

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 796

HB508

HOUSE COMMITTEE REPORT

(11)

Date Referred: 2/28/92

FURTHER REFERRALS:

Date of Committee Action: 3/11/92

The FINANCE Committee considered:

HB 508

HOUSE BILL NO. 508

BUSINESS PARK WETLANDS SPECIAL MGT AREA

"An Act relating to the establishment of the Business Park Wetlands Special Management Area; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 508 (FIN) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

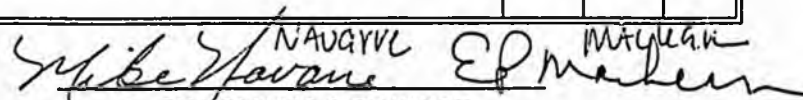
fiscal impact _____

fiscal note(s) _____

zero fiscal note _____ fish game

zero fiscal note(s) _____ DNR 2-28-92

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Mike Navarre</u> NAVARRE	✓	<u>EP Machean</u> Machean		✓	
<u>Mark Boyer</u> Boyer	✓	<u>Boyd Sharp</u> Sharp		✓	
<u>Tan Brown</u> BROWN	✓				
<u>Koponen</u> Koponen	✓				
<u>Phillips</u> Phillips	x				
<u>JACKO</u> JACKO	x				
<u>BARNES</u> BARNES	x				


 CHAIRMAN'S SIGNATURE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

No. 1
Version: CSHB 508 (RES)
Publish Date: 2-28-92

Revision Date: _____ Department Affected: Natural Resources
 Title: Business Park Wetlands Special BRU: Land Management
Management Area Component: Land Management
 Sponsor: Rep. Gruenberg
 Requestor: House Resources COMPONENT SERIAL NO.

4	2	3
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

All management, upkeep, development, etc. costs for this area will be borne by the Business Park Wetlands Coalition or its successor.

Prepared By: Carol J. Wilson Phone: 465-2400
 Division: Commissioner's Office Date: 2-26-92
 Approved by Commissioner: Harold C. Hainze Date: 7-26-02
 Agency: Natural Resources

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB508

Revision Date: 2/25/92

Department Affected: Fish and Game

Title: Business Park Wetland

BRU: Habitat

Management Area _____

Component: Habitat

Sponsor: Gruenberg, Ellis, Donley

Requestor: House Resources Committee

COMPONENT SERIAL NO.

	4	8	5
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
TOTAL OPERATING	0					

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

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER FUND SOURCE:	0					
TOTAL	0					

POSITIONS:

FULL-TIME	0					
PART-TIME	0					
TEMPORARY	0					

Estimate of current year impact: No impact on current year.

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Frank Rue, Director

Phone: 465-4105

Division: Habitat

Date: 2/25/92

Approved by Commissioner: Rose Somerville

Agency: Department of Fish and Game

Date: 2/25/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. OSC., & Impacted Agency(ies).

7-LS2048M
Luckhaupt
3/10/92

CS FOR HOUSE BILL NO. 508 (FIV)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GRUENBERG, Ellis, Donley, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the establishment of the Business Park Wetlands Special Management
2 Area; and providing for an effective date."

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

4 * Section 1. AS 41.21 is amended by adding new sections to read:

5 Sec. 41.21.518. BUSINESS PARK WETLANDS SPECIAL MANAGEMENT AREA
6 ESTABLISHED. The present and future state-owned land and water within the parcels described
7 in this section, are designated as the Business Park Wetlands Special Management Area. The
8 special management area is established to protect and preserve this land and water for its unique
9 and exceptional fishery and wildlife resources and habitat and recreational and scenic resource
10 values, and to designate it as a special purpose site in accordance with art. VIII, sec. 7, of the
11 Constitution of the State of Alaska. The state-owned land and water within the following parcels
12 is reserved from all uses incompatible with its primary function as a special management area,
13 except for utility easements, and is assigned to the department:

14 Township 13 North, Range 3 West, Seward Meridian

1 Section 31: N1/2SW1/4NW1/4 Parcel 25
 2 N1/2SE1/4NW1/4 Tract A Doubletree Center Subdivision
 3 N1/2S1/2NW1/4NW1/4 Parcel 28
 4 South 375 feet of Government Lot 1 except that portion included within
 5 the boundaries of the Pyhala Subdivision according to plat P - 197.

6 Sec. 41.21.520. INCOMPATIBLE USES. (a) The commissioner may designate by
 7 regulation incompatible uses for the state-owned land and water within the Business Park
 8 Wetlands Special Management Area in accordance with the requirements of AS 41.21.518 -
 9 41.21.522.

10 (b) In designating incompatible uses by regulation under (a) of this section, the
 11 commissioner shall consult with the public, the Business Park Wetlands Coalition, or any
 12 successor organization.

13 Sec. 41.21.522. ACQUISITIONS AUTHORIZED; EMINENT DOMAIN PROHIBITED.
 14 The commissioner may acquire by gift or purchase in the name of the state title to or interest in
 15 real property within the Business Park Wetlands Special Management Area. The state may not
 16 acquire by eminent domain privately owned land for inclusion in the Business Park Wetlands
 17 Special Management Area.

18 * Sec. 2. ACQUISITION BY AGREEMENT. The commissioner of natural resources may enter
 19 into agreements with the Business Park Wetlands Coalition or any successor organization regarding the
 20 maintenance of the land described in AS 41.21.518, as added by sec. 1 of this Act. Notwithstanding
 21 AS 36, and AS 41.21.010 - 41.21.040, in the agreement the commissioner may provide that the Business
 22 Park Wetlands Coalition or any successor organization may be responsible for maintaining the Business
 23 Park Wetlands Special Management Area as directed by the commissioner.

24 * Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

25 * Sec. 4. Section 1 of this Act takes effect when (1) the initial agreement is reached under sec.
 26 2 of this Act between the commissioner of natural resources and the Business Park Wetlands Coalition
 27 concerning the maintenance of the state land and water as described in AS 41.21.518; and (2) the state
 28 has taken title to any land and water described within AS 41.21.518. The commissioner of natural
 29 resources shall give notice of the date on which the conditions of this section are met to the lieutenant
 30 governor and the revisor of statutes.

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. Box V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

M E M O R A N D U M

TO: Members of the House Finance Committee
FROM: Representative Max Gruenberg *Max*
DATE: March 4, 1992
RE: Support for HB 508, "The Business Park
Wetlands Bill"

I would very much appreciate your support for HB 508.

HB 508 creates the the Business Park Wetlands Special Use Area (approximately 30 acres). The Business Park Wetlands are an incredibly productive nesting area for waterfowl in central Anchorage. Funds for the purchase of the property inside the Business Park Wetlands have been donated by groups such as Ducks Unlimited and Exxon Corporation.

HB 508 is somewhat similar to HB 200, which the governor vetoed last summer. However, it contains improvements worked out with the governors office, the Municipality of Anchorage, and the Business Park Wetlands Coalition. We have been informed that this new concept has the support of all of these interests.

If you have any questions or comments please contact my legislative assistant, Mark Handley at 465-4968.

Thank you very much.

Enclosures.

HB508.SUP\MTH

STATE OF ALASKA

ALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FACSIMILE: (907) 586-2754

February 26, 1992

The Honorable Cliff Davidson, Chair
House Resources Committee
State Capitol
Juneau, AK 99811-1182

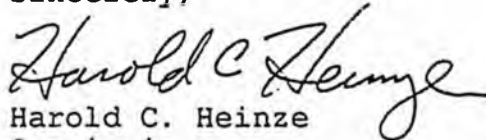
Dear Representative Davidson:

Subject: CSHB 508 (Res), establishing the Business Park Wetlands Special Management Area.

Position: The Department of Natural Resources does not object to receiving title to this special area, as long as the land is free of hazardous waste and the agreement referred to in Section 2 of the bill assures that all management, development, and operating expenses for the site will be borne by a private sector organization. Should that organization terminate the agreement, the state would not have the funds to actively manage the area and needs the flexibility to close it until another organization assumes responsibility.

Background: The mid-town Anchorage area to be included in the Business Park Wetlands Special Management Area currently contains no state-owned land. The Municipality of Anchorage is willing to donate land it owns in the area to the state (approximately 5 acres), and the Business Park Wetlands Coalition is willing to purchase other acreage at the site and donate that land to the state. The Coalition is also willing to maintain and manage the area at no cost to the state.

Sincerely,



Harold C. Heinze
Commissioner

cc: Committee Members
Representative Gruenberg
Representative Ellis
Representative Donley
Paul Fuhs, Legislative Liaison, Office of the Governor
Ron Swanson, Division of Land

HB508

**WAIVED BY
SFC 5-11-92**

7-LS2048P

CS FOR HOUSE BILL NO. 508 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/13/92
Referred: Rules

Sponsor(s): REPRESENTATIVES GRUENBERG, Ellis, Donley, Leman

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the establishment of the Business Park Wetlands Special Management
2 Area; and providing for an effective date."

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

4 * Section 1. AS 41.21 is amended by adding new sections to read:

5 Sec. 41.21.518. BUSINESS PARK WETLANDS SPECIAL MANAGEMENT AREA
6 ESTABLISHED. The present and future state-owned land and water within the parcels described
7 in this section, are designated as the Business Park Wetlands Special Management Area. The
8 special management area is established to protect and preserve this land and water for its unique
9 and exceptional fishery and wildlife resources and habitat and recreational and scenic resource
10 values, and to designate it as a special purpose site in accordance with art. VIII, sec. 7, of the
11 Constitution of the State of Alaska. The state-owned land and water within the following parcels
12 is reserved from all uses incompatible with its primary function as a special management area,
13 except for utility easements, and is assigned to the department:

14 Township 13 North, Range 3 West, Seward Meridian

1 Section 31: N1/2SW NW1/4 Parcel 2
2 N1/2SE1/4NW1/4 Tract A Doubletree Center Subdivision
3 N1/2SE1/2NW1/4NW1/4 Parcel 28
4 South 77 feet of Government Lot 1 except that portion included within
5 the boundaries of the Pyhala Subdivision according to plat P - 197.

