation to the National Council on Alcohol's program in Anchorage. Due to a funding crunch the program would not be able to continue its program after March 15, 1978.

Senator Hackney stated an identical bill, HB 780, had come to the HESS committee from the House. Senator Croft urged the committee to go with HB 780 since it had already gone through the legislative process in the House.

Next to testify was George Mundell. The budget of the Office of Alcohol and Drug Abuse was set at a low maintenance figure for this fiscal year. In addition, the office received pressure to add additional alcohol in rural Alaska. As a result, the National Council on Alcohol, Alaska Region was one of the programs in the state receiving a cut in state funding for FY 78. The money that was trimmed off was used to open up a new program in Hoonah and one in Napaskiak.

Senator Hackney stated the Petersburg alcohol program was also in need of \$5,000 to allow that program them to finish out the year. He asked the committee if there was any objection to adding a sum of \$5,000 for that program to this bill. There were no objections.

Also, section (2) of the bill would be changed to reflect that the Department of Health and Social Services would be the funnel for these funds to the alcohol programs. Senator Willis then moved the bill pass from committee as a CS for HB 780. There was no objection and it was so ordered.

3/13

John Antonin, Secretary/Treasurer of the Alaska Association of School Administrators explained the association was appearing before the committee to present its position on various pieces of legislation.

Darryl Hargraves stated one of the big concerns in the state is that of school district facilities construction. He expressed the association's support of an 80% funding floor.

One of the concepts the association would like to see attached to any funding for facilities is that of a two-year phase-in. Most school districts cannot pass a bond issue, raise a large amount of funds and then proceed to expend that money. It is going to take a phase-in of past obligations. The other thing that should be up front is money to help with immediate construction needs.

The sliding scale concept for school district facilities funding is a good idea. In some communities where there is a large assessed valuation of properties it would be easy to raise the needed 20% by local initiative. However, in other communities it might be impossible to raise 20% of a two or three million dollar bond issue. For that reason the association's suggestion would be that this sliding scale take into account local property values.

Another point of concern about whatever figure is established as a floor is that that percentage be established and it be a known factor to the school district involved.

The association has endorsed the concept that in school district facilities construction there is a potential for special needs. Possibly legislators would want to look at the particular unique needs of a locality and provide funding for the needed facilities in that locality.

Mr. Larry Nyland spoke to the bond issue for rural school construction (Hootch case bond bill). The association would like to make one suggestion with regard to this bond issue--the appropriation come as a lump sum. The concern is due to the uncertainty of the cost of construction. Lump sum funding for a particular district would allow the district to choose the highest priorities of school projects and complete those projects. Mr. Nyland stated the cost of going back and redesigning at a later date, going through the construction process all over again with contract awards and change orders is a costly process. The district should be able to use the funds in the best manner to assure that projects begun can be completed.

The association supports SB 485 by Senator Sackett. The bill provides for the grant of authority to rural school areas for several different things. One, to determine the design criteria for buildings in their areas; two, selection of architect to do designing; third, final approval of design; and four, actual construction. The point being that rural schools are capable of handling their own construction and not mandating that this be handled through the Department of Transportation and Public Facilities.

As far as standardization, there may be feasibility in areas where schools are going in for the first time. Most areas already have some type of school facility constructed. It seems logical the building to be designed would be designed to compliment the existing facility.

SB 469 deals with the recall of public officials. It is of concern to the association particularly as it applies to school board members. The bill achieves a good balance between the public's right to recall and fairness to the public official whose recall has been requested.

Glenn Chowning spoke next on a variety of legislation. It is the association's position that REAAs be treated like other school districts.

He stated the association also supports doing away with the majority requirement for runoff requirements in REAAs; supports allowing up to 180 days accumulated sick leave to be used toward retirement; supports full funding as stated in the statutes for communities schools; and supports the Department of Education's formula for bilingual education as it is probably as good a formula as could be developed at this time.

Mr. Chowning stated the association supports allowing a teacher to seek judicial review by the Superior Court to determine whether due process was afforded and whether the decision of termination was supported by substantial evidence. The association also supports adding one year to the process of certification of certified employees becoming tenured (change from two to three years) as the added year would give administrators more time to evaluate a teacher and make a better decision on the quality of the teacher.

The association does not support the requiring of approval of the community school committees in hiring personnel. It conflicts with the legal authority of the local school boards and regional REAA school boards. The association does not support the idea of mandating community school committees in REAAs as it is not mandated in other school districts.

The association opposes CSHB 489 which would broaden the scope of collective bargaining. The Supreme Court identified what is negotiable as economic concerns only. All other considerations should be the prerogative of the elected official.

The association is also opposed to binding arbitration. The decision-making process would be taken out of the hands of the elected official and placed in the hands of a third party. That third party is not responsible to anyone. The association opposes the section of the bill giving teachers the right to strike as it would be harmful to the public.

The association does not support the raising of teachers' certificate fees to \$50 in order to support the Professional Teaching Practices Commission. The association is not opposed to raising the fee but doesn't believe there is a need for the PTPC. This is due to the required negotiations which have come about in the last three or four years. The association feels there is a built in process to handle those grievances and grievances based on unfair treatment. They don't feel that in its

present form the PTPC is needed.

Mr. Bob VanSlyke spoke to the special education bills. The association sees problems with the bills. Districts are faced with a responsibility to provide appropriate education to handicapped youngsters and are faced with the responsibility of providing this education in the least restrictive environment. Yet, the funding situation, in the manner in which it is currently operating, makes it virtually impossible for districts to conform with both the federal statutes and state regulations regarding special education.

The association suggests the foundation support schedule for special education not be modified at this time but instead provide a situation where districts can staff adequately to provide a reasonable level of service. The Department of Education might be authorized and funded to conduct a statewide cost analysis of special education so that appropriate data can be obtained in order to determine a suitable support schedule for special education. Further, the Department of Education might be authorized to enter into special funding arrangements with two or three districts on a pilot basis. One example which has been proposed is a weighted factor approach: determining the type of handicap a youngster has and having a weighted factor in determining how much foundation support would be available for that youngster. As a result of studying the data collected from the pilot funding the department would be in a position to recommend to the legislature an appropriate means of funding special education.

The association is opposed to SB 482 and HB 848 relating to special education. The legislation would modify the foundation support schedule for special education and would establish a Division of Special Education within the Department of Education with a director appointed by the governor.

While that legislation may have worthwhile features to it the association feels it might create a number of problems. One, the association is not sure the proposed foundation support schedule in the legislation would fill the bill as to what is needed for funding special education for students. Second, the proposed legislation does contain many items, a good deal of content which is more appropriate to regulation than to statute and so the association would be opposed to that particular legislation. The association suggests a moratorium on changes in the foundation support schedule.

Mr. Glenn Chowning spoke to the value of the instructional unit. The association supports a 10% increase in the value of the instructional unit--a raise from \$29,000 to \$31,000--next year.

The association believes the 10% is necessary mainly because of agreements being negotiated which provides for 7, 8, 9, 10 or more percent raises for teachers and employees. Districts may be bargaining with classified employees next year.

John Antonin stated the association supports introduction of legislation regarding sick leave.

Ron Hohman spoke to the committee regarding a list that had been  
circulated pertaining to budget balances for FY 77.

The meeting adjourned at 3:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
March 15, 1978

Bills on Agenda: SB 389 "Prisoners Compensated for Work in Prison"  
-- Ray  
SB 490 "Truant Children" -- Meland  
SB 495 "Parental Rights" -- Bradley  
SCR 87 "Annulling Water Regulations" -- Rules

Members Present

Senator Hackney, Chairman  
Senator Bradley  
Senator Willis \*  
Senator Rodey

Members Absent

Senator Sumner

\* - late

Others Present

Bob Cooksey, NEA Alaska  
Senator Ziegler  
Jean Kline  
Senator Meland  
Flo Ellers  
Bill Huston, Division of Corrections  
Jon Scribner, Department of Environmental Conservation  
Art Holmberg, Department of Health and Social Services  
Roy Dunn, Senator Ray  
Commissioner Ernst Mueller, Department of Environmental Conservation  
Dean Guaneli, Department of Law  
Violet Thetford

Chairman Hackney called the meeting to order at 2:15 PM. The first item before the committee was SCR 87. Senator Ziegler spoke in behalf of two towns south of Ketchikan, Hering Cove and Mountain Point, which oppose the regulation.

Mr. Scribner said the regulation requires continuous disinfection of class A or B public water systems which use surface water as a source. He went on to define a class A or B water system as a system which serves 25 persons or more on a regular basis for more than 60 days per year or one which has 15 or more service connections. Disinfection is the method of choice for preventing water born diseases.

Mr. Scribner provided the committee with a rundown on water born diseases occurring in communities in Alaska for the last 20 years. He went on to say that the department would not force instant compliance on communities.

Further committee discussion determined that the regulation goes beyond any federal requirements presently in existence. Senator Willis moved the bill pass from committee with "no recommendation". There was no objection and it was so ordered.

3/15

The next bill before the committee was SB 389. Present to testify was Bill Huston, Director of the Division of Corrections. The department opposes the concept of compensating inmates. Presently, inmates receive a gratuity for services performed. A wage is something that is come to an agreement about and a gratuity is voluntarily given for the performance of work or services. The department wishes to stay clear of changing from a gratuity situation to a compensation situation.

Statutes provide that prisoners receive mandatory statutory good time for any sentence over 180 days and meritorious good time for work performed for meritorious services. Inmates can receive up to three days for the first year and up to five days for every year thereafter.

Mr. Huston relayed Senator Ray's statements that the inmate would have some money when released from custody. Mr. Huston suggested if the committee so decided by legislatively indicating in the bill, some particular percentage of a gratuity could be set aside in a reserve account and given to the inmate at time of release. This could also be done by departmental regulation. Senator Ray had a \$3 figure in mind as a maximum daily wage.

Dean Guaneli suggested the committee might consider for inmates who didn't have jobs available or weren't good at saving money that some minimal amount be given them upon release. He did not suggest any amount.

Inmates are now released with adequate weather clothing and their transportation is paid for by the state to any destination of choice as long as that cost does not exceed the cost of transporting the prisoner back to his point of arrest.

Senator Hackney stated the committee would redraft the bill and bring the committee substitute before the committee for hearing at a later date.

The final bill before the committee was SB 495. Senator Bradley explained the bill was introduced at the request of the People for Better Education which is an Anchorage organization.

Violet Thetford testified in support of the legislation. She sited a survey taken in the Juneau School District which she viewed as an invasion of parents' privacy. The committee discussed the survey with her.

Dean Guaneli expressed opinions from attorneys in the education section of the Department of Law that the bill was very good. It was the position of the criminal division of that department that a specific enforcement provision be added which states that the provisions of this chapter are enforceable by a court order and the person against whom this court order is directed shall pay the attorney's fees for getting said court order should be put into the penalties clause of the bill.

Mr. Guaneli also discussed access to records and access to instructional materials and programs.

Next to testify was Bob Cooksey. He stated the National Education Association had no position on the bill and he would present his own

thoughts on the legislation. He suggested changes in various parts of the bill and outlined many suggestions for improvements he thought could be incorporated into the bill.

The committee decided no action would be taken on the bill that day. It would be made into a CS and brought before the committee at a later date. The meeting adjourned at 5:05 PM.



by approximately 700 women from all over Alaska identified a list of priorities for legislation and the top priority in the field of education was the enactment of a mini-Title IX bill in Alaska. Representative Rudd stated the preliminary study of the Status of Women in Alaska had a section on sex discrimination in education. It pointed out bias in school texts, in counseling programs and in sports programs in Alaska.

Marilou Madden, Department of Education was next to testify. She testified representing the Department of Education and the State Board of Education. However she said that since the Board of Education had not yet had its legislation session she could not give the board's support to this particular bill but could give their support to the concept of the bill.

Mrs. Madden quoted from the philosophy statement in the Board of Education's policy manual: "Access to a public education is every person's right. It shall not be denied to any person regardless of age, sex, race ethnicity or physical exceptionality. Each human being possesses dignity and worth which must be affirmed and enhanced throughout the educational process."

She stated the Department of Education had been working in the area of sex bias following the passage of the federal Title IX in 1974. Since 1976 there has been a staff person within the Department of Education dealing with Title IX compliance.

Mrs. Madden stated the fiscal note for the bill speaks mostly to on-site review. The Department has been doing on-site reviews of districts to check compliance to the federal Title IX. The suggested means of resolving a non-compliance on the part of a school district would be to institute an affirmative action program.

Next to testify was Marroyce Hall, chairman of People for Better Education, an Anchorage organization. She testified in opposition to HB 287. Mrs. Hall stated that with the advent of Title IX there was a federally mandated workshop in Anchorage. She relayed some of the types of materials used and topics discussed at that workshop.

She asked why, if there is a federal Title IX, Alaska needs to institute a mini-Title IX. She stated publishers are taking care of sex bias and ethnocentric bias problems with new textbooks.

Three years ago the Anchorage school district took steps to combat sexism. At that time teachers were directed to raise their consciousness of the problem of sexism in the classroom. As a result the University geared up in a program to help teachers better understand the problem of sexism. Mrs. Hall described some of the methods used to do this.

Katherine Hurley, Chairman of the State Board of Education wanted to make it clear to the committee that the Department of Education had nothing to do with the workshop which Mrs. Hall had described.

A 10 minute break was called.

The meeting resumed and Bernice Harris, speaking as a representative of the Alaska Education Association, Women's Caucus and the Education Task Force of Alaska, IWY Coalition was present to testify. She spoke in support of the bill.

Mrs. Harris pointed out to the committee the difficulty of enforcing federal Title IX regulations. Since Title IX has come into existence 900 complaints have been filed with the federal Health, Education and Welfare office. Of those 900 complaints only 7 percent have been investigated and resolved. She felt the legislation needed to be brought home and HB 287 offers something that the legislation at the federal level cannot offer.

Mary Whitlock speaking on behalf of the Anchorage Education Association, Women's Caucus was next to testify. She was in favor of the bill. She stated there were no female school superintendents; 29 female principals and assistant principals compared to 195 males. These numbers show the low level of women employed in decision making educational positions. She also stated that no woman's administrative salary equals that of a male administrator's.

