

ALASKA LEGISLATURE

1566

HOUSE and SENATE FINANCE COMMITTEE FILES, 1995-1996

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289(); draft version M

1 Page 1, line 2, following "custodians":

2 Insert "; and amending Rule 7, Alaska Delinquency Rules"

3 Page 2, following line 14:

4 Insert new bill sections to read:

5 "* Sec. 2. AS 47.10.140(a) is amended to read:

6 (a) A peace officer may arrest a minor who violates a law or ordinance in the
7 officer's presence, or whom the officer reasonably believes is a fugitive from justice,
8 or whom the officer reasonably believes has violated AS 47.10.141(g). A peace
9 officer may continue a lawful arrest made by a citizen. The officer may have the
10 minor detained in a juvenile detention facility if in the officer's opinion it is necessary
11 to do so to protect the minor or the community. The officer shall have the minor
12 detained in a juvenile detention facility if the arrest was made at least in part
13 because the officer reasonably believed the minor had violated AS 47.10.141(g).

14 * Sec. 3. AS 47.10.140(b) is amended to read:

15 (b) A peace officer who has a minor detained under (a) of this section shall
16 immediately, and in no event more than 12 hours later, notify the court and make
17 reasonable efforts to notify the minor's parents or guardian, and the department of the
18 officer's action. The department may file with the court a petition alleging
19 delinquency or alleging that the minor is a child in need of aid before the detention
20 hearing.

21 * Sec. 4. AS 47.10.140(c) is amended to read:

22 (c) The court shall immediately, and in no event more than 48 hours later,
23 hold a hearing at which the minor and the minor's parents or guardian if they can be
24 found shall be present. The court shall determine whether probable cause exists for

1 believing the minor to be delinquent or a child in need of aid. The court shall
 2 inform the minor of the reasons alleged to constitute probable cause and the reasons
 3 alleged to authorize the minor's detention. The minor is entitled to counsel and to
 4 confrontation of adverse witnesses.

5 * Sec. 5. AS 47.10.140(d) is amended to read:

6 (d) If the court finds that probable cause exists for believing the minor to
 7 be a delinquent or for believing that the minor is a child in need of aid, the
 8 court [, IT] shall determine whether the minor should be detained pending the hearing
 9 on the delinquency or child-in-need-of-aid petition or released. It may either order
 10 the minor held in detention or released to the custody of the department or other
 11 [A] suitable person pending the hearing on the petition. If the court finds no probable
 12 cause for believing the minor to be a delinquent or for believing that the minor
 13 is a child in need of aid, it shall order the minor released to the minor's legal
 14 custodian and close the case. If the court orders release of a minor who was
 15 arrested under (a) of this section based on an alleged violation of AS 47.10.141(g),
 16 the court shall advise the minor and the minor's legal custodian of available
 17 mediation services and of the right to social services under AS 47.10.142(b)."

18 Renumber the following bill sections accordingly.

19 Page 3, line 16, following ".":

20 Insert "If the officer takes the minor to a semi-secure office, program, shelter, or
 21 other facility under (3) of this subsection, the officer shall also advise the minor and, if
 22 known, the minor's legal custodian, that the minor will be in violation of (g) of this
 23 section and subject to arrest and temporary detention under AS 47.10.140 if the minor
 24 leaves the office, program, shelter, or other facility without permission either from the
 25 minor's legal custodian or from an appropriate employee or administrator of the office,
 26 program, shelter, or other facility, unless the minor, upon leaving the office, program,
 27 shelter, or other facility, promptly returns to the immediate presence of the minor's
 28 legal custodian or to the legal custodian's residence."

29 Page 3, line 2+:

1 Delete "a new subsection"

2 Insert "new subsections"

3 Page 4, following line 1:

4 Insert new subsections to read:

5 "(g) A minor who has been taken by a peace officer to a semi-secure office,
6 program, shelter, or facility under (b)(3) of this section may not leave the office,
7 program, shelter, or facility without permission either from the minor's legal custodian
8 or from an appropriate employee or administrator of the office, program, shelter, or
9 other facility, unless the minor, upon leaving the office, program, shelter, or facility
10 promptly returns to the immediate presence of the minor's legal custodian or to the
11 legal custodian's residence. Violation of this subsection is grounds for arrest and
12 temporary detention under AS 47.10.140(a) but may not be the sole grounds for a
13 delinquency petition or for proceedings under any other law.

14 (h) An office, program, shelter, or facility that a minor has allegedly left in
15 violation of (g) of this section shall immediately notify the department and the nearest
16 law enforcement agency of the identity of the minor and the alleged violation."

17 Page 5, following line 11:

18 Insert a new bill section to read:

19 "* Sec. 12. AS 47.10.140, as amended by secs. 2 - 5 of this Act, and AS 47.10.141(g),
20 added by sec. 8 of this Act, have the effect of amending Rule 7, Alaska Delinquency Rules,
21 by authorizing arrest of a juvenile without a warrant if the juvenile has allegedly violated
22 AS 47.10.141(g)."

Adopted 3/28/96

9-LS1635M.4
Lauterbach
3/26/96

SENATE FINANCE
COMMITTEE

Amendment Number: 1
Bill Number: SB 289
Sponsor: _____ Date: 3/26/96
Logged In By: JS

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR FRANK

TO: CSSB 289(); draft version "M"

1 Page 1, after line 3:

2 Insert a new bill section to read:

3 **** Section 1. FINDINGS; PURPOSE.** (a) The legislature finds that

4 (1) the number of runaway minors in this state is a significant problem that

5 is a threat to the public health and safety as well as to the individual health and safety of the

6 minors who, because of their runaway status, are without the care and protection of their

7 families;

8 (2) some adults who harbor runaway minors do not serve the best interests

9 of the minors, particularly when they encourage them to be absent from school and to remain

10 away from the custody of their parents, and current laws have been largely unenforceable

11 against these adults because of the broadly worded exceptions they contain;

12 (3) even many licensed facilities for runaway minors have been unable to

13 serve their intended purpose of protecting the minors and facilitating family reunification

14 because they lack the security measures that would keep the minors in the facilities long

15 enough to assess their needs and the needs of their families;

16 (4) a short period of secure detention before a court hearing for a runaway

17 minor who has previously fled from a licensed runaway program would enable the

18 Department of Health and Social Services to better protect and assist the minor while

19 imposing only a very limited loss of liberty; and

20 (5) in most circumstances, runaway minors would be best cared for by their

21 parents and other family members.

22 (b) The purpose of this Act is to address the problem of runaway minors by

23 tightening up the laws designed to penalize the adults who inappropriately harbor runaways

24 so that those laws are more enforceable, to require facilities for runaway minors to be more

25 secure, and to require facilities for runaway minors to more promptly assess the minors'

1 needs and notify the minors' parents of their presence in the facility. It is also the purpose
2 of this Act to authorize temporary secure detention of a minor who has previously left a
3 semi-secure program without permission. The legislature intends, through this Act, to better
4 fulfill its responsibility to protect runaway minors and to meet its goal of returning them as
5 quickly as possible to the custody and control of their parents in all appropriate
6 circumstances."

7 Page 1, line 4:

8 Delete "Section 1."

9 Insert "Sec. 2."

10 Renumber the following bill sections accordingly.

3-12-96

WORK DRAFT

WORK DRAFT

WORK DRAFT

9-LS1635M
Lauterbach
3/7/96

SF
moved
Adopted
3/28/96 moved &
R/O

CS FOR SENATE BILL NO. 289()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Miller, Phillips, Halford, Green, Taylor

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to runaways, other minors, and their families or legal
2 custodians."

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

4 * Section 1. AS 11.51.130(a) is amended to read:

5 (a) A person commits the crime of contributing to the delinquency of a minor
6 if, being 19 years of age or older or being under 19 years of age and having the
7 disabilities of minority removed for general purposes under AS 09.55.590, the person
8 aids, induces, causes, or encourages a child

9 (1) under 18 years of age to do any act prohibited by state law unless
10 the child's disabilities of minority have been removed for general purposes under
11 AS 09.55.590;

12 (2) under 18 years of age to enter or remain in the same room in a
13 building where the unlawful sale of a drug occurs unless the child's disabilities of
14 minority have been removed for general purposes under AS 09.55.590;

1 (3) under 16 years of age to be repeatedly absent from school, without
2 the permission of the child's parent, guardian, or custodian [JUST CAUSE]; or

3 (4) under 18 years of age to be absent from the custody of a parent,
4 guardian, or custodian without ^{knowledge and (volun)} the permission of the parent, guardian, or custodian
5 [JUST CAUSE], unless the child's disabilities of minority have been removed for
6 general purposes under AS 09.55.590 or the person has immunity under AS 47.10.350
7 or 47.10.398(a); it is an affirmative defense to a prosecution under this paragraph
8 that, at the time of the alleged offense, the defendant

9 (A) reasonably believed that the child was in danger of
10 physical injury or in need of temporary shelter; and

11 (B) within 12 hours after taking the actions comprising the
12 alleged offense, notified a peace officer, a law enforcement agency, or the
13 Department of Health and Social Services of the name of the child and the
14 child's location.

15 * Sec. 2. AS 47.10.141(b) is amended to read:

16 (b) A peace officer shall take into protective custody a minor described in (a)
17 of this section if the minor is not otherwise subject to arrest or detention. Unless (c)
18 of this section applies, the peace officer shall [EXERCISE THE OFFICER'S
19 DISCRETION AND] (1) return the minor to the legal custodian at the legal
20 custodian's residence if the legal custodian consents to the return except that the
21 officer may not use this option if the officer has reasonable cause to believe
22 [SUSPECT] that the minor has experienced physical or sexual abuse in the legal
23 custodian's household; (2) take the minor to a nearby location agreed to by [THE
24 MINOR AND] the legal custodian if the legal custodian does not consent to return
25 of the minor under (1) of this subsection or the officer is precluded from using
26 that option because of a reasonable cause to believe that the minor has
27 experienced physical or sexual abuse in the legal custodian's household; or (3) if
28 disposition of the minor is not made under (1) or (2) of this subsection, take the
29 minor to an office specified by the Department of Health and Social Services, a
30 program for runaway minors licensed by the department under AS 47.10.310, a shelter
31 for runaways that has a permit from the department under AS 47.35.085 that agrees

1 to shelter the minor, or a facility or contract agency of the department. If the peace
2 officer plans to take the minor to an office, program, shelter, or facility under (3)
3 of this subsection, the peace officer shall give the highest priority to taking the
4 minor to an office, program, shelter, or facility that is semi-secure. If an office
5 specified by the department, a licensed program for runaway minors, a shelter for
6 runaways that will accept the minor, or a facility or contract agency of the department
7 does not exist in the community, the officer shall take the minor to another suitable
8 location and promptly notify the department. A minor under protective custody may
9 not be housed in a jail or other detention facility but may be housed in a semi-secure
10 portion of an office, program, shelter, or other facility under (3) of this
11 subsection. Immediately upon taking a minor into protective custody, the officer shall
12 advise the minor of available mediation services and [ORALLY AND IN WRITING]
13 of the right to social services under AS 47.10.142(b), and, if known, the officer shall
14 advise the legal custodian that the minor has been taken into protective custody and
15 that counseling services for the custodian and the minor's household may be available
16 under AS 47.10.142(b).

