

ALASKA LEGISLATURE 1202

HOUSE and SENATE FINANCE COMMITTEE FILES, 1993-1994

276

SENATE COMMITTEE REPORT

DATE: 2/2/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 2-25-94

*fund*

CRA Committee considered SENATE BILL NO. 261

"An Act relating to municipal sales and use taxes involving air carriers and providing for an effective date."

and recommends:

and recommends it be replaced with

replace with \_\_\_\_\_ CS SB261 (CRA)  
 or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_  
 attaches amendment(s) *a mg report is back w/*

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent *NO ME*

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*30/50*

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
<i>DCRA</i>	<i>1/31/94</i>	<i>0</i>	
<i>DOTPF</i>	<i>2/8/94</i>	<i>0</i>	
<i>DCRA-Muni</i>	<i>2/2/94</i>	<i>0</i>	

*Previous new for CS*

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

*Forew A Luman No Rec*  
*Robin L. Taylor NO Rec*

*Paul E. [Signature]* No Rec  
 Chair: Signature and Recommendation

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*Jan*

DATE: 1/26/94

FURTHER: CRA  
Finance

Date of 5-Day Notice: 1/26/94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-2-94

Transportation Committee considered SB 261

"An ~~Act~~ relating to municipal sales and use taxes involving air carriers; and providing for an effective date."

and recommends: and a majority of the committee recommends it be replaced with

replace with CS. SB 261 (TRA)

same title  
 new title  
 technical title change (HB only)

attaches amendment(s) and do pass

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*OK*

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal
DCRA-SBPCS	1/31/94	X	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

*Tim Kelly Kelly*  ~~Pass~~ *No Rec.*  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

*Bob Mays*  
Chair: Signature and Recommendation

**SB**

**262**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/26/94

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
INTO OFFICE: \_\_\_\_\_

Finance Committee considered SB 262

"An Act making appropriations for the operating and loan program expenses of state government and to capitalize funds; making an appropriation, under art. IX, sec. 17(c) of the Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

**Died in SFC 1994.**  
and recommends: **See HB 370.**

- 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

Department	Date	Zero	Fiscal

### PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

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**OTHER RECOMMENDATIONS:**

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1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

HISTORY IN THE SENATE

HISTORY IN THE HOUSE

1994  
1/26

Read first time and referred to:  
FIN

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\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ Rules Calendar(\_\_\_\_) CS \_\_\_\_ AM \_\_\_\_ Other  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN

Read second time

\_\_\_\_ CS Adopted (\_\_\_\_) \_\_\_\_ New Title  
 \_\_\_\_ Amended \_\_\_\_ Advanced

Read third time

\_\_\_\_ Letter of Intent adopted  
 \_\_\_\_ Return to second for specific amendment

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration  
 Reconsideration not taken up

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed  
 Signed by President, to House

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Secretary of the Senate

19

Read first time and referred to:

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\_\_\_\_ RPT CS( ) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

\_\_\_\_ RPT CS( ) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

\_\_\_\_ RPT CS( ) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

Read second time  
 CS( ) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

\_\_\_\_ Intent adopted

Reconsideration  
 Reconsideration not taken up

PASSED ON RECON.	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

\_\_\_\_ Intent adopted

Reported correctly engrossed, signed by the Speaker  
 and returned to the Senate

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Chief Clerk of the House

**SENATE-HOUSE HISTORY Continued**

<b>19</b>	<p>Received from the House Version: _____</p> <p>Concur in House amendment Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur in House amendment, ask House recede Y ___ N ___ E ___ A ___</p> <p>House failed to / receded from amendment Y ___ N ___ E ___ A ___</p> <p>CC appointed by Senate _____ Chair _____</p> <p>CC appointed by House _____ Chair _____</p> <p>(S) Granted Limited Powers of Free Conference</p> <p>(H) Granted Limited Powers of Free Conference</p>
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<b>19</b>	<p>(S) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(H) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling Received from enrolling Sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
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**SB**

**263**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/26/94

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: \_\_\_\_\_

**Died in SFC 1994.**

Finance Committee considered SB 263

"An Act making appropriations for operating expenses for certain programs for which the costs are derived from mandated formulas or criteria, and for expenses for certain leases and contracts for state services and operations; 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

Department	Date	Zero	Fiscal

### PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation:

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

HISTORY IN THE SENATE

1994  
 1/26

Read first time and referred to:

FIN

\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ RPT(\_\_\_\_) CS \_\_\_\_ DP \_\_\_\_ NR \_\_\_\_ DNP \_\_\_\_ AM  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN To \_\_\_\_\_

\_\_\_\_ Rules Calendar(\_\_\_\_) CS \_\_\_\_ AM \_\_\_\_ Other  
 \_\_\_\_ New Title \_\_\_\_ Same Title \_\_\_\_ Previous FN  
 \_\_\_\_ FN \_\_\_\_ OFN

Read second time

\_\_\_\_ CS Adopted (\_\_\_\_) \_\_\_\_ New Title  
 \_\_\_\_ Amended \_\_\_\_\_ Advanced

Read third time

\_\_\_\_ Letter of Intent adopted  
 \_\_\_\_ Return to second for specific amendment

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration

Reconsideration not taken up:

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed  
 Signed by President, to House

\_\_\_\_\_  
 Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

\_\_\_\_ RPT CS(\_\_\_\_) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

\_\_\_\_ RPT CS(\_\_\_\_) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

\_\_\_\_ RPT CS(\_\_\_\_) \_\_\_\_ New Title  
 \_\_\_\_ DP \_\_\_\_ DNP \_\_\_\_ NR \_\_\_\_ AM  
 \_\_\_\_ FN \_\_\_\_ OFN \_\_\_\_ Previous FN

Read second time

CS(\_\_\_\_) Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

\_\_\_\_ Intent adopted

Reconsideration

Reconsideration not taken up

PASSED ON RECON.	EFD Same ____ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

\_\_\_\_ Intent adopted

Reported correctly engrossed, signed by the Speaker  
 and returned to the Senate

\_\_\_\_\_  
 Chief Clerk of the House

**SENATE-HOUSE HISTORY Continued**

<b>19</b>	<p>Received from the House Version: _____</p> <p>Concur in House amendment Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur in House amendment, ask House recede Y ___ N ___ E ___ A ___</p> <p>House failed to / receded from amendment Y ___ N ___ E ___ A ___</p> <p>CC appointed by Senate _____ Chair _____</p> <p>CC appointed by House _____ Chair _____</p> <p>(S) Granted Limited Powers of Free Conference</p> <p>(H) Granted Limited Powers of Free Conference</p>
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<b>19</b>	<p>(S) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(H) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling Received from enrolling Sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
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**S B**

**2 6 8**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 4-25-94

The Finance Committee considered **SENATE BILL NO. 268**

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS SB 268 (JUD)
- 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**

Department	Date	Zero	Fiscal
DHSS	4/12/94		65.0

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_

*Give this No Recommendation*

*Vote No "*

*Best. Mark NR*

\_\_\_\_\_

*True Name. 10/23*

\_\_\_\_\_

Co-Chair. Signature/Recommendation

1. \_\_\_\_\_

Co-Chair. Signature/Recommendation

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. CSSB 268 (HES)

Revision Date: April 13, 1994 Dept. Affected: Health and Social Services  
 Title: Community Care Licensing BRU: Family & Youth Services  
 Component: Central Office  
 Sponsor: Rules Committee by Request of Governor  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 0259

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	45.0	20.0				
CONTRACTUAL	20.0	15.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGES IN REVENUES</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	65.0	35.0				
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

**ANALYSIS:** (Attach a separate page if necessary)

This bill focuses licensing on children and families; removing two types of care -- adult foster homes and adult residential care -- from the licensing statute if SB249, Assisted Living Homes also passes this session. It consolidates all the basic licensing procedures into the bill, so that each program regulation will only address the program issues. The existing licensing statute needs to be revised to address significant changes in licensing which have occurred since the statute was first enacted. There is a lot of public interest and support for the licensing of child care facilities.

There will be an 18 month implementation in order to allow the Division time to revise all regulations with appropriate public input. The bill takes full effect on January 1, 1996.

(CONTINUED)

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*  
 Division: Division of Family & Youth Services  
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe*  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 04/13/94  
 Date: 4-12-94

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For further distribution information call the Governor's Legislative Office

**ANALYSIS (cont.):**

In FY95, the Division will appoint a task force of providers, licensing staff and others to recommend standards for operation. \$65,000 will be needed to begin the implementation of the changes. The \$45,000 in the travel line will fund the task force travel, and travel for staff to conduct public hearings. The \$20,000 contract line will fund a contractor to draft standards for each program area, and to revise the drafts after public comment.

In FY96, the \$35,000 will go toward finalizing the implementation. Contractual money will go for design and publication of forms and guidebooks to implement the standards. \$20,000 will fund regional training for licensing staff and providers of different care types.

It is expected that full implementation of this bill will require more funds than the \$100,000 built into this fiscal note; however, some of the work required for service improvements will be assumed by existing staff and resources. The impact of all the changes required by this bill at one time cannot, however, be assumed by existing staff. The improvements to the licensing program that this bill will accomplish are very important to the citizens of this state.

The revision of the licensing statute will have a major program impact on the Division of Family and Youth Services. There will be immediate need to work with those affected to propose and draft at least seven sets of licensing regulations, conduct public hearings, revise drafts and promulgate regulations, develop implementation materials including forms and guidebooks for each type of care, revise the licensing procedures manual for staff, train licensees and licensing staff. The Department of Law advises this must be done within 18 months.

Community participation in the revision of standards is important to ensure that the standards developed are clear and viable, and that there is consensus.

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 4-25-94

The Finance Committee considered **SENATE BILL NO. 268**

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date "

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous SB 268 CS SB 268 (JUD)
- 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**

Department	Date	Zero	Fiscal
DHSS	4/12/94		65.0

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

*Have this No Recommendation*  
*J. Kistler No "*  
*Best. King NR*

1. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

2. *True House 10/22/93*  
 Co-Chair: Signature/Recommendation

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/19/94

FURTHER:

DATE TURNED INTO OFFICE: 4-25-94

The Finance Committee considered **SENATE BILL NO. 268**

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)  
 or  adopt previous \_\_\_\_\_ CS SB 268 (JUL)  
 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**

Department	Date	Zero	Fiscal
DHSS	4/12/94		65.0

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

*Steve King No Recommendation*  
*J. Kristina No "*  
*J. Bert King NR*

1. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
 Co-Chair: Signature/Recommendation

FISCAL NOTE

No. 1

Version: SB 268

(S) Publish Date: 1-28-94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: December 17, 1993 Dept. Affected: Health and Social Services  
 Title: Community Care Licensing Statute BRU: Family & Youth Services  
 Component: Central Office  
 Sponsor: Rules Committee by request of the Governor  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	45.0	20.0				
CONTRACTUAL	20.0	15.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	65.0	35.0				
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CSSB 268 (HES)  
 reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.  
4/11/94 boh  
 date Comte Aide (initial)

Estimate of current year (FY94) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

This bill focuses licensing on children and families; removing two types of care -- adult foster homes and adult residential care -- from the licensing statute. It consolidates all the basic licensing procedures into the bill, so that each program regulation will only address the program issues. The existing licensing statute needs to be revised to address significant changes in licensing which have occurred since the statute was first enacted. There is a lot of public interest and support for the licensing of child care facilities.

There will be an 18 month implementation in order to allow the Division time to revise all regulations with appropriate public input. The bill takes full effect on January 1, 1996.