Chairman Hackney stated the committee was running into a time crunch and asked if there was anyone who wished to be heard on the bill who would not be able to be present at a future date. No one indicated a desire to testify. It was determined the bill would be held for further testimony.

Present to testify on HB 618 was Janet Bradley, Human Rights Commission. She explained Section 1 of the bill as a housekeeping measure. The thrust of the section is to take the responsibility of printing of the annual report from the Legislative Affairs Agency and vest that responsibility to the Human Rights Commission for printing at either Central Duplication or by other means. Section 2 of the bill was an amendment introduced by Representative Parr in the House. The Commission was not in favor of the amendment. After committee discussion on the bill Senator Bradley moved the bill pass from committee with a unanimous "do pass" recommendation. There was no objection and it was so ordered.

The final bill before committee was HB 373. Present to testify from the Department of Revenue was Gary Jenkins. He stated \$29,000 of revenue would be lost as the result of passage of this legislation which would provide tax deductions for people adopting children.

James Fox of the Division of Social Services in the Department of Health & Social Services stated the primary expenses of adoption would be legal fees, travel expenses in picking up the child, adoption agency fees and maybe paying the medical expenses of the natural mother. The Department of Health & Social Services would establish regulations to define allowable expenses.

Marrovice Hall testified in favor of the bill. She stated it benefits the state to encourage people to adopt children because taking a child out of a welfare situation and putting him into a stable home of parents who really want him benefits the state greatly.

The committee made housekeeping amendments in the bill and pass the bill from committee with a "do pass" recommendation. There was no objection and it was so ordered. The meeting adjourned at 4:15 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

March 22, 1978

Bills on Agenda: SB 474 Practice of Dental Hygiene -- Hackney  
SB 518 Consolidating Alaska's Drug Laws --  
Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Rodey \*  
Senator Bradley

Members Absent

Senator Willis

\* late

Senators Ziegler and Rodey left the meeting before adjournment.

Others Present

Chief James Barkley, Juneau Police Department  
Dan Hickey, Department of Law  
Loisann Reeder, Alaska State Dental Hygienists Association  
Jana Varrati, Coalition of Health Providers  
Fred Bast, Dentist  
Commissioner Richard Burton, Public Safety  
John Kobylars, Dentist  
G. Kent Edwards, Lobbyist  
Henry Pratt, Lobbyist, Alaska Dental Society  
Janice Gates, Department of Health and Social Services  
Frank Pauls, MD, Department of Health and Social Services  
Marroyce Hall, People for Better Education  
Carl Nickel, Department of Health and Social Services  
Sam Trivett, Department of Health and Social Services  
Dermitt Cole, Fairbanks Daily News Miner  
Robert L. Horchover, Dentist

The meeting began at 2:10 PM. The first bill up for consideration was SB 474. Present were members of the dental profession - dentists and hygienists - who joined around the committee table to discuss the Committee Substitute for SB 474. After going over the bill section by section it was agreed by committee members, dentists and dental hygienists to make two changes in the CS and pass the bill from committee.

Senator Bradley moved the CS pass from committee with individual recommendations. There were no objections and it was so ordered.

The second bill before the committee was SB 518. Present to speak was G. Kent Edwards. Mr. Edwards spoke as an individual and as a registered lobbyist on behalf of the Alaska Peace Officers' Association and the Association of Chiefs of Police. SB 518 was drafted in conjunction with both the APOA and ACOP in an effort to try to consolidate the two separate chapters on drug laws and strengthen them in a way that would absolve existing problems with the laws. Mr. Edwards went through the bill section by section.

Section 1 -- Statement of purpose for the bill.

Section 2 -- Basically a restatement of current law which uses the same language as does federal law. There are no substantive changes in law.

Section 3 -- Restatement of current law. Language was brought in from Chapter 10 in Title 17 and placed in Chapter 12.

Section 4 -- Is a new provision taken from federal law. It is addressed at the larger type of criminal enterprise in controlled substance activity. In an organization of five or more people where the defendant is at management level and has been engaged in illegal drug activity, under this section there is potential for severe penalties in terms of minimum sentences and forfeiture of funds involved from the illegal enterprise and from front operations.

Section 5 -- Basically current state law. The word "lawfully" is inserted into the prescription. It fits within legitimate industry provisions.

The model act and other bills that have addressed themselves to the prescription area have vested an entity -- whether it be a commissioner of a particular department or a committee -- with the authority to reclassify substances. Such authority exists under federal law. The reason for deleting such a concept from this bill is that SB 518 in no way attempts to place additional restrictions on legitimate industry than already placed on it by federal legislation. The decision as to what the maximum penalty should be for a given crime belongs to the legislature and should not be delegated to some other group. Under this bill legitimate industry has only to present evidence of registration of federal authorization to be put on record with a state agency. The state agency because of being given that information is given some right of inspection of reports to make certain the industry is complying with federal government authorization.

Section 7 -- Speaks to record keeping. It is an amendment of existing state law which puts an additional obligation on a practitioner to keep records as to what has been dispensed and to whom. This is not in current law; records are being kept but there is no requirement that the practitioner himself keep something that can be inspected.

Section 8 -- Retains the power of the state to inspect records. The additions are an incorporation of the inspection provisions from Chapter 10. This is mostly a housekeeping measure.

Section 9 -- Even though the words are not used, this provision is characterized by 'no knock'. The constitutional rights of people are protected under the bill because it does not do away with the need to get a search warrant. Police officers must still go to a judge and must show probable cause for believing contraband of some type is on a certain premises.

If a judge authorizes an entry without announcement the warrant must have a special signature of that judge and an additional finding. If the judge does not want that 'no knock' provision he can refrain from that aspect of probable cause and that will not affect his issuance of a search warrant.

Section 10 and 11 -- A housekeeping measure intended to incorporate the provisions from Chapter 10 into Chapter 12 and not intended to change the law.

Section 12 -- Basically existing law which writes in additional language from the federal law and the model act to make clear who is being exempted in terms of those people who have authority to handle controlled substances.

Section 13 -- Dovetails the current federal regulations with current state law. This was done at the request of the Board of Pharmacy.

Section 14 -- The burden of proof is from both the federal law and the model act.

Section 15 -- Speaks solely to punishment and penalties for illegal activities. The classifications are based upon existing federal law and existing federal regulations.

Section 16 -- These are the penalty provisions. There is a mandatory minimum sentence specified for Class A drugs. In 1973 a judge sentenced the administrator of a Fairbanks hospital who was convicted of having twice violated the herion laws by stealing herion from the hospital. The case was appealed. It was decided by the Supreme Court that the last law passed by the legislature between 'mandatory minimum' versus 'the power of the court to suspend sentences' was under 'the power of the court to suspend sentences'. Thus, by implication the legislature desired to repeal the 'mandatory minimum'. Rather than side with the Supreme Court, 'mandatory minimums' were put into this bill to be put back into the statutes in a way that overcomes the Supreme Court.

Section 17 -- Penalty provisions which cover additional parts of the statute.

Section 18 -- Speaks to the types of sentencing information a judge can utilize under existing law.

Section 19 -- Forfeiture is a controversial aspect of the bill. Most forfeiture laws relate to contraband and articles used in making contraband. This section puts a burden on someone to make claim to the seized money or articles. Realizing it is difficult to prove where a particular dollar bill came from, rebuttable presumptions indicate the articles or money (\$200 or more) is presumed to have been derived from illegal activity. The person who makes claim must bring in evidence to say that he received this from other sources.

Section 20 -- Existing law from Chapter 10 with deletion of a statute that related to undercover operation financing.

Section 21 -- Definitions. The word "department" was omitted; it was meant to refer to the Department of Health and Social Services. This will have to be included into the bill. The other definitions are either current law or federal law or the infusion of those.

Sections 22 and 23 -- Makes cross-reference from the law on physicians and the law on pharmacists to refer to the right chapters.

This was the end of Mr. Edward's testimony. The committee took a 15 minute recess. At 4:15 the meeting resumed with Dr. Frank Pauls representing the Department of Health and Social Services.

The Department of Health and Social Services realizes the necessity of bringing the statutes up to date and realizes there are deficiencies in the statutes. The department feels SB 518 is a good step in that direction however, it is concerned about various sections of the bill and cannot support the bill in its present form.

Section 4 -- Forbids probation or parole until the minimum sentence has been served. The department's concern is the problems that would be created in the Division of Corrections.

Section 5 -- Deletes laboratories from those authorized to have possession of a controlled substance. It is felt there should be some designation of the laboratory that is handling the drug. If there is a clear understanding the laboratory is a practitioner then the department feels this would be acceptable.

Section 9 -- The department voiced concern over the 'no knock' provision.

Section 15 -- A departure from the uniform control act which establishes the authority for scheduling of drugs within a special commission. This would allow the movement of drugs in and out of a schedule and would allow additions or deletions. It is the department's feeling that future additions or deletions cannot be made unless it is done by legislation action. Mr. Pauls stated this would better be done by regulation within the department.

Mr. Pauls also expressed a concern that barbituates be placed in Class A instead of Class B.

Section 20 -- Deals with the repeal of the 'selling of poisons without a label' provision. Several members of the Board of Pharmacy have asked that this be retained.

Next to testify was Samuel Trivett, Executive Director of the Parole Board. He stated a fiscal concern as to how many more prisoners will be incarcerated under this legislation. He pointed out that at present a person cannot be considered for parole before one-third of his sentence is served.

Marroyce Hall, People for Better Education, stated the PBE organization has an ongoing research project in the drug culture that effects students in the Anchorage area. SB 518 would help combat those who find it attractive to engage in illicit trafficking of controlled substances. The use of drugs by teenagers ages 13 to 18 has risen dramatically in the Anchorage school system while the age of the individual user has dropped. It is not uncommon to find elementary preteen students brought in before the principal because

they have been selling drugs on playgrounds of elementary schools.

The committee determined to hold the bill for consideration at a later date. The meeting then adjourned at 5:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES  
March 27, 1978

Bills on Agenda: SB 520 "Appropriation to Department of Education;  
Youth Employment Services" -- Rules  
SB 565 "An Act Relating to General Relief Assistance"  
Finance  
HB 844 "Blood Donation by those 17 or Older" -- Beirne

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Rodey

Members Absent

Senator Bradley  
Senator Willis

Chairman Hackney called the meeting to order at 2:00 PM. The first bill before the committee was SB 520. Senator Rodey stated the bill would provide a service to people seeking employment and would scour private industry for people who would employ a young person at a certain wage.

After committee discussion Senator Rodey moved the bill pass from committee with individual recommendations. There was no objection and it was so ordered.

Next on the agenda was SB 565. Committee discussion on this bill resulted in its being held for further discussion.

The final bill before the committee was HB 844. Senator Ziegler moved the bill pass from committee with a "do pass" recommendation, there was no objection and it was so ordered.

Governor's appointments were discussed next and it was determined a letter would be sent to the President of the Senate stating that the Senate Health, Education and Social Services Committee has no objections to any of these appointments.

The meeting adjourned at 2:20 PM.

HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 3, 1978

Bills on Agenda:	CSSB 389	Prisoners Compensated for Work in Prison -- Ray
	CSSB 490	Truant Children -- Meland/Request
	SB 487	Teachers' Retirement -- Croft
	SB 512	PERS Credit for Alaska State Housing Authority Employees -- Rodey
	SB 535	Emergency Medical Service by Municipalities -- State Affairs
	SB 556	Medical Assistance for Needy Persons -- Finance

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Bradley  
Senator Willis  
Senator Rodey \*                      \* late

Members Absent

None

Others Present

Thomas Scott, Health and Social Services  
Dick Wilson, Health and Social Services  
Dave Davidson, Health and Social Services  
Representative Chat Chatterton  
Paul Arnoldt, Administration  
Richard Hacker, Health and Social Services  
Bob Cooksey, NEA - Alaska  
Lee Dolby, Health and Social Services  
Charles Sothern, Health and Social Services

Chairman Hackney called the meeting to order at 2:00 PM. The first bill before the committee was SB 556. Present to testify was Dave Davidson. He stated SB 556 would add rural health clinics as a covered service under the medicaid program. Rural health clinics can be defined as clinics in areas outside a metropolitan urban area. Services would be provided by a physician, physician assistant or nurse practitioner. In most cases the physician assistant or nurse practitioner will be under indirect supervision by a physician. Federal regulations do not have a detailed definition of what indirect supervision is. However, it is clear in federal law that the state is to define physician assistant and nurse practitioner and the state is to license such persons.

Before any rural health clinic is able to bill the state, physician assistants and nurse practitioners must be licensed by the state. This is not being done. SB 556 would allow rural health clinics to bill for medicaid services effective July 1, 1978. Until the licensing problems are worked out very few clinics will be able to bill the state or provide the services to medicaid patients.



Dick Wilson then explained to the committee that there would be an opportunity to save medicaid money in the most expensive area of the medicaid program -- nursing homes. Currently little medical service is available in rural Alaska. Once rural health clinics become a reality, the amount of money payed to nursing homes will be reduced. Many times a native person is taken from his culture and forced into a nursing home because of his need for nursing care. The rural health clinic would cut down on the number of people actually residing in nursing homes by providing medical services in rural Alaska.

Next to testify on SB 556 was Representative "Chat" Chatterton. He testified in support of the bill and offered an amendment. In Anchorage there is a non-profit outpatient surgical care clinic. The non-profit corporation is referred to as the Surgery Center and has been in existence for a year and one-quarter. To date, this existing licensed outpatient surgical care clinic has had run about 1,500 patients through it with everything from tonsillectomies to wart removals. These patients are not receiving medicaid funds. In fact, law does not allow the center to take any medicaid patients at the present time.

A tonsillectomy at the center would cost approximately \$600 compared to the cost of about \$1,200 for the same procedure at a hospital. There would be a saving of taxpayers' money if people eligible for medicaid and medicare funds could also avail themselves of the services at the center. Two things would be necessary for this center to qualify for medicaid or medicare funds: (1) the state would have to amend present law; and (2) the center would have to complete what is known as an 11.22 Review. Representative Chatterton proposed the following amendment: line 12, after "clinic," add "outpatient surgical care centers,".

