

LEG. FINANCE - BILLS 1975 - 1976 580

CSSSB 572 cont., thru SB 574 580

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ON
Senate Bill 572

"An Act relating to children's court proceedings;"

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Another concern is the question of responsibility for payment of preliminary examinations, hospital examination and observation, etc., since this section does not specify the responsible agency. The probable effect of this legislation would be to greatly increase the demand on already overburdened mental health services without additional resources being provided. The 48 hour requirement for preliminary examination is an impossible time frame since mental health services simply do not exist in many parts of the state. This proposed legislation could not be complied with without greatly expanded specialized mental health resources for children.

Section 8. AS 47.10.080 (a), Page 5, lines 23-28. We recommend that the following language be inserted in place of that proposed: "After that judgment is entered, the Department shall present its recommendations concerning dispositions available to the court. The court shall order the child committed to the custody of the Department of Health and Social Services and either committed to a juvenile correctional institution, a juvenile detention facility, or place the child on probation." The Department of Health and Social Services shall specify the institution or detention facility where the child shall reside.

Page 6, line 1. We do not support the concept that the child and his parents be furnished with a statement of the goals of the treatment plan, since these may have to be modified depending upon the institution or the program selected by the Department. It would also mean that the Department would have to submit numerous reports, since the treatment plan may change quite rapidly. Suggest striking the words: "the child and his parents." The court may, at its discretion, provide the child and his parents with a copy of that portion of the court report which deals with the placement and treatment plan as recommended to the court. To do another report subsequent to the disposition hearing would duplicate what has already been filed with the court and cause needless report preparation and necessitate additional staff.

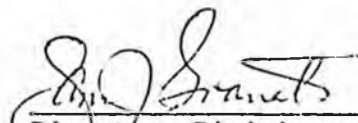
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While not in the present bill, we would strongly recommend that Section 11 (j) (2) of the existing statutes be eliminated. Deletion of this would have the effect of prohibiting the court from placing a child in need of aid under probation supervision. We feel very strongly that probation should be reserved for delinquent children, and the child found in need of aid can be supervised by the Division of Social Services.

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Recommended By:


Director, Division of Social
Services

3/18/76
Date

Concurrence: *[Signature]* 3/15/76
for Director, Division of Mental Health Date

Concurrence: *[Signature]* 3-18-76
Acting Director, Division of Date
Corrections

Approved By: *[Signature]* 3-18-76
Commissioner, Department of Date
Health & Social Services

JAN 20 1976

Developmental

National Association of Coordinators
of State Programs for the Mentally Retarded, Inc.

2001 Jefferson Davis Highway - Arlington, Virginia 22202 703/930 0200



BULLETIN (76-7)

January 19, 1976

PENNSYLVANIA'S COMMITMENT LAWS DECLARED UNCONSTITUTIONAL

A federal district court has declared unconstitutional a Pennsylvania statute providing for the commitment of children to mental health and mental retardation facilities and ordered the state to discharge or readmit, under new procedures mandated by the court, over 5,000 juveniles in state operated facilities, within 120 days.

The decision in the case of Bartley, et al. v. Kremens, et al. was originally rendered by the U.S. District Court for Eastern Pennsylvania on July 24, 1975. On November 17 the court filed an order specifying the steps which the state must take to comply with its decision.

Attorneys for the Commonwealth pointed out that the purpose of commitment procedures under the state's Mental Health and Mental Retardation Act were to protect and provide the child with treatment and rehabilitation services, to preserve the family unit, maintain the rights of parents to the custody, care and upbringing of their children, and to protect society. They argued that, since the Act required parents, guardians or persons standing in loco parentis to set the commitment machinery in motion, these persons, in effect, were waiving any due process rights of children being considered for commitment.

After rejecting the Commonwealth's arguments, District Judge Daniel H. Huyett, III laid down the following minimal due process safeguards which must be observed before any person, eighteen years of age or younger, can be admitted to a Pennsylvania mental health or mental retardation facility.

- (a) a probable cause hearing must be held within 72 hours of the date of initial detention;
- (b) a post-commitment hearing must be held within two weeks of the date of initial detention;
- (c) the client must be furnished written notice, including the date, time and place of the post-commitment hearing, and a statement of the grounds for the proposed commitment;

- (d) the client must be afforded the right to legal counsel at all significant stages of the commitment process and, if indigent, the right to the appointment of free counsel;
- (e) the client must have the right to be present at all hearings concerning his or her proposed commitment;
- (f) a decision to commit must be based on "clear and convincing proof" that the individual is in need of institutionalization; and;
- (g) the client must be given the right to confront and cross-examine witnesses against him, to present evidence in his own behalf and to offer testimony of witnesses.

In responding to the state's contention that less rigorous due process safeguards should apply in cases involving civil (or voluntary) commitment, Judge Huyett said:

"It matters not whether the proceedings will be labelled 'civil' or 'criminal' or whether the subject matter be mental instability or juvenile delinquency. It is the likelihood of involuntary incarceration - whether for punishment as an adult for a crime, rehabilitation as a juvenile for delinquency, or treatment and training as a feeble-minded or mental incompetent - which commands observance of the constitutional safeguards of due process

He concluded by declaring unconstitutional those portions of the state's Mental Health and Mental Retardation Act which fail to adhere to the due process safeguards listed above.

The court's November 17 order directed the Commonwealth to either discharge or recommit all children who were previously admitted to public facilities under the unconstitutional sections of the Act, within 120 days. In addition, within 120 days the state must arrange to have all individuals over eighteen years of age, who were admitted as children, brought before a Commonwealth court, or a similar neutral tribunal, and informed of their right to voluntarily withdraw from the institution. An adult who elects to withdraw must be released immediately unless proper procedures are initiated to have him or her involuntarily committed.

The state also is obligated under the November 17 order to issue, within 30 days, regulations requiring all mental health and mental retardation facilities in the Commonwealth to comply with the court's order and to report to the court within 60 days and again in 150 days on progress made in the implementation of the court's order.

Since the November 17 order was handed down, the U.S. Supreme Court has issued a December 15 stay order upon the petition of attorneys for the Commonwealth. The state argued that it would be impossible to arrange due process hearings within 120 days for the over 5,000 juveniles in Pennsylvania facilities who are affected by the Bartley decision.

The Supreme Court is not expected to take final action in the Bartley case for several months. However, since the high court is expected to affirm the substance of the district court's decision, state officials are currently gearing up to implement the order.

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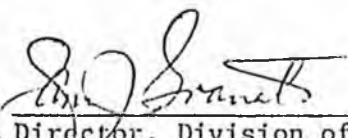
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Date

Concurrence: *Henry S. Brink* 3/15/76
for Director, Division of Mental Health Date

Concurrence: *[Signature]* 3-18-76
Acting Director, Division of Date
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LETTER OF LEGISLATIVE INTENT

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During the interim between the First and Second Sessions of the Ninth Legislature, a special task force on revision of the children's code was established under the auspices of the Legislative Council. Although this task force was composed of representatives of every conceivable field dealing with juveniles, the group was apparently never able to meet together all at one time; this is evidenced by the fact that some of the strongest objections to the original bill were voiced by people and agencies represented on the task force. Specific reference is made to members of the judiciary who feel that the bill should deal with the children's code by making substantive, not just procedural, changes.

It is clear to the committee that what is needed is another task force or interim study group of some kind charged with the responsibility of dealing with the substantive aspects of the children's code and making their recommendations known to the First Session of the Tenth Legislature. The present bill is really only a "patch on a patch."

RLT 143 with S.
Senator Robert H. Ziegler, Sr.
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RL-142
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1 any legal proceeding involving his welfare. The court shall appoint a
2 guardian ad litem where, in the opinion of the court, representation of
3 the child's best interests, to be distinguished from his preferences,
4 would serve the welfare of the child. The person appointed under (a) of
5 this section may also be appointed as guardian ad litem under this
6 subsection. The court in its order appointing a guardian ad litem shall
7 limit the duration of the appointment of the guardian ad litem to the
8 pendency of the legal proceeding affecting his interests, and shall
9 outline the guardian ad litem's responsibilities and limit his authority
10 to those matters related to his effective representation of the child's
11 best interests in the pending legal proceeding. The court shall appoint
12 a guardian ad litem from among persons in the community where the child's
13 parents or the person having legal custody or guardianship of the child's
14 person resides. When custody, support, or visitation are at issue in a
15 divorce, it is the responsibility of the parties or their counsel to
16 notify the court that these matters are at issue. Upon notification,
17 the court shall determine if the child's best interests need representa-
18 tion or if the child needs other services and shall make a finding on
19 the record before trial. The court shall enter an order for costs,
20 fees, and disbursements in favor of the child's guardian ad litem and
21 may further order that other services be provided for the protection of
22 the child.

23 * Sec. 3. AS 20.15.100(j) is amended to read:

24 (j) Appointment of an attorney to represent the minor or an
25 attorney or other person to serve as guardian ad litem [A GUARDIAN AD
26 LITEM OR ATTORNEY] for a person to be adopted who is a minor shall be
27 made under the terms of AS 09.65.130.