Continued

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191  
 Division: Division of Family & Youth Services Date: 01/24/94  
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe* Date: 1-25-94  
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Changes in CS SB 268 (JUD) For information call the Governor's Legislative Office

reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.

4/11/94  
 date Comte Aide (initial)

SB 268

WALTER J. HICKEL, GOVERNOR

MARGARET R. LOWE, COMMISSIONER

**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

P.O. BOX 110601  
JUNEAU, ALASKA 99811-0601  
PHONE: (907) 485-3030

April 20, 1994

Honorable Drue Pearce, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Pearce:

Senate Bill 268, "An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date," has been referred to the Senate Finance Committee. At this time, I respectfully request that the Senate Finance Committee calendar SB 368.

The Senate (Hes) Committee has reviewed the bill and reported out a committee substitute with the same title. The Department supports the changes included in the Senate (Hes) Committee Substitute.

The Senate (Jud) Committee has heard Senate Bill 362 and reported out a Judiciary Committee Substitute which incorporates the Senate (Hes) amendments as well as a minor correction requested by the Department.

As noted in Governor Hickel's transmittal letter, and further explained in the attached sectional analysis, this bill will consolidate and streamline the Division of Family and Youth Services' licensing functions for out-of-home care.

If you have any questions regarding SB 368, which you would like to have answered prior to scheduling this bill, please do not hesitate to contact Elmer Lindstrom in my office and he will be happy to arrange a detailed briefing for you or your staff.

Your approval of this request will be most appreciated.

Sincerely,



Margaret R. Lowe, M.Ed., Ed.S.  
Commissioner

Attachment

FISCAL NOTE

No. 1

Version: SB 268

(S) Publish Date: 1-28-94

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Revision Date: December 17, 1993 Dept. Affected: Health and Social Services  
 Title: Community Care Licensing Statute BRU: Family & Youth Services  
 Component: Central Office  
 Sponsor: Rules Committee by request of the Governor  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	45.0	20.0				
CONTRACTUAL	20.0	15.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	65.0	35.0				
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>65.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in CS SB 268 (HES)  
 reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.  
4/11/94 bah  
 date Comte Aide (initial)

Estimate of current year (FY94) impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary)

This bill focuses licensing on children and families; removing two types of care -- adult foster homes and adult residential care -- from the licensing statute. It consolidates all the basic licensing procedures into the bill, so that each program regulation will only address the program issues. The existing licensing statute needs to be revised to address significant changes in licensing which have occurred since the statute was first enacted. There is a lot of public interest and support for the licensing of child care facilities.

There will be an 18 month implementation in order to allow the Division time to revise all regulations with appropriate public input. The bill takes full effect on January 1, 1996.

Continued

Prepared by: Deborah R. Wing, Director Phone: 465-3191  
 Division: Division of Family & Youth Services Date: 01/24/94  
 Approved by Commissioner: Margaret R. Lowe  
Margaret Lowe, M. Ed., Ed. S. Date: 1-25-94  
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

Changes in CS SB 268 (JHD) n information call the Governor's Legislative Office  
 reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.

4/11/94 \_\_\_\_\_  
 Date Comte Aide (initial)

**ANALYSIS (cont.):**

In FY95, the Division will appoint a task force of providers, licensing staff and others to recommend standards for operation. \$65,000 will be needed to begin the implementation of the changes. The \$45,000 in the travel line will fund the task force travel, and travel for staff to conduct public hearings. The \$20,000 contract line will fund a contractor to draft standards for each program area, and to revise the drafts after public comment.

In FY96, the \$35,000 will go toward finalizing the implementation. Contractual money will go for design and publication of forms and guidebooks to implement the standards. \$20,000 will fund regional training for different care types.

It is expected that full implementation of this bill will require more funds than the \$100,000 built into this fiscal note; however, some of the work required for service improvements will be assumed by existing staff and resources. The impact of all the changes required by this bill at one time cannot, however, be assumed by existing staff. The improvements to the licensing program that this bill will accomplish are very important to the citizens of this state.

The revision of the licensing statute will have a major program impact on the Division of Family and Youth Services. There will be immediate need to work with those affected to propose and draft at least six sets of licensing regulations, conduct public hearings, revise drafts and promulgate regulations, develop implementation materials including forms and guidebooks for each type of care, revise the licensing procedures manual for staff, train licensees and licensing staff. The Department of Law advises this must be done within 18 months.

Community participation in the revision of standards is important to ensure that the standards developed are clear and viable, and that there is consensus.

58 268

WALTER J. HICKEL, GOVERNOR

MARGARET R. LOWE, COMMISSIONER

**DEPARTMENT OF HEALTH AND  
SOCIAL SERVICES**

OFFICE OF THE COMMISSIONER

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

April 20, 1994

Honorable Drue Pearce, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Pearce:

Senate Bill 268, "An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date," has been referred to the Senate Finance Committee. At this time, I respectfully request that the Senate Finance Committee calendar SB 368.

The Senate (Hes) Committee has reviewed the bill and reported out a committee substitute with the same title. The Department supports the changes included in the Senate (Hes) Committee Substitute.

The Senate (Jud) Committee has heard Senate Bill 362 and reported out a Judiciary Committee Substitute which incorporates the Senate (Hes) amendments as well as a minor correction requested by the Department.

As noted in Governor Hickel's transmittal letter, and further explained in the attached sectional analysis, this bill will consolidate and streamline the Division of Family and Youth Services' licensing functions for out-of-home care.

If you have any questions regarding SB 368, which you would like to have answered prior to scheduling this bill, please do not hesitate to contact Elmer Lindstrom in my office and he will be happy to arrange a detailed briefing for you or your staff.

Your approval of this request will be most appreciated.

Sincerely,



Margaret R. Lowe, M.Ed., Ed.S.  
Commissioner

Attachment

# Community Care Licensing: Section by Section Analysis and Commentary

CS SB 268 JUD  
April 20, 1994

This bill in large part reflects current licensing practice and the thinking of experienced supervisors in the Division of Family and Youth Services (DFYS). It moves detail from quasi-legislative regulations developed over nearly two decades into a cohesive licensing law. Proposed modest improvements to Alaska licensing are emphasized in this analysis and commentary.

Following introduction of the Governor's Community Care Licensing bill, DFYS conducted a teleconference with the heads of organizations and key agencies that would be affected by the bill. The department drafted amendments suggested by those attending the teleconference.

House HES sent the bill to Legislative Counsel, Terry Lauterbach, to incorporate department amendments with changes suggested by a HES committee member. House HES also requested that Ms. Lauterbach review the bill for conformance with legislative drafting requirements. Ms. Lauterbach proposed technical improvements along with the amendments. All were adopted by the House HES Committee with the support of the department.

Senate HES adopted a CS for SB 268 that matched the House HES version at the request of the department. They then passed additional amendments. Other than minor wording modifications, changes from the Governor's original bill are noted in this analysis.

Page

- 1     Sections 1 through 8 (Compatibility with Other Statutes) make conforming numbering or terminology amendments to other laws including Criminal, Adoption, Office of the Long Term Care Ombudsman, Child Care grant and Day Care Assistance laws. There is no change in substance. Sections 1--5 were added by Ms. Lauterbach.
  
- 3     Section 9 (Appeal Hearings) also sets out conforming amendments. It requires that appeal hearings following all serious enforcement by the department be conducted under the provisions of the Administrative Procedures Act. DFYS will conduct appeal hearings under their informal grievance procedure for less onerous actions, such as a denial of a request for a variance.

4 **Section 10 (Purpose; Applicability)** adds a purpose statement. DFYS intends to use the purpose in publications to clarify the role of licensing for providers of service and to inform parents that they play a critical role in selecting and monitoring care for their children. Section 10 establishes that the provisions of this statute apply both for programs required to be licensed and for those that voluntarily choose to be licensed. The original version of the bill included changing the title of the Chapter from "Institutions" to "Community Care Licensing." Ms. Lauterbach indicated that the Revisor of Statutes selects chapter titles. She noted that the Department prefers "Community Care Licensing" as the title.

4 **Section 11 (Powers of the Department)** is amended.

- Section 11 reflects updated terminology for facilities and agencies falling under the provisions of the chapter and authorizes the department to adopt fees by regulation. Refer also to the definitions on page 21.
- Section 11 provides authority for the department to enter into agreements with individuals, in addition to organizations, to perform licensing evaluations. DFYS has agreements with about 12 agencies to perform licensing evaluations, primarily foster care. Only three agreements involve state funds, and those three are exempt from the procurement code. Since the procurement code rarely applies, reference to it is removed.
- The material related to delegating powers to a municipality has been revised in collaboration with the Municipality of Anchorage (MOA). The MOA is the only municipality that has adopted an ordinance to license child care centers. The revision reflects the practice of the MOA to adopt additional standards that meet or exceed state standards.

5 **Section 12 (License Required; Exemptions)** states that a child care license is required unless the facility is exempt. Facilities and agencies excluded from the licensure process are listed. These are the same as those under current statute and regulations with exceptions noted below.

6 The exemption from licensure for child care facilities on military bases was amended in House HES to clearly exempt facilities on Coast Guard installations on the advice of Commander Gary Palmer of Legal Services in the US Coast Guard. The department will continue the exemption on Kodiak Island and the exemptions for the large military bases in Anchorage and Fairbanks, but the department agreed to continue to license family child care homes under voluntary licensure on Coast Guard Installations in communities like Cordova and

Sitka. Child care is limited there, and the Coast Guard has no oversight means. Licensure will be on a time available basis.

Licensing statutes are not intended to apply to care from relatives. The original bill had a drafting error that was amended in House HES to clearly exempt relative child care and great grandparents were added to the definition of relatives.

Exemption from foster home licensure for parent arranged care for children aged nine or older is in this section. Committee action in Senate HES and JUD resulted in an additional exemption for parent-arranged care for a child of any age for up to 45 days. The intent is that a parent should be able to leave their young child under age nine with a friend or neighbor for a reasonable period of time if they need to go out of state for some reason like funeral arrangements or to care for a dying relative.

Application of the licensing statute is proposed to be expanded in four areas as sound public policy. They are:

- The exemption for governmental operated programs is removed except where specified. Only one local government, the MOA, has the expertise to license and it does not operate programs.
- 6/7 • The clause in current statute that allows a foster home or residential facility to operate for 90 days without a license is removed. The primary purpose to reduce risk before persons receive care is lost, if programs begin without licensure. Consider that a person is not allowed to operate an automobile before obtaining a license.
- 6/7 • The defined age of a child is changed from "under 16 years of age" to "under 18 years of age" for requiring licensure in foster homes and residential child care. See definition section. No known programs would be affected by this change.
- 7 • The exemption for the "occasional" placement of a child for adoption without a license was deleted in the Governor's bill. Most, if not all, attorneys now arranging non-relative adoptions, contract with a licensed child placement agency to obtain evaluations and oversight for adoption placements. Senate HES added (e) (5) which exempts a person who arranges child placement on an incidental basis without compensation.
- 8 Voluntary licensure is retained.
- 8 **(Application for license)**. Items that must be submitted in an application for licensure are consolidated.

9 **Section 13** describes license issuance, denial and right to appeal, and the content of a license by consolidating material from existing statute and regulations.

9 **(Provisional license; Biennial License)**. Retaining on site inspections prior to license issuance has strong community support as indicated in community meetings on the draft.

One amendment in House HES addresses the practical matter that only minimal licensing requirements can be met in the middle of the night in a village under emergency conditions. Alaska Native Grantees recommended a direct approach to licensing under emergency placement conditions. See paragraph (b).