17 * Sec. 3. AS 47.10.141(e) is amended to read:

18 (e) In this section,

19 (1) "law enforcement agency" has the meaning given in AS 12.36.090;

20 (2) "semi-secure" means operated according to standards that may
21 be established by the department in regulations that are designed to require a
22 level of security that will reasonably ensure that, if a minor leaves without
23 permission, the minor's act of leaving will be immediately noticed.

24 * Sec. 4. AS 47.10.141 is amended by adding a new subsection to read:

25 (f) In the absence of gross negligence or intentional misconduct, an office,
26 program, shelter, or facility, or an employee of an office, program, shelter, or facility,
27 to which a minor is taken by a peace officer for semi-secure custody is not subject to
28 civil or criminal liability based on the minor's leaving the office, program, shelter, or
29 facility without permission unless the office, program, shelter, or facility is not in
30 compliance with the department's regulations that set standards for semi-security and
31 the lack of compliance was a material factor in the minor's being able to leave without

1 permission.

2 * Sec. 5. AS 47.10.310(c) is amended to read:

3 (c) A program for runaway minors shall

4 (1) explain to a minor who seeks assistance from the program the legal
5 rights and responsibilities of runaway minors and the services and assistance provided
6 for runaway minors by the program and by the state or local municipality;

7 (2) upon admission of a minor to the program, attempt to determine
8 why the [A] minor [IN THE PROGRAM] is a runaway and what services may be
9 necessary or appropriate for reuniting the minor with the minor's family;

10 (3) provide or help arrange for the provision of services necessary to
11 promote the health and welfare of a minor in the program and, if appropriate, members
12 of the minor's family; services may include, but are not limited to, the provision of
13 food, shelter, clothing, medical care, and individual, group, or family counseling;

14 (4) within one state working day after admission of a minor to the
15 program [PROMPTLY] inform the department of a minor in the program

16 (A) who claims to be the victim of child abuse or neglect, as
17 defined in AS 47.17.290;

18 (B) whom an employee of the program has cause to believe has
19 been a victim of child abuse or neglect; or

20 (C) whom an employee of the program has reason to believe is
21 evading the supervision of the department, the person to whom the department
22 has entrusted supervision, or the minor's legal guardian;

23 (5) be operated with the goal of reuniting runaway minors with their
24 families, except in cases in which reunification is clearly contrary to the best interest
25 of the minor; and

26 (6) maintain adequate staffing and accommodations to ensure physical
27 security and to provide crisis services to minors residing in a facility operated by the
28 program; a program shall maintain semi-secure portions of its facilities in a
29 proportion that meets regulations established by the department; residents under
30 18 years of age shall be segregated from residents who are 18 years of age or older.

31 * Sec. 6. AS 47.10.390 is amended by adding a new paragraph to read:

1 (3) "semi-secure" has the meaning given in AS 47.10.141(e).

2 * Sec. 7. AS 47.10.394(b) is amended to read:

3 (b) The provider of a shelter for runaways shall promptly, but within one state
4 working day [48 HOURS], inform the department of a runaway minor in the shelter

5 (1) who claims to be the victim of child abuse or neglect, as defined
6 in AS 47.17.290;

7 (2) whom the provider has reasonable cause to suspect has been a
8 victim of child abuse or neglect; or

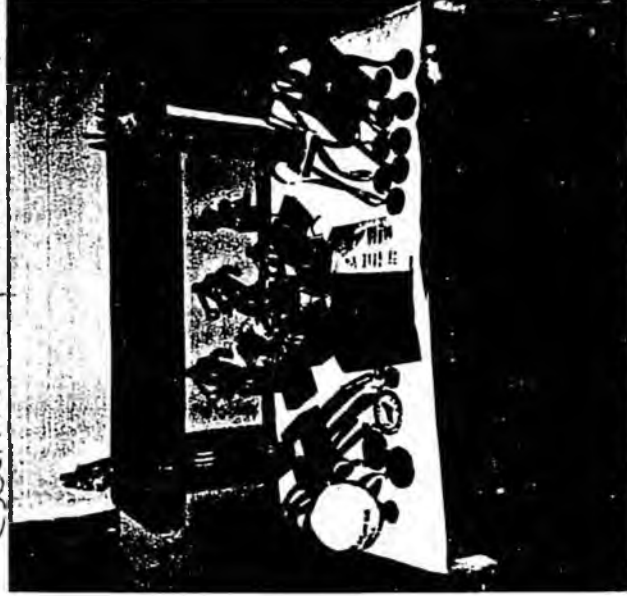
9 (3) whom the provider has reason to believe is evading the supervision
10 of the department, the person to whom the department has entrusted supervision, or the
11 minor's legal guardian.

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**



2/10

Bambi's Medals & Stuff



- 5 Gold medals MVP - B. Ball
- 5 Silver Highest Scorer
- 1 Bronze 1 Honor Roll B. Ball
- 5 First Place Ribbons 2. B. Ball

From Cris Tyree

3-13-96

P.O. 2 99687

378-6515

Wasilla AK 99687

To: Senate Finance Committee

Senator Steve Frank

State Capitol

Juneau, AK 99801-1182

to kids

Sony

letter to enclose

you can use

Enclosed is a picture of one of my two daughters. Isn't she beautiful? Her older sister is beautiful too. Please return pictures.

Let me tell you about both of them.

Tia loves children. She is real patient, considers them as individuals, and knows how to love with hugs, kisses and kind words. She can tease and make them laugh. She has a soft beautiful quality of charm and charisma that just melts people's hearts. She's always there as a friend, but to be an honest friend, thoughtful. She's a big help with her brother, around the house with chores, etc. She's always tried to see the bright side of life, but at 15 1/2, she learned from school, she had rights, if she wasn't happy at home, she could leave and no one would miss her at home. Then she learned more from new friends.

Now, Bambi, the one you have a picture of and also whose trophies I also have included picture wise in this letter. Bambi was always happy, chirpy, go-go, as a little girl. She was different in that kids and chores were not her thing!! Sports were. Every sport she participated in she received a medal, ribbon, trophy, honor for!! Anything!! Plus she was always from K to now, 9th grade, she's been an honor student. The majority of teachers and peers have always loved her!! But, when Tia ran away, Bambi was crushed. So at 12 years old she decides to run away.

I cried and pleaded to everyone, anyone, please make my girls come home!! No one could make them come home!! It was like no one cared.

When Tia left, she left to go to a dance in Anchorage (lure of the big city). She had planned on coming back, but do you know what happened? Some men held her hostage in Anchorage in their house, raped her (and she had been a virgin) then let her go after a few days!! She was afraid to tell us!! Afraid because we had "told her" so!! So instead of coming home, she stayed, trusted someone else. They hooked her on crack, where she ended up prostituting for money for the crack. She managed to pick herself up but

Continues being used and threatened!!

In the meantime Bambi is angry because we've moved from her home of 10 years, Tia has left since our move, girls are jealous of her. Start trouble for her because she's pretty and athletic and all the boys like her, so she starts getting into trouble.

One thing after another, which leads to now, both girls under Federal arrest for 11 (eleven) pounds of cocaine. They were being used by a man (42) that was a threat to them, a man I personally went to Trooper Patterson about before the arrest, trying to get my daughter out of there, so now we have to pay for all of this mess!!!

Why should I have to pay for the "No Run Away Law"? A law that gave children the idea to go, act like an adult, but not think like an adult?

Why should I pay when Trooper Patterson could have gotten my daughter out of there before this bust? When I went to him in person about this man that had control of her and her sister?

Please change the laws, for our children's sakes. Have age limit, too, to leave home. Let facilities be built

so these young lives aren't corrupted
by pimps, drug dealers, gang members.
Please make it to where our children
are made to come home or go to safe
house with trained staff or counselors.
Please put monies ~~to~~ into education or
training or after school programs. For
their sakes and future.

For US as a society. Children are
a natural resource, too. We'll get back
what we put forth into them.

Thank You,

Cris Lynch



AL

Post-It™ brand fax transmittal memo 7671 # of pages <u>2</u>	
To: <u>Sen. Frank</u>	From: <u>Fbx L10</u>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

CURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE Senate Finance
 COMMITTEE ON SB 289 COMMITTEE NAME
 DATED 3/12/96
 BILLSUBJECT

1 of 2

I strongly urge passage with the following suggestions,

- Under Sec. 3, pg. 3, line 23 - states "minor's act of leaving will be immediately noticed." I think they must be stopped before they disappear into the underground.
- Section 5, pg. 4, line 2' - states "evading the supervision of the department..." - I think the "parent or legal guardian" must always be considered the first authority of supervision over a minor unless prior circumstances have caused the department to have legal supervision ordered by the state. Please put parent or legal guardian first on this list, this should also apply to Sec. 7, pg. 5, line 10.

SIGNED Lori L. Backes / Lori L. Backes
 TESTIFIER
Self
 REPRESENTING (OPTIONAL)
1608 Scenic Cp. Fairbanks, 99709
 ADDRESS/PHONE NUMBER



ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE

Senate Finance
COMMITTEE NAME

COMMITTEE ON

SB 289

DATED

3/12/96

BILL/SUBJECT

2 of 2

Finally, I urge you to maintain the change in Sec. 2, pg. 2, line 18 - the term "officer's discretion" should be deleted. It is well described in this bill that the first + primary course of action must be to return this minor to their parent unless a "reasonable belief of abuse" is present.