After discussion on the bill Senator Rodey moved to pass the bill from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill before the committee was SB 535. Present to testify was Thomas Scott, Division of Health and Social Services. He stated the department supports SB 535. The bill would allow for ambulance service response outside municipal boundaries; AS 29.048.037 delineates services which can be provided outside the boundaries of a municipality and ambulance service is not included. Most ambulance services in the state provide service response outside their municipal boundaries because there is no one else outside to respond. When they do that the municipalities lose insurance coverage that they have. They are actually breaking the law. The bill would not allow the municipalities revenue sharing or allow them to tax for such service.

After discussion, Senator Willis moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill before the committee was SB 487. Present to testify was Paul Arnoldt, Director of the Division of Retirement and Benefits of the Department of Administration. He explained the bill as affecting one individual. That individual served with the territory between 1931 and 1943 -- no contribution had been made to any retirement program with no

credit being received and no benefit being payed.

Since that time the individual worked at the University of Alaska for one month in order to fall under the teachers' retirement system. His prior years of service were credited to him for a total of 9.7 years. He is currently being payed a benefit on this service that amounts to \$36.27 per month. The bill would provide a minimum of \$20 for each year of service and bring his benefit to \$200 per month. Mr. Arnoldt verified that the individual was not a member of either the PERS or judiciary retirement systems.

After committee discussion on the bill Senator Ziegler moved the bill pass from committee with individual recommendations. There was no objection and it was so ordered.

Next before the committee was SB 512. Mr. Arnoldt explained that the bill had been heard before the Legislative Board of Retirement Benefits and the board's recommendation was that the bill should not be passed. Mr. Arnoldt concurred in that recommendation. The state picking up past service liability for some other entity would be a first. Upon entry into the system an entity has the opportunity to bring in past service, no past service, past service under certain conditions, or all past service. Mr. Arnoldt pointed out to the committee under the Alaska State Housing Authority current retirement system any employee who terminates not only receives a refund of his contribution but also a refund of the employer's contribution -- in this case the state. To Mr. Arnoldt's knowledge no other state employees have an arrangement of this type.

Senator Ziegler moved the bill be placed in a pending file awaiting further development. There was no objection to the motion and it was so ordered.

CSSB 389 was before the committee at this time. Senator Hackney explained the changes in the committee substitute. The use of the word "wages" connotated a compensation. The word "gratuity" was substituted where ever "wage" had previously appeared in the bill. The only other change was on line 17 where a ceiling of \$3 per day gratuity was set.

Charles Sothern, Deputy Director of the Division of Corrections stated that the division endorses the committee substitute. Mr. Sothern explained to the committee that all inmates are required to perform a certain amount of work in relation to taking care of themselves and normal house-keeping chores; the gratuity would be given to an inmate for work over and above that work.

Senator Willis moved the bill pass from committee with individual recommendations. There was no objection and it was so ordered. Unanimous consent was asked for.

The final bill before the committee was CSSB 490. Senator Hackney stated that the Legislative Affairs Agency in looking at the suggested changes in the bill had found many constitutional problems with those changes.

The sponsor of the bill would like to see the bill passed out in its original form. Meanwhile Legislative Affairs will see if language can be drafted to encompass the suggested changes and perhaps a bill will be introduced through this committee at a later date.

Present to testify on the bill was Art Holmberg, Division of Social Services. He stated the Department of Health and Social Services opposes SB 490 as they feel the bill abrogates responsibilities of parents.

Senator Ziegler moved the bill out of committee with individual recommendations. There was no objection and it was so ordered.

Senator Hackney announced that teachers have asked the committee to introduce a bill relating to sick leave and certified employees of school districts which would deal with sick leave and sick leave transfer. If there was no objection from committee members such would be done. There was no objection.

The meeting adjourned at 4:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 5, 1978

- Bills on Agenda: SB 447 Bonds: Capital Improvements; School Facilities -- Rules/Request
- SB 458 School Construction -- Ferguson
- SB 485 Construction and Repair of Educational Facilities -- Sackett
- SB 567 Special Appropriation to Department of Education for Skill Center at Seward -- Rules/Request
- HB 783 Special Appropriation to Alaska State Council on the Arts -- Duncan
- HB 644 Appropriation to H&SS, Medicaid Miscellaneous, General Relief Medical, and Handicapped Children -- Finance

Members Present

Senator Hackney, Chairman  
Senator Ziegler

Members Absent

Senator Rodey  
Senator Bradley  
Senator Willis

Others Present

Richard Engen, Department of Education  
Phyllis DeMuth, Department of Education  
Nat Cole, Department of Education  
Marsha Hubbard, Department of Health and Social Services  
Guy VanDoren  
David Davidson, Department of Health and Social Services  
Michael Orelove, Division of Budget and Management

Chairman Hackney and Senator Ziegler were present at 2:00 PM and waited until 2:45 for a quorum to be established. No other members of the committee appeared and the meeting was cancelled at 2:45 PM.



Present to offer comments to the amendment was Phyllis DeMuth of the Alaska State Library. She explained over 30,000 photographs have been donated to the library over the years. In the last month the library has realized a major problem with nitrate film which deteriorates and decomposes after a period of time. The film becomes chemically unstable and is very flammable. In one collection alone there are 7,000 nitrate film negatives, 1,000 of which the library feels should be preserved. An additional 5,000 negatives have been identified as needing immediate attention.

Senator Bradley moved to amend HB 783 by adding the new section. There were no objections. Senator Bradley then moved to pass HB 783 as amended from committee with "do pass" recommendations. There was no objection and it was so ordered.

Up next before the committee was SB 567. Senator Sumner defined the bill as one which addresses funds for a training program. The bill is \$100,000 higher than the budget proposed for the Center by the Governor. Senator Sumner did not think that budget sufficiently addressed what the Center wanted to see in terms of a training program.

Robert Booher, Director of the Seward Skill Center explained a few facts about the Center to the Committee. There is an average \$7,000 per student earning increase in wages over the year before and the year after training. There are about 2,000 students in the system at the Center and they are averaging about a 350-400 percent increase in wages from the year before entering the program compared to the year after leaving the program.

Mr. Booher estimated that additional revenues collected from the state in the form of income tax would cover the costs of this bill in 6.3 years.

The biggest increase in budget would be for equipment. The Center has had approximately one-half million dollars of equipment donated to it. The Center is trying to expand its programs into forestry technology and fisheries. It has had a request to expand oil technology programs because of new regulations coming from the federal government providing that anyone who works on an oil platform must be certified to do so.

Jerry Hiley, Department of Education. The Department of Education's student loan program should be used because it is a repayment process back to the state in a recycling program. The grant program currently being used at the Seward Skill Center is strictly a grant program; once a grant is issued there is no recovery of funds.

Mr. Booher explained key elements within the bill as \$600,000 earmarked for the gasline or Northwest Pipeline construction if, in fact, it does move to the point the Center needs to start training before the end of July. The additional \$200,000 in the miscellaneous category would be for development of new programs if there is major demand, for example, from the bottom fish industry. The Center could move into training of that nature or into additional oil-related activities.

Although the bill seems to provide for a tremendous increase, a certain amount of the funds are automatically restricted and can not be used for any other purposes. Next July they would lapse back into the general fund or be carried over, whatever the legislature desires to see fit to do.

Mr. Booher pointed out an error in the bill to the committee. On line 17 "Federal receipts" should be deleted and "State Department of Labor Training and Building Fund" inserted in its place.

Senator Bradley moved the amendment be made. There was no objection and it was so ordered. Senator Bradley then moved the bill pass from committee as amended with "individual recommendations". There was no objection and it was so ordered.

The final bill before the committee was CSHB 644. Present to offer testimony was Marsha Hubbard from the Department of Health and Social Services. The increases in the medicaid program starting with Section 1 would be a \$523,000 increase in the medicaid program to pay for projected expenditures in hospitals. That would be \$141,000 increase in billings and approximately \$380,000 in cost settling of last year's bills.

Cost settling is establishing an interim rate for the hospitals and paying the hospital on that interim basis. Costs are settled at the end of the year by the hospital submitting a set of financial forms to Department of Health and Social Services auditors. The auditors determine what it cost the hospital to provide services and then the state pays the difference between what it cost the hospital and what the state has payed in interim rates.

Senator Hackney asked where in the appropriation the figure for abortions would show up. He asked the department determine how much money the State of Alaska is paying for abortions.

The department representatives stated they would try to find that information. No action was taken on the bill and the meeting adjourned at 4:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 10, 1978

4/10

- Bills on Agenda:
- CSHB 644 Supplemental Appropriation; Health and Social Services; Medicaid, Relief, Handicapped -- Rules/Request
  - SB 540 Special Appropriation; Health and Social Services; Office of Alcoholism -- Rules/Request
  - SB 163 Public School Facilities Construction -- Rules/Request
  - SB 495 Parental Rights -- Bradley

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Rodey

Members Absent

Senator Willis  
Senator Bradley

- \* Senator Bradley was present before the meeting started stating he would return at 3:00 PM in time for SB 495 to be taken up. The meeting adjourned at 3:20 when Sen. Bradley did not return.

Others Present

Thayne Anderson  
Violet Thetford  
Dick Wilson, Director, Public Assistance, Health & Social Services  
Marsha Hubbard, Health & Social Services  
Bob Cole, Director, Alcoholism Office, Health & Social Services  
Ross Soboleff  
Terry Thetford  
Chris Roust, Department of Education  
Nat Cole, Deputy Commissioner of the Department of Education  
Marshall Lind, Commissioner of the Department of Education

Senator Hackney called the meeting to order at 2:03 PM. The first bill before the committee was CSHB 644. Senator Hackney explained one of the reasons no action was taken on the bill last Friday was there was an indication one of the reasons for the supplemental was significant increases in both abortions and requests for obstetric care. He had asked the Division of Public Assistance to come up with information on those statistics. The Division has done that and the information does not apply directly to this bill.

Marsha Hubbard stated the first six sections of the bill deal with the medicaid program. The total request for the supplemental is \$2,600,000. The primary need for the supplemental was an increased number of individuals in nursing homes. The other increases were related to increased utilization. The last section of the bill deals with handicapped childrens' program and that is a cost settlement bill owed for FY 77.

In cost setting the care provider closes his fiscal year and the department audits to determine how much was actually expended for the care. Cost settlement bills are payed the following year for prior year expenses. This rather large cost settlement bill was primarily payed to Providence Hospital.

Marsha Hubbard went into further details at how projection rates are determined.

After committee discussion, Senator Rodey moved the bill pass from committee with "individual recommendations". There were no objections and it was so ordered.

The second bill before the committee was SB 540. Present to testify was Bob Cole, Office of Alcoholism. He stated the administration had, as yet, no position to present on the bill. A meeting was scheduled in the near future to determine what that position would be.

Thayne Anderson stated it was his understanding that revenues taken from taxation of the alcohol business would be earmarked for the treatment of alcoholism. Mr. Anderson stated his support for the bill.

Senator Ziegler moved to pass the bill from committee with "individual recommendations". There was no objection and it was so ordered by the Chairman.

The next bill up for consideration was SB 163. Present to testify was Nat Cole of the Department of Education. He stated that based on the fact SB 163 would require certain standards and would require that construction take place only under conditions of need of the unhoused students, there would be no more cost accrual as the result of having this bill over a period of 15 to 20 years than would accrue under the present statute.

The bill would get money out to the locals early so they would not have to bond for the total amount as they presently must do. This would cut down the lib the locals have always approached on bonding and also cut out the interest to be payed by both the locals and the state. The bill proposes to make the state share on a sliding scale. The scale would be based at the Anchorage rate of 80%. If a school district's per pupil valuation was lower the district would receive more than 80%, if their valuation was higher the district would get less than 80% but no less than 50%.

Senator Rodey motioned the bill from committee with individual recommendations. There was no objection and it was so ordered. The meeting recessed at 2:50 PM until 3:00 PM when Senator Bradley would return and the committee was scheduled to take up SB 495. Senator Rodey then left the meeting. At 3:20 a quorum could not be established as only Senators Ziegler and Hackney were present. The meeting was adjourned.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 12, 1978

Bills on Agenda:       CSHB 489     Labor Relations -- Malone  
                          SB 542     Powers and Duties of Office of  
  Alcoholism -- Rules/Request  
                          SB 543     Alcoholism Grants-in-Aid --  
  Rules/Request  
                          SB 544     Standards for Alcohol Treatment  
  Facilities -- Rules/Request  
                          CSHB 25     Accrued Medical and Annual Leave of  
  State Employees -- Duncan

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis  
Senator Bradley \*

\* - late

Members Absent

Senator Rodey

Others Present

Ben Olds, Fairbanks Classified Personnel Organization  
Robert L. Garrison  
Robert Cole, Office of Alcoholism, Health & Social Services  
Caroline Wohlforth, Anchorage  
Cam Carlson, Fairbanks  
Bob Van Houte, NEA  
Cherie Shelly, APEA  
Bill Overstreet, AASB  
Paul B. Arnoldt, Director, Retirement and Benefits  
Representative Malone  
Harvey Kursbard, Fairbanks Classified Personnel Organization  
Commissioner Marshall Lind, Education

Chairman Hackney called the meeting to order at 2:13 PM. The first bill before the committee was CSHB 489. Present to speak to the committee was Ben Olds, Fairbanks Classified Personnel Organization.

Mr. Olds stated he represented the Classified Personnel Organization of Fairbanks which is a group of non-certified school district employees. Mr. Olds stated he would speak to only Section 6 of the bill. The non-certified personnel are a small segment of public employees who are not covered by a collective bargaining law and are not given the legal right to organize and collective bargain. They had been specifically written out of the Public Employees Relation Act. Mr. Olds felt the personnel should be put on an equal basis with not only certified employees within the school district but with all the public employees in the state.

Senator Hackney stated that under CSHB 489 it would be a mandatory opt-in and the borough school boards would have no choice. In essence, the bill takes away discretion from the local governing body elected by the local people. He asked Mr. Olds if he agreed with that statement.

Mr. Olds replied he would agree, the bill would take away a school board's discretion, however, the teachers' pact is not optional so the certified employees do have the right to collective bargain.