28 * Sec. 4. AS 47.10.010(a) is repealed and re-enacted to read:

29 (a) Proceedings relating to a minor under 18 years of age residing

1 or found in the state are governed by this chapter, except as otherwise
2 provided in this chapter, when the court finds the minor

3 (1) to be a delinquent minor as a result of violating a law
4 of the state, or an ordinance or regulation of a political subdivision
5 of the state; or

6 (2) to be a child in need of aid as a result of the child

7 (A) having no caring parent, guardian, custodian or
8 relative available and willing to care for him;

9 (B) having suffered or being likely to suffer imminent
10 physical injury, inflicted upon him by other than accidental
11 means;

12 (C) being in need of medical treatment to cure, allevi-
13 ate, or prevent his suffering a serious physical injury and his
14 parents are unwilling to provide the medical treatment;

15 (D) having suffered physical injury or if there is a
16 substantial risk that the child will suffer imminent physical
17 injury as a result of conditions created by his parent, guardian or
18 custodian or the failure of his parent, guardian or custodian
19 adequately to supervise him;

20 (E) suffering serious emotional damage, evidenced by
21 failure to thrive, severe anxiety, depression, or withdrawal or
22 untoward aggressive behavior or hostility toward others, or is in
23 need of medical treatment to cure, alleviate, or prevent his
24 suffering that serious emotional damage;

25 (F) having been sexually abused by his parent, guardian,
26 or custodian or having been sexually abused as a result of failure
27 on the part of his parent, guardian, or custodian to adequately and
28 reasonably supervise him;

29 (G) committing delinquent acts as a result of pressure,

1 guidance, or approval from parents, guardian or custodian;

2 (H) being habitually absent from home; or

3 (I) having been released by his parent or parents, or
4 guardian, to the department for adoptive purposes.

5 * Sec. 5. AS 47.10.050 is amended to read:

6 Sec. 47.10.050. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY.

7 Whenever in the course of proceedings instituted under this chapter it
8 appears to the court that the welfare of a minor will be promoted by the
9 appointment of an attorney to represent the minor or an attorney or
10 other person to serve as guardian ad litem [A GUARDIAN AD LITEM OR
11 ATTORNEY], the court may make the appointment. Appointment of a guard-
12 ian ad litem or attorney shall be made under the terms of AS 09.65.130.

13 * Sec. 6. AS 47.10.080(a) is amended to read:

14 (a) The court, at the conclusion of the hearing, or thereafter as
15 the circumstances of the case may require, shall find and enter a judg-
16 ment that the minor is or is not a delinquent [,] or a child in need of
17 aid [SUPERVISION, OR DEPENDENT MINOR]. The department shall send a
18 written treatment plan and statement of goals to the court, the child,
19 and his parents within 30 days of the adjournment of the minor's dis-
20 position hearing; if the department fails to send this plan and state-
21 ment, the court shall hold a hearing under sec. 80(f) of this chapter to
22 determine if continued supervision or commitment is in the best in-
23 terests of the minor and may take action it considers appropriate under
24 sec. 100(a) and (b) of this chapter.

25 * Sec. 7. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of Health and
27 Social Services for a [AN INDETERMINATE] period of time not to exceed
28 two years [EXTEND PAST A SPECIFIED DATE] or in any event extend past the
29 day the minor becomes 19, except that

1 (A) the department may apply for and the court may grant
2 two-year extensions of supervision which do not extend beyond the
3 child's 19th birthday, if the extension is in the best interests of
4 the minor and the public; or

5 (B) the department may apply for and the court may grant
6 an additional one-year period of supervision past age 19, if con-
7 tinued supervision is in the best interests of the person and the
8 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION
9 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED
10 TO TREATMENT]; the department shall place the minor in the juvenile
11 facility which the department considers appropriate and which may
12 include a juvenile correctional school, detention home, or deten-
13 tion facility; the minor may be released from placement or deten-
14 tion and placed on probation on order of the court and may also be
15 released by the department, in its discretion, under sec. 200 of
16 this chapter; or

17 * Sec. 8. AS 47.10.080(b)(2) is amended to read:

18 (2) order the minor placed on probation, to be supervised by
19 the department, and release him to his parents, guardian, or a suitable
20 person; if the court orders the minor placed on probation, it may
21 specify the terms and conditions of probation; the probation may be for
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3 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION
4 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED
5 TO TREATMENT].

6 * Sec. 9. AS 47.10.080(c) is amended to read:

7 (c) If the court finds that the minor is a child in need of aid
8 [DEPENDENT], it shall

9 (1) order the minor committed to the department for a [AN
10 INDETERMINATE] period of time not to exceed two years or in any event
11 past the date the minor becomes 19 years of age, except that

12 (A) the department may apply for and the court may grant
13 two-year extensions of supervision which do not extend beyond the
14 child's 19th birthday if the extension is in the best interests of
15 the minor and the public; or

16 (B) the department may apply for and the court may grant
17 an additional one-year period of supervision past age 19, if the
18 continued supervision is in the best interests of the person and
19 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-
20 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT
21 RESPONDED TO TREATMENT];

22 (2) order the minor released to his parents, guardian, or
23 some other suitable person, and, in appropriate cases, order the parents,
24 guardian, or other person to provide medical or other care and treat-
25 ment; if the court releases the minor, it shall direct the department to
26 supervise the care and treatment given to the minor; the department's
27 supervision may not exceed two years or in any event extend past the
28 date the minor reaches age 19 [MAJORITY], except that

29 (A) the department may apply for and the court may grant

1 two-year extensions of supervision which do not extend beyond the
2 child's 19th birthday if the extension is in the best interests of
3 the minor and the public; or

4 (B) the department may apply for and the court may grant
5 an additional one-year period of supervision past age 19, if the
6 continued supervision is in the best interests of the person and
7 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-
8 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT
9 RESPONDED TO TREATMENT]; or

10 * Sec. 10. AS 47.10.080(f) is amended to read:

11 (f) A minor found to be delinquent or a child in need of aid
12 [, A CHILD IN NEED OF SUPERVISION, OR DEPENDENT] is a ward of the state
13 as long as he is committed to the department or the department has the
14 power to supervise his actions. The court shall review an order made
15 under (b) or (c)(1) or (2) [OR (j)] of this section annually, and may
16 review the order more frequently to determine if continued placement,
17 probation, or supervision, as it is being provided, is in the best
18 interest of the minor and the public [, AND TO DETERMINE IF THE MINOR IS
19 BEING TREATED FAIRLY]. The department, the minor, [OR] the minor's
20 parents, [OR] guardian, or custodian are [IS] entitled, when good cause
21 is shown, to a review on application. If the application is granted,
22 the court shall afford these parties and their counsel reasonable notice
23 in advance of the review and hold a hearing where these parties and
24 their counsel shall be afforded an opportunity to be heard. The minor
25 shall be afforded the opportunity to be present at the review.

26 * Sec. 11. AS 47.10.290(2) is repealed and re-enacted to read:

27 (2) "delinquent minor" means a minor found to be within the
28 jurisdiction of the court under sec. 10(a)(1) of this chapter.

29 * Sec. 12. AS 47.10.080(j) and 47.10.290(3) and (7) are repealed.

1 * Sec. 13. AS 47.10.290 is amended by adding a new paragraph to read:

2 (8) "child in need of aid" means a minor found to be within
3 the jurisdiction of the court under sec. 10(a)(2) of this chapter.

4 * Sec. 14. AS 47.10.080(e) is amended to read:

5 (e) If the court finds that the minor is not delinquent or [,] a
6 child in need of aid [SUPERVISION, OR DEPENDENT], it shall immediately
7 order his release from its custody and his return to his parents,
8 guardian, or custodian, and close the case.

9 * Sec. 15. AS 47.10.085 is amended to read:

10 Sec. 47.10.085. CHILD IN NEED OF AID [DEPENDENT MINOR]; RELIGIOUS
11 TREATMENT. In a case in which the minor's status as a child in need of
12 aid [DEPENDENT MINOR] is sought to be based on his need for medical
13 care, the court may, upon consideration of the health of the minor and
14 the fact, if it is a fact, that the minor is being provided treatment by
15 spiritual means through prayer in accordance with the tenets and prac-
16 tices of a recognized church or religious denomination by an accredited
17 practitioner of the church or denomination, dismiss the proceedings and
18 thereby close the matter. This may be done, in the interests of justice
19 and religious freedom, on the court's own motion or upon the application
20 of a party to the proceedings, at any stage of the proceedings after
21 information is given to the court under sec. 20(a) of this chapter.

22 * Sec. 16. AS 47.10.090(b) is amended to read:

23 (b) The name or picture of a minor under the jurisdiction of the
24 court may not be made public in connection with the minor's status as a
25 delinquent [DEPENDENT] child or a child in need of aid unless autho-
26 rized by order of the court, except that the name of a minor who is
27 found for the second time to have violated a law, which if committed by
28 an adult would be a felony, shall be made public unless the court, for
29 good cause, in certain individual cases, enters an order prohibiting the

1 disclosure.

2 * Sec. 17. AS 47.10.100(a) and (c) are amended to read:

3 (a) The court retains jurisdiction over the case and may at any
4 time stay execution, modify, set aside, revoke, or enlarge a judgment or
5 order, or grant a new hearing, in the exercise of its power of pro-
6 tection over the minor and for his best interest, for a period of time
7 not to exceed two years or in any event extend past the day the minor
8 becomes 19 [UNTIL HE BECOMES 19 YEARS OF AGE], unless sooner discharged
9 by the court, except that the department may apply for and the court may
10 grant an additional one-year period of supervision past age 19 if con-
11 tinued supervision is in the best interests of the person and the
12 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION FOR
13 AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO
14 TREATMENT]. An application for any of these purposes may be made by the
15 parent, guardian, or custodian acting in behalf of the minor, or the
16 court may, on its own motion, and after reasonable notice to interested
17 parties and the appropriate department, take action which it considers
18 appropriate.

19 (c) If a minor is adjudicated a delinquent or [,] a child in need
20 of aid [SUPERVISION, OR A DEPENDENT] before his 18th birthday, the court
21 may retain jurisdiction over him after his 18th birthday for the purpose
22 of supervising his rehabilitation, but the court's jurisdiction over him
23 under this chapter never extends beyond his 19th birthday, except that
24 the department may apply for and the court may grant an additional one-
25 year period of supervision past age 19, if continued supervision is in
26 the best interests of the person and the person consents to it [PETI-
27 TION THE COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR
28 PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO TREATMENT]. The department
29 may retain jurisdiction over a child between his 18th and 19th birthdays

1 for the purpose of supervising his rehabilitation, if he is committed to
2 the custody of the department before his 18th birthday, except that the
3 department may apply for and the court may grant an additional one-year
4 period of supervision past age 19, if continued supervision is in the
5 best interests of the person and the person consents to it [PETITION THE
6 COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR
7 MINORS WHO HAVE NOT RESPONDED TO TREATMENT].