SIGNED

Lori L. Backes / Lori L. Backes

TESTIFIER

Self

REPRESENTING (OPTIONAL)

1608 Scenic Cp. Fairbanks, 99709

ADDRESS/PHONE NUMBER

STEVE FRANK

119 N. Cushman, Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421

Alaska State Legislature



Senate

MAR 06 1996

While in Juneau
P.O. Box V
Juneau, Alaska 99811
(907) 465-3709
Capitol Rm. 417

TO: Senator Rick Halford, Co-Chair
Senate Finance Committee

FROM: Senator Steve Frank, Co-Chair
Senate Finance Committee

RE: Hearing Request - CS SB 289 (JUD)

DATE: March 6, 1996

I am writing to request a hearing for CS SB 289 (JUD), "An Act relating to runaway minors and their families or legal custodians" in the Senate Finance Committee at your earliest possible convenience.

This legislation would strengthen current law, closing a loophole regarding contributing to the delinquency of a minor and strives to give parents more authority over their runaway children. It also promotes the idea of semi-securing runaway shelters to limit the "revolving door" effect that currently exists.

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration.

Thank you for your consideration.

STEVE FRANK

119 N. Cushman. Rm. 213
Fairbanks, Alaska 99701
(907) 452-3421

Alaska State Legislature



White in Juneau
P.O. Box V
Juneau, Alaska 99801
(907) 465-3700
Capitol Rm. 417

Senate

SPONSOR STATEMENT

CS SB 289 "An Act relating to runaway minors and their families or legal custodians."

I introduced this legislation to address the growing concern among parents for the safety of their runaway children. It is a significant problem in our communities that I feel needs serious consideration.

CS SB 289 will strengthen the language within AS 11.51.130 regarding to contributing to the delinquency of a minor. By discouraging people from housing runaways, it will force these children to take advantage of available services that will be able to assess the child's situation and begin the process of reconciliation with their family.

This legislation will also make clear that a police officer's first course of action, after picking up a runaway, is to take that child back to his or her parents unless the officer believes that there has been abuse to the minor. If the parent will not accept the child, then the second course of action will be to take the minor to a place agreed to by the parent. If this cannot be accomplished either, then the police officer must take the child to a semi-secure shelter for assessment of the child's situation and determination of the course of action that is in the best interest of the child.

I feel this legislation is an important step in dealing with this continuing problem and I would appreciate your support.

Thank you for your consideration.



**LOST
BY THE
STATE
OF
ALASKA**

**Sarah
McNear**

5'11" • 130 lbs.
15 years old

If you have information,
please call Sarah's parents at

479-4090

or the Alaska State Troopers at 451-5100.

111 March 1974

Dear Legislator, Governor, President...

The runaway youth problem is reaching epidemic proportions in America today. More and more it's touching the lives of average middle class families that are trying to instill traditional values, but encounter roadblocks set in their way by permissive laws designed to guarantee children's personal freedoms. The trouble is, there's nothing in place to teach them the responsibilities that come with these freedoms.

To begin with, the moral fabric of our nation is unravelling. One has only to judge television content, stories considered newsworthy by the media or the messages delivered to young people through their popular music and the cinema to realize how far we've declined. Kids are continuously bombarded by the tobacco, alcohol, clothing and entertainment industries with the following advice concerning drugs, sex, violence, irresponsibility and disrespect for others (including parents)....*just do it!!!* AND, the peer pressure is relentless. Add to this a set of laws that effectively eliminate parental authority and the stage is set.

Federal legislation dating back 21 years seems to be where it all begins. The Juvenile Justice and Delinquency Prevention Act (PL 93-415) was passed in 1974. The law seeks to keep juveniles out of contact with adult offenders...can't be housed in the same correctional facilities. The law also requires the use of the least restrictive alternatives possible for juveniles in custody. To achieve these mandates at the state level, federal funds for juvenile programs are contingent upon compliance. This amounts to \$600,000 for Alaska and our laws do indeed fulfill the stated objectives of federal legislation. Please refer to Alaska Statute Sec. 47.10.141. titled "Runaway and missing minors".

The thinking behind these laws seems to be: Kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This philosophy completely overlooks the merely rebellious kids who, on advice of their trusted peers, can *and do* abuse these laws and *manipulate* the system. The influence of peers should not be underestimated. Their interpretation of law is not based upon a careful reading of the statutes, but rather upon how the laws are *actually* administered. They know that law enforcement agencies do NOT aggressively pursue runaways or the people giving them "safe" haven. So, both the character of the laws AND their application fail to protect our sons and daughters.

What to do?!....CHANGE THE LAWS! Moreover, the laws must be vigorously enforced. Reference existing statute Sec. 47.10.141. again: The law should clearly stipulate that a runaway who is unwilling to go home or to a mutually agreed upon location shall be placed in a *secure* facility. Such detention centers for runaway and missing minors shall be separate from adult facilities and should be staffed with personnel trained to evaluate each individual case and determine a course of action. Enforcement?...Even the current law says "...a law enforcement agency shall make reasonable efforts to locate the minor..." This requirement must be fulfilled! Likewise for Alaska Statute Sec.11.51.130, titled "Contributing to the Delinquency of a minor", *and* the truancy law *and* the statutory rape law. The statutes are worthless if law enforcement authorities won't apply them.

One can look at how other jurisdictions are addressing the problem. For example, Washington has new legislation dealing with runaways, but we must keep our goal clearly in sight....Kids must understand that the act of running away from their legal guardian will result in tangible consequences. The deterrent effect of a lock-up approach will greatly influence *potential* runaways. No longer will wayward peers be able to inculcate susceptible kids with the notion that they can run away with *impunity*. The word will get around quickly on the play ground and the majority of these wannabes won't take that initial step.

■ Police report

B-2

■ Events

B-3

■ People

B-4

Rod Boyce, City Editor; 456-6661 (Ext. 275)

Dermot
Cole



Section B

Monday, January 15, 1996

■ ■ ■
THERE HAVE BEEN several ads and letters to the editor recently about the problem of runaway children in the Fairbanks area.

There definitely is a problem, a complicated one that defies easy answers.

In Fairbanks, there are 30 to 50 runaways on the street at any given time, according to a recent report in the Fairbanks Native Association newsletter.

FNA operates Family Focus, which is a state sanctioned temporary shelter for runaway children ages 10 to 18. It was founded in 1979.

When police pick up a runaway, in most cases, they either take the child to Family Focus or contact the parents. Some of the children are leaving abusive homes. Others are rebelling against their parents.

The law gives the runaway child the power to decide where to go.

"The kids at Family Focus are free to leave whenever they choose, but can remain at the shelter for up to 14 days," the FNA newsletter said. "Parents are notified that their teen is at the shelter but it is up to the teen when he or she will return

On the streets the children can be exposed to all sorts of dangers. And those who are abused should not be forced to go to homes where they will be hurt.

What about the rebellious ones? If the law was changed to give parents the authority to require that the child come home with them or to require that the child stay at a place like Family Focus, the matter of enforcement would come up. If the child refused to cooperate, would there be any alternatives other than jail?

A meeting of citizens who are concerned about runaways will be Tuesday Feb. 6 at 6:30 p.m. at the Noel Wien Public Library auditorium.

1-24-96

1990 Weston Drive
Fairbanks, AK 99709
January 22, 1996

Senator Steve Frank
State Capitol
Juneau, AK 99801

Dear Senator ^{Steve} Frank:

The enclosed article from the January 8 issue of the Fairbanks Daily News-Miner presents a first-hand account of the serious problems in the treatment of runaways in our state. I am increasingly dismayed at the number of these stories from "normal," loving families. Please consider support for legislation that will

- 1) require proper evaluation of a child's claim of abuse in a home situation. This should recognize the authority of parents or guardians to properly discipline their child, and require reasonable proof of abuse before the child is removed from the home. This does not preclude an intermediate, brief placement in a facility specifically designed to hold and retain children during an evaluation or cooling-off period.
- 2) limit the definition of abuse to reasonable standards (not, for example, "I wasn't allowed to go to my class party because I was grounded").
- 3) require an abused child to be placed in a facility with the requirement and authority to restrict the activities of the child for his or her safety — not, as Mrs. Near states, a revolving door back to the streets, drug dealers, and pimps.
- 4) combine responsibility for the child's action with the authority to direct them. The current system makes the parent responsible while removing all ability to set, much less enforce, the rules.

Thank you for your consideration of this very important issue. I wish success to all of us who are concerned about our children.

Sincerely

Joan Osterkamp
Joan Osterkamp

Fairbanks Daily
News-Miner
11/8/96

Juvenile justice is a disaster

The entire juvenile justice system is terribly broken. At the period of time when youngsters are most vulnerable and need adult support, firmness and guidance, they are given increased autonomy.

Juveniles seldom have consequences for their criminal actions and the word is out. For this reason older criminals use children to courier illegal activities. Yet, parents are responsible for the child's actions until they are 18.

As parents of a runaway child, we were horrified to discover our child had complete freedom of

LaRue
Near
Guest Opinion



The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

movement and we had no rights at all.

Why did our 14-year-old child, an athlete, honor student and talented musician, choose to reject friends, family, and the values we tried to instill?

We are not sure, but our child began to associate with children that had problems such as truancy, running away, drugs and criminal activities. These students made it perfectly clear to our child, "If you don't like the rules at home you can leave. The system is easy to manipulate: shout abuse and you can go to a foster home. Too many rules there? Ask to move, or run, and you will be placed in another. Commit a misdemeanor crime, nothing happens to you."

In December 1994 our child rather than face the consequences for breaking a rule (truancy), told the teacher she would be beaten if she went home (untrue).

She told the counselor she was running away. The school informed us that the child needed time out in a mutually accepted place and that if we physically forced our child to go home it would be considered assault. This child got the message!

As a result of the state undermining parental authority, our child has repeatedly refused to come home. The child, now a chronic runaway, has lived in many situations: some chosen by us, some by the state and many by people encouraging her delinquency.

Law enforcement people consider runaways a low priority and seldom pursue them. Our beautiful child, now 15, is a street person.

We are a stable family. A parent was always home with the children.

In trying to help this child, we have spent a fortune on lawyers, doctors, hospitals, psychiatrists, psychologists and counselors.

We have petitioned the state for help and had many court hearings. "Our hands are tied" (because of the laws), is the answer we get, over and over. At this point it seems hopeless.

The current runaway statute must be changed. A runaway child must be immediately pursued, picked up and returned home.

If the child claims abuse, take them to a secure place and examine them for bruises.

