

LEGISLATIVE FINANCE-HOUSE / SENATE FINANCE COMM. FILES 8879

HB 52 - HB 63 439

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SENATE FINANCE COMMITTEE REPORT

DATE: January 12, 1990

FURTHER:

DATE TURNED INTO OFFICE: 1/15/90

The Finance Committee considered CSHB 52 (Finance)

Access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons; efd.

and recommended:

replace with \$ CS HB 52 (Finance)
 or adopt _____ CS _____

same title
 new title
 technical title change (HB only)

attached amendment(s)
 _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

APPROVES PREVIOUS:

fiscal note(s) Dept/Date: DOE 1/15/90 47.4/PR
SFA/DDS 1/15/90 55.4/FA

fiscal note(s) Dept/Date: _____

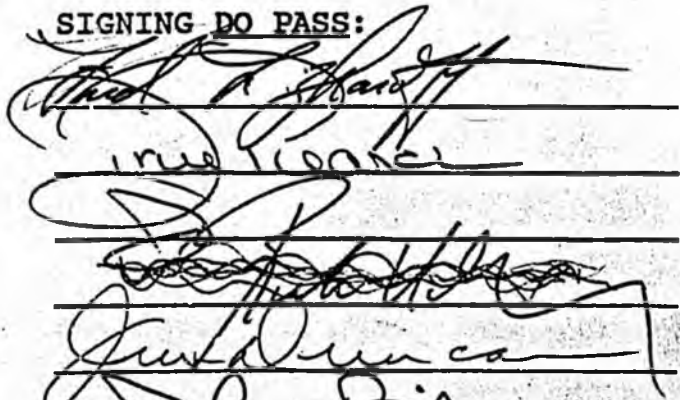
zero fiscal note(s) _____

zero fiscal note(s) DOLE 2/1/89

appropriation-no fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:



1. John P. ... Co-Chairs: Signatures and Recommendations 2. Richard ... (DO PASS)

FISCAL NOTE

REQUEST: _____

Revision Date: _____
Title: Access to Criminal Records

Agency Affected: Dept of Public Safety
BRU: DPS Statewide Support

Sponsor: Representative Zawacki
Requestor: _____

Components: AK Criminal Records & ID

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	46.1	46.1	46.1	46.1	46.1	46.1
TRAVEL						
CONTRACTUAL	2.3	2.3	2.3	2.3	2.3	2.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	55.4	48.4	48.4	48.4	48.4	48.4

CAPITAL						
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REVENUE						
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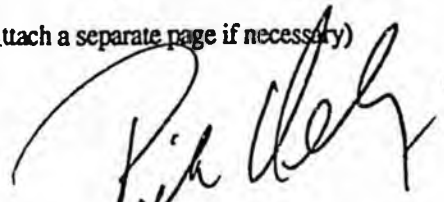
FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER I-A Rects	55.4	48.4	48.4	48.4	48.4	48.4
TOTAL	55.4	48.4	48.4	48.4	48.4	48.4

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)



Prepared by: Senator Rick Uehling, Co-chairman Phone: 465-4821
Division: Senate Finance Committee Date: 1/15/90

Approved by Commissioner: _____ Date: _____
Agency: _____

- Distribution (by preparer) :
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

Adopted

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: Access by an interested person to criminal records of all felony...
Sponsor: Senate Finance
Requestor: Senate Finance

Agency Affected: Education
BRU: Education Finance & Support Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	28.7	29.5	30.2	31.0	31.8	32.2
TRAVEL						
CONTRACTUAL	7.2	6.2	6.2	6.2	6.2	6.2
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.5
EQUIPMENT	10.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	47.4	37.2	37.9	38.7	39.5	39.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND/PR	47.4	37.2	37.9	38.7	39.5	39.9
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached.

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 1/15/90
Approved by Commissioner: William G. Demmert Date: 1/15/90
Agency: Education

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

Adopted

DEPARTMENT OF EDUCATION

FISCAL NOTE ANALYSIS

Revised 1/15/90

SCS for CSHB 52 (Finance): Access by an interested person to criminal records of all felony convictions...

Personal Services

1 FT Clerk Typist III, Range 8 A/B	FY91: 28.7
(Cost increase assumes merit increases)	FY92: 29.5
	FY93: 30.2
	FY94: 31.0
	FY95: 31.8
	FY96: 32.2

This position will be responsible for the tracking and filing of all background checks for initial and one-time renewal applicants for teacher certification in Alaska.

Contractual

Computer programming and system maintenance to integrate background criminal check into teacher certification data base: 5.0

Telephone, postage: 1.2

Development of form for distribution to applicants, "Certification pending background check": .5

certification approval pending outcome of background check (first year cost only): 1.0

Commodities

Supplies associated with position and function: 1.0

Annual cost of "Certification pending background check" forms for applicants: .5

Equipment (first year cost only)

Computer terminal and printer to meet paperwork/notification requirements and data entry into teacher certification data base: 6.0

File cabinet for records storage, desk, chair, phone & partition walls for position: 9.9

Position Title Clerk Typist III			No. of Positions	Range/Step 8A/B	Barg. Unit GGU
Time Status Full Time	Staff Months 12.0		Location Juneau	Election District	
Type of Expenditure			Justification		
		Amount	<p>The full time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial and one-time renewal applicant for teacher certification in Alaska.</p> <p>All non-personnel costs associated with this position are included in the HB 52 fiscal note.</p>		
1	2	3			
Salary	19.8				
Benefits	8.9				
Premium Pay					
Other					
Total Personal Services		28.7			
Travel					
Contractual					
Commodities					
Equipment					
Other					
Total Cost					
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004				
I-A Receipts	1006				
CIP Receipts	1061				
Other	GF/PR	28.7			

**Request For
New Position**

Agency EDUCATION
 BRU EDUCATION FINANCE & SUPPORT
 Component DISTRICT SUPPORT

Page 3 of 3
 Revised Date 1/15/90

FY 90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Law
 Title: "An Act relating to access to criminal records by the Department of Education..." BRU: Prosecution
 Sponsor: Repr. Zawacki Components: Criminal Justice Litigation
 Requestor: Repr. Zawacki

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Please see the attached analysis.

Richard I. Pegues

Prepared by: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Division Date: February 1, 1989
 Approved by Richard I. Pegues / FOR Commissioner: Grace Berg Schaible, Atty. Gen. Date: February 1, 1989
 Agency: Department of Law

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

Changes in SCS CSHB 52 (Fin)
 have no fiscal impact.
 This fiscal note is
 appropriate. 1/15/90 [signature]

And there are
 no changes in
 succeeding years.
1/15/90 [signature]
 page 1 of 2

Adopted

CONTINUATION of FISCAL NOTE ANALYSIS

No. 2
CSHB 52 (HESS)
HOUSE 4/5/89

For Bill/Resolution No. HB 52

This bill amends AS 12.65.035 to provide that the Department of Education shall request and receive criminal records for a person seeking certification as a teacher or administrator. The bill further provides that the Department of Education shall request such records on behalf of school districts, which employ persons serving in positions having a supervisory or disciplinary power over a minor. The safekeeping and administration of criminal records are handled by the Department of Public Safety. Consequently, this bill will not have a fiscal impact on the Department of Law. The bill could, however, have a fiscal impact on the Department of Education for administering requests from school districts for criminal history records. Existing statute permits school districts to request this information directly from the Department of Public Safety, without the second level of administration proposed in the bill.

Original sponsor(s): REP. ZAWACKI, Hanley, Grueberg

IN THE HOUSE

BY THE FINANCE COMMITTEE

SENATE CS FOR CS FOR HOUSE BILL NO. 52 (Finance)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons; and providing for an effective date."

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

* Section 1. AS 12.62.035(a) is amended to read:

(a) An [NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN] interested person [AS DEFINED IN (e) OF THIS SECTION] may request from the Department of Public Safety [COMMISSION] records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving any sex crimes of a person who holds or applies for a position of employment in which the person has or would have supervisory or disciplinary power over a minor or dependent adult. The Department of Public Safety [COMMISSION] shall disclose [AUTHORIZE THE DISCLOSURE OF] the information to the requesting interested person and shall provide a copy of the information to the person who is the subject of the request.

* Sec. 2. AS 12.62.035(e) is amended to read:

(e) As used in this section

(1) "contributing to the delinquency of a minor" means a conviction for a violation or attempted violations of AS 11.51.-130(a)(1), (3), or (5); former AS 11.40.130; or the laws of another jurisdiction if the offense would have been a crime in this state

1 under AS 11.51.130(a)(1), (3), or (5) or former AS 11.40.130 if com-
2 mitted in the state;

3 (2) "dependent adult" means an adult with a physical or
4 mental disability who requires assistance or supervision with the
5 activities of daily living;

6 (3) "interested person" means a corporation, company,
7 partnership, firm, association, organization, business trust, or
8 society, as well as a natural person, that employs or solicits the
9 employment of a person to serve with or without compensation in a
10 position in which the person has or would have supervisory or disci-
11 plinary power over a minor or dependent adult;

12 (4) [(3)] "sex crime" means a conviction for a violation or
13 attempted violation of AS 11.41.410 - 11.41.470, AS 11.61.110(1)(7),
14 or AS 11.66.100 - 11.66.130; former AS 11.15.120, 11.15.134, or 11.-
15 15.160; former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -
16 11.40.420; or the laws of another jurisdiction if the offense would
17 have been a crime in this state under one of the sections listed in
18 this paragraph if committed in the state.

19 * Sec. 3. AS 12.62.035 is amended by adding a new subsection to read:

20 (f) The Department of Education shall request and receive re-
21 cords under (a) of this section for a person seeking initial certifi-
22 cation as a teacher or administrator.

23 * Sec. 4. The Department of Education shall request and receive records
24 under AS 12.62.035(a) as amended in sec. 1 of this Act, for a person who
25 renews the person's certification as a teacher or administrator, if the
26 department did not request and receive records for the person when the
27 person was initially certified. This section applies only to the first
28 renewal of certification of a teacher or administrator after the effective
29 date of this Act.

1 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
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M E M O R A N D U M

TO: SENATOR RICK UEHLING, CO-CHAIR
SENATE FINANCE COMMITTEE

FROM: Jim Zawacki, Representative

DATE: January 11, 1990

SUBJ: HB52, An Act Relating to Access to Criminal
Records.

There exists a serious concern in our communities and schools related to the problem of persons employed by schools in Alaska having an undisclosed history of serious criminal activity.

When I introduced House Bill 52 earlier this year, I did so because I knew of the problem, and had been encouraged by a number of parents and teachers to do so. At that time I was unaware of the magnitude of the problem; since then, materials sent to me from concerned parents, teachers, school administrators, public safety agencies and personnel, and stories reported in the media, have highlighted just how serious a problem this is.