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7 regulation incompatible uses for the state-owned land and water within the Business Park
8 Wetlands Special Management Area in accordance with the requirements of AS 41.21.518 -
9 41.21.522.

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11 commissioner shall consult with the public, the Business Park Wetlands Coalition, or any
12 successor organization.

13 Sec. 41.21.522. ACQUISITIONS AUTHORIZED; EMINENT DOMAIN PROHIBITED.
14 The commissioner may acquire by gift or purchase in the name of the state title to or interest in
15 real property within the Business Park Wetlands Special Management Area. The state may not
16 acquire by eminent domain privately owned land for inclusion in the Business Park Wetlands
17 Special Management Area.

18 * Sec. 2. ACQUISITION BY AGREEMENT. The commissioner of natural resources may enter into
19 agreements with the Business Park Wetlands Coalition or any successor organization regarding the
20 maintenance of the land described in AS 41.21.518, as added by sec. 1 of this Act. Notwithstanding
21 AS 36, and AS 41.21.010 - 41.21.040, in the agreement the commissioner may provide that the Business
22 Park Wetlands Coalition or any successor organization may be responsible for maintaining the Business
23 Park Wetlands Special Management Area as directed by the commissioner.

24 * Sec. 3. Section 2 of this Act takes effect immediately under AS 01.10.070(c).

25 * Sec. 4. Section 1 of this Act takes effect when (1) the initial agreement is reached under sec. 2 of
26 this Act between the commissioner of natural resources and the Business Park Wetlands Coalition
27 concerning the maintenance of the state land and water as described in AS 41.21.518; and (2) the state
28 has taken title to any land and water described within AS 41.21.518. The commissioner of natural
29 resources shall give notice of the date on which the conditions of this section are met to the lieutenant
30 governor and the revisor of statutes.

HB510

(13)

Date Referred: March 25, 1992

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 4/15/92

The FINANCE Committee considered:

HB 510

HOUSE BILL NO. 510

PROTECT ELDERLY AND DISABLED ADULTS

"An Act relating to criminal offenses and penalties for offenses involving disabled or elderly adults."

RECOMMENDATIONS:

be replaced with CS HB 510 (JUD) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact CORRECTIONS

fiscal note(s) Admin 3/25/92

zero fiscal note DCEB

zero fiscal note(s) Admin 3/25/92 DPS 3/25/92 LAW 3/25/92 DHS 3/6/92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Eileen P. McInerney</i> McInerney	<input checked="" type="checkbox"/>	<i>Shay</i> Shay		<input checked="" type="checkbox"/>	
<i>Mark Boyer</i> Boyer	<input checked="" type="checkbox"/>	<i>Phillips</i> Phillips		<input checked="" type="checkbox"/>	
<i>Tay Brown</i> Brown	<input checked="" type="checkbox"/>				
<i>Koponen</i> Koponen	<input checked="" type="checkbox"/>				
<i>Barnes</i> Barnes	<input type="checkbox"/>				
<i>Arnold J. Larson</i> Larson	<input type="checkbox"/>				
<i>W. W. W. W.</i> W. W. W.	<input type="checkbox"/>				
<i>Mike Navarre</i> Navarre	<input checked="" type="checkbox"/>				
<i>Jacko</i> Jacko	<input checked="" type="checkbox"/>				

Navarre Navarre *McInerney* McInerney

FISCAL NOTE

NO. 3
 F Version: CSHB 510(JUD)
 (H) Publish Date: 3-25-92

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Public Safety
 Title: "An act relating to criminal offenses involving disabled or elderly" BRU: Alaska State Troopers
 Sponsor: Representative Mackie Component: Detachments
 Requestor: Representative Mackie COMPONENT SERIAL NO.

7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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-
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REVENUE						
FUND SOURCE:	-0-	-0-	-0-	-0-	-0-	-0-

UNDING: (Thousands of Dollars)

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

POSITIONS:

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

estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)
 No fiscal impact is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 2/24/92
 Approved by Commissioner: James A. Houtler Richard L. Burton
 Agency: Department of Public Safety COMMITTEE COPY Date: 2/25/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. HB 510

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to criminal offenses and penalties for offenses involving disabled or elderly adults. BRU: Occupational Licensing
 Component: Administration
 Sponsor: Reps. Mackle, Ellis, Lincoln
 Requestor: Rep. Mackie COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

HB 510 adds a new section to the centralized licensing statutes (AS 08.01) to provide that a conviction under AS 47.24 by a person licensed, certified, or regulated may be considered by the department or board as grounds for disciplinary proceedings or sanctions. New funds are not required to implement this provision.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 02/25/92
 Approved by Commissioner: Glenn A. Olds Date: 2.26.92
 Agency: Commerce & Economic Development

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

NO. 4
Bill Version: CSHB 510 (JUD)
(H) Publish Date: 3-25-92

Revision Date: _____
Title: An Act relating to criminal offenses and penalties
or offenses involving disabled or elderly adults.
Sponsor: Mackie
Requestor: House Judiciary

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO.

0	0	4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

PITAL	0	0	0	0	0	0
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REVENUE BY SOURCE:	0	0	0	0	0	0
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EXPENDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
GENERAL FUNDS	0	0	0	0	0	0
OTHER BY SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNCTIONS:

NON-TIME	0	0	0	0	0	0
NON-TIME	0	0	0	0	0	0
ORDINARY	0	0	0	0	0	0

Net of current year impact: None

ATTACHMENTS: (Attach a separate page if necessary.)

by: Kevin Brooks, Director
Administrative Services

Phone: 465-2277
Date: March 19, 1992

by Commissioner: Nancy Bear Usera
Administration

Date: 3/17/92

Prepared by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

COMMITTEE COPY

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 3
Bill Version: CSHB 510(JUD)
(H) Publish Date: 3-25-92

Revision Date: March 19, 1992
Title: "...criminal offenses...involving disabled or elderly adults."
Sponsor: Representative Mackie
Requestor: Representative Mackie

Department Affected: Department of Law
BRU: Prosecution
Component: All

COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	****	****	****	****	****	****

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	****	****	****	****	****	****
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	****	****	****	****	****	****
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services
Approved by Commissioner: Richard I. Peques FOR
Agency: Department of Law

Phone: 465-3672
Date: March 19, 1992

Date: March 19, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS No 3

For Bill/Resolution No. CSHB 510 (DVD)

The HES Committee substitute corrected a drafting error in Section 7. Otherwise, the bill is unchanged. Our fiscal note analysis is therefore repeated below.

This bill amends various criminal statutes to increase the penalty for an offense, if the offense is committed against a disabled or elderly adult. The department's analysis follows below.

Section 1. This section amends AS 08.01 to provide that conviction of a person licensed or regulated by the Department of Commerce and Economic Development, for failure to report harm to an elderly person or failure to report physical or sexual assault of a disabled adult, may be considered as grounds for disciplinary proceedings or sanctions against a person who has a duty to make such a report. This section will not have a direct fiscal impact for the Department of Law, nor should there be any impact for the Division of Occupational Licensing, because failure to report occurs rarely.

Section 2. This section amends AS 11.41.200(a) to include recklessly causing serious physical injury to a disabled or elderly adult within the crime of assault in the first degree. Because recklessly causing serious physical injury is currently assault in the second degree, this section will have the effect of raising the penalty for this conduct from a class B felony to a class A felony, if the victim is a disabled or elderly adult.

We cannot determine a fiscal impact for this section because the state does not keep records by the age of the victim, except for minors. Each year there are between 300 and 400 felony assaults referred for prosecution. However, we do not know how many of these assaults are committed against disabled or elderly adults. Increasing the penalty for this crime could cause some additional cost for the department because of the difficulty of proving that the defendant knew that the victim was a disabled or elderly adult.

Section 3. This section amends AS 11.41.210(a) to include recklessly causing physical injury to a disabled or elderly adult within the crime of assault in the second degree. Because recklessly causing physical injury is currently assault in the fourth degree, this section will have the effect of raising the penalty for this conduct from a class A misdemeanor to a class B felony, if the victim is a disabled or elderly adult.

Here again, we cannot determine a fiscal impact due to the lack of information about the age or mental disability of adult victims. It does appear likely, however, that some substantial impact will occur if what is currently a misdemeanor offense is raised to a felony offense. This is because full range felony prosecution includes the grand jury and indictment process, pretrial

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 510 (JUD)

motion practice and, in view of the increased severity of the charge, a much more vigorous defense. We would also have to prove that the defendant knew that the victim was a disabled or elderly adult. Currently, about 3,000 misdemeanor assaults are reported under state law each year.

Section 4. This section amends AS 11.41.220(a) to include placing a disabled or elderly adult in fear of imminent physical injury by words or other conduct within the crime of assault in the third degree. This amendment will have the effect of raising the penalty for conduct currently classified as a class A misdemeanor to a class C felony if the victim is a disabled or elderly adult. The department's comments on the impact for Section 3 apply to this section, as well.

Section 5. This section amends AS 11.46.120(a) to provide that a person commits theft in the first degree if the victim of the theft is a disabled or elderly adult. Normally, the value of the property or services must be \$25,000 or more before the criminal conduct reaches theft in the first degree. Consequently, this section will have the effect of making theft with a value in any amount a class B felony, if the victim is a disabled or elderly adult. The department handles 1,000 misdemeanor thefts and 200 class C felony thefts annually.

