

**SB**

**45**

**SFIN**

**FILE**



**FISCAL NOTE**

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**Bill No. CS SB 45(HES)**

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to persons under 21 years BRU: Trial Courts  
 Sponsor: Senator Phillips Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	18.7	18.7	18.7	18.7	18.7	18.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	1.4					
LAND & STRUCTURES						
GRANTS & CLAIMS						
<b>TOTAL OPERATING</b>	<b>20.1</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>

CAPITAL						
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REVENUE						
FUND SOURCE:						

**FUNDING: (Thousands of Dollars)**

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	20.1	18.7	18.7	18.7	18.7	18.7
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>20.1</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>	<b>18.7</b>

**POSITIONS:**

FULL-TIME						
PART-TIME	1.0	1.0	1.0	1.0	1.0	1.0
TEMPORARY						

Estimate of current year (FY 93) Impact: None

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

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228  
 Division: Alaska Court System Date: 04/08/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 04/08/93  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System  
Fiscal Analysis  
CS SB 45(HES)

It is anticipated that this legislation will increase the number of inquiries by the public for information on emancipation of minors. These inquiries typically require 15 minutes of custody investigator time. It is estimated that the legislation will create 150 new inquiries a year in Anchorage. Inquiries in the rest of the state are estimated at 50% of the Anchorage rate, or 75 a year. If 25% of the inquiries progress to the filing of a petition of emancipation, 56 new petitions will be filed. Each petition requires approximately 8 to 10 hours of custody investigator time for interviewing parents, children and others, writing reports and testimony. The investigator will be assigned to Anchorage, but will support the entire state.

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Assistant Custody Investigator, range 18A, Anchorage, PPT - 4 months	\$13,579	\$5,138	\$18,717

Equipment

Desk, chair, computer terminal and filing cabinets			<u>1,400</u>
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Total First Year Cost

\$20,117

4/5/93

# FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. CSSB 45 (HES)

FJN

Revision Date: April 1, 1993 Dept. Affected: Health and Social Services  
 Title: "An act relating to persons under 21 years of age; providing designation of shelters for runaway minors..." BRU: Family & Youth Services  
 Sponsor: Senator Randy Phillips Component: Central Office, SCRO, NRO & SERO  
 Requestor: Senate Finance Committee COMPONENT SERIAL NO. 0259, 0254, 0255 & 0258

### Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	38.6	92.5	144.1	157.0	157.0	157.0
TRAVEL	5.0	10.0	12.0	12.0	12.0	12.0
CONTRACTUAL	23.2	6.4	9.6	9.6	9.6	9.6
SUPPLIES	1.2	1.4	1.6	0.6	0.6	0.6
EQUIPMENT	6.0	6.0	6.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>74.0</b>	<b>116.3</b>	<b>173.3</b>	<b>179.2</b>	<b>179.2</b>	<b>179.2</b>

CAPITAL						
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REVENUE FUND SOURCE						
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### FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	74.0	116.3	173.3	179.2	179.2	179.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>74.0</b>	<b>116.3</b>	<b>173.3</b>	<b>179.2</b>	<b>179.2</b>	<b>179.2</b>

### POSITIONS:

FULL-TIME	1	2	3	3	3	3
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: None

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

The department would realize impact in its Community Care Licensing program and in the Juvenile Justice and Delinquency Prevention formula grant program. Attached to this fiscal note are detailed program impact statements and a request for new positions.

Prepared by: Deborah R. Wing, Director  
Division: Department of Health & Social Services

Phone: 465-3191  
Date: 04/01/93

Approved by Commissioner: Theodore A. Mala, MD, MPH  
Agency: Department of Health & Social Services

Date: 4/1/93

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FISCAL NOTE ANALYSIS CSSB 45  
(attachment)  
Community Care Licensing Program

Assumption: CSSB 45 could not be implemented without new positions. As in other experiences with private agencies, state agency staff must train private agency staff in child care regulations and monitor for compliance to assure the protection of the children in care. In Anchorage and some other areas of the state, licensing workers are carrying a facility load of 120 per worker. They are unable to meet current statutory responsibilities without adding another facility type to their responsibilities. In addition, equity for licensees already in the division's licensing load is warranted.

Program Summary:

1. Positions: One Community Care Licensing Specialist is needed to implement the safe homes permit process in the Southcentral Region, as that is the region where private nonprofit groups have expressed strong interest in implementing the new statutory provisions.

The position would begin by providing research support to the contractor for drafting the regulations; by identifying areas of need and private agencies interested in recruiting and evaluating safe homes; and by being a licensing trainee in Anchorage under the supervision of an experienced licensing supervisor. Following the promulgation of regulations, the position would assist in the development of implementation materials and provide training in the new safe homes concept to both private agency and division staff throughout the region. Division staff would then pick up the support of agencies in their development of safe homes. Following implementation, the position would carry a mixed licensing and safe home load.

In FY 1995, a CCLS position would be needed in Fairbanks to serve the Northern region. In FY 1996 a CCLS position would be needed in Juneau to serve southeast Alaska.

2. Other Expenditures A personal computer is a necessity for each position to gain technological efficiency and to meet the continuing goal of a PC for each division professional.

\$20,000 in the contract line is needed to contract with an attorney or an experienced professional to draft the safe home regulations and related legal documents and to adjust the safe home regulation draft following public comment.

FISCAL NOTE ANALYSIS CSSB 45  
(attachment)

Juvenile Justice and Delinquency Prevention Program

The intent of this bill is to improve the juvenile justice system in Alaska. Federal standards set out in the Juvenile Justice and Delinquency Prevention Act prohibit the incarceration of juveniles in the same facility with an adult, except under special circumstances.

The department participates in a federal formula grant program which is tied to the Juvenile Justice and Delinquency Act. The grant provides the state with \$325,000 annually for assistance in making improvements to the juvenile justice system in Alaska.

Alaska has used most of these grant funds to establish ten small shelter programs serving twelve Alaska communities. These shelters are established for the narrowly defined purpose of providing an alternative for the practice of placing minors in adult jail.

Enactment of this legislation assists the department in its effort to meet the requirements of the JJDP Act. The department has experienced difficulties in meeting the requirements of the Act and has been advised by the federal granting authority that Alaska's eligibility for the federal fiscal year 1992 formula grant funds will almost certainly depend upon Alaska's success in passing this legislation.

Without the grant revenue of \$325,000 the department would need to use general funds to continue funding of the shelter programs.

Position Title		Community Care Licensing Specialist I		No. of Positions	1	Range/Step	16A	Bargaining Unit	GGU
Time Status		Staff Months		Location		Election District			
Full Time		9		Anchorage		9-25			
<b>TYPE of EXPENDITURE</b>			<b>AMOUNT</b>			<b>Justification</b>			
Salary			27.4			<p>A Community Care Licensing Specialist will implement the safe homes permit process in the Southcentral Region. The first year this position will 1) do research to support the contractor for drafting the regulations; 2) will identify communities needing safe homes and private agencies interested in recruiting and evaluating homes; 3) will be a licensing trainee; and will help develop safe home materials.</p> <p>CSSB 45 would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>This position will train and provide technical support to private agency staff who are evaluating safe homes. It will also enforce regulations (including revocation or denial of a permit when a child is harmed in the home, when a first time applicant is not in substantial compliance with regulations, or when there is a serious pattern of disregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and safe home load.</p>			
Benefits			11.2						
Premium Pay									
Other									
<b>Total Personal Services</b>			<b>38.6</b>						
Travel			5.0						
Contractual			3.2						
Commodities			1.2						
Equipment			6.0						
Other									
<b>Total Cost</b>			<b>54.0</b>						
<b>FUNDING SOURCE for TOTAL COST</b>									
1002		Federal Receipts							
1003		GF Match							
1004		General Fund		54.0					
1005		GF/Program Receipts							
1006		GF/Mental Health Trust							
1007		I/A Receipts							
1061		CIP Receipts							
Other									

**REQUEST for  
NEW POSITION**

AGENCY: Health and Social Services  
 BRU: Family & Youth Services  
 COMPONENT: Southcentral Region

Page 1 of 3  
 Revised Date:

**FY94**

Position Title		Community Care Licensing Specialist I	No. of Positions	Range/Step	Bargaining Unit
			1	16A	GGU
Time Status	Stat' Months		Location		Election District
Full Time	12		Fairbanks		29-34
<b>TYPE of EXPENDITURE</b>		<b>AMOUNT</b>	Justification FY 1995		
Salary		38.3	<p>Community Care Licensing Specialist will implement the safe homes permit process in the Northern Region in the second year. It would be located in Fairbanks and operate regionwide.</p> <p>CSSB 45 would not be implemented without this position. Some workers are carrying 120 homes and residential facilities. The load is such that they are unable to meet current responsibilities and could not add another facility type to their duties.</p> <p>The position will 1) identify communities needing safe homes and private agencies interested in recruiting and evaluating homes; 2) will train and provide technical support to private agency staff who are evaluating safe home; and 3) will also enforce regulations (including revocation or denial of permit when a child is harmed in the home, when a first time applicatn is not in substantial compliance with refulations, or when there is a serious pattern of diregard for regulations). Serious complaints against a provider holding a permit cannot be solely handled by private agency staff. Following implementation, the position would carry a mixed licensing and safe home load.</p>		
Benefits		15.7			
Premium Pay					
Other					
<b>Total Personal Services</b>		<b>54.0</b>			
Travel		5.0			
Contractual		3.2			
Commodities		1.2			
Equipment		6.0			
Other					
<b>Total Cost</b>		<b>69.4</b>			
<b>FUNDING SOURCE for TOTAL COST</b>					
1002	Federal Receipts				
1003	GF Match				
1004	General Fund	69.4			
1005	GF/Program Receipts				
1006	GF/Mental Health Trust				
1007	I/A Receipts				
1061	CIP Receipts				
Other					