10 **(Denial of License; Right to Appeal)** Current practice is described.

10 The term, **(Variances)**, rather than, waivers, more accurately reflects approved alternatives to meeting the intent of a requirement. The procedure for granting variances is set out. Reasonable variances are widely used.

11 **(Content of the License)** is consolidated from five sets of regulations resulting in reducing the volume by 4/5.

12 House HES amended this section at the request of the department to provide that a variance issued within the period of licensure be posted near the license. This will prevent the need for the extra paperwork of issuing an amended license to display the variance.

12 **Section 14 (Non-transferability)** retains the provision that licenses are not transferrable to a different owner or location.

12 **Section 15 (Orientation and Training)** requires that applicants or licensees complete orientation and training that the department prescribes in regulation. Currently only child foster home training is mentioned in statute, however orientation and training is required in regulations for all types of care.

12 **(Records)** must be kept by the licensee to demonstrate compliance with standards. Since licensing records are open and are frequently reviewed by parents seeking child care and others, specifying which records are not available for public inspection is important. In particular, personal background information provided by foster parents is sensitive and should not be open to inspection by the public.

- 13 **Section 16 (Monitoring; Investigation)** outlines the process for monitoring and biennial license renewal. An annual self monitoring report is added. The department believes a self monitoring report will motivate the licensee to seek to meet standards and reduce the time necessary in the department's review. In addition the section encourages parents who have placed children in child care to monitor by requiring that they receive a summary of standards and a telephone number for reporting concerns. A partnership with informed parents will go a long way toward ensuring care is safe for young children.
- 13 **(Biennial License Renewal)** The process for renewal of a license is specified and procedures that were previously only in the department's licensing manual are included. For example, if there is a vacancy in a one person office and a license expires, it is automatically extended for six months or until a department representative may visit to perform the investigation. If the department finds noncompliance, a plan of correction and verification of compliance is required.
- 14 **(Notice of Changes)** Required notices are updated and standardized. Senate HES added "conviction" to the changes that must be reported by a licensee.
- 15 **Section 17 (Complaints, investigation, enforcement and grounds for license revocation or nonrenewal)** are specified. The majority of this material is a consolidation and refinement of existing regulations. Changes:
- 15 • A requirement to mail a copy of the report of an investigation to the complainant, if requested.
- 16 • Prohibition of licensee retaliatory action against a complainant. This is especially important to protect employees who are fearful of reporting unsafe practices.
- 16 • Probable cause is added as the standard for seeking a search warrant when considered necessary.
- 17 • Suspension of operations in cases of imminent danger is authorized until the department investigation is complete. Suspension is more appropriate than immediate revocation authorized under current statute.
- 17 • The array of enforcement actions authorized are listed along with the grounds for revocation or nonrenewal. Most appear now only in the department's licensing manual.
- 18 Senate HES eliminated a sentence from (h) that stated, "If a time period is not set by the department, the revocation or nonrenewal is permanent, and the former licensee may not again apply for licensure under this chapter." The sentence is not

needed as the department could specify permanent revocation in its final administrative order.

- 19 Senate HES created (a) (3) on lines 10--12, as a subsection apart from subsection (2). This change results in sex crimes being exempt from the 10 year time limit that is in subsection (2).
- 19 (**Licensing Adult Facilities**) outlines procedures for licensing adult residential care facilities, including adult foster homes, in brief. Pioneer Homes, as now, are exempt from licensure. Many provisions in bill sections 11 -17 are incorporated by reference. This article would go into effect only if the companion Assisted Living bill did not pass. It will ensure that currently licensed adult care facilities remain regulated by DFYS in the event that the Assisted Living bill does not pass.
- 21 (**Administrative Procedure**) complements section 9 in specifying appeals fall under the Administrative Procedures Act for serious enforcement actions under this chapter.
- 21 (**Immunity from Liability**) is provided for individuals and agencies acting under agreement with the department to perform licensing evaluations. Liability concern is often cited as a deterrent to private agencies interested in performing licensing evaluations. Alaska Native and other nonprofit agencies strongly support this section.
- 21 (**Penalty**) provisions for violations under the chapter as a class B misdemeanor have not been changed.
- 21 Section 18 (Definitions) are updated. For example, "nursery" is a term now in statute. It becomes a "child care facility. The outdated term, "institution," becomes "residential child care facility".
- 23 Section 19 This is an amendment added by Ms. Lauterbach similar to those at the beginning of the bill. It amends terminology in the department's purchase of service chapter to conform to the bill.
- 23 Section 20 repeals several existing sections in Chapter 35.
- 23 Sections 21 -- 26 Remaining sections contain provisions for implementation and the timetable that the department will use for an orderly transition from the current system of licensure to the new one. More than 1,900 facilities and agencies with a capacity for 13,600 individuals now fall under the provisions of this licensing statute. The time line for implementation is a year and a half to allow for the

transition. During this period the department will review regulations for seven or more types of facilities and agencies, work with care providers, consumers and others to draft revised standards of operation for each type of care and agency falling under the statute, conduct public review of drafts, promulgate regulations, develop implementation materials and conduct licensing training for both providers and licensors.

**Community Care Licensing Bill**  
**Fiscal Note: Working Smart in the 90's**

- ◆ Advance efficiency and competency by
  - Consolidating licensing procedures
  - Convening a working task force to form standards
  - Publishing guidebooks and conducting training
- ◆ Eighteen months needed for transition from the current system.
  - The Act takes full effect on January 1, 1996.
  - More than 1,900 facilities and agencies (at least seven types) w capacity of 13,600 individuals will be affected. (See pie chart.)
  - The division is very committed to this project
    - will devote considerable time of existing staff
    - do not have resources to handle a project of this magnitude w/o the funding in this fiscal note.
    - will with its own resources design purchase of service improvements in foster and residential care to correspond to the revisions in licensing.
- ◆ FY 95: \$65,000
  - Travel Line       \$45,000                   40 TF       5 hearings
  - Contract line    20,000                   contractor
- ◆ During FY 95 the department will
  - Obtain standards from selected states and model standards for review to gain from their collective experience.
  - Convene a working task force of citizens and staff(est24)
  - Two face to face statewide meetings and teleconferences.
  - Total group to determine standards that may apply to all types of care and to address the licensing process.
  - Establish five subcommittees to develop initial draft standards for each type of facility or agency.
  - Contract with an attorney and/or skilled professional
    - use task force drafts to place standards of operation for each type of care and agency in correct legal format and ensure consistency between regulations
    - prepare all legal documents needed
    - begin implementation tools and
    - revise the drafts after the department conducts separate public hearings for each type of care.
- ◆ FY 96 \$35,000
  - Travel line       \$20,000       Regional training
  - Contract line    15,000       design/publication of forms and guidebooks
- ◆ During the first six months of FY 96 the department will
  - contract for development of implementation forms, and guidebooks and a licensing manual for field workers.
  - conduct regional licensing training for both providers and licensors to acquaint them with the new procedures. Training is the final key to successful implementation.

Additional Information: Community involvement

- ◆ Community participation in formulating standards may
  - reflect staff knowledge and experience
  - promote a public/private partnership
  - offer a multidisciplinary approach
  - ensure clear, viable standards and build consensus.
  
- ◆ The mission of the task force and contractor will be to draft rules that are
  - reasonable, concise and easy to understand
  - enforceable
  - promote safe appropriate care
  - are minimum, baseline
  - are economically acceptable
  - incorporate latest thinking
  - and that simplify licensing for both licensing staff and providers of service to the degree possible.

Additional information: Implementation

During the 1993 Indian Child Welfare conference recommendations were made to the division to develop carefully planned foster home applications and to publish guidebooks to encourage and assist persons to become licensed foster parents. The division agrees with this recommendation. We believe sound implementation tools remove barriers to persons entering the caregiving community. In FY 96 \$15,000 will go toward design and publication of forms and guidebooks to implement the standards.

Finally \$20,000 will fund regional training in two rounds, one for child care facilities and one for facilities providing 24 hour care and child placement agencies.

**Conclusion**

A sound licensing program is a critical piece of the care system for Alaska's vulnerable citizens and their families. Funding this fiscal note will help the division work smart and efficiently. Without the funds, we will not achieve many of the objectives we set out to achieve--that is to make licensing easier for those who do licensing and those applying for a license.

## Community Care Licensing Bill

### Goals

- ◆ Licensing is intended to reduce risk to our most vulnerable citizens
- ◆ The legislation will enhance efficiency to accomplish more with the same resources.

### Background

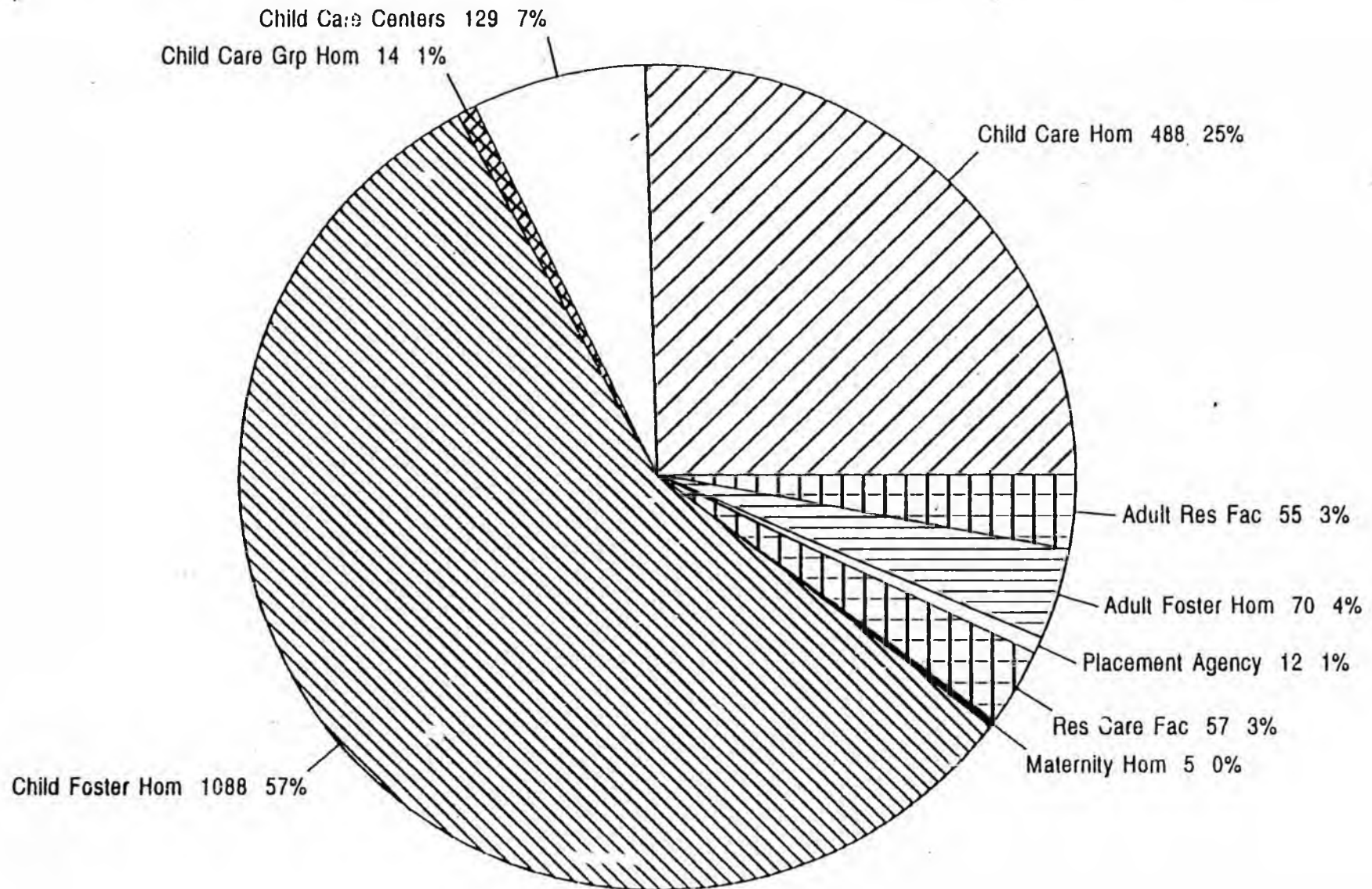
- ◆ DFYS licenses nearly 2,000 facilities and agencies.
- ◆ The public demands more licensed care settings.
  