8 * Sec. 18. AS 47.10.120(a) is amended to read:

9 (a) When a child in need of aid [DEPENDENT MINOR] is committed
10 under this chapter the court may, after giving the parent a reasonable
11 opportunity to be heard, adjudge that the parent shall pay in a manner
12 which the court directs a sum which will cover in full or in part the
13 support of the child in need of aid [DEPENDENT MINOR]. When a delin-
14 quent minor is committed under this chapter the court shall order that
15 the parent of the minor pay in a manner which the court directs a sum
16 which will cover in full or in part the support of the delinquent minor.

17 * Sec. 19. AS 47.10.142(c) and (d) are amended to read:

18 (c) When a child is taken into custody under (a) or (b) of this
19 section, the department shall immediately, and in no event more than 12
20 hours later unless prevented by lack of communication facilities,
21 notify the parents or the person or persons having custody of the child
22 and the court of the action and file with the court a petition alleging
23 that there is a child in need of aid [DEPENDENCY].

24 (d) The court shall immediately, and in no event more than 48
25 hours after being notified unless prevented by lack of transportation,
26 hold a hearing at which the minor, if his health permits, and his
27 parents or guardian, if they can be found, shall be permitted to be
28 present. The court shall determine whether probable cause exists for
29 believing the minor to be a child in need of aid [DEPENDENT MINOR], as

1 defined in sec. 290(8) [290(3)] of this chapter. The court shall inform
2 the minor, and his parents or guardian if they can be found, of the
3 reasons given as constituting probable cause and the reasons given as
4 authorizing his temporary placement.

5 * Sec. 20. AS 47.10.150(1) is amended to read:

6 (1) purchase, lease or construct buildings or other facili-
7 ties for the care, detention, rehabilitation and education of children
8 in need of aid [DEPENDENT] or delinquent minors;

9 * Sec. 21. Section 2 of this Act has the effect of limiting the discre-
10 tionary authority of the court to appoint a guardian ad litem under Rule
11 17(b), Alaska Rules of Civil Procedure, and Rules 11(a) and 15, Alaska Rules
12 of Children's Procedure, by requiring as a condition of appointment that the
13 court find that the best interests of the child need articulation. Further,
14 this Act requires limitation of the duration of the appointment, limits the
15 scope of the guardian ad litem's authority, and establishes the geographical
16 area from which the guardian ad litem may be selected.

17 * Sec. 22. Section 10 of this Act has the effect of adding to the court's
18 responsibilities when holding a review under Rule 28, Alaska Rules of Chil-
19 dren's Procedure, by requiring the court to hold a hearing upon a showing of
20 good cause, give notice, and afford an opportunity to be heard.

21 * Sec. 23. Section 4 of the Act has the effect of changing Children's
22 Rule 12 by deleting any references to "truant from school," "endanger(ing)
23 the morals or health," "being wayward or habitually disobedient," or "un-
24 controlled," and has the effect of substituting the words "child in need of
25 aid" for the terms "child in need of supervision" and "dependent" where those
26 two terms appear in the Rules of Children's Procedure.

27 * Sec. 24. The portions of AS 47.10.080(b) and (c) in secs. 7 - 9 of this
28 Act which specify the length of commitment to the department are applicable
29 to those minors committed to the department under former AS 47.10.080(b), (c)

1 and (j) before the effective date of this Act so that the commitment of
2 minors to the department before the effective date of this Act shall continue,
3 but may not exceed two years from the effective date of this Act unless two-
4 year extensions have been granted by the court under this Act. The commit-
5 ment of minors with pending judicial actions under AS 47.10.010(a) on the
6 effective date of this Act may not exceed two years unless two-year extensions
7 have been granted by the court under this Act.

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Original sponsor: Rules Committee by request Offered: 4/15/76
of the Legislative Council Referred: Rules
Children's Code Revision
Task Force

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 572

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to children's court proceeding;
7 changing the court's responsibilities and authority
8 under Children's Rules 11(a), 12(a) and (b), 15, 21
9 and 28, and Rule of Civil Procedure 17(b)."

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

11 * Section 1. AS 09. 65.130(a) is amended to read:

12 (a) The court may, upon the motion of either party or upon its own
13 motion, appoint an attorney [OR GUARDIAN AD LITEM] to represent the
14 [INTERESTS OF A] minor [OR DEPENDENT CHILD] with respect to his custody,
15 support, and visitation or in any other legal proceeding involving his
16 welfare. When custody, support, or visitation are at issue in a di-
17 vorce, it is the responsibility of the parties or their counsel to
18 notify the court that those matters are at issue. Upon notification,
19 the court shall determine whether the child should have legal repre-
20 sentation [ASSISTANCE] or other services and shall make a finding on the
21 record before trial. The court shall enter an order for costs, fees,
22 and disbursements in favor of the child's attorney [OR GUARDIAN AD
23 LITEM] and may further order that other services be provided for the
24 protection of the child.

25 * Sec. 2. AS 09.65.130 is amended by adding a new subsection to read:

26 (c) Instead of, or in addition to, appointment of an attorney
27 under (a) of this section, the court may, upon the motion of either
28 party or upon its own motion, appoint an attorney or other person to
29 serve as guardian ad litem to represent the best interests of a minor in

1 or found in the state are governed by this chapter, except as otherwise
2 provided in this chapter, when the court finds the minor

3 (1) to be a delinquent minor as a result of violating a law
4 of the state, or an ordinance or regulation of a political subdivision
5 of the state; or

6 (2) to be a child in need of aid as a result of the child

7 (A) having no caring parent, guardian, custodian or
8 relative available and willing to care for him;

9 (B) having suffered or being likely to suffer imminent
10 physical injury, inflicted upon him by other than accidental
11 means;

12 (C) being in need of medical treatment to cure, allevi-
13 ate, or prevent his suffering a serious physical injury and his
14 parents are unwilling to provide the medical treatment;

15 (D) having suffered physical injury or if there is a
16 substantial risk that the child will suffer imminent physical
17 injury as a result of conditions created by his parent, guardian or
18 custodian or the failure of his parent, guardian or custodian
19 adequately to supervise him;

20 (E) suffering serious emotional damage, evidenced by
21 failure to thrive, severe anxiety, depression, or withdrawal or
22 untoward aggressive behavior or hostility toward others, or is in
23 need of medical treatment to cure, alleviate, or prevent his
24 suffering that serious emotional damage;

25 (F) having been sexually abused by his parent, guardian,
26 or custodian or having been sexually abused as a result of failure
27 on the part of his parent, guardian, or custodian to adequately and
28 reasonably supervise him;

29 (G) committing delinquent acts as a result of pressure,

1 guidance, or approval from parents, guardian or custodian;

2 (H) being habitually absent from home; or

3 (I) having been released by his parent or parents, or
4 guardian, to the department for adoptive purposes.

5 * Sec. 5. AS 47.10.050 is amended to read:

6 Sec. 47.10.050. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY.

7 Whenever in the course of proceedings instituted under this chapter it
8 appears to the court that the welfare of a minor will be promoted by the
9 appointment of an attorney to represent the minor or an attorney or
10 other person to serve as guardian ad litem [A GUARDIAN AD LITEM OR
11 ATTORNEY], the court may make the appointment. Appointment of a guard-
12 ian ad litem or attorney shall be made under the terms of AS 09.65.130.

13 * Sec. 6. AS 47.10.080(a) is amended to read:

14 (a) The court, at the conclusion of the hearing, or thereafter as
15 the circumstances of the case may require, shall find and enter a judg-
16 ment that the minor is or is not a delinquent [,] or a child in need of
17 aid [SUPERVISION, OR DEPENDENT MINOR]. The department shall send a
18 written treatment plan and statement of goals to the court, the child,
19 and his parents within 30 days of the adjournment of the minor's dis-
20 position hearing; if the department fails to send this plan and state-
21 ment, the court shall hold a hearing under sec. 80(f) of this chapter to
22 determine if continued supervision or commitment is in the best in-
23 terests of the minor and may take action it considers appropriate under
24 sec. 100(a) and (b) of this chapter.