**REQUEST for  
NEW POSITION**

AGENCY: Health and Social Services  
 BRU: Family & Youth Services  
 COMPONENT: Northern Region

**FY94**

Page 2 of 3  
 Revised Date:



# FISCAL NOTE

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO:** CSSB 45(HES)

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An act relating to persons under  
21 years of age: " BRU: Alaska State Troopers  
 Sponsor: Senator Phillips Component: Criminal Investigation Bureau  
 Requestor: Senate Finance COMPONENT SERIAL NO. 830

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE FUND SOURCE:</b>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

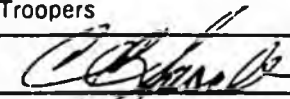
**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ \_\_\_\_\_

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

No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 3/31/93  
 Approved by Commissioner:  Date: 3/31/93  
 Agency: Richard L. Burton, Dept. of Public Safety

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# FISCAL NOTE

4/20/93  
(S) RLS

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO :** CSSB 45 (FIN)

Revision Date: \_\_\_\_\_  
Title: Misc. Laws Relating to Minors

Department Affected: Labor  
BRU: Labor Standards & Safety

Sponsor: Senator(s) Phillips, et. al  
Requestor: Senate Pules

Component: \_\_\_\_\_  
Wage & Hour  
**COMPONENT SERIAL NO.** 345

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

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

Prepared by: Donald G. Study, CSP, Director Phone: 465-6003  
Division: Labor Standards & Safety Date: 4/17/93

Approved by Commissioner: Charles W. Mahlen Date: 4/17/93  
Agency: Department of Labor

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SR 45

FISCAL NOTE

1/28/93

BILL NO. SB 45

HESS then FRO

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: January 26, 1993  
 Title: 'An Act relating to persons under 21 years of age... designating 'safe homes'...  
 Sponsor: Senator Phillips  
 Requestor: Senate HESS

Department Affected: Department of Law  
 BRU: Prosecution, Legal Services  
 Component: Prosecution - All Legal Services - Operations  
 COMPONENT SERIAL NO. 0085 through 0090, 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director  
 Division: Administrative Services Division

Phone: 465-3672  
 Date: January 26, 1993

Approved by Commissioner: Charles E. Cole, Attorney General  
 Agency: Department of Law

Date: January 26, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 45

ANALYSIS (Continued):

This bill amends various statutes to allow concerned citizens to volunteer to assist runaway minors in their private residences. The bill is intended to encourage properly qualified private citizens to seek designation of their homes as "safe homes" where runaway minors could seek temporary, short-term shelter and other care. The bill would require oversight of the safe homes by non-profit corporations which, in turn, would be subject to state permit regulation to insure that the homes meet health and safety standards designed to protect the runaway minor in a safe home.

The Department of Law would be involved in this process to the extent that our department would be required to assist the Department of Health and Social Services adopt regulations required under Section 17. The Department of Law would also be involved in any action requiring the suspension, modification, or denial of a permit to operate a safe home. Historically, Health and Social Services licensure disputes have proven to be time consuming for our department, often requiring considerable attorney resources to resolve. However, there is no way to predict the extent to which such disputes may ever occur. Consequently, fiscal impact funds have not been requested.

We also note that Section 9 amends AS 11.61.220(2) to provide that a person commits the crime of misconduct involving weapons in the fifth degree if, being a person under 21 years of age, the person possesses a firearm without the written consent of a parent or guardian. This section would appear to require the written consent of a parent or guardian before members of the National Guard or other armed services, under 21 years of age, could participate in weapons training or close order drill activities when firearms are used.

Back-up

A M E N D M E N T

*adopted*

OFFERED IN THE SENATE  
TO: CSSB 45(HES)

BY SENATOR PHILLIPS

Page 1, line 1, after ";":

Insert "relating to programs for runaway minors;"

Page 1, line 5:

Delete "17" in both places.

Insert "19" in both places.

Page 2, line 11:

Delete "18 - 21"

Insert "20 - 23"

Page 4, line 17, after "AS":

Insert "47.10.350(~~ε~~) or"

Page 6, after line 24:

Insert new bill sections to read:

"\* Sec. 14. AS 47.10.310(c) is amended to read:

(c) A program for runaway minors shall

(1) explain to a minor who seeks assistance from the program the legal rights and responsibilities of runaway minors and the services and assistance provided for runaway minors by the program and by the state or local municipality;

(2) attempt to determine why a minor in the program is a runaway;

(3) provide or help arrange for the provision of services necessary to promote the health and welfare of a minor in the program and, if appropriate, members of the minor's family; services may include, but are not limited to, the

provision of food, shelter, clothing, medical care, and individual or family counseling;

(4) promptly inform the department of a minor in the program

(A) who claims to be the victim of child abuse or neglect, as defined in AS 47.17.290; [, OR]

(B) whom an employee of the program has cause to believe has been a victim of child abuse or neglect; or

(C) whom an employee of the program knows is in the custody of the department and is evading the supervision of the department or the person to whom the department has entrusted supervision;

(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor; and

(6) maintain adequate staffing and accommodations to ensure physical security and to provide crisis services to minors residing in a facility operated by the program; residents under 18 years of age shall be segregated from residents who are 18 years of age or older.

\* Sec. 15. AS 47.10.350 is amended by adding a new subsection to read:

(c) The officers, directors, and employees of a licensed program for runaway minors are not criminally liable under AS 11.51.130(a)(4) for assisting a minor in the program."

Renumber the following bill sections accordingly.

Senator Frank said "something like in granting emancipation, the court shall first consider the non-custodial parent's willingness and ability to assume custody."

MOVED conceptional amendment "that would read something like the court in making an emancipation decision would consider the ability and willingness of the non-custodial parent to assume custody.

verbatim from minutes 4-13-93.

*Conceptual amend.  
Adopted  
4-13-93*

8-LS0355VK  
Lauterbach  
4/12/93

CS FOR SENATE BILL NO. 45( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to persons under 21 years of age; relating to programs for  
2 runaway minors; providing for designation of shelters for runaway minors; relating  
3 to the detention and incarceration of minors; and providing for an effective date."

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

5 \* Section 1. PURPOSE OF SECS. 13 AND 16. The purpose of secs. 13 and 16 of this  
6 Act is to improve the state's juvenile justice system by

7 (1) ending, with minor exceptions, the practice of allowing the confinement  
8 of children in adult correctional facilities, jails, prisons, and rural lock-ups, however operated,  
9 based on evidence that the practice often leads to aggravated emotional problems and  
10 depression in, and suicide attempts by, the children who are confined;

11 (2) conforming state law and policy relating to the confinement of children to  
12 the requirements of 42 U.S.C. 5633(a)(13) and (14) (Juvenile Justice and Delinquency  
13 Prevention Act of 1974, as amended), taking into consideration the dislocations that may arise  
14 from distance, weather, and lack of means to transport minor children to suitable places for

1 the care and custody of minors.

2 \* **Sec. 2. SHELTERS FOR RUNAWAYS; LEGISLATIVE FINDINGS; INTENT.** (a) The  
3 legislature finds that licensed programs for runaway minors need not be the only sources of  
4 government-encouraged assistance for runaway minors. There exist many concerned citizens  
5 in the state who, with appropriate oversight and certain limitations of their liability, would  
6 volunteer to assist runaway minors in their private residences. It would be in the public  
7 interest to encourage properly qualified private citizens to seek designation of their homes as  
8 shelters for runaways where runaway minors could seek temporary, short-term shelter and  
9 other care.

10 (b) It is the intent of legislature that the Department of Health and Social Services,  
11 in implementing secs. 20 - 23 of this Act, adopt regulations under which interested nonprofit  
12 corporations could be approved by the department for the purpose of designating shelters for  
13 runaways. Oversight of the shelters by the nonprofit corporations and the state should  
14 involve less regulation than is required for licensed programs for runaways under  
15 AS 47.10.310 while still requiring the shelters to meet health and safety standards designed  
16 to reduce the risk to the runaway minors in the shelters.

17 \* **Sec. 3.** AS 09.55.590(a) is amended to read:

18 (a) A minor who is a resident of this state and is at least 16 years of age, who  
19 is living separate and apart from the parents or guardian of the minor, capable of  
20 self-support and of managing one's own financial affairs, or the legal custodian of  
21 such a minor, may petition the superior court to have the disabilities of minority  
22 removed for limited or general purposes.

23 \* **Sec. 4.** AS 09.55.590(b) is amended to read:

24 (b) A minor or the legal custodian of a minor may institute a [THIS] petition  
25 under this section in the name of the minor.

26 \* **Sec. 5.** AS 09.55.590(c) is amended to read:

27 (c) The petition for removal of disabilities of minority must state [:]

28 (1) the name, age, and residence address of the minor [PETITIONER];

29 (2) the name and address of each living parent;

30 (3) the name and address of the guardian of the person and the  
31 guardian of the estate, if any;

1 (4) the reasons why removal would be in the best interest of the minor  
2 [CHILD]; and

3 (5) the purposes for which removal is sought.

