

ALASKA LEGISLATURE

1614

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House District 31

House Of Representatives

Sponsor Statement

House Bill 16

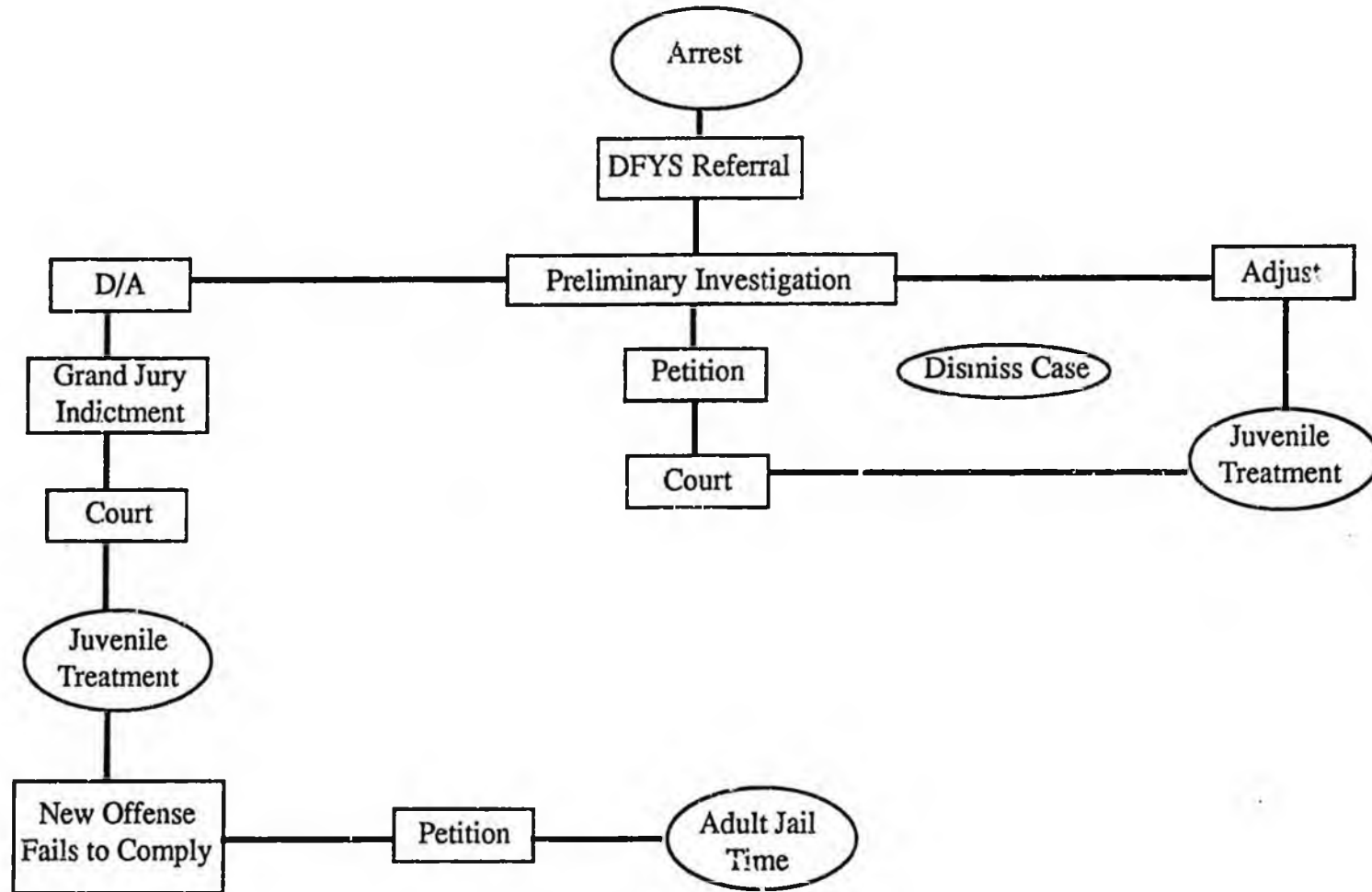
House Bill 16 is a product of the Governor's Conference on Juvenile Justice, offering several solutions to the problems facing Alaska's juvenile justice system.