Senator Hackney asked the number of non-certified employees in the group represented by Mr. Olds.

Mr. Olds stated there were 389 people in the organization.

The next person to speak on the bill was Representative Malone, the bill's sponsor. He said the original legislation was introduced by request and was aimed at a question under the existing state labor law for public employees bargaining. The bill would insure the non-certified personnel employed by school districts in the State of Alaska a right to collective bargaining along with the other public employees under state law. The original purpose of the legislation appears in Section 1 of the CS.

Recently the Supreme Court recommended sections of the law regarding matters which were considered to be negotiable items be clarified by the legislature. Representative Malone stated Section 1 of the bill attempts to do that.

Senator Hackney asked Representative Malone his comments on the proposed amendment to the bill.

Representative Malone stated the amendment does provide a definition of "working conditions". One that provides a fairly narrow definition as compared to the language appearing in the present bill. He had no recommendation on the amendment but he urged the committee not to ignore the problems school district employees and the courts are having with the term in defining what is negotiable under present state law.

Next to testify was Caroline Wohlforth, President of the Anchorage School Board and a member of the executive committee of the Association of Alaska School Boards. Both groups represent the public and are concerned about CSHB 489. The school board has responsibility for making policy decisions in the best interests of the public. Mrs. Wohlforth felt the Supreme Court decision recognized that fact. Throughout the decision the court recognized the right of the teachers' union to negotiate such matters. But the court also recognized the difficulty the public employer may face at the bargaining table when the scope of bargaining is widened.

She reminded the committee that school board members are amateurs. Most are citizens newly elected to the school board who have little or no experience at collective bargaining. Mrs. Wohlforth felt that if the

scope of bargaining was extended it would be extremely easy for the school board to negotiate away things that are rightly matters of policy to be reached in public meetings with public input. The court pointed out such a danger. Good faith negotiating means making concessions. The school board would certainly expect to meet and confer with teachers about matters of policy because the teachers are experts in education, however, the school board does not expect to have policy matters decided in a bargaining session.

There is a need for local control of local issues. Mrs. Wohlforth questioned whether the Department of Labor should be ruling in mandatory items that affect all school districts when the actual situation in Anchorage, Ketchikan and the Aleutians is extremely different.

Senator Hackney called Mrs. Wohlforth's attention to the proposed amendment and asked for her comments.

She said that she would divest herself of speaking as a representative of the Anchorage School Board and the State School Board Association because the amendment had not been discussed by those bodies. She thought the amendment to be in the spirit school boards would be looking for.

Cam Carlson, a school board member from Fairbanks, was next to testify. She was not speaking on behalf of the Fairbanks school board as that body had not discussed the legislation.

She spoke first to the area of the bill dealing with "working conditions". The fact "working conditions" would be defined by the Department of Labor undermines the Supreme Court ruling that the purpose of this legislation be to clearly define what is and what is not negotiable.

Mrs. Carlson questioned why the Department of Labor was called upon to define "working conditions" for professional people. She stated there should be some other area to turn to for that answer which would have a better understanding of the area of education. Unless a person has some type of educational background he really doesn't know what is going on in the realm of education. She suggested people with professional expertise should be looked upon for definition of the term.

Mrs. Carlson spoke of her concern of the erosion of local control in the school system.

She thought there were important questions to be asked in regard to this legislation. Who is asking for the legislation? What is their motive? Whose interests are being protected? Is such legislation going to facilitate providing the best possible quality education?

Senator Hackney asked Mrs. Carlson how non-certified personnel in Fairbanks compare with like groups around the state regarding salaries and benefits.

As far as comparing the salaries and benefits around the state she could not give that information at this time but, given a week or so, would compile the data.

Bob Van Houte of NEA - Alaska testified in favor of the bill. He pointed out NEA did not initiate the bill which was basically at the request of non-certified people. The language regarding teacher negotiations was added into the bill later.

NEA feel the language in the bill is designed to clarify the categories of what is negotiable and what is not. The phrases in Section 1 are standard labor terms appearing in much labor legislation. Mr. Van Houte stated there was considerable discussion in regard to the definitions in the bill and who should determine them. The suggestion of the use of the Department of Labor came from the House HESS Committee. That body felt it was a suitable agency as it is familiar with labor relations and labor disputes. NEA believes the language is clear, desirable and does not infringe upon anything which is not currently intended in the collective bargaining law for teachers.

The rest of the bill which pertains to non-certified personnel represents a situation where a number of school boards are not as forward looking as some where the school boards have voluntarily agreed to negotiate with the non-certified staff. There have been a number of communities where no negotiations have taken place between the non-certified people and the school boards. Non-certified people in some small communities had indicated to Mr. Van Houte they didn't feel the desire at this time to negotiate. In other places, however, non-certified people had told Mr. Van Houte they wanted to have a way to negotiate with their particular school board.

Senator Hackney asked Mr. Van Houte whether class size and teacher load would be negotiable under "working conditions".

Mr. Van Houte stated NEA is not making that assertion. There may be some circumstances such as classes of handicapped or mentally retarded children where that situation would be negotiable.

Mr. Van Houte's opinion on the proposed amendment was that it would be too narrowing.

Cherie Shelly of APEA spoke next. She stated APEA did not request the introduction of the bill but would like to testify in favor of the portions of the bill dealing with the Public Employees Relation Act for non-certified personnel. Non-certified personnel in school districts are the only classified employees that have not been given the right of collective bargaining. APEA feels this to be unust. School boards can negotiate with non-certified personnel if they desire to do so but there is no requirement mandating negotiations. The non-certified personnel are at the mercy of the school board.

Bill Overstreet, Executive Secretary to Alaska School Board Association stated that it was true the court suggested the legislature provide a better definition of what is negotiable. At the same time, however, the court cautioned the legislature there were serious differences between bargaining in the private sector and in the public sector. There is a danger that school boards, being elected officials could negotiate away the

public's right to determine the quality of educational programs in the school. The court suggested to the legislature to distinguish between those items in the economic interests of the teachers as opposed to the broad policy questions in matters of educational interest. The proposed amendment seems to do that quite specifically and quite well.

Mr. Overstreet urged that if the committee determined to do anything with the bill to incorporate the amendment. He pointed out that virtually every city and borough school district in the state, where the employees have sought to negotiate, has entered into negotiations. When the state enacted the Public Employees Relations Act it specifically excluded employees of school boards from that act. Mr. Overstreet stated the decision to exclude the school employees from the act was a wise one.

Next to testify was Harvey Kursbard, Vice President of the Classified Personnel Organization in Fairbanks. He would limit his comments to Section 6 of the bill pertaining to non-certificated employees in school districts. The non-certified employees in Fairbanks have had successful negotiations. Although there is a grievance procedure in their contract it is felt that by being placed under the Public Employees Relations Act they would receive the right to grievance arbitration. Under the Fairbanks CPO current contract the last step of the grievance procedure is the local school board. The school board will make the final decision as to the grievance. The organization feels when a person has a grievance it is going to be with the school board and the decision may be slightly biased. In the case of the Public Employee Relations Act, non-certified personnel would be given the right to grievance arbitration from an outside party who can listen to both sides and make a decision.

As regarded the letter Mr. Kursbard sent out to all members of the Classified Personnel Organization (389 letters) he felt it was necessary to open the eyes of members as to what this legislation might possibly mean to them.

Senator Ziegler asked Mr. Kursbard what was meant in the letter by the term "school board's power trip."

Mr. Kursbard replied that in this particular case it had to be understood that he was speaking to people who use laymen's terms all the time. By saying that he did not mean for it to be taken in a derogatory manner.

Senator Ziegler asked if there had been a "power trip" before to Mr. Kursbard's knowledge.

Mr. Kursbard stated he could not say there was a "trip" in Fairbanks. He did say he was aware that there had been "power trips" in other areas of the state. Also, although Fairbanks has had success in the past in negotiations there is nothing to guarantee that right in the future.

Senator Ziegler asked if the Fairbanks CPO had negotiated raises everytime they had come in for a new contract and if the school board had ever refused to give the non-certified personnel a raise as a result of good faith negotiations.

Mr. Kursbard stated that overall speaking he would have to say no.

Senator Ziegler asked if the school board had ever refused to honor the non-certified personnel's grievances or at least listen to them.

Mr. Kursbard stated no.

Commissioner Lind was the final person to testify on CSHB 489. He stated it is policy of the State Board of Education not to take a position on labor/management issues such as this. He stated he was present to express that position and also express his views as an individual.

Mr. Lind asked that the legislature carefully consider what would be removed from the local school board as far as decision making power. He stated a concern that many hours are being spent by teachers and school board members in the business of negotiations and he would like to think they would be able to spend more time on direct educational matters.

Regarding the proposed amendment Mr. Lind stated it would be restrictive and would be satisfactory to the school boards but would meet with opposition by teachers. It was his personal feeling that something of this type is necessary to restrict that scope.

Senator Hackney stated he would ask the Legislative Affairs Agency to see if they could draft language that might represent a median position on the amendment. No action would be taken on the bill. A 10 minute break was called at 3:15.

At 3:30 the meeting was called back to order and CSHB 25 was before the committee for discussion. Present to offer testimony was Cherie Shelly of APEA. She stated many employees use their sick leave because they are in a 'use it or lose it' position. APEA feels the benefits of this bill to the state would outweigh the costs of the bill and would encourage employees to be present and on the job.

Robert L. Garrison testified in support of the bill. He has been a state employee for 22 years and stated that if he were to retire with sick leave it would take 50 years to get the wage value of that sick leave.

Paul Arnoldt, Director of the Division of Retirement and Benefits stated that sick leave accruals are negotiated; the accrual rate is negotiable. The concept of sick leave, annual leave and personal leave is negotiable. If a person quits service and goes on annual leave then that period of time is credible service and counts toward retirement. If on personal leave (confidential employees) that concept would also apply towards retirement. The personal leave concept is a combination of sick and annual leave and is negotiable. Sick leave cannot be credited. But sick leave and annual leave accruals can be negotiated into a personal leave concept and that can be made creditable under the retirement system.

Mr. Arnoldt said abuse of sick leave is addressed by the personnel system. Managers are given the authority to take action in areas where there are abuses and put stringent requirements on sick leave. The Commissioner of Administration requires personnel evaluations to reflect

the amount of sick leave taken and what that sick leave was used for.

Mr. Arnoldt stated about three out of 10 individuals who start into the retirement system will ultimately retire. Under a personal leave concept all individuals could benefit. The first year fiscal impact of CSHB 25 would be approximately \$550,000.

After committee discussion on the bill Senator Willis moved to pass the bill from committee with "individual recommendations". There were no objections and it was so ordered.

The meeting adjourned at 3:55 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 17, 1978

Bills on Agenda:

SB 541	Health Education in Public Schools -- Rules/Request
SB 542	Powers and Duties of Office of Alcoholism -- Rules/Request
SB 543	Alcoholism Grants-in-Aid -- Rules/Req.
SB 544	Standards for Alcohol Treatment -- Rules/Request
SB 545	Health Insurance -- Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis

Members Absent

Senator Bradley  
Senator Rodey

Others Present

Bob Cole, Director, Alcoholism Office, Health & Social Services  
John H. Gaumer, Blue Cross  
Carol Molunari, University of Alaska  
Dorthea L. MacDonald, CHAR  
John George, Department of Commerce  
Jean Kizer, AP  
Ross Soboleff  
Wes Coyner, Lobbyist

Chairman Hackney called the meeting to order at 2:05 PM. The first bill up for consideration before the committee was SB 541. Present to testify was Bob Cole. He stated the Department of Health and Social Services supports the intent of SB 541. Virtually all testimony before the Senate Select on Alcoholism and Alcohol Abuse during the interim spoke to a public desire to have a kindergarten through 12th grade curriculum implemented in school systems for alcohol-related education.

The fiscal note estimate is based on the efforts and experience of the Anchorage Council on Alcoholism over the past year. Trainers would be hired and travel money would be provided as would allocations for the purchase of materials. To hire three training teams to work statewide in about 45 schools and to purchase the materials and travel would cost nearly \$489,000 for the first year effort.

Senator Hackney asked what course offering Mr. Cole had in mind when the funding figures were put together.

Mr. Cole stated the curriculum that was being used in the Anchorage area was called "Here's Looking at You" which was developed in Seattle. The curriculum seems to have been very well received by schools.

Senator Hackney stated he had spoken with a representative of the Cabaret, Hotel and Restaurant Association who had said CHAR was planning to assist in implementation of this particular educational program. The amount of money that was mentioned was \$15,000 to \$20,000. Senator Hackney pointed out that presented a changing attitude on the part of the alcohol industry in which they are now saying they would like to help.

Next to testify was Carol Molunari, Director of the Center for Alcohol and Addiction Studies at the University of Alaska. She stated support for the bill. The Center has been involved with the Anchorage Council on Alcoholism in its pilot project. The Center developed a teacher training program which gives teachers tools they can use in the classroom that will help to develop success identities in children.

As a part of this program the facilitators from the school were introduced to the Anchorage Council on Alcoholism which in turn introduced them to the program "Here's Looking at You". Every school in that pilot project utilized the services of the Anchorage Council on Alcoholism. A number of schools expressed an interest in utilizing the curriculum "Here's Looking at You". As a result the curriculum has been accepted as a pilot project by itself. However, only those schools that were involved in the success identity course were allowed to participate in the "Here's Looking at You" curriculum. The reason is that the success identity course lays a tremendous foundation and gives the teachers background so they are prepared to go into a "Here's Looking at You" curriculum.

As off shoots of "Here's Looking at You" many schools have started a parent rap night and developed in-service for the rest of the teachers that didn't participate in the program. One of the crucial things in "Here's Looking at You" or any another curriculum is that the teachers be properly trained. The Center has received a number of calls from people around the state who want to immediately implement this curriculum. By doing so without the proper training it is going to destroy the beneficial effects that have occurred from the curriculum. The teachers must be trained and they must be funded. With sufficient financial backing to train for a curriculum properly Ms. Molunari said the program would have an impact that wouldn't quit.

After committee discussion on the bill Senator Willis asked for a housekeeping amendment on line 13 which would delete the parentheses. There was no objection and it was so ordered. Senator Willis then moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered by the Chairman.