4 \* Sec. 6. AS 09.55.590(d) is amended to read:

5 (d) The person who institutes a petition under this section [PETITIONER]  
6 must obtain the consent of each living parent or guardian having control of the person  
7 or property of the minor [PETITIONER]. If the person who is to consent to the  
8 petition is unavailable or the whereabouts of that person are unknown, or if a parent  
9 or guardian unreasonably withholds consent, the court, acting in the best interest of the  
10 minor [PETITIONER], may waive this requirement of consent as to that parent or  
11 guardian.

12 \* Sec. 7. AS 09.55.590(e) is amended to read:

13 (e) The court may appoint an attorney or a guardian ad litem to represent the  
14 interests of the minor [PETITIONER] at the hearing. Appointment of an attorney or  
15 guardian ad litem shall be made in accordance with AS 25.24.310.

16 \* Sec. 8. AS 09.55.590(f) is repealed and reenacted to read:

17 (f) If the petition under this section is filed by a minor, the court may remove  
18 the disabilities of minority as requested in the petition if the court finds on the record  
19 after a hearing that the minor is a resident of the state, at least 16 years of age, living  
20 separate and apart from the parent or guardian of the minor, and capable of self-  
21 support and managing the minor's own financial affairs. If the petition under this  
22 section is filed by the legal custodian of a minor, the court may remove the disabilities  
23 of minority as requested in the petition only if the court, in addition to making the  
24 other findings required under this subsection for a petition filed by a minor, makes a  
25 finding on the record that there is interpersonal conflict involving the legal custodian  
26 and the minor that the custodian and the minor have been unable to resolve  
27 satisfactorily through other means; the finding must include a description of the efforts  
28 that were made by the legal custodian to resolve the interpersonal conflict before the  
29 custodian filed the petition under this section.

30 \* Sec. 9. AS 11.51.130(a) is amended to read:

31 (a) A person commits the crime of contributing to the delinquency of a minor

1 if, being 19 years of age or older, the person aids, induces, causes, or encourages a  
2 child

3 (1) [AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD]  
4 under 18 years of age to do any act prohibited by state law;

5 (2) [REPEALED]

6 (3) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under  
7 18 years of age to enter or remain in the same room in a building where the unlawful  
8 sale of a drug occurs;

9 (3) [OR (4) REPEALED]

10 (5) AIDS, INDUCES, CAUSES, OR ENCOURAGES A CHILD] under  
11 16 years of age to be [ABSENT FROM THE CUSTODY OF A PARENT,  
12 GUARDIAN, OR CUSTODIAN OR TO BE] repeatedly absent from school, without  
13 just cause; or

14 (4) under 18 years of age to be absent from the custody of a parent,  
15 guardian, or custodian without just cause, unless the child's disabilities of  
16 minority have been removed for general purposes under AS 09.55.590 or the  
17 person has immunity under AS 47.10.350(c) or 47.10.398(a).

18 \* Sec. 10. AS 12.62.035(f)(1) is amended to read:

19 (1) "contributing to the delinquency of a minor" means a conviction for  
20 a violation or attempted violations of AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR  
21 (5)]; former AS 11.40.130; or the laws of another jurisdiction if the offense would  
22 have been a crime in this state under AS 11.51.130(a) [AS 11.51.130(a)(1), (3), OR  
23 (5)] or former AS 11.40.130 if committed in the state;

24 \* Sec. 11. AS 23.10.350 is amended by adding a new subsection to read:

25 (f) A minor for whom the disabilities of minority have not been removed for  
26 general purposes under AS 09.55.590 may not be employed or allowed to work

27 (1) without the written permission of the minor's legal custodian; or

28 (2) after 10:00 p.m. on the night before the minor's school is in session  
29 unless the minor has graduated from secondary school or its equivalent; however, a  
30 minor under 16 years of age may not be employed to work after 9:00 o'clock in the  
31 evening, as provided in AS 23.10.340.

1 \* Sec. 12. AS 34.50.020(b) is amended to read:

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

9 \* Sec. 13. AS 47.10.130 is repealed and reenacted to read:

10 Sec. 47.10.130. DETENTION. (a) A minor may not be incarcerated in a  
11 correctional facility that houses adult prisoners.

12 (b) When a minor is detained under this chapter, the person having  
13 responsibility for the facility in which the minor is detained shall immediately notify  
14 the minor's parent, guardian, or custodian of the minor's detention.

15 (c) Notwithstanding (a) of this section, a minor may be incarcerated in a  
16 correctional facility

17 (1) if the minor is the subject of a petition filed with the court under  
18 this chapter seeking adjudication of the minor as a delinquent minor or if the minor  
19 is in official detention pending the filing of that petition; however, detention in a  
20 correctional facility under this paragraph may not exceed the lesser of

21 (A) six hours; or

22 (B) the time necessary to arrange the minor's transportation to  
23 a juvenile detention home or comparable facility for the detention of minors;

24 (2) if, in response to a petition of delinquency filed under this chapter,  
25 the court has entered an order closing the case under AS 47.10.060(a), allowing the  
26 minor to be prosecuted as an adult; or

27 (3) if the incarceration constitutes a protective custody detention of the  
28 minor that is authorized by AS 47.37.170(b).

29 (d) When a minor is detained under (c)(1) or (c)(3) of this section and  
30 incarcerated in a correctional facility, the minor shall be

31 (1) assigned to quarters in the correctional facility that are separate

1 from quarters used to house adult prisoners so that the minor cannot communicate with  
2 or view adults who are in official detention;

3 (2) provided admission, health care, hygiene, and food services and  
4 recreation and visitation opportunities separate from services and opportunities  
5 provided to adults who are in official detention.

6 (e) Notwithstanding the limitation on detention set out in (c)(1) of this section,  
7 a minor whose detention is authorized by (c)(1) of this section may be detained in a  
8 correctional facility for more than six hours if transportation to a juvenile detention  
9 home or comparable facility for the detention of minors is not available. The minor's  
10 detention for more than six hours is authorized by this subsection only if the person  
11 having responsibility for the facility in which the minor is detained

12 (1) documents the reason that transportation of the minor to a juvenile  
13 detention home or comparable facility is not available; and

14 (2) during the minor's detention, after learning that transportation is not  
15 available, promptly notifies the appropriate officials or employees of the department  
16 and the Alaska court system of the lack of available transportation.

17 (f) A detention authorized by (e) of this section may not exceed the time  
18 necessary to satisfy the requirement of (c)(1)(B) of this section.

19 (g) The provisions of AS 47.37.170(i) apply to a minor incarcerated in a  
20 correctional facility when authorized by (c)(3) of this section.

21 (h) In this section

22 (1) "correctional facility" has the meaning given in AS 33.30.901  
23 whether the facility is operated by the state, a municipality, a village, or another entity;

24 (2) "official detention" has the meaning given in AS 11.81.900.

25 \* Sec. 14. AS 47.10.141(b) is amended to read:

26 (b) A peace officer shall take into protective custody a minor described in (a)  
27 of this section if the minor is not otherwise subject to arrest or detention. The peace  
28 officer shall exercise the officer's discretion and [HONOR THE MINOR'S  
29 PREFERENCE TO] (1) return the minor to the legal custodian if the minor and legal  
30 custodian consent [CONSENTS] to the return; (2) take the minor to a nearby location  
31 agreed to by the minor and the legal custodian; or (3) take the minor to an office

1 specified by the Department of Health and Social Services, a program for runaway  
2 minors licensed by the department under AS 47.10.310, a shelter for runaways that  
3 has a permit from the department under AS 47.35.085 that agrees to shelter the  
4 minor, or a facility or contract agency of the department office specified by the  
5 department, a licensed program for runaway minors, a shelter for runaways that will  
6 accept the minor, or a facility or contract agency of the department does not exist in  
7 the community and the minor and the legal guardian do not agree on another  
8 nearby location, the officer shall take the minor to another suitable location and  
9 promptly notify the department. A minor under protective custody may not be housed  
10 in a jail or other detention facility. Immediately upon taking a minor into protective  
11 custody, the officer shall advise the minor orally and in writing of the right to social  
12 services under AS 47.10.142(b), and, if known, the officer shall advise the legal  
13 custodian that the minor has been taken into protective custody and that counseling  
14 services for the custodian and the minor's household are available under  
15 AS 47.10.142(b).

16 \* Sec. 15. AS 47.10.142(b) is amended to read:

17 (b) A minor who has left home and is evading the person having legal custody  
18 of the minor may obtain the services of the department. The department shall assess  
19 the situation and furnish the minor with the social services it considers appropriate to  
20 protect the well-being of the minor and to preserve the minor's family life if  
21 preserving it is considered desirable under the circumstances. The department shall  
22 also offer counseling services to the person having legal custody of the minor and  
23 to the members of the minor's household if it determines that counseling services  
24 would be appropriate in the situation. If, after assessing the situation, considering  
25 the wishes of the minor, offering counseling services to the legal custodian and the  
26 minor's household, and furnishing appropriate social services to the minor, the  
27 department considers it necessary, the department may take emergency custody of the  
28 minor.