The juvenile justice system operates on the presumption that minors make mistakes, sometimes serious ones, but that they deserve additional attention and care because they have a greater possibility of rehabilitation. Increasingly serious juvenile crime and increasingly frequent rates of crime have placed the juvenile justice system under great stress. HB 16 does not pretend to solve all of these problems, but it does provide the juvenile justice system with additional tools to address some of these needs:

- 1) Provides for dual sentencing of serious juvenile offenders;
- 2) Allows municipalities to seek civil court remedy for juveniles who violate municipal ordinances;
- 3) Allows the Department of Health and Social Services to draw upon the available resources of local communities or other entities who desire to get involved in juvenile crime issues; and
- 4) Reduces the burden on victims, by allowing police officers to report their input at preliminary hearings.

HB 16 also provides additional insight into the workings of our juvenile justice system. I have added portions of the existing Alaska Court Delinquency Rules to the statutes in an effort to give police, DFYS and the Courts a single set of instructions to follow when dealing with juveniles.

Dual Sentencing



Alaska State Legislature

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House District 31

House Of Representatives Sectional

House Bill 16

2/26/98, HB 16Z

Section 1 & 2. Technical reference.

Section 3. Requires a municipality to provide notification to the Department of Health and Social Services when the Municipality commences a civil action against a minor. This keeps the records of HSS intact.

Section 4. Authorizes Municipalities to take a **minor to civil court** for violations of municipal ordinances.

Section 5. Collateral references to the dual sentence provided in section 12.

Section 6. Encourages the Department of Law to extend its victim witness assistance program to the juvenile justice system. This is in response to Fairbanks constituents who discovered that, although their homes had been broken into, they were faced great difficulty gaining access to police reports and the court process.

Section 7. An expansion of the goals and purposes of the delinquency chapter. Incorporates elements of the "restorative justice model" into Alaska's goals for juveniles.

Section 8 & 9. Allow the department to bring communities and village "entities" into the juvenile justice system. "Entities" are defined as municipalities or corporations.

Section 10. Dual sentencing.

(a) The department shall refer a case to the District attorney if the minor was:

(1) at least 13, but not yet 16, and the offense is

(A) an unclassified or class A felony, and the minor would have been waived into adult court if 16 years of age; or

(B) sexual assault in the second degree; or

(2) 16 years of age or older, and the offense was

(A) a felony crime against a person and the minor has been previously adjudicated a delinquent for a felony offense.

(B) sexual abuse of a minor in the second degree.

(b) The **District Attorney** is authorized to take a case before a **grand jury for indictment**, and then may seek imposition of a dual sentence.

Section 11. Clarifies that the minor has the right to **confront adverse witnesses** at the full **petition hearing**. See also section 24.

Section 12. Technical reference.

Section 13. **Opens the court proceedings to the public**, when the District Attorney seeks the imposition of a **dual sentence**.

Section 14. Adds placement options for the court, including placement of a minor with a relative, foster care home or a residential child care facility.

Expands the court's ability to assign community service.

Section 15. Deletes the CINA 90 day review that is not required for Delinquency proceedings.

Section 16.

New part (i) from delinquency court rule 11(a).

New part (J), **dual sentencing**. If the district attorney seeks imposition of a dual sentence, and the court finds the minor to be delinquent, then the court shall (1) enter a juvenile sentence under AS 47.12.120(b); and (2) pronounce an adult sentence that must include some period of imprisonment that is not suspended by the court.

Section 17. Technical reference.

Section 18. The department may petition for imposition of the adult portion of the dual sentence if:

- (1) the minor commits a subsequent felony offense;
- (2) commits a subsequent offense against a person that is a misdemeanor and involves injury to a person or the use of a deadly weapon;
- (3) fails to comply with the terms of a restitution order;
- (4) fails to engage in or satisfactorily complete a rehabilitation program ordered by a court or required by a facility or juvenile probation officer; or
- (5) escapes from a juvenile correction facility.