Of the 55 school districts in the state, only five have any procedures for checking possible criminal records of new and practicing teachers or administrators. House Bill 52 would qualify the State Department of Education as an "interested party" entitled to use the system by the fingerprinting of new and current teachers and administrators.

HB52 would also provide a vehicle for employers to access criminal records of prospective employees who would have supervisory power over children and dependent adults.

HB52 is endorsed by the affected administrative departments, the entire educational community, and all public participation has been enthusiastically supportive of swift passage.

There has been NO opposition to this legislation to date.

Because of the immense, widespread public support for this legislation and the numerous hearings and debates provided to the public and the legislature over the past three years, I feel it is imperative that the legislature take action on this matter.

HB52 will provide desperately needed safeguards to protect our children and dependent adults from potentially harmful situations in our public schools, health care facilities, and related facilities.

This is terribly important to our children and dependent adults and their futures. I encourage the committee to move swiftly and positively on HB52. Thank you.

Sponsor's BACKGROUND INFORMATION

LETTERS OF SUPPORT

for

HB52

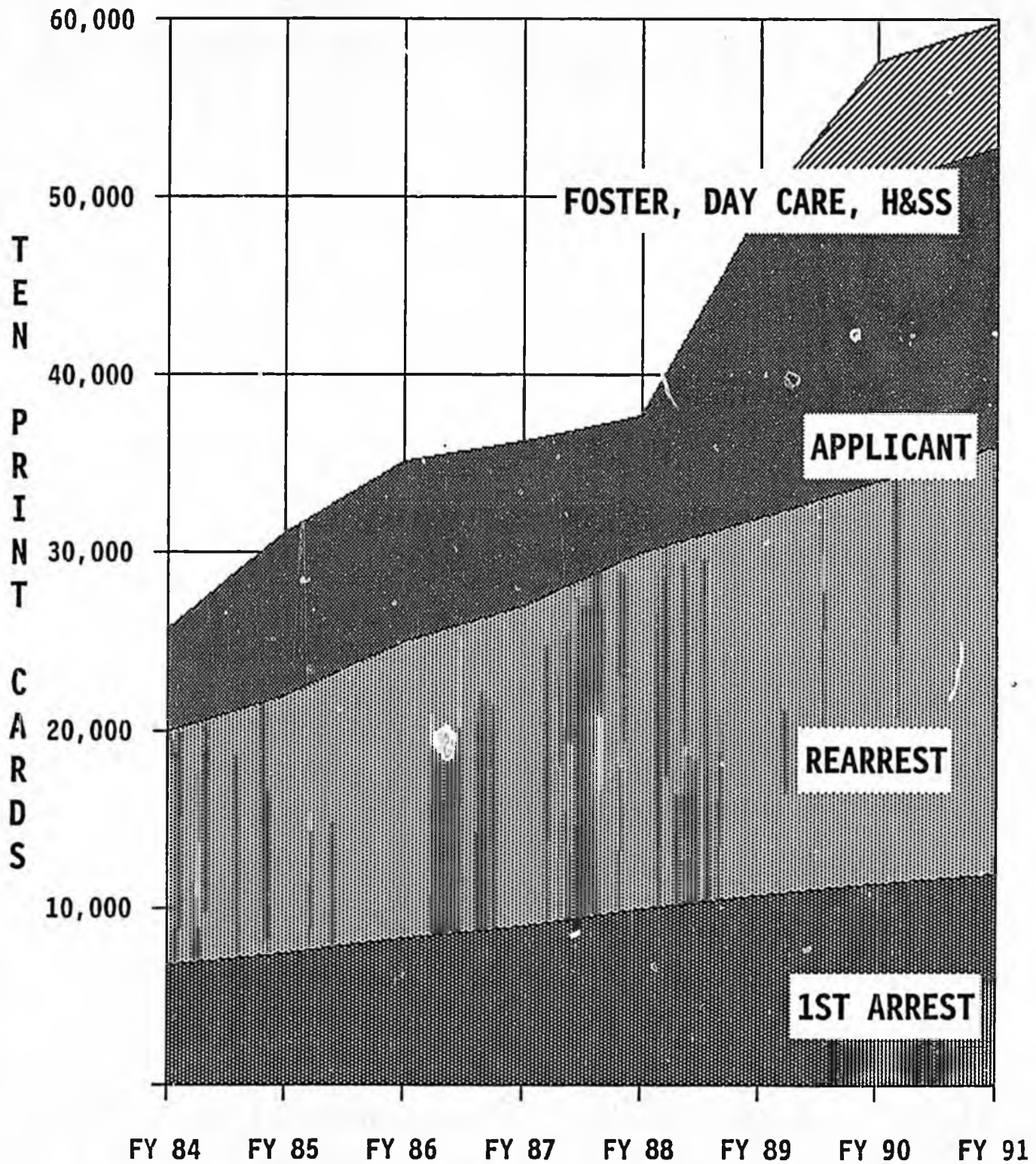
January 11, 1990

1. NEA-Alaska
2. Yukon/Koyukuk School District, Nenana, Ak.
3. Chatham School District, Angoon, Ak.
4. Mr. Pius F. Imgalrea, Chevak, Ak.
5. Anchorage School District, Anchorage, Ak.
6. Fairbanks North Star Borough Schools, Fairbanks, Ak.
7. Matanuska-Susitna Borough School District
8. Alaska Gateway School District, Tok, Ak.
9. Alaska PTA
10. Copper River School District, Glennallen, Ak.
11. Mr. Alex Tatum, Chevak, Ak.
12. Ms. Lillian Pingayak, Chevak, Ak.
13. Kodiak Baptist Mission, Kodiak, Ak.
14. Kenai Peninsula School District
15. Governor's Interim Commission on Children and Youth
16. Yupit School District, Akiachak, Ak.
17. Justice for Children, Juneau, Ak.
18. Louise Howerter, Juneau, Ak.
19. Pat Marlin, Juneau, Ak.
20. Sue Miller, Juneau, Ak.
21. Lower Yukon School District, Mountain Village, Ak.
22. Chugach School Board, Chenega Bay, Ak.

23. Hydaburg City School, Hydaburg, Ak.
24. Seward Chamber of Commerce, Seward, Ak.
25. Skagway City Schools, Skagway, Ak.
26. North Slope Borough School District
27. Cordova Chamber of Commerce, Cordova, Ak.
28. Talkeetna Chamber of Commerce, Talkeetna, Ak.
29. Big Lake Chamber of Commerce, Big Lake, Ak.
30. Kake City School District
31. National Federation of Parents For Drug Free Youth
32. Juneau School District, Juneau, Ak.
33. Alaska Council of School Administrators, Juneau, Ak.
34. Association of Alaska School Boards, Juneau, Ak.
35. Department of Education, State of Alaska
36. Department of Public Safety, State of Alaska
37. Craig School District, Craig, Ak.
38. Alaska State Board of Education, Anchorage, Ak.

HB 52
Ken Birschhoff
DPS
1/15/90

TEN PRINT WORKLOAD PROJECTED THRU FY 91



FISCAL NOTE

Chapter 7, SLA 90

REQUEST:

Revision Date: 4/12/90
Title: Access by an interested person to criminal records..
Sponsor: Senate Finance
Requestor: _____

Agency Affected: Education
BRU: Education Finance & Support Services
Components: Certification fingerprint fees (new component)

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	200.0	200.0	200.0	200.0	200.0	200.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	200.0	200.0	200.0	200.0	200.0	200.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER Program	200.0	200.0	200.0	200.0	200.0	200.0
TOTAL Rcnts						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis. FY-90 Fiscal Impact: \$60.0 Program Receipts, contractual obligation for fingerprint, criminal history background checks...

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's office Date: 4/12/90

Approved by Commissioner: William G. Demmert Date: 4/12/90
Agency: Education

Distribution (by preparer):

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

DEPARTMENT OF EDUCATION
April 12, 1990

FISCAL NOTE ANALYSIS (Chapter 7, SLA 90)

SCS CSHB 52 (Finance) Access by an interested person to criminal records of all felony convictions, convictions involving contributing to the delinquency of a minor, and convictions involving sex crimes of certain persons.

Analysis:

FY-90 Fiscal Impact: \$60,000 in Program Receipts
Contractual obligation for processing of
fingerprint/background criminal history checks.
RSA with Department of Public Safety.

Implementation of HB 52 necessitates the State's collection of an additional fee of \$40.00 per teacher certification applicant for the fingerprint/background criminal history check. This fee is remitted by certification applicants along with the standard teacher certification fee (\$60.00) to the Department of Education. Revenues generated by the \$40.00 fee will be RSA'd to the Department of Public Safety for the express purpose of conducting the background check.

The Department estimates that 5,000 applications will be processed in FY-91. With a fee structure of \$40.00 per applicant for the background check, a total of \$60,000 in FY-90 and \$200,000 in FY-91 through FY-96 in program receipt authority will be necessary for this function.

In addition to this cost, implementation of HB 52 requires a supplemental appropriation of \$40,000 general funds and an ongoing increase to the Teacher Certification Unit of program receipt authority. These costs are included within the Governor's amended FY-91 budget and FY-90 supplemental request and are necessary for the processing of the 5,000 teacher certification applications handled by the Teacher Certification Unit and implementation of HB 52 within that process..

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Access to criminal records by
the Department of Education
Sponsor: Zawacki
Requestor: House HESS

Agency Affected: Education
BRU: Education Finance & Support
Services
Components: District Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		14.6	14.6	14.6	14.6	14.6
TRAVEL						
CONTRACTUAL		4.0	4.0	3.0	3.0	3.0
SUPPLIES		5	5	5	5	5
EQUIPMENT		4.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		23.6	19.1	18.1	18.1	18.1

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND /PR		23.6	19.1	18.1	18.1	18.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Costs include 1 part time clerktypist, postage and phone costs, general office supplies, and minimal computer programming costs to upgrade system to integrate background check data into existing teacher certification data base. In the first year, purchase of one word processing terminal and file cabinet storage capacity is necessary.

