

LEG. FINANCE - BILLS 1985 - 1986 2150

SB 18 - SB 21

2150

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 18
Title: Egan Day

FISCAL DETAIL

Agency Affected: NA
Program Category Affected: _____

Sponsor: Representative V. Fische BRU, Program or Subprogram(s) Affected: _____
Requestor: House Finance Committee
Date of Request: 4/8/85

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | | | | |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-----|--|--|--|--|
| GENERAL FUND | | -0- | | | | |
| FEDERAL FUNDS | | -0- | | | | |
| OTHER | | -0- | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

ADA

Prepared By: Representative Adams-Chairman Phone: 465-3706
Division: House Finance Committee Date: 4/8/85

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

7/1/84

Introduced: 1/14/85
Referred: State Affairs,
Labor and Commerce
and Finance

BY V. FISCHER, HALFORD, STURGULEWSKI,
KELLY, FAIKS, COGHILL, JOSEPHSON AND
KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 18

2

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing "William A. Egan Day" on October

7

8 of each year."

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

9

Section 1. AS 44.12 is amended by adding a new section to read:

10

Sec. 44.12.060. WILLIAM A. EGAN DAY. William A. Egan Day is

11

established on October 8 of each year to honor William "Bill" Egan,

12

the first governor of the state of Alaska, for a lifetime of service

13

to the territory and state of Alaska. William A. Egan Day may be

14

observed by suitable observances and exercises by civic groups and the

15

public.

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



February 8, 1985

To: Members, Senate Finance Committee
From: Senator Vic Fischer
Re: Senate Bill 18 - William A. Egan Day

Senate Bill 18 designates October 13 as a holiday in honor of William A. Egan, Alaska's first Governor.

Bill Egan's life reads like Alaska's history book. Born in Valdez in 1914, he graduated from Valdez High School in 1932 and went on to serve in the Territorial House of Representatives in 1941-43 and 1947-51 and in the Territorial Senate from 1953 to 1956.

In 1941 Bill Egan drafted the Statehood Referendum Act and later served as the President of the Constitutional Convention in 1955-56. He was elected Governor of Alaska in 1959-1966 and again in 1971-74.

Bill joined the U.S. Army in 1943 and was elected Mayor of Valdez the same year he was discharged, 1946. He was honored as Alaskan of the Year in 1971 and awarded an Honorary LL.D., from the University of Alaska in 1972.

SB 18 calls for William A. Egan Day to be observed by suitable ceremonies and exercises by civic groups and the public. It does not create a state holiday, nor does it require any expenditure of public funds: something Bill Egan would have supported.

At his death last year, thousands of Alaskans from all over the state and nation joined in ceremonies honoring Bill's lifetime of service to Alaska. SB 18 is a way of assuring that Bill Egan's contribution to building the state he loved is never forgotten.

/gb

Juneau Empire
pg 16 2/21/85

Gov. Egan Day bill moving

The Associated Press

Alaska would celebrate a "William Egan Day" on October 8th of each year under legislation sent to the House on Tuesday.

The measure (SB18), which sailed through four Senate committees, was approved 18-0 with little debate.

Sen. Vic Fischer, D-Anchorage, introduced the legislation, saying it would set aside a special day for the

late governor.

"Bill Egan was one of the great Alaskans," Fischer said. "He accumulated a record of public service unmatched by anyone in Alaska."

Egan was a territorial legislator in the 1940s and 1950s, drafted the statehood referendum act and later served as president of the Constitutional Convention, where Fischer was a delegate.

Egan, who died last year, was Alaska's first governor. He served in that office from 1959 through 1966 and again from 1971 to 1974.

Although it does not create a state holiday, the bill calls for William Egan Day to be observed with suitable ceremonies by civic groups and the public.

It does not call for any spending — something Fischer says Egan would have appreciated.

Anchorage Times

B-5 2/15/85

Senators to decide on 'Egan Day'

Associated Press

Juneau — Legislation that would designate Oct. 18 of each year as "Bill Egan Day" in Alaska likely will come up for a floor vote Monday in the Senate.

Prime sponsor of the measure (SB18) is Sen. Vic Fischer, D-Anchorage.

In a letter explaining the bill, Fischer said Egan's life "reads like Alaska's history book."

Egan was born and raised in Valdez and went on to serve in the Territorial House and Senate in the 1940s and '50s.

"In 1941, Bill Egan drafted the Statehood Referendum Act and later served as the president of the Constitutional Convention," said Fischer, himself a convention delegate. He was elected governor of Alaska in 1959-1966 and again in 1971-74."

Egan was honored as Alaskan of the Year in 1971 and awarded an honorary doctor of laws degree from the University of Alaska in 1972.


The bill calls for William Egan Day to be observed by suitable ceremonies and exercises by civic groups and the public.

"It does not create a state holiday, nor does it require any expenditure of public funds — something Bill Egan would have supported," Fischer said. "At his death last year, thousands of Alaskans from all over the state and nation joined in ceremonies honoring Bill's lifetime of service to Alaska. (The bill) is a way of assuring that Bill Egan's contribution to building the state he loved is never forgotten."

Sen. Tim Kelly, R-Anchorage and Rules Committee chairman, said the measure likely will show up on Monday's calendar.

opinion

Anchorage Daily News



Winner of Pulitzer Prize Gold Medal for Public Service
1978

| | |
|---|---|
| <p>Gerald E. Grilly Publisher</p> <p>Steve Lindbeck Editorial Page Editor</p> <p>Katherine Fanning, Editor and Publisher, 1971 to 1983 Lawrence Fanning, Editor and Publisher 1967 to 1971</p> | <p>Howard Weaver Managing Editor</p> |
|---|---|

Alaska's Only Morning Newspaper • Founded in 1946 by Norman C. Brown

Remembering Bill Egan

Bill Egan Day. It has a nice ring to it — an Alaskan ring. A bill coming before the state Senate Monday calls for the creation of "Bill Egan Day" by commemorating the Oct. 8 birthday of Alaska's first governor. It would not create a state holiday, nor does it call for money to be spent on its behalf — things Alaska's much-beloved "Gov. Bill" would have poo-pooed — but it does set aside an official day for Alaskans to remember the contributions William Egan made to this state — and, before that, to this territory.

In a state full of pioneers and visionaries, it's hard to think of anyone who contributed more: When Alaska lobbied Congress for statehood, Bill Egan was there as one of three territorial representatives; when Alaska held its constitutional convention, Bill Egan was there as chairman; when Alaska became a state in 1959, it chose Bill Egan as its first governor; and when the Good Friday Earthquake wrought havoc, it was Gov. Egan who aggressively sought and got federal assistance to rebuild Southcentral's cities and businesses.

Simply put, Bill Egan had an influential hand in virtually every major decision affecting Alaska during his long political career. Time has shown his judgement was both sound and generous.

Sometimes it seems that special occasions abound on our calendars these days — holidays and celebrations commemorate countless visionary figures and legends. A day in honor of Bill Egan deserves inclusion on that calendar — not as a token, but as a very real example. SB 18, sponsored by Sen. Vic Fischer, helps us remember the example by remembering the man.

Introduced: 1/14/85
Referred: State Affairs,
Labor and Commerce
and Finance

BY V. FISCHER, HALFORD, STURGULEWSKI,
KELLY, FAIKS, COGHILL, JOSEPHSON AND
KERTULA

1 IN THE SENATE

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SENATE BILL NO. 18

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observed by suitable observances and exercises by civic groups and the

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public.

COMMITTEE REPORT
SENATE

FURTHER:

3/11/85

Date _____

Mr. President

The Committee on FINANCE considered SSSB 19
creating the Anchorage Coastal State Wildlife Refuge.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

RESOURCES
FINANCE

24
1/24/85

Date Feb 27, 1985

Mr. President

The Committee on C&RA considered ~~SSB~~ SSB 19
creating the Anchorage Coastal State Wildlife Refuge.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- ~~do pass with attached amendment(s)~~
- replace with/or adopt CS for SSSB 19 (C&RA)
- new title
- same title and recommends may do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten signatures]

Edna De Vrie
Chairman
Do Pass
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/27/85

Date _____

Mr. President

The Committee on RESOURCES considered SSSB 19
creating the Anchorage Coastal State Wildlife Refuge.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 19 (RESOURCES)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

1 Kirk Halpern

1 W. J. ...

2 Tabulating - amendment needed

3 J. H. ... No Records

1 Curtis Strogan
Chairman

Do Pass
Chairman recommendation

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer
2/26/85

Page 4, line 23. Insert a new subsection to read:

(c) "The management plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

J.M.
CS(Res)

Offered: 3/11/85
Referred: Finance

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife
7 Refuge."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The
11 following described state-owned land and water is established as the
12 Anchorage Coastal Wildlife Refuge and shall be managed for the pro-
13 tection of waterfowl, shorebirds, salmon, and other fish and wildlife
14 species, and their habitat and for the use and enjoyment of the people
15 of the state:

- 16 (1) Township 13 North, Range 4 West, Seward Meridian
17 Section 20: SE1/4 seaward of the 20 foot elevation
18 contour
19 SE1/4NE1/4 seaward of the 20 foot elevation con-
20 tour
21 Section 29: E1/2 seaward of the 20 foot elevation
22 contour
23 SW1/4 seaward of the 20 foot elevation contour
24 Section 30: SE1/4SE1/4
25 Section 31: All seaward of the 20 foot elevation
26 contour except NW1/4NW1/4
27 Section 32: All seaward of the 20 foot elevation
28 contour

- 29 (2) Township 13 North, Range 5 West, Seward Meridian
S

1 Section 36: S1/2

2 S1/2N1/2

3 (3) Township 12 North, Range 4 West, Seward Meridian
4 Sections 6 - 9: Seaward of the 20 foot elevation
5 contour

6 Section 15: NW1/4 seaward of the 20 foot elevation
7 contour

8 SW1/4NE1/4 seaward of the 20 foot elevation
9 contour

10 Government Lot 5 and the remainder of the W1/2SE1/4,
11 all

12 SW1/4

13 Section 16: Seaward of the 20 foot elevation contour

14 Sections 17 - 22

15 Section 23: Government Lot 1 and the remainder of the
16 SW1/4, all seaward of the 20 foot elevation contour
17 Government Lot 2 and the remainder of the S1/2NW1/4,
18 all seaward of the 20 foot elevation contour

19 Government Lots 3 and 4, and the remainder of the
20 SE1/4, all seaward of the 20 foot elevation contour

21 Section 24: Tract A, Shorecrest Subdivision (Plat No.
22 81-68, Anchorage Recording District)

23 Section 25: Government Lots 1 and 2, and the remainder
24 of the W1/2, all

25 Tract A, Johns Park Estates, and the remainder of the
26 NE1/4, excluding Skyway Park Estates, Addition No. 1
27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE1/4,
29 all

- 1 Sections 26 - 36
- 2 (4) Township 12 North, Range 5 West, Seward Meridian
- 3 Sections 1 - 2
- 4 Sections 11 - 14
- 5 Sections 23 - 26
- 6 Sections 35 - 36
- 7 (5) Township 12 North, Range 3 West, Seward Meridian
- 8 Section 29: That portion of the SW1/4 southwesterly
- 9 of the Alaska Railroad right-of-way and southerly of
- 10 Oceanview Subdivision, Addition No. 6
- 11 Section 30: That portion of Tract A, Johns Park
- 12 Estates, seaward of the 20 foot elevation contour
- 13 Government Lot 2 and that portion of the SE1/4NW1/4
- 14 southwesterly of Oceanview West Subdivision,
- 15 Addition No. 1
- 16 Government Lots 3 and 4 and the remainder of the
- 17 SW1/4, all
- 18 That portion of the SW1/4NE1/4 and the SE1/4
- 19 southwesterly of Oceanview Subdivision, Addition No.
- 20 4 and Addition No. 6
- 21 Section 31
- 22 Section 32: All lands southwesterly of the Alaska
- 23 Railroad right-of-way
- 24 Section 33: All lands westerly of the Alaska Railroad
- 25 right-of-way
- 26 (6) Township 11 North, Range 3 West, Seward Meridian
- 27 Section 3: Government Lot 5
- 28 Section 4: That portion southwesterly of the Old
- 29 Seward Highway right-of-way and The Landings

1 Subdivision which is northeasterly of the New Seward
2 Highway right-of-way

3 That portion southwesterly of the Alaska Railroad
4 right-of-way

5 Sections 5 - 8

6 Section 9: That portion southwesterly of the Alaska
7 Railroad right-of-way

8 That portion northeasterly of the New Seward Highway
9 right-of-way

10 Section 10: That portion westerly of the Old Seward
11 Highway right-of-way which is northeasterly of
12 the New Seward Highway right-of-way

13 That portion southwesterly of the Alaska Railroad
14 right-of-way

15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (d) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) The management plan prepared under AS 16.20.040 - 16.20.060
24 shall assure continued surface access to Fire Island and recommend
25 corridors for access and utilities to be constructed between Fire
26 Island and the Anchorage mainland.

27 (d) Land owned by the Municipality of Anchorage that lies within
28 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
29 of this section may be included in the Anchorage Coastal Wildlife

1 Refuge. An agreement between the Department of Fish and Game and the
2 Municipality of Anchorage for the management of the land within the
3 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
4 Anchorage shall be approved by the Municipality of Anchorage and by
5 the Department of Fish and Game.

6 (e) If state law permits a use or activity on land within state
7 game refuges that is not permitted on the land owned by the Municipal-
8 ity of Anchorage, the use or activity is not permitted on the land
9 owned by the Municipality of Anchorage within the Anchorage Coastal
10 Wildlife Refuge.

11 (f) The state or the Municipality of Anchorage may not acquire
12 privately owned land within the Anchorage Coastal Wildlife Refuge
13 described in (a) of this section by eminent domain for inclusion
14 within the Anchorage Coastal Wildlife Refuge. The Department of Fish
15 and Game or the Municipality of Anchorage may acquire privately owned
16 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-
17 change, or otherwise except by eminent domain.

18 (g) The land and water areas of the Anchorage Coastal Wildlife
19 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

20 * Sec. 2. AS 16.20.030(b) is repealed.
21
22
23
24
25
26
27
28
29

Offered: 2/27/85
Referred: Resources

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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7 Refuge."

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11 following described state-owned land and water is established as the
12 Anchorage Coastal Wildlife Refuge and shall be managed for the pro-
13 tection of waterfowl, shorebirds, salmon, and other fish and wildlife
14 species, and their habitat and for the use and enjoyment of the people
15 of the state:

16 (1) Township 13 North, Range 4 West, Seward Meridian

17 Section 20: SE 1/4 seaward of the 20 foot elevation
18 contour

19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-
20 tour

21 Section 29: E 1/2 seaward of the 20 foot elevation
22 contour

23 SW 1/4 seaward of the 20 foot elevation contour

24 Section 30: SE 1/4 SE 1/4

25 Section 31: All seaward of the 20 foot elevation
26 contour except NW 1/4 NW 1/4

27 Section 32: All seaward of the 20 foot elevation
28 contour

29 (2) Township 13 North, Range 5 West, Seward Meridian
S

1 Section 36: S 1/2

2 S 1/2 N 1/2

3 (3) Township 12 North, Range 4 West, Seward Meridian

4 Sections 6 - 9: Seaward of the 20 foot elevation
5 contour

6 Section 15: NW 1/4 seaward of the 20 foot elevation
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8 SW 1/4 NE 1/4 seaward of the 20 foot elevation
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10 Government Lot 5 and the remainder of the W 1/2 SE
11 1/4, all

12 SW 1/4

13 Section 16: Seaward of the 20 foot elevation contour

14 Sections 17 - 22

15 Section 23: Government Lot 1 and the remainder of the
16 SW 1/4, all seaward of the 20 foot elevation contour

17 Government Lot 2 and the remainder of the S 1/2 NW
18 1/4, all seaward of the 20 foot elevation contour

19 Government Lots 3 and 4, and the remainder of the SE
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22 81-68, Anchorage Recording District)

23 Section 25: Government Lots 1 and 2, and the remainder
24 of the W 1/2, all

25 Tract A, Johns Park Estates, and the remainder of the
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1

27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE 1/4,
29 all

1 Sections 26 - 36

2 (4) Township 12 North, Range 5 West, Seward Meridian

3 Sections 1 - 2

4 Sections 11 - 14

5 Sections 23 - 26

6 Sections 35 - 36

7 (5) Township 12 North, Range 3 West, Seward Meridian

8 Section 29: That portion of the SW 1/4 southwesterly
9 of the Alaska Railroad right-of-way and southerly of
10 Oceanview Subdivision, Addition No. 6

11 Section 30: That portion of Tract A, Johns Park
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17 Sections 10 - 12

18 (b) Except as provided in (c) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) Land owned by the Municipality of Anchorage that lies within
24 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
25 of this section may be included in the Anchorage Coastal Wildlife
26 Refuge. An agreement between the Department of Fish and Game and the
27 Municipality of Anchorage for the management of the land within the
28 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
29 Anchorage shall be approved by the Municipality of Anchorage and by

1 the Department of Fish and Game.