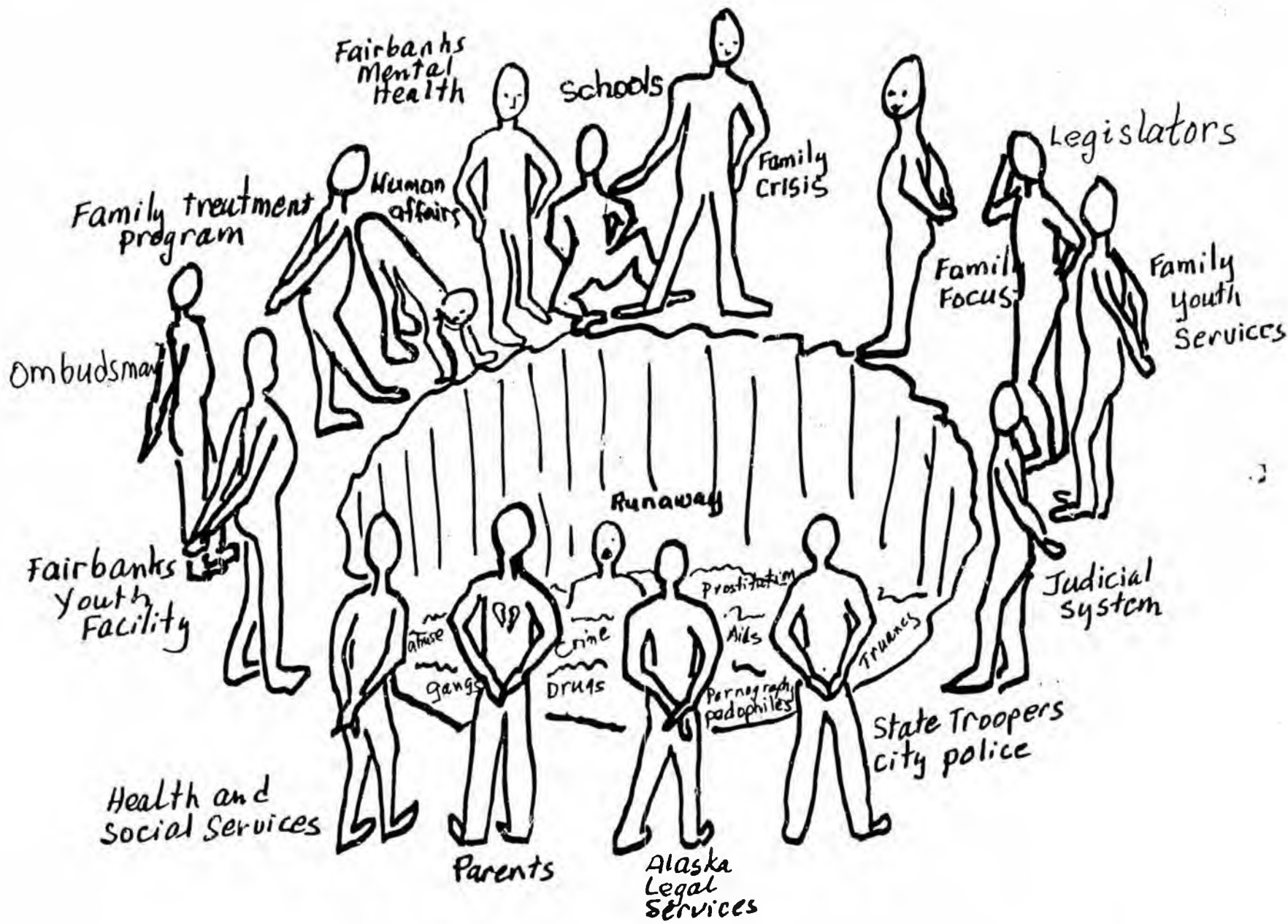
If there is truly abuse, place them in a foster home where they must remain. Make shelters like Family Focus secure, rather than a revolving door.

Children should not be allowed to run to the streets, for their own safety. It will not take long for word to get out that running away is no longer fun.

Children are our state's greatest natural resource and we are losing many.

Please call or write our legislators to get this statute changed.

LaRue Near, a life-long Fairbanks and retired primary schoolteacher, is a member of a group of Fairbanks parents concerned about runaways.



"Our hands are tied"

810 Ballaine Rd.
Fairbanks, AK 99709-6606

22 March 1995

Representative Gail Phillips, Speaker
Alaska State House
State Capitol - Room 208
Juneau, AK 99801-1182

Dear Speaker Phillips,

In recent months we have become acquainted with the inadequacy of AS 47.10.141, The Runaways and Missing Minors Law, through the painful experience of friends whose daughter has run away repeatedly. Despite the continuous efforts of the parents to keep their 14-year old daughter protected, they have found that the existing system allows runaways almost total freedom. Even when the child was picked up by police, she was able to regain freedom almost immediately.

While it is extremely important that children not be returned to abusive homes, it is equally important that a child's claims of abuse be quickly and thoroughly checked, and a substitute home be provided for the child's protection if they are substantiated, and the child be returned home if the claims are found to be false.

In addition we urge you to see that truancy laws are enforced so that children do not skip school without consequence.

Thank you for considering our concerns.

Sincerely,

Sue M. Dean *Frederick C. Dean*

Sue M. Dean and Frederick C. Dean

Powerless parents look for help

By LIN GALE
Staff Writer

The phone rang at Rosemary Donnelly's house at 2 a.m.

It was city police, calling to say they had her 14-year-old son at the station.

"What do you want us to do with him?" the officer asked.

Donnelly asked if they would bring him home but the boy refused to return.

"He says he doesn't want to come home, and he doesn't have to come," Donnelly said Tuesday night while relaying the story to a dozen people gathered at the Noel Wien Library.

Donnelly, a clerk at the state courthouse, has spent a lot of sleepless nights since her son began running away in September. Tired of feeling powerless, she is trying to organize people concerned about runaways to lobby for legislation that would give parents more control over rebellious teens.

The law says parents and police have no authority to force runaways to return home. Instead, police can bring the youths to the runaway shelter Family Focus, where they can leave whenever they choose.

The current law was passed in the late 1970s to protect runaways

who were sexually and physically abused at home.

Unfortunately, Donnelly said, it has left parents powerless over their runaway children.

Among changes parents in the group want is a law that would require runaways either to be returned home or be put into supervised shelters they would not be allowed to leave; disclosure to parents of their children's drug and alcohol treatment records; more aggressive reporting of truancy by school authorities; and increased prosecution of adults who harbor runaways and supply them with drugs and alcohol.

FDNM, Wed. Jan 18, 1995.

stopping runaways

Without such help, parents have had to take drastic steps to try and control their teens.

April Rodgers' son's problems began with chronic truancy from school.

Desperate, Rodgers accompanied him to school for a week and a half. She sat by him through every class during that time.

"He would try and ditch me in the hallway," Rodgers said.

Another mother of a runaway teen supplied information to police that led to her daughter's arrest on a drug offense.

The girl was placed on probation, which finally gave her mother

some control. Anytime she ran away after that she was thrown into Fairbanks Youth Facility, at her mother's request, for violating probation.

Scared at seeing her son acting and looking like "a bum off the Chicago streets," Donnelly said she had him committed into Alaska Psychiatric Institute, in Anchorage, for an evaluation.

The 10 days he was there were the easiest on her since he first ran away, she said, because she knew he was off the streets.

"Basically, there is nothing we can do with these kids," Donnelly said.

Al Near
PO Box 80847
Fairbanks AK 99708
March 9, 1996

Senator Steve Frank
Room 518 Alaska State Capitol
Juneau AK 99801-1182

Dear Steve:

Thank you for introducing SB289. I wholeheartedly support what I see as its primary goals.....strengthening the laws that deal with runaway minors and those persons who would contribute to their delinquency.

Our sad experiences with these issues began over a year ago when our daughter refused to come home from school after we attempted to impose grounding sanctions in response to her cutting classes. I was informed by the school counselor that I could try to persuade our child to return, but that *I could face serious consequences* if I attempted any physical solution such as putting her in the car and driving her home. I ended up negotiating with her through the vice principal and the counselor. In the end...my daughter had her way. She went home with a classmate for the weekend; thereby avoiding any consequences for her actions. I went home with hat-in-hand.

That was a dark December day in 1994. Since then she has been in a dozen or more foster settings from which she either ran away or was asked to leave and still...no consequences!!! She has lived on the streets for up to 6 weeks at a stretch. When she has been picked up as a runaway, she refuses to go home, so she's delivered to our local youth shelter. There it has been a revolving door and she soon returns to the unsavory situation from which the peace officer had just rescued her...still no consequences!!! Throughout this nightmare we sought help from law enforcement and were repeatedly told that runaways are a low priority because they will not stay at the shelter. Attempts to deal with the various adults who harbored and otherwise contributed to her delinquency were also fruitless.

Here's an attractive, intelligent and talented 15 year old girl who held the world in her hands before she was pulled into a negative peer group. She was destined for college and a responsible, productive future. Now? I doubt that she'll even finish high school and she has herself predicted that she'll likely end up in jail. But, as she's quick to point out, she'll be with her friends.

How can something like this happen? Before this happened to us I had assumed such problems could always be traced to serious inadequacies of the family. Well, my wife and I have enjoyed a 32 year loving partnership, our son is a well liked 19 year old college student and our daughter had all the same opportunities. Moreover...our's is not an isolated case! During this past year we've met families from all walks of life who have similar stories. One continuing theme that runs through all these cases is an absence of accountability for the wayward youths. When a child refuses to follow the standards of behavior set forth by family and society and sees that our legal system also refuses to uphold them...what should we expect????

The earliest intervention is what's needed. Clearly, had my daughter been turned around and sent home when she first began experimenting with *the system*, she might have been saved. But, after scores of episodes to which the system responded by rewarding her misadventures with ever greater freedom, what are the odds that she can ever be turned around? We need to be there with appropriate consequences at the beginning. If our *susceptible* youth heard from their peers that running away would result in negative consequences, many of these "wannabes" would never take that first ~~step~~.

This brings me to SB289. It's headed in the right direction, but it doesn't quite get all the way there. Draft version "M" is before me and I'm concerned about what it doesn't say. Upon reading to the end of line 23 on page 3, everyone I've talked with asks...*and then what?* It's fine that the shelter personnel are immediately aware that the minor has left, but *what is anyone going to do about it??* I suggest that such an act justifies more than a "semi-secure" response. The minor should know that, if he or she runs away from the "semi-secure" shelter, they will graduate up to a secure setting. Better yet, they should be prevented from leaving in the first place. It may cost more and we might lose some federal grant money and on and on and on...but, the bottom line...are we willing to do what's right for our kids? It's been often said that young people represent our most precious asset. Let's *show them we care* by revising our laws to close the "accountability gap". Let's set and maintain reasonable boundaries for them.