(e) if the court finds, by the preponderance of the evidence that the minor has failed as listed above, then the minor is transferred to adult corrections.

Section 19, 20. Technical reference

Sectional HB 16\Z
Page 3.

Section 21. **Allows a minor to be incarcerated in an adult correctional facility if 16 years of age or older**, and the court has imposed a dual sentence and transferred custody of the minor to the Department of Corrections.

Section 22. Arrest, from delinquency court rule 7(a) combined with existing code AS 47.12.250(a).

Section 23. Arrest instructions are removed and placed in the section above, language is added to the section to completely place Court Rule 7 into statute.

Section 24. Deletes the requirement that the accused have the right to "confront adverse witnesses" at the initial 48 hour probable cause court hearing. (The right to "confront adverse witnesses" is a constitutional right – however it applies to the court hearing under AS 47.12.110(a) – not to the initial hearing that serves like the bail hearing in adult court.)

Sections 25, 26, 27 & 28. Technical references & conforming edits.

Section 29. New part (g). **Dual sentencing court proceedings open to the public.** This section provides the minor with the protections afforded adults by open court hearings. It prevents "star chamber" like secret hearings.

Section 30. (b)(1) Provides for communication between law enforcement agencies and the department of Health and Social Services.

Section 31. Technical reference.

Section 32. Allows the Department of Health and Social Services to discuss otherwise confidential cases with legislators. This will allow the department to respond factually to constituent concerns made by legislators, but it does not allow legislators to communicate confidential information to anyone else.

Section 33. Technical reference.

Section 34. Defines "**entity**" as used in sections 10 & 11.

Section 35. Rendition. Alaska is a signatory to the Interstate Compact on Juveniles, providing for extradition or juvenile offenders, this just codifies these provisions.

Sections 36 & 37. Court rule changes and repealers.

Sectional, HB 16\Z
Page 4.

Section 38. Repeal of AS 47.12.110(c), This is an old, unused portion of code. It requires school principles to give judges lists of students for selection for "young adult advisory panels." This concept has been supplanted with the youth court. Its repeal in no way impairs the youth court, which is entirely different.

Sections 39 & 40. Court rule changes and repealers.

Sections 41 & 42. Applicability sections.

Section 43. Effective date.

testimony3/16/98 pm

Testimony - 3-6-98

I want to thank the members of the committee for the opportunity to testify on the proposed amendments to HB 16. For the record, I am Kathy Cronen the CEO of Charter North Star Behavioral Health System.

The amendments to HB 16 are critical to providing comprehensive treatment for the youth of Alaska. Expanding the continuum of care by adding semi-secure and secure residential treatment centers will provide in state treatment for youth.

Currently many children and adolescents are traveling to the lower 48, far away from their homes and support systems to receive these services. At Charter North alone we are referring over 30 youth a year to treatment centers outside the state. This is not ideal treatment. These children and their families should be actively engaged in weekly family therapy. This is impossible if the child is thousands of miles away. Many families do travel to these centers for long weekends. However, this is not sufficient and puts additional stress and financial burdens on the family.

There is another large group of children in need that do not or cannot travel outside. These children's needs are being met through multiple admissions to acute care inpatient psychiatric facilities. This is not optimal clinical treatment and it is significantly more expensive.

These children do not belong in acute care hospitals. Their symptoms or behaviors cannot be adequately addressed in a 2 week period. They need long term treatment. Many of these children also need to be maintained in a more secure setting than currently available in Alaska. These kids are chronic runaways, gas sniffers and huffers, some are perpetrators and many have been abused. Because of their long term chronic conditions they need a long term secure environment to get better.

Most of these children can be safely maintained in a semi-secure environment. This is a facility equipped with door alarms. Alarms sound when a person attempts to open the door. After approximately 30 seconds delay the doors automatically open. Upon hearing the alarm the staff immediately initiate a clinical intervention and work with the child to continue their treatment. These children have very poor impulse control. However, the majority of time the staff intervention can successfully refocus the child back to the goals of treatment and prevent them from running.