2 (d) If state law permits a use or activity on land within state
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Introduced: 1/24/85
Referred: Community & Regional Affairs,
Resources and Finance

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BY V.FISCHER AND KETTTULA

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5 Section 15: NW 1/4 seaward of the 20 foot elevation
6 contour

7 SW 1/4 NE 1/4 seaward of the 20 foot elevation
8 contour

9 Government Lot 5 and the remainder of the W 1/2 SE
10 1/4, all

11 SW 1/4

12 Section 16: Seaward of the 20 foot elevation contour
13 Sections 17 - 22

14 Section 23: Government Lot 1 and the remainder of the
15 SW 1/4, all seaward of the 20 foot elevation contour
16 Government Lot 2 and the remainder of the S 1/2 NW
17 1/4, all seaward of the 20 foot elevation contour
18 Government Lots 3 and 4, and the remainder of the SE
19 1/4, all seaward of the 20 foot elevation contour

20 Section 24: Tract A, Shorecrest Subdivision (Plat No.
21 81-68, Anchorage Recording District)

22 Section 25: Government Lots 1 and 2, and the remainder
23 of the W 1/2, all

24 Tract A, Johns Park Estates, and the remainder of the
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1
26 all seaward of the 20 foot elevation contour Govern-
27 ment Lots 3 and 4, and the remainder of the SE 1/4,
28 all

29 Sections 26 - 36

1 (4) Township 12 North, Range 5 West, Seward Meridian

2 Sections 1 - 2

3 Sections 11 - 14

4 Sections 23 - 26

5 Sections 35 - 36

6 (5) Township 12 North, Range 3 West, Seward Meridian

7 Section 29: That portion of the SW 1/4 southwesterly
8 of the Alaska Railroad right-of-way and southerly of
9 Oceanview Subdivision, Addition No. 6

10 Section 30: That portion of Tract A, Johns Park
11 Estates, seaward of the 20 foot elevation contour
12 Government Lot 2 and that portion of the SE 1/4 NW
13 1/4 southwesterly of Oceanview West Subdivision,
14 Addition No. 1

15 Government Lots 3 and 4 and the remainder of the SW
16 1/4, all

17 That portion of the SW 1/4 NE 1/4 and the SE 1/4
18 southwesterly of Oceanview Subdivision, Addition No.
19 4 and Addition No. 6

20 Section 31

21 Section 32: All lands southwesterly of the Alaska
22 Railroad right-of-way

23 Section 33: All lands westerly of the Alaska Railroad
24 right-of-way

25 (6) Township 11 North, Range 3 West, Seward Meridian

26 Section 3: Government Lot 5

27 Section 4: That portion southwesterly of the Old
28 Seward Highway right-of-way and The Landings
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

2 That portion southwesterly of the Alaska Railroad
3 right-of-way

4 Sections 5 - 8

5 Section 9: That portion southwesterly of the Alaska
6 Railroad right-of-way

7 That portion northeasterly of the New Seward Highway
8 right-of-way

9 Section 10: That portion westerly of the Old Seward
10 Highway right-of-way which is northeasterly of
11 the New Seward Highway right-of-way

12 That portion southwesterly of the Alaska Railroad
13 right-of-way

14 (7) Township 11 North, Range 4 West, Seward Meridian

15 Sections 1 - 4

16 Sections 10 - 12

17 (b) The management of the Anchorage Coastal State Wildlife
18 Refuge established under (a) of this section is assigned to the De-
19 partment of Fish and Game and, except as provided in (c) of this
20 section, shall be managed under a management plan prepared by the
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within
23 the boundary of the Anchorage Coastal State Wildlife Refuge described
24 in (a) of this section may be included in the Anchorage Coastal State
25 Wildlife Refuge. An agreement between the Department of Fish and Game
26 and the Municipality of Anchorage for the management of the land
27 within the Anchorage Coastal State Wildlife Refuge that is owned by
28 the Municipality of Anchorage shall be approved by the Municipality of
29 Anchorage and by the Department of Fish and Game.

1 (d) If state law permits a use or activity on land within state
2 game refuges that is not permitted on the land owned by the Municipal-
3 ity of Anchorage, the use or activity is not permitted on the land
4 owned by the Municipality of Anchorage within the Anchorage Coastal
5 State Wildlife Refuge.

6 (e) The state or the Municipality of Anchorage may not acquire
7 privately owned land within the Anchorage Coastal State Wildlife
8 Refuge described in (a) of this section by eminent domain for inclu-
9 sion within the Anchorage Coastal State Wildlife Refuge. The Depart-
10 ment of Fish and Game or the Municipality of Anchorage may acquire
11 privately owned land within the Anchorage Coastal State Wildlife
12 Refuge by purchase, exchange, or otherwise except by eminent domain.

13 (f) The land and water areas of the Anchorage Coastal State
14 Wildlife Refuge are closed to mineral entry under AS 38.05.135 -
15 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.

ALASKA STATE LEGISLATURE

14TH Legislature FIRST Session

SENATE BILL NO. 19

By V. FISCHER, KERTTULA

"An Act creating the Anchorage Coastal State Wildlife Refuge."

Introduced in the Senate ...1/14... 1985.

HISTORY IN THE SENATE

| | |
|-------------------------|--|
| 19 85 | Read first time and referred to Committee on C&RA, Resources and Finance |
| 1 14 | <i>se introduced</i> Reported back with recommendation that <i>upland w/OS + amend - 4 do pass</i> <i>To Resources</i> <i>Reconsider: Replaw w/OS (Re)</i> <i>3 do pass, 1 amend needed (no vote)</i> <i>Pass</i> |
| 1 24 | |
| 2 27 | |
| 3 1 | 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 |
| | To enrolling |
| | Reported correctly enrolled |
| | Sent to Governor |
| | by Governor |
| | Filed with Lt. Governor |
| | Chapter No. |

Introduced: 1/24/85
Referred: Community & Regional Affairs,
Resources and Finance

1 IN THE SENATE BY V.FISCHER AND KETTTULA
2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act creating the Anchorage Coastal State Wildlife
7 Refuge."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.031. ANCHORAGE COASTAL STATE WILDLIFE REFUGE. (a)

11 The following described state-owned land and water is established as
12 the Anchorage Coastal State Wildlife Refuge and shall be managed for
13 the protection of waterfowl, shorebirds, and other fish and wildlife
14 species and for the use and enjoyment of the people of the state:

15 (1) Township 13 North, Range 4 West, Seward Meridian

16 Section 20: SE 1/4 seaward of the 20 foot elevation

17 contour

18 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-

19 tour

20 Section 29: E 1/2 seaward of the 20 foot elevation

21 contour

22 SW 1/4 seaward of the 20 foot elevation contour

23 Section 30: SE 1/4 SE 1/4

24 Section 31: All seaward of the 20 foot elevation

25 contour except NW 1/4 NW 1/4

26 Section 32: All seaward of the 20 foot elevation

27 contour

28 (2) Township 13 North, Range 5 West, Seward Meridian

29 Section 36: S 1/2

1 S 1/2 N 1/2
2 (3) Township 12 North, Range 4 West, Seward Meridian
3 Sections 6 - 9: Seaward of the 20 foot elevation
4 contour
5 Section 15: NW 1/4 seaward of the 20 foot elevation
6 contour
7 SW 1/4 NE 1/4 seaward of the 20 foot elevation
8 contour
9 Government Lot 5 and the remainder of the W 1/2 SE
10 1/4, all
11 SW 1/4
12 Section 16: Seaward of the 20 foot elevation contour
13 Sections 17 - 22
14 Section 23: Government Lot 1 and the remainder of the
15 SW 1/4, all seaward of the 20 foot elevation contour
16 Government Lot 2 and the remainder of the S 1/2 NW
17 1/4, all seaward of the 20 foot elevation contour
18 Government Lots 3 and 4, and the remainder of the SE
19 1/4, all seaward of the 20 foot elevation contour
20 Section 24: Tract A, Shorecrest Subdivision (Plat No.
21 81-68, Anchorage Recording District)
22 Section 25: Government Lots 1 and 2, and the remainder
23 of the W 1/2, all
24 Tract A, Johns Park Estates, and the remainder of the
25 NE 1/4, excluding Skyway Park Estates, Addition No. 1
26 all seaward of the 20 foot elevation contour Govern
27 ment Lots 3 and 4, and the remainder of the SE 1/4,
28 all
29 Sections 26 - 36

1 (4) Township 12 North, Range 5 West, Seward Meridian
2 Sections 1 - 2
3 Sections 11 - 14
4 Sections 23 - 26
5 Sections 35 - 36
6 (5) Township 12 North, Range 3 West, Seward Meridian
7 Section 29: That portion of the SW 1/4 southwesterly
8 of the Alaska Railroad right-of-way and southerly of
9 Oceanview Subdivision, Addition No. 6
10 Section 30: That portion of Tract A, Johns Park
11 Estates, seaward of the 20 foot elevation contour
12 Government Lot 2 and that portion of the SE 1/4 NW
13 1/4 southwesterly of Oceanview West Subdivision,
14 Addition No. 1
15 Government Lots 3 and 4 and the remainder of the SW
16 1/4, all
17 That portion of the SW 1/4 NE 1/4 and the SE 1/4
18 southwesterly of Oceanview Subdivision, Addition No.
19 4 and Addition No. 6
20 Section 31
21 Section 32: All lands southwesterly of the Alaska
22 Railroad right-of-way
23 Section 33: All lands westerly of the Alaska Railroad
24 right-of-way
25 (6) Township 11 North, Range 3 West, Seward Meridian
26 Section 3: Government Lot 5
27 Section 4: That portion southwesterly of the Old
28 Seward Highway right-of-way and The Landings
29 Subdivision which is northeasterly of the New Seward

1 Highway right-of-way

2 That portion southwesterly of the Alaska Railroad
3 right-of-way

4 Sections 5 - 8

5 Section 9: That portion southwesterly of the Alaska
6 Railroad right-of-way

7 That portion northeasterly of the New Seward Highway
8 right-of-way

9 Section 10: That portion westerly of the Old Seward
10 Highway right-of-way which is northeasterly of
11 the New Seward Highway right-of-way

12 That portion southwesterly of the Alaska Railroad
13 right-of-way

14 (7) Township 11 North, Range 4 West, Seward Meridian

15 Sections 1 - 4

16 Sections 10 - 12

17 (b) The management of the Anchorage Coastal State Wildlife
18 Refuge established under (a) of this section is assigned to the De-
19 partment of Fish and Game and, except as provided in (c) of this
20 section, shall be managed under a management plan prepared by the
21 Department of Fish and Game under AS 16.20.040 - 16.20.060.