For the reasons discussed above, we cannot determine what number of misdemeanors, or lesser degree felonies, would be required to be handled as class B felonies if this section is approved. However, some fiscal impact will occur if there is a substantial number of new felonies.

Section 6. This section defines a "disabled or elderly adult" to mean a person 18 years of age or older who has a physical or mental disability, or physical or mental impairment, as defined in AS 18.80.300, or a person 65 years of age or older.

Section 7. This section provides that a person who fails to report suspected harm to an elderly person, as required by AS 47.24.010, is guilty of a class B misdemeanor. The section also provides that the court shall notify a licensing entity when a person who is a member of a profession or occupation regulated by the state is convicted for failure to report. Failure to report is very rare. Consequently, this section should not have a fiscal impact.

Section 8. This section provides that the court shall notify the licensing entity when a person regulated by the state is convicted for knowingly failing or refusing to report suspected physical or sexual assault of disabled adults. Failure to report is rare, and a fiscal impact is not anticipated.

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

No. 2
Bill Version: CSHB 510(JUD)
(H) Publish Date: 3-25-92

Revision Date: _____
Title: "An Act relating to criminal offenses and penalties
for offenses involving disabled or elderly adults."
Sponsor: Mackie
Requestor: _____

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING

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

REVENUE FUND SOURCE:
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FUNDING: (Thousands of Dollars)

GENERAL FUND
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	.	.	.	.	.	.

POSITIONS:

FULL-TIME	.	.	.	.	.	.
PART-TIME						
TEMPORARY	.	.	.	.	.	.

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

(See attached)

Prepared by: John Salemi, Public Defender
Agency: Public Defender Agency

Phone: 279-7541
Date: March 9, 1992

Approved by Commissioner: Nancy Bear Usura *NBCU*
Agency: Administration

Date: 3/17/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 2
BILL NO. CSHB 510 (JUD)

ANALYSIS: (continued)

The fiscal impact that will result from treating disabled and elderly adults as a special class of victim is impossible to quantify. However, it is clear that by increasing the seriousness of the penalties (in some cases requiring mandatory jail time) and also increasing the seriousness of the crime (making crimes that formerly were misdemeanors felonies with rights to grant jury and 12-person juries) defense costs will increase as well.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 510 (JUD)

Revision Date: 4/13/92 Department Affected: Corrections
 Title: ...adding an aggravating factor at sentencing... BRU: Statewide Operations
 Component: Various
 Sponsor: Rep. Mackie
 Requestor: House Finance COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	43.9	43.9	43.9	87.8	109.8
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	43.9	43.9	43.9	87.8	109.8
CAPITAL	0	0	0	0	0	0

REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	43.9	43.9	43.9	87.8	109.8
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0				
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached fiscal analysis.

Prepared By: *Diane Schenker* Phone: 465-3376
 Division: _____ Date: 4/13/92
 Approved by Commissioner: Lloyd Hames
 Agency: Department of Corrections Date: 4/13/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Off., & Impacted Agency(ies).

CONTINUATION OF FISCAL ANALYSIS

BILL: CSHB 510 (JUD): An Act adding as an aggravating factor at sentencing that a victim was elderly or disabled; and relating to failure to report harm or assaults of the elderly or disabled.

The bill would add an aggravator to be considered at sentencing if the victim of an offense was 65 years or older or had a physical or mental disability that substantially limited one or more life activities. This change will impact the Department by increasing total incarceration length in certain cases, discussed below.

A person who, in the performance of their professional duties, has reasonable cause to believe that an elderly person has suffered harm, and who knowingly fails to comply with reporting requirements outlined in AS 47.24.010, would be guilty of a class B misdemeanor. Such failure is a violation under current law. This change is not anticipated to impact the Department due to the assumption of infrequency of the offense and the assumption that imprisonment would be unlikely upon conviction.

Crimes affected by the additional aggravator include: class A felonies, second or third class B and C felonies, and Sexual Assault I and Sexual Abuse of a Minor I. The sentence lengths could be increased to the maximum terms of imprisonment based on the finding of aggravator(s). Deducting one third of the sentence for statutory good time, the actual length of imprisonment mandated for each of these categories, without aggravators, is as follows:

Class A felony:	40 months
(second offense)	80 months
(third offense)	120 months

AVERAGE = 80 MONTHS

Class B felony:	
(second offense)	32 months
(third offense)	48 months

AVERAGE = 40 MONTHS

Class C felony:	
(second offense)	16 months
(third offense)	24 months

AVERAGE = 20 MONTHS

Sexual Assault I	64 months
SAM I	64 months

CONTINUATION OF FISCAL ANALYSIS--CSHB 510 (JUD)

Data was available in the Department of Corrections' 1991 Annual Report to indicate the total number of admissions in 1991 for the following offenses impacted by these sentencing guidelines: Manslaughter; Assault I, II, and III; Theft I and II; Burglary I and II; Robbery I and II; Sexual Assault I; and Sexual Abuse of a Minor I. These offense categories were broken down into class A, B, and C felonies, as well as the sexual crimes categories. Since data is not available to indicate whether a conviction was the first, second, or third, the average term of imprisonment for each category is used. Since class B and C felonies are subject to the presumptive terms (and aggravators/mitigators) only for second and third offenses, the total number of admissions for these categories was halved, on the assumption that half of the admissions were first-time offenders not subject to these sentencing terms.

The Alaska State Data Center reports that 4.1% of the total population of the state age 65 or over. The Department does not have data available with regard to the percentage of the state's population meeting the criteria for "disabled" in the bill. Therefore, it is assumed that the total percentage of the population which is 65 or older or is disabled is approximately 5%. If data becomes available indicating a higher or lower percentage of disabled, the fiscal impact will be recalculated. Assuming that 5% of the total population meets the definition of the bill's aggravating factor, it is also assumed that 5% of the victims of crimes would also meet the definition.

Assuming only 5% of the convictions would involve victims addressed by the bill's aggravator, the following numbers of convictions are assumed each year, based on 1991 rates:

Class A felonies:	5% of	65	=	2
Class B felonies:	5% of	72	=	4
Class C felonies:	5% of	150	=	8
Sexual Assault I:	5% of	38	=	2
S&M I	:	1% of	26	= 0*

* Since the nature of the crime precludes the victim being age 65 or older, the 1% disabled estimate is used for this offense.

Data is not available to indicate the actual increase in the term of imprisonment which would occur if the aggravator regarding age or disability were present. Therefore, it is assumed that the aggravator would result in an average increase of 20% of the non-aggravated term of imprisonment. If data becomes available to suggest that the aggravator would result in more or less of an adjustment, the fiscal impact will be recalculated.

CONTINUATION OF FISCAL ANALYSIS--CSHB 510 (JUD)

Based on these assumptions, the fiscal impact on the Department is estimated as follows:

FY93: No impact. Those sentenced in FY93 would receive sentences of over 12 months regardless of the aggravator.

FY94: If, in FY93, 8 class C felonies were increased from 20 months of incarceration to 24 months of incarceration due to the aggravator, 8 felons would require four months, or 122 days, of additional incarceration in FY94. Assuming the additional time could be served in a community residential center at an average statewide cost of about \$45/day, the additional cost would be:

$$8 \times 122 \times \$45 = \$43,920.00.$$

FY95: 8 Class C felons sentenced in FY94 would result in another \$43,920.00.

FY96: 8 Class C felons sentenced in FY95 would result in another \$43,920.00.

FY97: 8 Class C felons sentenced in FY96 would result in another \$43,920.00.

4 Class B felons sentenced in FY93 would have had their sentences increased from 40 to 48 months of incarceration. This would result in 8 additional months, or 244 additional days of incarceration each, during FY97.

$$\begin{array}{r} 4 \times 244 \times \$45 = 43,920.00 \\ + 43,920.00 \\ \hline \text{TOTAL} \quad \$ 87,840.00 \end{array}$$

FY98: 8 Class C felons sentenced in FY97 would result in another \$43,920.00.

4 Class B felons sentenced in FY94 would result in another \$43,920.00.

2 felons convicted of Sexual Assault I, in FY93, would have had their sentences increased from 64 months to 87 months. Instead of being released during the fourth month of FY98, they would remain incarcerated for the remainder of the year, resulting in an additional eight months, or

CONTINUATION OF FISCAL ANALYSIS--CSHR 520 (JUD)

244 days each. If these or other offenders could be diverted to community residential center beds for these extra days, the impact would be:

	2 X 244 X \$45 =	\$21,960.00
		+43,920.00
		<u>+43,920.00</u>
TOTAL		\$109,800.00

FISCAL NOTE

No. _____
 Bill Version: CSHB 510(JUD)
 (H) Publish Date: _____

STATE OF ALASKA
 1992 LEGISLATIVE SESSION

Revision Date February 18, 1992 Dept. Affected Health and Social Service
 Title: "An Act relating to criminal offenses and penalties for offenses involving disabled or elderly adults." BRU: Division of Family and Youth Services
 Sponsor: Representative Mackie Component: SERO, SCRO, NRO
 Requestor: House HESS Committee COMPONENT SERIAL NO. 0254, 0255, 0258

Expenditures/Revenues

(Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
OPERATING						
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING:

(Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

	FY93	FY94	FY95	FY96	FY97	FY98
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: NONE

ANALYSIS: (Attach a separate page if necessary)

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. Ten years after Alaska's law was passed, the Department still is not adequately funded for this mandate. There is concern over raising the penalty when mandated professionals fail to report abuse and neglect to elderly persons to the Department as the existing response system is inadequate. This bill, however, if passed, would not directly create an additional workload on the Department.