The second bill on the agenda was SB 542. Present to offer testimony was Bob Cole. He stated the Department of Health and Social Services supported the bill. The Department had some suggestions for the committee's consideration.

The first suggested change had to do with organizing and fostering training programs for all persons engaged in the treatment of alcoholics and intoxicated persons. The department offered a change in wording that would read "and establish certification requirements for paraprofessional

alcoholism and drug abuse workers as well as the training program that leads to certification.". The department would intend as a portion of the appropriations bill to put a very high priority on training.

Mr. Cole's other comments had to do with the fact the department is confused about what the approach should be to establishment of a loan fund for the purposes stated in the bill. The Office of Alcoholism has no familiarity or experience with administering a loan fund. The department recommended for committee consideration the placing of the actual function in Commerce and Economic Development or somewhere that has the experience and background. He suggested the Office of Alcoholism might maintain a quality control oversight on the program.

Carol Molunari stated she would encourage support of the training aspect of the bill because it not only includes training for workers in alcoholism programs but also includes training for another large segment within the state -- social workers, nurses, criminal justice personnel -- who are in key positions to spot an early alcohol problem or to prevent problems from progressing. She thought training for this target group to be imperative.

As concerned developing curriculum materials she suggested that rather than developing an entire new curriculum a look be taken at existing curriculums. Perhaps there would be portions of existing curriculums that would be applicable to the State of Alaska. The "Here's Looking at You" curriculum took five years to develop, has been sanctioned by NIAAA and is used widely. That curriculum as well as others have had tremendous amounts of money spent in developing them.

Senator Hackney stated it was the intention of the Select Committee on Alcoholism and Alcohol Abuse to make the "Here's Looking at You" curriculum the basic program for the State of Alaska. However, that committee did not want to close the door to any variation of that which might be a good program for individual villages.

Carol Molunari's last point was related to the loan fund. She suggested this could be best served by application of grants rather than placing the state Office of Alcoholism in the situation of a brokerage or banking firm in relation to loans.

Senator Hackney stated the thrust of the Select Committee's thinking regarding the loan fund was to apply it to facilities that could be divorced from the serving of alcoholic beverages. It was for that reason the Office of Alcoholism was chosen for placement of the loan fund.

Senator Willis moved that the amendment on line 19 which was suggested by the Department of Health and Social Services be made. There was no objection and it was so ordered. Senator Willis then moved to pass the bill as amended from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill was SB 543. Present to testify was Bob Cole. The Department of Health and Social Services concurred with the new sections E, F, G and H but recommended deletion of Section I which said the department shall develop and programs receiving money shall implement a uniform accounting system. Mr. Cole stated there are three or four different classes of organizations that grants-in-aid money is put into. Each of those organizations has its own accounting system. It would be in the department's interest to have an accounting system that the auditors could understand and run an audit trail on, but to ask an organization to alter its accounting system would be unreasonable. The department could, however, demand a uniform budget display on the grant request and a uniform display of the line item budgets within that budget.

Carol Molunari stated the idea of having a comprehensive program of alcohol rehabilitation/prevention in each community that submitted a grant would be idealistic. She suggested developing one good, top notch treatment program in the state; a short term facility which would give total treatment in rehabilitation of alcoholism.

After committee discussion on the bill Senator Ziegler suggested the committee prepare a markup copy of a proposed committee substitute and bring that before the committee at a later date. There was no objection and it was so ordered.

Next up for consideration was SB 544. Present to testify was Bob Cole. The Department of Health and Social Services supported the bill. Mr. Cole suggested consideration of a statement in the bill which would provide that standards shall be enacted in a manner that would provide protection of the health, safety and well-being of the affected program and protection of the affected program from exposure to malpractice and liability action.

Senator Hackney explained the intent in putting the bill together was to solve the problem rural areas have in complying with stringent resulations that, applied in a rural situation, become ludicrous.

Senator Ziegler moved to adopt the committee substitute and pass it from committee with "individual recommendations". There was no objection and it was so ordered.

SB 545 was then before the committee. Present to testify was Bob Cole. He stated the Department of Health and Social Services supported the bill. A number of private insurance companies provide varying amounts of coverage for rehabilitative care of alcoholics outside of medical studying. Most of the insurance companies provide direct medical care and acute care in hospitals for alcohol-related symptoms. The coverage varies from \$1,000 a months for rehabilitative care to much more depending on the carrier. The Department of Health and Social Services thinks the coverage ought to be provided to every person who chooses to have that coverage in the State of Alaska and who is covered under a private medical care benefit.

Carol Molunari expressed her support for the bill.

Next to testify was Joan Gaumer, Director of Government Relations with Blue Cross. She stated Blue Cross of Washington and Alaska does support the intent of the bill. She understood the legislation's intent as trying to provide the best type of alcoholism treatment for Alaskans through their insurance policies. Blue Cross asked for a change in language which would read:

Sec. 21.89.050. ALCOHOLISM UNDER HEALTH INSURANCE. All policies, contracts or prepaid plans for individual or group health insurance with the exception of Medicare Supplement issued or delivered in the state on or after the effective date of this Act shall contain provisions providing benefits for the treatment of alcoholism. This coverage may be waived in writing by a group policyholder on or before the effective date of the policy.

Mrs. Gaumer explained such language would mandate every employer include a benefit for alcoholism treatment. It provides an option for waiver of entire groups. It does not include a waiver on individual policies, which was included in the original bill. If every non-group subscriber could opt to delete alcoholism coverage, the costs of administering the program would increase. Blue Cross estimated that the administrative cost would nearly equal the coverage cost for alcoholism benefits now offered. The option would not save the subscriber money. However, it would increase the likelihood of error in payment. If the committee would want complete coverage of all contracts, then no language of waiver should be included. While this will be a factor in a few marketing instances, Blue Cross would not be opposed if, in the interests of maximum coverage, the Alaska Legislature decided to delete the waiver provisions.

If the Alaskan statutes require the provision of benefits, there will be increased availability of treatment. And yet the legislature will have preserved the right of the employee and employee groups to bargain for benefits. The right of an employer to structure benefits offered to the costs allowable in his business will have been preserved.

Any other course can result in costs for health care insurance which cannot be met. When that happens, more and more persons or groups will go without coverage. The final result of that would be more persons becoming the responsibility of the state under Medicaid.

Next to testify was John George, Deputy Director of the Division of Insurance. Mr. George questioned some of the definitions in the bill. He asked whether "treatment" would refer to short term detoxification or to a long term cure program that would treat alcoholism. He also questioned how to determine when someone signs up for a policy whether alcoholism is a pre-existing condition.

Committee discussion on the bill resulted in Senator Ziegler moving to adopt the bill as a committee substitute using Ms. Gaumer's proposed language. There was no objection and it was so ordered. The bill would be before the committee again at a later date. The meeting ended at 4PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 19, 1978

Bills on Agenda: SB 546 Tax Credit for Contributions to  
Alcoholism Programs -- Rules/Request

SB 547 Special Appropriation to Department  
of Revenue; Increase in Enforcement of  
Alcohol -- Rules/Request

SB 549 Serving Intoxicating Liquor -- Rules/Req.

SB 551 Rehabilitation of Criminals with  
Alcohol Problems -- Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Bradley  
Senator Willis  
Senator Rodey

Members Absent

Senators Rodey and Ziegler left the meeting at 3:25

Others Present

Bob Cole, Director, Alcoholism Office, Health & Social Services  
Bert Hall, Municipality of Anchorage Health Department  
Dorthea MacDonald, Cabaret, Hotel and Restaurant Association  
Carol Molunari, University of Alaska  
Anne Carpeneti, Attorney General's Office  
Leonard Nugen, Studio Club, Anchorage  
Gary Jenkins, Department of Revenue

Senator Hackney called the meeting to order at 2:05. The first bill up for consideration was SB 546. Present to testify was Gary Jenkins, Director of the Audit Division of the Department of Revenue. He stated the bill is very straight forward in the per dollar tax credit for individuals. There was no way the department could estimate the fiscal impact as there was no way to estimate how many people would make such contributions. Mr. Jenkins pointed out a potential problem with donating to a privately-owned facility.

Senator Hackney said the bill would be held for further consideration.

Next before the committee was SB 547. Senator Hackney left the meeting and Vice-Chairman Ziegler took over. Present to testify was Mr. Cole. He stated the Department of Health and Social Services supported the proposal because the Select Committee on Alcoholism and Alcohol Abuse, the administration and the ABC board director and others have identified additional enforcement for the ABC board as being of high priority. Mr. Cole estimated an additional five investigators would be hired by the board under this bill.

There was no one else present to testify on the bill and it was held for further consideration. Senator Hackney returned to the meeting.

SB 549 was before the committee. Present to testify was Bob Cole, he stated the Department of Health and Social Services concurred with the intent of the bill which is to find a way to limit opportunities for excessive drinking in the bars or in public establishments. The bill would set a limitation similar to that presently enforced in the State of Hawaii. Mr. Cole pointed out a possible loop hole in the bill. The law may be subverted by serving people one large drink.

Next to testify was Dorthea MacDonald of CHAR. She stated it was her belief that allowing one drink at a time would make people drink faster. If people have two and three drinks in front of them no one makes them drink. A good bartender or waitress will as he/she proceeds to bring new drinks pick the other drinks up whether they are touched or not. She did not feel one drink in front of a person would make a non-alcoholic an alcoholic or vice versa.

Committee discussion resulted in the Chairman saying he did not sense the votes to move the bill from committee and he suggested moving on to the next bill. There was no objection.

SB 551 was before the committee. Present to testify was Bob Cole. He stated there was one area of the bill that appeared to be so broad as to allow a person convicted of a violent felony to be referred, on the discretion of a judge, to a treatment program before, during or after the jail sentence for that crime. The department didn't want to support the concept of violent offenders being transferred or granted probation/parole for the purposes of being placed in a treatment center until a fair portion of the sentence had been served.

The department suggested training correctional officers in the basics of alcoholism, alcohol abuse and its relationship to the commission of crime; the kinds of characteristics that such an offender would have in an institution; the proper way of relating to that person while in an institution; and how community programs can be used when the offender ends his sentence.

Mr. Cole also discussed the current OMVI diversion program operating in the Anchorage Court System.

Senator Hackney stated it was the intent of the Select Alcohol Committee that those convicted of offenses where alcohol misuse was involved would have to undergo some kind of treatment while incarcerated and would be required to attend a follow up program after being released.

Next to speak was Anne Carpeneti. She questioned whether it was appropriate to force someone into rehabilitation.

Senator Hackney stated it was the intent of the Select Alcohol Committee that it is indeed appropriate to force a person into rehabilitation.

Ms. Carpeneti stated there seemed to be a trend in penal administration to incarcerate or punish people for acts they have committed and there is a question whether it is appropriate to incarcerate a person for rehabilitation instead of incarceration for the acts committed.

Ms. Carpeneti had problems with enforcement of an involuntary program. Presently, a judge can impose sentence, allow probation or suspension of a portion of the sentence on the condition the defendant attend an alcohol rehabilitation program. If the defendant does not attend the program there is something to go back into court with -- imposition of the sentence. In SB 551 there is no means to go back into court and rectify the situation.

Senator asked Ms. Carpeneti if she would be willint to assist the committee in drafting a bill that she would feel to be more satisfactory. She agreed to help.

Next to speak was Leonard Nugent. Mr. Nugent explained treatment for alcoholism at the Studio Club in Anchorage. The bill does not specify whether treatment would be for a day or a month. He asked if that would be left to the discretion of the judge. Mr. Nugent stated he felt that someone picked up twice for drunk driving should be sentenced to a specified length of treatment.

Senator Hackney explained the way the bill was drawn up would allow the judge to sentence a person to an alcoholism treatment program a report would have to come from that program back to the judge and the judge would then determine whether to let the person out of the program.

Mr. Bert Hall testified next to all of the alcoholism package. He stated the Municipality of Anchorage supported the concept to provide more monies to the State Office of Alcoholism and Drug Abuse.

- SB 540 - Stated the municipality supported bill.
- SB 551 - Stated the municipality supported bill, however, there were legal questions as to how far one can go in requiring a person to be rehabilitated.
- SB 542 - Stated concern with the ability to generate third party payments.
- SB 543 - Stated the municipality had a number of problems with the bill. They see it as a time consuming task and they worry about the ability of programs to carry on and meet interim needs while standards are being developed.
- SB 544 - Stated the municipality supported bill.
- SB 546 - Stated the municipality had questions concerning the bill.
- SB 548 - Stated the municipality supported bill.
- SB 549 - Stated the municipality had questions regarding enforcement.

Senator Hackney stated no action would be taken on the bill as it would be held for further consideration. The meeting adjourned at 3:35 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 24, 1978

Bills on Agenda:      CSSB 543 Alcoholism Grants-In-Aid -- Rules/Req.  
  
                            SB 547 Special Appropriation; Department of  
  Revenue; Increase in Enforcement;  
  Alcohol -- Rules/Request  
  
                            SB 447 Bonds; Capital Improvements; School  
  Facilities -- Rules/Request

Members Present

Members Absent

Senator Hackney, Chairman  
Senator Ziegler -- left at 2:50  
Senator Bradley \* 2:15  
Senator Willis -- left at 2:45  
Senator Rodey -- left at 3:15: committee without quorum

\* - late

Others Present

Bob Cole, Alcoholism Office, Health & Social Services  
Richard Holden, Transportation & Public Facilities  
Pat Sharrock, ABC Board  
Chris Roust, Department of Education  
Steve Hold, Department of Education

Chairman Hackney called the meeting to order at 2:10 PM. The first bill to be taken up was CSSB 543. Senator Hackney explained the committee substitute embodied the original bill plus suggested amendments by the Department of Health and Social Services. After committee discussion on the bill Senator Ziegler moved for the adoption of the committee substitute. There was no objection and it was so ordered. Senator Rodey moved the bill out of committee with "individual recommendations". There was no objection and it was so ordered.

The next bill before the committee was SB 547. Present to testify was Pat Sharrock, Director of the Alcoholic Beverage Control Board. He explained present ABC Board staff consists of five enforcement personnel; three in Anchorage and two in Fairbanks. Depending on structuring the money provided in the bill would allow the Board to employ five additional enforcement personnel and possibly one clerical position would be created. Mr. Sharrock said that potentially one of the five additional investigators would be assigned to the Southeast Alaska region.