29 \* Sec. 16. AS 47.10.190 is amended to read:

30 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court  
31 commits a minor to the custody of the department, except when detention in a

1 correctional facility is authorized by AS 47.10.130(c), the department shall arrange  
2 to place the juvenile in a detention home [, FACILITY] or another suitable place that  
3 the department designates for that purpose. [A JUVENILE DETAINED IN A JAIL OR  
4 SIMILAR INSTITUTION AT THE REQUEST OF THE DEPARTMENT SHALL BE  
5 HELD IN CUSTODY IN A ROOM OR OTHER PLACE APART AND SEPARATE  
6 FROM ADULTS.]

7 \* Sec. 17. AS 47.10.310(c) is amended to read:

8 (c) A program for runaway minors shall

9 (1) explain to a minor who seeks assistance from the program the legal  
10 rights and responsibilities of runaway minors and the services and assistance provided  
11 for runaway minors by the program and by the state or local municipality;

12 (2) attempt to determine why a minor in the program is a runaway;

13 (3) provide or help arrange for the provision of services necessary to  
14 promote the health and welfare of a minor in the program and, if appropriate, members  
15 of the minor's family; services may include, but are not limited to, the provision of  
16 food, shelter, clothing, medical care, and individual or family counseling;

17 (4) promptly inform the department of a minor in the program

18 (A) who claims to be the victim of child abuse or neglect, as  
19 defined in AS 47.17.290; [, OR]

20 (B) whom an employee of the program has cause to believe has  
21 been a victim of child abuse or neglect; or

22 (C) whom an employee of the program knows is in the  
23 custody of the department and is evading the supervision of the  
24 department or the person to whom the department has entrusted  
25 supervision;

26 (5) be operated with the goal of reuniting runaway minors with their  
27 families, except in cases in which reunification is clearly contrary to the best interest  
28 of the minor; and

29 (6) maintain adequate staffing and accommodations to ensure physical  
30 security and to provide crisis services to minors residing in a facility operated by the  
31 program; residents under 18 years of age shall be segregated from residents who are

1 18 years of age or older.

2 \* **Sec. 18.** AS 47.10.350 is amended by adding a new subsection to read:

3 (c) The officers, directors, and employees of a licensed program for runaway  
4 minors are not criminally liable under AS 11.51.130(a)(4) for assisting a minor in the  
5 program.

6 \* **Sec. 19.** AS 47.10 is amended by adding new sections to read:

7 **ARTICLE 4A. SHELTERS FOR RUNAWAY MINORS.**

8 **Sec. 47.10.392. CERTIFICATE REQUIRED.** A private residence may not be  
9 held out publicly as a shelter for runaway minors unless the residence

10 (1) is designated a shelter for runaways by a nonprofit corporation that  
11 is licensed to make the designation under AS 47.35.085; and

12 (2) has a valid permit from the department signifying that designation.

13 **Sec. 47.10.394. OPERATION OF SHELTERS.** (a) A shelter for runaways  
14 may not shelter a runaway minor for more than seven days unless the department  
15 determines that

16 (1) the minor is the subject of exceptional circumstances; or

17 (2) another appropriate setting is not available for the minor.

18 (b) The provider of a shelter for runaways shall promptly, but within 48 hours,  
19 inform the department of a runaway minor in the shelter

20 (1) who claims to be the victim of child abuse or neglect, as defined  
21 in AS 47.17.290;

22 (2) whom the provider has reasonable cause to suspect has been a  
23 victim of child abuse or neglect; or

24 (3) whom the provider knows is in the custody of the department and  
25 is evading the supervision of the department or the person to whom the department has  
26 entrusted supervision.

27 (c) The provider of a shelter for runaways shall make good faith efforts to  
28 ensure that notice of the minor's presence in the shelter is given to the minor's legal  
29 custodian as soon as possible, but within 48 hours, after the minor is admitted to the  
30 shelter. The notice need not specify the location of the shelter. The provider may  
31 give the notice, or the provider may request the appropriate law enforcement agency

1 to give the notice. If requested by the provider, the law enforcement agency shall  
2 make good faith efforts to give the notice required under this subsection.

3 Sec. 47.10.396. CONFIDENTIALITY. If the department requires record  
4 keeping by a shelter for runaways or by a nonprofit corporation that is licensed to  
5 designate shelters for runaways, records of the shelter and the nonprofit corporation  
6 that identify a runaway minor who has been sheltered in a shelter for runaways or has  
7 sought assistance from a shelter for runaways are confidential and are not subject to  
8 inspection or copying under AS 09.25.110 - 09.25.120 unless

9 (1) after being informed of the minor's right to privacy, the minor  
10 consents in writing to the disclosure of the records;

11 (2) the records are relevant to an investigation or proceeding involving  
12 child abuse or neglect or a child in need of aid petition; or

13 (3) disclosure of the records is necessary to protect the life or health  
14 of the minor.

15 Sec. 47.10.398. IMMUNITY FROM LIABILITY. (a) A person in a shelter  
16 for runaways, or in a home for which an application to be designated a shelter for  
17 runaways is being considered by a nonprofit corporation licensed for that purpose by  
18 the department, that is operated in a manner that is consistent with AS 47.10.392 -  
19 47.10.399 and regulations adopted under those sections is not criminally liable under  
20 AS 11.51.130(a)(4).

21 (b) Except as provided in (c) of this section, the provider of a shelter for  
22 runaways, or of a home for which an application to be designated a shelter for  
23 runaways is being considered by a nonprofit corporation approved for that purpose by  
24 the department, and the members of the provider's household, other than a runaway  
25 minor, are not liable for civil damages as a result of an act or omission

26 (1) in admitting or refusing to admit a runaway minor to the shelter or  
27 home; or

28 (2) by a runaway minor who is sheltered in the shelter or home.

29 (c) The provisions of (b) of this section do not preclude liability for civil  
30 damages as a result of recklessness or intentional misconduct.

31 Sec. 47.10.399. DEFINITIONS. In AS 47.10.392 - 47.10.399,

1 (1) "runaway minor" has the meaning given in AS 47.10.390;

2 (2) "shelter for runaways" or "shelter for runaway minors" means a  
3 private residence whose legal occupant agrees to shelter, with or without compensation,  
4 a runaway minor accepted into the residence by the legal occupant and that

5 (A) is not simultaneously licensed under AS 47.10.310 as a  
6 program for runaway minors;

7 (B) has been designated a shelter for runaways by a nonprofit  
8 corporation licensed for that purpose under AS 47.35.085; and

9 (C) has a permit issued by the department under AS 47.35.085.

10 \* Sec. 20. AS 47.35.020 is amended to read:

11 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED FOR CERTAIN CARE  
12 FACILITIES. A person may not, without a license or permit to do so,

13 (1) maintain or conduct, for more than 90 days, a boarding home, foster  
14 home, group home, institution, or other place for the regular reception or care of  
15 children under 16 years of age, or a foster home, group home, or institution for the  
16 care of dependent adults; [OR]

17 (2) engage in the business of receiving or caring for children under 14  
18 years of age, with or without compensation, in a nursery in which five or more  
19 children not related by blood or marriage, or legal adoption, to the owner, operator, or  
20 manager of the business are lodged; or

21 (3) hold out publicly that the person's residence is a shelter for  
22 runaway minors.

23 \* Sec. 21. AS 47.35 is amended by adding a new section to read:

24 Sec. 47.35.085. SHELTERS FOR RUNAWAY MINORS. (a) The department  
25 shall adopt regulations under which a nonprofit corporation may apply for a license to  
26 designate and supervise shelters for runaway minors.

27 (b) The department shall also adopt regulations setting health and safety  
28 standards for shelters for runaways. The regulations adopted under this subsection  
29 must

30 (1) involve less regulation than is required for programs for runaways  
31 licensed under AS 47.10.310 and foster homes licensed under this chapter;

1 (2) provide that private agencies approved by the department may  
2 recruit, evaluate, and monitor the shelters for runaways under procedures established  
3 by the department; and

4 (3) require that a nonprofit corporation licensed under (a) of this section  
5 inspect the shelters for runaways, perform criminal background checks of its residents,  
6 keep records, and meet other requirements only to the extent that they are necessary  
7 to reduce the risk to the health and safety of a runaway minor in the shelter.

8 (c) If a person licensed under (a) of this section certifies to the department that  
9 a home meets the standards set under (b) of this section, the department shall issue the  
10 home a permit authorizing it to be a shelter for runaway minors. The permit may not  
11 be transferred to a different home or owner.

12 (d) Upon notice from a person licensed under (a) of this section that a shelter  
13 for runaways is not in compliance with AS 47.10.392 - 47.10.399 or the regulations  
14 of the department adopted under (b) of this section, the department may revoke a  
15 permit issued under this subsection or modify it to provisional status. The department  
16 shall give written notice of revocation or modification under this subsection at least  
17 30 days before the effective date of the action. However, if the health or well-being  
18 of a child is in jeopardy, the revocation or modification action is effective immediately  
19 upon the issuance of written notice by the department.

20 \* Sec. 22. AS 47.35.100(a) is amended to read:

21 (a) Without a license issued by the department in accordance with its  
22 regulations a person may not operate an agency providing any of the following  
23 services:

24 (1) the placement of children for foster home care;

25 (2) the placement of children for adoption; [OR]

26 (3) individual and family counseling; or

27 (4) designation and supervision of shelters for runaway minors

28 under AS 47.35.085.

