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Referred: Finance

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1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 167 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to correctional facilities, good
7 time computation, and the imprisonment and rehabili-
8 tation of offenders."

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

10 * Section 1. AS 11.56.340 is repealed and reenacted to read:

11 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
12 person commits the crime of unlawful evasion in the first degree if,
13 while charged with or convicted of a felony,

14 (1) the person fails to return to official detention within
15 the time authorized following temporary leave granted for a specific
16 purpose or limited period; or

17 (2) while on furlough under AS 33.30.101 - 33.30.131 the
18 person fails to return to the place of confinement or residence within
19 the time authorized by those having direct supervision.

20 (b) Unlawful evasion in the first degree is a class A misdemean-
21 or.

22 * Sec. 2. AS 11.56.350 is repealed and reenacted to read:

23 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
24 person commits the crime of unlawful evasion in the second degree if,
25 while charged with or convicted of a misdemeanor,

26 (1) the person fails to return to official detention within
27 the time authorized following temporary leave granted for a specific
28 purpose or limited period; or

29 (2) while on furlough under AS 33.30.101 - 33.30.131 the

1 person fails to return to the place of confinement or residence within
2 the time authorized by those having direct supervision.

3 (b) Unlawful evasion in the second degree is a class B misde-
4 meanor.

5 * Sec. 3. AS 12.47.050(d) is amended to read:

6 (d) Notwithstanding any contrary provision of law, a defendant
7 receiving treatment under (b) of this section may not be released on
8 furlough or work release under AS 33.30.101 - 33.30.131 [AS 33.30.150,
9 AS 33.30.250, or AS 33.30.260] or on parole.

10 * Sec. 4. AS 33.15.190 is amended to read:

11 Sec. 33.15.190. RELEASE AND TERMS AND CONDITIONS OF RELEASE.
12 The board may permit a parolee to return home if the home is in the
13 state, or to go elsewhere in the state, upon such terms and condi-
14 tions, including personal reports from the paroled person as the board
15 prescribes. The board may permit the parolee to go into another state
16 upon terms and conditions as the board prescribes, and subject to the
17 provisions of any compact executed under the authority of AS 33.10.
18 and amendments to it. A prisoner released on parole remains in the
19 legal custody of the board until the expiration of the maximum term or
20 terms to which the prisoner was sentenced, less good time allowances
21 provided by law. While in the custody of the board, a person is sub-
22 ject to the disabilities imposed by AS 33.30.181 [AS 33.30.310].

23 * Sec. 5. AS 33.20.010 is repealed and reenacted to read:

24 Sec. 33.20.010. COMPUTATION OF GOOD TIME. (a) Notwithstanding
25 AS 12.55.125(f)(3) and (g)(3), each prisoner, other than a juvenile
26 delinquent, convicted of an offense against the state and sentenced to
27 imprisonment, whose record of conduct shows that the prisoner has
28 faithfully observed the rules of the institution in which the prisoner
29 is confined, is entitled to a deduction from the term of imprisonment

1 of one day for every three days of good conduct served.

2 (b) Notwithstanding the provisions in (a) of this section, each
3 prisoner whose record of conduct shows that the prisoner has faithful-
4 ly observed the rules and conditions pertaining to a furlough program
5 in which the prisoner participates under AS 33.30.111 is entitled to a
6 deduction from the term of imprisonment of one day for every two days
7 of good conduct served while the prisoner participates in the furlough
8 program.

9 (c) A prisoner who is entitled to a deduction from the term of
10 imprisonment under (b) of this section may not also receive a deduc-
11 tion under (a) of this section.

12 * Sec. 6. AS 33.20 is amended by adding a new section to read:

13 Sec. 33.20.075. EFFECT OF PARDON. (a) Unless otherwise spec-
14 ified on the face of the document granting a pardon by the governor, a
15 pardon sets aside the conviction and prevents the fact of conviction
16 from subsequently being used for any purpose. However, the facts giv-
17 ing rise to that conviction may be considered in any context in which
18 the person's character is in issue.