25 * Sec. 7. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of Health and
27 Social Services for a [AN INDETERMINATE] period of time not to exceed
28 two years [EXTEND PAST A SPECIFIED DATE] or in any event extend past the
29 day the minor becomes 19, except that

1 (A) the department may apply for and the court may grant
2 two-year extensions of supervision which do not extend beyond the
3 child's 19th birthday, if the extension is in the best interests of
4 the minor and the public; or

5 (B) the department may apply for and the court may grant
6 an additional one-year period of supervision past age 19, if con-
7 tinued supervision is in the best interests of the person and the
8 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION
9 FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED
10 TO TREATMENT]; the department shall place the minor in the juvenile
11 facility which the department considers appropriate and which may
12 include a juvenile correctional school, detention home, or deten-
13 tion facility; the minor may be released from placement or deten-
14 tion and placed on probation on order of the court and may also be
15 released by the department, in its discretion, under sec. 200 of
16 this chapter; or

17 * Sec. 8. AS 47.10.080(b)(2) is amended to read:

18 (2) order the minor placed on probation, to be supervised by
19 the department, and release him to his parents, guardian, or a suitable
20 person; if the court orders the minor placed on probation, it may
21 specify the terms and conditions of probation; the probation may be for
22 a [AN INDETERMINATE] period of time, not to exceed two years [EXTEND
23 PAST A SPECIFIED DATE] and in no event extend past the day the minor
24 becomes 19, except that

25 (A) the department may apply for and the court may grant
26 two-year extensions of supervision which do not extend beyond the
27 child's 19th birthday if the extension is in the best interests of
28 the minor and the public; or

29 (B) the department may apply for and the court may grant

1 two-year extensions of supervision which do not extend beyond the
2 child's 19th birthday if the extension is in the best interests of
3 the minor and the public; or

4 (B) the department may apply for and the court may grant
5 an additional one-year period of supervision past age 19, if the
6 continued supervision is in the best interests of the person and
7 the person consents to it [PETITION THE COURT FOR CONTINUED SUPER-
8 VISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT
9 RESPONDED TO TREATMENT]; or

10 * Sec. 10. AS 47.10.080(f) is amended to read:

11 (f) A minor found to be delinquent or a child in need of aid
12 [, A CHILD IN NEED OF SUPERVISION, OR DEPENDENT] is a ward of the state
13 as long as he is committed to the department or the department has the
14 power to supervise his actions. The court shall review an order made
15 under (b) or (c)(1) or (2) [OR (j)] of this section annually, and may
16 review the order more frequently to determine if continued placement,
17 probation, or supervision, as it is being provided, is in the best
18 interest of the minor and the public [, AND TO DETERMINE IF THE MINOR IS
19 BEING TREATED FAIRLY]. The department, the minor, [OR] the minor's
20 parents, [OR] guardian, or custodian are [IS] entitled, when good cause
21 is shown, to a review on application. If the application is granted,
22 the court shall afford these parties and their counsel reasonable notice
23 in advance of the review and hold a hearing where these parties and
24 their counsel shall be afforded an opportunity to be heard. The minor
25 shall be afforded the opportunity to be present at the review.

26 * Sec. 11. AS 47.10.290(2) is repealed and re-enacted to read:

27 (2) "delinquent minor" means a minor found to be within the
28 jurisdiction of the court under sec. 10(a)(1) of this chapter.

29 * Sec. 12. AS 47.10.080(j) and 47.10.290(3) and (7) are repealed.

1 * Sec. 13. AS 47.10.290 is amended by adding a new paragraph to read:

2 (8) "child in need of aid" means a minor found to be within
3 the jurisdiction of the court under sec. 10(a)(2) of this chapter.

4 * Sec. 14. AS 47.10.080(e) is amended to read:

5 (e) If the court finds that the minor is not delinquent or [,] a
6 child in need of aid [SUPERVISION, OR DEPENDENT], it shall immediately
7 order his release from its custody and his return to his parents,
8 guardian, or custodian, and close the case.

9 * Sec. 15. AS 47.10.085 is amended to read:

10 Sec. 47.10.085. CHILD IN NEED OF AID [DEPENDENT MINOR]; RELIGIOUS
11 TREATMENT. In a case in which the minor's status as a child in need of
12 aid [DEPENDENT MINOR] is sought to be based on his need for medical
13 care, the court may, upon consideration of the health of the minor and
14 the fact, if it is a fact, that the minor is being provided treatment by
15 spiritual means through prayer in accordance with the tenets and prac-
16 tices of a recognized church or religious denomination by an accredited
17 practitioner of the church or denomination, dismiss the proceedings and
18 thereby close the matter. This may be done, in the interests of justice
19 and religious freedom, on the court's own motion or upon the application
20 of a party to the proceedings, at any stage of the proceedings after
21 information is given to the court under sec. 20(a) of this chapter.

22 * Sec. 16. AS 47.10.090(b) is amended to read:

23 (b) The name or picture of a minor under the jurisdiction of the
24 court may not be made public in connection with the minor's status as a
25 delinquent [OR DEPENDENT] child or a child in need of aid unless autho-
26 rized by order of the court, except that the name of a minor who is
27 found for the second time to have violated a law, which if committed by
28 an adult would be a felony, shall be made public unless the court, for
29 good cause, in certain individual cases, enters an order prohibiting the

1 disclosure.

2 * Sec. 17. AS 47.10.100(a) and (c) are amended to read:

3 (a) The court retains jurisdiction over the case and may at any
4 time stay execution, modify, set aside, revoke, or enlarge a judgment or
5 order, or grant a new hearing, in the exercise of its power of pro-
6 tection over the minor and for his best interest, for a period of time
7 not to exceed two years or in any event extend past the day the minor
8 becomes 19 [UNTIL HE BECOMES 19 YEARS OF AGE], unless sooner discharged
9 by the court, except that the department may apply for and the court may
10 grant an additional one-year period of supervision past age 19 if con-
11 tinued supervision is in the best interests of the person and the
12 person consents to it [PETITION THE COURT FOR CONTINUED SUPERVISION FOR
13 AN ADDITIONAL ONE-YEAR PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO
14 TREATMENT]. An application for any of these purposes may be made by the
15 parent, guardian, or custodian acting in behalf of the minor, or the
16 court may, on its own motion, and after reasonable notice to interested
17 parties and the appropriate department, take action which it considers
18 appropriate.

19 (c) If a minor is adjudicated a delinquent or [,] a child in need
20 of aid [SUPERVISION, OR A DEPENDENT] before his 18th birthday, the court
21 may retain jurisdiction over him after his 18th birthday for the purpose
22 of supervising his rehabilitation, but the court's jurisdiction over him
23 under this chapter never extends beyond his 19th birthday, except that
24 the department may apply for and the court may grant an additional one-
25 year period of supervision past age 19, if continued supervision is in
26 the best interests of the person and the person consents to it [PETI-
27 TION THE COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR
28 PERIOD FOR MINORS WHO HAVE NOT RESPONDED TO TREATMENT]. The department
29 may retain jurisdiction over a child between his 18th and 19th birthdays

1 for the purpose of supervising his rehabilitation, if he is committed to
2 the custody of the department before his 18th birthday, except that the
3 department may apply for and the court may grant an additional one-year
4 period of supervision past age 19, if continued supervision is in the
5 best interests of the person and the person consents to it [PETITION THE
6 COURT FOR CONTINUED SUPERVISION FOR AN ADDITIONAL ONE-YEAR PERIOD FOR
7 MINORS WHO HAVE NOT RESPONDED TO TREATMENT].

8 * Sec. 18. AS 47.10.120(a) is amended to read:

9 (a) When a child in need of aid [DEPENDENT MINOR] is committed
10 under this chapter the court may, after giving the parent a reasonable
11 opportunity to be heard, adjudge that the parent shall pay in a manner
12 which the court directs a sum which will cover in full or in part the
13 support of the child in need of aid [DEPENDENT MINOR]. When a delin-
14 quent minor is committed under this chapter the court shall order that
15 the parent of the minor pay in a manner which the court directs a sum
16 which will cover in full or in part the support of the delinquent minor.

17 * Sec. 19. AS 47.10.142(c) and (d) are amended to read:

18 (c) When a child is taken into custody under (a) or (b) of this
19 section, the department shall immediately, and in no event more than 12
20 hours later unless prevented by lack of communication facilities,
21 notify the parents or the person or persons having custody of the child
22 and the court of the action and file with the court a petition alleging
23 that there is a child in need of aid [DEPENDENCY].

24 (d) The court shall immediately, and in no event more than 48
25 hours after being notified unless prevented by lack of transportation,
26 hold a hearing at which the minor, if his health permits, and his
27 parents or guardian, if they can be found, shall be permitted to be
28 present. The court shall determine whether probable cause exists for
29 believing the minor to be a child in need of aid [DEPENDENT MINOR], as

1 defined in sec. 290(8) [290(3)] of this chapter. The court shall inform
2 the minor, and his parents or guardian if they can be found, of the
3 reasons given as constituting probable cause and the reasons given as
4 authorizing his temporary placement.

5 * Sec. 20. AS 47.10.150(1) is amended to read:

6 (1) purchase, lease or construct buildings or other facili-
7 ties for the care, detention, rehabilitation and education of children
8 in need of aid [DEPENDENT] or delinquent minors;

9 * Sec. 21. Section 2 of this Act has the effect of limiting the discre-
10 tionary authority of the court to appoint a guardian ad litem under Rule
11 17(b), Alaska Rules of Civil Procedure, and Rules 11(a) and 15, Alaska Rules
12 of Children's Procedure, by requiring as a condition of appointment that the
13 court find that the best interests of the child need articulation. Further,
14 this Act requires limitation of the duration of the appointment, limits the
15 scope of the guardian ad litem's authority, and establishes the geographical
16 area from which the guardian ad litem may be selected.

17 * Sec. 22. Section 10 of this Act has the effect of adding to the court's
18 responsibilities when holding a review under Rule 28, Alaska Rules of Chil-
19 dren's Procedure, by requiring the court to hold a hearing upon a showing of
20 good cause, give notice, and afford an opportunity to be heard.

21 * Sec. 23. Section 4 of the Act has the effect of changing Children's
22 Rule 12 by deleting any references to "truant from school," "endanger(ing)
23 the morals or health," "being wayward or habitually disobedient," or "un-
24 controlled," and has the effect of substituting the words "child in need of
25 aid" for the terms "child in need of supervision" and "dependent" where those
26 two terms appear in the Rules of Children's Procedure.

27 * Sec. 24. The portions of AS 47.10.080(b) and (c) in secs. 7 - 9 of this
28 Act which specify the length of commitment to the department are applicable
29 to those minors committed to the department under former AS 47.10.080(b), (c)

1 and (j) before the effective date of this Act so that the commitment of
2 minors to the department before the effective date of this Act shall continue,
3 but may not exceed two years from the effective date of this Act unless two-
4 year extensions have been granted by the court under this Act. The commit-
5 ment of minors with pending judicial actions under AS 47.10.010(a) on the
6 effective date of this Act may not exceed two years unless two-year extensions
7 have been granted by the court under this Act.