Prepared by: Hakala Phone: 465-2800
Division: Commissioner's Office Date: March 31, 1989

Approved by Commissioner: William G. Demmert Date: March 31, 1989-
Agency: Education

Distribution (by preparer):

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

Position Title Clerk Typist III		No. of Positions 1	Range/Step 8B	Barg. Unit GGU
Time Status PT	Staff Months 6.0	Location Juneau		Election District
Type of Expenditure		Justification		
1	2	3		
Salary	9.8	The part time clerical position will handle administrative functions associated with implementation of HB 52, insuring that background checks are properly completed by each initial applicant for teacher certification in Alaska.		
Benefits	4.8			
Premium Pay				
Other				
Total Personal Services	14.6			
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost				
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004			
I-A Receipts	1006			
CIP Receipts	1061			
Other	GF/PR	14.6		

**Request For
New Position**

Agency Education

BRU Education Finance & Support Services

Component District Support

Page 2 of 2

Revised Date

FY 90

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 52 (Jud)
PUBLISH DATE: HOUSE 5/2/89

FISCAL NOTE

REQUEST:

Revision Date: 4/27/89
Title: Access to Criminal Records

Agency Affected: Public Safety
BRU: DPS Administration

Sponsor: Representative Zawacki
Requestor: House Judiciary

Component: Administrative Services

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	2.2	13.3	13.3	13.3	13.3	13.3
TRAVEL						
CONTRACTUAL		1.8	.3	.3	.3	.3
SUPPLIES						
EQUIPMENT		7.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.2	22.1	13.6	13.6	13.6	13.6

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2	22.1	13.6	13.6	13.6	13.6
FEDERAL FUNDS						
OTHER						
TOTAL	2.2	22.1	13.6	13.6	13.6	13.6

POSITIONS:

FULL-TIME						
PART-TIME	0	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies. Because of the complexity of the research required to process criminal history record checks under AS 12.62.035, a part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants may be delayed by several months.

(Analysis continued on attached)

JMC
4/27/89

Prepared by: M. J. Clemens
Division: Administrative Services

Phone: 465-4336
Date: 4/27/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 4/27/89

Department of Public Safety
FISCAL NOTE - CSHB 52 (Jud)
(Analysis, continued - Page 2 of 4)

The Department of Education has estimated that they will submit about 2,000 requests for criminal history record checks annually in connection with the initial certification of school teachers in Alaska. These records checks are in addition to those requested by other interested persons under AS 12.62.035, such as the employers of day care providers. The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case. This can be a very time-consuming process.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified both the interested party and the applicant would be notified of the findings by mail. The fingerprint cards are returned to the contributor.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Department of Public Safety
 FISCAL NOTE - CSHB 52 (Jud)
 (Analysis, continued - Page 3 of 4)

Releasing conviction information as prescribed by CSHB 52 (Jud) will change the search time required in gathering and reporting arrest with convictions information to interested parties. The following are the computations for the times required for out-of-state checks:

- 1) 18% of the people checked have FBI rap sheets with arrest information.
- 2) 57% of these out-of-state records do not have disposition information.
- 3) Of the 2,000 estimated initial certification, 360 will have FBI rap sheets.
- 4) 15% are felonies and 60% of these do not have disposition information.
- 5) Therefore, $((360 \times .15) \times .60) = 32$ people with felony records that will require extensive researching.
- 6) 39% of the charges on the FBI rap sheet are misdemeanors.
- 7) 49% of these do not have disposition information, and 10% of the 49% involve contributing to the delinquency of a minor, and sex charges.
- 8) Therefore, $((360 \times .39) \times .10 \times .49) = 7$ people that will require extensive researching.
- 9) 46% we are not able to determine if the charge on the FBI rap sheet is a felony or misdemeanor. Of these, 63% do not have disposition information.
- 10) The following applies, $((360 \times .46) \times .63) = 104$ people requiring extensive researching.

Function	# Cards	Seconds	Hours
Search AAFIS	2,000	540	300
APSIN Search	2,000	96	53
AK Dispo Research	55*	4,080	62
Sort and Mail	4,000	14	16
Extensive research	143**	9,060	360
Research FBI rcds	62***	1,800	31
Transfer FBI raps	205	189	11
Sort other FBI	1,795	64	32
Total processing time			865

* $(2,000 \times .11) \times .25 = 55$

** $32 + 7 + 104 = 143$

*** $(2,000 \times .18) = 360 \times .57 = 205 - 143 = 62$

Position Title		Clerk IV		No. of Positions	Range/Step	9A	Barg. Unit	G
Time Status	PPT	Staff Months	5.5	Location		Anchorage	Election District	
				Justification				
Type of Expenditure				Amount				
1		2		3				
Salary*		9.5		////////////////////				
Benefits*		3.8		////////////////////				
Premium Pay (Included in Above)		////////////////////		////////////////////				
Other		////////////////////		////////////////////				
Total Personal Services		////////////////////		13.3				
Travel								
Contractual		line hook up - \$1.5		1.8				
Commodities								
Equipment		Micro \$6.2 chair \$.8		7.0				
Other								
Total Cost				22.1				
Funding Source for Total Cost								
Federal Receipts		1002						
G.F. Match		1003						
General Fund		1004		22.1				
Program Receipts/GF		1005						
I-A Receipts		1007						
CIP Receipts		1061						
Other								
<p>* Personal Services Salary and Benefits Costs are from PACS Scenario #2.</p>								
				<p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with HB 52 will require the equivalent of a part-time position (17.0 hours/week).</p> <p>Initial furniture and equipment costs would not be needed in future years.</p> <p>Due to the immediate effective date of the bill, assuming it becomes law about May 1, two months of personal services would be needed to pay unbudgeted overtime to existing staff who would have to handle requests prior to classification, recruitment, selection, and training of a new position.</p> <p>Without approval of this position, backlogs will develop: "interested persons" will not receive timely responses to their requests for criminal history records checks.</p>				

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Administration
 COMPONENT Administrative Services

Page 4 of 4
 Revised Date

FY 90

NO. 3
 CSHB 52 (Jud)
 4 OF 4

FISCAL NOTE

REQUEST:

Revision Date: 01/12/90 Agency Affected: Public Safety
Title: Access to Criminal Records BRU: DPS Statewide Support
Sponsor: Representative Zawacki Component: AK Criminal Records & ID
Requestor: Senate Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	46.1	46.1	46.1	46.1	46.1	46.1
TRAVEL						
CONTRACTUAL	2.3	2.3	2.3	2.3	2.3	2.3
SUPPLIES						
EQUIPMENT	7.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	55.4	48.4	48.4	48.4	48.4	48.4

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	55.4	48.4	48.4	48.4	48.4	48.4
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	55.4	48.4	48.4	48.4	48.4	48.4

POSITIONS:

FULL-TIME	1	1	1	1	1	1
PART-TIME	1	1	1	1	1	1
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Records and Identification Section operates the Alaska Automated Fingerprint Identification System (AAFIS) and maintains criminal history record information used by police and other criminal justice agencies. Because of the complexity of the research
(Analysis continued on attached)

Prepared by: Ken Bischoff Phone: 465-4336
Division: Administrative Services Date: 01/12/90
Approved by Commissioner: Arthur English Date: 1/12/90
Agency: Department of Public Safety Page 1 of 5

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 2 of 5)

required to process criminal history record checks under AS 12.62.035, one full-time and one part-time Clerk IV will be required to handle the 2,000 requests expected from the Department of Education for initial certifications and 2,000 recertifications, and 2,500 for health care employees each year. Existing AAFIS staff are not able to keep current with their present workload. Without additional staff to accommodate the predicted increase in workload, a criminal history records check for applicants will be delayed by several more months.

There are over 5,000 health care employees in Alaska who care for dependent adults under the definition of 7 AAC 55.330(8), (12). Covered employees include those who work for certain alcoholism programs, State institutions such as API and Harborview, providers of adult residential care, providers of adult foster care, nursing home aides, hospital staff, personal care attendants, home health aides, and pioneer home staff. Since a criminal history records check under this statute would be permissive rather than mandatory, it is estimated that about half of the covered employees would be processed each fiscal year.

The provision of a criminal history record to a law enforcement or criminal justice agency is a relatively quick and simple process. Requests for records under AS 12.62.035 are much more time consuming and complicated to process.

The processing of a request for information under AS 12.62.035 begins with the interested party (or agency) sending a letter to Records and Identification explaining how they meet the definition of an "interested person" under the statute and requesting that records checks be performed on certain individuals. Two completed fingerprint cards, showing the interested party as the contributor, are submitted for processing.

The submitted fingerprint cards are searched in AAFIS for the existence of a fingerprint record. If a fingerprint record is identified, the Alaska Public Safety Information Network (APSIN) record for that person is then checked for the existence of a criminal history. The second fingerprint card, accompanied by a money order for \$14, (\$20 as of 3/1/90) is submitted by mail to the FBI Identification Division to check for an out-of-state criminal history.

Upon enactment of SCS CSHB 52 (Jud), if an Alaskan criminal history arrest record was verified by fingerprints, it would be reviewed to determine if a felony or applicable misdemeanor conviction resulted. If so, the interested party and the applicant would be notified of the charge and disposition by mail. Unfortunately, about 25% of arrest records in Alaska do not have disposition information. In these cases, the court records must be researched to determine the outcome of the case.

If the FBI fingerprint check results in the return of a "rap sheet", it must be carefully examined. Each arrest or offense reported must be checked for disposition information. A large proportion of the arrests shown on FBI rap sheets do not indicate a disposition. In this case the records division of the contributing state must be contacted by mail for disposition information.

FISCAL NOTE - SCS CSHB 52 (Jud)
Department of Public Safety
(Analysis, continued - Page 3 of 5)

Because of NLETS and NCIC regulations prohibiting the use of those systems for employment and licensing purposes, all of the contacts with out-of-state agencies must be conducted by mail. If a conviction is identified, both the interested party and the applicant would be notified of the findings by mail.

During the time that present AS 12.62.035 has been in effect, less than 1% of the criminal history record checks processed have resulted in convictions being reported to the interested party. However, about 11% of the records examined pursuant to requests under AS 12.62.035 contained serious criminal violations not reportable under present language. These have included convictions for attempted murder, felony assault, and drug sales.

Position Title Clerk IV		No. of Positions	Range/Step 9A	Barg. Unit G	
Time Status PFT	Staff Months 6	Location Anchorage		Election District 7	
Type of Expenditure		Justification			
Amount		<p>Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.</p> <p>The additional workload connected with SCS CSHB 52 (Jud) will require the equivalent of a full-time position and one part-time position.</p> <p>In spite of the immediate effective date of the bill, unless it becomes law early in the session, its program impact will not likely occur in FY90.</p> <p>If this bill becomes law and this position is not approved, backlogs will increase; "interested persons" will not receive timely responses to their requests for criminal history records checks.</p>			
1	2				3
Salary*	9.8				////////////////////
Benefits*	3.8				////////////////////
Premium Pay (Included in Above)	////////////////////				////////////////////
Other	////////////////////				////////////////////
Total Personal Services	////////////////////				13.6
Travel					
Contractual	Misc. \$.5				.5
Commodities					
Equipment					
Other					
Total Cost		14.1			
Funding Source for Total Cost					
Federal Receipts	1002				
G.F. Match	1003				
General Fund	1004	14.1			
Program Receipts/GF	1005				
I-A Receipts	1007				
CIP Receipts	1061				
Other					
* Personal Services Salary and Benefits Costs are from PACS.					