29 \* Sec. 23. AS 47.35.900 is amended by adding new paragraphs to read:

30 (7) "runaway minor" has the meaning given in AS 47.10.390;

31 (8) "shelter for runaway minors" or "shelter for runaways" means a

1 private residence whose legal occupant agrees to shelter, with or without compensation,  
2 a runaway minor accepted into the residence, subject to the limitations imposed under  
3 this chapter and AS 47.10.392 - 47.10.399.

4 \* Sec. 24. This Act takes effect immediately under AS 01.10.070(c).



# Alaska State Legislature

## Senator Randy Phillips

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### Sectional Analysis

CS SB 45

#### **Section 1:**

Summarizes the general purposes of sections 13 and 17 of the bill, citing both the requirements of the pertinent federal Act and conditions specific to the state.

#### **Section 2.**

This section sets out the findings and intent that relate to the "safe homes" sections of the bill. (*one change from original, changed "protect" to "reduce the risk to"*) Change requested by DHSS

#### **Section 3-8.**

These sections amend the code of civil procedure relating to actions to remove the disabilities of minority. Under current law, a minor can get court approval to have the responsibilities and powers of an adult for either general purposes or for a specific purpose. The changes in these sections would allow the legal custodian of a minor to file a petition to remove the disabilities of the minor. Formerly, only the minor could file such a petition.

#### **Section 9.**

The substantive effect of all the changes in this section is to raise from 16 to 18 the age of minors covered by the statute that makes it a crime to contribute to the delinquency of a minor by encouraging the minor to be absent from the custody of parents or other custodians. Exceptions are made for minors for whom the disabilities of minority have been removed and for persons who aid runaway minors by keeping them in a "safe home."

#### **Section 10.**

This section is a technical amendment made necessary by the amendments to AS 11.51.130(a) under sec 8 of this bill.

#### **Section 11**

This section, relating to working hours is self-explanatory.

## **Section 12.**

This section provides immunity to the state and to agencies that designate safe homes for the acts of a minor in a safe home.

## **Section 13. (Senator Duncan Amendment)**

Substantially revises and extends the key juvenile detention/incarceration provision of current statutory law, AS 47.10.130.

Proposed AS 47.10.130(a) establishes an explicit prohibition against incarceration of a minor in a correctional facility.

Proposed AS 47.10.130(b) carries forward without change language of the current statute assigning responsibility for notification of the minor's parent(s), guardian(s), or custodian(s) of the minor's detention.

Proposed AS 47.10.130(c) sets out three exceptions to the general prohibition against a minor's incarceration in a correctional facility:

- (1) minors adjudicated delinquent or held in official detention pending filing of a delinquency adjudication petition, the incarceration not to exceed six hours or the time necessary to arrange other transportation, whichever is shorter;
- (2) minors held pending prosecution as an adult; and
- (3) minors held in protective custody, that is, held because they are intoxicated or incapacitated by alcohol.

Proposed AS 47.10.130(d) places conditions and limitations on the holding of minors who are placed in correctional facilities under the exceptions of sec. 130(c)(1) (temporary detention pending transportation) or 130(c)(3) (protective custody detention). Those conditions and limitations include assignment to quarters separate from adults and provision of necessary services separate from the services that are provided to adults held in the correctional facility.

Proposed AS 47.10.130(e) recognizes weather related and similar delays beyond the control of the custodian by allowing an extension of the holding of a minor in temporary detention pending transportation beyond the six hour maximum in limited circumstances. At the same time, the subsection imposes specific duties on the person having responsibility for the minor's detention to document the reason for the extension and to advise the pertinent parties of the delay in transportation.

Proposed AS 47.10.130(f) authorizes extension of the holding of the minor in temporary detention pending transportation only so long as necessary to complete the necessary transportation arrangements for the minor.

For minors held in protective custody, proposed AS 47.10.130(g) directs that the parameters of treatment and detention that are set out in AS 47.37.170(i) are made applicable to minors so held.

#### **Section 14**

This section establishes requirements and immunities relating to persons who operate safe homes for runaway minors.

*Two changes from original, AS 47.10.394(b)(3) new and AS 47.10.394(c) added 48 hour notice requirement. Changes requested by Senator Ellis*

#### **Section 15.**

This section allows a peace officer to take a minor who is in protective custody to a safe home that agrees to shelter the minor. This section also requires the officer to inform the minor's custodian that counseling services are available through the Department of Health and Social Services.

#### **Section 16.**

This section requires the Department of Health and Social Services to offer counseling services to the custodian of a runaway minor (and to the custodian's household) before the department may take emergency custody of the minor.

#### **Section 17. (Senator Duncan's Amendment)**

Makes correlative changes to a juvenile detention statute, AS 47.10.190. (relates to section 13)

#### **Section 18.**

This section provides that a person may not represent a home as a "safe home" for runaways unless the person has the appropriate permit.

#### **Section 19.**

This section directs DHSS to adopt regulations under the which a nonprofit corporation may apply for a license to designate and supervise safe homes for runaway minors. The regulations must include health and safety standards for the homes. Upon notification by a licensed agency, DHSS will provide a permit to the designated homes.

*One change from original, AS 47.35.085(b)(2) new wording, Change requested by DHSS*

#### **Section 20.**

This section requires that an agency may not designate safe homes unless licensed to do so by DHSS.

#### **Section 21.**

This section defines "runaway minor" and "safe home."

#### **Section 22.**

This section gives the bill an immediate effective date.

*Note: Former bill section 9 which relates to possession and purchase of a firearm by persons under age 21 has been deleted from the bill.*

**MEMORANDUM**

**TO:** Terri Lauterbach  
Legal Services

**FROM:** David Skidmore  
Office of Senator Frank

**RE:** CS SB 45

**DATE:** 13 April, 1993

-----

The Finance Committee voted to pass out CS SB 45 this morning; the committee had adopted the CS identified as "K" in the upper right-hand corner.

Senator Frank moved, and the committee adopted, a conceptual amendment to the following effect: that the court, in making an emancipation decision, shall consider the ability and willingness of the non-custodial parent to assume custody.

Your suggestion as to how this amendment may be practically implemented (send notice to non-custodial parent, have waiting period, and consider response) seems sound to me; I was not able to consult Senator Frank as he is currently on the floor.

The Finance secretary would like to get the new CS to the Senate secretary as soon as possible. I will either have Rick Solie request this CS (as soon as I can locate him) or have Senator Frank contact your office to have my name added to the authorized requestor list. Thank you for your help.



# Alaska State Legislature

Senator Randy Phillips

Senate District L

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Alaska Commission on  
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Attached is a draft CS for SB 45.

The changes from the HESS CS are as follows:

The amendment offered on Saturday, April 10 has been incorporated.

Section 14 has been amended as follows to accomodate a concern expressed by Senator Taylor:

The peace officer that takes a runaway into custody shall exercise the officer's discretion as to where to take the minor. Current law is to honor the minor's preference as to whether the minor is taken home or to another facility.

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ALASKA

POSITION PAPER: Senate Bill 45  
 By Senators: PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

Covenant House Alaska, a 40-bed runaway crisis center providing food, clothing, shelter, medical care, counseling and referral and advocacy for youth and families cannot support this bill. Covenant House Alaska feels there are fundamental flaws with this legislation, including the fact that miscellaneous laws relating to minors are being proposed in conflict with existing laws and regulations and that this legislation, as written, offers a vehicle for anyone to accept runaway youth into their home -- further placing hundreds of youth at risk for physical, sexual, mental and/or emotional abuse.

It is the position of Covenant House Alaska that:

1. the existing Runaway Statute adequately meets the needs of homeless and runaway youth without conflicting with existing laws;
2. a vehicle does exist for interested and qualified parties to operate a safe home, even in the most rural areas.

The vehicle -- regulations which accompanied the Runaway Legislation (AS 47.10) -- if the Dept. of Health and Social Services would approve and implement the regulations which have been in limbo since 1990, safe homes would be legal and more importantly, safe, for youth in every community.

3. In addition, the bill states no purpose for existence of the safe homes. The current act (47.10.310) for runaway shelters states that the program "(c) (2) attempt to determine why a minor in the program is a runaway;" and "(5) be operated with the goal of reuniting runaway minors with their families, except in cases in which reunification is clearly contrary to the best interest of the minor." At the very least, safe homes should be committed to and able to accomplish these goals.

Without the above stipulations, I fear that abuses of safe homes will occur.

Covenant House Alaska has identified the following specific concerns as the basis for the formation of our opinion.

March 5, 1993

Section 1, pg 1, (a) line 9. regarding " . . . properly qualified private citizens . . . "

There is no definition of "properly qualified private citizens," nor any identification of who sets the qualifications. Covenant House Alaska works with Alaska's most troubled youth who are runaways and homeless -- based on experience, it is the position of Covenant House Alaska that individuals must have extensive training and/or intensive supervision when working with this challenging population.

Section 1, pg 1, (b) line 12. allows "interested non-profit corporations" to approve safe homes.

The burden of licensure turns to non-profits who may not be qualified. Recognizing that there are many types of non-profits and that allowing "any interested non-profit" who may or may not have experience in working with homeless/runaway youth places youth at the hands of well meaning but possibly ill-prepared organizations/people. A criteria, to include experience, expertise and appropriateness of the agency licensing, must be developed before non-profits are given green lights to approve "concerned citizens" as safe homes.