A small group of children cannot safely be maintained in a semi-secure setting. These children may be sexual perpetrators, chronic runners, sniffers or huffers who have failed at or left a semi-secure program. These children have significant issues with authority, anger management and are very deliant. An open door or an alarmed door is simply an invitation for these children. They need a locked facility. These children's patterns of behavior are so destructive to make them gravely disabled or a danger to themselves or others. The secure residential psychiatric treatment center proposed in this amendment would be such a facility. It is important to note that this amendment includes language that mirrors the mental health commitment laws and protects the procedural rights of the child.

Both the semi-secure and the secure facilities are vitally important pieces of the treatment continuum. In many cases it is the last intervention before juvenile or adult corrections.

We applaud the committees willingness to improve services for the youth of Alaska and I would be happy to answer any questions.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (JUD)

Revision Date: _____
 Title: Delinquent Minors - Dual Sentencing
 Sponsor: Rep. Kelly
 Requestor: House Finance

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

Expenditures/Revenue (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	12.0	12.0	12.0	12.0	12.0	12.0
TRAVEL						
CONTRACTUAL	7.0	7.0	7.0	7.0	7.0	7.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.0	19.0	19.0	19.0	19.0	19.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.0	19.0	19.0	19.0	19.0	19.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	19.0	19.0	19.0	19.0	19.0	19.0

Estimate of any current year (FY 98) 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 analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 02/23/98

Date: 02/23/98

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**Alaska Court System
Fiscal Analysis
CSHB 16 (JUD)**

The Department of Law has estimated that it will seek dual sentencing in approximately 20 cases a year. This note is based on that estimate.

Although minors in juvenile court have the same right to a jury trial as adults, very few actually occur because the consequences of being adjudicated a delinquent are not as severe as a criminal conviction. If the Department of Law elects the dual sentencing approach, juveniles can be expected to more aggressively defend their cases and be more willing to go to trial. Because of this, this note assumes that 4 of the 20 cases will result in jury trials.

The petition to invoke the adult sentence for a juvenile who does not fulfill the terms of his or her juvenile disposition will require additional judicial time. A juvenile facing the imposition of the adult sentence can be expected to vigorously oppose the petition. However, because the number of such cases is speculative, this note does not reflect a cost. This note also does not include costs associated with 20 additional grand jury proceedings.

Finally, this note does not estimate the additional costs that will result from allowing municipalities to bring civil actions against minors for violations of municipal ordinances. It is not known how many municipalities will choose this option or how often they will utilize it. Should there be a significant impact, however, the court system may need to return to the legislature for additional funding.

Alaska Court System

Fiscal Analysis

CSHB 16 (JUD)

Personal Services

	Salary	Benefits	Total
Pro Tem Superior Court Judge, statewide, PPT, 1.25 months	\$ 6,094	\$ 2,970	\$ 9,064
In-Court Clerk, Anchorage, 12A, PPT, 1 month	2,411	523	<u>2,934</u>
Total Personal Services			11,998

Contractual

Jury fees - four 5-day trials with 14 jurors at \$25 a day each			<u>7,000</u>
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Total Estimated Cost \$ 18,998

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

DRAFT

BILL NO. CSHB 16 (FIN)

Revision Date: 03/09/98
Title: relating to institutions for juveniles; efd

Dept. Affected: Health and Social Services

BRU: Medical Assistance

Component: Medicaid Facilities

COMPONENT SERIAL NO. 230

Sponsor: Kelly

See also (SN#): _____

Requestor: House Finance

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
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						
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CHANGES IN REVENUES ()						
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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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There does not appear to be a substantial Medicaid program impact associated with the provisions of CSHB 16 (FY98). This is because a Residential Psychiatric Treatment Center (RPTC) may already enroll as a Medicaid provider regardless of the provisions of the bill. A limited fiscal impact may result from the bill's provisions for "semi-secure" or "secure", but such impacts could arguably increase costs related to fire code requirements for secure facilities, or arguably decrease costs due to the availability of secure RPTC as an alternative to less appropriate placements in higher cost settings.