Senator Ziegler suggested a letter of intent be attached to the bill stating that if three or more enforcement officers are hired by the ABC Board one would be assigned to cover Southeast Alaska.

After committee discussion on the bill Senator Bradley moved to pass out SB 547 and a letter of intent with "individual recommendations". There was no objection and it was so ordered.

412

The next bill before the committee was SB 447. Steve Hole of the Department of Education said that at the time the consent agreement was reached between representatives of the Department of Education, state government and the attorneys for the plaintiffs the decree set forth a process by which the department would establish the minimum amounts it would recommend in the Governor's capital request. That consent agreement bound the Department of Education to the support of whatever amount eventually came out for the legislature.

The language of the agreement says the Department of Education shall exercise its best efforts in securing voter approval and legislative approval of the specific amount derived through the process of square footage allowance.

Senator Hackney asked Mr. Hole if the committee was to cut the amount of the appropriation and allocated the funds by a lump sum figure to the various REAAs, would the REAAs feel bound to build in the basis of 220 square feet per youngster?

Mr. Hole stated the Department of Education was obliged to support the figures which the department presented to the Governor and which were reflected in the Governor's request. He assumed if something less than that passed the legislature which provided for an allocation per district, the districts would have to make the decision on what kind of structure to build and, correspondingly, the amount of square feet that should be allowed per student based upon the amount received.

The committee discussed the square footage allotments. Senator Hackney stated he wanted to try and come up with a figure that would sell when the bond issue went before the voters. He thought taxpayers had the right to try and whack the monies in the bond issue down.

It was determined to hold the bill for further consideration. The meeting adjourned at 3:45 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
April 26, 1978

Bills on Agenda:

SB 546	Tax Credits for Contributions to Alcoholism Programs -- Rules/Request
SB 551	Rehabilitation of Criminals with Alcohol Problems -- Rules/Request
SB 518	Consolidating Alaska's Drug Laws -- Rules/Request
HB 608	Supplemental to the Department of Education; Pupil Transportation -- Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis  
Senator Rodey \* 2:10 PM

Members Absent

Senator Bradley

\* - late

Senator Rodey left the meeting at 2:40 PM

Others Present

Ken Grieser, Department of Education  
Mary Beth Hilburn, Department of Health and Social Services  
Dr. Frank Pauls, Department of Health and Social Services  
Joseph L. Turner, Public Safety  
Gregg Theis, Department of Education

Chairman Hackney called the meeting to order at 2:05 PM. The first bill on the agenda was HB 608. Ken Grieser, Deputy Director of Law, Management and Finance and Gregg Theis, Pupil Transportation Officer of the Department of Education were present to testify. Mr. Grieser stated the supplemental was needed because of unanticipated increases in pupil transportation. Anchorage, Fairbanks, Mat-Su, Lower Yukon, North Slope and Kenai were some of the districts which showed the most growth. However, Mr. Grieser stated there was not an increase in the number of students being served.

After committee discussion on the bill Senator Ziegler moved to pass the bill from committee with "individual recommendations". There was no objection and it was so ordered.

The next bill before the committee was SB 518. Present representing the Department of Health and Social Services was Mary Beth Hilburn and Dr. Frank Pauls. They were only present to provide technical information on the bill as the department could not support the bill.

Chief Investigator Joe Turner of the Department of Public Safety went through the bill section by section with the committee. After

discussion of the bill Senator Ziegler moved the bill out with "individual recommendations" There was no objection and it was so ordered.

The committee took a 10 minute break. At 3:30 the meeting was called back to order and SB 546 was taken up. After brief committee discussion on the bill Senator Ziegler moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered. The meeting adjourned at 4:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
May 1, 1978

Bills on Agenda:	SSSB 485	Construction and Repair of Educational Facilities -- Sackett
	CSHB 901	Supplemental Appropriation; Community Developmental Disabilities -- Finance
	SB 9	GO Bonds; Community Colleges -- Kerttula
	SB 447	Bonds, Capital Improvements, School Facilities -- Rules/Req.

Members Present

Senator Hackney, Chairman  
Senator Willis  
Senator Bradley

Members Absent

Senator Ziegler  
Senator Rodey

Senators Hackney and Willis were present at 2:00 PM and waited until 2:13 for a quorum to be established.

Others Present

Chris Roust, Department of Education  
Vern Metcalf, Department of Transportation & Public Facilities  
Mike Morgan, Director of Vocational Rehabilitation  
Robert Swain, Executive Director, ARCA  
Robert Gregovich, Department of Health & Social Services

Chairman Hackney called the meeting to order at 2:13 PM. Present to testify on SB 485 was Vern Metcalf of the Department of Transportation. He stated it was his understanding that Mr. Holden had suggested several amendments to the bill. One of those amendments would allow DOT to treat an REAA the same as a municipal government.

Chris Roust pointed out a wording problem in that "title of sufficient interest" should read "title or sufficient interest". "Title of sufficient interest" has no meaning in a court of law. He also suggested a change to advertisement for bid for construction: strike "commencement of work" and add "advertisement for bids for construction".

The committee adopted the committee substitute. On a motion by Senator Willis CSSSB 485 was passed from committee with "individual recommendations". There was no objection and it was so ordered.

The next bill before the committee was CSHB 901. Present to testify was Mike Morgan, Director of the Division of Vocational Rehabilitation.

5/1

Mr. Morgan stated he had not prepared any remarks germane to the inclusion of the Hope Center supplemental and would contain his remarks to the ARCA portion of the supplemental. He described the limits within which his remarks should be understood and contained. The Vocational Rehabilitation program does not run any particular program or fund any particular programs. But, for eligible disabled, vocational handicapped clients the division provides a range of services that are matched up to the particular needs of that individual. Two of those services are called 'work adjustment' which is an attempt to deal with or modify some behaviour that prevents an individual from working, or to teach new behaviours that are required for successful employment. The other activity is called 'work evaluation'. 'Work evaluation' is the process by which the residual capabilities of a handicapped individual are described and related to the functional requirements of employment.

These are both short term activities and are rendered for purchase by the counselor to gain information to establish the eligibility and the kind of service plan that is appropriate for that individual. These two kinds of activities, out of all the services provided by the Division to the handicapped, are the two the division is most intimately involved in purchasing on a fee for service basis from ARCA. Mr. Morgan suggested his remarks should be contained to those two areas and specifically the workshop area of ARCA. The division is not competent to judge other areas of activity that have been encountered.

Since 1972 the division has expended \$398,700 in specialized grants to ARCA to try and establish quality services for handicapped Alaskans. The division has had to send many disabled persons outside the state to specialized evaluation facilities. The division's goal is to try to develop such specialized facilities in Alaska. To that end, the division has a grant mechanism it can use to try and build that kind of service. In addition, the division has expended \$589,300 in case services --the fee paid for the service for each individual client that is sent to ARCA.

Senator Hackney asked if it would be fair to say that the \$389,700 pays for physical facilities to provide case services.

Mr. Morgan said yes. Included in that figure is a \$200,000 construction grant awarded in FY 1973 and several thousand dollars of specialized equipment. There was a \$20,000 grant for a vocational evaluation equipment center. In addition to that the division brought in technical assistance people from around the country under the federal office to provide assistance, consultation, management services and so on.

Over the last several years the division had tried weekly staffing to improve communication with ARCA so that ARCA understood what the division meant by services and to try and iron out problems between the two agencies. The division is no longer doing this. The division also has a facility specialist on staff who has been virtually on-call to assist the facility.

Mr. Morgan stated that perhaps the reason he went into such a lengthy introduction to the division's recommendation on the supplemental is that it has, for some time, been less than satisfied with the quality of services received from ARCA. The division understands the agency has many different activities they wish to pursue. The division's goals are somewhat more restricted/limited, but the division feels its goals are just as important to the disabled citizens of Alaska. When talking about an investment of almost one million dollars since 1972, Mr. Morgan felt the division should be more content with the quality of services received. The history of fees for services has been on a declining basis over the last several years. This year the amount will probably not exceed \$30,000 - \$35,000. If quality services were available the division feels the amount would be upwards of \$150,000 - \$200,000. Essentially, what that means is the division has counselors needing services who are having to send their clients somewhere else to receive services.

The division thinks that one of the major impediments to effective service for all the handicapped in Alaska (speaking of the blind, deaf, paraplegics, quadraplegics and not just the three or four primary conditions that ARCA is generally concerned with) has been in construct of the ARCA Board. The board was originally established and serves primarily as an advocacy board. The the division feels that when an advocacy board tries to take on the operation of a service organization goals conflict, objectives are not clearly identified, etc. Being an effective advocate doesn't always make one a good manager and a good manager certainly doesn't always make a good advocate.

Mr. Morgan pointed out four things that seem clear to the division.

- #1 -- There seems to be no indication the board is overly concerned with the relationship between budgets and revenues. There seems to be a problem with this on a year-to-year basis.
- #2 -- The division feels ARCA does not have a clear understanding of the necessities of contracts. In this type of operation contract are needed for two reasons: (a) to provide revenues in the successful workshop operation, outside normally 50 percent of revenue is generated by contracts or contract income. On the February balance sheet for contracts at ARCA only 13.9 percent of revenue is in the form of contracts; (b) in this type of facility there has to be a variety of job tasks on which a client can be tried, without contracts a full range of evaluation of an individual's residual capabilities cannot be met.
- #3 -- Until recently there has been no adequate management information system or routinized accounting system at ARCA that can keep track of costs in a manner that can be fed back into the management structure of the agency so that they can make decisions when their expenditures start outrunning their revenues.
- #4 -- There seems to be no clear cut or concrete measurable objectives and the board tries to function as a day-to-day overseer who

gets too involved with personnel and purchasing, etc. Mr. Morgan stated this was just a feeling on his part. However, considering all of the things together, as the division has for some time, it came to the conclusion that an advocacy group is not the best kind of an organization to provide services. They confuse the goals of each organization.

When the division awarded a \$200,000 construction grant to ARCA in FY 73 it recognized the problem of confused goals. The division brought it to ARCA's attention and thought there was an agreement with the board to spin off those operations under a completely separate board with people that were businessmen and understood contracts. Everytime a date was set for the spin off it was set back six months to a year.

Mr. Morgan explained the spin off as an absolute separation of the management of the service program from the advocacy program. The advocacy program is very necessary kind of an activity and the division did not suggest it be extinguished in any form. The division suggested that the goals and objectives of the two organizations have a tendency to become confused and one of the problems that results is an ineffective delivery system of services.

Last year federal personnel reviewed a 100% training services grant awarded to ARCA. ARCA had requested an extension of the grant because it hadn't expended all of the funds in the FY period. The federal personnel said the extension would come only upon the submission of a plan for spin off to the Division of Vocational Rehabilitation. The division did receive that plan which was scheduled to go into effect January 1, 1978. It has since been set off until July 1. In Mr. Morgan's conversations with Mr. Swain it had been indicated to Mr. Morgan that the spin off would now not occur at that time.

It was Mr. Morgan's understanding that ARCA had been working on an accounting system and that the facility had effected a 20 percent cutback on each individual's earnings rather than laying off anyone. Because of an apparent budget deficit this year the board had cut back everyone's salary. The division saw this as a temporizing action to allow ARCA to hold on until July 1 and the coming of the new appropriation. The division does not feel this is a real solution as it does not deal with the managerial deficiencies that created the problems in the first place.

The Division of Vocational Rehabilitation recommended to the committee a "do not pass" recommendation be placed on the bill. However, if the committee did pass the appropriation Mr. Morgan recommended strict managerial or oversight controls be placed on ARCA to try to assist them to get back to a top notch facility.

Mr. Morgan went on to say that last year when the legislature placed into the division's budget a \$600,000 appropriation the division had no indication of what those funds were for as far as clearly delineating the program components and what they would accomplish. The division notified ARCA and met with them on July 4, 1977 in Anchorage. At that

time all day was spent gathering information as to what the programs were about. A memorandum of agreement was signed at the meeting that said by July 31 ARCA would provide the division with detailed program descriptions with output and a balanced budget. However, ARCA showed a 1.3 million dollar budget and 1.1 million dollars in revenues. The division felt it was beyond its power to authorize an expenditure plan that was out of balance thus setting the stage for another \$200,000 supplemental. ARCA agreed to submit to the division appropriate financial and statistical reports on a quarterly basis. The day following the signing of that memorandum an advance of \$150,000 was hand delivered to Mr. Swain. That took place last July 5th or shortly after the beginning of the new fiscal year. Upon submission of accounting and statistical reports to the division each subsequent quarterly allotment of the award had been forwarded almost immediately because of payroll problems within ARCA. The division had accepted from Mr. Swain estimates of the accounting for the period so the division could get the checks to ARCA.

Mr. Bob Swain, Executive Director of the Association of Retarded Citizens of Anchorage was next to testify. He stated Mr. Morgan went into the history of ARCA but did not address specific reasons as to why ARCA needed the supplemental. Mr. Swain said the supplemental appropriation was for specific items ARCA could not plan for.

ARCA received a letter from the Municipality of Anchorage in December, 1977 that mandated a sprinkler system be put in the preschool or the school would be shut down. ARCA had a total of nine days to put the system in.

The fire inspector observed that the ventilation system in the preschool needed to be revamped and repaired. He also felt that a new fire door should be put in.

During construction of the facility ARCA ran out of funds. The board had a choice of paving the parking lot or putting in automatic doors. It was decided the parking lot could wait. In November, 1977 ARCA received word from the Municipality that the parking lot would have to be paved or a fine of X number of dollars per day would be levied against ARCA. Mr. Swain said he had gone to the labor training union in Anchorage and had secured a commitment from those people to donate the time and labor in doing the paving. The supplemental reflected the \$8,000 needed to acquire the necessary paving materials.

Senator Hackney stated that in checking with the Municipality of Anchorage it was indicated that when ARCA was originally granted permission to build there was a requirement at that time that the parking lot be paved. That was nearly four years ago.

Mr. Swain replied that October was the first knowledge he had that ARCA had to actually pave the parking lot.