Section 1, (b) pg. 2, line 1. this legislation calls for "less regulation than is required for licensed programs for runaways under AS 47.10."

Why would we want or require any less for our youth because of where they live or the type of services they can access? It is the State's responsibility to ensure the safety of youth, not put them at further risk. It is the recommendation of Covenant House Alaska that the regulations for runaway shelters be adopted and that interested persons or agencies use the flexibility of the regulations to offer safe homes through an appropriate means. These regulations offer waivers for many of the requirements without jeopardizing the critical aspects of working with this population.

Sections 2-7 in general terms, allow parents to divorce their children.

It is the position of Covenant House Alaska that parents divorcing children will not help the situation of runaways, the broken family, nor the youth. It appears that the only purpose for this language is to remove the parents' financial responsibility for the actions of their youth. Covenant House Alaska does not believe this is in the best interest of youth since further abandonment contributes to the disintegration of youth's connectedness to mainstream society and places additional burden on the community.

Section 8 (a) pg. 3 (4) lines 23-26. Contradicts AS 47.10 and SB 45 and could be interpreted that existing runaway shelters and

safe homes are "aiding, inducing, causing, or encouraging" youth "to be absent from the custody of parents . . ." by offering food, clothing, shelter, etc.

The immunity from liability clause referenced on line 26 is currently being challenged in the State of Alaska Court and has not yet been upheld since the Dept. of Health & Social Services has failed to approve and implement the regulations which accompanied AS 47.10. If this bill were passed, no shelter nor safe home would be immune from liability based on the current challenge of the immunity clause.

Section 11. (f) pg 4. line 31. "a minor..." what age is this describing - under 21? If so, it seems unrealistic to expect a 20 year old to get written permission to work. This contradicts existing child labor laws and would place an unnecessary hardship on youth who are living independently, are self-sufficient, and are determined by the State of Alaska to be adults at age 18.

Section 13. pg 5 (b) line 27. This language holds the provider of a safe home to the same standard as a professional when reporting child abuse and neglect.

If the criteria defining a qualified provider do not hold the provider to a professional standard, how can we expect them to be educated in determining reasonable cause, etc.? Providers must have formal education, experience and supervision as earlier referenced.

Section 13. (c) pg 5 line 31 pg 6 line 2. AS 47.10 holds an agency to notifying youth's parents of their whereabouts within 48 hours.

SB 45 requires the safe home only make a "good faith effort . . . as soon as possible."

It is Covenant House Alaska experience that parents and youth are most responsive to family reunification efforts when notification is made within the first 24 hours after a youth has left home. No parent should have to suffer days of agonizing distress when their child has, in fact, been safe. The language of AS 47.10 is the most reasonable for notification purposes and Covenant House Alaska cannot support a relaxation of the reporting requirements.

Section 13. pg 6. line 19. immunity from liability

Again, immunity from liability has become a false sense of security for agencies since the Dept. of Health & Social Services has never implemented the regulations; therefore challengers have made a case that there is no immunity since there are no regulations. The Dept. of Health & Social Services must approve and implement regulations which accompany AS 47.10.

Section 14, pg. 7, line 28. regarding social services and counseling.

If the Division of Family and Youth Services deems that the youth is not a child in need of aid, contrary to this legislation, there is no fiscal note which supports social services nor counseling services for the minor, the custodian and the minor's household. All supportive services, family mediation and family reunification and related costs are currently being borne by the runaway shelters without reimbursement.

Section 16, pg 8, line 16. regarding a person without a license or permit not conducting, for more than 90 days a boarding home, foster home . . .

Does this mean anyone can maintain and conduct a boarding home, foster home . . . for less than 90 days?

Obviously, there are fundamental problems with this legislation and any form of this bill is not in the best interest of youth, families or the community. Homeless and Runaway youth come with a maze of complex problems that are, most often, not the fault of their own. Admittedly runaway youth are a difficult population to work with and need special attention and services, but regulations which prevent family reunification and further destroy the youth's chances of re-entering society's mainstream are not the answer to the problem.

Covenant House Alaska continues to be willing to work in a collaborative effort on any legislation that is intended to better meet the needs of youth and their families. It is Covenant House Alaska's position that the original regulations must be adopted and that agencies and individuals work with the Dept. of Health and Social Services to offer an appropriate means for well prepared citizens to participate in sheltering homeless and runaway youth.

# CATHOLIC SOCIAL SERVICES

225 CORDOVA STREET, BLDG. B.

ANCHORAGE, ALASKA 99501

(907) 277-2554

**TESTIMONY STATEMENT**

**TO: SENATE HESS COMMITTEE**  
Senators RIEGER, Sharp, Leman, Miller, Duncan, Ellis, Salo

**FROM: Jim Caldarola, Executive Director**  
Catholic Social Services

**RE: Senate Bill 45**  
By PHILLIPS, Halford, Kelly, Miller, Leman, Sharp

Catholic Social Services is a multi-service agency serving the homeless and hungry, troubled teens, the developmentally disabled, pregnant women and girls, immigrants and refugees, and just people in despair who need temporary help.

In responding to SB45, we cite Children in Crisis, A report on Runaway and Homeless Youth, that was published a year ago. To take a quote from the introductory letter, "It is clear that the time has come for improved service to these lost, but not forgotten children and their families." It is our opinion that SB45 does not provide for that improved service; rather its tendency is to put our youth and our communities in jeopardy.

A first important point of discomfort we have with this bill is that some of the issues--most pointedly immunity of liability while operating safe homes--are predicated on adoption of certain regulations by the Department of Health and Human Services. In fact, DHHS has failed to approve and implement the regulations which have been in existence since 1990. If the regulations were approved, safe homes would be legal and safe for youth in every community and most of this legislation would be unnecessary. The main issue of a safe homes bill is to keep volunteers immune from liability.

Other flaws with SB45 are:

1. the bill presents two separate issues neither of which help runaway or homeless youth:
  - a. one that gives parents a right to "divorce" their child, an action that will not help runaways or resolve the family's problem, but only remove the parent's responsibility for the youth.
  - b. secondly, this bill tries to set up a safe home system for runaway and homeless youth, without stating a purpose for the existence of safe homes, nor providing specific and important safe guards for the youth.



2. Our understanding is there is no fiscal note attached to this bill, but CSS feels it is unrealistic of the bill's sponsors to expect a safe homes program to cost nothing. Who will pay for the licensing, fingerprinting, background checks, and recordkeeping of safe homes, as denoted on Page 9, line 6? Who will pay for and provide supportive and counseling services to a youth in a safe home?

3. The possibility of endangering homeless youth with less than stringent safeguards is due to:

a. no definition of "properly qualified citizen". Pg. 1, line 9.

b. no specification of a youth or human services organization to approve safe homes but only allowing "interested non-profit corporations". (Pg. 1, line 12)

c. a person without a license or permit may not conduct, for more than 90 days a boarding home, foster home, etc. Pg. 8, line 16. Does this mean someone without a license could do so for 89 days or less?

Senators Rieger, Sharp, Leman, Miller, Duncan, Ellis and Salo, if we have misinterpreted any of the issues in SB45, we would be happy to sit down and discuss them with the bill's sponsor. However, we have never been contacted by Sen. Phillips office for input. I implore you to contact the DHHS Commissioner to ask the status of the runaway regulations, which, if adopted would be a vehicle under which safe homes could be operated in rural communities legally and safely.

WALTER J. HICKEL, GOVERNOR

**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

*DIVISION OF FAMILY AND YOUTH SERVICES*

P.O. BOX 110630  
JUNEAU, ALASKA 99811-0630  
PHONE: (907) 465-3170

Honorable Steve Rieger, Senator  
Alaska State Legislature  
State Capitol  
Juneau, Alaska

March 17, 1993

RE: SB 45 Information Request

Dear Senator Rieger,

The following information is provided as requested during the hearing before the Senate HESS committee for SB 45 on 3/5/93.

1. Can the Department create Safe Homes without a statutory change?

The department believes that authority under AS 47.10. and AS 47.35 could permit the creation of safe homes. The department finds existing statutory language ambiguous and out dated, and we would feel much more comfortable with explicit authority to create such homes.

2. What is a safe home, what are the other safe home programs?

The department is aware of two programs in the Municipality of Anchorage that are known as "Safe Homes". One program which was sponsored by CARRS grocery served minors 16 and older who were runaways from home. It is not known if this program is still in existence. The second is a program sponsored by the Municipality of Anchorage School District for school children. These homes are available if a child needs help while on the way to or from school.

Both programs are not licensed by the department.

3. If the bill language were changed to homeless rather than runaway what impact would result?

The department has adopted the national definitions for the terms of "runaway" or "homeless" minor. This adoption avoids confusion by assuring that everyone understands the meaning of the terms. The federal grant programs also have adopted the

RIEGER/WING  
SB45  
3/17/93  
page 2

definitions of these terms and expects that applicants use the same definitions. The definitions are as follows:

**Runaway:** Youth who leave home and return at a later date. If the objective of services is to return the youth to a home environment or group care, then the youth is a runaway.

**Homeless:** Youth who leave home and do not return or who periodically return to destructive home environments. If the objective of service is preparation for independent living then the youth is homeless. Homeless youth do not have any apparent legal means of financial support.