Respectfully yours,



Al Near

Post-It™ brand fax transmittal memo 7671		# of pages >	
To	Alli Gordon	From	AL Near
Co.	For Senate Fin	Co.	479-4090
Dept.	Hearing	Phone #	
Fax #		Fax #	



Official Business


Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

MEMORANDUM

TO: Senator Drue Pearce, President
Alaska State Senate

FROM: Senator Rick Halford, Co-Chair
Senate Finance Committee 

DATE: March 5, 1996

SUBJECT: SB 289, Fiscal Note(s) WITHOUT a Finance Committee Referral

A positive fiscal note has been issued by the Department of Health & Social Services for SB 289, Misc. Laws Relating to Runaway Minors, which is currently in the Senate Rules committee.

Please add a referral to the Senate Finance committee.

Thank you.

Attachment(s)

cc: Senator Mike Miller, Chairman
Senate Rules Committee
Attn.: Mary Gore

Sen. Frank

RH/lb

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

STATUS DATE: 02/29/96

HEARING: (S) RLS MAR 06 00:00 AM FAHRENKAMP RM 203

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	JUDICIARY
02/28/96	2578	(S)	COSPONSOR(S): GREEN, TAYLOR
02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES

Senate Finance Committee

To: Larry Stevens

From: Jerry

Date: 5 March 1996

Subject: Bill Number: SB 289 Version: _____

Fiscal Note WITHOUT a Senate Finance Committee Referral

Title: Misc. Laws Relating to Runaway Minors

Referrals: _____

Sponsor(s): Frank

Department: _____

BRU: _____

Component: _____

Comments: _____

Attachments:

- Fiscal Note(s)
- Bill History from BASIS

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

STATUS DATE: 02/29/96

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02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	JUDICIARY
02/28/96	2578	(S)	COSPONSOR(S): GREEN, TAYLOR
02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES

FISCAL NOTE

*2/20/96
copy to Perry
copy to Hille*

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: _____ Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. Judiciary COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0*-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

56287

Estimate of current year (FY 96) 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.)

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 26, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 2/26/96
 Agency: Ronald L. Otte, Department of Public Safety

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For further distribution information call the Governor's Legislative Office

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD

CURRENT STATUS: (S) JUD

STATUS DATE: 02/12/96

HEARING: (S) JUD FEB 26 01:30 PM BELTZ ROOM 211

TELECONFERENCE

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96

2382

(S)

READ THE FIRST TIME - REFERRAL(S)

02/12/96

2382

(S)

JUDICIARY

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/12/96

FURTHER: *rule*

Date of 5-Day Notice: 2-22-96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-29-96

The Judiciary Committee considered SB 289

Relating to runaway minors and their families or legal custodians.

and recommends:

- be replaced with CS SB 289 (JOB)
- adopt previous CS ()
- attached amendment(s)
- adopt Letter of Intent by Committee
- further referral to the Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Julien Green</i>	<input checked="" type="checkbox"/>	<i>Al Adams</i>	<input checked="" type="checkbox"/>		
<i>Mike Miller</i>	<input checked="" type="checkbox"/>				
<i>Christi Taylor</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Christi Taylor</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Public Defender</i>	<i>2/28</i>	<input checked="" type="checkbox"/>	
<i>Office of Public Allocation</i>	<i>2/28</i>	<input checked="" type="checkbox"/>	
<i>Public Safety</i>	<i>2/26</i>	<input checked="" type="checkbox"/>	
<i>Law Civil Division</i>	<i>2/26</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

*SB
-
E-
CS*

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

Updated # 3

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: SB 289

Revision Date: _____ Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. FIN COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0*-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) 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.)

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 8, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: *3/8/96*
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

REPORTED OUTSIDE

SFC 3/28/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 289(JUD)

Revision Date: March 18, 1996 Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. Finance COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0*-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) 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.)

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: March 18, 1996
 Approved by Commissioner: *Dee Smith* Date: 3/18/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (FIN)

Revision Date: _____
Title: Runaway Minors
Sponsor: Senator Frank
Requestor: Senate Finance Committee

Dept. Affected: Alaska Court System
BRU: Trial Courts
Component: _____
COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	21.7	21.7	21.7	21.7	21.7	21.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	21.7	21.7	21.7	21.7	21.7	21.7

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES (
----------------------	--	--	--	--	--	--

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.7	21.7	21.7	21.7	21.7	21.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	21.7	21.7	21.7	21.7	21.7	21.7

Estimate of any current year (FY 96) cost: None

Positions

Full-Time						
Part-Time	2.0	2.0	2.0	2.0	2.0	2.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC*
Agency: Alaska Court System

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CSC*
Agency: Alaska Court System

Phone: 264-8228
Date: 04/08/96

Date: 04/08/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 ()

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to runaway minors and their BRU: Civil Division
families or legal custodians." Component: General Legal Services
 Sponsor: Senator Frank
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Provisions relating to secure (and perhaps semi-secure) placement of juveniles will probably be determined to be unconstitutional in that there are no due process protections built in for juveniles who will be deprived of their freedom when placed in a secure facility. The statute merely sets out a requirement that secure placements are to be given the highest priority for placement of a runaway if a peace officer is unable to return a child to a parent or take the child to an agreed upon location. Secure placement is defined as having locking doors, windows, or a secure perimeter, and designed to prevent a minor from leaving without permission. There are no standards to determine whether secure placement is justified--i.e., commission of a delinquent act or showing that the child is in specific danger, no provisions for court review, or review by anyone, and no time limits on how long secure placement can last. This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard J. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 - (FIN)

Revision Date: 4/2/96 Dept. Affected: Department of Law
 Title: "An Act relating to runaways, other minors, and
their families or legal custodians..." BRU: Criminal Division/Civil Division
 Sponsor: Senator Frank Component: Criminal Division/General Legal Services
 Requester: Senate Finance Committee COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	115.2	115.2	115.2	115.2	115.2	115.2
TRAVEL	2.5	2.5	2.5	2.5	2.5	2.5
CONTRACTUAL	18.7	18.7	18.7	18.7	18.7	18.7
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	6.5	1.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	146.5	141.0	141.0	141.0	141.0	141.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	1.0	1.0	1.0	1.0	1.0	1.0
1003 GF Match						
1004 GF	146.5	141.0	141.0	141.0	141.0	141.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	146.5	141.0	141.0	141.0	141.0	141.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Senate Finance Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130), the state's juvenile delinquency statute (AS 47.10.140), and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill also provides that a runaway who has been taken to a semi-secure facility, and runs away from such a facility can be arrested and detained in a secure facility pending disposition by the juvenile court. A preliminary hearing must be provided within 60 hours from being detained (up to 12 hours to notify the court and up to 48 hours to hold the hearing.) If the court then finds probable cause to believe that the runaway is a child in need of aid, it can continue detention pending a hearing on the petition for adjudication of child in need of aid, which could be a matter of months and would certainly be a matter of weeks. At the end of the hearing, if the minor is not detained, the court could place the runaway in the temporary custody of any suitable adult, including a parent or the Department of Health and Social Services.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Division Date: 4/2/96
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 4/2/96
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (FIN)

ANALYSIS CONTINUATION:

According to information provided by the Department of Health and Social Services, about 380 runaways residing in runaway shelters run away from those shelters each year. It is this latter group of runaways who would be subject to arrest and detention in secure facilities, and for whom detention hearings must be held. The Department of Law's lawyers may spend as little as one hour on a simple, straightforward case, or many hours on a case where a minor has become determined to be on his or her own, or has become habituated to freedom of the street, making resolution of the matter lengthy and complex. In this latter instance, numerous hearings can occur over a period of several months.

It is our view, given the wide difference in effort needed by individual cases, that the average effort required to handle this caseload will be approximately five hours per case. As a consequence, it will be necessary to add one Attorney IV. This position should be added in Anchorage because the largest number of children's cases occur in Southcentral Alaska. It should be stressed that the department's Anchorage Human Services attorneys, who would be handling these cases, are already handling an extreme caseload, which now averages over 200 child protection cases per attorney. The department simply could not implement the bill's provisions without this additional help.

Last, we also note that the department advised the Senate Finance Committee during Assistant Attorney General Rebecca Snow's teleconference testimony of March 28, that the bill creates the potential for constitutional attack on equal protection grounds. Our concern in this regard still remains. Two or three months of attorney time may be required to resolve this issue, if the bill's provisions are challenged.

The Department of Law's costs, shown on the cover page, are based on the department's attorney hourly cost rate method, and represent the annual costs for an Attorney IV (SR24), including standard overheads for clerical assistance, space, communications, supplies, library, equipment, and timekeeping. In addition, \$7,500 (\$2,500 in travel and \$5,000 for witnesses) has been added for out-of-pocket case costs, and \$6,500 has been included for new position equipment.

FISCAL NOTE

No. 4
 Bill Version: SB 289(JUD)
 (S) Publish Date: 2-29-96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to runaway minors and their BRU: Civil Division
families or legal custodians." Component: General Legal Services
 Sponsor: Senator Frank
 Requester: Senate Judiciary Committee COMPONENT SERIAL NO. 2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Provisions relating to secure (and perhaps semi-secure) placement of juveniles will probably be determined to be unconstitutional in that there are no due process protections built in for juveniles who will be deprived of their freedom when placed in a secure facility. The statute merely sets out a requirement that secure placements are to be given the highest priority for placement of a runaway if a peace officer is unable to return a child to a parent or take the child to an agreed upon location. Secure placement is defined as having locking doors, windows, or a secure perimeter, and designed to prevent a minor from leaving without permission. There are no standards to determine whether secure placement is justified--i.e., commission of a delinquent act or showing that the child is in specific danger, no provisions for court review, or review by anyone, and no time limits on how long secure placement can last. This bill will have no fiscal impact on the Department of Law.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 2/26/96
 Date: 2/26/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (JUD)

Revision Date: 3/5/96 Dept. Affected: Department of Law
 Title: "An Act relating to runaway minors and their families or legal guardians." BRU: Criminal Division/Civil Division
 Sponsor: Senator Frank Component: Criminal Division/General Legal Services
 Requester: Senator Frank COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Senate Judiciary Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130) and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill will not have a fiscal impact for the Department of Law.