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Statewide Support
 COMPONENT AK Criminal Records & ID

Page 4 of 5
 Revised Date

FY 91

Position Title Clerk IV		No. of Positions	Range/Step 9A	Barg. Unit G
Time Status PFT	Staff Months 12	Location Anchorage		Election District 7
Type of Expenditure		Amount		
1	2	3		
Salary*	20.8	////////////////////		
Benefits*	11.7	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	32.5		
Travel				
Contractual	Line Hookup \$1.5	Misc. \$.3	
Commodities				
Equipment	Micro \$6.2	Chair \$.8	
Other				
Total Cost	41.3			
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	41.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

Justification

Processing criminal history record checks under AS 12.62.035 involves actions by a Clerk II, AAFIS Operator I, Clerk IV, and AAFIS Operator II.

The additional workload connected with SCS CSHB 52 (Jud) will require the equivalent of a full-time position and one part-time position.

In spite of the immediate effective date of the bill, unless it becomes law early in the session, its program impact will not likely occur in FY90.

If this bill becomes law and this position is not approved, backlogs will increase; "interested persons" will not receive timely responses to their requests for criminal history records checks.

REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU DPS Statewide Support
 COMPONENT AK Criminal Records & ID

Page 5 of 5
 Revised Date

FY 91

И

В

5

4

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 10, 1989

FURTHER REFERRALS:

Date of Committee Action: 3/20/89

The FINANCE Committee considered:

HB 54

HOUSE BILL NO. 54 [RESPITE CARE AND ADULT DAY CARE]
 "An Act relating to the Older Alaskans Commission."

RECOMMENDATIONS:

- be replaced with CS HB 54 (Fin.) the same title
 a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
 (Dept)

APPROVES PREVIOUS:
 (Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) 2/23/89 - Admin.
- zero fn/analysis _____

SIGNING DO PASS:

Tay Brown BROWN

Alvin Ulmer ULMER

SIGNING:

(Check approp. column)

	Do Not PASS	No Rec	Amend
<u>Lois Hoffman</u> HOFFMAN		<input checked="" type="checkbox"/>	
<u>Ronald J. Larson</u> LARSON		<input checked="" type="checkbox"/>	
<u>Robert Koponen</u> KOPONEN		<input checked="" type="checkbox"/>	
<u>Dick Schultz</u> SHULTZ		<input checked="" type="checkbox"/>	
<u>Roll E. Phillips</u> PHILLIPS		<input checked="" type="checkbox"/>	
<u>Steve Rieger</u> RIEGER		<input checked="" type="checkbox"/>	

Ronald J. Larson
 Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Expanding authority of the OAC
to make grants for adult day care
Sponsor: Ellis
Requestor: Ellis

Agency Affected: Administration
BRU: Older Alaskans Commission
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Connie L. Singh Executive Director
Division: Older Alaskans Commission
Approved by Commissioner: John M. Andrews
Agency: Administration

Phone: 465-3250
Date: Feb 17 1989
Date: 2/21/89

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

Adopted

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 54 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act expanding the authority of the Older Alaskans
7 Commission to make grants for adult day care programs
8 and family respite care services for frail older
9 persons and other similarly disabled adults; and
10 changing the categories of services that may be
11 included in a service program for older Alaskans."

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

13 * Section 1. AS 47.65.010 is amended to read:

14 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT. The
15 older Alaskans service programs account is established in the Depart-
16 ment of Administration. An amount to carry out the provisions of
17 AS 47.65.010 - 47.65.050 [THIS CHAPTER] may be appropriated annually
18 by the legislature to the account. The amount appropriated to the
19 account shall be fully distributed by the Older Alaskans Commission to
20 sponsors of older Alaskans service programs in accordance with the
21 provisions of AS 47.65.010 - 47.65.050 [THIS CHAPTER].

22 * Sec. 2. AS 47.65.040(a) is amended to read:

23 (a) A sponsor receiving a grant under AS 47.65.010 - 47.65.050
24 [THIS CHAPTER] shall contribute to the total cost of the program or
25 project. The contribution may be in cash or in-kind services. The
26 amount of the sponsor's required contribution is determined by the
27 application of the following formula: average per capita full and true
28 value of all property in the municipality or community in which the
29 project or program takes place divided by the average per capita full

1 and true value of all property in the state, and then multiplied by
2 the contribution percentage to the estimated total program or project
3 cost as determined by the commission at the time of approval of a
4 grant application. However, the amount of the sponsor's contribution
5 may not amount to more than 10 percent of the total program or project
6 cost.

7 * Sec. 3. AS 47.65.050 is amended to read:

8 Sec. 47.65.050. ADMINISTRATIVE REQUIREMENTS. Payments received
9 by a sponsor under AS 47.65.010 - 47.65.050 [THIS CHAPTER] may be used
10 only to meet costs of services which the commission has determined
11 directly benefit older Alaskans. A payment may not be made by the
12 commission under this section unless the commission determines that
13 the sponsor

14 (1) [THE SPONSOR] meets accepted standards of fiscal ac-
15 countability for public funds;

16 (2) [THE SPONSOR] can demonstrate, when requested, the
17 actual cost of services which it is providing for the benefit of older
18 Alaskans; and

19 (3) [THE SPONSOR] agrees to make available, upon request,
20 all fiscal information relating to service for which payments are
21 provided under AS 47.65.010 - 47.65.050 [THIS CHAPTER].

22 * Sec. 4. AS 47.65 is amended by adding a new section to read:

23 Sec. 47.65.055. ADULT DAY CARE AND FAMILY RESPITE CARE. (a) In
24 addition to administering grants for adult day care programs and
25 family respite care services for older Alaskans under AS 47.65.010 -
26 47.65.050, the commission may make grants under this section from
27 funds otherwise available to it for adult day care programs and family
28 respite care services for frail older persons and other similarly
29 disabled adults.

1 (b) In order to fund grants under this section, the commission
2 and the Department of Administration may seek and enter into contracts
3 or grants with any party, including reimbursable service agreements
4 with other state agencies.

5 (c) The commission shall, by regulation, set fees for services
6 provided under this section. The fees must be based on a sliding
7 scale formula that takes into account the client's income.

8 (d) Fees established under (c) of this section may not exceed
9 the cost of the service. A person may not be denied service based
10 solely on inability to pay a fee established under this section.

11 (e) In this section

12 (1) "frail older person" means a state resident who is at
13 risk of institutional placement and

14 (A) is age 55 or older; or

15 (B) has Alzheimer's disease or a related disorder;

16 (2) "similarly disabled adult" means a state resident who
17 is 18 years of age or older who is at risk of institutional placement
18 but who is not a frail older person or an older Alaskan.

19 * Sec. 5. AS 47.65.060(3) is amended to read:

20 (3) "service program" means the following general categor-
21 ies of services to older Alaskans, including reasonable costs of
22 administration:

23 (A) nutritional programs;

24 (B) volunteer programs;

25 (C) adult day care programs and family respite care
26 services [PROGRAMS FOR LEISURE-TIME AND RECREATIONAL ACTIVITIES];

27 (D) health services;

28 (E) housing services;

29 (F) legal services and assistance;

1 (G) home health and homemaker services;

2 (H) counseling;

3 (I) information and referral services;

4 (J) programs which train persons to work with or
5 assist older Alaskans;

6 (K) transportation services;

7 (L) educational activities; and

8 (M) employment services;

9 * Sec. 6. AS 47.65.060 is amended by adding new paragraphs to read:

10 (5) "adult day care" means nonresidential care for a group
11 of persons that offers supervision, custodial care, and other appro-
12 priate social, indoor and outdoor recreational, physical, medical, or
13 psychological services for persons at risk of institutional placement;

14 (6) "at risk of institutional placement" means that a
15 person is either already a resident of an adult foster home or is
16 likely to need placement in a 24-hour care residential or nursing
17 facility, not including a mental health hospital;

18 (7) "family respite care" means intermittent and substitute
19 care that provides relief for a family caregiver or adult foster home
20 provider by providing intermittent care in the form of companionship,
21 temporary supervision, and minor personal care to a person who is at
22 risk of institutional placement; the service may be provided either in
23 the home of the client or the caregiver, including in an adult foster
24 care home if that is the client's residence.

Amendment

By Rieger
approved

To CS HB54 (HESS)

Page 3, Lines 7-9

delete " and, if the family claims the client as
a dependent on a federal tax return, the income
of the client's immediate caregiver family "



Older Alaskans Commission

Box C
Juneau, Alaska 99811-0209
907/465-3250

POSITION PAPER
COMMITTEE SUBSTITUTE HOUSE BILL 54

The Older Alaskans Commission (OAC) strongly urges the passage of CSHB 54. CSHB 54 contains two major changes which pave the way for developing an expanded funding base for the adult day care and respite services offered by grant programs funded through the OAC.

First, CSHB 54 allows adult day care and respite providers to capture third-party payments, such as from long term care insurance, by authorizing the OAC to set fees for these services, along with a sliding fee schedule. (Clients are now asked to make voluntary contributions for service.)

Secondly, CSHB 54 allows the OAC and its grantee providers to serve adults under the age of 60, if alternate funding or third-party sources to support the expanded service can be found e.g., Alzheimer's victims younger than 60 might be served with funding from community mental health grants).

Although some day care centers or respite providers might choose to restrict their client population to seniors, providers in smaller communities might be able to open an economically viable day care service only if they accept a broader group of clients. For example, a day care center in a town the size of Homer could serve a majority of seniors (over 60), stroke victims or Alzheimer's victims ranging in age from 45 to 60, and a few developmentally disabled adults. Note however, that CSHB 54 does not require the OAC or any of its grantees to offer services to persons under 60.

The Older Alaskans Commission has funded adult day care centers since 1980, and currently funds eight day care centers and two in-home respite programs. In FY 89, the day care centers served 209 older Alaskans, and 75 other seniors received respite service. So far, these programs have been based in larger communities, but the need is growing in smaller communities as well. Also, many "similarly disabled adults" who are not 60 are in need of day care or respite services. CSHB 54 authorizes the OAC to seek creative ways to meet these needs for community-based services--services which keep people in their homes, and which enable family caregivers to maintain home care for a longer period of time.

Although CSHB 54 will assist in the maintenance and possible expansion of adult day care centers and respite programs, it actually contains the first state statutory reference to these particular types of service. Until now, the OAC has operated such programs under the definitions contained in the federal Older Americans Act, or the general category of "health services" in AS 47.65.060 (3)(D). By inserting adult day care and respite as separately authorized services, at page 3, lines 22 and 23, the legislature will give recognition to the importance of these services. (At the same time, deletion of reference to leisure-time and recreational activities recognizes and sanctions the OAC's priority to fund home and community services to promote independent living, and to leave leisure-time activities, valuable as they are, to local efforts.)