Medicaid enrolled RPTCs are already authorized to bill under Medicaid regulations. One in-state RPTC has been paid since 1993 and several out-of-state providers have been billing Medicaid for the past two years. A new in-state RPTC (30 beds) has submitted a request for Medicaid enrollment (a 2 to 3 week process), and enrollment of another new RPTC (10 beds) is actively being pursued. Enrollment of these facilities is not dependent upon the provisions of the bill and, thus, any increased expenditures required by their enrollment is also not dependent upon

Prepared by: Dave Williams
Division: Medical Assistance

Phone: 465-3355
Date: 03/09/98

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

Date: _____

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ANALYSIS (cont.):

any provision in the bill. Additional Medicaid funds may be necessary to cover the cost associated with an increased availability and use of in-state secure RPTC beds, but that increased need is not directly dependent upon the provisions of this bill.

Medicaid regulations (7 AAC 43.550 through 7 AAC 43.570) set out requirements for Medicaid recipient eligibility and admission, conditions for provider payment, establishment of a per diem rate for RPTC services, appeal of the Medicaid rate, and other provisions. Not all RPTCs that could be licensed under CSHB 16 (JUD) would necessarily qualify for Medicaid reimbursement since some Medicaid provider enrollment requirements are not requirements under the bill. (For example, Medicaid regulations require that an enrolled RPTC be accredited by the Joint Commission on Accreditation of Healthcare Organizations.)

Medicaid regulations (7 AAC 43.557) establish an initial RPTC rate that is the lesser of the

- (1) per diem rate of \$255 for a single recipient; or
- (2) per diem rate negotiated between a RPTC and the Division of Family and Youth Services; or
- (3) lowest per diem rate charged to any other payor.

Regulations also provide for an increase or decrease of the \$255 per diem (7 AAC 43.557(b)), however, no enrolled program has submitted documentation under that provision for an adjustment. Presently, some out-of-state programs are paid less than the \$255 per diem, but no enrolled provider is paid more.

DRAFT

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

DRAFT

BILL NO. CS HB16 (FIN)

Revision Date: _____
Title: Relating to delinquent minors: services to victims and agency records
Sponsor: Kelly
Requestor: House (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	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	56.3	56.3	56.3	56.3	56.3	56.3
TRAVEL						
CONTRACTUAL	50.0	50.0	50.0	50.0	50.0	50.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	210.0	210.0	210.0	210.0	210.0	210.0
MISCELLANEOUS						
TOTAL OPERATING	316.3	316.3	316.3	316.3	316.3	316.3

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts	15.8	15.8	15.8	15.8	15.8	15.8
1003 GF Match	15.8	15.8	15.8	15.8	15.8	15.8
1004 GF	284.7	284.7	284.7	284.7	284.7	284.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	316.3	316.3	316.3	316.3	316.3	316.3

POSITIONS:

	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME	1	1	1	1	1	1
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

The passage of HB 16 would have a fiscal impact to DFYS in several areas:

Implementation of HB 16 would require a rewrite of the DFYS Residential, Payment and Licensing Regulations. A contract with a regulations attorney to complete this project, estimated at \$50.0, is anticipated.

The unique and complex nature of the semi-secure residential and secure residential psychiatric treatment centers require hiring a Community Care Licensing Specialist I. This individual would provide consultation to the regulations contractor and community service providers. In addition, this individual would process license applications and monitor program compliance with governing regulations. The estimated costs for this position is \$56.3.

In order to provide for at least one semi-secure residential facility in each of the three regions DFYS estimates that Grantees will need to increase their current staff ration by at least one care provider, for an estimated cost of \$210.0 (\$70.0 per each region)

Prepared by: Theresa Tanoury, F.S. Prgm. Admin.
Division: Family & Youth Services

Phone: 465-3011
Date: 03/10/98

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

Date: _____

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DRAFT

ANALYSIS (cont.):

It is anticipated there will be an increase of 30 Full Time Equivalent (FTE) placements in Alaska as a result of HB 16. The current Medicaid rate for Secure Residential Psychiatric Treatment Centers (SRPTC) is \$255.00 per day and would result in an annual expenditure of \$2,800.0 for these new RPTC beds. Of this, 95% would be an increase to Medicaid. The remaining 5% would be General Fund expenditures for DFYS. However, creating SRPTC placements would allow DFYS to shorten acute care placements in more expensive settings. It is expected the General Fund expenses for SRPTCs would be offset by the cost savings in the number of acute care FTE placements.