- ◆ Workers now license up to nine kinds of care.
- ◆ Workload standards: exceeded by 50% in some places.
- ◆ Many workers also have protective services duties.
- ◆ Workers must know 40 pages of licensing procedures.

### Passing Community Care Licensing & Assisted Living will

- ◆ Focus DFYS on children and families.
- ◆ Transfer regulation of care for elders or adults with a disability to divisions in those fields.
  
- ◆ Advance efficiency and competency by
  - Consolidating licensing procedures
  - Convening a task force to form standards
  - Publishing guidebooks and conducting training
  
- ◆ Clarify the shared role with parents to ensure their child's safety and development in licensed care.
  - Yet, the state retains duty for oversight.
  
- ◆ Expand partnerships with private agencies
  - Include liability protection.
  - Encourage partners to increase the number of regulated homes in additional communities.

# COMMUNITY CARE LICENSED FACILITIES

MARCH 1994



Total = 1918

WALTER J. HICKEL  
GOVERNOR



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

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 28, 1994

269

*The Honorable Rick Halford  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182*

*Dear Mr. President:*

*Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing, by the Department of Health and Social Services (DHSS), of facilities for the care of children, child placement agencies, maternity homes, and residential facilities and foster homes for adults. The bill reorganizes and clarifies existing licensing statutes and provides much-needed detail in the statutes. The bill's reorganization of the statutes separates licensing of child-related facilities from licensing of adult facilities.*

*Sections 5 and 7 - 12 of the bill set out new statutory provisions that provide for the licensing and regulation of child foster homes, child care facilities, residential child care facilities, child placement agencies, and maternity homes. Section 7 of the bill clarifies which of these facilities are required to be licensed and which are exempt from licensure. Licensing procedures and requirements, appeal procedures, and operational requirements that apply to all such facilities are set out in secs. 7 - 11. Those sections provide for provisional licenses and biennial licenses, and specify that DHSS must inspect and investigate a facility before either a provisional license or initial biennial license is issued. Renewal procedures for biennial licenses are also provided. Complaint, investigation, and other enforcement provisions are set out in sec. 12 of the bill.*

*Section 13 of the bill sets out a separate article in AS 47.35 to address licensure and regulation of adult residential care facilities. Many of the provisions in secs. 7 - 12 of the bill are incorporated by reference in the adult residential care facility article. I intend to introduce a bill this session relating to "assisted living homes" for adults; that bill will place licensing and regulation of adult residential facilities in a new chapter in*

The Honorable Rick Halford  
January 28, 1994  
Page 2

AS 47. If that bill passes the legislature and becomes law, sec. 13 of the attached bill will not take effect. See sec. 21 of the bill.

Sections 14 and 15 of the bill set out general provisions for administrative adjudication procedures, liability immunity, criminal penalty, and definitions for AS 47.35.

Sections 1 - 4 and 6 of the bill make conforming amendments to existing statutes to reflect changes made by secs. 5 and 7 - 15 of the bill. Section 16 of the bill repeals most of the existing statutes in AS 47.35 -- their provisions have been reworded and reorganized in secs. 5 and 7 - 15 of the bill. Section 17 of the bill contains transition provisions that specify how the bill affects existing as well as new facilities.

Section 18 of the bill authorizes DHSS to begin the regulation adoption process so that necessary regulations can take effect on the effective date of the statutory changes made by the bill. Sections 19 - 21 provide an immediate effective date for sec. 18 and a January 1, 1996 effective date for the statutory changes made by the remainder of the bill. Section 21 makes the January 1, 1996 effective date for sec. 13 contingent on another adult residential facility bill not becoming law, as discussed earlier in this letter.

I urge your support of this important legislation.

Sincerely,



Walter J. Hickel  
Governor

# SENATE COMMITTEE REPORT

DATE: 4/11/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 4/19/94

Judiciary Committee considered SENATE BILL NO. 268

"An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

and recommends: **and recommends it be replaced with**  
 replace with \_\_\_\_\_ CS SB 268 (J4D)  
 or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_  
 attaches amendment(s)

same title  
 new title  
 technical title change  
 (HB only)

**and report it back as follows**

adopts \_\_\_\_\_ Letter of Intent  
 further referral to the \_\_\_\_\_

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

FN

NEW FISCAL NOTES *previous applies*

Department	Date	Zero	Fiscal
HSS	4/19/94		✓

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_ (2) Rachel Wiley (NO REC)

\_\_\_\_\_ (2) Suzanne Little (no rec)

\_\_\_\_\_

\_\_\_\_\_

(1) Adrian Taylor DO Pass

Chair: Signature and Recommendation

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

*Just*

DATE: 1/28/94

FURTHER: Judiciary  
Finance

Date of 5-Day Notice: 3/31/94  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4/11/94

HESS Committee considered SB 268

"~~An Act~~ relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date." **and recommends it be replaced with**

and recommends:

- replace with \_\_\_\_\_ CS SB 268 (HES)  same title
- attaches amendment(s)  new title
- adopts \_\_\_\_\_ Letter of Intent  technical title change (HB only)
- further referral to the \_\_\_\_\_

~~and report it back as follows~~ + *majority vote back of no rec*

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

*KM*

*prev applies to CS*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
HSS	1/28/94		65.0

Department	Date	Zero	Fiscal

- Appropriation No Fiscal Note
- Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

(2) Loren A. Lerman (7) Mike Miller No REC

(1) Scott Sharp N.R.

(1) Alex Kim No Recommendation

Chair: Signature and Recommendation

**SB**

**276**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/18/94

FURTHER:

DATE TURNED INTO OFFICE: 3-15-94

The Finance Committee considered **SENATE BILL NO. 276**

"An Act relating to criminal justice information; providing procedural requirements for obtaining certain criminal justice information; and providing for an effective date."

and recommends:

- replace with CS SB 276 (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**

Department	Date	Zero	Fiscal
Corrections	3/18/94		\$150.0

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
DRS	1-5-94	0	
DOLAW	1-7-94	0	
DHASS	2-2-94	0	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

*Tom Kelly*  
*Steve Pappas*  
*John Huttner*  
*Bill Sharp*  
*Tom Pearce*

1. *Frank Do Pass*

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Bill Version: SB 276  
(S) Publish Date: 2-4-94

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Criminal Justice Information BRU: Family & Youth Services  
 Sponsor: Rules Committee by request of Governor Component: Central Office, SCRO, NRO, SERO  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0254,0255,0258,0259

**Expenditures/Revenues:** (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
CHANGES IN REVENUES						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

**ANALYSIS:** (Attach a separate page if necessary)

This bill pertains to criminal justice information sharing and procedural requirements affecting adult criminals and juveniles waived to adult status. This fiscal note is based on the assumption that mandatory fingerprinting pertains only to adults and those juveniles waived to adult status. Additionally, DFYS assumes the standards for fingerprinting contained in the bill will not apply to the juvenile justice system.

Prepared by: Deborah R. Wing, Director Phone: 465-3191  
 Division: Division of Family & Youth Services Date: 02/02/94  
 Approved by Commissioner: Margaret R. Lowe Date: 2-2-94  
 Agency: Department of Health & Social Services

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

No. 3  
Bill Version: SB 276  
(S) Publish Date: 2-4-94

Revision Date: January 7, 1994  
Title: "...relating to criminal justice information...  
obtaining certain criminal justice information..."  
Sponsor: Rules Committee/Request of the Governor  
Requestor: Governor's Office/OMB

Department Affected: Department of Law  
BRU: Prosecution  
Component: Criminal Justice Litigation  
COMPONENT SERIAL NO. 0089

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

*Richard I. Peques*

Prepared by: Richard I. Peques, Director  
Division: Administrative Services Division

Phone: 465-3672  
Date: January 7, 1994

Approved by Commissioner: Bruce M. Botelho, Acting Attorney General  
Agency: Department of Law

Date: January 7, 1994

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**FISCAL NOTE**

**STATE OF ALASKA  
1994 LEGISLATIVE SESSION**

**BILL NO. \_\_\_\_\_**

**ANALYSIS CONTINUATION:**

This bill would completely revise state law regarding the collection, safekeeping and dissemination of criminal justice information in the state's automated criminal justice data systems. The bill would also establish an oversight committee to be known as the Criminal Justice Information Advisory Board. Among other members, the bill would make the attorney general or the attorney general's designee a member of the advisory board. These new duties would entail two meetings per year. Consequently, the department does not anticipate a fiscal impact.

# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO:** (JUD)am SB 276

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: AN Act relating to criminal justice BRU: Statewide Support  
 information: providing procedural requirements Component: AK Criminal Records and Identification  
 Sponsor: Rules by Request  
 Requestor: (S) FIN COMPONENT SERIAL NO. 1190

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL EXPENDITURES</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CHANGE IN REVENUES ( )</b> <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

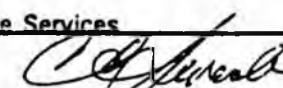
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**  
 See attached.

Prepared By: Ken Bischoff Phone: 465-4336  
 Division: Administrative Services Date: 02/24/94  
 Approved by Commissioner:  Date: 02/24/94  
 Agency: Richard L. Burton, Dept. of Public Safety

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This bill establishes a statutory framework for 1) a number of continuing programs currently operating within the state's criminal justice community and 2) certain new provisions regarding criminal history information. In both cases, operational requirements are established, through regulation, by the Criminal Justice Advisory Board. The Board consists of representatives of law enforcement, Courts and other criminal justice agencies. The Board will work in concert with existing policy making bodies such as the Criminal Justice Working Group. The adoption and timing of the Board's regulations depends upon the ability of several state agencies, and the Court System to implement the required changes.

It is difficult to predict the requirements that may be imposed through future regulations. In many cases, these regulations will relate to expenditures that agencies would incur regardless of this legislation. Costs associated with increases in system capacities, maintenance and replacement of existing computer systems, and workload increases stemming from general societal trends cannot be directly associated with this bill. This bill formalizes many existing procedures currently in place within the state's criminal justice community. Accordingly, the Department of Public Safety submits a zero fiscal note. Our additional comments are:

The Alaska Legislature has passed a number of criminal, employment and licensing laws that require or permit the use of criminal history information for investigations, sentencing and release decisions, employment and licensing screening.

Alaska law provides for presumptive sentencing which assumes that repeat offenders receive progressively more severe sentencing as a deterrent to repeating criminal behavior.

Alaska law provides for the screening of day care workers, foster parents, school teachers, school bus drivers and various other occupations which require the use of criminal history information to ensure that inappropriate persons are not employed or not licensed who come in contact with children and protected adults, or should otherwise not be allowed to work in certain areas for public safety reasons.