The next item was the money needed for ARCA's security system. The security system would insure that no one could get into the building and damage anything.

The Municipality of Anchorage's recently passed municipality water demand charge came to a total cost of \$2,508 for the ARCA facility.

Mr. Swain stated that the relocation of the evaluation unit to the multi-purpose center was an item that might have been planned for by management. The cost for that item was \$3,000.

The next item discussed was a bank loan to ARCA. Mr. Swain stated that when the \$600,000 was received from the state the money was put into the Division of Vocational Rehabilitation's budget. The manner in which the funds were appropriated caused Mr. Mike Harper, Special Assistant to the Governor, to write a letter to ARCA stating it was a necessity to establish a procedure for expenditure of the funds. Mr. Swain said that letter was written on July 7 and rebutted Mr. Morgan's statement that ARCA received a \$150,000 advance in the first part of July.

Mr. Swain next discussed the back wages item. There was considerable discussion on this item and the ARCA facility. Senator Bradley moved CSHB 901 pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill before the committee was SB 9. Senator Hackney suggested one possible change in the bill. He proposed to add a building to the Tanana Valley Community College. The building was strongly recommended by the student body of that college. There was no objection to the change and the bill was motioned from committee as a committee substitute by Senator Willis with "individual recommendations".

The final bill before the committee was SB 447. Senator Hackney explained the committee substitute would represent a change in the square footage allotment per student and it would allow award money to various REAAs given in lump sum so that the allocation and setting of priorities could take place in the individual REAA. Senator Willis moved to pass CSSB 447 from committee with "individual recommendations". There was no objection and it was so ordered.

The meeting adjourned at 4:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

May 3, 1978

Bills on Agenda:	HB 351	School of Justice and Amend Alaska Bar Rules -- Rep. Bradley
	HCR 103	Include Correctional Industry in Masterplan Advance Study -- Dankworth
	SB 577	Sick Leave and Certified School District Employees -- Senate HESS
	SB 581	Special Appropriation; University of Alaska; Kenai Community College -- Rules/Request

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis  
Senator Rodey \* 2:05  
Senator Bradley \* 2:06

\* - late

Members Absent

Others Present

Duncan Fowler, Criminal Justice Planning Agency  
Richard Hacker, Department of Health & Social Services  
Norman Gorsuch, Lobbyist, Alaska Bar Association  
Steve Hole, Department of Education  
Bob Cooksey, NEA - Alaska  
Roger Endell, Criminal Justice Center, U of A  
Doug Gregg, Attorney  
Representative Bradley  
Bob Green, AASB  
Susan Burke, Alaska Court System

Chairman Hackney called the meeting to order at 2:03 PM. The first bill on the agenda was CSHB 351. Present to testify was Representative Bradley. He stated the bill would establish a school of justice within the University of Alaska to conduct university programs in justice education and community assistance. It would also transfer the law clerkship program presently administered by the Supreme Court to the school of justice. The intent of the legislation is to enable Alaskans to qualify for the Bar without leaving the state.

Mr. Doug Gregg spoke only to the section of the bill dealing with the law clerk program. Mr. Gregg said that he did not attend law school but served in a clerkship position. He supported the clerkship program and had no further comments on the bill.

Roger Endell stated the bill would merely change the administrative structure from the Supreme Court to the University of Alaska.

5/3

Susan Burke, staff counsel for the administrative office of the Alaska Court System stated that the court system is taking a limited position on the bill. The supreme court is in favor of the bill to the extent that responsibility of administering the clerkship program is transferred away from the Supreme Court.

Norman Gorsuch stated the Alaska Bar Association opposes the bill. The association would accept expansion of the existing grant scholarship loan programs for professional studies. The bar association has no position with respect to the first part of the bill dealing with the duties of the institute.

Committee discussion resulted in CSHB 351 being referred without recommendation to the Judiciary Committee. There was no objection and it was so ordered.

Steve Hole of the Department of Education was present to testify on SB 577. He stated the department supported the bill. In the department's attempt to clean up sick leave regulations it was pointed out the department has no statutory basis for regulating or enforcing any regulations which deal with school district sick leave. The proposed legislation is nothing more than what has traditionally been implemented throughout the school districts and honored by the state and by those school districts.

Senator Hackney suggested deleting "at least" on line 11 of page 1. There was no objection and the amendment was adopted. Senator Ziegler then moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

HCR 103 was before the committee. Present to testify for the Department of Health and Social Services was Richard Hacker. He stated the department is in concurrence with the resolution which would provide that a prison industry study be included in the Correction's Master Plan for Alaska.

Senator Ziegler, in response to wording problems, suggested the following amendments: page 1, line 26: delete "to include" insert: "including, but not limited to"; page 2, lines 2 and 3: delete ", in the order of priority listed,"; and page 2, line 3: after "for" insert: "such items as:".

Duncan Fowler, Criminal Justice Planning Agency testified in favor of the resolution and the proposed amendment.

Senator Bradley moved HCR 103 pass from committee as amended with individual recommendations. There was no objection and it was so ordered.

The final bill up for consideration was SB 581. Senator Hackney explained the bill as a special appropriation to the University of Alaska Kenai Community College for \$208,000 for the ability to teach petroleum technology. Senator Willis motioned the bill from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The meeting adjourned at 3:20 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

May 8, 1978

Bills on Agenda: SB 583 Special Appropriation; Student Scholarship Loan Program -- Rules/Request

SB 591 Practice of Psychology, Counseling and Psychometrics -- Senate HESS

SB 595 Special Appropriation, DOT; School Construction -- Senate Resources

SB 600 Legal School Age for Exceptional Children -- Finance/Request

SB 605 Purchasing Agent of the University of Alaska -- Senate HESS

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis  
Senator Rodey

Members Absent

Senator Bradley

Others Present

Kerry Romesburg, Executive Director, Postsecondary Ed. Commission  
Ed Obie, Department of Education  
Nat Cole, Department of Education  
Janice Gates, Department of Health & Social Services

Chairman Hackney called the meeting to order at 2:03 PM. The first bill on the agenda was SB 583. Present to testify was Kerry Romesburg. Mr. Romesburg stated the bill would set up a two-year appropriation for the student loan fund. The purpose is to allow the commission to process student loans in a timely fashion. Currently, by the time the Governor signs the appropriation and letters are sent to students aprising them of final loan approval and the awards are made, a large number of students have already left for school not knowing whether or not they have gotten the final award or what the amount may be. Other than by this means the Commission cannot do anything to remedy this situation. With this bill, in the spring when students apply for loans, the commission would already know the amount of funds available. Mr. Romesburg urged the committee to pass the bill.

The committee discussed repayments to the student loan program and also discussed students attending schools outside the United States. In the course of the discussion Mr. Romesburg pointed out that the default rate is higher for students given loans to attend institutions in Alaska than for those who attend institutions in the lower 48.

Senator Rodey moved to pass the bill from committee with a "do pass" recommendation. There was no objection and it was so ordered by the Chairman.

5/8

The next bill on the agenda was SB 591. Present to testify for the Department of Health and Social Services was Janice Gates. She stated the statutes being repealed in the legislation are hard to work with as they are poorly drawn particularly in the definitions section. The department has no objection to repeal of AS 08.86.180(b) but did object to the repeal of 08.86.185(b) and 08.86.230(10).

The committee decided to hold the bill for further testimony from Sharon Andrew, Director of the Division of Occupational Licensing.

SB 600 was next. Present to testify was Mr. Ed Obie from the Department of Education. Mr. Obie testified in favor of SB 600, an act which would raise the school age for services to exceptional children from three through 19 to three through 21 years of age.

The committee questioned the wording of the age limits. It was unclear as to whether the language meant through the 20th year and not over the age of 21 years or through the 21st year and not over the age of 22 years. It was decided to hold the bill until Senator Croft could testify on the bill.

SB 595 was before the committee. Chairman Hackney stated that apparently the problem which created SB 595 had been solved as funds were "found" from other funds. Mr. Cole of the Department of Education gave the details surrounding the funds.

The final bill before the committee was SB 605. Chairman Hackney offered the following amendment: on line 15 delete "Board of Regents" and insert "chief executive office of the university". Senator Rodey moved for adoption of the amendment. There was no objection and it was so ordered. The bill then passed from committee on a motion by Senator Rodey with "do pass" recommendations. There was no objection and it was so ordered.

The meeting adjourned at 3:20PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
May 10, 1978

Bills on Agenda:

SB 495	Parental Rights -- Bradley
SB 591	Practice of Psychology, Counseling and Psychometrics -- Senate HESS
SB 600	Legal School Age for Exceptional Children -- Finance/Request
SB 485	CONSTRUCTION & REPAIR OF ED. FACILITIES - SACRETT
CSHB 271	Motor Vehicle License Tax -- Buchholdt
HB 589	Alaska National Guard Senior ROTC Scholarship Program -- Rules/Request
HB 797	Special Appropriation; U of A, Nurses Education Program -- House HESS
HCR 122	Relating to Private Higher Education in Alaska -- House HESS

Members Present

Senator Hackney, Chairman  
Senator Ziegler, Vice Chairman  
Senator Bradley  
Senator Willis

Members Absent

Senator Rodey

Others Present

Nat Cole, Department of Education  
Barbara McPherson, Criminal Justice Planning Agency  
Terry Thetford, Self  
Richard Holden, Department of Transportation & Public Facilities  
Chris Roust, Department of Education  
Robert Stickel, Department of Public Safety  
Sharon Andrew, Department of Commerce & Economic Development  
Senator Croft  
Bob Van Houte, NEA - Alaska  
Representative Buchholdt

Chairman Hackney called the meeting to order at 2:07 PM. The first bill up for consideration was HB 589. Present to testify was Lt. Colonel Ray Holmsen, Department of Military Affairs. He stated the bill was introduced as a result of the dwindling University of Alaska ROTC program. The Alaska National Guard Senior Scholarship ROTC program is a take-off from a similar program pioneered by the State of Ohio in the Ohio Guard and the University of Ohio where that state provides a scholarship to encourage membership in the ROTC.

There is a triple benefit in the program: the Alaska National Guard receives qualified officer personnel, the University and the Senior ROTC program at the U of A is given an incentive plan for the young person who decides to take advantage of this, and the benefit to the student receiving the scholarship.

Senator Bradley motioned the bill from committee with individual recommendations. There was no objection and it was so ordered.

The bill next before committee was SB 591. Present to testify was Sharon Andrew, Director of Occupational Licensing in the Department of Commerce and Economic Development. She stated that the repealers would require licensing of people involved in a great deal of counseling type work -- drug abuse counselors, vocational rehabilitation counselors, suicide center counselors, alcoholism rehabilitation counselors, etc. She opposed the repeal of AS 08.86.185(b) (1) and 08.86.230(10).

Senator Willis moved to delete those two repealers from the bill. There was no objection and it was so ordered. Senator Ziegler then moved the bill pass from committee as a committee substitute with individual recommendations. There was no objection and it was so ordered.

Senator Chancy Croft was present to testify on SB 600. Senator Croft stated the federal government has a technical interpretation of Alaska's statute regarding exceptional children. Because of the location of the provision in the statutes, it is not clear to the federal government that educational services for exceptional children can be provided past normal school age. To ensure Alaska receives the maximum program it is necessary not only to specify, as the present statute does, that schooling is available prior to the time the child normally enters school but it is also available after a child normally graduates.

Nat Cole from the Department of Education was concerned with placing an upper limit in the statute. Mr. Cole suggested wording should be to the effect of 'three to 22 years of age inclusive' or other language which would not prevent a school district from providing services to children beyond a certain age if the board determined there was still an educational benefit to the child.

Senator Ziegler suggested the language 'who are at least three and who have not attained their 22nd birthday provided that the appropriate school boards may, if they so desire, extend the upper age limitation.

Bob Van Houte did not want to see a top age limit as a barrier to children having physical or mental disabilities and who need help.

Senator Willis moved to pass SB 600 as a committee substitute which would incorporate the language suggested by Senator Ziegler from committee with a "do pass" recommendation. There was no objection and it was so ordered.

The next bill was CSHB 271 am. Representative Buchholdt, sponsor of the original bill, stated she had no objection to the addition of a new section 1 to the bill. She urged the committee to pass the bill.

Robert Stickel of the Department of Public Safety had one suggested change. He felt the bill should be restricted to passenger vehicles. Senator Hackney stated that change would be made in the committee substitute. Senator Willis motioned the bill from committee with a "do pass"

recommendation. There was no objection to the motion and it was so ordered.

HCR 122 was explained by Chairman Hackney as an endorsement of private higher education in the State of Alaska. Senator Willis moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

HB 797 had no one present to testify. The bill was motioned from committee with a "do pass" recommendation from Senator Ziegler. There was no objection and it was so ordered.

Richard Holden was present to speak to the redraft of the committee substitute for SB 485. He stated the Departments of Transportation and Education had various problems with the committee substitute. Senator Hackney asked the two departments, the attorney general's office representative and the attorney charged with drafting the bill to meet in order to come out with a bill satisfying the wants of the departments. The bill would then appear before the committee at a later date.

SB 495 was the final bill before the committee. Barbara McPherson, Criminal Justice Planning Agency was present to testify. She stated the Criminal Justice Planning Agency believes it is imperative that children's constitutional rights be protected. Without that protection it would be impossible for children to confide abuse or neglectful or dangerous home situations to school personnel.

Terry Thetford testified in support of the bill.

Nat Cole of the Department of Education stated the State Board of Education's opposition to the bill and outlined some of their concerns with the legislation.

It was decided the bill would be held for redrafting and would appear before the committee at a later date. The meeting adjourned at 3:50 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
May 15, 1978

Bills on Agenda:	HB 319	Health and Hospital Insurance Policies -- Osterback
	HB 395	Community Mental Health Services Act Expenditures -- Malone
	HB 628	Supplemental; Department of Health and Social Services -- Rules/Req. of Governor
	HCR 128	Requesting a Plan to Minimize Otitis Media -- House HESS

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Rodey \* 3:16

Members Absent

Senator Bradley  
Senator Willis

\* - late

Senators Ziegler and Hackney were present at 3:00 PM and waited until 3:10 PM. They began the meeting without a quorum under the assumption Senator Rodey would be arriving shortly.