Prepared by: Brian Saylor, Deputy Commissioner *B Saylor*
 Division: Division of Family and Youth Services

Phone: 465-3030
 Date: March 4, 1992

Approved by Commissioner: Theodore A. Mala, MD, MPH *T. Mala*
 Agency: Department of Health and Social Services

Date: 4-3-92

Distribution (by preparer):

Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

CS FOR HOUSE BILL NO. 510 (JUDICIARY)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/25/92
 Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Ellis, Lincoln, Larson, Gonzales

A BILL

FOR AN ACT ENTITLED

1 "An Act adding as an aggravating factor at sentencing that a victim was elderly or
 2 disabled; and relating to failure to report harm or assaults of the elderly or disabled."

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

4 * Section 1. AS 08.01 is amended by adding a new section to read:

5 Sec. 08.01.088. CONVICTION AS GROUNDS FOR DISCIPLINARY ACTION.
 6 Notwithstanding any other provision of this title, the conviction under AS 47.24.010 or 47.24.110
 7 of a person licensed, certified, or regulated by the department or a board under this title may be
 8 considered by the department or board as grounds for disciplinary proceedings or sanctions.

9 * Sec. 2. AS 12.55.155(c) is amended by adding a new paragraph to read:

10 (29) the victim of the offense is 65 years of age or older or has a physical or
 11 mental disability that substantially limits one or more major life activities.

12 * Sec. 3. AS 47.24.010(c) is amended to read:

13 (c) A person who knowingly fails to comply with this section is guilty of a class B
 14 misdemeanor. If a person convicted under this section is a member of a profession or

1 occupation that is licensed, certified, or regulated by the state, the court shall notify the
2 licensing, certifying, or regulating entity of the conviction [VIOLATION AS DEFINED IN
3 AS 11.81.900(b)].

4 * Sec. 4. AS 47.24.110(b) is amended to read:

5 (b) A person who knowingly fails or refuses to make a report required under (a) of this
6 section is guilty of a class B misdemeanor. If a person convicted under this section is a
7 member of a profession or occupation that is licensed, certified, or regulated by the state.
8 the court shall notify the licensing, certifying, or regulating entity of the conviction.

HB 510: "An Act relating to criminal offenses and penalties for offenses involving disabled or elderly adults."

HB 510 gives authority to the appropriate board or the department where no board exists for disciplinary actions against the license or certification of a person under Title 8, for conviction under AS 47.24.010 or 47.24.110.

It instructs the court to notify the department of a conviction which assures it coming to our attention. By allowing the conviction to serve as prima facie evidence that the alleged act was committed, much time and funds will be saved in bringing an action against the license.

We believe this may be a deterrent to a licensed or certified professional who counts on being able to pay a fine but keep on practicing without a blemish in his or her licensing file.

It is our understanding that many of these cases are settled out-of-court with Health and Social Services being the mediator. Therefore, we would recommend that Health and Social Services be included with the court to notify the department when they make a "substantiation of a report of harm." Health and Social Services should be protected from a complaint of invasion of privacy, etc., by the person who is the subject of the report to the department.

The department supports passage of HB 510.

Glenn A. Olds
Glenn A. Olds, Commissioner

Date: 2.16.92

S P O N S O R S T A T E M E N T

CS HB 510 (Jud), "An Act adding as an aggravating factor at sentencing that a victim was elderly or disabled; and relating to failure to report harm or assaults of the elderly or disabled."

There are a number of things occurring in Alaska that make it critical for the legislature to discuss the subject of abuse, exploitation and crimes against elderly and disabled adults.

The 65+ age group increased by 93.7% in Alaska in the last decade. Mat-Su increased by 155% and Haines by 133% in this same category.

HB 510 will make the conviction of failure to report abuse under AS 47.24, the Elder Abuse Reporting law, grounds for disciplinary action if the person convicted is licensed under AS 08.

A person, who is a member of the 20 professions listed in the Elder Abuse law, who knowingly fails to report that an elderly or disabled adult has suffered harm will be guilty of a Class B misdemeanor and the courts will be required to notify the licensing entity. Under present law violation of the duty to report is only punishable by a non-criminal violation.

Similarly, if a person, listed in AS 47.24 is convicted of failing to report that a disabled or elderly adult has been physically or sexually assaulted, the court making the finding shall report the conviction to the licensing entity.

The proposed Judiciary Committee CS for HB 510 will also add a new aggravator under factors in aggravation and mitigation. If a person is convicted of an offense and is subject to sentencing under certain sections of AS 12.55.125 then the presumptive terms of sentencing may be increased or decreased depending on the factors in aggravation. CSHB 510 will add a new factor to be considered under sentencing; whether the victim is 65 years of age or older or has a physical or mental disability or impairment as defined in the bill.

Sponsor Statement
Judiciary CS for HB 510
April 13, 1992

AS 18.80.300 (12)a defines this impairment as one that substantially limits one or more of life's major activities. This means that the impairment must be severe, not cosmetic or merely a medical condition such as a digestive, endocrinary or urologic problem as might be included in other sections defining disabilities and impairments.

The Judiciary CS for HB 510 is intended to provide a much broader net than that proposed in the original bill. It is my hope as sponsor to now catch in this criminal net those hoods committing strong arm robberies against vulnerable adults targeting them for social security and longevity bonus payments and their permanent fund dividends.

I firmly believe that our present statutory framework does not provide a sufficient deterrent to these types of crimes. A similar aggravator, AS 12.55.155 (c)(5) is aimed at defendants who knew their victim was particularly vulnerable. The current aggravator provides only a subjective test; did the defendant know that the victim was vulnerable? HB 510 will add the objective test, it will not require an evaluation of what the defendant was thinking. The objective test will provide a much higher standard and combined, the two aggravators will provide more absolute protections.

Legal Counsel to House Judiciary worked closely with the Department of Law to refine these provisions. These enhanced penalties for crimes against the elderly are critically needed in the face of an adult protective services system sorely in need of an overhaul; phenomenal rates of growth in the 65 and older age category and the inability to track the incidence of crimes against these vulnerable persons.

Elderly and handicapped persons are more vulnerable and disproportionately damaged by crime - because they are less able to escape offenders and tend to suffer the greatest relative deprivation as a result of crimes against them. The elderly and disabled are also more susceptible to long-term adverse effects of crimes because they are less able to recover from the impact of physical, emotional and financial abuse.

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

February 26, 1992

Mr. David L. Olerud
P. O. Box 1069
4th and Main Street
Haines, Alaska 99827

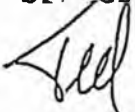
Dear Mr. Olerud:

Thank you for your recent letter regarding your concern on behalf of an elderly citizen of Haines. I appreciate your taking the time to inform me of her financial, physical and mental abuse from a caregiver and am relieved to learn that you and others have worked to improve the situation.

The legislation you mention has been introduced by Representative Mackie. Indeed it responds both to the situation you describe and to other similar cases of abuse by caregivers. In concept the Department is very supportive of the bills. I am informed that Pat O'Brien, Adult Protective Services coordinator, in the Division of Family and Youth Services has been working closely with Representative Mackie's staff. She is also reviewing the two bills, HB 510 and HB 511 with key staff from other affected divisions to ensure that the legislation appropriately addresses the issues.

Again, thank you for your concern. I will watch the progress on these bills with interest.

Sincerely,



Theodore A. Mala, MD, MPH
Commissioner

cc: Brian Saylor, PhD, MPH
Acting Director
Division of Family
and Youth Services
Representative Jerry Mackie

P. O. Box 1069
Haines, AK 99827

May 9, 1991

State Representative Johnny Ellis
Seventeenth Alaska State Legislature
Interdepartmental Mail Stop
P. O. Box V
Juneau, AK 99811

Dear Representative Ellis:

This letter is in regard to the subject of protection for the elderly population of Alaska, and also in response to my telephone conversation with Vickie. I wholeheartedly feel that we can and must provide a blanket of protection to our elderly and those who are incapacitated in any way. These objectives could best be met by placing into law the following:

1. Those persons providing either public or private care/services to the elderly or otherwise incapacitated people, would be denied the following perogatives:
 - a) Caregivers could not assume or be placed under any powers of attorney, last wills or testaments, or joint bank accounts.
2. Responsibility should be placed upon those who provide outside physical, mental, or material services. A degree of responsibility must be constantly maintained so that any physical neglect or mental abuse must be reported to the proper authorities. In other words, the elderly and disadvantaged should also be allowed the same lawful protection currently given to young people in relationship to child abuse.

Page Two

Recent personal experiences which I related in my earlier letter to State Representative J. Mackie (copy enclosed) have led me to believe that the state of Alaska has allowed a tremendous void to take place in relation to this particular grouping of people. The sad part is that each of us could undoubtedly have a high percentage chance of being in this same situation, and thus state mandated protection is extremely necessary.

With your abilities and dedication, I know that this problem can be corrected. If I can assist in way, I would be more than honored to do so.

Thank you for your time and effort.

Sincerely,



David E. Olerud

/lao
Enclosure

✓ cc: State Representative Jerry Mackie (w/o encl.)

P. O. Box 1069
Haines, AK 99827

State Representative Jerry Mackie
Seventeenth Alaska State Legislature
Interdepartmental Mail Stop 3100
P. O. Box V
Juneau, AK 99811

Dear Representative Mackie:

In response to our telephone conversation today, I wish to recap in writing the subject of our discussion, which I feel should be very closely evaluated.

In the last few months, I've received an educational experience pertaining to personal and legal problems confronting an elderly lady with whom my wife and I have been close friends for almost 30 years. And, it occurs to me that this situation is undoubtedly representative of similar occurrences elsewhere.