Legislation continues to be proposed and enacted which requires the use of criminal history information to implement these proposals. Examples include federal legislation involving gun control (Brady-National Instant Check System) and protection of children (National Child Protection Act). Other federal initiatives are pending involving children (Jacob Wetterling Crimes Against Children Registration Act) and a requirement for states to screen, license and train security officers (Private Security Officers Quality Assurance Act). The Alaska Legislature is considering concealed Weapons permit, handgun and other legislation (HB 351, HB 480, HB 3, SB 321).

The legislature has indicated that where criminal history information is required, that it be complete, and to the extent possible, reflect the result of a national search of a person's criminal history. Alaska's state criminal records contain approximately 330,000 convictions on about

135,000 subjects of which 16,000 are felons. Nationally, it is estimated that there are more than 50 million criminal record entries. Whereas two thirds of arrests involve repeat offenders and 20 - 30 percent of offenders have a criminal record in more than one state, it is critical that Alaska maintain criminal records systems that are complete and conform to standards required for the exchange of criminal record information nationally.

Further, it should be understood that the administration of effective and efficient criminal justice information systems is extremely challenging. Coordination is required across branches of government and involves local, state, and national governments. Presently, there is no comprehensive set of laws that Alaska can rely on as a guide to ensure critical criminal history information is maintained. The passage of SB 276 will significantly assist the Department of Public Safety and users who depend upon the availability of criminal history information which is essential to the proper application of certain laws of the State of Alaska.

At the present time, fingerprints support about 39% of Alaska's criminal history records. Additionally, of those fingerprints received, more than 20% are rejected by the Alaska Automated Fingerprint Identification System(AAFIS) due to their poor quality. Missing and rejected fingerprints prevent the automated searching of 180,000 Alaska records and 12 million Western Identification Network records and preclude reliable indexing and searching the FBI's Interstate Identification Index and National Crime Information Center which are used for conducting national criminal records searches. Fingerprints are the internationally accepted standard for authenticating entries to a person's criminal record. Fingerprints are required as the basis for registration of criminal records to state repositories and they are required to register, index and query criminal records with the national systems. Alaska needs to substantially improve.

1. This legislation establishes a statutory framework that should permit a better allocation of existing resources. To a significant degree, this legislation formalizes procedures that exist currently. To this extent, the bill should help improve the efficiency of criminal record processing. Efficiency improvements cannot reliably be quantified but would assist the department and contributing agencies in reducing criminal record backlogs;
2. Mandatory provisions have been minimized, sections generally do not take effect until regulations are adopted.
3. To the extent this legislation may increase public access, provision for the adoption of fees to provide services has been made. The Department currently charges fees for a number of services that will continue to be provided.
4. This bill will provide a framework to guide discussion on how to improve the collection of fingerprints and related criminal history record information. That discussion will include all

Department of Public Safety

Page 4 of 4

Fiscal Note (JUD)am SB 276 Continued:

agencies represented by the Criminal Justice Working Group. Implementing the full scope of this legislation will require a series of discussions in order to reach implementation agreement. This will take time to negotiate.

DPS's primary goal is to provide the framework necessary to maintain an accurate, complete and timely criminal history file. DPS depends on all criminal justice agencies to contribute to the database. This bill provides such a framework.

DPS cannot autonomously implement this legislation across the board. DPS will use the Criminal Justice Advisory Group in concert with existing policy making bodies such as the Criminal Justice Working Group and its subcommittees as a forum to confirm the need for specific data in the criminal history record and proceed only after concurrence is obtained.

### **Summary**

This legislation is required to establish this State's statutory framework for timely, accurate, and complete criminal history record information. Such a statutory framework exists in virtually every other state. Criminal history records consist of timely, accurate, and complete files used to make decisions related to investigations, release, sentencing and employment. Defendants are not going to volunteer their previous criminal history. If accurate and complete criminal records are not available on line, criminal justice agencies have no choice but to make ongoing decisions without reliable criminal history record information. This will result in lighter sentencing, improper employment decisions, and less efficient police investigations.

The Criminal Justice Work Group has endorsed the need for this type of legislation and has submitted a written recommendation to the Governor's Office. The Criminal Justice Work Group consists of the following criminal justice agencies: Department of Public Safety, Department of Law, Department of Health and Social Services, Office of Public Advocacy, Public Defender, Department of Administration, Department of Corrections, Office of Management and Budget, Chief Justice and Administrative Director of the Alaska Court System, Chairs of the House and Senate Judiciary Committees, President of the Alaska Chiefs of Police Association, and the Chief of the Anchorage Police Department.

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO.: CSSB 276(FIN)

Revision Date:	March 15, 1994	Dept. Affected:	Corrections
Title:	An Act relating to criminal justice information	BRU:	Administration and Support
Sponsor:	Senate Rules	Component:	Office of the Commissioner
Requestor:	Senate Finance	Component Serial #:	694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	.	.	.	.	.
TRAVEL	0	.	.	.	.	.
CONTRACTUAL	150.0	.	.	.	.	.
SUPPLIES	0	.	.	.	.	.
EQUIPMENT	0	.	.	.	.	.
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	0	.	.	.	.	.
TOTAL OPERATING	150.0	.	.	.	.	.

CAPITAL EXP	0	.	.	.	.	.
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CHANGES IN REVENUES						
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	.	.	.	.	.
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	.	.	.	.	.

Estimate of any current year (FY94) cost \$ 0.0

POSITIONS

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

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant *D. Schenker* Phone: 465-4643/786-2147  
 Division: Office of the Commissioner Date: 3/18/94  
 Approved by: J. Frank Prewitt, Jr., Commissioner *J. Prewitt* Date: 3/18/94  
 Agency: Department of Corrections

Fiscal Note  
CSSB 276 (FIN)  
Revised 3/15/94  
Page 2 of 5

The bill establishes a Criminal Justice Information Advisory Board, one member of which will be the Commissioner of Corrections (or designee.) The Board will advise the Commissioner of Public Safety regarding criminal justice information issues. The Commissioner of Public Safety will adopt regulations concerning the collection, reporting, and analysis of criminal justice information.

The bill requires that criminal justice information be accurate and complete, and sets up auditing requirements. The bill outlines a series of events which must be reported to Public Safety at the time, in the manner, and in the form specified by the department. The department is incapable of providing much of this information due to shortcomings in the inmate tracking system (OBSCIS), lack of training and accountability procedures for data entry, and an already-strained data management unit. Resources in the department's institutional component are strained by responding to immediate crises caused by emergency overcrowding and cannot realistically be diverted to less urgent needs such as information system improvement.

The bill also clarifies which criminal justice information can be released, to whom, and by whom, and authorizes agencies to collect fees, through regulations, for processing records requests. Changes in rules governing what information can be given out will require revision of our policies and training of all staff in all components who routinely respond to questions about offenders.

The provisions of the bill do not go into effect until at least FY96, except that agencies may develop regulations during FY95 which may go into effect in FY96.

During FY95 the department will need to assess its information system needs/resources in order to submit an appropriate budget request in FY96 to accomplish the requirements in the bill. The department does not have any available positions to assign to this work; management, research and data processing resources are extremely strained. The attached letter, from Wolfe and Associates to the Executive Director of the Alaska Judicial Council, explains the department's need for \$150,000 in contractual funds for this task.

**OLFE**  
&  
**SSOCIATES, Inc.**  
Management Consultants

5325 Wyoming Boulevard, N.E.  
Albuquerque, New Mexico 87109  
(505) 821-9336 FAX 821-1741

March 11, 1994

**RECEIVED**

MAR 14 1994

AK Judicial Council

Mr. William Cotton  
Executive Director  
Alaska Judicial Council  
1029 W. Third Street, Suite 201  
Anchorage, Alaska 99501

Dear Mr. Cotton:

As you know, on March 1st, we met with the Criminal Justice Coordination Policy Group to present a status report on our progress in developing a plan for the integration of Alaska's criminal justice computer systems. While we are several weeks away from finishing a draft of our report, we have completed our research and field interviews.

As a result of these completed activities, we have identified several policy issues that need to be addressed, have developed several design alternatives for a centralized repository, and have identified several of the system priorities that need to be addressed. There is no question that the development of a complete, accurate, and timely computerized criminal history will be dependent on the timely submittal of fingerprint cards and the electronic transfer of arrest and disposition information.

The enactment of the APSIN legislation during the current session of the legislature will provide the statutory authority to require the submittal of the fingerprint information in a timely fashion and the ability to promulgate regulations concerning the submittal of "reportable events" information to the criminal history repository.

The submission, however, of "reportable events," which consist of key arrest and change/court disposition data, will be possible only if the existing criminal justice agency systems support the submittal requirements. Currently, two agencies have systems that will not support these requirements: the Department of Law, with

Mr. William Cotton  
March 11, 1994  
Page 2

its PROMIS system, and the Department of Corrections, with its OBSCIS system. Both of these systems need to be replaced as soon as feasible.

During our presentation of March 1st, we outlined a process we described as "business process re-engineering." This process should be employed for all system replacement projects. This process is graphically presented in the attachment to this letter. A design team of department personnel and systems analysts skilled in the re-engineering process will ensure that any new system, whether purchased as a package or developed in house or with contract personnel, will meet the agency's automation information needs.

In addition, this process should include input from the other criminal justice agencies, to ensure that data-sharing needs are properly addressed. A part of this process is to also identify the architectures that should be employed for the new systems. We believe these two systems can and should employ client/server technologies in addressing their information system needs.

We recognize that our written report will not be available until late April, which is near the end of the current legislative session, and that it may be too late, even at this date, to request funding for any priority projects for the 1994-1995 fiscal year. We do believe, however, that a year's delay in beginning the implementation of the plan will be extremely detrimental to improving these systems, as well as making the criminal history repository the complete and accurate data base it needs to be.

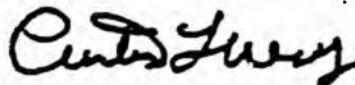
Because of this, we request your assistance in alerting the legislature to the need for some appropriation to the departments of Law and Corrections that will allow them to begin this re-engineering effort during the next fiscal year. We estimate the costs of this effort to be \$150,000 for the Department of Corrections and \$75,000 for the Department of Law. Once these re-engineering efforts are completed, each agency will have the information it needs to detail costs for replacing their systems, which can then be placed in their 1995-1996 fiscal-year budget requests.

Mr. William Cotton  
March 11, 1994  
Page 3

Your assistance in alerting the legislature to this need will be extremely beneficial to implementing the plan we will submit as part of our written report.

Very truly yours,

WOLFE & ASSOCIATES, INC.



Curtis L. Wolfe  
President

CLW:dp  
Attachment

3-12-94  
SR-3  
Adopted  
#1

Additional amendments to SB 276 (APSIN bill)

#1

Transitional section needed: The bill repeals AS 44.41.040 and incorporates those provisions in new AS 12.62.170(d). However, there are regulations adopted under AS 44.41.040, and the transition section should keep those regulations in effect until new regulations can be adopted under AS 12.62.170(d).

SENATE FINANCE  
COMMITTEE

Amendment Number: (E1)  
Bill Number: SB 276  
Sponsor: \_\_\_\_\_ Date: 3/10/94  
Logged In By: (Bm)

Requested by Lau

3-12-94  
SR 3

#2

Page 12, line 24 following the word "arrest" add "as an adult offender or as a juvenile charged as an adult" *Adopted*

This was in the original version of the bill and was mistakenly deleted in a subsequent amendment. It will mean that fingerprints of juvenile delinquents will not be required by statute, and will thus avoid a large fiscal note by the Department of Health and Social Services.