DRAFT

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (JUD)

Revision Date: _____
Title: "An Act relating to juvenile delinquency proceedings..."

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

Sponsor: Representative Kelly
Requestor: (H) FIN

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	129.8	129.8	129.8	129.8	129.8	129.8
TRAVEL	5.3	5.3	5.3	5.3	5.3	5.3
CONTRACTUAL	25.4	25.4	25.4	25.4	25.4	25.4
SUPPLIES	2.9	2.9	2.9	2.9	2.9	2.9
EQUIPMENT	13.0	1.3	1.3	1.3	1.3	1.3
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	176.4	164.7	164.7	164.7	164.7	164.7

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	176.4	164.7	164.7	164.7	164.7	164.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	176.4	164.7	164.7	164.7	164.7	164.7

Estimate of any current year (FY 98) cost: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: (907) 264-4400
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/2/97

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 16(JUD)

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

Dual Sentencing. This bill creates a "dual sentencing" scheme that invokes the jurisdiction of both the criminal and juvenile court. In the scheme the court would impose a juvenile disposition and an adult criminal sentence simultaneously. Execution of the adult criminal sentence would be stayed during imposition of the juvenile disposition. If the conditions of the juvenile disposition were satisfied, the adult criminal sentence is never imposed. If the conditions of the juvenile disposition were violated, the adult criminal sentence would be invoked.

This dual sentencing scheme is recommended for 13 to 15 year olds who are charged with Class A and unclassified offenses for which a 16 or 17 year old would be automatically waived to adult court and sexual assault in the second degree as well as 16 to 17 year olds who are convicted of sexual abuse of a minor in the second degree or a crime against a person with a previous felony adjudication against a person. Procedurally, the district attorney must either file a petition or the minor must agree to be subject to dual sentencing. The prosecutor must present the case to the grand jury and if there is a true bill filed, petition with the court. If the district attorney exercises his discretion not to invoke dual jurisdiction or the grand jury returns a no true bill, it stays in the juvenile system. The adult sentence must include some period of imprisonment that is not suspended. A child can be revoked and the adult sentence imposed if the child: 1) commits a new felony offense; 2) commits a misdemeanor offense against a person that involves injury to another person or the use of a deadly weapon; 3) fails to comply with restitution; 4) fails in a rehabilitation program ordered by the court or required by a facility or juvenile probation officer; or 5) escapes from a juvenile facility. Such violation must be proven by a preponderance of the evidence. If the new felony is a crime against a person or arson the court must impose the adult sentence and transfer custody of the child to the Department of Corrections. For other of the circumstances the court has to impose the adult sentence unless the child proves by preponderance of the evidence that mitigating circumstances exist that justify a continued stay of the adult sentence and that the child is amenable to further treatment under this chapter. Once an adult sentence is imposed the child is transferred to an adult correctional center.