19 (b) A pardon automatically restores civil rights under AS 33.-
20 30.181.

21 * Sec. 7. AS 33.30 is amended by adding new sections to read:

22 CHAPTER 30. CORRECTIONAL FACILITIES AND PROGRAMS.

23 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

24 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

25 (1) establish, operate, and control correctional facilities
26 suitable for the custody, care, and discipline of persons charged or
27 convicted of offenses against the state or held under authority of
28 state law;

29 (2) classify prisoners and establish for persons committed

1 to the custody of the commissioner programs, including furlough pro-
2 grams, that are reasonably calculated to

3 (A) protect the public;

4 (B) maintain health;

5 (C) create or improve occupational skills;

6 (D) enhance educational qualifications;

7 (E) support court-ordered restitution; and

8 (F) otherwise provide for the rehabilitation and ref-
9 ormation of prisoners, facilitating their reintegration into
10 society;

11 (3) provide necessary medical services, including examina-
12 tions for communicable and infectious diseases, for prisoners who are
13 in correctional facilities or committed by a court to the custody of
14 the commissioner; and

15 (4) provide necessary psychological or psychiatric treat-
16 ment if a physician or other health care provider, exercising ordinary
17 skill and care at the time of observation, concludes with reasonable
18 medical certainty that

19 (A) a prisoner exhibits symptoms of a serious disease
20 or injury that is curable or may be substantially alleviated; and

21 (B) the potential for harm to the prisoner by reason
22 of delay or denial of care would be substantial.

23 Sec. 33.30.021. REGULATIONS. The commissioner may adopt regula-
24 tions to implement this chapter.

25 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

26 (a) The commissioner shall determine the availability of state cor-
27 rectional facilities suitable for the detention and confinement of
28 persons held under authority of state law. If the commissioner deter-
29 mines that suitable state correctional facilities are not available,

1 the commissioner may enter into an agreement with a public or private
2 agency to provide necessary facilities. Correctional facilities
3 provided through agreement may be in this state or in another state.
4 The commissioner may not enter into an agreement with an agency unable
5 to provide the degree of custody, care, and discipline similar to that
6 required by the laws of this state.

7 (b) The commissioner may not enter into an agreement with a pri-
8 vately operated correctional facility under (a) of this section unless
9 the primary purpose is to involve prisoners in a program established
10 under AS 33.30.091 - 33.30.131.

11 (c) The commissioner may enter into an agreement with the United
12 States, another state, or a municipality of this state to provide a
13 correctional facility for the custody, care, and discipline of a per-
14 son held under authority of the law of that jurisdiction.

15 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

16 (a) The commissioner may enter into an agreement with a municipality
17 of the state for the lease of a state correctional facility or for the
18 use and operation of a state correctional facility for the joint bene-
19 fit of the municipality and the state, if the commissioner determines
20 that it would be in the best interests of the state.

21 (b) An agreement executed by the commissioner under (a) of this
22 section must provide that

23 (1) the state has the right to detain or confine persons
24 held under authority of law in the correctional facility;

25 (2) the administrator of the correctional facility agrees
26 to implement an order issued by a court of the state concerning a
27 prisoner;

28 (3) the administrator of the correctional facility shall
29 comply with the law, and regulations adopted by the commissioner,

1 relating to the custody, care, and discipline of persons detained or
2 confined in the correctional facility; and

3 (4) the commissioner may inspect the correctional facility
4 at reasonable times to determine the conditions under which a prisoner
5 is detained or confined.

6 (c) The agreement executed by the commissioner under (a) of this
7 section may require the administrator of the correctional facility to
8 comply with requirements that the commissioner considers necessary for
9 the protection of the public or for the quality of care and programs
10 for prisoners required by this chapter and regulations adopted under
11 it.

