

HB

2022

TONY KNOWLES
GOVERNOR



P.O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
Fax (907) 465-3532

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to parental participation and accountability, and the enforcement of restitution orders, in juvenile delinquency proceedings. This bill amends the statutes governing orders in delinquency proceedings to authorize the court to require that parents or guardians of juvenile offenders personally participate in treatment when appropriate, to require attendance of those persons at hearings that concern their children, and to require that parents be responsible for payment of restitution for harm caused by their children. The bill also specifies that the recipient of such a restitution order may enforce payment under the civil code, AS 09.35, as if the order were a civil judgment.

This bill is intended to increase the effectiveness of the juvenile justice system by increasing parental or guardian involvement and responsibility. Juvenile courts currently lack authority to compel parents or guardians to engage in treatment even though the parent's or guardian's behavior may be associated with the juvenile's delinquent behavior. The bill not only requires parental or guardian participation in treatment, but also contains a provision that makes the parent or guardian responsible for covering the cost of that treatment, either through using insurance or other such resource, or paying for the treatment. Under certain circumstances, if the Department of Health and Social Services pays for the treatment, that department may claim the parent's or guardian's permanent fund dividend in reimbursement. It is intended that the provisions in this bill will be enforceable by the contempt powers of the court under AS 09.50.

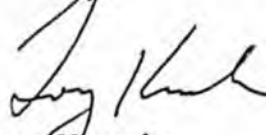
The provision in sec. 4 of the bill, which will allow enforcement of a restitution order under the civil code, parallels a provision that already exists in AS 12.55.051 of the criminal code for restitution orders entered in adult cases. This will simplify the process

The Honorable Gail Phillips
February 27, 1995
Page 2

for collection under such a restitution order. A victim of a crime perpetrated by a juvenile will be able to seek recovery under a restitution order even after the juvenile reaches age 18 and the juvenile court typically would no longer have jurisdiction over that person.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Knowles". The signature is written in a cursive style with a large initial "T".

Tony Knowles
Governor

DEPARTMENT OF LAW
PROPOSED AMENDMENT TO
HB 202 (PARENTAL ACCOUNTABILITY)

Page 5, line 12: Add the following after the semi-colon:

however, a parent of a minor who is a runaway or missing person is not liable under this subsection for the acts of the minor that are committed by the minor after the parent has made a report to a law enforcement agency, as authorized by AS 47.10.141(a), that the minor has run away or is missing; "runaway or missing minor" means a minor who a parent reasonably believes is absent from the minor's residence for the purpose of evading the parent or who is otherwise missing from the minor's usual place of abode without the consent of the parent.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 27, 1995

The Honorable Gail Phillips
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Phillips:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to parental participation and accountability, and the enforcement of restitution orders, in juvenile delinquency proceedings. This bill amends the statutes governing orders in delinquency proceedings to authorize the court to require that parents or guardians of juvenile offenders personally participate in treatment when appropriate, to require attendance of those persons at hearings that concern their children, and to require that parents be responsible for payment of restitution for harm caused by their children. The bill also specifies that the recipient of such a restitution order may enforce payment under the civil code, AS 09.35, as if the order were a civil judgment.

This bill is intended to increase the effectiveness of the juvenile justice system by increasing parental or guardian involvement and responsibility. Juvenile courts currently lack authority to compel parents or guardians to engage in treatment even though the parent's or guardian's behavior may be associated with the juvenile's delinquent behavior. The bill not only requires parental or guardian participation in treatment, but also contains a provision that makes the parent or guardian responsible for covering the cost of that treatment, either through using insurance or other such resource, or paying for the treatment. Under certain circumstances, if the Department of Health and Social Services pays for the treatment, that department may claim the parent's or guardian's permanent fund dividend in reimbursement. It is intended that the provisions in this bill will be enforceable by the contempt powers of the court under AS 09.50.

The provision in sec. 4 of the bill, which will allow enforcement of a restitution order under the civil code, parallels a provision that already exists in AS 12.55.051 of the criminal code for restitution orders entered in adult cases. This will simplify the process

The Honorable Gail Phillips

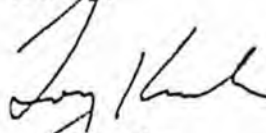
February 27, 1995

Page 2

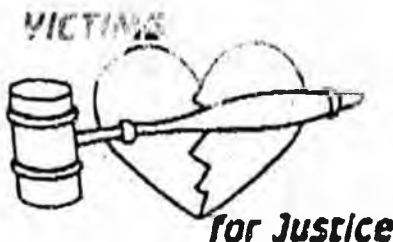
for collection under such a restitution order. A victim of a crime perpetrated by a juvenile will be able to seek recovery under a restitution order even after the juvenile reaches age 18 and the juvenile court typically would no longer have jurisdiction over that person.