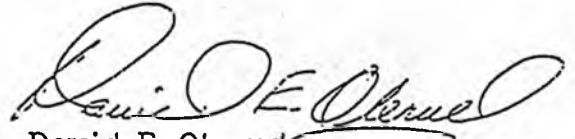
This particular individual is suffering from advanced stages of Parkinson's disease. In her prime she was extremely sharp, and quite possibly one of the most dynamic and mentally alert persons in our community, at which time she took great pains to organize the necessary papers, etc., that would oversee her desires upon her death. We now find her to be maybe one-hundredth of her mental capabilities, but most unfortunately, we are seeing tremendous stress being placed on her in relation to the wealth that she accumulated during her lifetime. The situation is a prime example of how older or otherwise incapacitated people can become very susceptible to outside mental control. One of the ways I believe we can protect these people, and give greater security with less pressure later on in life, is legislation that mandates those who provide care or services for innumeration in any way, be barred from holding power of attorney, participation in wills, or even joint-bank accounts. I very strongly believe that a third party outside of those who provide personal services, should act as a buffer to prevent mental intimidation and transfer of wealth.

Page Two

I will look favorably upon any legislation that will protect these people who are so vulnerable. I realize your time is in great demand, and I very much appreciate your phone call and interest.

Thank you, and if I can be of any assistance, it would be my pleasure.

Sincerely yours,



David E. Olerud

March 25, 1991



TANANA CHIEFS CONFERENCE, INC.

Tok Subregional Office
P.O. Box 126
Tok, Alaska 99780
(907) 883-5181

March 16, 1992

Representative Dave Donley
Chair - House Judiciary Committee
Alaska State Legislature
State Capital
Juneau, Alaska 99811

Dear Representative Donley:

Tanana Chiefs Conference, Tok Subregional Office of the Upper Tanana Area is in full support of HB 510 "An Act Relating to Criminal Offenses Involving Disabled or Elderly Adults," and HB 511 "An Act Relating to Public Home Care Providers."

Tanana Chiefs Conference, Tok Subregion have been concerned for the welfare of our frail, elderly people. We are aware that sometimes, unfortunately, relatives and care providers take advantage of our elderly. Our Elders, often times neglect to report these offences.

House Bills 510 and 511 will provide protection for the elderly and disabled by increasing penalties for abuse of and theft from them; and by strengthening penalties for failing to report crimes against the elderly and disabled.

The members of our elderly will continue to rise in the future, the potential for abuse/crimes against them will continue to increase also.

We encourage the House Judiciary Committee to recommend passage of HB 510 and 511.

Thank you.

Sincerely,

Rose Isaac/RS

Rose Isaac
Subregional Director

RI:rs

cc: Tok Subregional Villages
Robert Silas
Representative Jerry Mackie

AVCP

Association of Village Council Presidents
P.O. Box 219 • Bethel, Alaska 99559 • Phone 543-3521

March 13, 1992

Dave Donley, Chairman
House Judiciary Committee
State Capitol
Juneau, Alaska 99801-1182

RE: HB 510 and HB 511

The Association of Village Council Presidents is interested in the quality of life for our elders. House Bill 510 and House Bill 511 are of particular interest to us, in it the bills will enhance much needed protection for the elderly and disabled. And it will mandate harsher penalties for crimes committed against them.

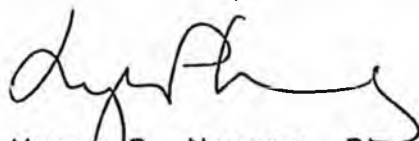
In this area we value the wisdom and the direction the elders give us. Crimes against the elderly and disabled cannot be tolerated, as well as the failure to report such abuse.

We hope that HB 510 and HB 511 introduced by Representative Mackie, Representative Ellis and Representative Lincoln will be passed into law.

House Bills 510 and 511 have our full support.

Sincerely,

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
Willie Kasayulie, Chairman



Myron P. Naneng, President

PLEASE MICROFILM TOP PAGE ONLY

HB510

SENATE FINANCE COMMITTEE REPORT

DATE: 5/10/92

FURTHER:

DATE TURNED
INTO OFFICE. _____

The Finance Committee considered

CS FOR HOUSE BILL NO. 510 (JUDICIARY)

"An Act adding as an aggravating factor at sentencing that a victim was elderly or disabled; and relating to failure to report harm or assaults of the elderly or disabled."

and recommends:

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

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

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

DIED

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

DO PASS:

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

CS FOR HOUSE BILL NO. 510 (JUDICIARY)
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/25/92
 Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Ellis, Lincoln, Larson, Gonzales, Donley, Leman

A BILL

FOR AN ACT ENTITLED

1 "An Act adding as an aggravating factor at sentencing that a victim was elderly or
 2 disabled; and relating to failure to report harm or assaults of the elderly or disabled."

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

4 * Section 1. AS 08.01 is amended by adding a new section to read:

5 Sec. 08.01.088. CONVICTION AS GROUNDS FOR DISCIPLINARY ACTION.
 6 Notwithstanding any other provision of this title, the conviction under AS 47.24.010 or 47.24.110
 7 of a person licensed, certified, or regulated by the department or a board under this title may be
 8 considered by the department or board as grounds for disciplinary proceedings or sanctions.

9 * Sec. 2. AS 12.55.155(c) is amended by adding a new paragraph to read:

10 (29) the victim of the offense is 65 years of age or older or has a physical or
 11 mental disability that substantially limits one or more major life activities.

12 * Sec. 3. AS 47.24.010(c) is amended to read:

13 (c) A person who knowingly fails to comply with this section is guilty of a class B
 14 misdemeanor. If a person convicted under this section is a member of a profession or

1 occupation that is licensed, certified, or regulated by the state, the court shall notify the
2 licensing, certifying, or regulating entity of the conviction [VIOLATION AS DEFINED IN
3 AS 11.81.900(b)].

4 * Sec. 4. AS 47.24.110(b) is amended to read:

5 (b) A person who knowingly fails or refuses to make a report required under (a) of this
6 section is guilty of a class B misdemeanor. If a person convicted under this section is a
7 member of a profession or occupation that is licensed, certified, or regulated by the state.
8 the court shall notify the licensing, certifying, or regulating entity of the conviction.

HB5 1 1

(11)

Date Referred: March 25, 1992

HOUSE COMMITTEE REPORT
FURTHER REFERRALS:

Date of Committee Action: 4/15/92

The FINANCE Committee considered:

HB 511

HOUSE BILL NO. 511

REGULATION OF HOME CARE PROVIDERS

"An Act relating to public home care providers; and providing for an effective date."

RECOMMENDATIONS:

be replaced with CS HB 511 (JLD) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DHSS

fiscal note(s) _____

zero fiscal note AK Court System

zero fiscal note(s) 3/25/92 3/19/92
DPS; LAW

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>Ed McLean</u> <u>McLean</u>	<input checked="" type="checkbox"/>	<u>Donna Harris</u> <u>BURNS</u>		<input checked="" type="checkbox"/>	
<u>Mary Boyer</u> <u>Boyer</u>	<input checked="" type="checkbox"/>	<u>Shirley Sharp</u> <u>Sharp</u>		<input checked="" type="checkbox"/>	
<u>Kay Brown</u> <u>Brown</u>	<input checked="" type="checkbox"/>	<u>Robert Phillips</u> <u>Phillips</u>		<input checked="" type="checkbox"/>	
<u>John Koponen</u> <u>Koponen</u>	<input checked="" type="checkbox"/>	<u>Paul Larson</u> <u>Larson</u>		<input checked="" type="checkbox"/>	
<u>John Umm</u> <u>Umm</u>	<input checked="" type="checkbox"/>	<u>George Jack</u> <u>JACK</u>		<input checked="" type="checkbox"/>	
<u>Mike Navarre</u> <u>NAVARRE</u>	<input checked="" type="checkbox"/>				

Mike Navarre NAVARRE Ed McLean McLean

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. CS HB 511 (JUD)

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to public home care BRU: Trial Courts
providers Components: _____
 Sponsor: Mackie
 Requestor: House HESS COMPONENT SERIAL NO. 000 | 000 | 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 254-8228
 Division: Alaska Court System Date: 03/02/92

Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System Date: 03/02/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Rev 1/92

Page 1 of

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 511 (IUD)

Revision Date: April 13, 1992
Title: "An Act relating to public home care providers..."
Sponsor: Representative Mackie
Requestor: House Finance

Department Affected: Department of Law
BRU: Legal Services
Component: Operations and Medicaid Provider
Fraud
COMPONENT SERIAL

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

93 and 1410

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Phone: 465-3672
Date: April 13, 1992

Date: April 13, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 511 (JUD)

Among other changes, the Judiciary Committee Substitute differs from the original version of Section 2 to require that the Department of Health and Social Services adopt regulations that address circumstances under which the department will, or will require a contractor or grantee to, reassign, suspend, or terminate a person alleged to have perpetrated harm. The section also requires that the regulations include appropriate safeguards to protect the due process rights of public home care providers who may be reassigned, suspended, or terminated under the foregoing provision. As it is currently written, the section implies that the Department of Health and Social Services has the power to directly reassign, suspend, or terminate employees of contractors or grantees. This is not the case, and we recommend that the section be modified to simply state that, "the department will require a contractor or grantee to reassign," etc.