12 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

13 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
14 of an offense against the state shall be committed to the custody of
15 the commissioner for the term of imprisonment that the court directs.

16 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
17 commissioner shall designate the correctional facility to which a pri-
18 soner is to be committed to serve a term of imprisonment or period of
19 temporary commitment. The commissioner may designate a facility with-
20 out regard to whether it is maintained by the state, is located within
21 the judicial district in which the prisoner was convicted, or is
22 located in the state.

23 (b) In designating a facility the commissioner shall consider

24 (1) the prisoner's security classification;

25 (2) the availability of programs and facility space;

26 (3) the location of family or other supportive relation-
27 ships including cultural affiliations;

28 (4) the length of the prisoner's sentence;

29 (5) the preferences of the prisoner; and

1 (6) recommendations made by the sentencing court.

2 (c) The decision of the commissioner to designate a facility for
3 the commitment of a prisoner pending appeal is not subject to review
4 absent a clear and convincing showing by the prisoner that the
5 prisoner would be denied the right to counsel. The decision of the
6 commissioner to designate a facility is not under any other circum-
7 stance subject to review unless the prisoner makes a clear and con-
8 vincing showing of an abuse of discretion.

9 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

10 (a) Notwithstanding AS 33.30.011(1) the commissioner of public safety
11 shall provide for the custody, care, and discipline of prisoners pend-
12 ing transfer to the custody of the commissioner of health and social
13 services at a state correctional facility. Except as provided in (c)
14 of this section, the responsibility for providing necessary medical
15 services for prisoners remains with the commissioner of health and
16 social services under AS 33.30.011(3). The commissioner of health and
17 social services and the commissioner of public safety are not respon-
18 sible for providing custody, care, and discipline for a person de-
19 tained under AS 47.37.170, unless the person is admitted into a state
20 correctional facility.

21 (b) The responsibility of the commissioner of public safety un-
22 der (a) of this section does not begin until a prisoner is accepted
23 into the custody of the commissioner of public safety or admitted into
24 a correctional facility or other facility designed for holding
25 prisoners, and the commissioner of public safety is notified of the
26 acceptance or admission.

27 (c) Medical services for a prisoner who is unconscious or in im-
28 mediate need of medical attention before admission to a correctional
29 facility or commitment by a court to the custody of the commissioner

1 of health and social services shall be provided by the law enforcement
2 agency having custody of the prisoner. The law enforcement agency may
3 require the prisoner to compensate the agency for the cost of the
4 medical services.

5 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
6 sioner of public safety is responsible for transporting a prisoner to
7 and from the court having jurisdiction over the prisoner and for de-
8 livering a prisoner to a correctional facility upon temporary or final
9 commitment by a court or upon transfer of a prisoner from one correc-
10 tional facility to another either inside or outside the state.

11 (b) The commissioner of health and social services is responsi-
12 ble for furnishing return transportation to the place of arrest upon
13 release from custody of a prisoner held in a state correctional
14 facility.

15 (c) The commissioner of public safety is responsible for fur-
16 nishing return transportation to the place of arrest for a prisoner
17 who is released from custody before admission to a state correctional
18 facility.

19 (d) The commissioner of health and social services shall adopt
20 regulations governing the furnishing of transportation, discharge pay-
21 ments, and clothing to prisoners upon release at any stage of a crimi-
22 nal proceeding.

23 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
24 AS 33.30.111, the commissioner may assign a prisoner committed to the
25 commissioner's custody to any program established under AS 33.30.011-

26 (2) considering

- 27 (1) safeguards to the public;
28 (2) the prospects for the prisoner's rehabilitation;
29 (3) the availability of program and facility space;

1 (4) the prospect of future judicial proceedings requiring
2 the presence of the prisoner;

3 (5) the nature and circumstances of the offense for which
4 the prisoner was sentenced;

5 (6) the needs of the prisoner as determined by a classifi-
6 cation committee and any recommendations made by the sentencing court;

7 (7) the record of convictions of the prisoner with particu-
8 lar emphasis on crimes specified in AS 11.41;

9 (8) the use of drugs or alcohol by the prisoner;

10 (9) the length of the prisoner's sentence; and

11 (10) other criteria considered appropriate by the commis-
12 sioner, including experimental evaluation of correctional programs
13 that are consistent with protection of the public.