22 (c) Land owned by the Municipality of Anchorage that lies within
23 the boundary of the Anchorage Coastal State Wildlife Refuge described
24 in (a) of this section may be included in the Anchorage Coastal State
25 Wildlife Refuge. An agreement between the Department of Fish and Game
26 and the Municipality of Anchorage for the management of the land
27 within the Anchorage Coastal State Wildlife Refuge that is owned by
28 the Municipality of Anchorage shall be approved by the Municipality of
29 Anchorage and by the Department of Fish and Game.

1 (d) If state law permits a use or activity on land within state
2 game refuges that is not permitted on the land owned by the Municipal-
3 ity of Anchorage, the use or activity is not permitted on the land
4 owned by the Municipality of Anchorage within the Anchorage Coastal
5 State Wildlife Refuge.

6 (e) The state or the Municipality of Anchorage may not acquire
7 privately owned land within the Anchorage Coastal State Wildlife
8 Refuge described in (a) of this section by eminent domain for inclu-
9 sion within the Anchorage Coastal State Wildlife Refuge. The Depart-
10 ment of Fish and Game or the Municipality of Anchorage may acquire
11 privately owned land within the Anchorage Coastal State Wildlife
12 Refuge by purchase, exchange, or otherwise except by eminent domain.

13 (f) The land and water areas of the Anchorage Coastal State
14 Wildlife Refuge are closed to mineral entry under AS 38.05.185 -
15 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.

Offered: 2/27/85
Referred: Resources

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Anchorage Coastal Wildlife
7 Refuge."

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

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.031. ANCHORAGE COASTAL WILDLIFE REFUGE. (a) The
11 following described state-owned land and water is established as the
12 Anchorage Coastal Wildlife Refuge and shall be managed for the pro-
13 tection of waterfowl, shorebirds, salmon, and other fish and wildlife
14 species, and their habitat and for the use and enjoyment of the people
15 of the state:

16 (1) Township 13 North, Range 4 West, Seward Meridian

17 Section 20: SE 1/4 seaward of the 20 foot elevation
18 contour

19 SE 1/4 NE 1/4 seaward of the 20 foot elevation con-
20 tour

21 Section 29: E 1/2 seaward of the 20 foot elevation
22 contour

23 SW 1/4 seaward of the 20 foot elevation contour

24 Section 30: SE 1/4 SE 1/4

25 Section 31: All seaward of the 20 foot elevation
26 contour except NW 1/4 NW 1/4

27 Section 32: All seaward of the 20 foot elevation
28 contour

29 (2) Township 13 North, Range 5 West, Seward Meridian

1 Section 36: S 1/2
2 S 1/2 N 1/2
3 (3) Township 12 North, Range 4 West, Seward Meridian
4 Sections 6 - 9: Seaward of the 20 foot elevation
5 contour
6 Section 15: NW 1/4 seaward of the 20 foot elevation
7 contour
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10 Government Lot 5 and the remainder of the W 1/2 SE
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12 SW 1/4
13 Section 16: Seaward of the 20 foot elevation contour
14 Sections 17 - 22
15 Section 23: Government Lot 1 and the remainder of the
16 SW 1/4, all seaward of the 20 foot elevation contour
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21 Section 24: Tract A, Shorecrest Subdivision (Plat No.
22 81-68, Anchorage Recording District)
23 Section 25: Government Lots 1 and 2, and the remainder
24 of the W 1/2, all
25 Tract A, Johns Park Estates, and the remainder of the
26 NE 1/4, excluding Skyway Park Estates, Addition No. 1
27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE 1/4,
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1 Sections 26 - 36
2 (4) Township 12 North, Range 5 West, Seward Meridian
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4 Sections 11 - 14
5 Sections 23 - 26
6 Sections 35 - 36
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8 Section 29: That portion of the SW 1/4 southwesterly
9 of the Alaska Railroad right-of-way and southerly of
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11 Section 30: That portion of Tract A, Johns Park
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13 Government Lot 2 and that portion of the SE 1/4 NW
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15 Addition No. 1
16 Government Lots 3 and 4 and the remainder of the SW
17 1/4, all
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20 4 and Addition No. 6
21 Section 31
22 Section 32: All lands southwesterly of the Alaska
23 Railroad right-of-way
24 Section 33: All lands westerly of the Alaska Railroad
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26 (6) Township 11 North, Range 3 West, Seward Meridian
27 Section 3: Government Lot 5
28 Section 4: That portion southwesterly of the Old
29 Seward Highway right-of-way and The Landings

1 Subdivision which is northeasterly of the New Seward
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11 Highway right-of-way which is northeasterly of
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15 (7) Township 11 North, Range 4 West, Seward Meridian

16 Sections 1 - 4

17 Sections 10 - 12

18 (b) Except as provided in (c) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) Land owned by the Municipality of Anchorage that lies within
24 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
25 of this section may be included in the Anchorage Coastal Wildlife
26 Refuge. An agreement between the Department of Fish and Game and the
27 Municipality of Anchorage for the management of the land within the
28 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
29 Anchorage shall be approved by the Municipality of Anchorage and by

1 the Department of Fish and Game.

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3 game refuges that is not permitted on the land owned by the Municipal-
4 ity of Anchorage, the use or activity is not permitted on the land
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6 Wildlife Refuge.

7 (e) The state or the Municipality of Anchorage may not acquire
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11 and Game or the Municipality of Anchorage may acquire privately owned
12 land within the Anchorage Coastal Wildlife Refuge by purchase, ex-
13 change, or otherwise except by eminent domain.

14 (f) The land and water areas of the Anchorage Coastal Wildlife
15 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

16 * Sec. 2. AS 16.20.030(b) is repealed.

Offered: 3/11/85
Referred: Finance

Original sponsors: V.Fischer and
Kerttula

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 19 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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14 species, and their habitat and for the use and enjoyment of the people
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17 Section 20: SE1/4 seaward of the 20 foot elevation
18 contour
19 SE1/4NE1/4 seaward of the 20 foot elevation con-
20 tour
21 Section 29: E1/2 seaward of the 20 foot elevation
22 contour
23 SW1/4 seaward of the 20 foot elevation contour
24 Section 30: SE1/4SE1/4
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26 contour except NW1/4NW1/4
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27 all seaward of the 20 foot elevation contour Govern-
28 ment Lots 3 and 4, and the remainder of the SE1/4,
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1 Sections 26 - 36

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3 Sections 1 - 2

4 Sections 11 - 14

5 Sections 23 - 26

6 Sections 35 - 36

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9 of the Alaska Railroad right-of-way and southerly of

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23 Railroad right-of-way

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29 Seward Highway right-of-way and The Landings

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8 That portion northeasterly of the New Seward Highway
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15 (7) Township 11 North, Range 4 West, Seward Meridian
16 Sections 1 - 4
17 Sections 10 - 12

18 (b) Except as provided in (d) of this section, the Department of
19 Fish and Game and the Department of Natural Resources shall exercise
20 their respective authorities over the Anchorage Coastal Wildlife
21 Refuge consistent with a management plan prepared by the Department of
22 Fish and Game under AS 16.20.040 - 16.20.060.

23 (c) The management plan prepared under AS 16.20.040 - 16.20.060
24 shall assure continued surface access to Fire Island and recommend
25 corridors for access and utilities to be constructed between Fire
26 Island and the Anchorage mainland.

27 (d) Land owned by the Municipality of Anchorage that lies within
28 the boundary of the Anchorage Coastal Wildlife Refuge described in (a)
29 of this section may be included in the Anchorage Coastal Wildlife

1 Refuge. An agreement between the Department of Fish and Game and the
2 Municipality of Anchorage for the management of the land within the
3 Anchorage Coastal Wildlife Refuge that is owned by the Municipality of
4 Anchorage shall be approved by the Municipality of Anchorage and by
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10 Wildlife Refuge.

11 (f) The state or the Municipality of Anchorage may not acquire
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17 change, or otherwise except by eminent domain.

18 (g) The land and water areas of the Anchorage Coastal Wildlife
19 Refuge are closed to mineral entry under AS 38.05.185 - 38.05.275.