None of the other changes require comment. Although we cannot predict a fiscal impact, we do note that the Department of Law would be called upon to represent the Department of Health and Social Services in any administrative proceedings that may arise from disputes taken under the regulations required in Section 2. We caution that the addition of new duties at a time when budgets and staff are being drastically reduced should be avoided. It is doubtful that the Department of Law, which faces the loss of several civil division attorneys in the House Finance budget plan, will be able to respond to any, but the most minor of disputes under this bill.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. ~~100~~: CSHB 511

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An act relating to Public Home Providers BRU: Division of Family and Youth Services
 Component: Central Office
 Sponsor: Reps. Mackie, Ellis, Lincoln, Larson, Gonzales, Jacko
 Requestor: Representative Mackie COMPONENT SERIAL NO. 0259

Expenditures/Revenues (Thousands of Dollars)

	FY93	FY94	FY95	FY96	FY97	FY98
OPERATING						
PERSONAL SERVICES	0.0					
TRAVEL	0.0					
CONTRACTUAL	20.0					
SUPPLIES	0.0					
EQUIPMENT	0.0					
LAND & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS	0.0					
TOTAL OPERATING	20.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	20.0					
FEDERAL FUNDS						
OTHER						
TOTAL	20.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1993. A contract will be obtained to draft, conduct public hearings, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes, and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Brian Saylor, Deputy Commissioner
 Division: Division of Family and Youth Services
 Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health and Social Services

Phone: 465-3030
 Date: March 17, 1992
 Date: 3/20/92

Distribution (by preparer):
 Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. ~~511~~: CSHB 511

Revision Date: _____ Dept. Affected Health and Social Services
 Title: An act relating to Public Home Providers BRU: Division of Family and Youth Services
 Component: Central Office
 Sponsor: Reps. Mackie, Ellis, Lincoln, Larson, Gonzales, Jacko
 Requestor: Representative Mackie COMPONENT SERIAL NO. 0259

Expenditures/Revenues (Thousands of Dollars)

OPERATING	FY93	FY94	FY95	FY96	FY97	FY98
PERSONAL SERVICES	0.0					
TRAVEL	0.0					
CONTRACTUAL	20.0					
SUPPLIES	0.0					
EQUIPMENT	0.0					
LAND & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS	0.0					
TOTAL OPERATING	20.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	20.0					
FEDERAL FUNDS						
OTHER						
TOTAL	20.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights and due process for such an individual. Section 9 requires that the regulations be adopted by March 15, 1993. A contract will be obtained to draft, conduct public hearings, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services staff manuals to implement the changes, and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill.

Prepared by: Brian Saylor, Deputy Commissioner
 Division: Division of Family and Youth Services

Phone: 465-3030
 Date: March 17, 1992

Approved by Commissioner: Theodore A. Mala, MD, MPH
 Agency: Department of Health and Social Services

Date: 3/20/92

Distribution (by preparer):

Legislative Finance OMB
 Legislative Sponsor Impacted Agency(ies)
 Requestor

CS FOR HOUSE BILL NO. 511 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/25/92
Referred: Finance

Sponsor(s): REPRESENTATIVES MACKIE, Ellis, Lincoln, Larson, Gonzales, Jacko

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to public home care providers; and providing for an effective date."

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

3 * Section 1. AS 13.26 is amended by adding a new section to article 5 to read:

4 Sec. 13.26.358. POWERS OF ATTORNEY HELD BY PUBLIC HOME CARE
5 PROVIDERS. (a) A public home care provider may not accept a designation as attorney-in-fact
6 or agent by general or special power of attorney for an individual to whom the provider furnishes
7 services unless the designation is held jointly with another individual who is not a public home
8 care provider.

9 (b) In this section, "public home care provider" has the meaning given in
10 AS 47.05.017(c).

11 * Sec. 2. AS 47.05 is amended by adding a new section to read:

12 Sec. 47.05.017. HOME CARE PROVIDERS. (a) State money may not be used for a
13 home care provider unless records under AS 12.62.035(a) are requested for the provider within
14 10 business days after the provider is hired to provide the care and are reviewed within five

1 business days after they are received. The department shall require the grantee or contractor to
2 do the records request and review required under this subsection for a home care provider
3 employed by a person who has a grant or contract from the department to provide home care
4 services.

5 (b) The department shall adopt regulations identifying actions that it will take, in addition
6 to those otherwise required under AS 47.17 and AS 47.24, when a report of harm is made under
7 AS 47.17 or AS 47.24 that might relate to harm caused by actions or inactions of a public home
8 care provider. The regulations must

9 (1) address circumstances under which the department will, or will require a
10 contractor or grantee to, reassign, suspend, or terminate a person alleged to have perpetrated
11 harm; and

12 (2) include appropriate procedural safeguards to protect the due process rights of
13 public home care providers who may be reassigned, suspended, or terminated under the
14 circumstances described in (1) of this subsection.

15 (c) In this section, "public home care provider" means a person who is paid by the state,
16 or by an entity that has contracted with the state or received a grant from state funds, to provide
17 homemaker services, chore services, personal care services, home health care services, or similar
18 services in or around a client's private residence or to provide respite care in either the client's
19 residence or the caregiver's residence or facility.

20 * Sec. 3. AS 47.10.230 is amended by adding a new subsection to read:

21 (h) The department may not pay for respite care, as defined in (d) of this section, unless
22 the department or the entity that has contracted with the department to provide the respite care
23 requests records under AS 12.62.035(a) for the individual who provides the respite care within
24 10 business days after the individual is hired to provide respite care and reviews the records
25 within five business days after receiving them.

26 * Sec. 4. AS 47.24.050(b) is amended to read:

27 (b) The department shall disclose a report of harm if the elderly person who is the
28 subject of the report consents in writing. The department shall, upon request, disclose the
29 number of verified reports of harm that occurred at an institution for care of the elderly or that
30 were the result of actions or inactions of a public home care provider.

31 * Sec. 5. AS 47.24.100 is amended by adding a new paragraph to read:

1 (13) "public home care provider" has the meaning given in AS 47.05.017(c).
2 * Sec. 6. AS 47.65.050 is amended by adding a new subsection to read:
3 (b) The commission may not make payments to a sponsor whose program includes
4 family respite care services or home care services unless the sponsor has agreed to request
5 records under AS 12.62.035(a) for the individual who will provide the services within 10 business
6 days after the individual is hired to provide the services and review the records within five
7 business days after receiving them.
8 * Sec. 7. AS 47.65.100 is amended by adding a new subsection to read:
9 (f) The commission may not award a grant under this section for family respite care
10 services or for adult day care services that include home care services unless the grantee has
11 agreed to request records under AS 12.62.035(a) for the individual who will provide the services
12 within 10 business days after the individual is hired to provide the services and review the
13 records within five business days after receiving them.
14 * Sec. 8. AS 47.65.290 is amended by adding a new paragraph to read:
15 (8) "home care services" means homemaker services, chore services, personal care
16 services, home health care services, or similar services in or around the residence of an older
17 Alaskan or of a frail older person or similarly disabled adult, as defined in AS 47.65.100.
18 * Sec. 9. REGULATIONS. The Department of Health and Social Services shall adopt the regulations
19 required under AS 47.05.017(b), enacted by sec. 2 of this Act, by March 15, 1993. By February 1,
20 1993, the department shall report to the legislature on the status of the regulations process.
21 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL 511

"An Act relating to public home care providers; and providing for an effective date."

This bill recognizes the intimate relationship between those needing help and those providing it. Alaska is fortunate to have so many caring and kind helpers. Almost all home care providers are moral people, but the demands and dynamics of the caregiving relationship often result in extraordinary temptations and dilemmas for the caregiver. This bill would set legal limits on the relationship and reduce risk to vulnerable populations through requiring protective action on reports of harm and through requiring criminal background checks on public home care providers. The Department of Health and Social Services supports this bill with amendments.

Applicability

The Department notes that this bill excludes private arrangements for care even if there are state funds involved. The Department supports the exclusion as practical.

Section 1

This section limits the relationship between a home provider and person requiring care by prohibiting public home care providers from accepting sole responsibility under a Power of Attorney. The Department believes this is an appropriate limitation. We are concerned with a potential problem that might occur when a home care provider has a friend or relative co-sign a power of attorney. Perhaps an additional clause such as "and who is not a relative of and has no previous association with the home care provider" could be added.

Sections 2 and 3

Sections 2 and 3 require the Department to notify the employer upon receiving a report of harm to either a child or to an elderly person, when the harm may have been caused by a public home care provider. The employer agency must immediately assign a new care provider to give the care. The assignment of a new care provider is critical to free concerned persons to report. Frequently individuals will not report for fear of retaliation and of losing the care upon which the elderly person or child depends. There are personality conflicts in the caring relationship, and not all reports will be founded, but removal and assignment of a new care provider when there are allegations of abuse or neglect is prudent state policy. The Department has had a similar requirement in its non-medical care facility regulations for more than 10 years. Investigation may move a concern from suspicion to evidence.

We suggest that an amendment be added to the effect that the employer must cooperate with department officials and may not hamper the investigation.

Sections 2 and 3 will potentially have significant impact on the Division of Family and Youth Services (DFYS). Depending on the nature of an allegation, the care provider employee may need to be removed from all caregiving situations until the investigation can be completed, and then the results of the investigation may have a negative effect on the future employment of the care provider. Since this is very similar to our previous experience in licensed facilities, we know that two elements are necessary in the DFYS response to the report of harm: first.

it must be timely; and second, DFYS must be prepared to participate in any employee appeal proceeding, if the finding results in dismissal of the employee.

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. Ten years after Alaska's law was passed, the Department still is not adequately funded for this mandate. We believe there will be few reports under this proposed statutory provisions, however, given inadequate numbers of existing staff, need for a timely investigative response and involvement in any employment appeals, the Department is concerned that investigative response will not be able to meet expectations.

Section 4

Section 4 is important in that it will require tracking the number of reports of harm by public home care providers. While we believe the number will be small, statewide computer information is critical to our better understanding of the nature of abuse and neglect.