This dual sentencing provision will impact the entire criminal justice system. The categories of children are quite broad, with the expectation that over 60 children will be eligible for such a referral per year, based upon FY 96 DHSS figures. (It is understood that the Department of Law and the Court System did not include numbers for 16 and 17 year olds in their calculations.) The Alaska Public Defender Agency would continue to be appointed to the majority of these cases which will now require the same attorney labor as an adult felony case (including grand jury review, virtual certainty of trial, and felony sentencing procedures). Based upon those numbers, and the serious nature of the allegations, an additional Attorney IV will be necessary in Anchorage and a part-time Attorney IV will be necessary in Fairbanks to provide attorney services in these serious felonies. It is anticipated that most of these cases will arise in these urban locales, with the attorneys travelling to more remote sites if assistance is needed. Additionally, the conditions for which a juvenile may be revoked for being in violation of his juvenile disposition are so overbroad and vague that it is anticipated that many of them will have petitions filed against them and engage in litigation to determine if a violation occurred or they have to prove that they have mitigating circumstances that justify a continued stay in the juvenile system. It will require clearly more prosecutor resources with mandatory grand jury and adult sentencing proceedings. It will clearly require more defense resources with challenges to the grand jury and Superior Court sentencings and duplication of efforts for two jurisdictions. It will result in many more felony level trials as the focus shifts from trying to find the best treatment alternative to avoiding the serious consequence of having an adult permanent record at such a young age. It will result in longer pre-trial stays and overcrowding and programming problems as more juvenile will be detained for longer periods of time in order to deal with the increase in the number of cases contested. Jails and juvenile detention pre-trial facilities are not programmed for lengthy pre-trial stays and cannot provide educational or other treatment services needed. Some critics within the juvenile justice system claim that had they received sufficient resources to begin with, they could have done a good job in improving their system at less cost. By shifting the population to adult Corrections Department if any programming will be developed which is doubtful, it is for a population that Corrections does not want and does not have the expertise to address.

The U.S. Department of Justice study recommends that the transfer alternative to adult court should only be considered for those juveniles whose criminal history, failure to respond to treatment, or serious or violent conduct clearly demonstrates

FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 16(JUD)

1998 LEGISLATIVE SESSION

that they require criminal justice system sanctions. This bill is too broadly fashioned and includes many juveniles who are charged with offenses that would clearly indicate their amenability to treatment. In particular, sexual assault in the second degree and sexual abuse of a minor in the second degree include a broad range of conduct which are often amenable to education and treatment. While attempting to make the juvenile justice system more similar to the adult system, this portion of the bill stating the grounds for imposing the adult sentence actually makes the system more punitive than the adult system. As a basis for revocation, the failure to complete a rehabilitation program ordered by the court accurately reflects the adult system. However, including "any program required by a facility or juvenile probation officer" gives complete unsupervised discretion to a facility or individual who may or may not have the skill to determine the appropriateness of a program with no judicial oversight. To revoke for an offense "involving injury to another person" is completely overbroad in that a number of minor charges including disorderly conduct and assault in the fourth degree which may include a simple shoving match among children is enough to transfer a case to the adult system. Making transfer to the adult sentencing provisions automatic for certain crimes eliminates any individual discretion. In adult court the judge continues to have discretion to determine the disposition based upon a violation. It is even more problematic when one understands that 90% of the juvenile offenders have at one time or another a petition to revoke their probation filed. This is because it is a useful mechanism for probation and juvenile authorities to enforce compliance, to inspire good behavior, and to issue a wake up call. A broad population will have to go through the process of determining whether or not adult sentencing is appropriate. The mandatory imprisonment requirement places a child in a much worse position than an adult offender and completely disregards potential alternative community correction solutions available in adult court. The completely unbridled prosecutorial discretion is neither subject to judicial review nor based upon detailed criteria. The Utah Supreme Court in State v. Mohi, 901 P.2d 991 (Utah 1995) ruled that a similar Utah juvenile court Act giving such unbridled discretion to the prosecutor violated the state constitution.

FISCAL NOTE

o. 2

Bill Version: CSHB 16(HES)

(H) Publish Date: 4/30/97

STATE OF ALASKA
1997 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>Department of Law</u>
Title: <u>.delinquent minors, to the taking of action based on the alleged criminal misconduct of certain minors . . .</u>	BRU: <u>Criminal Division/Civil Division</u>
Sponsor: <u>Representative Kelly</u>	Component: <u>Criminal Division/General Legal Services</u>
Requester: <u>House HESS Committee</u>	COMPONENT SERIAL NO. <u>2085/2087</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 98	FY 99	FY 00	FY 01	FY 02	FY 03
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 (FY97) cost: \$ 0.0