14 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
15 regulations governing the granting of furloughs to prisoners to

16 (1) obtain counseling and treatment for alcohol or drug
17 abuse;

18 (2) secure or attend vocational training;

19 (3) obtain medical or psychiatric treatment;

20 (4) secure or engage in employment;

21 (5) attend educational institutions;

22 (6) secure a residence or make other preparations for
23 release; or

24 (7) appear before a group whose purpose is a better under-
25 standing of crime or corrections.

26 (b) If the commissioner determines that a prisoner can live un-
27 der reduced supervision without violating the law or the conditions
28 established for the conduct of the prisoner, the commissioner may
29 grant a furlough after considering

- 1 (1) the factors in AS 33.30.091;
- 2 (2) violations, if any, by the prisoner of a condition of a
- 3 prior furlough;
- 4 (3) the history, if any, of institutional misconduct by the
- 5 prisoner; and
- 6 (4) the best interests of the prisoner and the public.

7 Sec. 33.30.111. PRE-RELEASE FURLOUGHS. (a) Furlough programs
8 established under AS 33.30.101 shall include pre-release furloughs
9 designed to facilitate the reintegration of a prisoner into society.

10 (b) A facility may be used for a prisoner on a pre-release fur-
11 lough that is specifically adapted to provide a residence outside
12 prison, including halfway houses, group homes, or other placements
13 that provide varying levels of restriction and supervision.

14 (c) The restrictions and supervision required for a pre-release
15 furlough shall provide safeguards that minimize risk to the public and
16 include, as a minimum,

17 (1) frequent contact with the prisoner by persons supervis-
18 ing the prisoner;

19 (2) knowledge by supervisory staff of the location of the
20 prisoner;

21 (3) periodic reports by supervisory staff to the commis-
22 sioner on the performance of the prisoner while on furlough; and

23 (4) a residential setting in which persons supervising a
24 prisoner are obliged to immediately report to the commissioner any
25 violation of a condition set for the prisoner's conduct.

26 (d) Notwithstanding AS 33.30.101(b),

27 (1) a prisoner sentenced to a definite term of imprisonment
28 of more than one year but less than five years is eligible for a pre-
29 release furlough only if the prisoner has served at least one-half of

1 the sentence;

2 (2) a prisoner sentenced to a definite term of imprisonment
3 of five years or more is eligible for a pre-release furlough only if
4 the prisoner has served at least one-half of the sentence or is within
5 three years of the release date, whichever is later.

6 (e) A prisoner may request a pre-release furlough under proce-
7 dures adopted by the commissioner. If the commissioner denies a re-
8 quest for a pre-release furlough, the commissioner shall provide the
9 prisoner with a written explanation of the reasons for the denial.

10 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
11 furlough is an authorized leave of absence from a correctional facili-
12 ty for a period not to exceed 12 hours at any one time, except for

13 (1) family visitations, that may not exceed one week or
14 occur more frequently than once in each six month period; or

15 (2) medical treatment, for which the furlough may not last
16 longer than necessary for the treatment.

17 (b) A short-duration furlough may be granted to a prisoner at
18 any time under regulations adopted by the commissioner.