Sections 5 and 11

The definition of a public home care provider in Section 5 should be amended to read....."in or around the client's [A PRIVATE] residence." This clarification will make the definition consistent with the definition in Sec.11 by clarifying that it applies to the residence of the person receiving the care. The amendment would further clarify that the definition does not broadly include the care given in private residences by licensed foster parents and licensed family child care providers. Foster care providers and family child care home providers not exempt from AS 47.35 are regulated through licensing. The committee should consider adding the term "respite" to the list of services in both Sections 5 and 11, to ensure inclusion.

Section 6

The Department supports Section 6 on disabled adults as consistent with other sections of the bill. As a practical matter DFYS, as the protective services agency, investigates some reports of harm to individuals included in AS 46.24 (Article 2) in coordination with law enforcement.

Sections 7, 8 and 12

The Department recommends deletion of all reference to Chapter 66, SLA 1991. Under the Weiss litigation in the Mental Health Trust lawsuit, there is an unstated understanding between the state and the attorneys for the plaintiff that there would be no amendments to Chapter 66 without the agreement of both sides. An amendment at this time would create an additional complication in settling this litigation, so we believe it would be best to delete reference to Chapter 66 until after a settlement has been reached.

Perhaps the best location for the criminal history background searches required in Section 8 would be AS 12.62. Criminal history searches are currently required in department grants and are in the draft regulations for home care in final review in the Department of Law. The phrase in Section 8, "before the care is provided," would prevent care providers from entering the system prior to criminal history clearance. Our experience in child foster care is that clearance can take months. This is especially true in rural communities where unacceptable fingerprint rolling results in reprocessing delays.

In drafting any amendment, we suggest that the language of Section 9 be used as it does not contain the phrase, "before the care is provided." We believe it is possible to protect the recipient while a criminal background check is being completed on a new hire; our home care regulations require extensive reference checks and an applicant's affidavit of their record, among other precautions. We think that the risks of "conditional hires" must be balanced against the recipient's need for care. Almost anywhere outside of Anchorage, there is no "pool" of home care providers, so requiring completion of a criminal background check before service is begun could have devastating effects on the client, far beyond the risks of using an uncleared provider.

Task Force

The Department recommends that an Adult Protective Services (APS) Task Force be created, preferably with legislative sponsorship, to address issues which this bill and HB 510 address. DFYS has carried the APS role, since before statehood. About 2/3 of their caseload are over age 65 (with 3 over 100 years old) and about 1/3 of the caseload are younger disabled adults, often just below criteria that could get them help in other systems. These are street people and frail elderly, and persons who are physically handicapped, mentally ill or developmentally disabled. Reports of harm include self-neglect, neglect by a person responsible for their care, financial exploitation, and abuse.

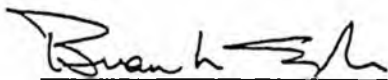
Division activity in APS is so understaffed that community members including neighbors of victims do not know that help is possible and professionals fail to report, assuming an inadequate investigative response. When DFYS does get reports, they have been termed as non-responsive on all but the worst cases. In 1982, the Elder Abuse reporting statute was passed, but not funded. Ten years later

- We don't have a full Adult Protective Services system
- We don't provide the same level of protection to elderly and disabled adults as we do to children.
- We know that we don't have an adequate system.
- We want to do better.
- So how do we do that?

We strongly believe the department with legislative support has a responsibility to bring this problem out of the closet. This state has people qualified to address an APS System. We think that it is time for a small task force of experts and selected community professionals to address APS issues and make recommendations to the Governor and to the legislature. We would be pleased to participate in a legislative sponsored task force.

Position

The Department supports House Bill 511 with amendments.



Brian Saylor, PhD, MPH,
Deputy Commissioner/Acting Director
Division of Family and Youth Services

Date: 3/4/92



Theodore A. Mala, MD, MPH, Commissioner
Department of Health and Social Services

Date: 4 March 1992

S P O N S O R S T A T E M E N T

CS HB 511 (Jud) "An Act relating to public home care providers; and providing for an effective date"

HB 511 will mandate quality assurances within the home care provider industry. Services providing protection, intervention and investigation of crimes against the elderly and disabled are presently inadequately funded and facing additional cutbacks.

The legislature and the Department of Health and Social Services are fast pursuing Medicaid waivers and options for home and community based care.

Additionally, the Department of Health and Social Services recently launched a new home care services program. This program is a collaborative effort of the Divisions of Public Health, Medical Assistance and Mental Health and Developmental Disabilities.

All of these factors push Alaska to the precipice of an explosion in home and community based care when combined with a burgeoning aging population and a staggering unmet demand for home and community based care.

In anticipation of the expected growth in the home care services industry I am seeking to legislate quality assurances and enhanced protections for the clients of these services.

HB 511 restricts the assumption of powers of attorney by a public home care provider over the client to whom the care-giver provides in-home services. We must remove any opportunities for abuse and exploitation by care-givers placed in the private residences of these persons who are least able to protect themselves.

HB 511 will mandate criminal background checks for home care providers. This will include both state and federal

Sponsor Statement
CSHB 511 (Jud), Home Care Providers
April 13, 1992

criminal histories. The Judiciary CS will require the employer agency to request records under AS 12.62.035 within two weeks of the first day of employment. The employer will be allowed one week to review these records upon receipt.

HB 511 will require the Department of Health and Social Services to promulgate regulations that will provide an established procedure or protocol between the Department and the home care services agency when a care giver is charged with abusing or exploiting a client. These regulations shall provide for a grievance procedure that will allow the alleged abuser due process. These regulations shall protect the due process and constitutional rights of the alleged abuser as well as the alleged victim. These regulations will also require the department to address these concerns in the due course of the grantor/grantee relationship with contract agencies. Contracts shall include provisions ensuring the State of Alaska that the contracting agency employer will not interfere in the course of any investigation of an allegation of abuse of a client.

These regulations shall be adopted by March 15, 1993 with a report to the legislature by February 1, 1992. This report shall not be elaborate, simply a report of departmental findings with an update on the status of the regulations and their expected date of completion.

Additionally, HB 511 will require that the Department of Health and Social Services shall, upon request, disclose the number of verified reports of harm that were the result of actions or inactions of a public home care provider. Currently, the Department is required to furnish information as to the number of verified reports of harm occurring at an institution for care of the elderly. This added requirement will provide access by family members to information that is critical to making informed decisions regarding care arrangements.

Please note that the term "respite care" is not referred to in section 8. This is because "family respite care" is a term already defined for the Older Alaskans Commission programs covered by section 8. Instead, "family respite care" is added to section 6 and section 7, therefore it does not need to be part of the definition of "home care services" in section 8.

CS FOR HB 511 (JUDICIARY)

SECTIONAL ANALYSIS

Section # 1 - AS 13.26 (Decedents Estates, Guardianships and Trusts: Protection of Persons Under Disability and Their Property; Statutory form power of attorney) - Amended

--Amended to prohibit a public home care provider from accepting a designation as attorney in fact or agent by general or special power of attorney for an individual to whom the provider furnishes in-home services unless the designation is held jointly with another individual who is not employed by the same entity.

Section # 2 - AS 47.05 (Welfare, Social Services and Institutions: Administration of Welfare, Social Services and Institutions) - Amended

--Amended to require criminal background checks for home care providers. Criminal records shall be requested under AS 12.62.035(a) (Code of Criminal Procedure: Criminal Justice Information Systems Security and Privacy; Access to certain crime information) within 10 business days after the provider is hired and are to be reviewed within five business days of receipt. Any entity, grantee or contractor would be precluded from receiving state money for the provision of home care services unless records for previous criminal history are requested.

NOTE: This criminal history will include 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 will have supervisory or disciplinary power over a minor or dependent adult. A copy of the information will also be provided to the person who is the subject of the request.

--The Department of Health and Social Services will be required to adopt regulations that identify actions that it will take when reports of harm are received and the harm is caused by the actions or inactions of a public home care provider. Additionally, the regulations will address circumstances under which the department

CS HB 511 (Judiciary)
Sectional Analysis
April 14, 1992

will require a contractor or grantee to reassign, suspend or terminate a person alleged to have perpetrated harm. The regulations will include procedural safeguards to protect the due process rights of the care giver.

Section # 3 - AS 47.10.230 (Welfare, Social Services & Institutions: Delinquent Minors and Children in Need of Aid; Powers and duties of department over care of child)
- Amended

--Amended to address criminal background checks for respite care service providers.

Section # 4 - AS 47.24.050(b) (Protection of Elderly Persons and Disabled Adults: Confidentiality of reports)
- Amended

--Amended to provide disclosure of the number of verified reports of harm caused by a public home care provider; similar to the current law's requirement relating to institutions.

Section # 5 - AS 47.24.100 (Protection of Elderly Persons and Disabled Adults: Definitions) - Amended

--Amended to provide a definition for the purposes of sections 2 - 4.

Section # 6 - AS 47.65.050 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Administrative requirements) - Amended

--Amended to prohibit the Older Alaskans Commission from making payments to a sponsor of programs determined to directly benefit older Alaskans unless the sponsor or grantee has agreed to request records of criminal history for the individual who will provide the services within 10 business days after the individual is hired. The records will have to be reviewed within five business days after receiving them.

Section # 7 - AS 47.65.100 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Adult Day Care and Family Respite Care) - Amended

--Amended to prohibit the Older Alaskans Commission from making payments to a sponsor whose program includes family respite care services or home care services or from awarding a grant for family respite care services or for adult day care services that include home care services, unless the sponsor or grantee has agreed to request records of criminal convictions.

Section # 8 - AS 47.65.290 (Protection of Elderly Persons and Disabled Adults: Service Programs for Older Alaskans; Definitions) - Amended

--Amended to add a definition of "home care services." "Home care services" means homemaker services, chore services, personal care services, home health care services or similar services in or around the residence of the client of the services.