20 * Sec. 2. AS 16.20.030(b) is repealed.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SSSB 19
 Title: Anchorage Coastal State
Game Refuge
 Sponsor: v. Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
Land and Water

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-----|-----|-----|-----|-----|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

No fiscal impact, unless survey is required

Prepared By: Ned Farquhar Phone: 465-2400
 Division: Commissioner's Office Date: January 23, 1985
 Approved by Commissioner: *James D. ...* Date: January 23, 1985
 Agency: Natural Resources

*N.A.
SFB*

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 19
 Title: An Act Creating the Anchor-
 age Coastal State Wildlife Refuge
 Sponsor: Senator Vic Fischer
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Fish and Game
 Program Category Affected: _____
Game Resource Conservation
 BRU, Program or Subprogram(s) Affected: _____
Game

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0 | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|--|--|--|--|--|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

Prepared By: Phil Koehl Phone: 465-4190
 Division: Game Date: 1/24/85

Approved by Commissioner: Alan Peurava Date: 1/25/85
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

| | | | |
|---|---------------------|--|--------------------------------|
| DEPARTMENT Fish and Game | DIVISION Habitat | BILL NUMBER SB 19 | SPONSOR Senator Vic Fischer |
| DEPARTMENT POSITION Strongly Support | | | |
| PREPARED BY Habitat Div. - Debra Clausen | DATE 1/24/85 | COMMISSIONER'S SIGNATURE <i>Atterton P. Rasmussen</i> | DATE 1/25/85 |

SUMMARY

| | |
|--|--|
| OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources | CONSTITUENT GROUP(S) AFFECTED BY BILL Anchorage Residents |
| ORGANIZATIONAL SUPPORT FOR BILL Municipality of Anchorage Department of Natural Resources Potter Marsh Task Force (Interagency) | ORGANIZATIONAL OPPOSITION TO BILL None known |

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
Establishment of the Anchorage Coastal State Wildlife Refuge will protect important waterfowl and shorebird habitat in the Anchorage area. It will provide for public use and enjoyment of the Refuge. The bill will enhance the existing Potter Point State Game Refuge and has been actively endorsed by the Potter Marsh Task Force, an inter-agency group.

ANALYSIS OF BILL/PROGRAM EFFECTS
The bill will:

- (1) Change the name of Potter Point State Game Refuge to Anchorage Coastal State Wildlife Refuge.
- (2) Extend the refuge to encompass wetlands and nearshore waters lying between Point Campbell and Point Woronzoff.
- (3) Clarify the legal boundaries of the refuge.
- (4) Provide for the management of lands lying within the refuge.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/27/85

Date _____

Mr. President

The Committee on RESOURCES considered SSSB 19
creating the Anchorage Coastal State Wildlife Refuge.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SS SB 19 (RESOURCES)
 new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Kirk Halberg
V. J. ...

MEMBERS HAVING
OTHER RECOMMENDATIONS

Admiration - admendment needed
J. ... no records

Arthur Stuparuk
 Chairman
Do Pass
 Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

RESOURCES
FINANCE

24
1/24/85

Date Feb 27, 1985

Mr. President

The Committee on C&RA considered ~~SSB~~ SSB 19
creating the Anchorage Coastal State Wildlife Refuge.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SSSB 19 (C&RA)
- new title
- same title and recommends may do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Handwritten signatures]

Edn De Vries
Chairman
Do Pass
Chairman recommendation

Proposed amendment to CS SS SB 19 (C&RA)

Offered by: V. Fischer
2/26/85

Page 4, line 23. Insert a new subsection to read:

(c) "The management plan prepared under AS 16.20.040-16.20.060 shall assure continued surface access to Fire Island and recommend corridors for constructed access and utilities between Fire Island and the Anchorage mainland."

Redesignate and renumber subsequent subsections.

/gb

V. Fischer
CS (Res)

COMMITTEE REPORT
SENATE

FURTHER:

4/19/85

Date 5/1/85

Mr. President

The Committee on FINANCE considered SB 20

implied consent to preliminary breath test by aircraft and watercraft.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 20 (Hoss)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
AFN Pub Serf.
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman _____

Chairman recommendation _____

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 20 (HESS)
 Title: An Act relating to implied consent to preliminary breath test...
 Sponsor: Sen. Ray
 Requestor: Sen. HESS
 Date of Request: 2-6-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | -0- | -0- | -0- | -0- | -0- |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|----------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|----------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|---------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

Prepared By: Paul Conger Phone: 465-4338
 Division: Administrative Services Date: 2-6-85

Approved by Commissioner: *Michael J. ...* Date: 2-6-85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Offered: 4/8/85
Referred: Judiciary

Original sponsors: Ray, Sturgulewski,
Kelly and Faiks

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 20 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FOURTEENTH LEGISLATURE - FIRST SESSION
6 A BILL
7 BY THE HEALTH, EDUCATION AND
8 SOCIAL SERVICES COMMITTEE
9 For an Act entitled: "An Act relating to implied consent to preliminary
10 breath test by aircraft and watercraft operators."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * Section 1. AS 28.35.031(b) is amended to read:
13 (b) A person who operates or drives a motor vehicle in this
14 state or who operates an aircraft or watercraft shall be considered to
15 have given consent to a preliminary breath test for the purpose of
16 determining the alcoholic content of the person's blood or breath. A
17 law enforcement officer may administer a preliminary breath test at
18 the scene of the incident if the officer has reasonable grounds to
19 believe that a person's ability to operate a motor vehicle, aircraft,
20 or watercraft is impaired by the ingestion of alcoholic beverages and
21 that the person
22 (1) was operating or driving a motor vehicle, aircraft, or
23 watercraft that is involved in an accident; or
24 (2) committed a moving traffic violation or unlawfully
25 operated an aircraft or watercraft.
26 * Sec. 2. AS 28.35.031(d) is amended to read:
27 (d) The result of the test under (b) of this section may be used
28 by the law enforcement officer to determine whether the driver or
29 operator should be arrested.
* Sec. 3. AS 28.35.031(f) is amended to read:
(f) If a driver or operator is arrested, the provisions of (a)
of this section apply. The preliminary breath test authorized in this

1 section is in addition to any tests authorized under (a) of this
2 section.

3 * Sec. 4. AS 28.35.031 is amended by adding a new subsection to read:

4 (g) In this section, "unlawfully" means in violation of any
5 federal, state, or municipal statute, regulation, or ordinance.

SECTIONAL ANALYSIS FOR SENATE BILL 20

An Act relating to implied consent to preliminary breath test by aircraft and watercraft operators

Section 1

Under current law, a person that operates or drives a motor vehicle is considered to have given consent to a preliminary breath test for the purpose of determining blood alcohol levels. This bill adds language which would also cover operators of aircraft or watercraft. A law enforcement officer would have reasonable grounds to administer the breath test if a person was:

- 1) operating an aircraft or watercraft that was involved in an accident
- 2) or unlawfully operated an aircraft or watercraft

Section 2

A clarification change which adds the words "or operator" because current law only refers to drivers who should be arrested because of the result of a breath test.

Section 3

Again, the words "or operator" are added for clarification.

Section 4

Defines "unlawfully" which is added in Section 1, as being in violation of any federal, state or municipal statute, regulation or ordinance.

DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER _ CSSB 20(Hess)

Support

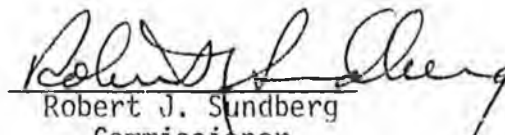
April 17, 1985

CSSB 20(Hess) - "An Act relating to implied consent to preliminary breath test by aircraft and watercraft operators."

The purpose of this legislation is to include aircraft and watercraft operators in the implied consent statute for breath tests.

Passage of this legislation will allow law enforcement officers to administer the preliminary breath test which can provide probable cause to administer an additional test of sufficient validity to stand as court evidence of operating a vehicle, watercraft, or aircraft while intoxicated.

During the past few years numerous instances have taken place where lives have been lost due to watercraft operators and pilots being under the influence of alcohol.


Robert J. Sundberg
Commissioner

Introduced: 1/14/85
Referred: Health, Education and Social
Services, Judiciary and
Finance

BY RAY, STURGULEWSKI,
KELLY AND FAIKS

1 IN THE SENATE

2

SENATE BILL NO. 20

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to implied consent to preliminary

7

breath test by aircraft and watercraft operators."

8

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

9

* Section 1. AS 28.35.031(b) is amended to read:

10

(b) A person who operates or drives a motor vehicle in this

11

state or who operates an aircraft or watercraft shall be considered to

12

have given consent to a preliminary breath test for the purpose of

13

determining the alcoholic content of the person's blood or breath. A

14

law enforcement officer may administer a preliminary breath test at

15

the scene of the incident if the officer has reasonable grounds to

16

believe that a person's ability to operate a motor vehicle, aircraft,

17

or watercraft is impaired by the ingestion of alcoholic beverages and

18

that the person

19

(1) was operating or driving a motor vehicle, aircraft, or

20

watercraft that is involved in an accident; or

21

(2) committed a moving traffic violation or unlawfully

22

operated an aircraft or watercraft.

23

* Sec. 2. AS 28.35.031(d) is amended to read:

24

(d) The result of the test under (b) of this section may be used

25

by the law enforcement officer to determine whether the driver or

26

operator should be arrested.