The Older Alaskans Commission believes strongly in the value of adult day care and family respite care services. They are an integral part of the OAC's policy to promote independent living which, for many seniors or other disabled persons, can delay or eliminate the need for costly and restrictive institutional placements. Therefore, the Older Alaskans Commission supports the passage of CSHB 54.

APPROVED:

Frances B. Toland
Peggy Burgin, Chair
Older Alaskans Commission

DATED: 1/16/90

REVIEWED:

Frank Baxter
Frank Baxter, Commissioner
Department of Administration

DATED: 1/17/90

[NOTE: A chart showing current OAC adult day care and family respite care providers, clients, and funding is attached.]

OLDER ALASKANS COMMISSION

CSHB 54
Attachment to
Position Paper

ADULT DAY CARE CENTERS AND FAMILY RESPITE PROGRAMS
FUNDED BY THE OAC -- FY 90

<u>Project Name & Community</u>	<u>No. of Clients</u> (Average Daily)	<u>OAC Funding</u>
Daybreak Day Care (Anchorage Community Mental Health)	23	\$ 165,518
Serendipity Day Care-Anchorage (Salvation Army)	24	138,775
Rendezvous Day Care--Ketchikan (Easter Seal)	16	97,403
The Bridge Day Care--Juneau (Southeast Senior Services)	33	64,600
Forget-Me-Not Day Care-- (City of Kenai)	12	79,883
Palmer/Mat-Su Day Care	12	51,300
Caring and Sharing Day Care (Chugiak Senior Center)	19	109,878
Fairbanks Resource Agency Day Care	20	75,300
Senior Respite Care--Fairbanks Resource Agency	44	74,918
Respite Care -- Anchorage (Home Health Care)	12	19,824
Homer Day Care Development		12,000
PROJECTED TOTAL CLIENTS SERVED	FFY 89: 284	TOTAL: \$ 889,399

ESTIMATE OF PER CLIENT COST -- FY 88

Exact client costs are difficult for the OAC to calculate, as some day care clients attend the center five days a week, others only once to twice. Similarly, the Fairbanks respite program offers up to 40 hours per month of respite care, but families vary in their actual hourly usage.

	<u>Adult Day Care</u>	<u>Respite Care</u>
Approx. Unit Cost in OAC funds	\$ 3.52 hour	\$ 8.53 hour
Annualized Cost in OAC funds per client	\$1,917 per year	\$1,582 per year

3111 C STREET, SUITE 455
ANCHORAGE, ALASKA 99503
(907) 561-7628

WHILE IN SESSION
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3704

ALASKA STATE HOUSE

OFFICE OF MAJORITY WHIP

CHAIR
HEALTH, EDUCATION & SOCIAL SERVICES

JUDICIARY

SPECIAL COMMITTEE ON
FOREIGN & DOMESTIC TRADE

REPRESENTATIVE JOHNNY ELLIS

MEMORANDUM

TO: Members of the House Finance Committee

FROM: Rep. Johnny Ellis *JE*

DATE: March 20, 1989

RE: HB 54; Grants for adult day care and respite services

House Bill 54 makes important amendments in the statutes governing the Older Alaskans Commission. These changes are necessary to allow the Commission to make grants to non-profit adult day care and family respite care service providers in order to serve adults under the age of 60 who are in need of care. Such grants are made subject to the availability of private, local, state and federal funding.

Presently, the OAC is the only funding source for adult day care. However, there are many adults in need of day care service who are not seniors. HB 54 recognizes the need for adult day care services for a mixed group of clients, including seniors over 60 with general health problems, adults with Alzheimer's disease, victims of dementia, stroke victims and the developmentally disabled. This bill addresses a critical need to serve these adults under the age of 60.

HB 54 also addresses the need for "time-out" or respite care for families who care for disabled adults or seniors. Respite care can indefinitely extend the ability of a family to continue in-home care, by providing family members with periodic breaks in order to alleviate stress created by the demands of caring for adults with special needs. While respite care is available in certain areas of the state for families of the developmentally disabled, it is not presently available anywhere for families caring for seniors (with the exception of Fairbanks).

It is also important to note that this bill allows OAC to set fees for these services based on a sliding scale formula, taking the client's income into consideration. No individual would be denied service if unable to pay such a service.

Memorandum
House Finance Committee
March 20, 1989
Page Two

Enclosed for your information are relevant supporting materials. You are welcome to contact me or Linda Kingkade of my staff if you have any questions.

Thank you for your time and consideration.

Item 5



ALASKA STATE LEGISLATIVE COMMITTEE

CHAIRMAN
Mr. R. W. "Bob" Pavitt
130 Seward Street, #205
Juneau, AK 99801
(907) 586-2066

VICE CHAIRMAN
Mrs. Marie C. MacKenzie
1620 Crescent
Anchorage, AK 99508
(907) 562-4895

SECRETARY
Ms. June A. Robinette
P.O. Box 870797
Wasilla, AK 99687
(907) 376-2092

March 7, 1989

Representative Johnny Ellis
Pouch V
Juneau, Alaska 99811

Dear Rep. Ellis:

As you know, the two major priorities of the legislative program adopted for 1989 by the **AARP Alaska State Legislative Committee** are to "Strengthen programs that foster independence and dignity for older Alaskans" and to "Increase access to appropriate and affordable health care for all Alaskans".

House Bill 54 outlines a program that works toward reducing the need for institutional care through adult day care and respite services to care-givers.

The **AARP Alaska State Legislative Committee** wishes to go on record as enthusiastically supporting HB 54 as an important step in the State of Alaska's progress toward assuring that older Alaskans will continue to have the opportunity to live independently and contribute socially and economically to their communities.

As I will be out of town tomorrow and unable to testify on this bill, I am delivering this letter to Chairman Boucher's office with the request that our endorsement of HB 54 be read into the Committee records.

Respectfully,

Bob Pavitt
Chairman

The Salvation Army

Alaska Divisional Headquarters

Founded in 1865
By William Booth

Eva Burrows
General

Willard S. Evans
Territorial Commander

Alfred R. Van Cleef
Divisional Commander

Mailing Address: P.O. Box 101459
726 E. Ninth Avenue
Anchorage, Alaska 99510
Telephone: (907) 276-2515



March 7, 1989

Representative Johnny Ellis
House State Affairs Committee
P.O. Box V
Juneau, AK 99811

REC'D MAR 10 1989

HOUSE BILL 54

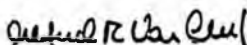
Dear Mr. Ellis:

The Salvation Army is involved in the lives of people of all economic levels in the state of Alaska. We are aware of House Bill 54 and its positive potential impact upon those who are under the age of sixty, however, find themselves affected with disease and difficulty such as strokes, Alzheimer's disease and other physical ailments that impede their ability to enjoy life at its fullest.

House Bill 54 would enable senior projects to extend services to people under the age of sixty affected by particular illnesses and diseases. This would enable the individuals to have proper care, assist families to have a respite and to enable us to fully maximize our programs.

Your help in putting forth our expressed concern will be appreciated. If there is anything we can do to assist please let us know.

Sincerely,


Alfred R. Van Cleef
Major
DIVISIONAL COMMANDER

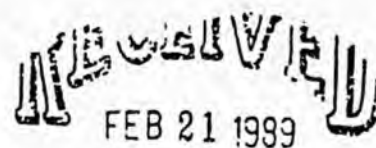
ARVC/beh



THE SALVATION ARMY
OLDER ALASKANS PROGRAMS

1709 South Bragaw
Anchorage, AK 99508-3400
(907) 279-7658

February 17, 1989



OLDER ALASKANS COMMISSION

Johnny Ellis, Chairman
House Health, Education
and Social Services Committee
Alaska State Legislature
PO Box V
Juneau, Alaska 99811

Re: HB 54 "An Act Relating to the Older Alaskans Commission."

Dear Chairman Ellis:

The rapid increase in the oldest segment of Alaska's residents requires the availability of a wider range of choices to support dignity and prolong independence as functional abilities change. Serendipity Adult Day Care in Anchorage serves an average of twenty participants each day who are impaired and need supervision. Some are at risk of institutional placement. Caregivers need respite to provide time to work, to care for themselves, and reduce the stress of caring for a frail elder. Ability to continue caregiving is enhanced and older persons remain where they most want to be--in their home and community. There are more than 500 seniors and many caregivers who could benefit from adult day services in the greater Anchorage area.

The Governor's Council for the Handicapped and Gifted estimated that there are over 7,500 handicapped individuals in the Anchorage area of all ages who have three to seven limitations in activities of daily living which began early in life. Seniors are not included in this figure. Our experience with adult day care for seniors indicates there are younger adults and their caregivers who would also benefit from day services.

Community based services are less costly than insitutional care. We can strongly endorse HB 54. Our ability to provide increased and strengthened services to Anchorage area seniors and others who have functional losses rests on your Committee's "Yea" vote.

Please keep us informed about the progress of this important bill.

Sincerely,

Lillian Wilder
Executive Director



CITY OF KENAI

KENAI SENIOR SERVICES

361 SENIOR COURT KENAI, ALASKA 99611
(907) 283-4156

February 20, 1989

Ms. Connie Sipes, Executive Director
Older Alaskan Commission
Box C
Juneau, Alaska 99811-0209

Dear Ms. Sipes,

As a provider of Adult Day Care services for the elderly I am very much interested in House Bill No. 54, as presented by Representative John Ellis.

House Bill No. 54 would allow for third party payment to Adult Day Care centers. As State and Federal funds shrink it is necessary for service providers to look to other funding sources to maintain their quality of care.....or to just stay in business. I would encourage the support of the Older Alaskan Commission for passage of this bill.

By enabling the care centers to seek payment from third parties and to establish fee schedules it will offer a more dependable source of revenues into the programs.

My congratulations to Representative Ellis for the thought and concern he has for the aging programs.

Sincerely,

A handwritten signature in cursive script that reads "Pat Porter".

Patricia Porter
Project Director

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SENATE FINANCE COMMITTEE REPORT

DATE: 4/21/90

FURTHER:

DATE TURNED INTO OFFICE: 4/23/90

The Finance Committee considered

CSHB 54 (Finance)

"An Act expanding the authority of the Older Alaskans Commission to make grants for adult day care programs and family respite care services for frail older persons and other similarly disabled adults; and changing the categories of services that may be included in a service program for older Alaskans."

and recommended:

- replace with _____ CS _____
 - or adopt _____ CS _____
 - attached amendment(s)
 - _____ letter of intent adopted
- same title
 - new title
 - technical title change (HB only)

~~do pass~~

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) _____

zero fiscal note(s) DOA 1/17/90

appropriation-no fiscal note

SIGNING DO PASS:

Power

Paul Frank

[Signature]

[Signature]

OTHER RECOMMENDATIONS:

1.