Richard I. Peques

Prepared by: Richard I. Peques, Director
 Division: Administrative Services/Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 3/5/96
 Date: 3/5/96

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FISCAL NOTE

No. 3

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: _____

Bill Version: CS5B289(J.I)

(S) Publish Date: 2-29-96

Revision Date: _____ Dept. Affected: Public Safety
 Title: Miscellaneous laws relating to runaway minors BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Senator Frank
 Requestor: S. Judiciary COMPONENT SERIAL NO. 2799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0*-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 96) 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.)

This bill will have an inestimable fiscal impact on the Division of Alaska State Troopers. The bill requires that peace officers return runaway minors to their guardian at the guardian's residence or place of employment. This eliminates any flexibility in returning the minor and in some cases will require more of the officers time to transport the minor to those locations, especially if those locations are in different cities. The bill also requires that if a peace officer is going to take the minor to a shelter that the officer must select a specific type of shelter first, again increasing the transport time.

Prepared By: Lt. Dan Lowden Phone: 465-5505
 Division: Alaska State Troopers Date: February 26, 1996
 Approved by Commissioner: *Ronald L. Otte* Date: 2/26/96
 Agency: Ronald L. Otte, Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
Title: "An Act relating to runaway minors and their families
or legal custodians."
Sponsor: Sen. Frank
Requestor: (S) JUD

Dept. Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/15/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 1
 Bill Version: CS SB 289/JUD
 (S) Publish Date: 2-29-96

Revision Date: _____
 Title: "An Act relating to runaway minors and their families or legal custodians."
 Sponsor: Sen. Frank
 Requestor: (S) JUD

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Public Defender Agency.

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

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 3/1/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 289

Revision Date: _____
Title: "An Act relating to runaway minors and their families
or legal custodians."
Sponsor: Sen. Frank
Requestor: (S) JUD

Dept. Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 2/27/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

REPORTED OUT OF
SFC No. 2 3/28/96
Bill Version: CS SB289(JUD)
(S) Publish Date: 2-29-96

Revision Date: _____
Title: "An Act relating to runaway minors and their families or legal custodians."
Sponsor: Sen. Frank
Requestor: (S) JUD

Dept. Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
-------------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/28/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289 (JUD)

Revision Date: 3/5/96 Dept. Affected: Department of Law
 Title: "An Act relating to runaway minors and their families or legal guardians." BRU: Criminal Division/Civil Division
 Sponsor: Senator Frank Component: Criminal Division/General Legal Services
 Requester: Senator Frank COMPONENT SERIAL NO. 2085/2087

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The Senate Judiciary Committee substitute for SB 289 amends the state's contributing to the delinquency of a minor statute (AS 11.51.130) and the state's runaway and missing minor statute (AS 47.10.141) to clarify just cause in the former statute, and to provide that a runaway minor taken into protective custody shall be taken to a semi-secure facility, under the latter statute, if the runaway minor cannot be returned to the legal custodian. The bill will not have a fiscal impact for the Department of Law.

Richard I. Pegues

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services/Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 3/5/96
 Date: 3/5/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: _____
 Title: An Act relating to runaway minors and their families or legal custodians.
 Sponsor: Sen. Frank
 Requestor: (S)FIN

Dept. Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 There is no fiscal impact to the Public Defender Agency.

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

Phone: (907)264-4400
 Date: _____

Approved by Commissioner: Mark Boyer *M. Boyer*
 Agency: Department of Administration

Date: 4/3/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289(FIN)

Revision Date: _____

Department Affected: Administration

Title: "An Act relating to runaways, other minors, and their families or legal custodians..."

BRU: Public Defender Agency

Component: Public Defender Agency

Sponsor: Senator Frank

Requestor: Senate Finance

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	83.6	83.6	83.6	83.6	83.6	83.6
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	15.0	15.0	15.0	15.0	15.0	15.0
SUPPLIES	3.6	3.6	3.6	3.6	3.6	3.6
EQUIPMENT	6.5	-0-	-0-	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	110.7	104.2	104.2	105.2	105.2	105.2

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	110.7	104.2	104.2	105.2	105.2	105.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	110.7	104.2	104.2	105.2	105.2	105.2

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared by: John B. Salemi, Director
 Division: Public Defender Agency

Phone: 264-4412
 Date: _____

Approved by Commissioner: Mark Boyer *MB*
 Agency: Department of Administration

Date: 4/5/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB 289(FIN)

ANALYSIS: (continued)

This bill amends the state's contributing to the delinquency of a minor statute as well as the juvenile delinquency statute, and the state's runaway and missing minor statute.

The portion of the bill which will have a fiscal impact on the Public Defender Agency relates to the treatment of runaways who have been apprehended by law enforcement authorities. The bill provides that a runaway who has been taken to a semi-secure facility, and runs away from such facility can be arrested and detained in a facility pending disposition by the juvenile court. A hearing must be held within 60 hours from the time of the detention.

The child will be entitled to a defense lawyer for said hearing and any follow up hearings if the court decides that the runaway is a child in need of aid.

Based on information received from the Department of Law and Department of Health and Social Services, "about 380 runaways residing in runaway shelters run away from those shelters each year." See DOL fiscal note dated 4/2/96. The Public Defender assumes that all the runaways will be indigent for purposes of receiving public counsel legal services. Assuming the Public Defender is appointed to represent between 300 and 400 runaways per year, and assuming most runaways will be detained in Anchorage, additional resources will be needed for the Anchorage Public Defender office.

Currently the Anchorage Public Defender office has three lawyers doing Child in Need of Aid cases and one lawyer handling all of the juvenile delinquency cases filed in Anchorage. Each of these lawyers carries an oppressive caseload rivaling that of the caseload mentioned in the Department of Law's fiscal note. In order to provide legal services to the new category of detained runaways, an additional lawyer will be needed for the family law section of the Anchorage Public Defender office.

This request is consistent with the request made by the Department of Law, wherein they ask for an additional Attorney IV position for Anchorage. Like the Department of Law, the PD finds it necessary to add one Attorney IV to existing staff.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: _____
 Title: An Act relating to runaway minors and their families or legal custodians.
 Sponsor: Sen. Frank
 Requestor: (S)FIN

Dept. Affected: Administration
 BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)
 There is no fiscal impact to the Office of Public Advocacy.

Prepared by: Brant McGee, Public Advocate
 Division: Office of Public Advocacy

Phone: (907)274-1684
 Date: _____

Approved by Commissioner: Mark Boyer *MB*
 Agency: Department of Administration

Date: 4/3/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289 (JUD)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (JUD)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	170.0					
MISCELLANEOUS						
TOTAL OPERATING	170.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	170.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	170.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. This does not mean, however, that all six facilities would choose to become semi-secure. A few of these six shelters which do not have alarms already feel that they are semi-secure based on their staffing patterns. In other words, there is 24 hour staff checking rooms and/or staff sitting at a desk at the door.

Prepared by: *[Signature]* Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: *[Signature]* Karen Replogle, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/28/96
 Date: 2/28/96

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FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB219(FIN)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and
 their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Residential Child Care
 COMPONENT SERIAL NO. 253
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0
MISCELLANEOUS						
TOTAL OPERATING	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	1,630.0	1,460.0	1,460.0	1,460.0	1,460.0	1,460.0

POSITIONS:

	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. It further provides that the Department develop regulations for semi-secure care. It will result in the Division administering grants for one time costs of installing hardware for semi-secure care. The Division has not had time to do an accurate estimate of cost of installation of semi-secure hardware (door and window alarms) of the six shelters that the Division believes would be involved. However, we have a recent shelter of six beds that has recently had a semi-secure alarm installed which cost \$12,000. Therefore, if we project that to the six shelters which have eighty-five beds, the cost would be approximately \$170,000. A few of these six shelters might choose not to purchase the hardware because they feel that they are semi-secure based on their staffing patterns.

(Continued)

4/13/96
 Prepared by: [Signature] L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: [Signature] Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/02/96
 Date: 4/13/96

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ANALYSIS (cont.):

This bill mandates that if a runaway taken to a semi-secure facility runs, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ration of 1:3, will cost \$200.0 per bed per day.

The cost of Grants for 20 beds x \$200/day x 365 days = \$1,460,000.00.

CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec. 10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB239(FIN)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and
 their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Purchased Services
 Component: Delinquency Prevention
 COMPONENT SERIAL NO. 248
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS				600.0	600.0	600.0
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	600.0	600.0	600.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts	(200.0)	(400.0)	(600.0)			
1003 GF Match						
1004 GF	200.0	400.0	600.0	600.0	600.0	600.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	600.0	600.0	600.0

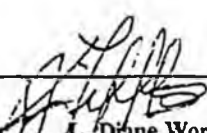

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. This bill mandates that if a runaway taken to a semi-secure facility runs, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. If this bill were to become law, the Division of Family & Youth Services would be in violation of the Office of Juvenile Justice and Delinquency Prevention laws which do not allow runaways to be in secure lock up and could lose as much as \$600.0 in Federal Delinquency Prevention Grants.


 Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services

 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/02/96
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec.10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways these programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and
 their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: Southcentral Region
 COMPONENT SERIAL NO. 254
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	163.8	163.8	163.8	163.8	163.8	163.8
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	163.8	163.8	163.8	163.8	163.8	163.8

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	163.8	163.8	163.8	163.8	163.8	163.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	163.8	163.8	163.8	163.8	163.8	163.8

POSITIONS:

FULL-TIME	2	2	2	2	2	2
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to arrest a minor in violation of AS 47.10.141(g) if that minor has run from a semi-secure facility for runaways. DFYS estimates that at least 380 youth will be subject to AS 47.10.141(g). DFYS anticipates a need for two additional Social Workers III's in the Southcentral Region to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for one and one third social workers just to complete investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of two additional workers is a conservative estimate.

4/3/96
 Prepared by: L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/02/96
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec.10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act Relating to Runaway Minors and BRU: Family and Youth Services
their Families or Legal Custodians Component: Northern Region
 Sponsor: Senator Frank COMPONENT SERIAL NO. 255
 Requestor: Senate (FIN) See also (SN#): _____

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	81.9	81.9	81.9	81.9	81.9	81.9
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	81.9	81.9	81.9	81.9	81.9	81.9

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	81.9	81.9	81.9	81.9	81.9	81.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	81.9	81.9	81.9	81.9	81.9	81.9

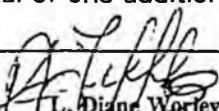
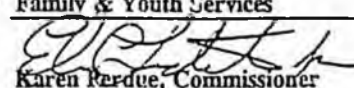
POSITIONS:

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

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to arrest a minor in violation of AS 47.10.141(g) if that minor has run from a semi-secure facility for runaways. DFYS estimates that at least 380 youth will be subject to AS 47.10.141(g). DFYS anticipates a need for one additional Social Workers III in Fairbanks to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for two- third's social worker just to complete investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of one additional worker is a conservative estimate.