27

* Sec. 3. AS 28.35.031(f) is amended to read:

28

(f) If a driver or operator is arrested, the provisions of (a)

29

of this section apply. The preliminary breath test authorized in this

1. section is in addition to any tests authorized under (a) of this
2. section.

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

4/8/85

Date 4-18-85

Mr. President

The Committee on JUDICIARY considered SB 20
implied consent to preliminary breath test by aircraft and watercraft operators.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB20 (HESS)
- new title
- same title and recommends majority do pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Zeigler

Tim Kelly

MEMBERS HAVING
OTHER RECOMMENDATIONS

Mark Zeigler

Chairman

Do Pass

Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

JUDICIARY
FINANCE

1/14/85

Date

4-4-85

Mr. President

The Committee on HESS considered SB 20
relating to implied consent to preliminary breath test by aircraft and
watercraft operators.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for ~~SB 20~~ SB 20 (HESS)
new title
- same title and recommends ~~SB 20~~
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Edm. McVies
Joe. Josephson
Curtis Sturgulinski
Carl Fricker

Lettie Fabunling
 Chairman
Do Pass
 Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

4/26/85

Date 5/10/85

Mr. President

The Committee on FINANCE considered SB 21

background checks on certain employees who come into contact with children.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- ~~replace with/or adopt~~ CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation 81.2 Pub. Saf.
128.0 DH435
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSB 21 (HESS)
 Title: "...background checks...
 contact with children"
 Sponsor: Ferguson
 Requestor: Sen. HESS
 Date of Request: 4/03/85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: AST Support & Service - Laboratory Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------------|-------------|-------------|-------------|-------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 70.2 | 70.2 | 70.2 | 70.2 | 70.2 |
| 200 TRAVEL | | 1.5 | 1.6 | 1.7 | 1.8 | 1.9 |
| 300 CONTRACTUAL | | 6.0 | 6.3 | 6.6 | 6.9 | 7.2 |
| 400 SUPPLIES | | 3.5 | 3.7 | 3.9 | 4.1 | 4.3 |
| 500 EQUIPMENT | | | | | | |
| 500 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 900 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 81.2 | 81.8 | 82.4 | 83.0 | 83.6 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------------|-------------|-------------|-------------|-------------|
| GENERAL FUND | | 81.2 | 81.8 | 82.4 | 83.0 | 83.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 81.2 | 81.8 | 82.4 | 83.0 | 83.6 |

POSITIONS:

| | | | | | | |
|-----------|--|-----|-----|-----|-----|-----|
| FULL-TIME | | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349
 Date: 4/03/85

Approved by Commissioner: Robert J. Sundberg
 Agency: Department of Public Safety

Date: 4/6/85

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Recuestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

COST ANALYSIS

CSSB 21 (HESS)

100 Personal Services

| | | |
|---|--------|--------|
| Both positions to work swing shift | | \$70.2 |
| Latent Fingerprint Examiner I (Range 15A) | \$41.6 | |
| Clerk-Typist III (Range 8B) | 28.6 | |

200 Travel

1.5

Travel for training to keep current in fingerprint technique

300 Contractual Services

6.0

| | |
|-------------------------------|-----|
| Postage, telephone | 3.5 |
| Printing of fingerprint cards | 2.5 |
| Training fees | .5 |

400 Supplies & Materials

3.5

| | |
|--|-----|
| Supplies for computerized fingerprint system | 2.0 |
| Office & library supplies | 1.5 |

TOTAL \$81.2

An effective date of July 1, 1985 is assumed.

A 5% annual inflation factor on line items 200-400 is included beginning in FY 87.

| | | | | |
|-----|------------------------------------|----------------------|-----------|------------|
| 1. | POSITION TITLE Clerk-Typist III | | | |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12.0 | RP NUMBER | PCH NUMBER |
| 3. | CONTINUATION LEVEL | | | |
| 4. | TYPE OF EXPENDITURE | | | |
| | 1 | 2 | AMOUNT | |
| | PERSONAL SERVICES | | | |
| 5. | Salary 1678/mo + 3.75% | 20,891 | | |
| 6. | Benefits | 3,772 | | |
| 7. | Supplemental Benefits | 1,281 | | |
| 8. | Fixed Benefits | 2,630 | | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 28,574 | |
| 10. | Travel | 02 | | |
| 11. | Contractual | 03 | 500 | |
| 12. | Commodities | 04 | 1,000 | |
| 13. | Equipment | 05 | | |
| 14. | Other | | | |
| 15. | TOTAL COST | | 30,074 | |

| RECEIPT CODE | FUNDING SOURCE | AMOUNT |
|--------------|-----------------------|--------|
| 16. | Federal Receipts 1002 | |
| 17. | G.F. Hatch 1003 | |
| 18. | General Funds 1004 | 30 1 |
| 19. | I-A Receipts 1005 | |
| 20. | Program Receipts 1028 | |
| 21. | Other | |

FOR BSM USE ONLY
KEY NUMBER _____

| | | | | | |
|-------------------|-----------------------|-------------------|------|---------|--------|
| RANGE/STEP 8/B | DARG. UNIT G | PAGE/LINE | COV. | APPROV. | DISAP. |
| BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |

JUSTIFICATION

This position would provide clerical support for background checks under proposed AS 47.35.065. Duties would include correspondence with employers or individuals concerned, accessing of original fingerprint cards on file and refileing, return of cards to applicants, maintaining tickler files and preliminary checks on the Alaska Public Safety Information Network.

The additional clerical workload which would result from passage of SB 21 cannot be absorbed by the two existing clerical positions in the Lab.

This position will work closely with a requested Latent Fingerprint Examiner and is budgeted at the swing shift rate.

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 PROGRAM Crime ID and Apprehension
 BRU AST Support & Service
 COMPONENT Laboratory Services

Page _____ of _____
 Revised Date _____

FY 86

Revisor's notes. — In 1984 "former" was inserted before the reference to AS 47.35.050. That section was repealed by sec. 5, ch. 97, SLA 1982.

Effect of amendments. — The 1984 amendment changed an internal reference in subsection (b).

NOTES TO DECISIONS

Cited in *J.M.A. v. State*, Sup. Ct. Op. No. 1201 (File No. 2391), 542 P.2d 170 (1975).

Sec. 47.35.020. License or permit required. A person may not, without a license or permit to do so,

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

(2) engage in the business of receiving or caring for children under 14 years of age, with or without compensation, in a nursery in which five or more children not related by blood or marriage, or legal adoption, to the owner, operator or manager of the business are lodged. (§ 3 ch 17 SLA 1951; am § 3 ch 42 SLA 1973; am § 3 ch 253 SLA 1976; am § 2 ch 45 SLA 1977; am § 1 ch 97 SLA 1982)

Effect of amendments. — The 1982 amendment inserted "for more than 90 days" near the beginning of paragraph (1) and made minor changes in style.

Sec. 47.35.030. Authority to issue regulations. The department may adopt regulations and standards consistent with other requirements of law. This authority does not deny a religious group from establishing and operating an institution solely because of the prior installation or operation of another religious group in the same area. The authority to adopt regulations and standards shall be exercised to insure compliance with the intents and purpose of AS 47.35.010 — 47.35.100. The department may inspect and examine an institution, home or place, or the performance of a service. (§ 4 ch 17 SLA 1951; am § 1 ch 77 SLA 1967)

Sec. 47.35.040. Licensing. (a) The department shall issue a license to a facility if it determines that the facility has met the standards for operation set out in AS 47.35.010 — 47.35.080 and the regulations adopted under AS 47.35.010 — 47.35.080.

(b) A license is valid for two years after the date of issuance unless it is revoked or modified. The department may revoke a license or modify a license to provisional status if it determines that a facility is not in compliance with AS 47.35.010 — 47.35.080 or the regulations adopted under AS 47.35.010 — 47.35.080.