I urge your favorable action on this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Knowles". The signature is fluid and cursive, with a large initial "T" and "K".

Tony Knowles
Governor



April 4, 1995

Honorable Tony Knowles
Governor
State of Alaska
State Capital Building
Juneau, AK 99801

Dear Gov. Knowles:

Victims for Justice (VFJ) would like to take the time to thank you for introducing HB 201 and HB 202.

HB 201 will hopefully reduce the river of frivolous lawsuits filed by prisoners, as well as streamlining the appellate process. By doing so, the system will become more efficient and far more friendly to the victims of crime, who more often than not do not have the time to learn how the various systems within our judicial process work. "Justice delayed is justice denied" is a complaint that VFJ is very familiar with. Mostly, the delays in a case are due to the overworked court system, and by eliminating many of the frivolous lawsuits, we will be able to deliver justice to both the victims and the community at large in a more timely fashion.

HB 202, dealing with parental responsibility for both actions of their children, and restitution, is long overdue. Unless we as a society force both juveniles to accept responsibility for their actions, and parents to face their responsibility as parents, we will have a very difficult time of stemming the evergrowing tide of juvenile crime. This bill will give the latitude to judges to make the parents stand up and take notice of what their children are doing. It will force parents to learn not only the nitty gritty details of their kids activities, but also to possibly shoulder some of the financial burden.

It is often said that you cannot legislate morality, and that if parents don't care about their kids, then there is nothing that government can do that will make them. Although this may be partially true, we as citizens owe it to the victims of crime to try and educate the parents of juvenile criminals what the impact that their child has had on the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Samuels".

Ralph Samuels
Victims for Justice

The crime bill

Good ideas, but more are needed

Crime hits us all. Maybe our car has been stolen. Maybe we know somebody whose home has been broken into, who lives with a family member who has been assaulted — or lives without a family member who's been murdered.

We pay more property tax for police protection, or worry more when we drive to the store after dark for a gallon of milk. Nobody's family escapes completely.

The ones doing the thieving, the drug dealing and the murdering come from families, too. The crime bill that Gov. Tony Knowles delivered to the legislature this past Monday acknowledges that crime is a family problem.

The governor has a long list of valuable ideas for demanding more responsibility from juvenile criminals and their families. He's trying to do it inexpensively, without stuffing more bodies into our overcrowded prisons. He's off to a good start, but he could offer more ideas for helping stop youth crime before it starts.

The governor's bill uses driver's licenses as an inexpensive weapon against juvenile crime. Teens who carry weapons illegally would be subject to losing their license for a time, as would teens who drink and drive.

Most teens do treasure the freedom that a driver's license brings, and the threat of losing it will likely deter many kids who may otherwise have been tempted to drink. But is there good reason to believe that somebody who packs a gun illegally is going to be stopped from driving because he or she doesn't have the proper piece of paper? In fact, it seems likely that a lot of the kids carrying weapons are the same ones stealing cars.

Along with providing more severe penalties for gang activities, the bill would allow courts to require parents to attend hearings for their children and to be responsible for restitution for harm caused by their children.

Good. Let's get these parents involved. If some of them had been to more school conferences and hockey games, chances are they wouldn't need to be in court now. There's nothing like a threat to the pocketbook to catch the attention of parents who lack personal or civic responsibility.

Still, if parents must pay restitution for harm done by their children, how do children learn that they are responsible for their own actions? The law must not be used as an opportunity for vengeful adolescents to hurt their parents.

The bill follows the Federal Gun-Free Schools Act to require school districts to expel for one year a student who brings a gun to school. Almost anything is worth doing to keep kids with guns from roaming the halls at school, but they'll have lots of free time to fill somewhere (maybe in your neighborhood?). The bill doesn't say what we'll do with these kids after they've been expelled.

The governor's bill also addresses adults who drink and drive. People with drunken-driving convictions in other states — even where definitions of DWI differ — would have their convictions count toward Alaska's mandatory minimum sentences for repeat DWI convictions.