SENATE FINANCE  
COMMITTEE

Amendment Number: (#2)  
Bill Number: SR 276  
Sponsor: \_\_\_\_\_ Date: 3/10/94  
Logged In By: (Pon)

*Requested by Low*

3-15-94

Passed

SENATE AMENDMENT

BY: Senator Pearce

TO: CSSB 276 ( ) LUCKHAUPT, VERSION K, 3/11/94

Page 3, line 14 through Page 4, line 21.

Delete all material.

Page 12, lines 9-14.

Delete all material.

Page 12, line 21.

Delete all material.

Page 16, line 16.

Delete "AS 12.55.147."

Renumber all sections accordingly.

THE INTENDED EFFECT OF THE AMENDMENT IS TO REPEAL THE PREVIOUSLY ADOPTED LANGUAGE SUGGESTED BY SENATOR HALFORD AND SUPPORTED BY THE DEPARTMENT OF LAW. THAT LANGUAGE IS FOUND IN SB 321.

SENATE FINANCE  
COMMITTEE  
Amendment Number: 3  
Bill Number: SB 276  
Sponsor: PEARCE Date: 3/14/94  
Logged In By: (Signature)

3-15-94  
passed

Proposed amendment to CS SB 276(FIN) [K draft]

Page 8, line 19: Add a new subsection (7), to read:

(7) criminal justice information may be provided to a member of the Alaska legislature for official legislative business, upon the written request of the member and the written concurrence of the presiding officer;

Renumber accordingly.

SENATE FINANCE  
COMMITTEE  
Amendment Number: ④  
Bill Number: SB 276  
Sponsor: \_\_\_\_\_ Date: 3/15/94  
Logged In By: [Signature]

3-12-94  
SR 3  
Adopted

WORK DRAFT

WORK DRAFT

WORK DRAFT

8-GS2005AK  
Luckhaupt  
3/11/94

CS FOR SENATE BILL NO. 276( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to criminal justice information; providing procedural requirements  
2 for obtaining certain criminal justice information; and providing for an effective  
3 date."

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

5 \* Section 1. AS 12.62 is amended by adding a new section to read:

6 Sec. 12.62.005. INTENT. It is the intent of the legislature that the department  
7 administer the provisions of this chapter in a manner that protects victims of crime,  
8 allows the proper administration of justice, and avoids vigilantism.

9 \* Sec. 2. AS 12.62 is amended by adding new sections to read:

10 Sec. 12.62.100. CRIMINAL JUSTICE INFORMATION ADVISORY BOARD;  
11 FUNCTIONS AND DUTIES. (a) The Criminal Justice Information Advisory Board  
12 is established in the department. The board consists of the following members:

13 (1) a member of the general public appointed by and serving at the  
14 pleasure of the governor,

1 (2) a municipal police chief appointed by and serving at the pleasure  
2 of the governor; in making this appointment, the governor shall consult with the  
3 Alaska Association of Chiefs of Police;

4 (3) the attorney general or the attorney general's designee;

5 (4) the chief justice of the supreme court or the chief justice's designee;

6 (5) the commissioner of administration or the commissioner's designee;

7 (6) the commissioner of corrections or the commissioner's designee;

8 (7) the commissioner of health and social services or the  
9 commissioner's designee;

10 (8) the commissioner of public safety or the commissioner's designee,  
11 who will serve as chair of the board; and

12 (9) the executive director of the Alaska Judicial Council or the  
13 executive director's designee.

14 (b) Members of the board receive no compensation for services on the board,  
15 but are entitled to per diem and travel expenses authorized for boards under  
16 AS 39.20.180.

17 (c) The board shall meet at least once every six months.

18 (d) The board shall advise the department and other criminal justice agencies  
19 on matters pertaining to the development and operation of the central repository  
20 described in AS 12.62.110(1) and other criminal justice information systems, including  
21 providing advice about regulations and procedures, and estimating the resources and  
22 costs of those resources, needed to carry out the provisions of this chapter.

23 Sec. 12.62.110. DUTIES OF THE COMMISSIONER REGARDING  
24 INFORMATION SYSTEMS. The commissioner shall

25 (1) develop and operate a criminal justice information system to serve  
26 as the state's central repository of criminal history record information, and to collect,  
27 store, and release criminal justice information as provided in this chapter;

28 (2) consult with the board established by AS 12.62.100 regarding  
29 matters concerning the operation of the department's criminal justice information  
30 systems;

31 (3) provide a uniform crime reporting system for the periodic

1 collection, analysis, and reporting of crimes, and compile and publish statistics and  
2 other information on the nature and extent of crime in the state;

3 (4) cooperate with other agencies of the state, the criminal record  
4 repositories of other states, the Interstate Identification Index, the National Law  
5 Enforcement Telecommunications System, the National Crime Information Center, and  
6 other appropriate agencies or systems, in the development and operation of an effective  
7 interstate, national, and international system of criminal identification, records, and  
8 statistics; and

9 (5) in accordance with AS 44.62 (Administrative Procedure Act), adopt  
10 regulations necessary to implement the provisions of this chapter; in adopting the  
11 regulations, the commissioner may consult with affected law enforcement agencies  
12 regarding the fiscal implications of the regulations; regulations may not be adopted  
13 under this section that affect procedures of the court system.

14 Sec. 12.62.120. MANDATORY FINGERPRINTING. (a) When a person is  
15 taken into custody for an arrestable offense, with or without a warrant, fingerprints of  
16 the person may be taken by the law enforcement agency with custody of the person.  
17 If the law enforcement agency with custody of the person does not take the  
18 fingerprints, they shall be taken by the correctional facility where the person is lodged  
19 following the arrest.

20 (b) At the initial court appearance or arraignment of a person for an arrestable  
21 offense, the court shall determine if the person's fingerprints have been taken in  
22 connection with the offense. If the court is unable to conclusively determine that the  
23 person's fingerprints have been taken, the court shall order the person to submit to  
24 fingerprinting within 24 hours at the appropriate correctional facility unless, after  
25 consultation with state or local law enforcement agencies, the court determines that  
26 another place for taking fingerprints is more appropriate.

27 (c) When a defendant is sentenced or otherwise adjudicated for an arrestable  
28 offense, the court shall determine if legible fingerprints have been taken in connection  
29 with the proceedings. If the court is unable to conclusively determine that legible  
30 fingerprints have been taken, the court shall order that the defendant, as a condition  
31 of sentence, adjudication, suspended imposition of sentence, probation, or release,

1 submit to fingerprinting within 24 hours at the appropriate correctional facility unless,  
2 after consultation with state or local law enforcement agencies, the court determines  
3 that another place for taking fingerprints is more appropriate.

4 (d) The department shall develop standard forms and procedures for the taking  
5 of fingerprints under this section. Fingerprints shall be

6 (1) taken on a form, and in the manner, prescribed by the department;  
7 and

8 (2) forwarded within five working days to the department.

9 (e) When the department receives fingerprints of a person in connection with  
10 an arrestable offense, the department shall make a reasonable effort to confirm the  
11 identity of the person fingerprinted. If the department finds that the person  
12 fingerprinted has criminal history record information under a name other than the name  
13 submitted with the fingerprints, the department shall promptly notify the officer,  
14 agency, or facility that took the fingerprints.

15 (f) If the arresting officer, the law enforcement agency that employs the  
16 officer, or the correctional facility where fingerprints were taken is notified by the  
17 department that fingerprints taken under this section are not legible, the officer,  
18 agency, or facility shall make a reasonable effort to obtain a legible set of fingerprints.  
19 If legible fingerprints cannot be obtained within a reasonable period of time, and if the  
20 illegible fingerprints were taken under a court order, the officer or agency shall inform  
21 the court, which shall order the defendant to submit to fingerprinting again.

22 Sec. 12.62.130. REPORTING OF CRIMINAL JUSTICE INFORMATION.

23 (a) The commissioner, by regulation and after consultation with the board and affected  
24 agencies, may designate which criminal justice agencies are responsible for reporting  
25 the events described in (b) of this section. An agency designated under this subsection  
26 shall report the events described in (b) of this section to the department, at the time,  
27 in the manner, and in the form specified by the department.

28 (b) An agency designated under (a) of this section shall report the following  
29 events to the department if they occur in connection with an arrestable offense

30 (1) the issuance, receipt, withdrawal, quashing, or execution of a  
31 judicial arrest warrant, a governor's warrant of arrest for extradition, or a parole arrest

1 warrant;

2 (2) an arrest, with or without a warrant, or an escape after arrest;

3 (3) the release of a person after arrest without charges being filed;

4 (4) the admittance to, release or escape from, or unlawful evasion of,  
5 official detention in a correctional facility, either pretrial or post-trial;

6 (5) a decision by a prosecutor or a grand jury not to commence  
7 criminal proceedings, to defer or indefinitely postpone prosecution, or to decline to  
8 prosecute charges;

9 (6) the filing of a charging document, including an indictment, criminal  
10 complaint, criminal information, or a petition or other document showing a violation  
11 of bail, probation, or parole, or the amendment of a charging document;

12 (7) an acquittal, dismissal, conviction, or other disposition of charges  
13 set out in a charging document described in (6) of this subsection;

14 (8) the imposition of a sentence or the granting of a suspended  
15 imposition of sentence under AS 12.55.085;

16 (9) the commencement or expiration of parole or probation supervision;

17 (10) the commitment to or release from a facility, designated by the  
18 Department of Health and Social Services, of a person who was previously accused  
19 of a crime but who has been found to be incompetent to stand trial or found not  
20 criminally responsible;

21 (11) the filing of an action in an appellate court or a federal court  
22 relating to a conviction or sentence;

23 (12) a judgment of a court that reverses, remands, vacates, or reinstates  
24 a criminal charge, conviction, or sentence;

25 (13) a pardon, reprieve, executive clemency, commutation of sentence,  
26 or other change in the length or terms of a sentence by executive or judicial action;  
27 and

28 (14) any other event required to be reported under regulations adopted  
29 under this chapter.

30 Sec. 12.62.140. REPORTING OF UNIFORM CRIME INFORMATION. A  
31 criminal justice agency shall submit to the department, at the time, in the manner, and

1 in the form specified by the department, data regarding crimes committed within that  
2 agency's jurisdiction. The department shall compile, and provide to the governor and  
3 the attorney general, an annual report concerning the number and nature of criminal  
4 offenses committed, the disposition of the offenses, and any other data the  
5 commissioner finds appropriate relating to the method, frequency, cause, and  
6 prevention of crime.

7 Sec. 12.62.150. REPORTING OF INFORMATION REGARDING WANTED  
8 PERSONS AND STOLEN PROPERTY. (a) A criminal justice agency shall report  
9 to the department, at the time, in the manner, and in the form specified by the  
10 department, data regarding

11 (1) a person the agency is trying to locate, whether that person is  
12 wanted in connection with the commission of a crime, and the discovery, if any, of  
13 that person;

14 (2) the theft, and recovery if any, of an identifiable motor vehicle; and

15 (3) the theft, and recovery if any, of identifiable property.

16 (b) A criminal justice agency, annually and at other times if requested by the  
17 department, shall confirm whether information already reported under (a) of this  
18 section continues to be valid, and shall cooperate with the department in periodic  
19 audits to validate the information reported.