Prepared by:  L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner:  Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/02/96
 Date: 4/3/96

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CS SB 289(FIN)

This fiscal note is based on the following assumptions:

- 1) The current shelter programs for runaway minors will continue to provide shelter services;
- 2) There will be some semi-secure facilities as specified in Sec. 10, AS 47.10.310(c)(6);
- 3) Minors arrested in violation of AS 47.10.141(g) will be detained in juvenile secure facilities developed through grants from Division of Family and Youth Services; and
- 4) The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities even when no "juvenile secure facilities" exist.

A 1992 conference on runaways estimated that over 4,500 Alaskan youth ran away from home during that year. We have attempted to narrow the scope of this fiscal note by contacting runaway shelters to see how many runaways those programs served during FY 95 and how many of those youth "ran" from the shelters. From those responses, we estimate that at least 380 youth will be subject to AS 47.10.141(g).

We then estimate a need for 20 beds in "juvenile secure facilities", 5 each in Juneau and Fairbanks, and 10 in Anchorage. Currently, semi-secure facilities with a 1:4 staff-client ratio, 24 hour awake staff, and no electronic security aids cost \$155.00 per bed. We anticipate that upgrading facilities to include alarm systems and meet fire marshall requirements, as well as an increased staff ratio of 1:3, will cost \$200.00 per bed per day.

We also anticipate a need for additional social work staff to conduct in-depth investigations of this group of runaways in order to decide whether the minors are released to parents or petitioned into court. An investigation of abuse or neglect requires, on average, 5.7 hours to complete. A social worker has, on average, 1,350 hours per year, after deductions for personal and sick leave, training, meetings, and miscellaneous paperwork requirements, to conduct investigations. The increase in the number of investigations required by this bill results in the need for 1.6 additional social workers just to complete the investigations. Since many of those youth may require social work time for court involvement and placement, the need for a total of 3 additional workers is a conservative estimate.

This bill requires the department to develop regulations which must ensure the confinement of minors and ensure that the facilities meet physical and program standards for providing safe and effective care of those minors.

Finally, the confinement of non-criminal youth in secure facilities will result in the loss of up to \$600.0 in federal funds from the Office of Juvenile Justice and Delinquency Prevention.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSB289(FIN)

Revision Date: _____
 Title: An Act Relating to Runaway Minors and
 their Families or Legal Custodians
 Sponsor: Senator Frank
 Requestor: Senate (FIN)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL	3.5					
CONTRACTUAL	20.0					
SUPPLIES	1.5					
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	25.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY97	FY98	FY99	FY00	FY01	FY02
1002 Federal Receipts						
1003 GF Match						
1004 GF	25.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	25.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY96) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

This bill directs a peace officer to deliver a runaway minor to a semi-secure facility, if possible. This bill mandates that if a runaway taken to a semi-secure facility runs from that facility, the minor will be arrested in violation of AS 47.10.141(g) and detained in juvenile secure facilities developed through grants from DFYS. It further provides that the Dept. develop regulations regarding semi-secure and "juvenile secure facilities". The current overcrowding in the DFYS youth facilities will lead to situations in which minors in violation of 47.10.141(g) will be denied admittance to those detention facilities when no "juvenile secure facilities" exist. We estimate that at least 380 youth will be subject to AS 47.10.141(g).

A contractor would be hired to develop regulations for semi-secure and secure care for runaways. The cost would be approximately \$150.00 x 133 hours to develop these regulations. The cost for travel to Public Hearings is estimated at \$3500.00 and supply cost for copying is estimated at \$1,500.00.

Prepared by: *[Signature]* L. Diane Worley, Director
 Division: Family & Youth Services
 Approved by Commissioner: *[Signature]* Karen Perdue, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 04/02/96
 Date: 4/3/96

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La Rue Near
P.O. Box 80847
Fairbanks, AK 99708
March 18, 1996

Senator Steve Frank
Room 518 Alaska State Capitol
Juneau, AK 99801-1182

Dear Senator Frank:

The runaway youth problem is reaching epidemic proportions in Alaska today. More and more it's touching the lives of average middle class families who are trying to instill traditional values, but encounter roadblocks set in their way by laws designed to protect abused and neglected children. These laws are being exploited by rebellious kids who are challenging authority. Kids who, in an earlier time would have been held accountable for their misdeeds, can now exercise adult personal *freedoms* unencumbered by personal *responsibility*.

Federal legislation beginning in the mid 1970s recognized the importance of not treating abused and neglected kids like criminals. Laws flowing from this philosophy require "least restrictive" settings for juveniles in custody. To achieve these mandates at the state level, certain federal funds for juvenile programs are contingent upon compliance. For example, detention of juveniles for running away would put \$150,000 of grant money at risk under one of these.

The thinking behind these laws seems to be: Kids who run away are fleeing abusive homes and must not be further injured by a justice system that treats them like criminals. This approach completely overlooks the merely rebellious kids who, on advice of their trusted peers, can and *do* exploit these laws and manipulate the system. Their interpretation of law is not based upon a careful reading of the statutes, but rather upon how the laws are *actually* administered. They know that law enforcement agencies do NOT aggressively pursue runaways or the people who harbor them.

SB289 addresses some of these deficiencies, but falls short when dealing with the issue of runaways who refuse to remain in the shelters. Kids must learn that running away from authority is not an option. If juveniles run away from a "semi-secure" facility they should be placed in a *secure* one. Early intervention is the key to saving these children. Law enforcement professionals concur that the first hours are the most dangerous. No one would advocate letting 3 year olds play in the traffic. Let's stop permitting our young teens to run in the streets.

Sincerely,

La Rue Near
La Rue Near

Enclosures (3)



Official Business

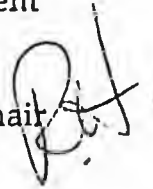
Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

MEMORANDUM

TO: Senator Drue Pearce, President
Alaska State Senate

FROM: Senator Rick Halford, Co-Chair
Senate Finance Committee 

DATE: March 5, 1996

SUBJECT: SB 289, Fiscal Note(s) WITHOUT a Finance Committee Referral

A positive fiscal note has been issued by the Department of Health & Social Services for SB 289, Misc. Laws Relating to Runaway Minors, which is currently in the Senate Rules committee.

Please add a referral to the Senate Finance committee.

Thank you.

Attachment(s)

cc: Senator Mike Miller, Chairman
Senate Rules Committee
Attn.: Mary Gore

Sen. Frank

RH/lb

BILL: SB 289

SHORT TITLE: MISC. LAWS RELATING TO RUNAWAY MINORS

BILL VERSION:

SPONSOR(S): SENATOR(S) FRANK, MILLER, R. PHILLIPS, HALFORD, GREEN, TAYLOR

CURRENT STATUS: (S) RLS

STATUS DATE: 02/29/96

HEARING: (S) RLS MAR 06 00:00 AM FAHRENKAMP RM 203

TITLE: "AN ACT RELATING TO RUNAWAY MINORS AND THEIR FAMILIES OR LEGAL CUSTODIANS."

02/12/96	2382	(S)	READ THE FIRST TIME - REFERRAL(S)
02/12/96	2382	(S)	JUDICIARY
02/28/96	2578	(S)	COSPONSOR(S): GREEN, TAYLOR
02/29/96	2597	(S)	JUD RPT CS 3DP 1NR SAME TITLE
02/29/96	2597	(S)	INDETERMINATE FISCAL NOTE SB & CS (DPS)
02/29/96	2597	(S)	ZERO FISCAL NOTES SB & CS (ADM-2, LAW)
02/29/96	2597	(S)	REFERRED TO RULES

SB

299

SFIN

FILE

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/14/96

FURTHER: Finance

Date of 5-Day Notice: 2/22/96
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/8/96

The Labor & Commerce Committee considered SB 299

Requiring competition in local exchange telephone service.

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

- same title
 - new title
- House Bill:
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓				
John Ferguson	✓				
		J. P. Salo	✓		
CHAIR: <u>Tom Kelly</u>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
DCE D	3/6/96		135.9

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 299

Revision Date: _____
 Title: "An act requiring competition in local exchange telephone service"
 Sponsor: Senate Labor & Commerce by Request
 Requestor: Senate Labor & Commerce

Department: Commerce & Economic Development
 BRU: APUC
 Component: APUC
 COMPONENT SERIAL NO. 364

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
PERSONAL SERVICES	97.8	65.2	32.3			
TRAVEL	2.0	1.3	0.7			
CONTRACTUAL	32.9	21.9	10.9			
SUPPLIES	2.3	1.5	0.7			
EQUIPMENT	0.9	0.6	0.3			
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	135.9	90.5	44.9	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	135.9	90.5	44.9	0.0	0.0	0.0
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (Designated PR)	135.9	90.5	44.9	0.0	0.0	0.0
TOTAL	135.9	90.5	44.9	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ _____

POSITIONS	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
FULL-TIME	1	1				
PART-TIME	2	1	2			
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

All expenditure lines other than personal services are pro-rated, based on $97,836/2,616,900 = 4\%$ increment to personal services. The level of contractual funding requested in this note would not be sufficient to carry out the rulemaking required under this legislation. However, a contractual increment for \$98.6 is already included in the APUC's FY 97 budget request and would be combined with the \$32.8 in this fiscal note. Depending on the progress toward competitive markets in the local loop, actual long term savings could be achieved.

(Continued on attached narrative.)

Prepared by:	Robert A. Lohr, Executive Director	Phone: 276-6222
Division:	Alaska Public Utilities Commission	Date: March 6, 1996
Approved by Commissioner:	William L. Hensley <i>[Signature]</i>	Date: 3-7-96
Agency:	Commerce and Economic Development	

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CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education
State of Alaska

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. SB 299

Revision Date: _____ Department: Commerce & Economic Development
 Title: "An act requiring competition in local exchange
telephone service" BRU: APUC
 Component: APUC
 Sponsor: Senate Labor & Commerce by Request
 Requestor: Senate Labor & Commerce COMPONENT SERIAL NO. 364

Expenditures/Revenues	(Thousands of Dollars)					
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TOTAL OPERATING	135.9	90.5	44.9	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	135.9	90.5	44.9	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (Designated PR)	135.9	90.5	44.9	0.0	0.0	0.0
TOTAL	135.9	90.5	44.9	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: \$ _____

POSITIONS						
FULL-TIME	1	1				
PART-TIME	2	1	2			
TEMPORARY						

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SB 299 - Preliminary Fiscal Analysis

SB 299 directs the commission to "provide for competition in local exchange telephone service in a timely manner" and to "adopt regulations that eliminate inappropriate impediments to entry for local exchange carriers fit, willing and able to provide service."