19 Sec. 33.30.131. PRE-RELEASE FURLOUGH INVOLVING EMPLOYMENT. (a)
20 Unless alternative arrangements are expressly approved by the commis-
21 sioner, when a prisoner is employed outside a correctional facility as
22 part of a furlough program, the earnings of the prisoner shall be sent
23 by the employer to the commissioner. If an employer transmits the
24 earnings to the commissioner, the employer has no liability to the
25 prisoner for the earnings. The commissioner shall disburse the earn-
26 ings of the prisoner under procedures adopted by the commissioner to

27 (1) pay for the room, board, and personal expenses of the
28 prisoner in an amount or at a rate determined by the commissioner;

29 (2) pay any restitution or fine ordered by the sentencing

1 court;

2 (3) reimburse the state for an award made for violent
3 crimes compensation under AS 18.67 arising out of the criminal conduct
4 of the prisoner;

5 (4) pay a civil judgment arising out of the criminal con-
6 duct of the prisoner; and

7 (5) support the dependents of the prisoner.

8 (b) After making the disbursements authorized under (a) of this
9 section, the commissioner shall retain the balance remaining in the
10 account of the prisoner and give it to the prisoner upon release. The
11 commissioner may permit the prisoner to draw upon a portion of this
12 money for other purposes that the commissioner considers appropriate.

13 (c) Only the earnings retained by the commissioner under (b) of
14 this section are subject to lien, attachment, garnishment, execution,
15 or other proceedings to encumber money or property.

16 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
17 FAILURE TO RETURN. (a) If a prisoner on a furlough violates the con-
18 ditions established for the prisoner's conduct, the commissioner may
19 immediately require the return of the prisoner to actual confinement
20 for a period not to exceed the balance of the term of imprisonment and
21 may initiate disciplinary proceedings authorized by regulations
22 adopted by the commissioner.

23 (b) The failure of a prisoner on a furlough to return to the
24 place of confinement or residence within the time specified by those
25 having direct supervision is an unlawful evasion under AS 11.56.340 -
26 11.56.350.

27 Sec. 33.30.151. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
28 is admitted to a correctional facility, a copy of the commitment shall
29 be delivered with the prisoner as evidence of the authority of the

1 correctional facility to hold the prisoner.

2 (b) When a person is sentenced to a term of imprisonment, copies
3 of the pre-sentence report, sentencing report prepared under AS 12.-
4 55.025, and any other information of the probation office or of the
5 court that may affect the person's rehabilitation shall be transmitted
6 to the superintendent of the correctional facility in which the pris-
7 oner will be confined.

8 (c) The commissioner shall adopt regulations providing for the
9 security, confidentiality, and use of documents transmitted under (b)
10 of this section.

11 Sec. 33.30.161. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY AD-
12 MINISTER OATHS AND ACKNOWLEDGEMENTS. The superintendent of a correc-
13 tional facility or the superintendent's assistant may administer oaths
14 to and take acknowledgements from a prisoner, but may not request nor
15 accept compensation from a prisoner for acts performed under this sec-
16 tion.

17 ARTICLE 3. GENERAL PROVISIONS.

18 Sec. 33.30.171. TELEPHONE MONITORING INSIDE CORRECTIONAL INSTI-
19 TUTIONS. Notwithstanding AS 42.30.300 and AS 42.30.310, the commis-
20 sioner may authorize the use of monitoring or recording equipment to
21 listen to a telephone conversation of a prisoner in order to preserve
22 the security and orderly administration of the institution and to pro-
23 tect the public, if a warning is posted by the telephone informing the
24 prisoner that a call may be monitored or recorded. Prisoner telephone
25 calls to attorneys may not be monitored nor recorded except when au-
26 thorized by a court.

27 Sec. 33.30.181. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
28 RIGHTS. (a) A person who is convicted of a felony involving moral
29 turpitude as defined in AS 15.60.010 is disqualified from voting in a

1 state or municipal election until the person's unconditional dis-
2 charge.

3 (b) A person who is convicted of a crime is disqualified from
4 serving as a juror until the person's unconditional discharge.

5 (c) A person who is imprisoned on a criminal charge or is
6 serving a term of imprisonment for a criminal offense may not bring a
7 civil action against the state, a state agency, or an employee of the
8 state unless it is an action for violation of the person's constitu-
9 tional rights during the time of imprisonment. The time within which
10 the action may be brought is limited as set out in AS 09.10.140.