2.

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

REQUEST:

Revision Date: 1/12/90
Title: Expanding authority of the OAC to make grants for adult day care
Sponsor: Ellis
Requestor: Ellis

Agency Affected: Dept. of Administration
BRU: Older Alaskans Commission
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Connie J. Sipe, Executive Director *for* Francis B. Inland
Division: Older Alaskans Commission
Approved by Commissioner: Frank Baxter
Agency: Department of Administration

Phone: 465-3250
Date: 1/16/90
Date: 1/17/90

Distribution (by preparer):

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

Adopted

Original sponsors: Ellis, Goll,
Brown, and Hudson

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 54 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act expanding the authority of the Older Alaskans
7 Commission to make grants for adult day care programs
8 and family respite care services for frail older
9 persons and other similarly disabled adults; and
10 changing the categories of services that may be
11 included in a service program for older Alaskans."

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

13 * Section 1. AS 47.65.010 is amended to read:

14 Sec. 47.65.010. OLDER ALASKANS SERVICE PROGRAMS ACCOUNT. The
15 older Alaskans service programs account is established in the Depart-
16 ment of Administration. An amount to carry out the provisions of
17 AS 47.65.010 - 47.65.050 [THIS CHAPTER] may be appropriated annually
18 by the legislature to the account. The amount appropriated to the
19 account shall be fully distributed by the Older Alaskans Commission to
20 sponsors of older Alaskans service programs in accordance with the
21 provisions of AS 47.65.010 - 47.65.050 [THIS CHAPTER].

22 * Sec. 2. AS 47.65.040(a) is amended to read:

23 (a) A sponsor receiving a grant under AS 47.65.010 - 47.65.050
24 [THIS CHAPTER] shall contribute to the total cost of the program or
25 project. The contribution may be in cash or in-kind services. The
26 amount of the sponsor's required contribution is determined by the
27 application of the following formula: average per capita full and true
28 value of all property in the municipality or community in which the
29 project or program takes place divided by the average per capita full

1 and true value of all property in the state, and then multiplied by
2 the contribution percentage to the estimated total program or project
3 cost as determined by the commission at the time of approval of a
4 grant application. However, the amount of the sponsor's contribution
5 may not amount to more than 10 percent of the total program or project
6 cost.

7 * Sec. 3. AS 47.65.050 is amended to read:

8 Sec. 47.65.050. ADMINISTRATIVE REQUIREMENTS. Payments received
9 by a sponsor under AS 47.65.010 - 47.65.050 [THIS CHAPTER] may be used
10 only to meet costs of services which the commission has determined
11 directly benefit older Alaskans. A payment may not be made by the
12 commission under this section unless the commission determines that
13 the sponsor

14 (1) [THE SPONSOR] meets accepted standards of fiscal ac-
15 countability for public funds;

16 (2) [THE SPONSOR] can demonstrate, when requested, the
17 actual cost of services which it is providing for the benefit of older
18 Alaskans; and

19 (3) [THE SPONSOR] agrees to make available, upon request,
20 all fiscal information relating to service for which payments are
21 provided under AS 47.65.010 - 47.65.050 [THIS CHAPTER].

22 * Sec. 4. AS 47.65 is amended by adding a new section to read:

23 Sec. 47.65.055. ADULT DAY CARE AND FAMILY RESPITE CARE. (a) In
24 addition to administering grants for adult day care programs and
25 family respite care services for older Alaskans under AS 47.65.010 -
26 47.65.050, the commission may make grants under this section from
27 funds otherwise available to it for adult day care programs and family
28 respite care services for frail older persons and other similarly
29 disabled adults.

1 (b) In order to fund grants under this section, the commission
2 and the Department of Administration may seek and enter into contracts
3 or grants with any party, including reimbursable service agreements
4 with other state agencies.

5 (c) The commission shall, by regulation, set fees for services
6 provided under this section. The fees must be based on a sliding
7 scale formula that takes into account the client's income.

8 (d) Fees established under (c) of this section may not exceed
9 the cost of the service. A person may not be denied service based
10 solely on inability to pay a fee established under this section.

11 (e) In this section

12 (1) "frail older person" means a state resident who is at
13 risk of institutional placement and

14 (A) is age 55 or older; or

15 (B) has Alzheimer's disease or a related disorder;

16 (2) "similarly disabled adult" means a state resident who
17 is 18 years of age or older who is at risk of institutional placement
18 but who is not a frail older person or an older Alaskan.

19 * Sec. 5. AS 47.65.060(3) is amended to read:

20 (3) "service program" means the following general categor-
21 ies of services to older Alaskans, including reasonable costs of
22 administration:

23 (A) nutritional programs;

24 (B) volunteer programs;

25 (C) adult day care programs and family respite care
26 services [PROGRAMS FOR LEISURE-TIME AND RECREATIONAL ACTIVITIES];

27 (D) health services;

28 (E) housing services;

29 (F) legal services and assistance;

- 1 (G) home health and homemaker services;
2 (H) counseling;
3 (I) information and referral services;
4 (J) programs which train persons to work with or
5 assist older Alaskans;
6 (K) transportation services;
7 (L) educational activities; and
8 (M) employment services;

9 * Sec. 6. AS 47.65.060 is amended by adding new paragraphs to read:

10 (5) "adult day care" means nonresidential care for a group
11 of persons that offers supervision, custodial care, and other appro-
12 priate social, indoor and outdoor recreational, physical, medical, or
13 psychological services for persons at risk of institutional placement;

14 (6) "at risk of institutional placement" means that a
15 person is either already a resident of an adult foster home or is
16 likely to need placement in a 24-hour care residential or nursing
17 facility, not including a mental health hospital;

18 (7) "family respite care" means intermittent and substitute
19 care that provides relief for a family caregiver or adult foster home
20 provider by providing intermittent care in the form of companionship,
21 temporary supervision, and minor personal care to a person who is at
22 risk of institutional placement; the service may be provided either in
23 the home of the client or the caregiver, including in an adult foster
24 care home if that is the client's residence.

MOST FREQUENTLY ASKED QUESTIONS AND ANSWERS

What does this legislation accomplish?

HB 54 makes important amendments to the statutes governing the Older Alaskans Commission. This bill would allow the OAC to make grants to non-profit adult day care and family respite care service providers in order to serve adults under the age of 60 in need of care. Such grants would be made subject to the availability of private, local, state, and federal funding.

Is there a need for this legislation?

This bill addresses a critical need to serve adults under the age of 60 in need of day care service. HB 54 recognizes the need for adult day care and respite services for a mixed group of clients, including seniors over 60 with general health problems, adults with Alzheimer's disease, victims of dementia, stroke victims, and the developmentally disabled.

How much will this legislation cost/save?

This bill expands the authority of the OAC in providing grant funding to adult day care and respite services to include funding for service to adults under the age of 60. Such grants would be made subject to the availability of private, local, state, and federal funding. Please note the zero dollar fiscal note submitted by the Department of Administration for this bill.

It is also important to note that HB 54 allows the OAC to set fees for these services based on a sliding scale formula, taking the client's income into consideration. At present clients of day care and respite providers ask for voluntary contributions. HB 54 allows providers to capture third-party payments, such as from long term care insurance. No individual would be denied service if unable to pay.

What are the benefits generated to the state?

Meeting the needs of community-based services which provide adult day care and family respite care can greatly increase the ability of seniors and disabled people to remain at home, thereby delaying or eliminating the need for costlier, state-funded forms of institutional care.

It is also important to note that this enabling legislation promotes less duplication of services by providing grant monies, as available, to existing adult day care and respite programs to serve a mixed age group of clients. It makes good sense, particularly from a cost perspective, for large and small communities to avoid duplication of services to different groups.

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HOUSE COMMITTEE REPORT

(11)

Date Referred: January 20, 1989

FURTHER REFERRALS:

Date of Committee Action: 2/1/89

The FINANCE Committee recommends that:

HOUSE BILL NO. 57 [COMPENSATION FOR VIOLENT CRIME VICTIMS]
"An Act expanding eligibility for violent crimes compensation."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Ronald J. Larson LARSON
Chuck Swackhammer SWACKHAMMER
John Brown BROWN
Al Koponen KOPONEN
John Ulmer ULMER
Sam Barnes BARNES
Dick Shultz SHULTZ
Phil Phillips PHILLIPS
Steve Rieber RIEBER
F. Kay Wallis WALLIS

Ronald J. Larson
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: 2/1/89
Title: Expanding eligibility for
Violent Crimes Compensation
Sponsor: _____
Requestor: _____

Agency Affected: Public Safety
BRU: Violent Crimes Compensation
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson *Ron Larson* Date: 2/1/89

Approved by Commissioner: _____ Date: _____
Agency: _____

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

Adopted

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 57

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act expanding eligibility for violent crimes
7 compensation."

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

9 * Section 1. AS 18.67.101 is amended to read:

10 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 --
11 18.67.180 APPLY. The board may order the payment of compensation in
12 accordance with the provisions of this chapter for personal injury or
13 death that resulted from

14 (1) an attempt on the part of the applicant to prevent the
15 commission of crime, or to apprehend a suspected criminal, or aiding
16 or attempting to aid a police officer to do so, or aiding a victim of
17 crime; or

18 (2) the commission or attempt on the part of one other than
19 the applicant to commit any of the following offenses: murder in any
20 degree, manslaughter, criminally negligent homicide, assault in any
21 [THE FIRST OR SECOND] degree, kidnapping, sexual assault in any de-
22 gree, sexual abuse of a minor, robbery in any degree, threats to do
23 bodily harm, or driving while intoxicated or another crime resulting
24 from the operation of a motor vehicle, boat, or airplane when the
25 offender is intoxicated.

BILL NO: HB 57 (JUD)

DATE: 01/13/89

TITLE: An Act expanding eligibility
for violent crimes compensation

CONTACT: Nola K. Capp
465-3040

DEPARTMENT OF
PUBLIC SAFETY

The Violent Crimes Compensation Board (VCCB) awards compensation for medical expenses and other documented financial losses suffered by innocent victims of certain crimes. Present AS 18.67.101 lists the types of crimes for which victims may be eligible for compensation, and specifically refers to "Assault in the First or Second Degree".

The "degree" of assault charged in a specific incident is often dependent on a complex legal analysis, and is not determined solely by the extent of the injuries to the victim. This bill would allow the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class "C" felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first and second degree assaults.