In order to successfully implement local competition, the Commission will need to address a number of policy issues including:

- * rules for interconnection
- * universal service and carrier of last resort
- * market power and dominance
- * service quality standards

Rules for interconnection: The Commission will need to establish rules under which competing carriers interconnect to local exchange carriers. Just and reasonable rates will be a primary focus of the Commission in order to ensure that competition is fair to both the incumbent LECs and their competitors. The Commission will need to address the issue of wholesale rates and the degree to which local services should be unbundled into discrete service and rate elements. Other non-rate issues will include the limitations (if any) on resale, number portability, and other issues that could potentially serve as barriers to entry.

Universal Service and Carrier of Last Resort: Competition will place increased responsibility on the Commission to maintain universal service. Market entrants will be attracted to services and sectors with the highest profit margins which will put increased pressure on the incumbent LEC's ability to provide basic services that have, for public policy reasons, been priced closer to cost. In a competitive market with multiple providers, the Commission will need to ensure that there is a carrier of last resort to ensure the continued availability of services to all customers. In addition, the Commission will need to explicitly define what constitutes universal service, which services or customers will need support, what mechanism it will use to support universal service, and how to fund it.

Dominant/Non-dominant: In the intrastate long distance market, the Commission maintains a distinction between carriers that have market power (dominant carriers) and those that do not (non-dominant). Although all carriers have the flexibility to reduce rates without prior Commission approval (provided rates are not below incremental cost), dominant carrier rate increases are subject to a time and resource intensive rate review procedure. The commission will need to determine whether to adopt a similar procedure with local exchange competition. If not, the Commission will need to develop some alternative method to ensure that customers are protected from carriers that have the ability to control market rates.

Service Quality Standards: The Commission will need to determine whether to apply existing local service quality standards uniformly to all competitors.

Each of the above broad policy issues will need to be addressed in one or more rulemaking

proceedings. Although these rulemaking may well tax Commission resources, the Commission's professional staff should be able to handle the associated rulemaking workload, assuming the Commission would have at least one year to complete the rulemaking process.

Personnel Costs:

a) **Review of Applications:** Assuming an average of one new applicant for each local exchange company, the Engineering section could easily double the number of telephone applications it receives in the first year following implementation of competition. The number of application could be even greater if incumbent local exchange carriers seek to enter long distance markets. Minimum estimate of additional staff required: one half-time Engineering Analyst II.

b) **Review of Tariffs:** Assuming competition stimulates the introduction of new services and modification of existing rates, the Commission will see a significant increase in the number of tariff filings. Even if the Commission allows rates to go into effect automatically as is the case with IXC tariffs (after 30 days notice to the Commission), there will still be a need for a basic review of filings to ensure that rates are just and reasonable and that the filings are neither discriminatory nor anti-competitive. Estimate of additional staff required: one full-time Utility Tariff Analyst II.

c) **Clerical Support:** The additional tariff, engineering and common carrier workload will create additional support staff requirements. Estimate of addition support staff required: one half-time Clerk 8.

The Federal Telecommunications Act of 1996, which took effect in February 1996, covers interstate calling. It promotes competition, although its effects on the Alaska telecommunications market remain to be determined.

FISCAL NOTE

No. 1
 Bill Version: SB 299
 (S) Publish Date: 3/8/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: "An act requiring competition in local exchange
 telephone service"
 Sponsor: Senate Labor & Commerce by Request
 Requestor: Senate Labor & Commerce

Department: Commerce & Economic Development
 BRU: APUC
 Component: APUC
 COMPONENT SERIAL NO. 364

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TEMPORARY						

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 Division: Alaska Public Utilities Commission Date: March 6, 1996
 Approved by Commissioner: William L. Hensley Date: 3-7-96
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SB

301

HFIN

FILE

Alaska State Legislature

Sen. Lyda Green, Chairman
Sen. Loren Leman, Vice-Chairman
Sen. Mike Miller
Sen. Johnay Ellis
Sen. Judith Salo



State Capitol
Room 423
Juneau, Alaska 99801-1182
907-465-3782

Senate Committee on Health, Education and Social Services

MEMORANDUM

TO: Representative Mark Hanley, Co-Chairman
House Finance Committee

FROM: Senator Lyda Green, Chairman *Lyda Green*
Senate Committee on Health, Education and Social Services

DATE: April 24, 1996

RE: Scheduling Request for SB 301

I respectfully request that SB 301 be scheduled for a hearing by the House Finance Committee at your earliest convenience.

The main provisions included in SB 301 propose to:

- * Move the Alaska Student Loan Corporation from the Department of Education to the Department of Revenue;
- * Transfer the administrative functions of the Alaska Commission on Postsecondary Education to the Alaska Student Loan Corporation;
- * Change the membership of the Corporation Board to eliminate special interests and create a majority of public members, not commissioners;
- * Retain the legislative confirmation process of the public members, which Executive Order 97 eliminated;

These changes seek to achieve the same administrative efficiencies proposed in the Governor's Executive Order, remove the outdated provisions in state law that have been since removed from federal regulation and at the same time preserve legislative oversight.

Thank you for your consideration. If you have any questions, please contact me or Mike in my office at 3762.

Administration's Concerns with SB 301

SB 301 is the Legislature's response to the Governor's Executive Order 97 which was disapproved February 28.

The Executive Order would have downsized and streamlined government by:

1. Eliminating the Commission, leaving a loan program and fund administered by a 7-member board rather than two boards with a total of 17 members.
2. Eliminating special-interest influences on the administration of the loan program/fund.
3. Moving policy/planning function to State Board of Education.
4. Providing for a sharper focus on strengthening the financial viability of the Student Loan Programs.
5. Moving a lending agency to Dept. of Revenue for shared knowledge and resources.

SB 301 Could Benefit The Student Loan Programs by:

1. Eliminating the special interest influence over the loan program.
2. Cleaning up archaic language and modifying agency statutes so that focus is on perpetuating a healthy loan fund.
3. Moving policy/planning functions and institutional authorization function to the Department of Education to isolate loan fund from authorization-related liability.
4. Moving the lending agency to Dept. of Revenue for shared knowledge and resources.

Administration Concerns relating to Current Version of SB 301:

- **Constitutional Separation of Powers:** The bill requires that Commission members be confirmed by the Legislature and that they also be appointed to the Corporation, thereby subjecting Corporation members to indirect legislative confirmation which violates Article III, sec. 26 of the Alaska Constitution. It appears that this indirect legislative confirmation is the only reason for the continued existence of the Commission even though it would be less costly and less burdensome to transfer certain commission functions to the Department of Education.
- **Ex Officio Legislative Seats on the Corporation Board:** Bond Counsel is on record as having a "serious concern" with the potential constitutional problem of having legislators sit on the Corporation board because it calls into question the validity of the board's decision-making ability. This could impair counsel's ability to approve the corporation's issuance of bonds.
- Current bill leaves in place unnecessary commission for Dept. of Education to administer.

Administration Position:

The Loan program is on the right track and while some elements of this bill could prove helpful, in this flawed form, the larger constitutional issues raised by the Corporation Bond Counsel and the Dept. of Law are of greater importance. The health and future of the loan program is a priority of this administration but this bill, as it currently is written, is a vehicle that focuses more on diminishing Alaska's constitutional separation of powers than the well-being of a program that is already on the right track.

FISCAL NOTE ANALYSIS CSSB 301(HES)

CSSE 301 transfers the Alaska Student Loan Corporation (ASLC) to the Department of Revenue for administrative support. (Sec 5.(b)). These responsibilities include:

1) PERSONNEL. Providing payroll, Family Medical Leave Act accounting, routine leave administration, personnel actions, and record retention as directed by statute, regulation and policy for the approximate 100 staff transferred for administrative support.

2) GENERAL ADMINISTRATIVE SUPPORT/PROCUREMENT/DATA PROCESSING. Although these areas will be impacted in terms of workload, existing staff can assume the associated functions.

3) EQUIPMENT. The Division will need to obtain storage cabinets for record retention.

The staff of the Alaska Student Loan Corporation is exempt by statute, and the workload increase within the Department of Revenue ASD personnel and fiscal section is considerably less than it would be with a comparable increase of 100 classified staff. At the present time, there is an RSA between PSE and the Department of Education for approximately \$30,000. We would request that this be increased to \$45.0. The ASD, with \$45.0 from the ASLC, will be able to assume the increased workloads created by CSSB 301 with one reclassification and one new position. These actions are required to perform the additional core support functions within the Personnel and Fiscal sections to support the staff of the Alaska Student Loan Corporation and current staff within the Department.

These 100 additional personnel make it mandatory that increased support infrastructure be considered and approved with the transfer of the Alaska Student Loan Corporation to the Department of Revenue.

LEGAL SERVICES

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MEMORANDUM

April 23, 1996

SUBJECT: Postsecondary education - (CSSB 301(HES))

TO: Senator Lyda Green
Attn: Mike Tibbles

FROM: Michael F. Ford *M. F.*
Legislative Counsel

You have asked several questions regarding the transfer of postsecondary functions under CSSB 301(HES). Each question is set out below followed by our response:

1. Does the legislature have the power to require confirmation of the public members of the Alaska Commission on Postsecondary Education?

Under CSSB 301(HES), the public members appointed by the governor to the commission are subject to legislative confirmation. See Sec. 14.42.015(c), in Sec. 44. We believe this confirmation statute is a valid exercise of the legislature's power to confirm members of a board or commission granted under Article III, sec. 26 of the Alaska Constitution. In that the commission will continue to exercise regulatory powers (see AS 14.48), the public members of the commission appointed by the governor are subject to legislative confirmation.

However, the board members of the Alaska Student Loan Corporation would not be subject to confirmation by the legislature, because the legislature does not have the power to confirm board members of a public corporation.

The power of the legislature to confirm executive branch appointments to a board or commission is contained in Article III, section 26 of the Alaska Constitution. This section provides:

When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. . . .