One provision that many taxpayers will no doubt cheer would cut down on "frivolous and recreational litigation" by inmates. Alaska now has four state attorneys working full-time with prisoner litigation — and the case load has grown by 40 percent in the past two years.

Charging nominal filing fees to deter nuisance suits is a good idea, but we must be careful to let prisoners air legitimate grievances in court. Our justice system is not perfect.

Gov. Knowles' bill is a good start to dealing with Alaska's growing crime problem even though a vital element — prevention — is missing. Wouldn't it be great if we could figure out what kids and their families need before they start bringing weapons to school? If we could provide children with alternatives to gangs?

If you support the governor's plan, or parts of it, or have ideas of your own, don't hold back. Now's the time to let your legislators know what you think.

**CS FOR HOUSE JOINT RESOLUTION NO. 9(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION**

BY THE HOUSE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES JAMES, Kubina, Therriault, Mulder

A RESOLUTION

1 **Requesting the governor to file suit in the United States Supreme Court against**
2 **the United States government alleging violations of the civil rights of Americans**
3 **listed as prisoners of war or missing in action in Southeast Asia, demanding that**
4 **documents concerning these individuals be released; and requesting the other states**
5 **to join in this suit.**

6 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **WHEREAS** there is continuing controversy concerning Americans who were listed
8 as prisoners of war (POW) or missing in action (MIA) while serving in the Southeast Asian
9 nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

10 **WHEREAS** the United States government has stated that all of our POWs have been
11 returned: and

12 **WHEREAS** a top secret Vietnamese report dating from 1972 by General Tran Von
13 Kwang, Deputy Chief of Staff for the North Vietnamese Army reported that in September of
14 1972 Hanoi held 1,205 American prisoners; and

15 **WHEREAS** only 591 American POWs have been released under the 1973 Peace

1 Settlement, which means that, based on General Kwang's own report, at least 614 POWs were
2 not returned or accounted for; and

3 **WHEREAS** Vietnamese nationals who have moved to the United States have reported
4 the appearance of American prisoners still being held in Southeast Asia; and

5 **WHEREAS** Boris Yeltsin, President of Russia, let it be known that the Soviet Union
6 took members of the American armed forces into the former Soviet Union during the Vietnam
7 War and that there is no adequate explanation of the whereabouts of these Americans; and

8 **WHEREAS** there are still hundreds of documents concerning this issue held by the
9 United States Department of Defense that have not been released to the public, yet individuals
10 within the federal intelligence agencies have tried to discredit information concerning the
11 existence of American POWs instead of demanding a full accounting from Vietnam, Laos,
12 Kampuchea, North Korea, China, and the former Soviet Union; and

13 **WHEREAS** there are two missing and unaccounted for servicemen in Southeast Asia
14 from Alaska; and

15 **WHEREAS** the right to liberty--that inherent and inalienable right endowed by our
16 Creator, as guaranteed by the Declaration of Independence and the Constitution of the United
17 States--is being denied to any American being held prisoner as a result of the Vietnam War;
18 and

19 **WHEREAS** the executive branch of the federal government has not even attempted
20 to negotiate the release of Americans that may still be held prisoner as a result of the war in
21 Southeast Asia and is not actively searching for remaining Americans; and

22 **WHEREAS** the lower courts of the federal judiciary have not granted relief to
23 American soldiers listed as POWs or MIAs; and

24 **WHEREAS** the United States Supreme Court is the last bastion that an American
25 citizen has for redress of grievances and protection of constitutional liberties; and

26 **WHEREAS** the United States Constitution in art. III, sec. 2, states, "In all Cases
27 affecting Ambassadors, other public Ministers and Counsels and those in which a State shall
28 be a Party, the Supreme Court shall have original Jurisdiction.";

29 **BE IT RESOLVED** that the Alaska State Legislature respectfully requests the
30 governor to authorize suit in the United States Supreme Court against the United States
31 government, especially the Department of Defense and the intelligence agencies, and against

1 the ambassadors or other public ministers and counsels of the governments of Vietnam, Laos,
2 Kampuchea, Russia, North Korea, and China, alleging violations of the civil rights of the
3 people of Alaska, and especially alleging the violation of the right to life, liberty, and the
4 pursuit of happiness of Thomas E. Anderson, USMC, and Howard M. Koslosky, USN; and
5 be it