In reauthorizing the Federal Victims of Crime Act (VOCA) in 1988, Congress added new eligibility conditions. One of the new requirements is that compensation programs must include victims of domestic violence (fourth degree assault). Programs have until October 1, 1990 to comply with this requirement to continue to be eligible for the Federal funds. Last year the VCCB received \$246.0 in Federal funds, which it was able to award as compensation to victims.

The Department of Public Safety strongly supports passage of this legislation.

Arthur English

for Arthur English
Commissioner

Arch. Times Dec 12 1988

Blotter

Pregnant woman raped

A man beat and raped a pregnant woman as she walked toward the Chester Creek bike path this morning, Anchorage police reported.

The 22-year-old woman, who was eight months pregnant, was crossing a bridge behind the Sullivan Arena at 7:45 a.m. when a man jumped out of the bushes and kicked her several times in the stomach and punched her a few times in the mouth, police reported.

The man then pulled out a knife, held it to her throat and raped her.

He fled on foot north toward the arena.

The woman described the assailant as a black man in his early 40s, 5-feet, 10-inches tall, with a bald head. He was missing four top front teeth, and was wearing a red baseball cap, brown ski jacket, maroon pants and work boots.

The woman was taken to Providence Hospital, where she was listed in stable condition at 10 a.m.

Dog sniffs out pot

Alaska State Troopers in Fairbanks seized five pounds of marijuana at the Fairbanks International Airport Friday after a specially-trained dog sniffed out two packages addressed to a Barrow resident.

The shipper had attempted to cover up the pungent odor of the leafy drug by mixing the narcotic with other strong-smelling items.

Arrests of the person who mailed the package and the would-be recipient are pending, troopers reported.

ALASKA NETWORK
ON
DOMESTIC VIOLENCE
AND
SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRCC);
Manilaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Sitkas Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWACPCSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

HB57
VIOLENT CRIMES COMPENSATION

MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CINDY SMITH. I AM THE COORDINATOR OF THE ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. THE NETWORK IS A MEMBERSHIP ORGANIZATION COMPOSED OF 21 PROGRAMS WHICH PROVIDE SERVICES TO VICTIMS AND THEIR FAMILIES.

THE NETWORK SUPPORTS HOUSE BILL 57. THIRD AND FOURTH DEGREE ASSAULT ARE THE MOST COMMON CHARGES MADE IN DOMESTIC VIOLENCE CASES. THIRD DEGREE ASSAULT IS A CLASS C FELONY, AND WHILE FOURTH DEGREE ASSAULT IS CHARGED AS A MISDEMEANOR, IT OFTEN INVOLVES PHYSICAL INJURY TO THE VICTIM. IN A STUDY RECENTLY PREPARED BY THE ABUSE PREVENTION PROGRAM IN ANCHORAGE, 82% OF CHARGES WERE COUNTS OF FOURTH DEGREE ASSAULT -- 30% OF THE VICTIMS WERE TRANSPORTED BY THE POLICE DIRECTLY TO MEDICAL FACILITIES. ANOTHER 18% WERE TRANSPORTED TO SHELTER. (THE STUDY INVOLVED OVER 5000 POLICE REPORTS, FROM 1986-1988).

VICTIMS OF THESE ASSAULTS INCUR MEDICAL COSTS TO ATTEND TO INJURIES, OFTEN LOSE TIME FROM WORK AND INCUR OTHER EXPENSES RELATED TO THE ASSAULT WHICH ARE CURRENTLY NOT COVERED BY VIOLENT CRIMES COMPENSATION. THE NETWORK IS STRONGLY SUPPORTIVE OF THIS EFFORT TO ENSURE THAT THEY BECOME ELIGIBLE TO RECEIVE THE SAME COMPENSATION AS OTHER VICTIMS OF VIOLENT CRIME.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

cc
9HB57

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

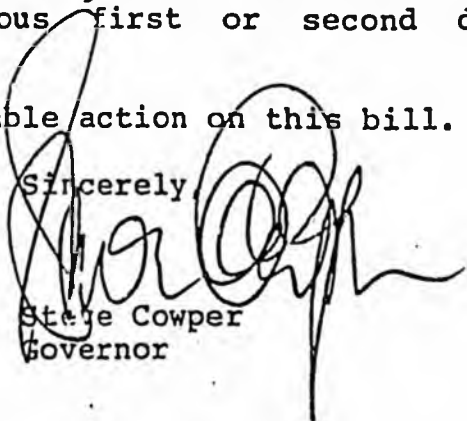
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding eligibility for violent crimes compensation.

The current law governing eligibility for violent crimes compensation is based in large part on the specific type of crime committed. By specifically referring to "assault in the first or second degree," AS 18.67.101 permits compensation in physical assault cases for only the most serious felonies. Because the degree of assault is often dependent on a complex legal analysis, the characterization of an assault as any particular degree often has more to do with the offender's state of mind (or state of intoxication) than with the overall harm suffered by the victim, much of which might not be manifested by physical injury. This bill seeks to remedy this injustice by permitting the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class C felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first or second degree, assaults.

I urge your prompt and favorable action on this bill.

Sincerely,


Steve Cowper
Governor

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 57 (JUD)
PUBLISH DATE: _____

REQUEST:

FISCAL NOTE

Revision Date: 1-25-89

Agency Affected: Public Safety

Title: EXPANDING ELIGIBILITY FOR
VIOLENT CRIMES COMPENSATION

BRU: VIOLENT CRIMES COMPENSATION
BOARD

Sponsor: HOUSE RULES

Requestor: HOUSE FINANCE

EXPENDITURES/REVENUES: (Thousands of Dollars)(Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.67.101 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.

Prepared by: Nola K. Capp, Administrator
Division: Violent Crimes Compensation Brd.

Phone: 465-3040
Date: 1/25/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-25-89

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 57
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act expanding eligibility for violent crimes compensation." Agency Affected: Administration
 Sponsor: Rules Committee HRIJ: Office of Public Advocacy
 Requestor: Governor Cowper Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: 1/26/89
 Approved by Commissioner: John Andrews Date: 1/26/89
 Agency: Department of Administration

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

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7

SENATE COMMITTEE REPORT

FURTHER

3/28/89

DATE TURNED INTO OFFICE 4/18/89

Mr. President:

Finance Committee considered CSHB 57 (RULES)

authorizing the Violent Crime Compensation Board to pay compensation for personal injury or death to the victim of an assault in any degree

and recommended

- replace with _____ CS _____) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

~~do pass~~

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) zero ^{DPS 130.0} fiscal impact appropriation no FN
 new updated ~~previous~~
 same as previous fiscal note(s) published _____

MEMBERS SIGNING ~~DO PASS~~

OTHER RECOMMENDATIONS

[Handwritten signatures]

[Handwritten signature] ^{CO-CHAIR}
 Chairman signature and recommendation
[Handwritten signature] ^{DO PASS}

Committee Backup attached

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 57 (RULS)
PUBLISH DATE: 3/28/89
by Senate State Affairs

REQUEST: FISCAL NOTE
Revision Date: 03/23/89 Agency Affected: Public Safety
Title: EXPANDING ELIGIBILITY FOR BRU: VIOLENT CRIMES COMPENSATION
VIOLENT CRIMES COMPENSATION BOARD
Sponsor: HOUSE RULES
Requestor: SENATE STATE AFFAIRS

EXPENDITURES/REVENUES: (Thousands of Dollars)(Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	-0-	20.0	20.0	20.0	20.0	20.0
MISCELLANEOUS						
TOTAL OPERATING	-0-	20.0	20.0	20.0	20.0	20.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	20.0	20.0	20.0	20.0	20.0
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	20.0	20.0	20.0	20.0	20.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill amends AS 18.67.101 to allow victims of third and fourth-degree assaults to apply for violent crimes compensation. This change is expected to increase the number of eligible compensation claims by about 20 per year, at an average estimated cost of \$1,000.00 per claim.
To be eligible for federal funding, victims of fourth-degree assaults must be eligible for Violent Crimes Compensation by October of 1990. The Board received federal funds of \$246.0 in FY '88, is receiving \$149.0 in FY '89, and will receive \$144.0 in FY '90.

Prepared by: Nola K. Capp, Administrator Phone: 465-3040
Division: Violent Crimes Compensation Brd. Date: 03/23/89
Approved by Commissioner: Arthur English Date: 3-23-89
Agency: Department of Public Safety

Adopted

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE RULES COMMITTEE
2 CS FOR HOUSE BILL NO. 57 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act authorizing the Violent Crime Compensation
7 Board to pay compensation for personal injury or
8 death to the victim of an assault in any degree."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 18.67.101 is amended to read:
11 Sec. 18.67.101. INCIDENTS AND OFFENSES TO WHICH AS 18.67.010 -
12 18.67.180 APPLY. The board may order the payment of compensation in
13 accordance with the provisions of this chapter for personal injury or
14 death that resulted from
15 (1) an attempt on the part of the applicant to prevent the
16 commission of crime, or to apprehend a suspected criminal, or aiding
17 or attempting to aid a police officer to do so, or aiding a victim of
18 crime; or
19 (2) the commission or attempt on the part of one other than
20 the applicant to commit any of the following offenses:
21 (A) murder in any degree; [,]
22 (B) manslaughter; [,]
23 (C) criminally negligent homicide; [,]
24 (D) assault in any [THE FIRST OR SECOND] degree; [,]
25 (E) kidnapping; [,]
26 (F) sexual assault in any degree; [,]
27 (G) sexual abuse of a minor; [,]
28 (H) robbery in any degree; [,]
29 (I) threats to do bodily harm; [,] or

1 (J) driving while intoxicated or another crime result-
2 ing from the operation of a motor vehicle, boat, or airplane when
3 the offender is intoxicated.

4/18/89

ALASKA NETWORK
ON
DOMESTIC VIOLENCE
AND
SEXUAL ASSAULT

130 Seward, No. 301 • Juneau, Alaska 99801 • (907) 586-3650

Abused Women's Aid in Crisis (AWAIC);
Advocates for Victims of Violence (AVV);
Aiding Women in Abuse and Rape Emergencies (AWARE);
Alaska Women's Resource Center (AWRC); Arctic Women in Crisis (AWIC);
Bering Sea Women's Group (BSWG); Emmonak Women's Shelter;
Kodiak Women's Resource & Crisis Center (KWRCC);
Manillaq Regional Women's Crisis Program; MEN, Inc.;
Safe & Fear-Free Environment (SAFE); Silians Against Family Violence (SAFV);
Southwestern Alaska Council for the
Prevention of Child Sexual Assault (SWACPCSA);
South Peninsula Women's Services (SPWS);
Standing Together Against Rape (STAR); Tundra Women's Coalition (TWC);
Valley Women's Resource Center (VWRC);
Women in Crisis Counseling & Assistance (WICCA);
Women in Safe Homes (WISH); Women's Resource & Crisis Center (WRCC)

HB57
VIOLENT CRIMES COMPENSATION

MEMBERS OF THE COMMITTEE, FOR THE RECORD MY NAME IS CINDY SMITH. I AM THE COORDINATOR OF THE ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. THE NETWORK IS A MEMBERSHIP ORGANIZATION COMPOSED OF 21 PROGRAMS WHICH PROVIDE SERVICES TO VICTIMS AND THEIR FAMILIES.