The combined definitions for runaway and homeless youth that has been adopted by the department are functionally equivalent to the statutory definition for runaway youth contained in the Alaska Statutes.

4. What are the resources available now for runaway and homeless youth?

This is best described in the department's policy on runaway and homeless youth. A portion of that policy reads as follows;

Runaway children not in the custody of the department who are detained by a law enforcement officer and request DFYS services, or who individually present themselves and request DFYS services, will be assessed for services. This assessment will be done either by a DFYS worker or by referral to a contract agency providing services for runaways.

The worker will assess the needs of referred adolescents and provide services as appropriate and necessary. The worker may assume Emergency Custody if appropriate. The worker will not assume Emergency Custody solely on the basis of either the minor's refusal to return home or the parent's refusal to provide care.

RIEGER/WING

SB45

3/17/93

page 3

The department has alternatives for a youth that meet the assessment criteria. Unfortunately these alternatives are not available in all communities across the state.

1. There are foster homes available for children where child protection or delinquency issues are present.
2. There are foster homes available for emergency services.
3. There are informal arrangements between families who are friends that provide temporary shelter.

Thank you for the opportunity to assist the committee in its consideration of SB 45.

Sincerely yours,

*for* *Randall Hines, acting*  
Deborah R. Wing  
Director  
Division of Family and Youth Services

cc. Senator Randy Phillips



# Alaska State Legislature

## Senator Randy Phillips

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**CHAIR**  
Legislative Budget & Audit  
Community & Regional Affairs

**VICE-CHAIR**  
Transportation

**MEMBER**  
Alaska Commission on  
Postsecondary Education

### Memorandum

**TO:** Senator Drue Pearce, CoChair  
Senate Finance Committee

**FROM:** Senator Randy Phillips *REP*

**DATE:** March 22, 1993

**RE:** Senate Bill No. 45  
"An Act relating to persons under the age of 21; providing for designation of 'safe homes' for runaway minors; and providing for an effective date."

The above referenced bill has been referred to the Senate Finance Committee.

Please consider this as my formal request that S.B. 45 be scheduled before your committee for an early hearing.

If you have any questions or comments do not hesitate to call me at 4949. Your cooperation is appreciated.



# Alaska State Legislature

Senator Randy Phillips

Senate District L

**SESSION**  
State Capitol  
Juneau, AK 99801  
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**VICE-CHAIR**  
Transportation

**MEMBER**  
Alaska Commission on  
Postsecondary Education

## Memorandum

**TO:** Senator Drue Pearce, CoChair  
Senate Finance Committee

Senator Steve Frank, CoChair  
Senate Finance Committee

**FROM:** Senator Randy Phillips *REP*

**DATE:** April 1, 1993

**RE:** Sponsor Statement in Support of: CS for Senate Bill No.  
45 (HES)  
"An Act relating to persons under the age of 21; providing  
for designation of shelters for runaway minors; relating to  
the detention and incarceration of minors and  
providing for an effective date."

According to the Alaska Department of Health and Social Services, over 3,500 youth runaway from home each year in Alaska. Many of these youths end up on the streets or in the homes of exploitive adults where they engage in prostitution, drug trafficking and property crimes to support themselves.

Senate Bill 45 was proposed as a means of addressing the growing problem of "runaway" children in Alaska, the inability of parents to deal with these children under existing laws and the inability of the state and local governments to protect these children. Senate Bill 45 changes several statutes relating to persons under the age of twentyone as well as providing a mechanism for the licensing of "safe homes".

Senate Bill 45 changes the definition of contributing to the delinquency of a minor. Current statute provides that a person over the age of 19 may not aid, induce, cause or encourage a child under the age of 16 to be absent from the custody of a parent, guardian. Senate Bill 45 would raise that age from 16-18.

Senate Bill 45 prohibits an unemancipated minor from working without the permission of the minor's legal custodian and from working after 10:00 pm on school nights or 9:00 pm. if the minor is under the age of 16.

Senate Bill 45 allows the parents of a minor child to file an emancipation petition with the court on behalf of a minor. The purpose of this provision is to allow parents that cannot compel a child to remain in their custody and control, to initiate the process that would make the child solely accountable for his or her actions. It requires that a parent show that they have taken steps to work with their child before a minor can be emancipated.

An amendment added in the Health Education and Social Services Committee brings Alaska's laws on detention and incarceration of minors into compliance with federal laws. This provision is necessary in order for the state of Alaska to continue to receive federal grant funds for youth shelters.

This bill is intended as one step in a comprehensive look at statutes that apply to minor children. Thank you for your support in addressing this important issue. Your packet should have a copy of the report "Children in Crisis, A report on runaway and homeless youth in Alaska" for your information.

**BILL NO:** CSSB 45(HES)

**DATE:** March 31, 1993

**TITLE:** "An Act relating to persons under 21 years of age. . ."

**CONTACT:** C.E. Swackhammer  
Deputy Commissioner  
465-4322

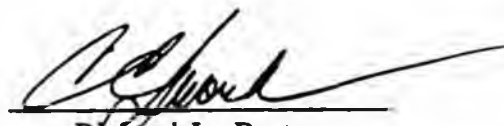
CSSB 45 provides for licensed shelters as an additional option to a peace officer who has protective custody of a runaway minor, and provides counseling services for the custodian of the minor and the minor's household.

This bill adds language to Contributing to the Delinquency of a Minor, making it illegal for a person 19 years of age or older to aid, induce, cause, or encourage a person under 18 years of age to be absent from the custody of a parent, guardian, or custodian without just cause.

This bill provides that a minor may not be housed in a facility that houses adults as prisoners except under certain circumstances and for a limited time; provides that minors must be transported to a juvenile detention home, and that if transportation is not available, provides for documenting and notification requirements.

The Department of Public Safety strongly supports the concept of shelters for runaway minors and the additional language which makes illegal the aiding of a person to run away.

This legislation will not modify the procedures currently being carried out by the Department. In situations where a juvenile is placed under arrest the juvenile is transported to a juvenile detention facility. In rural Alaska transportation is primarily by air; delays in transportation occasionally occur due to inclement weather, but transportation is accomplished as soon as weather conditions permit.



Richard L. Burton  
Commissioner

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**LEGISLATIVE AFFAIRS AGENCY**  
**STATE OF ALASKA**

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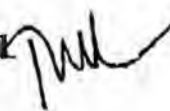
130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 13, 1993

**SUBJECT:** Persons Under 21 (CSSB 45(FIN); version "R")

**TO:** Senator Steve Frank  
ATTN: Dave

**FROM:** Terri Lauterbach  
Legislative Counsel 

Enclosed is a CS for SB 45 that includes your "conceptual" amendment pertaining to notification of a noncustodial parent when a petition to remove the disabilities of minority is filed for or by a minor.

Most of the new language is underlined at the end of sec. 6. There is also a new sentence at the end of sec. 8.

Please let me know if I can be of further assistance.

TML:gc  
93-337.glc

Enclosure

# FISCAL NOTE

No. 2

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL N

Bill Version: SB 45  
(S) Publish Date: 3-22-93

Revision Date: \_\_\_\_\_  
Title: MISC. LAWS RELATING TO MINORS  
Sponsor: Senator(s) PHILLIPS, et. all  
Requestor: Health, Education & Social Services

Department Affected: Labor  
BRU: Labor Standards & Safety  
Component: \_\_\_\_\_  
Wage & Hour  
COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME				
PART-TIME				
TEMPORARY				

Changes in CS SB 45 (HESS) have no fiscal impact. This fiscal note is appropriate.

Estimate of current year (FY93) impact: \$ None

3/22/93 date hh Comte Aide (initial)

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Donald Study, Director *Donald Study CSP* Phone: 465-6003  
Division: Labor Standards & Safety Date: 3/1/93

Approved by Commissioner: Charles W. Mahlen *Charles W. Mahlen*  
Agency: Department of Labor Date: 3/1/93

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# FISCAL NOTE

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO :**       CSSB 45 (HES)      

Revision Date: \_\_\_\_\_  
 Title:       Misc. Laws Relating to Minors        
 \_\_\_\_\_  
 Sponsor:       Senator(s) Phillips, et. all        
 Requestor:       Senate Finance      

Department Affected:       Labor        
 BRU:       Labor Standards & Safety        
 Component: \_\_\_\_\_  
      Wage & Hour        
 COMPONENT SERIAL NO.       345      

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
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**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

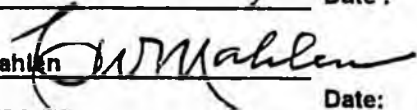
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$       None      

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

Prepared by:       Donald G. Study, CSP, Director        Phone :       465-6003        
 Division:       Labor Standards & Safety       Date :       3/26/93      

Approved by Commissioner:       Charles W. Mahlen        Date:       3/26/93        
 Agency:       Department of Labor      

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# FISCAL NOTE

2/2/93  
JUD

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO :** CS SB 44 (L&C)

Revision Date: \_\_\_\_\_  
 Title: "An Act relating to civil liability for  
 skiing accidents ..."  
 Sponsor: Senator Kelly  
 Requestor: Senate Judiciary

Department Affected: Labor  
 BRU: Labor Standards & Safety  
 Component: Mechanical Inspection  
**COMPONENT SERIAL NO.** 346

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>						
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<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ None

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

Prepared by: Donald Study, CSP, Director *Donald Study* Phone: 465-6003  
 Division: Labor Standards & Safety Date: 2/1/93

Approved by Commissioner: Charles W. Mahien *Charles W. Mahien*  
 Agency: Department of Labor Date: 2/1/93

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CS SB 44

**FISCAL NOTE**

2-1-93  
S/Jud

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**BILL NO. CSSB 44 (L&C)**

Revision Date: \_\_\_\_\_  
 Title: 'An Act relating to civil liability for skiing accidents.'  
 \_\_\_\_\_  
 Sponsor: Senator Kelly  
 Requestor: \_\_\_\_\_

Department Affected: Administration  
 BRU: Risk Management  
 Component: \_\_\_\_\_  
 \_\_\_\_\_  
**COMPONENT SERIAL NO. 0071**

**EXPENDITURES/REVENUES:**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE FUND SOURCE:</b>	0	0	0	0	0	0
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**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0

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

This bill is directed to down hill ski areas--the c/s excludes cross-country ski trails as sometimes found on State lands. The bill as written will not impact Risk Management budget.