11 (d) In this section, "unconditional discharge" has the meaning
12 given in AS 12.55.185.

13 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-
14 text requires otherwise,

15 (1) "commissioner" means the commissioner of the Department
16 of Health and Social Services or the commissioner's designee;

17 (2) "correctional facility" or "facility" means a prison,
18 jail, camp, farm, half-way house, group home, or other placement de-
19 signated by the commissioner for the custody, care, and discipline of
20 prisoners; a "state correctional facility" means any correctional fa-
21 cility owned or run by the state;

22 (3) "court" means the supreme court, the court of appeals,
23 the superior court, the district or magistrate court, or a justice or
24 judge of a court;

25 (4) "department" means the Department of Health and Social
26 Services;

27 (5) "furlough" means an authorized leave of absence from
28 actual confinement for a designated purpose and period of time;

29 (6) "municipality" means a borough or city in the state, or

1 a municipality unified under AS 29.68.240 - 29.68.440, authorized by
2 law to establish a correctional facility;

3 (7) "prisoner" means a person, other than a juvenile, held
4 under authority of state law in "official detention" as defined in
5 AS 11.81.900(b)(34);

6 (8) "temporary commitment" means detention of a person for
7 any period under authority of state law, but does not include confine-
8 ment upon conviction and judgment of a court of this state.

9 * Sec. 8. AS 33.30.225 is amended to read:

10 Sec. 33.30.225. EMPLOYMENT OF PRISON INMATES. (a) It is the
11 policy of the state that prisoners be productively employed for as
12 many hours each day as feasible, not to exceed 40 hours per week un-
13 less overtime has been specifically approved by the commissioner. The
14 term "productively employed" includes the following kinds of employ-
15 ment:

16 (1) routine maintenance and support services essential to
17 the operation of a correctional [PRISON] facility;

18 (2) education including both academic and vocational;

19 (3) industrial, agricultural, and service activities con-
20 ducted in accordance with AS 33.32;

21 (4) public conservation projects including but not limited
22 to forest fire prevention and control, forest and watershed enhance-
23 ment, recreational area development, construction and maintenance of
24 trails and campsites, fish and game enhancement, soil conservation,
25 and forest watershed revegetation; and

26 (5) other work performed inside or outside of a correction-
27 al [PRISON] facility if the work has minimal negative impact on an
28 existing private industry or labor force in the state as determined by
29 the commissioner.

1 (b) The commissioner may enter into contracts or cooperative
2 agreements with any public agency for the performance of conservation
3 projects.

4 (c) The commissioner may direct a prisoner to participate in a
5 type of productive employment listed in (a)(1), (4), and (5) of this
6 section while the prisoner is confined in a correctional facility
7 [PRISON]. A prisoner who refuses to participate in productive employ-
8 ment when directed under this section is subject to disciplinary
9 sanctions imposed in accordance with regulations adopted by the com-
10 missioner.

11 * Sec. 9. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local gov-
13 ernment unit to the territorial or state government under AS 33.30.031
14 [AS 33.30.060], who continues in state employment upon transfer of the
15 facility to the state, is entitled to credited service for [HIS] prior
16 service with the facility if the employee remains in continuous em-
17 ployment with the state until July 1, 1976. To obtain credited ser-
18 vice the employee is required to make retroactive contributions for
19 the period of service between January 1, 1961 and the effective date
20 of the transfer of the facility to the state.

21 * Sec. 10. The following laws are repealed: AS 33.30.010, 33.30.020,
22 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080, 33.30.-
23 090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140, 33.30.150,
24 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.250, 33.30.-
25 260, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and 33.30.900.

26 * Sec. 11. Regulations adopted under a statute amended or repealed by
27 this Act continue in effect until amended or repealed by the Department of
28 Health and Social Services.