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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT

3/3/76

SENATE

Mr. President:

Date _____

The Committee on FINANCE has had SB 573 special appropriation for a study of the high cost of living in Alaska under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

COMMITTEE REPORT

1/23/76

SENATE

**Finance

Mr. President:

Date 2-3-76

The Committee on Commerce has had SB 573
special appropriation - high cost of living in Alaska study
under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE Finance
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

[Signature] _____

[Signature] _____

[Signature] _____

Members NOT concurring in the Majority report:

[Signature] recommends: No Rec

[Signature] recommends: " "

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

573
Com. Fin.

Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Department
7 of Commerce and Economic Development for a study of the
8 high cost of living in Alaska; and providing for an
9 effective date."

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

11 * Section 1. The sum of \$110,000 is appropriated from the general fund to
12 the Department of Commerce and Economic Development for conducting a three-
13 part study of the high cost of living in Alaska. The funding for each part
14 shall consist of:

- 15 (1) Part One - \$30,000,
16 (2) Part Two - \$70,000,
17 (3) Part Three - \$10,000.

18 * Sec. 2. The unexpended and unobligated portion of this appropriation
19 lapses into the general fund June 30, 1977.

20 * Sec. 3. This Act takes effect immediately upon the effective date of a
21 version of "An Act authorizing a study of the causes and potential solutions
22 of the high cost of living in Alaska."
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ALASKA STATE LEGISLATURE

NINTH... Legislature SECOND Session

SENATE ...BILL..... NO. ...573

By ...ORSINI.....

"An Act making a special appropriation to the Department of Commerce and Economic Development for a study of the high cost of living in Alaska; and providing for an effective date."

special approp./high cost living

Introduced in the Senate ...1/23, 19.76

HISTORY IN THE SENATE

19	76	Read first time and referred to Committee on
1	23	Commerce and Finance
	33	Reported back with recommendation that <i>Com; 3-10</i> <i>pass. 2- no rec to Finance</i>
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by President
		Sent to House
SECRETARY OF THE SENATE		

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate
CHIEF CLERK OF THE HOUSE		

HISTORY IN THE SENATE

19		Received from House
		Reported correctly enrolled
		Sent to Governor
	 By Governor
		Filed with Lt. Governor
		Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

~~SB 573~~
SB 574

I. REQUEST

Bill No. HB 667 or SB 574
Title: Study of the High Cost of Living in Alaska
Requested by: State Affairs Committee Date: 2/23/76
Return Date Requested:
Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \$110,000

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000				
FEDERAL FUNDS					
OTHER					

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

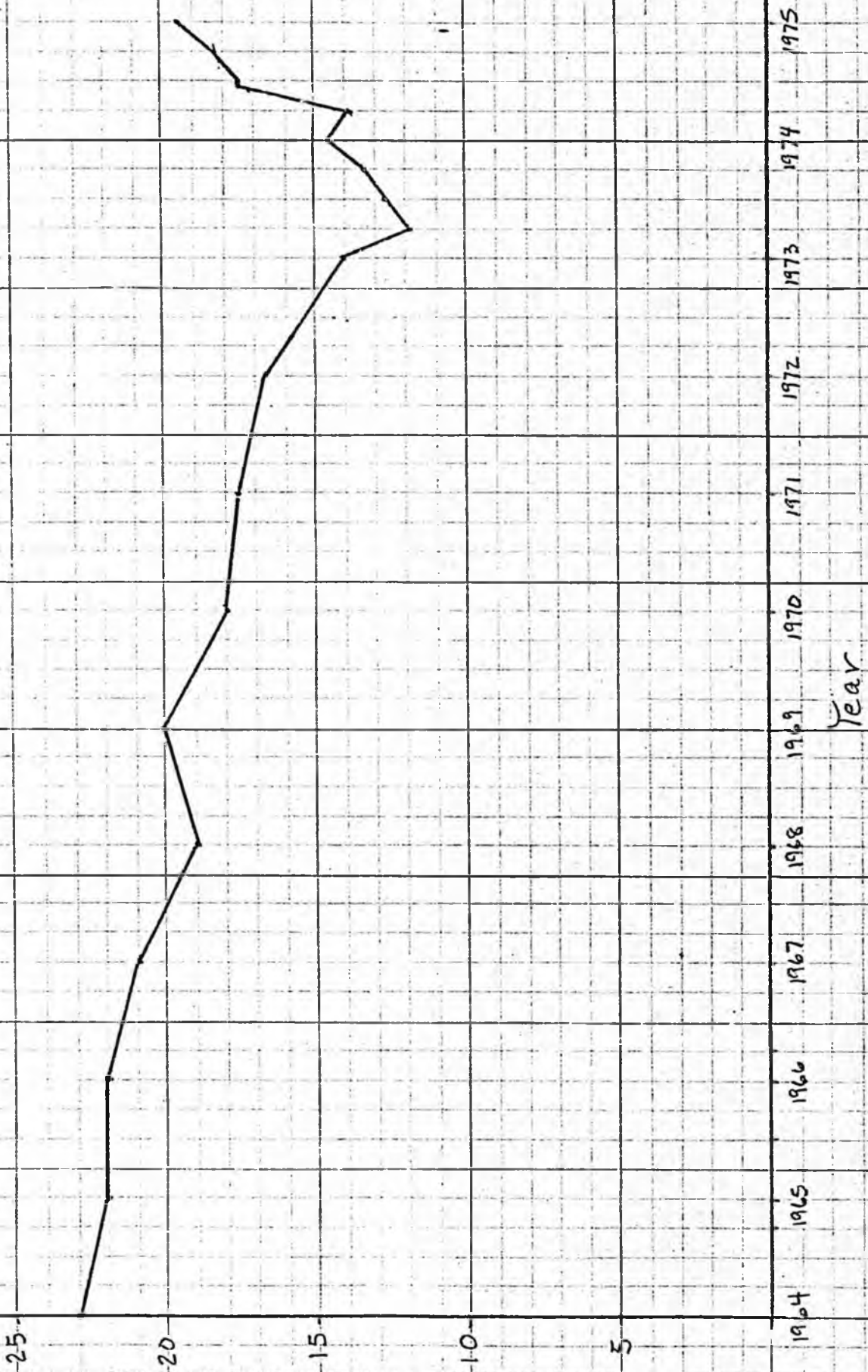
The Department of Commerce & Economic Development will reach a written agreement with the authors of the bill and legislative committees as to the intent of the study. The study would be contracted out to a private firm or university group on a competitive bid basis. The Division of Economic Enterprise would negotiate the contract and terms, monitor and co-direct the study effort and give approval on final study report when acceptable as meeting the terms of the contract. The Division of Economic Enterprise will absorb the necessary costs internally for accomplishing the above. Contractual agreement will contain provisions for preparing and publishing the final study report.

IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

% Higher for Anchorage over Seattle



Comparison for Cost of Living Between Anchorage and Seattle

derived from data supplied by Alaska Dept. of Labor & U.S. Bureau of Labor Statistics



UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

February 9, 1976

Mr. Joe Orsini
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Joe:

This is in response to your January 28 letter regarding Senate Bills 573 and 574 dealing with cost of living in Alaska.

First, ISEGR would certainly be interested in undertaking the proposed study. The work would be complementary to a component of Phase II of the Man in the Arctic Program (starting later this month) that will deal with prices, costs, and wages in Alaska. As a result, the state could get a lot of extra mileage for its money, which would be, in effect, supplemented by a portion of our National Science Foundation grant. In any case, it is of course my feeling that work of this type should, whenever possible, be done within Alaska, where the longer-range benefits of research remain available to the state.

Second, I would like to comment on the proposed legislation. I certainly think the subject matter needs attention, rather urgently. No real consistent or continuous effort has ever been launched to deal with the high cost-of-living problems in Alaska. What research has been done, mostly by us, has been discontinuous and has not been directed toward any kind of action program. Your proposed program could provide a good point of departure.

While I concur in the three parts of the study, I believe consideration should be given to a different allocation of effort between the components. Parts One and Two should either be allocated more equal amounts, or legislation should be silent on the funding of each part, with allocations to be set out clearly in any proposals for the study.

I would suggest that consideration be given to somehow helping provide a basis to the type of program of cost-of-living surveys as was proposed in H.B. 135 of the current legislature. At this time, cost-of-living information is available only for Anchorage; Congress recently appropriated money to initiate development of a consumer price index for Fairbanks. For the rest of Alaska, we simply have no information. The proposed cost-of-living study

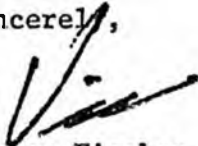
UNIVERSITY OF ALASKA

Mr. Joe Orsini
February 9, 1976
Page 2

will not result in the type of measures of consumer prices and cost-of-living changes over time that are necessary for a whole variety of public and private purposes. It occurs that possibly your bill could provide the basis for a further investigation of establishing annual cost-of-living price surveys throughout Alaska, with conclusions presented to the next legislature.

All in all, I think you're off on a very good tack. Very best wishes and personal regards.

Sincerely,



Victor Fischer, Director
Institute of Social, Economic
and Government Research

VF:jd

cc: Steve Cowper



STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA 94025
(415) 328-6200

Executive Offices

February 6, 1976

The Honorable Joe Orsini
The State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Orsini:

Thank you very much for your letter of January 28. We would be pleased to conduct a study on the cost of living in Alaska, as described in the proposed legislation.

In your conversation with Mr. Donald Green of our staff you indicated the study would be initiated by July, when next year's budget is enacted, assuming passage of the bill. The bill calls for completion of the study and reports by December 31. A six-month period appears sufficient to get the study done.

The level of funding proposed appears appropriate as a guideline to the level of effort expected. Assuming that Part Two would involve some additional economic as well as noneconomic analysis and data gathering, and that Part Three requires only a preliminary evaluation of State Government action alternatives, the allocation of funds between parts appears reasonable. We would suggest that the data collection, surveys and analysis work be tied as closely as possible to feasible government policy actions, in order to be most useful to the legislature in evaluating alternatives.