Prepared by: Don Hitchcock, Director  
 Division: Risk Management

Phone: (907) 465-2180  
 Date: 1-29-93

Approved by Commissioner: Nancy Bear Usura  
 Agency: Administration

Date: 2/1/93

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# FISCAL NOTE

1/22/93

JUD

**STATE OF ALASKA  
1993 LEGISLATIVE SESSION**

**BILL NO. CSSB 44**

Revision Date: 1/25/93  
Title: Ski Liability, Safety, and Responsibility

Dept. Affected: Natural Resources  
BRU: Resource Development  
Component: Land Development

Sponsor: Senator Kelly  
Requestor: Senate Labor and Commerce  
Committee

**COMPONENT SERIAL NO. 431**

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE FUND SOURCE:</b>	NA	NA	NA	NA	NA	NA
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**FUNDING:**

(Thousands of Dollars)

	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROG RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	none	none	none	none	none	none
PART-TIME	none	none	none	none	none	none
TEMPORARY	none	none	none	none	none	none

Estimate of current year (FY 93) impact \$ no fiscal impact anticipated

**ANALYSIS:** The only additional DNR responsibilities proposed under the bill (and this was proposed by DNR) is that DNR employees can enforce the six specific listed violations. No additional fiscal impacts are anticipated if the bill is approved.

Prepared By: Ron Swanson  
Division: Land Development

Phone: 762-2692  
Date: 1/25/93

Approved by Commissioner: Glenn A. Olds  
Agency: Department of Natural Resources

Date: 1/25/93

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FISCAL NOTE

1/20/93 L&C then  
JUD

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill No. SB 44

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to civil liability for BRU: Trial Courts  
skiing accidents... Components: \_\_\_\_\_  
 Sponsor: Kelly  
 Requestor: Labor & Commerce COMPONENT SERIAL NO. 

000   000	000   768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228  
 Division: Alaska Court System Date: 01/15/93

Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System Date: 01/15/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO. SB 44**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to civil liability for skiing accidents . . .

Department Affected: Commerce and Economic Development  
 BRU: Insurance  
 Component: Insurance Operations

Sponsor: Senator Kelly  
 Requestor: Senate Labor and Commerce

**COMPONENT SERIAL NO. 354**

**EXPENDITURES/REVENUES:**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE FUND SOURCE:</b>	0	0	0	0	0	0
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**FUNDING:**

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary.)  
 No fiscal impact.

Prepared by: Dave Walsh  
 Division: Insurance

Phone: 465-2515  
 Date: January 15, 1993

Approved by Commissioner: Paul Fuhs  
 Agency: Commerce and Economic Development

Date: \_\_\_\_\_

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## POSITION PAPER

CSSB 45 (HES)

For An Act Entitled: "An Act relating to persons under 21 years of age; providing for the designation of shelters for runaway minors; relating to the detention and incarceration of minors; and providing for an effective date."

### Background

CSSB 45 speaks to a wide range of issues concerning the liberty of minors. This legislation is primarily directed at the problem of chronic runaway children and the practice of confining minors in adult correctional facilities, jails and rural lock-ups.

Early on in statehood the legislature passed a "runaway minor" law that allowed the incarceration of minors in state-operated youth facilities (detention). This practice was based on the belief that society had an obligation to guide and control the behavior of its youth and society had the right to use the means necessary to carry out this responsibility.

Congress enacted legislation known as the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP), which in part prohibits the incarceration of runaway minors and the incarceration of minors in adult correctional facilities. At that time Congress discovered that "locking up" minors under these conditions did not help them and in some cases caused further emotional/psychological damage to already troubled youth.

In 1976, Alaska repealed its "runaway law," which brought the practice of "locking up" runaway minors to an end but continued the practice for minors charged with criminal type offenses.

Under current statute a peace officer has the authority to take protective custody of a runaway minor and offer the minor a choice of services. (AS 47.10.141.b)

Community and parent groups have become increasingly frustrated with the lack of intervention services offered to runaway minors. The sponsor of this bill brought forward these concerns in an effort to seek solutions.

The department has participated in the process of finding solutions by conducting statewide runaway and homeless youth

conferences, and networking with national, state and local agencies.

This bill represents the first step in efforts towards determining long range solutions for the problems of runaway minors and the incarceration of minors in adult correctional facilities.

### Analysis/Program Impact

The department has very limited funds available for services to runaway and homeless minors. The shelter home concept described in this bill would provide one of the most needed services for runaway minors. These homes are needed most in smaller rural communities of the state that lack the non-profit services of the larger metropolitan areas.

The "runaway problem" in Alaska is a complex family problem. The extent to which the runaway problem affects families throughout Alaska is not completely understood. The department recognizes that a comprehensive statewide study must be conducted to uncover the true scope of the problem and chart a remedial course of action.

As to the practice of incarcerating minors in adult correctional facilities, the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, calls for its elimination.

Alaska has been a participant in the formula grant program offered under the U.S. Department of Justice through the Office of Juvenile Justice and Delinquency Prevention since 1976 and receives the minimum annual allocation of \$325,000. Acceptance of these funds has obligated the state to improve its juvenile justice system and comply with the requirements of the Act.

Since 1989, Alaska has had to seek waivers to receive this formula grant funding because we have been unable to meet the OJJDP standard addressing the removal of youth from adult jails and lockups. The Division recently received its 1991 Federal funding on its third and final waiver request but is greatly concerned by the verbal advisement from the Office of Juvenile Justice and Delinquency Prevention indicating Alaska's eligibility to receive 1992 Federal Formula grant funds will depend on passage of CSSB 45 this session.

Without this grant revenue of \$325,000 annually, it would be necessary to use state general funds to continue funding ten (10) Non-Secure Attendant Shelter programs serving twelve (12) communities. The Non-Secure Attendant Shelter model

# POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

has been Alaska's most effective approach in attempting to comply with the jail removal requirement of the JJDP Act. In FY 92 it cost approximately \$171,150 to provide alternative placement to 472 youth who may have otherwise been placed in adult jails or lockups.

CSSB 45 prohibits the confinement of youth in adult lock-ups, jails and correctional facilities except under special circumstances. Enactment of this legislation would demonstrate Alaska's intent to meet the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

## DEPARTMENTS POSITION

The department strongly supports the provisions of this bill that establish shelter homes, and restrict the use of adult correctional facilities for the incarceration of minors.

The department stands in a neutral position on the other provisions of the bill as they are not clearly within the jurisdictional boundaries of the department.

The enactment of the shelter home provisions and the jail removal provisions will greatly assist the department in its mission to meet the health and safety needs of Alaska's youth. The department is committed to going forward with the development of services for runaway and homeless youth and the removal of minors from adult correctional facilities.

Recommended: Deborah R. Wing Date: 4/1/93

Deborah R. Wing, Director  
Division of Family and Youth Services

Approved: Theodore A. Mala Date: 4/1/93

Theodore A. Mala, MD, MPH  
Commissioner  
Department of Health and Social Services

**SENATE COMMITTEE REPORT**  
(FIRST COMMITTEE OF REFERRAL)

*JMA*

DATE: 1/13/93

FURTHER: FINANCE

Date of 5-Day Notice: 2/25/93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/22/93

HES Committee considered SENATE BILL NO. 45

"An Act relating to persons under 21 years of age; providing for designation of 'safe homes' for runaway minors; and providing for an effective date."

and recommends:

replace with \_\_\_\_\_ CS SB 45 *(ITESS)*

and recommends it be replaced with

attaches amendment(s)

*amoy*  
*& rpt it back after*

- same title
- new title
- technical title change (HB only)

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

*no rec*

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

do pass

do not pass

no recommendation

individual recommendations

*1 FN*  
*2 q FN'S*

FISCAL NOTE INFORMATION

*SB/CS*  
*" "*  
*" "*

Department	Date	Zero	Fiscal
LAW	<u>1/26</u>	✓	
LABOR	<u>3/1</u>	✓	
HSS	<u>1/26</u>		<u>74.0</u>

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**  
*(2) Alan A. Lewman*

**OTHER RECOMMENDATIONS:**  
*(1) Mike Miller No Rec*  
~~\_\_\_\_\_~~  
*(1) Duncan No Rec*  
*(1) E. Salo No Rec*  
*(1) Bert Sharp - No Rec*

*(1) Alan A. Lewman No Rec*  
Chair: Signature and Recommendation