THE NETWORK SUPPORTS HOUSE BILL 57. THIRD AND FOURTH DEGREE ASSAULT ARE THE MOST COMMON CHARGES MADE IN DOMESTIC VIOLENCE CASES. THIRD DEGREE ASSAULT IS A CLASS C FELONY, AND WHILE FOURTH DEGREE ASSAULT IS CHARGED AS A MISDEMEANOR, IT OFTEN INVOLVES PHYSICAL INJURY TO THE VICTIM. IN A STUDY RECENTLY PREPARED BY THE ABUSE PREVENTION PROGRAM IN ANCHORAGE, 82% OF CHARGES WERE COUNTS OF FOURTH DEGREE ASSAULT -- 30% OF THE VICTIMS WERE TRANSPORTED BY THE POLICE DIRECTLY TO MEDICAL FACILITIES. ~~ANOTHER 18% WERE TRANSPORTED TO SHELTER.~~ (THE STUDY INVOLVED OVER 5000 POLICE REPORTS, FROM 1986-1988).

VICTIMS OF THESE ASSAULTS INCUR MEDICAL COSTS TO ATTEND TO INJURIES, OFTEN LOSE TIME FROM WORK AND INCUR OTHER EXPENSES RELATED TO THE ASSAULT WHICH ARE CURRENTLY NOT COVERED BY VIOLENT CRIMES COMPENSATION. THE NETWORK IS STRONGLY SUPPORTIVE OF THIS EFFORT TO ENSURE THAT THEY BECOME ELIGIBLE TO RECEIVE THE SAME COMPENSATION AS OTHER VICTIMS OF VIOLENT CRIME.

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 9, 1989

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

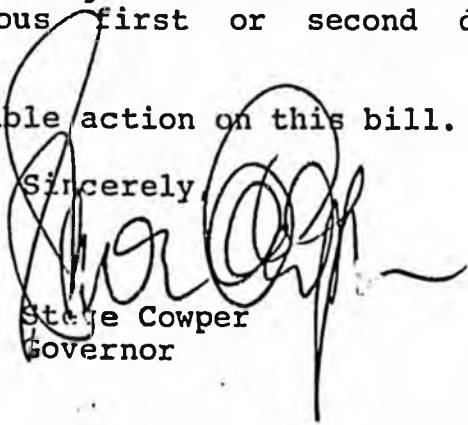
Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill expanding eligibility for violent crimes compensation.

The current law governing eligibility for violent crimes compensation is based in large part on the specific type of crime committed. By specifically referring to "assault in the first or second degree," AS 18.67.101 permits compensation in physical assault cases for only the most serious felonies. Because the degree of assault is often dependent on a complex legal analysis, the characterization of an assault as any particular degree often has more to do with the offender's state of mind (or state of intoxication) than with the overall harm suffered by the victim, much of which might not be manifested by physical injury. This bill seeks to remedy this injustice by permitting the Violent Crimes Compensation Board to award compensation in any assault case, regardless of whether it is third degree (class C felony assaults involving dangerous instruments), fourth degree (misdemeanor assaults, including most domestic violence cases), or the most serious first or second degree, assaults.

I urge your prompt and favorable action on this bill.

Sincerely,



Steve Cowper
Governor

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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Continuing the state Board
of Parole
Sponsor: Rules/Governor
Requestor: House Finance

Agency Affected: Corrections
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The proposed funding for the state Board of Parole is included in the Governor's FY 90 budget request for the Department of Corrections. See attached budget detail.

Prepared by: House Finance Committee Phone: 465-3727
Division: Co-Chairman Ron Larson Date: 2/10/89

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):

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

Adopted

07-20-01-05-00 (0-00-50520-0695)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

SALSFRMA 14:14 1/03/89

AGENCY: DEPARTMENT OF CORRECTIONS
CATEGORY: ADMINISTRATION OF JUSTICEPROGRAM: ADMINISTRATION AND SUPPORT
SUB-PROGRAM: PAROLE BOARD

LEG. FIN.

EXPENDITURES & FUNDING	FISCAL YEAR 1990												
	(01) FY88 ACT	(02) FY89 CC	(03) COL 03	(24) FY89 ATH	(25) FY90BASE	(26) FY90ADJD	(27) FY90 AGY	(28) FY90 GOV	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.	206.1	212.6		212.6	219.0	219.0	234.1	219.0					
02 TRAVEL	91.6	107.5		107.5	107.5	107.5	119.3	107.5					
03 CONTRACTUAL	82.0	72.6		72.6	72.6	72.6	82.9	72.6					
04 COMMODITIES	1.7	2.1		2.1	2.1	2.1	2.1	2.1					
05 EQUIPMENT	4.0												
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
09 I-A TRANSFER		2.3		2.3	2.3	2.3	2.3	2.3					
1004 GEN FUND	385.4	394.8		394.8	401.2	401.2	438.4	401.2					
15 FULL TIME	4.0	4.0		4.0	4.0	4.0	4.0	4.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS	48.0	48.0		48.0	48.0	48.0	48.0	48.0					

Introduced: 1/9/89
Referred: Health, Education &
Social Services, Judiciary and
Finance

go00719h

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 63

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act continuing the state board of parole; and
7 providing for an effective date."

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

9 * Section 1. AS 44.66.010(a)(3) is amended to read:

10 (3) Board of Parole (AS 33.16.020) -- June 30, 1993 [1989];

11 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

A PERFORMANCE REPORT ON THE
DEPARTMENT OF CORRECTIONS
ALASKA STATE BOARD OF PAROLE

July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R

Commissioner, Department of
Corrections

Susan Humphrey-Barnett

Deputy Commissioner, Department
of Corrections

J. Frank Prewitt

Members of the
Alaska State Board of Parole

Member
Member
Member
Member
Member

Donald R. Bruce
David F. Cooper
Mike Miller
Alonzo Patterson, Jr.
Dolores G. Weiler

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
PO. BOX W
JUNEAU, ALASKA 99811-3300

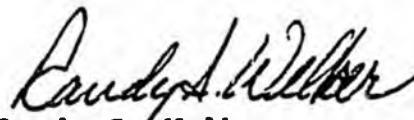
October 13, 1988

Members of the Legislative Budget and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "sunset" review of the Alaska State Board of Parole.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Alaska State Board of Parole was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Legislative Auditor
Division of Legislative Audit

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
P.O. BOX WF
JUNEAU, ALASKA 99811
PHONE (907) 465-3795

August 8, 1988

Members of the Legislative Budget
and Audit Committee:

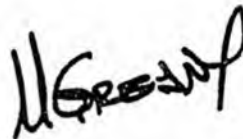
In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE
ALASKA STATE BOARD OF PAROLE

July 1, 1984 - June 30, 1988

Audit Control Number

20-1346-89-R



Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with Title 24 and 44 of the Alaska Statutes (sunset legislation), an examination of the activities of the Alaska State Board of Parole for the past four years was conducted to determine if the Board has been operating in an effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Alaska State Board of Parole should be reestablished. The law now specifies that the Board will terminate June 30, 1989, and have one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were program evaluation, administrative functions, and board proceedings. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Discussions with Board members and staff.
3. Tests of records maintained in conjunction with review of statistics reported by the Board.
4. Complaints filed with the Attorney General's Office, the Ombudsman's Office, the Human Rights Commission, and the Equal Employment Opportunity Office.
5. Memos related to Board meetings.
6. Discussions with the Attorney General's Office.

ORGANIZATION AND FUNCTION

Article III, Section 21, of the Alaska Constitution states that a parole system shall be established by law. AS 33.16 is the law that establishes the Alaska State Board of Parole and its authority. The Board consists of five part-time members who are appointed by the Governor and serve without salary, although travel costs and per diem are provided. The Board has an administrative staff which currently consists of an Executive Director, Parole Board Officer, and two clerical personnel.

The Board basically conducts two types of hearings: release hearings and revocation hearings. By statute, an inmate may not be considered for parole release until a statutory minimum time in prison has been satisfied. Upon application, an eligible inmate will be considered for parole and appear before the Board. The Board will consider the case in view of certain criteria (e.g., institutional behavior, release plans, past record, recommendations, etc.). A parole decision will either release an inmate on parole, continue the case for future consideration, or deny parole. The Board is also responsible for setting parole conditions and supervising prisoners released on parole.

When it has been determined that a parolee has violated a law or condition of parole, the Board will hold a revocation hearing to decide upon the course of action to take in the case. The Board may choose to revoke the violator's parole and return the parolee to prison, whereby no credit is allowed against the sentence for time served on parole; parole may be revoked and the parolee reparaoled without time credited against the sentence for prior time on parole; or no action may be taken. The Board has the authority to establish terms and conditions of parole. Enforcement is accomplished through revocation proceedings.

In each parole release case, the Board weighs the benefits of granting parole release against the inherent risks involved. The benefits of parole embrace opportunities for successful community life and reduced monetary and social costs which follow successful parole release cases. The risks involve additional social and monetary costs that will result from parole violations.

The Board receives General Fund appropriations to support its operations. The Board's primary expenditures are for personal services relating to the administrative staff and travel associated with the various Board meetings and hearings.

REPORT CONCLUSION

Report Conclusion

Article III, Section 21, of the Alaska Constitution requires the establishment of a parole system. The current system comprises a parole release program administered by the Alaska State Board of Parole. We found no viable alternative to the present system at this time; therefore, in our opinion, the Board should continue to administer the parole release program.

The parole decision process requires a great deal of dedication, time, and effort on the part of the uncompensated Board members. We commend the members for their service in what is oftentimes a complex and difficult job.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission, or program has operated in the public interest.
 - A. Revised statutes and regulations have clarified procedures and guidelines for both the public and parolees/inmates.
 - B. Rights of parolees/inmates are scrupulously maintained.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board has identified specific objectives and has maintained proper information for performance evaluation.
 - B. The Attorney General's Office took nearly three years to review the draft parole guidelines, but the final document should be published in December of 1988.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

Statutes were completely revised by Chapter 88, SLA85.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board actively solicits input from interested persons and groups as well as receiving information from public comments to the Department of Corrections.