(c) The department may waive compliance with a standard set out in regulations adopted under AS 47.35.010 — 47.35.080 if an accept-

able altern
and reason

(d) A lice

(e) The d
cation unde
action. How
adults is in
immediately
 (§§ 5, 8 ch
1982)

Effect of an
amendment rev

Sec. 47.35.
SLA 1982. F

Sec. 47.35.
issue a provis
department an
the provision
adopted under
mines that the
sions of AS 47
AS 47.35.010 -
AS 47.35.040 t

(b) The depa
is licensed unde
the provisions c
under AS 47.35

(c) The depar
section only if
plan to bring th
47.35.010 — 47.
— 47.35.080 wit

(d) A provision
from the date of
license for an ad
1982)

Sec. 47.35.060
shall keep records
or placed by it, wh
department the fa
the children or ad
in an institution o
be safeguarded fro
(§ 9 ch 17 SLA 19

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: Proposed CS SB No. 21
 Title: An Act relating to background checks
 Sponsor: HESS
 Requestor: _____
 Date of Request: 3/26/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Social Services
 BRU, Program or Subprogram(s) Affected: Social Services BRU, Southcentral, Northern and Central Office Components

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|--------------|--------------|--------------|--------------|--------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 76.1 | 79.1 | 82.3 | 85.6 | 89.0 |
| 200 TRAVEL | | 6.6 | 6.9 | 7.1 | 7.4 | 7.7 |
| 300 CONTRACTUAL | | 37.4 | 29.1 | 30.3 | 31.5 | 32.7 |
| 400 SUPPLIES | | 1.2 | 1.3 | 1.3 | 1.4 | 1.4 |
| 500 EQUIPMENT | | 6.7 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 128.0 | 116.4 | 121.0 | 125.9 | 130.8 |
| CAPITAL | | -0- | | | | |
| REVENUE | | -0- | | | | |

FUNDING: (Thousands of Dollars)

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|---------------|-------|--------------|--------------|--------------|--------------|--------------|
| GENERAL FUND | | 128.0 | 116.4 | 121.0 | 125.9 | 130.8 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 128.0 | 116.4 | 121.0 | 125.9 | 130.8 |

POSITIONS:

| | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL-TIME | | 1 | 1 | 1 | 1 | 1 |
| PART-TIME | | 2 | 2 | 2 | 2 | 2 |
| TEMPORARY | | | | | | |

ANALYSIS: Attach a separate page if necessary

See Attached

Prepared By: Michael L. Prude Phone: 465-3170
 Division: Family and Youth Services Date: 3/28/85

Approved by Commissioner: Jan R. Boy Date: 4-2-85 jcc
 Agency: Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

IV. ANALYSIS

A. Assumptions

This legislation would require the department to implement state and FBI criminal record checks, which include fingerprinting, for adoptive parents and all facility staff and adult occupants who work or reside within a facility. Because no system exists for this process and because there are numerous legal and logistics problems in implementing it, a full time professional position, Social Worker IV, will be required in the Central Office to work closely with the Department of Public Safety, division field offices, private adoption agencies and the Alaska Bar Association to secure implementation. In addition there will need to be extensive work with the Department of Law regarding confidentiality provisions and potential litigation. There will be a handling burden on offices in Fairbanks and Anchorage, requiring two permanent part-time positions, Clerk Typist III's, in those offices. Until the actual workload is examined it is difficult to measure and predict the actual fiscal impact of this legislation. There are currently 1,016 child and adult foster homes with an average of 2.3 adults in each home. Public Safety has advised that we process clearances at each biennial licensure evaluation. With a 15% turnover this will result in approximately 1,725 clearances in foster homes per year at \$20 per clearance. (\$12.00 FBI processing) (\$8.00 for contracted state processing). This fiscal note assumes that the \$20 background clearance processing cost in adoptions for the 800 new adoptions per year (x 2 adults) will be the responsibility of the adopting applicants.

B. Program Summary

New positions required by this legislation will be as follow:
 Social Worker IV in Juneau;
 Clerk Typist III, permanent part-time, one each in Anchorage and Fairbanks

C. Computations

| | |
|--------------------------------------|---------|
| Personal Services - Social Worker IV | \$ 48.8 |
| Clerk Typist III | 27.3 |
| Travel | 6.6 |
| Contractual | 37.4 |

| | | | |
|--------------------------------|----------------|---|----------|
| 1,016 x 15% divided by 2 x 2.3 | | | |
| | = 1344 x 20.00 | = | \$26,880 |
| Space Expense for S.W. | | | 4,950 |
| Space Expense for CT | 2,250 x 2 | = | 4,500 |
| General Contractual | | | 1,100 |
| | | | \$37,430 |

| | |
|-----------------------------|---------|
| Supplies | 1.2 |
| Equipment - first year only | 6.7 |
| | \$128.0 |

Note: For successive fiscal years, space would be budgeted by Department of Administration. Computations for successive fiscal years at 4%.

D. Economic Impact

There will be no impact on the State economy.

E. Impact On Local Governments

There will be an economic impact on some local police departments.

| | | | | | | | | | | |
|--------------------------------------|------------------------------------|-----------------------|-----------|------------|---|--------------------|-------------------|------|---------|--------|
| 1. | POSITION TITLE SOCIAL WORKER IV | | | | RANGE/STEP 18A | DEPT. UNIT CGU | PAGE/LINE | COV. | APPROV. | DISAP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Juneau | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | Personal Services based on FY 86 PAC'S. | | | | | |
| | PERSONAL SERVICES | | | | Travel based on 2 trips annually to the following: From Juneau to Bethel, Nome, Ketchikan, Anchorage and Fairbanks. | | | | | |
| 5. | Salary | | 37.4 | | Contractual, Supplies and Equipment based on FY 86 Budget submission data. | | | | | |
| 6. | Benefits | | 11.4 | | | | | | | |
| 7. | Supplemental Benefits | | | | | | | | | |
| 8. | Fixed Benefits | | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 48.8 | | | | | | | |
| 10. | Travel | 02 | 6.6 | | | | | | | |
| 11. | Contractual | 03 | 5.4 | | | | | | | |
| 12. | Commodities | 04 | .4 | | | | | | | |
| 13. | Equipment | 05 | 1.5 | | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | 62.7 | | | | | | | |
| 16. | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 17. | | Federal Receipts 1002 | | | | | | | | |
| 18. | | C.F. Match 1003 | | | | | | | | |
| 19. | | General Funds 1004 | | 62.7 | | | | | | |
| 20. | | I-A Receipts 1005 | | | | | | | | |
| 21. | | Program Receipts 1028 | | | | | | | | |
| | | Other | | | | | | | | |
| FOR B&M USE ONLY KEY NUMBER _____ | | | | | | | | | | |

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
PROGRAM for the General Population
BRU Social Services
COMPONENT Central Office

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Revised Date _____

FY 86

| | | | | | | | | | | |
|------------------|------------------------------------|-----------------------|-----------|------------|------------------|-----------------------|-------------------|------|---------|---------|
| 1. | POSITION TITLE Clerk Typist III | | | | RANGE/STEP 8A | ORG. UNIT GGU | PAGE/LINE | COV. | APPROV. | DISAPP. |
| 2. | TYPE OF POSITION PPT | STAFF MONTHS 6 | RP NUMBER | PCH NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT | | | | | | |
| | 1 | 2 | | 3 | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | 9.8 | | | | | | | | |
| 6. | Benefits | 2.6 | | | | | | | | |
| 7. | Supplemental Benefits | | | | | | | | | |
| 8. | Fixed Benefits | | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | 01 | | 12.4 | | | | | | |
| 10. | Travel | 02 | | -0- | | | | | | |
| 11. | Contractual | 03 | | 2.6 | | | | | | |
| 12. | Commodities | 04 | | .4 | | | | | | |
| 13. | Equipment | 05 | | 2.6 | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | | 18.0 | | | | | | |
| 16. | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 17. | | Federal Receipts 1002 | | | | | | | | |
| 18. | | G.F. Match 1003 | | | | | | | | |
| 19. | | General Funds 1004 | | 18.0 | | | | | | |
| 20. | | I-A Receipts 1005 | | | | | | | | |
| 21. | | Program Receipts 1028 | | | | | | | | |
| | | Other | | | | | | | | |
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| KEY NUMBER _____ | | | | | | | | | | |

Personal Services calculations based on PAC'S.
Calculations for Contractual, Supplies and Equipment based on FY 86 Budget submission.

**REQUEST FOR
NEW POSITION**

AGENCY Health and Social Services
Social and Economic Assistance
PROGRAM for the General Population
BRU Social Services
COMPONENT Southcentral Region

FY 86

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Revised Date _____

| | | | | | | | | | | |
|------------------|------------------------------------|-----------------------|-----------|------------|---|-----------------------|-------------------|------|---------|---------|
| 1. | POSITION TITLE Clerk Typist III | | | | RANGE/STEP 8A | BARG. UNIT GGU | PAGE/LINE | COV. | APPROV. | DISAPT. |
| 2. | TYPE OF POSITION PPT | STAFF MONTHS 6 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Fairbanks | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | ADDITION | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT | Personal Services calculation based on PAC'S. Calculations for Contractual, Supplies and Equipment based on FY 86 Budget submission. | | | | | |
| | 1 | 2 | 3 | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | 11.0 | | | | | | | | |
| 6. | Benefits | 3.9 | | | | | | | | |
| 7. | Supplemental Benefits | | | | | | | | | |
| 8. | Fixed Benefits | | | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 14.9 | | | | | | | |
| 10. | Travel | 02 | -0- | | | | | | | |
| 11. | Contractual | 03 | 2.6 | | | | | | | |
| 12. | Commodities | 04 | .4 | | | | | | | |
| 13. | Equipment | 05 | 2.6 | | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | 20.5 | | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 16. | | Federal Receipts 1002 | | | | | | | | |
| 17. | | C.F. Match 1003 | | | | | | | | |
| 18. | | General Funds 1004 | | 20.5 | | | | | | |
| 19. | | I-A Receipts 1005 | | | | | | | | |
| 20. | | Program Receipts 1028 | | | | | | | | |
| 21. | | Other | | | | | | | | |
| FOR B&M USE ONLY | | | | | | | | | | |
| KEY NUMBER | | | | | | | | | | |

REQUEST FOR
NEW POSITION

AGENCY Health and Social Services
Social and Economic Assistance
 PROGRAM for the General Population

 BRU Social Services

 COMPONENT Northern Region

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FY 86

Sec. 5 AS 47.35 is amended by adding a new section to read:

Sec. 47.35.058. CRIMINAL RECORDS BACKGROUND CLEARANCE.