6 **FURTHER RESOLVED** that the lawsuit demand that the Department of Defense, U.S.
7 intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, North
8 Korea, and China be ordered to turn over all documents concerning Americans listed as POWs
9 or MIAs as a result of the Vietnam War; and be it

10 **FURTHER RESOLVED** that the lawsuit is not intended to solicit a ruling or an
11 opinion definitively declaring the POW/MIA issue moot, but rather, it is intended to seek a
12 mandate that all documents and other information concerning POWs and MIAs be released
13 to the public so that the fate or location of all members of the service who were POWs or
14 MIAs may be proven beyond a reasonable doubt; and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests ~~the~~
16 other 49 states of the United States to join in this action on behalf of their citizens being held
17 in captivity as a result of the war in Southeast Asia.

18 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
19 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
20 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.
21 Senate; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and
22 the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
23 Congress; and to the governors and the presiding officers of the houses of the legislatures of
24 each of our sister states.

Alaska State Legislature

REPRESENTATIVE

PETER KELLY

Mailing Address

119 N. Cushman, Suite 203

Fairbanks, Alaska 99701

(907) 456-8161



White in Juneau

State Capitol

Juneau, Alaska

99801-1182

(907) 465-2327

House District 31

House Of Representatives

April 3, 1995

Analysis HB 130, version D.

HB 130 is a reflection of the public concerns created when the Legislature delegates authority to create laws, without review or approval by an elected official.

HB 130 does not solve everything wrong with the regulation process. It has been streamlined and is a product of many conversations with the administration, the Department of Law, and the private sector. There is more to do.

HB 130 achieves three things:

- 1) Places an elected official at the top of the process of creating regulatory law.
- 2) Carries the public comment process one step further, establishing a track for the use or rejection of written public comments.
- 3) Prohibits ADEC from outlawing an activity by regulation instead of by legislation. The agency is not allowed to create regulations that raise the cost of compliance so high a person can no longer afford to conduct a legal activity.

Section by section analysis:

Section 1.

Closes the loop between the Legislative Regulation Review Committee and the elected official over viewing regulations. The Regulation review committee comments become one of the reasons the governor or Lieutenant Governor can return a regulation to an agency.

Section 2.

House keeping, language added to refer to Section 3.

Section 3.

The governor is established as the elected official responsible for regulations. The governor may only delegate this authority to the Lieutenant Governor. This review occurs after the regulations are adopted by the "line" agencies. Boards and Commissions are exempt from this review.

I believe the legislature must clearly place an elected official at the top of the regulatory food chain. The Legislature has the authority to delegate rule making authority. With the delegation of authority we must also delegate responsibility. This responsibility must stop in the Governor or Lt. Governor's office, not an appointed commissioner, director, or staff person at the bottom of the chain of responsibility.

As Legislators we must take a draft of a bill in front of a committee for a hearing. This hearing includes both review and approval of the bill. Regulators do not have to get anyone's approval. They are now just required to hold a hearing. Period. They are not even required to respond to the testimony they hear. No additional changes need be considered.

Section 4.

HB 130 requires agencies, after the public hearing period has ended, to record the use or rejection of written public comments.

This is needed to eliminate the "black hole" effect people feel after testifying at a hearing. It should help reduce the frustration people feel with a system that seems to ignore their efforts to input testimony. It is not an expense, it is a **courtesy**.

It is true that some agencies respond to public comment, and it is true that no one knows how or what comment they responded to. HB 130 accomplishes this task.

Section 5, 6, 7.

Housekeeping.

Section 8.

Economically Feasible:

In response to suggestions from the administration we shifted from a blanket requirement that all regulations be "economically feasible" to just one agency. As the administration pointed out, the Department of Natural Resources, Division of Governmental Coordination, and several other agencies, are natural targets for such a requirement.

In this version we are limiting the requirement for "economically feasible" regulations to the Department of Environmental Conservation.

HB 130 stops the Department of Environmental Conservation from outlawing an activity by simply raising the cost of complying with regulations so high that it is out of the reach of most persons.

Criminal laws are quite clear. The Legislature prohibits many activities, including robbery, burglary, etc. These activities are proscribed by Law, by the Legislature.

Agencies, however, are supposed to regulate lawful activities. Regulations are not supposed to prohibit people from lawful activities. Yet they do. They do so by raising the cost of compliance, or setting requirements that cannot be attained.