Others Present

Richard Hacker, Department of Health & Social Services  
Bill Huston, Department of Health & Social Services  
Lee Dolby, Department of Health & Social Services  
Representative Russ Meekins  
Dr. David Spence, Department of Health & Social Services  
Jim Price, Department of Health & Social Services  
John George, Department of Revenue

Chairman Hackney called the meeting to order at 3:10 PM. The first bill up for hearing was HB 628. Present to testify was Representative Meekings. He explained the supplemental to the committee. Mr. Huston and Mr. Dolby added backup testimony.

Senator Rodey moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

HCR 128 was next and Dr. David Spence was present to testify. The resolution calls for the Department of Health and Social Services to establish a comprehensive plan of prevention and management of Otitis Media. Otitis Media is a common non-preventable condition during childhood that occurs everywhere, urban and rural areas, rich and poor societies. However, chronic Otitis Media occurs in high incidence in rural Alaska. Dr. Spence urged the committee to support the legislation.

Senator Rodey moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

5/15

Jim Price from the Department of Health and Social Services was present to testify on HB 395. The bill would make capital improvements available for cost eligibility at the rate of 75 percent state, 25 percent local support for non-poverty areas; and 90 percent state, 10 percent local for non-poverty areas. No fiscal impact could be estimated.

Senator Rodey motioned the bill out of committee with "do pass" recommendations. There was no objection and it was so ordered.

HB 319 was the final bill before the committee. Mr. John George from the Division of Insurance was present to testify. He stated the Department of Revenue had no objection to the bill. Senator Ziegler moved to pass the bill from committee with "individual recommendations". There was no objection and it was so ordered.

The meeting adjourned at 4:00 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

May 17, 1978

Bills on Agenda:    HB 548    Education of Exceptional Children -- Rudd  
                          HB 752    Granting Athletic Leave -- Gruening  
                          CSSB 495    Parental Rights -- Bradley  
                          CSSB 485    Construction & Repair of Educational  
  Facilities -- Sackett

Members Present

Senator Hackney, Chairman  
Senator Ziegler - out at 3:20  
Senator Willis - out at 3:25  
Senator Bradley - in at 2:10

Members Absent

Senator Rodey

Others Present

Representative Rudd  
Steve Hole, Department of Education  
Nat Cole, Department of Education  
Dr. David Spence, Health & Social Services  
Representative Gruening

Chairman Hackney called the meeting to order at 2:05 PM. The first bill on the agenda was HB 548. Representative Rudd explained the bill to the committee as one which would provide early identification, treatment and education of exceptional children who are under three years of age.

Dr. David Spence also testified in support of the bill. An amendment was made to the bill on page 2, line 9: after the word "three" add "and". Senator Willis moved for adoption of the amendment. There was no objection and it was so ordered. Senator Willis then moved the bill pass from committee with a "do pass" recommendation. There was no objection and it was so ordered.

Representative Gruening was present to testify on HB 752. The bill would grant leave to a public employee who qualifies as a team member for competition in world, Pan-American or Olympic level games. An amendment was made on page 2, line 1: delete "either the" and add "world,".

Senator Willis moved the bill pass from committee with "do pass" recommendations. There was no objection and it was so ordered.

CSSB 495 was discussed briefly and Senator Ziegler motioned the bill from committee with individual recommendations. There was no objection.

CSSB 485 was the final bill on the agenda. The Committee Substitute represented the changes requested in the bill by the departments of Education and Transportation. The bill was pass from committee with individual recommendations.

The meeting adjourned at 3:40 PM.

5/17

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

May 22, 1978

Bills on Agenda:

HB 935	Supplemental to the University of Alaska -- H. Finance
HB 896	Emergency Medical Services -- H. HESS
HB 897	Emergency Medical Services -- H. HESS
HB 842	Library Distribution Center -- Cowper
HB 820	Teachers Retirement System -- Cowper

Members Present

Senator Hackney, Chairman  
Senator Ziegler  
Senator Willis  
Senator Bradley

Members Absent

Senator Rodey

Others Present

Richard Engen, Department of Education  
Thomas Scott, Department of Health & Social Services  
Bob Van Houte, NEA - Alaska  
Paul Arnoldt, Department of Administration

Chairman Hackney called the meeting to order at 2:05 PM. The first bill before the committee was CSHB 842 am (Fin). Richard Engen, Director, Division of Libraries and Museums was present to testify. He explained the bill would allow for a centralized cataloguing system for all data gathered in various studies either contracted for by state agencies or compiled by state agencies.

The committee took action to amend the title of the bill to conform with the body of the legislation. Senator Willis then moved to pass the bill as amended with individual recommendations. There was no objection and it was so ordered.

HB 896 and HB 897 were taken up together. Present to testify was Thomas Scott, Coordinator for the Emergency Medical Services Section of the Division of Public Health. He stated HB 897 would give the Department of Health and Social Services responsibility to establish a uniform standard for emergency medical technicians in the state. The standards as proposed would be voluntary and administered by the Department of Health and Social Services; regulations would be developed in concurrence with the Department of Public Safety.

The second section of HB 896 would establish uniform standards for advanced life support training for emergency medical technicians and would establish minimum standards for ambulance services, provide a certification mechanism (voluntary) for basic life support ambulances and would require those persons providing advanced life support services to meet certain standards.



The bill would provide immunity from liability for persons certified by the Department in a malpractice situation as well as providing immunity from liability for the agency employing that person. Mr. Scott said this would give an agency incentive for hiring certified personnel. Also, another provision within this section would give physicians in small hospitals immunity from liability in the case of transferring a patient to another facility. The provision would also grant immunity to registered nurses or licensed practical nurses who escort patients in vehicles not equipped as an ambulance.

Senator Willis moved that HB 896 and HB 897 pass from committee with individual recommendations. There was no objection and it was so ordered.

The next bill on the agenda was HB 820 am. Present to testify was Bob Van Houte of NEA - Alaska. He stated the concept behind the bill was not to require a constitutional mandate that there be a continuing cost of living adjustment. The language in HB 820 am provides that there will be a cost of living adjustment if there are sufficient funds to provide that adjustment.

Currently teachers are contributing 7 percent of their salary to retirement funds. School districts and the state are contributing 6.7 percent. The funding for this legislation would come from making all contributions 7 percent. Excess funds would be set aside into a fund to help meet the cost of living adjustment in future years. No cost of living adjustment may exceed 4 percent even if the cost of living had risen above 4 percent.

In the event of insufficient funds, the benefits would be paid accordingly to the oldest retirees. The retirees having the longest age in retirement would have first claim on the funds.

Paul Arnoldt stated the governor recently announced a post-retirement pension adjustment of up to 4 percent for each year on retirement offset by any prior PRPA. In no case would the increase exceed the Consumer Price Index. The result would be that no one would exceed the CPI and that those having been on retirement the longest and having the greatest erosion of their benefits would see the greatest increases. There would be an equity of distribution. Mr. Arnoldt stated that HB 820 am on an ongoing basis would not work.

After committee discussion Senator Willis motioned to send out HB 820 am with individual recommendations. There was no objection and it was so ordered.

The final bill before the committee was HB 935. Senator Hackney explained the bill would replace the capital reserve fund that was spent by the University. The fund would provide the University with the flexibility for paying bills between appropriations. Senator Willis moved the bill pass from committee with individual recommendations. There was no objection and it was so ordered. The meeting adjourned at 3:20 PM.

SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
May 23, 1978

Bill on Agenda: CSHB 917 Alaska Medical Facility Authority --  
Rules/Req. of the Governor

Members Present

Senator Hackney, Chairman  
Senator Rodey  
Senator Willis

Members Absent

Senator Bradley  
Senator Ziegler

Others Present

Dave Klemmer, Department of Revenue

Chairman Hackney called the meeting to order at 2:10 PM. The only bill on the agenda was CSHB 917. Present to testify in the place of Commissioner Sterling Gallagher was Dave Klemmer of the Department of Revenue. He stated the bill would create an authority for an alternative means of financing for non-profit and profit medical entities that are not municipally owned. The board's composition would be seven members; three various state commissioners, and four public members.

Mr. Klemmer stated there would be no effect on bonding capabilities of the state.

The committee determined to hold the bill for further consideration when the Commissioner could be present to offer testimony. The meeting adjourned at 2:20 PM.

5/23



SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE  
May 25, 1978

Bill on Agenda: CSHB 917 Alaska Medical Facility Authority  
-- Rules/Req. of the Governor

Members Present

Senator Hackney, Chairman  
Senator Bradley \* 9:13  
Senator Willis  
Senator Rodey

Members Absent

Senator Ziegler

\* - late

Others Present

Janice Gates, Department of Health and Social Services  
Dave Klemmer, Department of Revenue  
Jerry Bowkett, University of Alaska

Chairman Hackney called the meeting to order at 9:10 AM. The bill on the agenda was CSHB 917. Commissioner Gallagher was not in town to testify on the bill.

Janice Gates stated that when the bill was first drafted it was just a hospital authority; it was changed to include other types of medical facilities -- mental health clinics, etc.

Senator Willis stated he would like to hold the bill until he could receive word from the municipality of Anchorage on the legislation. The bill was held for further information.

The meeting adjourned at 9:30 AM.





match. Wrangell is in a situation of having a low ratio of bonded indebtedness to assessed valuation so that it would have to meet the 12 percent requirement and the 20 percent requirement.

Wrangell is looking at \$15 million in school construction over the next several years. In order to meet the 12 percent requirement, Wrangell would have to bond for about \$3.9 million. That amount would also satisfy the 20 percent requirement of the bill. At that time the balance of the \$15 million (\$11.1 million) would be supplied by the state upfront if the bill were to be funded by the legislature and become law.

Senator Willis moved the bill pass from committee with individual recommendations. There was no objection and it was so ordered.

The final bill before the committee was HB 804. Present to testify from the Department of Administration, Division of Retirement Benefits was Bruce Cummings. He stated the bill was endorsed by the department. The division has found the legislative board of retirement and benefits to be an extremely valuable body. The bill would delineate more clearly the responsibilities the board has in making formal recommendations.

Committee action deleted Section 7 from the bill which would have made the bill retroactive to June 16, 1977. The bill then passed from committee with a unanimous "do pass" recommendation.

The meeting adjourned at 3:00 PM.



After committee discussion on the bill Senator Willis moved a change in the amount from \$50,000 to \$25,000 and to delete Section 6. It was determined the bill would be made a committee substitute. HB 806 was then passed from committee with "do pass" recommendations.

CSHB 719 was next. Nat Cole, Deputy Commissioner of the Department of Education was present to testify. He gave the committee a new fiscal note to be attached to the bill and explained that Section 1 would establish the bilingual schedule as part of the basic foundation program. Section 2 of the bill is a compromise formula of the bill submitted by the governor, House HESS, and House Finance.

Marilou Madden explained the five different categories as part of a compliance process with the Office of Civil Rights. The categories are used nationwide. Categories "A" and "B" are those students who don't speak English and who would need intensive English instruction before they could begin to participate in a regular classroom. "C" and "D" are nationally known as bilingual students. In Alaska these are students who speak some native language and some English but who don't speak either language fluently. The students don't speak English fluently enough to participate in a regular classroom. Category "E" is an Alaskan category which is best described as 'village English'. This would be the student who speaks with an English vocabulary but who uses a native grammar. This causes interference when the student starts dealing with standard English speaking teachers or textbooks written in standard English. These students need oral language development particularly in grammatical structure and vocabulary building before they would be able to participate in a regular classroom situation.

The basis of the formula is that those children who come to school not speaking English are going to require a separate educational program to take care of their language needs for the first couple of years. An intensive English language development program would get them to the point where they could participate with other children. Their native language would be used to give them the other basic subject matter skills so when they did become proficient in English they wouldn't have a developmental lag due to lack of keeping up with mathematics, etc.

Mrs. Madden stated it is not the Alaskan native child falls into categories "A" and "B". The largest portion of the "A" and "B" children are located in Anchorage and are children of immigrants. They are a variety of Asian nationalities. Tutors for these children are fairly available and can teach the subject matter to the child in their native tongue and at the same time increase the English language.

In rural Alaska tutors are not readily available. Usually instruction is given in the native language by a bilingual aide who is under the direction of a certified English speaking teacher.

Commissioner Lind explained there are three parts to the bill. One is the instructional unit amount which is an approximate 6 percent increase. It is the position of the State Board of Education and the Department of Education that it should be increased to 10%. The second

part of the bill allows for two area differentials in Kodiak and in the Southeast Island School Districts which the department and the board also feel is accurate and supportable. The third part of the bill has to do with the amount of money for bilingual education. The governor's bill speaks to a need for \$5.2 million and the department supports that.

Next to testify was Bob Van Houte of the National Education Association - Alaska. He gave NEA's support to the full funding of the bilingual program and to the concept of the 10% foundation increase. NEA feels the districts have the capability of meeting the obligations that they have for funding.

Mr. Van Houte said there is a definite need to overcome 'village English' because many of the village children have developed habits in which they mix verbal structures of two and three languages, mix them together and end up with a kind of pigeon English. Communication with those children is very difficult.

He stated in rural communities there are many children who do not cope either in their native language or in english. However, most of the immigrant children cope very well in their native tongues because them come from a family background that has skill in the language they were brought up in.

Next to testify was Bob Greene of the Alaska Association of School Boards. He spoke in support of the 10% foundation increase because that increase would help the districts cope with inflating costs of district operations.

Susan Murphy, lobbyist for five rural school districts. She stated that the districts she represented were extremely concerned over the funding level of both the foundation and bilingual programs. She gave strong support to the \$5.2 million funding level and the 10% foundation formula.

Heather Flynn of the Anchorage School district explained Anchorage's bilingual problems to the committee. She supported the bilingual education funds and spoke in support of boosting the foundation support to 10%.

Mr. Cole clarified that every percentage point increase in the foundation program would cost approximately \$2 million.

After committee discussion the bill was changed to reflect an increase in the amount on page 2, line 21 to \$31,900. The bill then passed from committee on a motion by Senator Willis with a "do pass" recommendation. The meeting adjourned at 3:45 PM.