20 Sec. 12.62.160. COMPLETENESS, ACCURACY, AND SECURITY OF  
21 CRIMINAL JUSTICE INFORMATION. (a) A criminal justice agency shall

22 (1) adopt reasonable procedures to ensure that criminal justice  
23 information that the agency maintains is accurate and complete;

24 (2) notify a criminal justice agency known to have received information  
25 of a material nature that is inaccurate or incomplete;

26 (3) provide adequate procedures and facilities to protect criminal justice  
27 information from unauthorized access and from accidental or deliberate damage by  
28 theft, sabotage, fire, flood, wind, or power failure;

29 (4) provide procedures for screening, supervising, and disciplining  
30 agency personnel in order to minimize the risk of security violations;

31 (5) provide training for employees working with or having access to

1 criminal justice information;

2 (6) if maintaining criminal justice information within an automated  
3 information system operated by a noncriminal justice agency, develop or approve  
4 system operating procedures to comply with this chapter or regulations adopted under  
5 this chapter, and monitor the implementation of those procedures to ensure that they  
6 are effective; and

7 (7) maintain, for at least three years, and make available for audit  
8 purposes,

9 (A) records showing the accuracy and completeness of  
10 information maintained by the agency in a criminal justice information system;  
11 and

12 (B) records required to be maintained under AS 12.62.170(c)(4).

13 (b) The department shall adopt reasonable procedures designed to ensure that  
14 information about arrests and criminal charges that is stored in a criminal justice  
15 information system can be linked with information about the disposition of those  
16 arrests and charges.

17 (c) Every two years the department shall undertake an audit, and every four  
18 years shall obtain an independent audit, of the department's criminal justice  
19 information system that serves as the central repository and of a sample of other state  
20 and local criminal justice information systems, to verify adherence to the requirements  
21 of this chapter and other applicable laws. The department shall provide to the board  
22 the final report of each audit.

23 Sec. 12.62.170. RELEASE AND USE OF CRIMINAL JUSTICE  
24 INFORMATION; FEES. (a) Criminal justice information and the identity of  
25 recipients of criminal justice information is confidential and exempt from disclosure  
26 under AS 09.25. The existence or nonexistence of criminal justice information may  
27 not be released to or confirmed to any person except as provided in this section and  
28 AS 12.62.190(d).

29 (b) Subject to the requirements of this section, and except as otherwise limited  
30 or prohibited by other provision of law or court rule, criminal justice information may  
31 be released by a criminal justice agency as follows:

1 (1) an assessment or summary of criminal justice information may be  
2 provided to a person when, and only to the extent, necessary to avoid imminent danger  
3 to life or extensive damage to property;

4 (2) criminal justice information may be provided to a person to the  
5 extent required by applicable court rules or under an order of a court of this state,  
6 another state, or the United States;

7 (3) criminal justice information may be provided to a person if the  
8 information is commonly or traditionally provided by criminal justice agencies in order  
9 to identify, locate, or apprehend fugitives or wanted persons or to recover stolen  
10 property, or for public reporting of recent arrests, charges, and other criminal justice  
11 activity;

12 (4) criminal justice information may be provided to a criminal justice  
13 agency for a criminal justice activity;

14 (5) criminal justice information may be provided to a government  
15 agency to the extent necessary for enforcement of or for a purpose specifically  
16 authorized by state or federal law;

17 (6) criminal justice information may be provided to a person  
18 specifically authorized by a state or federal law to receive such information;

19 (7) criminal justice information in aggregate form may be released to  
20 a qualified person, as determined by the agency, for criminal justice research <sup>B5</sup> subject  
21 to written conditions that assure the security of the information and the privacy of  
22 individuals to whom the information relates;

23 (8) current offender information may be provided to a person for any  
24 purpose, except that information may not be released if the release of the information  
25 would unreasonably compromise the privacy of a minor or vulnerable adult;

26 (9) past conviction information may be provided to a person for any  
27 purpose if less than 10 years has elapsed from the date of unconditional discharge to  
28 the date of the request;

29 (10) past conviction information relating to a serious offense may be  
30 provided to an interested person if the information is requested for the purpose of  
31 determining whether to grant a person supervisory or disciplinary power over a minor

1 or dependent adult; and

2 (11) criminal justice information may be provided to the person who  
3 is the subject of the information.

4 (c) Unless otherwise provided for in regulations adopted by the commissioner,  
5 if access to criminal justice information is permitted under (b) of this section

6 (1) the information may be released only by the agency maintaining  
7 that information;

8 (2) the information may not be released under this section without first  
9 determining that the information is the most current information available within that  
10 criminal justice information system, unless the system is incapable of providing the  
11 most current information available within the necessary time period;

12 (3) the information may not be released under this section until the  
13 person requesting the information establishes the identity of the subject of the  
14 information by fingerprint comparison or another reliable means of identification  
15 approved by the department;

16 (4) the information may not be released under this section unless the  
17 criminal justice agency releasing the information records, and maintains for at least  
18 three years, the name of the person or agency that is to receive the information, the  
19 date the information was released, the nature of the information, and the statutory  
20 authority that permits the release; and

21 (5) information released under this section may be used only for the  
22 purpose or activity for which the information was released.

23 (d) Notwithstanding AS 09.25, a criminal justice agency may charge fees,  
24 established by regulation or municipal ordinance, for processing requests for records  
25 under this chapter, unless the request is from a criminal justice agency or is required  
26 for purposes of discovery in a criminal case. In addition to fees charged under  
27 AS 44.41.025 for processing fingerprints through the Alaska automated fingerprint  
28 system, the department may charge fees for other services in connection with the  
29 processing of information requests, including fees for contacting other jurisdictions to  
30 determine the disposition of an out-of-state arrest or to clarify the nature of an  
31 out-of-state conviction. The department may also collect and account for fees charged

1 by the Federal Bureau of Investigation for processing fingerprints forwarded to the  
2 bureau by the department. The annual estimated balance in the account maintained by  
3 the commissioner of administration under AS 37.05.142 may be used by the legislature  
4 to make appropriations to the department to carry out the purposes of this chapter.

5 Sec. 12.62.180. CORRECTION OF CRIMINAL JUSTICE INFORMATION.

6 (a) A criminal justice agency shall correct, modify, or add an explanatory notation to  
7 criminal history records that the agency is responsible for maintaining if the revision  
8 is necessary to achieve accuracy or completeness.

9 (b) A person may submit a written request to the head of the agency  
10 responsible for maintaining criminal justice information asking the agency to correct,  
11 modify, or add any information or explanatory notation to criminal justice information  
12 about the person that the person believes is inaccurate or incomplete. The decision of  
13 the head of the agency is the final administrative decision on the request.

14 (c) The person requesting revision of criminal justice information may appeal  
15 an adverse decision of the agency to the court under applicable rules of procedure for  
16 appealing the decision of an administrative agency. The appellant bears the burden on  
17 appeal of showing that the agency decision was in error. An appeal filed under this  
18 subsection may not collaterally attack a court judgment or a decision by prison,  
19 probation, or parole authorities, or any other action that is or could have been subject  
20 to appeal, post-conviction relief, or other administrative remedy.

21 Sec. 12.62.190. SEALING OF CRIMINAL JUSTICE INFORMATION. (a)

22 Under this section, a criminal justice agency may seal only the information that the  
23 agency is responsible for maintaining.

24 (b) A person may submit a written request to the head of the agency  
25 responsible for maintaining past conviction or current offender information, asking the  
26 agency to seal such information about the person that, beyond a reasonable doubt,  
27 resulted from mistaken identity or false accusation. The decision of the head of the  
28 agency is the final administrative decision on the request.

29 (c) The person requesting that the information be sealed may appeal an adverse  
30 decision of the agency to the court under applicable rules of procedure for appealing  
31 the decision of an administrative agency. The appellant bears the burden on appeal

1 of showing that the agency decision was clearly mistaken. An appeal filed under this  
2 subsection may not collaterally attack a court judgment or a decision by prison,  
3 probation, or parole authorities, or any other action that is or could have been subject  
4 to appeal, post-conviction relief, or other administrative remedy.

5 (d) A person about whom information is sealed under this section may deny  
6 the existence of the information and of an arrest, charge, conviction, or sentence shown  
7 in the information. Information that is sealed under this section may be provided to  
8 another person or agency only

9 (1) for record management purposes, including auditing;

10 (2) for criminal justice employment purposes;

11 (3) for review by the subject of the record;

12 (4) for research and statistical purposes;

13 (5) when necessary to prevent imminent harm to a person; or

14 (6) for a use authorized by statute or court order.

15 Sec. 12.62.200. PURGING OF CRIMINAL JUSTICE INFORMATION. (a)

16 A criminal justice agency may purge only the criminal justice information that the  
17 agency is responsible for maintaining. An agency may determine when and what  
18 information will be purged, under (b) of this section.

19 (b) Criminal justice information may be purged if the agency determines that  
20 the information is devoid of usefulness to a criminal justice agency due to the

21 (1) death of the subject of the information;

22 (2) age of the information;

23 (3) nature of the offense or of the information;

24 (4) volume of the agency's records or other record management  
25 considerations.

26 Sec. 12.62.210. CIVIL ACTION AND DEFENSE. (a) Failure to comply with  
27 a requirement of this chapter or a regulation adopted under this chapter is not a basis  
28 for civil liability, but may be the basis for employee discipline or administrative action  
29 to restrict a person's or agency's access to information. However, a person whose  
30 criminal justice information has been released or used in knowing violation of this  
31 chapter or a regulation adopted under this chapter may bring an action for damages in

1 the superior court.

2 (b) It is a defense to a civil or criminal action based on a violation of this  
3 chapter, or regulations adopted under this chapter, if a person relied in good faith upon  
4 the provisions of this chapter or of other laws or regulations governing maintenance,  
5 release, or use of criminal justice information, or upon policies or procedures  
6 established by a criminal justice agency.