SRI has worked for several years with the Federal Government Cost of Living Council in analyzing price trends and cost factors in specific industries. We have also worked extensively with Alaska and several other states on policy studies such as the one proposed.

We would be pleased to discuss the study further and develop a proposal when requested.

Sincerely,

Dennis M. Finnigan, Vice President
Research Operations

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 66705B574
 Title: Study of the High Cost of Living in Alaska
 Requested by: State Affairs Committee Date: 2/23/76
 Return Date Requested:
 Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \$110,000

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMOD TIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

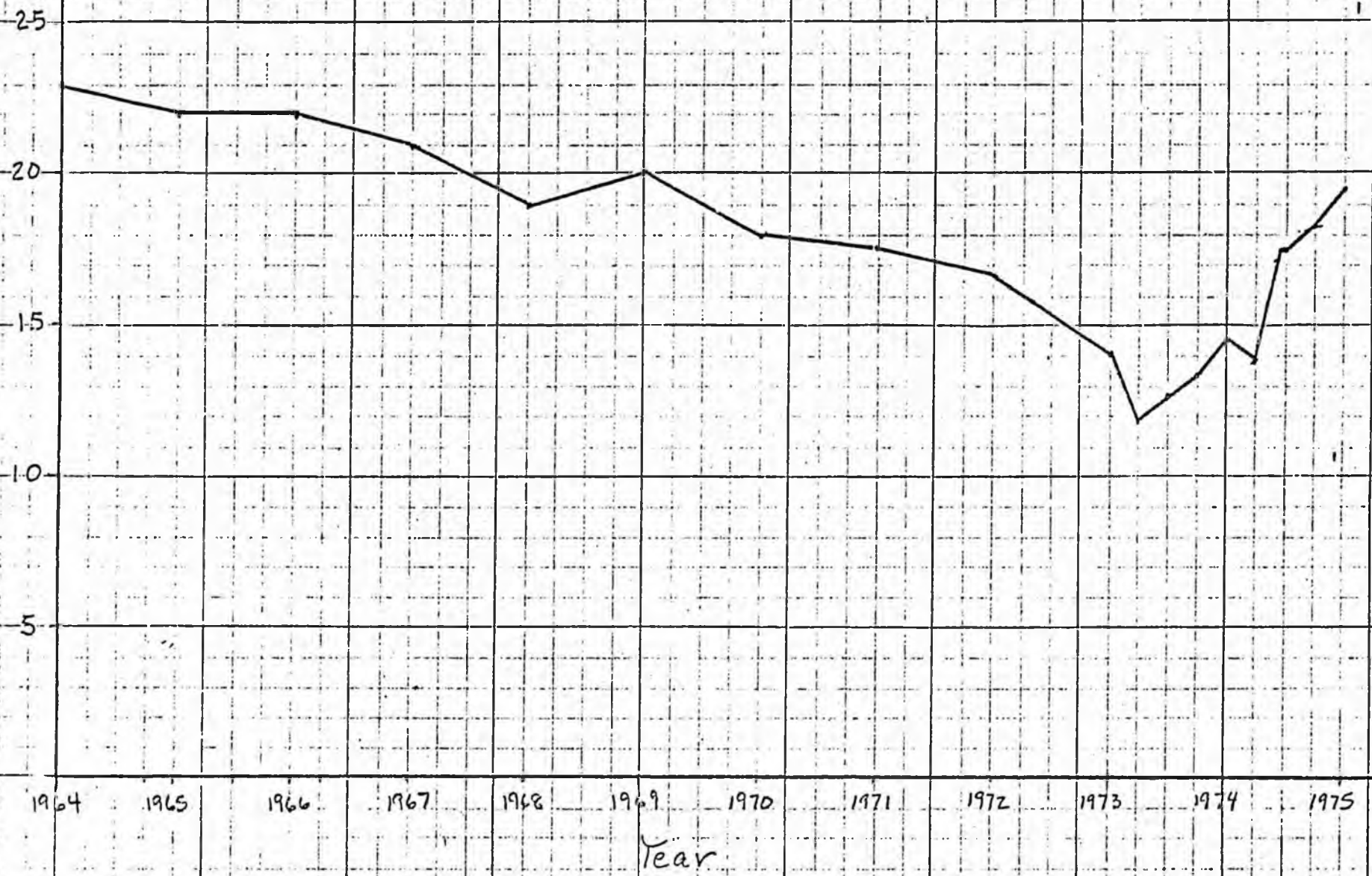
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IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

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Comparison for Cost of Living Between Anchorage and Seattle

derived from data supplied by Alaska Dept. of Labor & U.S. Bureau of Labor Statistics



UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

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Alaska State Legislature
Pouch V
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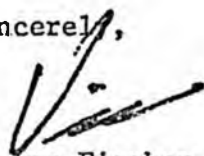
UNIVERSITY OF ALASKA

Mr. Joe Orsini
February 9, 1976
Page 2

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Sincerely,



Victor Fischer, Director
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VF:jd

cc: Steve Cowper



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(415) 326-6200

Executive Offices

February 6, 1976

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Pouch V
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We would be pleased to discuss the study further and develop a proposal when requested.

Sincerely,


Dennis M. Finnigan, Vice President
Research Operations

Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Department
7 of Commerce and Economic Development for a study of the
8 high cost of living in Alaska; and providing for an
9 effective date."

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

11 * Section 1. The sum of \$110,000 is appropriated from the general fund to
12 the Department of Commerce and Economic Development for conducting a three-
13 part study of the high cost of living in Alaska. The funding for each part
14 shall consist of:

15 (1) Part One - \$30,000,

16 (2) Part Two - \$70,000,

17 (3) Part Three - \$10,000.

18 * Sec. 2. The unexpended and unobligated portion of this appropriation
19 lapses into the general fund June 30, 1977.

20 * Sec. 3. This Act takes effect immediately upon the effective date of a
21 version of "An Act authorizing a study of the causes and potential solutions
22 of the high cost of living in Alaska."
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Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Department
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Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 573

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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22 of the high cost of living in Alaska."
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RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT

3/3/76

SENATE

Mr. President:

Date _____

The Committee on FINANCE has had SB 574 authorizing a study of causes & potential solutions of high cost of living in Ak. under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:

_____ Chairman

COMMITTEE REPORT

SENATE

1/23/76

**Finance

Mr. President:

Date 3-3-76

The Committee on Commerce has had SB 574 authorizing study of causes & potential solutions of ~~high cost of living in Alaska~~ under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE Finance COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

[Signature] _____

[Signature] _____

[Signature] _____

Members NOT concurring in the Majority report:

[Signature] recommends: No Rec.

[Signature] recommends: No Rec.

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 574

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a study of the causes and potential
7 solutions of the high cost of living in Alaska."

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

9 * Section 1. The Department of Commerce and Economic Development shall
10 supervise a study of the causes of the high cost of living in Alaska relative
11 to other states and of potential action which could be taken by the state to
12 alleviate this problem. The study shall consist of three parts. Part one
13 shall examine those economic factors which contribute to the high cost of
14 living in Alaska. Each factor which contributes to the high cost of living
15 shall be identified, and the extent to which it contributes to high living
16 costs shall be determined. Part two shall examine those factors which are not
17 strictly economic, such as psychological and sociological phenomena, which may
18 contribute to high living costs. These factors may include, but are not
19 limited to, expectations of wage earners, management, investors, and consumers.
20 Part three shall consist of identification of various forms of action which
21 could be taken by the state to reduce the cost of living in Alaska. In addi-
22 tion, each form of government action which could potentially reduce living
23 costs in the state shall be evaluated in terms of its effect upon the economic
24 and social well-being of the state. The study shall be completed by Decem-
25 ber 31, 1976 and presented to the First Session of the Tenth Legislature.
26 Copies of the study shall be made available to the general public.
27
28
29

ALASKA STATE LEGISLATURE

NINTH Legislature SECOND Session

SENATE BILL NO. 574

By ORSINI

"An Act authorizing a study of the causes and potential solutions of the high cost of living in Alaska."

high cost of living in Alaska

Introduced in the Senate 1/23, 1976

HISTORY IN THE SENATE

1976

1/23

3/3

Read first time and referred to Committee on Commerce and Finance

Reported back with recommendation that *Comm. 3-3-76 pass. 2-11-76 to Finance*

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reconsideration

PASS Effective Date
Yeas Yeas
Nays Nays
Absent Absent
Excused Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

Reported correctly enrolled

Sent to Governor

By Governor

Filed with Lt. Governor

Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

SB 573
SB 574

I. REQUEST
Bill No. HB 667 or SB 574
Title: Study of the High Cost of Living in Alaska
Requested by: State Affairs Committee Date: 2/23/76
Return Date Requested:
Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL
Budget Request Unit(s) Affected: \$110,000
A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
The Department of Commerce & Economic Development will reach a written agreement with the authors of the bill and legislative committees as to the intent of the study. The study would be contracted out to a private firm or university group on a competitive bid basis. The Division of Economic Enterprise would negotiate the contract and terms, monitor and co-direct the study effort and give approval on final study report when acceptable as meeting the terms of the contract. The Division of Economic Enterprise will absorb the necessary costs internally for accomplishing the above. Contractual agreement will contain provisions for preparing and publishing the final study report.

IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA

FISCAL NOTE

Second Session - Ninth Legislature

SB 573
SB 574

I. REQUEST
 Bill No. HB 667 + SB 574
 Title: Study of the High Cost of Living in Alaska
 Requested by: State Affairs Committee Date: 2/23/76
 Return Date Requested:
 Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL
 Budget Request Unit(s) Affected: \$110,000
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000				
FEDERAL FUNDS					
OTHER					

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

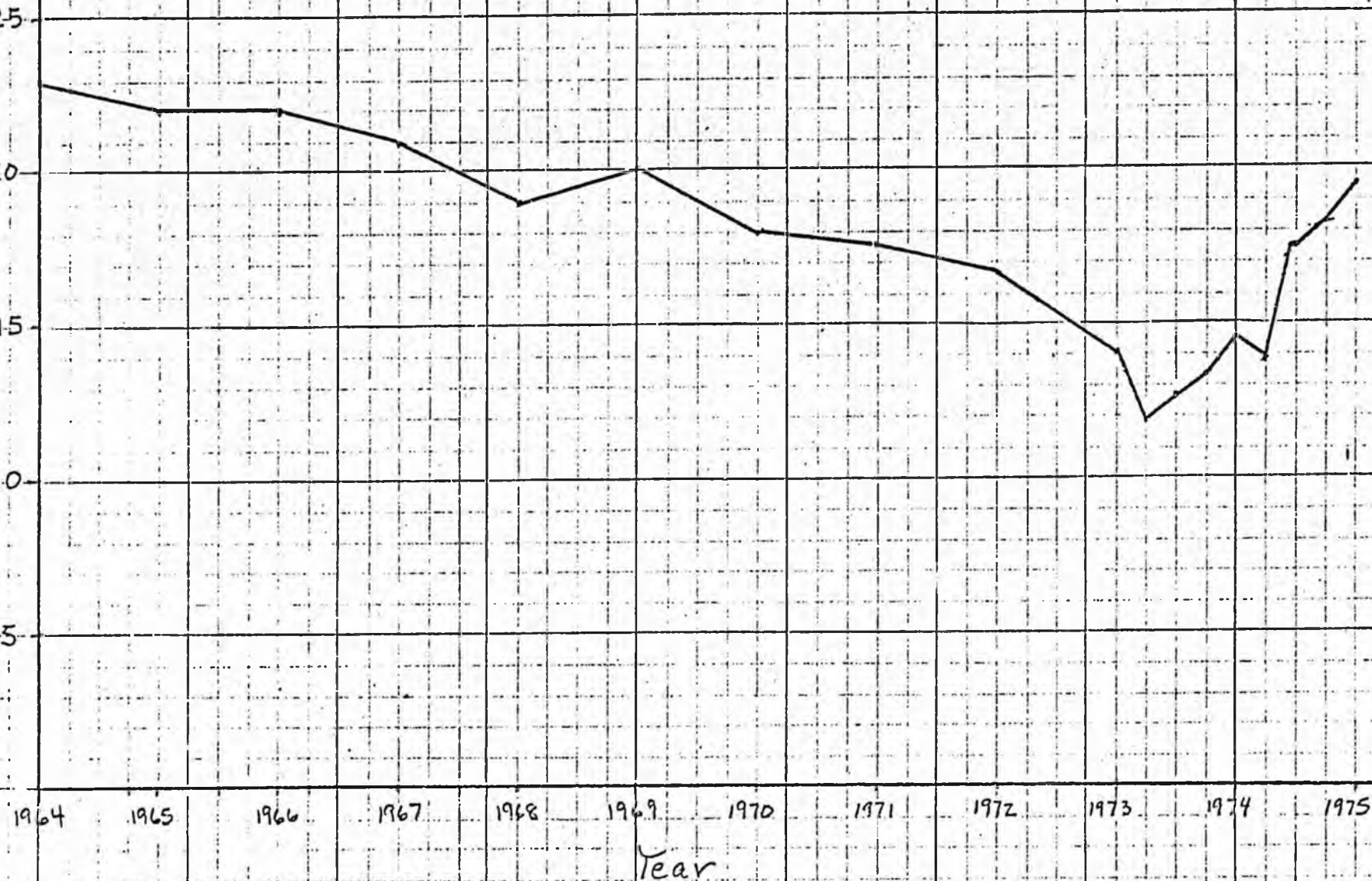
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IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

% Higher for Anchorage over Seattle



Comparison for Cost of Living Between Anchorage and Seattle

derived from data supplied by Alaska Dept. of Labor & U.S. Bureau of Labor Statistics



UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

February 9, 1976

Mr. Joe Orsini
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Joe:

This is in response to your January 28 letter regarding Senate Bills 573 and 574 dealing with cost of living in Alaska.

First, ISEGR would certainly be interested in undertaking the proposed study. The work would be complementary to a component of Phase II of the Man in the Arctic Program (starting later this month) that will deal with prices, costs, and wages in Alaska. As a result, the state could get a lot of extra mileage for its money, which would be in effect, supplemented by a portion of our National Science Foundation grant. In any case, it is of course my feeling that work of this type should, whenever possible, be done within Alaska, where the longer-range benefits of research remain available to the state.

Second, I would like to comment on the proposed legislation. I certainly think the subject matter needs attention, rather urgently. No real consistent or continuous effort has ever been launched to deal with the high cost-of-living problems in Alaska. What research has been done, mostly by us, has been discontinuous and has not been directed toward any kind of action program. Your proposed program could provide a good point of departure.

While I concur in the three parts of the study, I believe consideration should be given to a different allocation of effort between the components. Parts One and Two should either be allocated more equal amounts, or legislation should be silent on the funding of each part, with allocations to be set out clearly in any proposals for the study.

I would suggest that consideration be given to somehow helping provide a basis to the type of program of cost-of-living surveys as was proposed in H.B. 135 of the current legislature. At this time, cost-of-living information is available only for Anchorage; Congress recently appropriated money to initiate development of a consumer price index for Fairbanks. For the rest of Alaska, we simply have no information. The proposed cost-of-living study

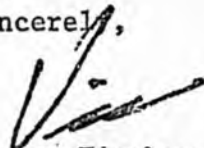
UNIVERSITY OF ALASKA

Mr. Joe Orsini
February 9, 1976
Page 2

will not result in the type of measures of consumer prices and cost-of-living changes over time that are necessary for a whole variety of public and private purposes. It occurs that possibly your bill could provide the basis for a further investigation of establishing annual cost-of-living price surveys throughout Alaska, with conclusions presented to the next legislature.

All in all, I think you're off on a very good tack. Very best wishes and personal regards.

Sincerely,



Victor Fischer, Director
Institute of Social, Economic
and Government Research

VF:jd

cc: Steve Cowper



STANFORD RESEARCH INSTITUTE
MENLO PARK, CALIFORNIA 94025
(415) 326-6200

Executive Offices

February 6, 1976

The Honorable Joe Orsini
The State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Orsini:

Thank you very much for your letter of January 28. We would be pleased to conduct a study on the cost of living in Alaska, as described in the proposed legislation.

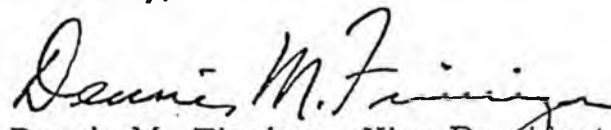
in your conversation with Mr. Donald Green of our staff you indicated the study would be initiated by July, when next year's budget is enacted, assuming passage of the bill. The bill calls for completion of the study and reports by December 31. A six-month period appears sufficient to get the study done.

The level of funding proposed appears appropriate as a guideline to the level of effort expected. Assuming that Part Two would involve some additional economic as well as noneconomic analysis and data gathering, and that Part Three requires only a preliminary evaluation of State Government action alternatives, the allocation of funds between parts appears reasonable. We would suggest that the data collection, surveys and analysis work be tied as closely as possible to feasible government policy actions, in order to be most useful to the legislature in evaluating alternatives.

SRI has worked for several years with the Federal Government Council of Living Council in analyzing price trends and cost factors in specific industries. We have also worked extensively with Alaska and several other states on policy studies such as the one proposed.

We would be pleased to discuss the study further and develop a proposal when requested.

Sincerely,


Dennis M. Finnigan, Vice President
Research Operations

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 66705B574
 Title: Study of the High Cost of Living in Alaska
 Requested by: State Affairs Committee Date: 2/23/76
 Return Date Requested: _____
 Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \$110,000