(a) All facility staff and adult occupants who work or reside within a facility shall:

(1) have a state and national criminal record background clearance;

(2) sign a release authorizing the department to obtain their law enforcement records and to undertake investigations of reports, arrests and convictions which indicate past behavior which may pose a risk of harm to a child or dependent adults; and

(3) reveal, subject to the penalty for unsworn falsifications, whether they are awaiting trial or have been previously found in a criminal or civil proceedings to have committed or attempted to commit crimes that might pose a risk of harm to a child as defined in AS 12.62.035(e)(1) regardless of whether an adjudication was later set aside, dismissed or otherwise cleared from their record.

(b) The department must request criminal clearances on all facility operators, except board members of a corporation; facility administrators; and all adult occupants of a foster home and a family care home. An individual subject to a background check under this section may receive a provisional license or be provisionally employed only after the department has received a state criminal background clearance except that in an emergency, a foster home may receive a child or dependent adult prior to either the state or national criminal background clearance review. The individual may not be licensed under

AS 47.35.040 or permanently employed until the national and state criminal background clearance is reviewed and the department makes a determination that the individual does not pose a risk of harm to a child or dependent adult.

(c) Operators of facilities other than foster homes and family child care homes shall, under the authority of AS 12.62, request a state and national criminal record background clearance on each staff member and adult occupant of the facility. The staff member may only be provisionally employed until the criminal record background clearance is reviewed by the operator and the operator makes a determination that the individual does not pose a risk of harm to a child or dependent adult. A facility must remove a staff member or adult occupant if the operator determines that the individual poses a risk of harm to a child or dependent adult.

(d) The costs of the state and federal background clearances must be paid by the applicant or the facility operator except that the department will pay the cost for foster home applicants who care for children in state custody or for dependent adults in state protective care.

(e) The failure of an individual, subject to a criminal history background clearance under this section, to demonstrate that the individual does not pose a risk of harm to a child or dependent adult shall be justification for denial of an application for a license or revocation of an existing license or denial of employment.

(f) As used in this section "family child care home" means a small nursery, usually an occupied residence in which child care is provided for no more than six children who are not related to the operator.

POSITION PAPER

COMMITTEE SUBSTITUTE for SENATE BILL 21 (HESS)

This bill relates to criminal background checks for persons supervising, caring for or adopting children.

Secs. 1, 2 and 3

Existing AS 12.62.035 authorizes the release of certain criminal conviction records for persons who hold, or are applying for, paid or volunteer positions which would give them supervisory or disciplinary power over a child. Sections 1, 2 and 3 of this bill expand the types of convictions that may be reported to include all crimes that might pose a risk to children. Section 3 allows the state to inform an inquiring employer if there is a pending warrant for the arrest of the employee. These three sections contain the essential elements in the bill introduced by the Governor (HB 88) and so have the continuing support of the administration.

Secs. 4 and 5

Section 4 would require a criminal history background search on all petitioners for adoption.

Section 5 would require a criminal history background search on an applicant for a facility license, as defined in AS 47.35, or for facility employment. Either the Department of Health and Social Services or the facility would request the criminal clearance prior to license issuance or employment on a permanent status.

The department strongly supports reducing risk to adoptive children, foster children, children in child care facilities and dependent adults in foster care. There are problems with criminal background checks through the fingerprinting process. The Governor's Criminal Justice Working Group recommended that criminal history background checks for licensee's not be included in the administration's child protection package until some of those procedural and legal problems could be resolved. Concerns expressed include:

- the high cost of fingerprinting; there is a \$12.00 charge for the FBI clearance and an estimated \$8.00 state processing charge. These costs would impact local police departments and the Department of Public Safety;

- logistics costs associated with obtaining fingerprints particularly in remote locations both for the Department of Public Safety and the Department of Health and Social Services;

2/8/21

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- the Department of Public Safety has stated that the rejection of unacceptable fingerprints runs as high as 40% causing extensive delays in the process;
- even if the fingerprints are acceptably rolled, up to ten weeks is required for processing for results;
- results may be as long as three months out-of-date depending on FBI processing timeframes;
- some professionals have raised civil liberties questions regarding fingerprinting.

With regard to criminal history clearance on adoptive homes, there are an estimated 800 non-stepparent adoptions each year. Most of those adoptions are private adoptions handled by attorneys. Only one quarter of all adoptions involve studies by the Department of Health and Social Services or licensed private adoption agencies. Currently the department is not involved in the other 600 private adoptions per year, other than to receive notice from the petitioners under AS 25.23.100 at least 20 days before the hearing. At this point, DHSS has no tracking system on the notices for private adoptions. The department would need to notify attorneys of this new requirement and establish a tracking system to allow time for processing the criminal history background clearances. The proposed statute does not require the court to delay the adoption pending the criminal history background check, consequently many adoptions would be final before receipt of the check results. The 20 day notice period coupled with a ten week processing period should a court desire the results of the FBI records check would delay the adoption proceedings. Finally, the department is not certain that the state can legally release FBI records to the court or adoptive parties under federal regulations. The Department of Public Safety should be consulted on confidentiality provisions.

Presently, the Division of Family and Youth Services within the department requires a criminal history background check to be completed by all applicants for a foster home license and all adult members of a foster home household. This is a state, not an FBI, criminal history records clearance. The authority for the department is contained in AS 12.62.010, AS 12.62.030, and 6 AAC 60.070(c). Under this authority the Division of Family and Youth Services has a users agreement to access state criminal history background checks based on name, social security number and birthdate rather than fingerprinting. Sec. 5 of this bill would not withdraw the department's current ability to do state criminal history background checks, but would require that a new system of fingerprinting and obtaining FBI record checks be utilized prior to licensure issuance. Presently the department is receiving criminal history hits on approximately 6% of all the applicants and adults residing in foster home. Most criminal history information obtained on applicants does not pose a substantial risk to children.

The criminal histories give department personnel an opportunity to discuss the circumstances and rehabilitation following a violation. For example, there may be an adult son in the home with substantial numbers of violations. In these cases the criminal history background checks allow the department an opportunity to counsel those persons out of applying for foster care until the son is no longer residing in the home. In only two cases has a license been denied based on criminal history background findings. Current processing under the state system runs up to 30 days.

At Senate HESS request the department has drafted a criminal records background clearance section under AS 47.35 to include child care facilities. The new draft would continue the department's practice of doing state criminal background checks on administrators in residential child care facilities and adult residential care facilities. However the new draft would expand the criminal history to include national criminal background checks on the administrators. Additionally it would also include state and national checks on all facility staff and adult occupants of the facilities (defined by the department as residential child and adult care facilities, family child care homes [formerly called day care homes], child care centers [formerly called day care centers], as well as child and adult foster homes). The department will do the criminal history clearance on home size facilities. The other facilities, under the authority in AS 12.62, will do the criminal history search on their staff. The cost for the criminal history search will be payed by the facility or applicant. However the department will pay the costs for foster homes that care for children in state custody.

The department currently issues provisional licenses prior to obtaining criminal history background checks because of emergency situations where a child must be placed before the licensing study can be completed. In these cases, DFYS obtains references, visits the home and gets a signed application, but there is no time for a criminal history clearance. When a child has been removed from an unsafe home and there is no licensed foster home available to take that child, issuance of a license under an emergency condition is appropriate. The department would need to continue that practice pending FBI criminal history clearances. Under the new language in the DFYS draft, licenses and employment would be provisional until it was determined that an individual did not pose a risk of harm to a child.

Under sections (b) and (c) of the DFYS proposed bill a determination would have to be made by the department or facility concerning an individual's potential risk of harm to a child. Consequently the bill would authorize the department or the facility to investigate law enforcement records and to deny licensing or employment unless the licensee or employee can demonstrate that past danger of a risk of harm to a child does not continue to the present. This will, hopefully, avoid the constitutional issue of denial of a license or employment solely because of the badge of a "scarlet letter".

Although some child abusers will lie regardless of the application form, the penalty, class A misdemeanor with a penalty of up to one year in jail, for unsworn falsifications (AS 11.56.210) should be a strong inducement to care providers to be truthful.

Recommendations

The department urges passage of Secs. 1, 2 and 3 of this bill to provide ability of employers supervising children to obtain criminal history background checks on their employees. The department appreciates being given the opportunity to draft criminal history provisions that will respond to litigation experienced in the last year and to the complexities of implementing criminal history clearances in licensed facilities. Attached is a fiscal note for the bill including section 4 (adoptions) and the department's proposal for a revised section 5 (expanded criminal history background checks). It should be noted that the costs on Secs. 4 and 5 of the bill are not in the Governor's proposed FY 86 budget.

RECOMMENDED: Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE: March 29, 1985

APPROVED: John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE: 4-2-85