

HEB

412

SENATE COMMITTEE REPORT

DATE: 4/29/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 5/2/94

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

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

and recommends:

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

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

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

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

Appropriation No Fiscal Note

DO PASS:

Steven A. Herman

OTHER RECOMMENDATIONS:

Mike Miller No Rec

Jay Sellers No Rec

Judy Sato No Rec

Steve Hill no rec

Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: Dept: Health and Social Servies

Title: Community Care Licensing Statute

BRU: Family and Youth Services

Sponsor: Rules by Request

Components: Central Office

Requestor: House Finance Committee No:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

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

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

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

ESTIMATE OF ANY CURRENT YEAR (FY 94) COST \$

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

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

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

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

License Required; Exemptions

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

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

Variations

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

Notice of Changes

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

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

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

Enforcement Actions

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

the revocation or nonrenewal is permanent, and the former licensee may not again apply for licensure under this chapter."

Grounds for License Revocation

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

The two bills do not differ in any significant way. The department appreciates the way the two bodies worked to minimize differences. The department recommends that the Senate concur with HB 412 as passed by the House.