

**HB**

**412**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

CR ✓  
FN ✓

DATE: 5/3/94

FURTHER:

DATE TURNED INTO OFFICE: 5-4-94

The Finance Committee considered CS FOR HOUSE BILL NO. 412(HES) am

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
  - or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
  - attaches amendment(s)
- same title
  - new title
  - technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
HFC/DH+SS	4/11/94		30.0

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
*Other than this no recommendations*  
*[Signature]*  
 \_\_\_\_\_

1. *[Signature]*  
 Co-Chair: Signature/Recommendation

2. *[Signature]* NO REC  
 Co-Chair: Signature/Recommendation

FISCAL NOTE

REQUEST:

Revision Date: Dept: Health and Social Services  
Title: Community Care Licensing Statute  
BRU: Family and Youth Services  
Sponsor: Rules by Request Components: Central Office  
Requestor: House Finance Committee No:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	10.0	20.0	0.0	0.0	0.0	0.0
Contractual	20.0	15.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	30.0	35.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
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FUNDING: (THOUSANDS OF DOLLARS)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	30.0	35.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	30.0	35.0	0.0	0.0	0.0	0.0

ESTIMATE OF ANY CURRENT YEAR (FY 94) COSTS

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Rep. Ron Larson, Co-Chair *RL* 465-3878  
 Division: House Finance Committee Phone: 465-4833  
 Date: 4/11/94  
 Approved By: \_\_\_\_\_  
 Agency: \_\_\_\_\_ Date: \_\_\_\_\_

COMMITTEE COPY

House and Senate Differences in Community Care Licensing  
HB 412 and SB 268 JUD

The Governor's bill received modest amendments in House HES and several technical amendments drafted by legislative staffer, Terry Lauterbach. Senate HES adopted the House HES version at the request of the department and adopted additional amendments, with one more being added in Senate JUD. On the House floor, most Senate amendments were added to the bill with the following exceptions.

License Required; Exemptions

- ◆ The Senate: Pg. 6. Added a new paragraph (2) to exempt from foster home licensure, care "for one or more children of any age placed by a parent for a period of up to 45 days;"
- ◆ The House: Instead of adding a new paragraph (2) amended paragraph (2) from the Governor's bill to read, "for one or more children of any age placed by a parent with either  
(A) authorization for emergency medical care; or  
(B) a consent to temporary custody;"

The House broadened the Senate version to totally exempt parent selected care from foster home licensure. They did not wish parent choice to be limited. This amendment is consistent with Senate action and acceptable to the department.

Variances

- ◆ The Senate adopted a grammar change by deleting the word "why" from (b) (2) pg 11: "the reasons the variance is needed;"
- ◆ The House version reads, "the reasons why the variance is needed;"

Notice of Changes

- ◆ The House modified the Senate amendment on pg 15, line 1 of the Senate bill re "knowledge of indictment, charging" etc. by adding "presentment."

Webster's describes presentment as "the notice taken or statement made by a grand jury of an offense from their own knowledge without a bill of indictment laid before them". It is allowable under the Alaska Constitution and the Department of Law has no objection to its use.

Also the Senate version used the term, "by charging," and the house version used, "by charging or complaint".

Enforcement Actions

- ◆ The house did not eliminate the second sentence on page 18 paragraph (h), "If a time period is not set by the Department, the revocation or nonrenewal is permanent, and the former

licensee may not again apply for licensure under this chapter."

#### Grounds for License Revocation

- ◆ The Senate amendments pg 19 (a) (2) and (3) were picked up on the House floor except:
  - ◆ In (2) the Senate version used the term, "by charging," while the House version used, "by charging or complaint".
  - ◆ In (3) the House again added the term, "presentment."
- ◆ The House added an amendment which Senator Leman thought he had included, but was not included when a HES quorum was present. Instead of limiting the criminal activity grounds to the administrator, "foster parent, member of the licensee's household, regular volunteer, or staff person" were added.

#### Fiscal Note

- ◆ The Senate had approved the department Fiscal Note of 65.0 for SB 268.
- ◆ In HB 412 the House Finance Committee deleted 35.0 in travel for the licensing task force. The resulting House fiscal note is 30.0.
- ◆ Passage of HB 412 is important to the department, consequently the department is willing to forego task force travel and will devise an alternative plan for community involvement.

#### Conclusion and Recommendation

- ◆ The two bills do not differ in any significant way. The department appreciates the way the two bodies cooperated to minimize differences.
- ◆ Senate HES reviewed the House changes on May 2, 1994.
- ◆ The department recommends that the Senate concur with HB 412 as passed by the House.

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/3/94

FURTHER:

DATE TURNED INTO OFFICE: 5-4-94

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further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
HPC/DHSS	4/11/94		30.0

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
*After this no recommendation*  
*[Signature]*  
 \_\_\_\_\_

1. *[Signature]*  
 Co-Chair: Signature/Recommendation

2. *[Signature]* NO REC  
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\_\_\_\_\_  
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- ◆ The department recommends that the Senate concur with HB 412 as passed by the House.