NOTE: Respite care is not referred to in this section because "family respite care" is a term already defined for the Older Alaskans Commission programs. "Family respite care" is covered by this CS in sections 6 and 7. Therefore, it does not need to be part of the definition of "home care services" in section 8.

Section # 9 - Regulations

--The Department of Health and Social Services shall adopt the regulations enacted by section 2 of this Act, by March 15, 1993. The department shall report to the legislature by February 1, 1993 on the status of the regulations process.

REPRESENTATIVE
JERRY MACKIE

P. O. BOX 73
CRAIG, ALASKA 99921
(907) 826-3008 OFFICE
(907) 826-2930 HOME

CHAIRMAN,
COMMUNITY & REGIONAL AFFAIRS COMMITTEE

VICE CHAIRMAN,
TRANSPORTATION COMMITTEE

Alaska State Legislature



House of Representatives

WHILE IN JUNEAU
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4925

NOTES ON PROPOSED JUDICIARY COMMITTEE CS FOR HB511

The proposed Judiciary Committee CS for HB 511 is necessary to accommodate the HESS Committee amendment adding respite care to the definition of home care providers. Different wording is necessary because, unlike the other services covered, respite care services are often provided outside of the clients home, such as in the respite caregivers home or facility. The HESS CS ~~is~~ limited respite care to only that provided in the clients home. Please note that respite care is not referred to in the sections regarding the Older Alaskan's Commission. This is because "family respite care" is a term already defined for the OAC programs. Instead "family respite care" is added by this CS in two separate sections.

This CS also added a new bill section to address criminal background checks for respite care service providers. The purpose of the CS is to clarify, not alter, the substance of the HESS committee changes with respect to respite care services. In this regard, it removes opportunity for significant delays in hiring home care providers. Hiring delays can be a substantial impediment in rural Alaska where, for example, finger printing errors can delay the acquisition of criminal records for up to 120 days.

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 5, 1992

REPLY TO:

- 1031 W 4th AVENUE SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550
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- 1st NATIONAL CENTER
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FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 452-1568
FAX: (907) 456-1317
- P.O. BOX K--STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295
4 65-3 603

The Honorable Jerry Mackie
Alaska House of Representatives
P.O. Box 113100
Juneau, Alaska 99811

Re: SB 511

Dear Representative Mackie:

Thank you for asking the Department of Law to review SB 511. I have talked with your staff and with staff of legislative affairs, division of legal services, regarding the bill. We specifically discussed those sections of the bill that require the Department of Health and Social Services to notify an employer of a report of harm and for the employer to assign a new home care provider based solely on the report. The narrative portion of our department's fiscal note refers to these legal concerns regarding the due process rights of the employee and the possibility of difficulties with reporting requirement conflicting with criminal investigations.

The new draft version of SB 511 dated March 2, 1992, addresses the legal problems identified. The Department of Health and Social Services would be delegated the responsibility of developing regulations which would insure both the safety of the individual receiving services and the home care provider's due process rights regarding the employment. Of course, this department cannot speak for the position which the Department of Health and Social Services may wish to take in relation to the new responsibilities that its workers will take on in relation to home care providers.

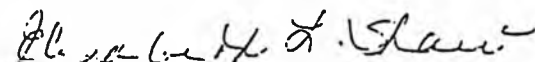
The Honorable Jerry Mackie
Alaska House of Representatives
SB 511

March 5, 1992
Page

If there are further questions, please feel free to
contact my office.

Sincerely,

CHARLES E. COLE
ATTORNEY GENERAL

By: 
Elizabeth L. Shaw
Assistant Attorney General

ELS:jh



P. O. Box 1069
4th and Main Street
Haines, AK 99827
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February 1, 1992

Mr. Ted Mala, Commissioner
State Department of Health and Social Services
Box 110601
Juneau, AK 99811-0601

Dear Mr. Mala:

At the request of Representative Jerry Mackey, I am writing to bring to your attention an experience that has greatly angered and embarrassed me as a citizen of the state of Alaska. The situation involves an elderly lady who has been a prominent figure of our community for over 40 years. Unfortunately her age has progressed and disabilities have set in. Recently, I was amazed to learn that, irregardless of preliminary estate and financial planning done by this lady through her own lawyer, she has been subjected to financial, as well as physical and mental abuse from a healthcare giver employed on a full-time basis. Friends in the community have worked desperately to try and assist, as much as society will allow.

To our consternation, however, reality has shown us the extremely fragile position our state allows these elderly people to be in. Within the last year, any and all attempts to correct this situation have been accomplished after great expenditure of time and personal assistance from only her close friends within this community.

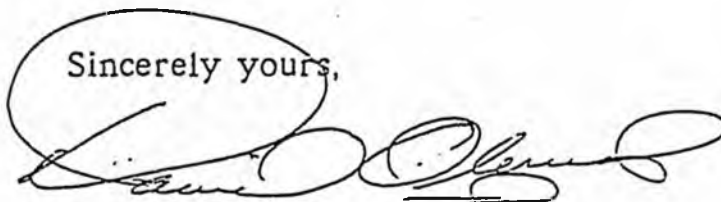
In order to protect our elderly and otherwise incapacitated population, and to keep this incredible scenario from happening again, I feel that the state should take two simple steps by way of new or existing legislation, as follows:

- 1) All doctors or healthcare givers are required to become cognizant of and report any signs of physical or mental abuse to appropriate authorities.
- 2) Anyone providing legal counsel must be required to likewise report to proper authorities their knowledge of any attempt to gain or to take someone's financial resources.

We look forward to continuing our work with Representative Mackey to correct this problem, and hopefully by the end of the current legislative session it will be passed into law. This case is not isolated, and you may well be aware of similar ongoing instances in which this legislation would be very important and beneficial.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "David L. Olerud", written in dark ink.

David L. Olerud

/lao

ELDER ABUSE FUNDING IN HEALTH & SOCIAL SERVICES

In FY80 approximately 80% of the homemakers services were related to the protection of the elderly. This translates into an estimated budget of \$1,012,300. Also in that year \$340,100 was included in the component Adult Supportive Services to provide adult residential care. Staff within the Division of Family and Youth Services were assigned to assist adults with protective services, but the actual number can not be identified in our budget documents nor within the agency's records.

FY81 saw an increase in Adult Supportive Services to help with the costs of care in an adult residential care facility. This was accomplished through 1) supplementing SSI payments of SSI eligible individuals, or 2) providing full payment for residential care for those elderly, developmentally disabled or handicapped individuals who do not meet the state and federal eligibility criteria for SSI and cannot afford residential care. In FY82 the Division of Adult & Aging Services was created and then disbanded with the transfer of programs to Dept. of Administration (OAC) and Dept. of Public Safety (Domestic Violence).

In FY87 during the budget reduction exercises the number of hours of adult protective homemaker services was reduced (\$262,700). In FY90 the adult homemaker services was transferred to the Division of Public Health.

Adult Services was increased by \$100,000 in FY89 for adult protection residential care for levels I and II. In FY89 Adult Services was funded at \$372,100 and homemaker services at \$1,488,600 and has remained at that level until FY92. At that time the homemaker services program sustained a reduction of \$388,600. In the governor's FY93 budget submission, the adult homemaker and the home health aide programs are transferred to a new component entitled Home Health Services. This is to find efficiencies in the coordinated administration of these programs and will make the identification of funds specific to elder care even more difficult to identify.

There are currently between 3 and 3.5 social worker positions that specialize in the elder programs. Most other social workers spend some time dealing with the elderly but it is not possible to determine how many positions that actually translates into.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
 Division of Family & Youth Services

General Funds	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	1,352.4	1,462.3	2,050.0	2,050.0	1,760.7	1,760.7	1,060.7	1,860.7	1,060.7	1,472.1	1,472.1

Positions-PFT	FY83	FY84	FY85	FY86	FY87	FY88	FY89	FY90	FY91	FY92	FY93 (Gov)
Elder Programs	11	10	8	8	3	3	3	3	3	3	3

	FY83	FY85	FY88	FY89	FY90
Population 65+	15,149	18,133	20,397	21,085	22,459
Population 18+			369,446	374,618	380,609

HB511

SENATE FINANCE COMMITTEE REPORT

DATE: 4/30/92

FURTHER:

DATE TURNED INTO OFFICE: 5/11/92

The Finance Committee considered CS FOR HOUSE BILL NO. 511 (JUDICIARY)

"An Act relating to public home care providers; and providing for an effective date."

and recommends:

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

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES: Dept/Date

zero fiscal notes _____

fiscal notes _____

appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes AK. COURT 3-2-92

DPS 2-24-92

oolaw 3-2-92

fiscal notes HESS 20.0 3-20-92

DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

1. _____

2. _____

[Handwritten signatures]

1. _____

2. _____

Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

STATE OF ALASKA
1992 LEGISLATIVE SESSION

REPORTED OUT OF

Bill Version: CSHB 511(HES)

(H) Publish Date: 3-9-92

SFC 5-11-92

Revision Date: _____

Department Affected: Department of Law

Title: "An Act relating to public home care

BRU: Legal Services

providers..."

Component: Operations and Medicaid Provider

Sponsor: Representative Mackie

Fraud _____

Requestor: Representative Mackie

COMPONENT SERIAL

--	--	--	--

Expenditures/Revenues: (Thousands of Dollars)

93 and 1410

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Peques

Prepared by: Richard I. Peques, Director

Phone: 465-3672

Division: Administrative Services

Date: March 2, 1992

Richard I. Peques

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: March 2, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov Legis. Ofc., & Impacted Agency(ies).