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

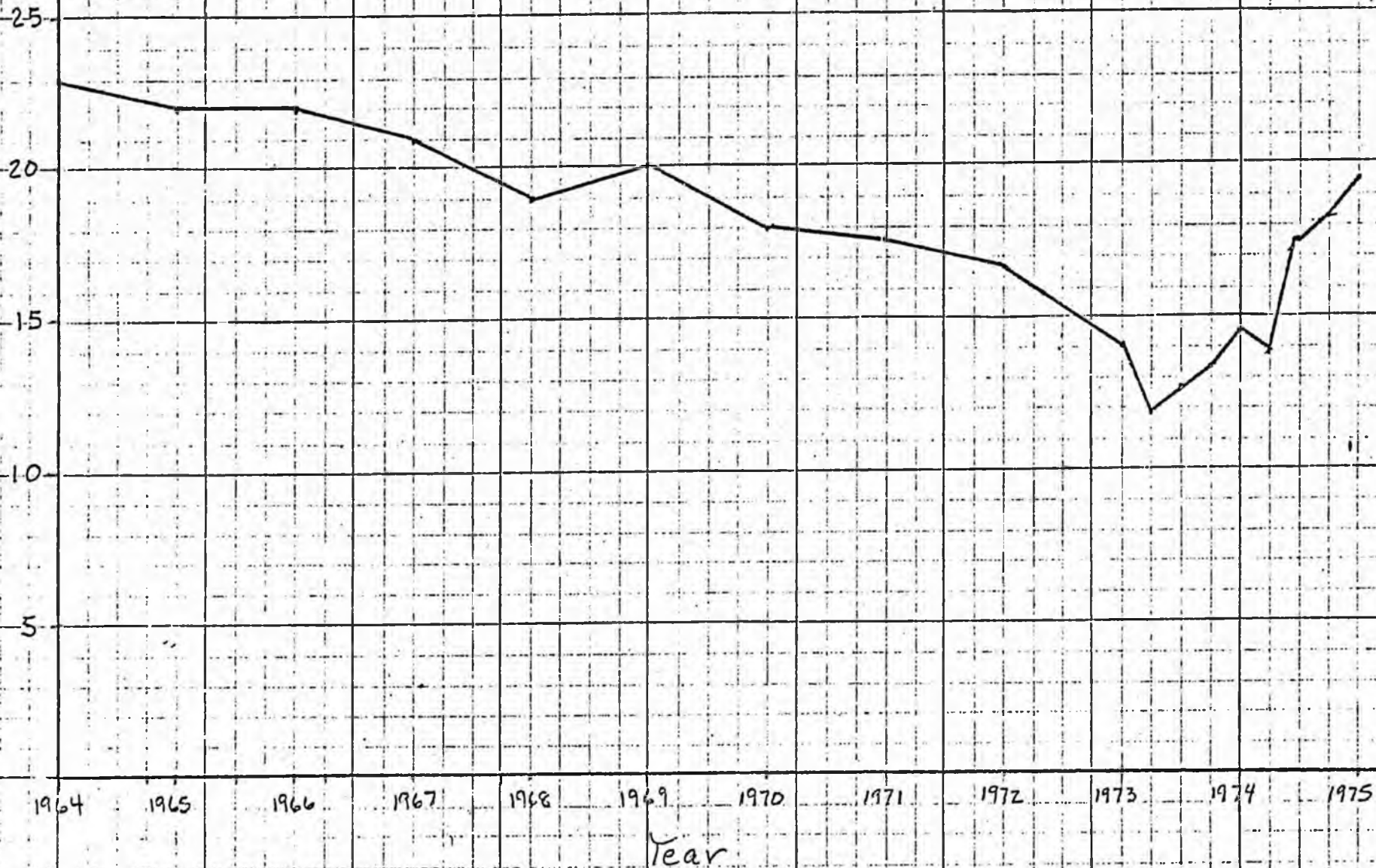
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IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

% Higher for Anchorage over Seattle



Comparison for Cost of Living Between Anchorage and Seattle

derived from data supplied by Alaska Dept. of Labor + U.S. Bureau of Labor Statistics



UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

February 9, 1976

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Pouch V
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First, ISEGR would certainly be interested in undertaking the proposed study. The work would be complementary to a component of Phase II of the Man in the Arctic Program (starting later this month) that will deal with prices, costs, and wages in Alaska. As a result, the state could get a lot of extra mileage for its money, which would be, in effect, supplemented by a portion of our National Science Foundation grant. In any case, it is of course my feeling that work of this type should, whenever possible, be done within Alaska, where the longer-range benefits of research remain available to the state.

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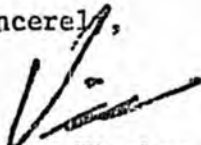
UNIVERSITY OF ALASKA

Mr. Joe Orsini
February 9, 1976
Page 2

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All in all, I think you're off on a very good tack. Very best wishes and personal regards.

Sincerely,



Victor Fischer, Director
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Executive Offices

February 6, 1976

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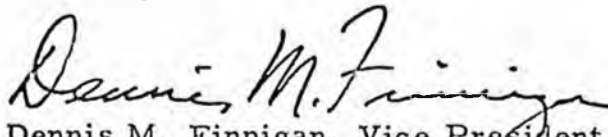
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Sincerely,


Dennis M. Finnigan, Vice President
Research Operations

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HB 667-58574
 Title: Study of the High Cost of Living in Alaska
 Requested by: State Affairs Committee Date: 2/23/76
 Return Date Requested: _____
 Agency: Commerce & Econ. Dev. Program: Economic Enterprise - Research and Analysis

II. FISCAL DETAIL

Budget Request Unit(s) Affected: \$110,000

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	\$110,000					
400 COMMODITIES						
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TOTAL	\$110,000					

B. FUNDING: (Thousands of dollars)

GENERAL FUND	\$110,000					
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

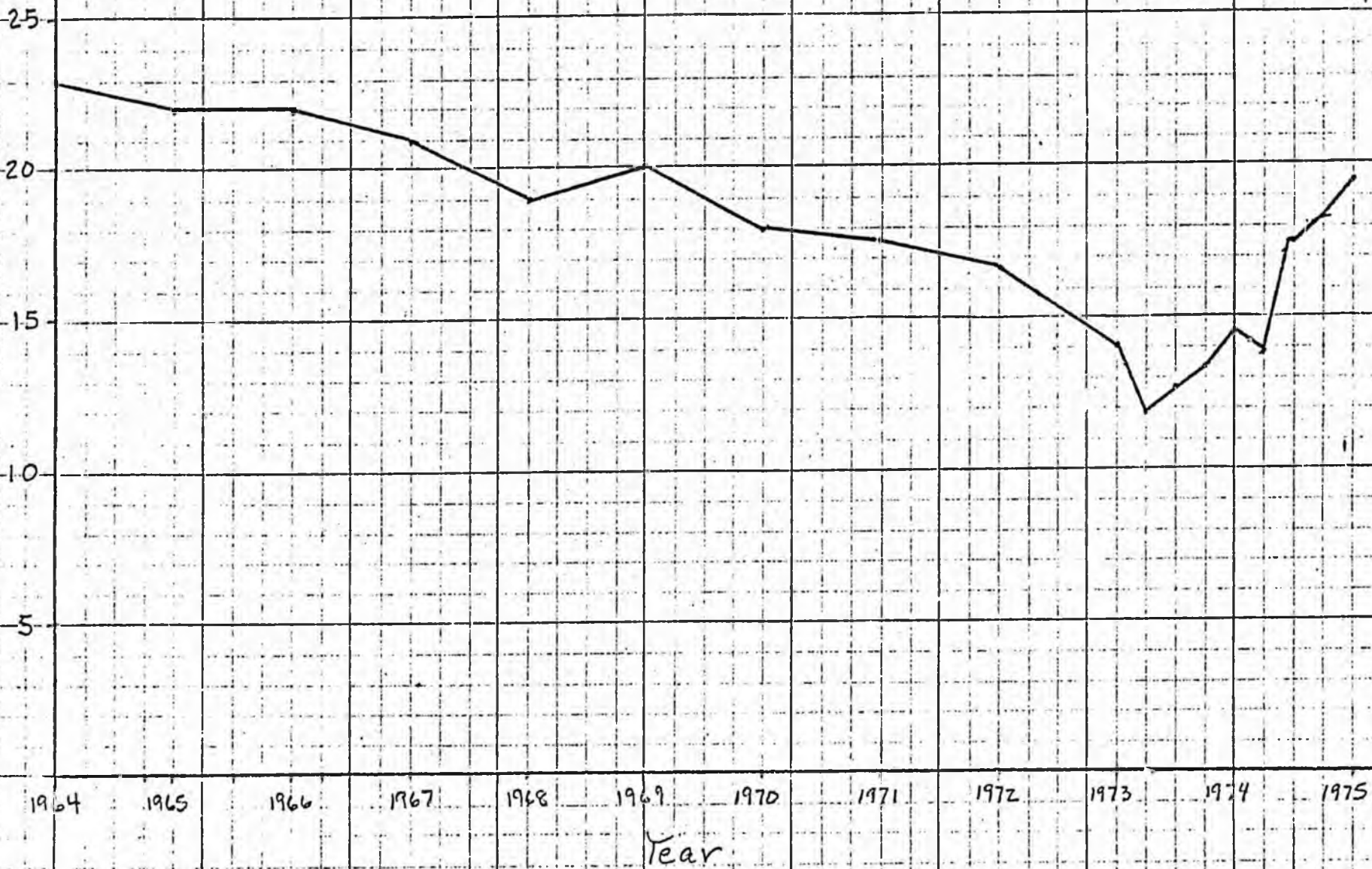
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IV. ATTACHMENTS

V. DATE: February 23, 1976 PREPARED BY: Richard H. Eakins

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

% Higher for Anchorage over Seattle



Comparison for Cost of Living Between Anchorage and Seattle

derived from data supplied by Alaska Dept. of Labor + U.S. Bureau of Labor Statistics



UNIVERSITY OF ALASKA

FAIRBANKS, ALASKA 99701

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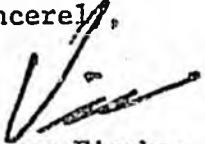
UNIVERSITY OF ALASKA

Mr. Joe Orsini
February 9, 1976
Page 2

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February 6, 1976

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The State Senate
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Sincerely,

Dennis M. Finnigan, Vice President
Research Operations

Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 574

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a study of the causes and potential
7 solutions of the high cost of living in Alaska."

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

9 * Section 1. The Department of Commerce and Economic Development shall
10 supervise a study of the causes of the high cost of living in Alaska relative
11 to other states and of potential action which could be taken by the state to
12 alleviate this problem. The study shall consist of three parts. Part one
13 shall examine those economic factors which contribute to the high cost of
14 living in Alaska. Each factor which contributes to the high cost of living
15 shall be identified, and the extent to which it contributes to high living
16 costs shall be determined. Part two shall examine those factors which are not
17 strictly economic, such as psychological and sociological phenomena, which may
18 contribute to high living costs. These factors may include, but are not
19 limited to, expectations of wage earners, management, investors, and consumers.
20 Part three shall consist of identification of various forms of action which
21 could be taken by the state to reduce the cost of living in Alaska. In addi-
22 tion, each form of government action which could potentially reduce living
23 costs in the state shall be evaluated in terms of its effect upon the economic
24 and social well-being of the state. The study shall be completed by Decem-
25 ber 31, 1976 and presented to the First Session of the Tenth Legislature.
26 Copies of the study shall be made available to the general public.
27
28
29

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Introduced: 1/23/76
Referred: Commerce and Finance

1 IN THE SENATE

BY ORSINI

2 SENATE BILL NO. 574

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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