# STATE OF ALASKA

## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

*Slone*

WALTER J. HICKEL, GOVERNOR

MARGARET R. LOWE, COMMISSIONER

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 465-3030

May 3, 1994

Honorable Drue Pearce, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Pearce:

Committee Substitute for House Bill 412 (Hes) Am "An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date," has been referred to the Senate Finance Committee. At this time, I respectfully request that you schedule HB 412 for consideration by the Senate Finance Committee.

The Senate (Hes) Committee has moved the bill from Committee without amendment.

The Senate Finance Committee has previously heard and passed from Committee CS SB 268 (Jud), the companion Senate Bill. House Bill 412 does not materially differ from the Senate Bill. A summary of the minor differences between the two bills is enclosed along with the Governor's transmittal letter, a bill analysis and the fiscal note approved by the House Finance Committee.

Your approval of this request will be most appreciated.

Sincerely,

*Margaret R. Lowe*

Margaret R. Lowe, M.Ed., Ed.S.  
Commissioner

Attachment

HB 412

WALTER J. HICKEL  
GOVERNOR



P. O. Box 110001  
Juneau, Alaska 99811-0001  
(907) 425-3500

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 28, 1994

*The Honorable Ramona Barnes  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Speaker Barnes:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing, by the Department of Health and Social Services (DHSS), of facilities for the care of children, child placement agencies, maternity homes, and residential facilities and foster homes for adults. The bill reorganizes and clarifies existing licensing statutes and provides much-needed detail in the statutes. The bill's reorganization of the statutes separates licensing of child-related facilities from licensing of adult facilities.*

*Sections 5 and 7 - 12 of the bill set out new statutory provisions that provide for the licensing and regulation of child foster homes, child care facilities, residential child care facilities, child placement agencies, and maternity homes. Section 7 of the bill clarifies which of these facilities are required to be licensed and which are exempt from licensure. Licensing procedures and requirements, appeal procedures, and operational requirements that apply to all such facilities are set out in secs. 7 - 11. Those sections provide for provisional licenses and biennial licenses, and specify that DHSS must inspect and investigate a facility before either a provisional license or initial biennial license is issued. Renewal procedures for biennial licenses are also provided. Complaint, investigation, and other enforcement provisions are set out in sec. 12 of the bill.*

*Section 13 of the bill sets out a separate article in AS 47.35 to address licensure and regulation of adult residential care facilities. Many of the provisions in secs. 7 - 12 of the bill are incorporated by reference in the adult residential care facility article. I intend to introduce a bill this session relating to "assisted living homes" for adults; that bill will place licensing and regulation of adult residential facilities in a new chapter in*

The Honorable Ramona Barnes  
January 28, 1994  
Page 2

AS 47. If that bill passes the legislature and becomes law, sec. 13 of the attached bill will not take effect. See sec. 21 of the bill.

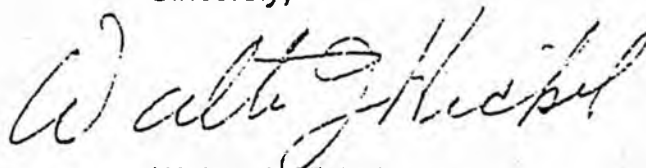
Sections 14 and 15 of the bill set out general provisions for administrative adjudication procedures, liability immunity, criminal penalty, and definitions for AS 47.35.

Sections 1 - 4 and 6 of the bill make conforming amendments to existing statutes to reflect changes made by secs. 5 and 7 - 15 of the bill. Section 16 of the bill repeals most of the existing statutes in AS 47.35 -- their provisions have been reworded and reorganized in secs. 5 and 7 - 15 of the bill. Section 17 of the bill contains transition provisions that specify how the bill affects existing as well as new facilities.

Section 18 of the bill authorizes DHSS to begin the regulation adoption process so that necessary regulations can take effect on the effective date of the statutory changes made by the bill. Sections 19 - 21 provide an immediate effective date for sec. 18 and a January 1, 1996 effective date for the statutory changes made by the remainder of the bill. Section 21 makes the January 1, 1996 effective date for sec. 13 contingent on another adult residential facility bill not becoming law, as discussed earlier in this letter.

I urge your support of this important legislation.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel".

Walter J. Hickel  
Governor

# SENATE COMMITTEE REPORT

DATE: 4/29/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 5/2/94

HESS Committee considered CS FOR HOUSE BILL NO. 412(HES) am

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

*& may rpt it bk w/ no rec*

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)

- same title
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adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Health & Soc. Servs	4/11/94		30.0

Appropriation No Fiscal Note

**DO PASS:**

*Soren A. Soren*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

*Mike Miller No Rec*  
*J. Sellers No Rec*  
*Judith Sato No Rec*  
 \_\_\_\_\_  
 \_\_\_\_\_

*Steve Fin* *no rec*  
 \_\_\_\_\_  
 Chair: Signature and Recommendation