7 Sec. 12.62.900. DEFINITIONS. In this chapter,

8 (1) "agency" means a criminal justice agency;

9 (2) "arrestable offense" means conduct subjecting a person to arrest

10 (A) due to a violation of a federal or state criminal law, or  
11 municipal criminal ordinance;

12 (B) under AS 12.25.180;

13 (C) under AS 12.30.060; or

14 (D) under AS 12.70;

15 (3) "automatic data processing" has the meaning given in AS 44.21.170;

16 (4) "board" means the Criminal Justice Information Advisory Board;

17 (5) "commissioner" means the commissioner of public safety;

18 (6) "complete" means that a criminal history record contains  
19 information about the disposition of criminal charges occurring in the state and entered  
20 within 90 days after the disposition occurred;

21 (7) "correctional facility" has the meaning given in AS 33.30.901;

22 (8) "correctional treatment information" means information about an  
23 identifiable person, excluding past conviction information or current offender  
24 information, collected to monitor that person in a correctional facility or while under  
25 correctional supervision, including the person's current or past institutional behavior,  
26 medical or psychological condition, or rehabilitative progress;

27 (9) "criminal history record information" means information that  
28 contains

29 (A) past conviction information;

30 (B) current offender information;

31 (C) criminal identification information;

1 (10) "criminal identification information" means fingerprints,  
2 photographs, and other information or descriptions that identify a person as having  
3 been the subject of a criminal arrest or prosecution;

4 (11) "criminal justice activity" means

5 (A) investigation, identification, apprehension, detention, pretrial  
6 or post-trial release, prosecution, adjudication, or correctional supervision or  
7 rehabilitation of a person accused or convicted of a crime;

8 (B) collection, storage, transmission, and release of criminal  
9 justice information; or

10 (C) the employment of personnel engaged in activities described  
11 in (A) or (B) of this paragraph;

12 (12) "criminal justice agency" means

13 (A) a court with criminal jurisdiction or an employee of that  
14 court;

15 (B) a government entity or subdivision of a government entity  
16 that allocates a substantial portion of its budget to a criminal justice activity  
17 under a law, regulation, or ordinance; or

18 (C) an individual or organization obligated to undertake a  
19 criminal justice activity under a written agreement with an agency described in  
20 (A) or (B) of this paragraph; as used in this subparagraph, "organization"  
21 includes an interagency or interjurisdictional task force formed to further  
22 common criminal justice goals;

23 (13) "criminal justice information" means any of the following, other  
24 than a court record, a record of traffic offenses maintained for the purpose of  
25 regulating drivers' licenses, or a record of a juvenile subject to the jurisdiction of the  
26 juvenile court under AS 47.10:

27 (A) criminal history record information;

28 (B) nonconviction information;

29 (C) correctional treatment information;

30 (D) information relating to a person to be located, whether or  
31 not that person is wanted in connection with the commission of a crime;

1 (14) "criminal justice information system" means an automatic data  
2 processing system used to collect, store, display, or transmit criminal justice  
3 information, and that permits information within the system, without action by the  
4 agency maintaining the information, to be directly accessed by another principal  
5 department of the state, another branch of state government, an agency of another state  
6 or the federal government, or by a political subdivision of a state or the federal  
7 government;

8 (15) "current offender information" means information showing that an  
9 identifiable person

10 (A) is currently under arrest for or is charged with a crime and

11 (i) prosecution is under review or has been deferred by  
12 written or oral agreement;

13 (ii) a warrant exists for the person's arrest; or

14 (iii) less than a year has elapsed since the date of the  
15 arrest or filing of the charges, whichever is latest;

16 (B) is currently released on bail or on other conditions imposed  
17 by a court in a criminal case, either pretrial or post-trial, including the  
18 conditions of the release;

19 (C) is currently serving a criminal sentence or is under the  
20 custody of the commissioner of corrections for supervision purposes; "current  
21 offender information" under this subparagraph includes

22 (i) the terms and conditions of any sentence, probation,  
23 suspended imposition of sentence, discretionary or mandatory parole,  
24 furlough, executive clemency, or other release; and

25 (ii) the location of any place of incarceration, halfway  
26 house, restitution center, or other correctional placement to which the  
27 person is assigned; or

28 (D) has had a criminal conviction or sentence reversed, vacated,  
29 set aside, or has been the subject of executive clemency;

30 (16) "department" means the Department of Public Safety;

31 (17) "dependent adult" means an adult with a physical or mental

1 disability which requires assistance or supervision with the activities of daily living;

2 (18) "information" means, unless the context clearly indicates  
3 otherwise, data compiled within a criminal justice information system;

4 (19) "interested person" means a person as defined in AS 01.10.060 that  
5 employs, appoints, or permits a person to serve with or without compensation in a  
6 position in which the employed, appointed, or permitted person has or would have  
7 supervisory or disciplinary power over a minor or dependent adult;

8 (20) "nonconviction information" means information that an identifiable  
9 person was arrested or that criminal charges were filed or considered against the  
10 person and

11 (A) a prosecutor or grand jury has elected not to begin criminal  
12 proceedings against the person and at least a year has elapsed since that  
13 decision;

14 (B) criminal charges against the person have been dismissed or  
15 the person has been acquitted and at least a year has elapsed since that action;  
16 or

17 (C) there is no indication of the disposition of the criminal  
18 charges or the arrest and at least a year has elapsed since the arrest, filing of  
19 the charges, or referral of the matter for review by a prosecutor, whichever is  
20 latest;

21 (21) "past conviction information" means information showing that an  
22 identifiable person who has been unconditionally discharged has previously been  
23 convicted of a crime; "past conviction information" includes

24 (A) the terms of any sentence, probation, suspended imposition  
25 of sentence, or discretionary or mandatory parole; and

26 (B) information that a criminal conviction or sentence has been  
27 reversed, vacated, set aside, or been the subject of executive clemency;

28 (22) "purge" means to delete or destroy information in a criminal  
29 justice information system so that there can be no access to the information;

30 (23) "seal" means to retain information in a criminal justice information  
31 system subject to special restrictions on access or dissemination;

1 (24) "serious offense" means a conviction for a felony offense or a  
2 violation or attempted violation of any of the following laws, or of the laws of another  
3 jurisdiction with substantially similar elements:

4 (A) AS 11.41.410 - 11.41.470;

5 (B) AS 11.51.130(a)(1), (3), or (5);

6 (C) AS 11.61.110(a)(7);

7 (D) AS 11.66.100 - 11.66.130; or

8 (E) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 -  
9 11.40.420, if committed before January 1, 1980;

10 (25) "unconditional discharge" has the meaning given in AS 12.55.185.

11 \* Sec. 3. AS 44.99.310(f) is amended to read:

12 (f) This section does not apply to criminal intelligence or criminal investigative  
13 records, criminal justice information under AS 12.62, state agency personnel or  
14 retirement system records, records of applicants for employment with the state agency,  
15 or information in documents recorded under AS 40.17.

16 \* Sec. 4. AS 12.55.147; AS 12.62.010, 12.62.015, 12.62.017, 12.62.020, 12.62.030,  
17 12.62.035, 12.62.040, 12.62.050, 12.62.060, 12.62.070; AS 18.65.060; and AS 44.41.040 are  
18 repealed.

19 \* Sec. 5. TRANSITION. Notwithstanding sec. 8 of this Act, an agency of the state that  
20 has regulation adoption authority or that is authorized by this Act to adopt regulations, may  
21 proceed to adopt regulations necessary to implement provisions in this Act that affect that  
22 agency. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not  
23 before July 1, 1995.

24 \* Sec. 6. APPLICABILITY. Notwithstanding sec. 8 of this Act, the fingerprinting and  
25 mandatory reporting requirements of AS 12.62.120 - 12.62.150, added by sec. 2 of this Act,  
26 and regulations adopted under those statutes, are not applicable before July 1, 1996, to  
27 criminal activity that does not constitute a felony offense.

28 \* Sec. 7. Section 5 of this Act takes effect immediately under AS 01.10.070(c).

29 \* Sec. 8. Sections 1 - 4 and 6 of this Act take effect July 1, 1995.

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

(907) 465-3867 or 465-2150  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

March 15, 1994

**SUBJECT:** CSSB 276(FIN)

**TO:** Senator Steve Frank  
Senator Drue Pearce  
Co-Chairs, Senate Finance Committee  
Attn: Kathy

**FROM:** Pam Finley *P7*  
Assistant Revisor

Enclosed is the Finance CS you requested; I drafted it because Mr. Luckhaupt was at a committee meeting. The transition section is in sec. 5(b). I ignored the Department of Law's amendment that was to be inserted after "arrest" on page 12, line 24 (actually page 12, line 9) because the fingerprinting section and corresponding definition were deleted by Senator Pearce's amendment. I also deleted a reference to fingerprinting in sec. 6. Please let me know if this was not what you wanted.

I also want to alert you to a possible problem. Although Senator Pearce's amendment deleted the definition of "arrestable offense," that term still appears in the bill at page 3, line 21 (AS 12.62.120(b)).

PLF:pl  
94-207.plm

Enclosure

March 15, 1994

Billy -

Spoke with Diana Schenker of Dept. of Corrections this afternoon and requested an updated fiscal note for CSSB 276 (Finance). Have delivered a copy of the CS, adopted and reported out this a.m., to her for analysis. She said that based on her understanding of committee discussion of the bill this morning, the updated note will delete references to fingerprinting but will probably not change much financially since funding relates to advisory board costs, expenses associated with compiling criminal justice information, and training of personnel--which will involve substantial travel. I asked that the updated note be delivered to Senator Pearce's office to your attention.

Kathy  
2618

*Billy acknowledged  
4:00pm.*

# A FAX

## Alaska State Legislature

Date: 3-15-94

To: Peggy - Legal Services

Fax #: 2029 Phone #: 465-6662

From: Kathy - Senate Finance

Phone #: 465-2618

Re: CS5B 276 (Fin) - Please incorporate  
the attached 4 amendments into work  
draft 8-GS2005\K (3-11-94) to produce final  
CS5B 276 (Fin).

Following this page, please find 4 pages(s). If this does not reach you in full, please inform us ASAP.



# THANK YOU

MAR 14 1994

SB 276



# alaska judicial council

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1917 (907) 279-2526 FAX (907) 276-5046

EXECUTIVE DIRECTOR  
William T. Cotton

March 10, 1994

NON-ATTORNEY MEMBERS  
Jim A. Arnesen  
David A. Dapcevic  
Janice Lienhart

ATTORNEY MEMBERS  
Mark E. Ashburr  
Daniel L. Callahan  
Thomas G. Nave

CHAIRMAN, EX OFFICIO  
Daniel A. Moore, Jr.  
Chief Justice  
Supreme Court

Senator Drue Pearce  
Co-Chair, Senate Finance Committee  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

RE: SB 276

Dear Senator Pearce:

I am writing to urge the Senate Finance Committee to promptly endorse Senate Bill 276. The bill is currently assigned to a finance subcommittee chaired by Senator Rieger. This bill, part of the Governor's crime package, would set the groundwork to ensure that accurate criminal history information is available in Alaska to all criminal justice agencies.

The Departments of Public Safety and Law will emphasize the importance of accurate and complete criminal history information for law enforcement. We agree with their arguments, but emphasize that this bill would benefit the other components of the criminal justice system as well. In fact, the Criminal Justice Working Group (including the court system, Corrections, local police, and the public defender agency among others), unanimously endorsed the general principles of this legislation (see attached).

The Judicial Council has an independent interest in this legislation stemming from the legislative directive to the Council last year to work with the criminal justice agencies to develop a plan to coordinate the various criminal justice computer information systems. Accurate and fingerprint-backed criminal history is an absolute prerequisite to coordinated systems. Information cannot be shared, whatever the level of technical sophistication, unless the systems can accurately identify offenders and tie them to their criminal history records.

More specifically, I believe the mechanism in the legislation to govern criminal history information—authorizing the Department of Public Safety to make regulations in DPS with an advisory committee made up of representatives from other agencies—is appropriate and workable. There simply has to be one final authority and we see the Department of Public Safety as the only agency with the expertise, self-interest and willingness to take on the task.

The Judicial Council does recommend that its executive director or designee be added to the Advisory Board. (See the language added by the Senate Judiciary Committee to the identical Senate Bill.) This change is important because unlike other agencies whose focus on is on their own needs, the Council brings a systemwide perspective from its work with the Sentencing Commission and its current legislative assignment to work towards coordinating the criminal justice computer systems. Also, the Council's research analyst has more experience than anyone in the state in transferring data out of each department's computer system.

Further, the Council's consultants in the computer coordination project recommend that the five-day reporting period in Sec. 12.62.120(b) be shortened to one working day unless the weather or other circumstances make this impossible. This shorter time period is realistic and would minimize the chance that a dangerous felon would be released before accurate identification is completed.

In conclusion, the Judicial Council has endorsed the objectives of SB 276 because of its importance to Alaska's criminal justice system as a whole, and in particular because the legislation is a necessary step to coordinating the state's criminal justice computer information systems. Please feel free to contact me if you have any questions.

Very truly yours,



William T. Cotton  
Executive Director

WTC:pjs

Attachment