POSITIONS

POSITIONS	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill repeals and reenacts AS 47.12.010 (purposes of juvenile delinquency laws) to set out a new philosophy toward juvenile offenders, balancing the goal of reformation of a juvenile offender with protection of the public. Further, the bill authorizes local communities to handle minor juvenile offenses by allowing municipalities to assess civil penalties for juvenile offenses and by allowing the Department of Health and Social Services to delegate to community programs or review panels the authority to handle minor offenses. This bill also amends the delinquency adjudication statutes to authorize district attorneys to seek "dual sentencing" in certain serious juvenile criminal cases; i.e., the state asks the court to pronounce both a juvenile and an adult sentence for the offense, but the adult sentence would be imposed only if the minor commits a new offense or fails to abide by the ordered conditions of the juvenile sentence. Included in the bill is also a provision to enact the rendition amendment to the Interstate Compact on Juveniles that allows one state to take into custody and return to another state a juvenile who is alleged to have violated a criminal law in the second state but who has not been adjudicated a delinquent, and a provision to permit the Department of Health and Social Services to

Prepared by: <u>Joan M. Kasson</u> <i>Joan M. Kasson</i>	Phone: <u>465-5370</u>
Division: <u>Administrative Services Division</u>	Date: <u>4/26/97</u>
Approved by Commissioner: <u>Bruce M. Botelho, Attorney General</u> <i>Bruce M. Botelho</i>	Date: <u>4/26/97</u>
Agency: <u>Department of Law</u>	

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ANALYSIS CONTINUATION:

provide additional information to public officials, such as legislators, who are contacted by parents with concerns about children's proceedings. Without this amendment, the state is unable to explain to these officials why the action it has taken was necessary.

Passage of this legislation will have no fiscal impact on the Department of Law. The department estimates that approximately 20 cases per year, statewide, will require additional criminal proceedings under the proposed dual sentencing provisions. Although this represents an increase in the Criminal Division caseload, when this increase is spread between the division's several offices, fiscal note costs are not warranted.

Action by municipalities on minor juvenile offenses will also have no fiscal impact on the department, either positive or negative. The types of cases that would be handled by municipal authorities under these amendments do not require the use of Department of Law staff under current law, so no savings would be achieved in the Civil Division from a reduced caseload.

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: _____

No. 3

Bill Version: CSHB 16(HES)

(H) Publish Date: 4/30/97

Revision Date: 04/28/97

Dept. Affected: Public Safety

Title: Juvenile Delinquency

BRU: Alaska State Troopers

Component: Detachments

Sponsor: Rep. Kelly

Requestor: H. HESS

COMPONENT SERIAL NO. 0799

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-
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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 97) 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 would not have any significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman

Phone: 269-5650

Division: Alaska State Troopers

Date: 04/28/97

Approved by Commissioner: Ronald L. Otte

Date: 4/28/97

Agency: Department of Public Safety

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB16(HES)

Revision Date: _____
 Title: Relating to delinquent minors: services to
victims and agency records
 Sponsor: Representative Kelly
 Requestor: House (HES)

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	FY98	FY99	FY00	FY01	FY02	FY03
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						
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CHANGES IN REVENUES ()						
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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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the Division if this bill were to become law.

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

L. Diane Worley
 Director
Karen Perdue
 Commissioner

Phone: 465-3191
 Date: 04/29/97
 Date: 4/29/97

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FISCAL NOTE

**STATE OF ALASKA
1997 LEGISLATIVE SESSION**

No. 7
 Bill Version: CSHB 16(HES)
 (H) Publish Date: 4/30/97

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to delinquent minors, to the takin BRU: ALL
of action based on the alleged criminal misconduct of certain minors... Component: ALL
 Sponsor: Representative Kelly
 Requester: House HESS Committee COMPONENT SERIAL NO. #0694

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS		115.3	230.6	345.9	461.2	576.5
TOTAL OPERATING	0.0	115.3	230.6	345.9	461.2	576.5

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF		115.3	230.6	345.9	461.2	576.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	115.3	230.6	345.9	461.2	576.5

Estimate of any current year (FY97) cost: \$ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The major impact of this legislation upon the Department of Corrections (DOC) is Section 12 whereas AS 47.12 is amended by adding a new section where delinquent minors age 13 to 16 could have dual juvenile and adult sentencing provisions imposed on them for certain types of criminal offenses. It has been estimated the dual sentencing provisions of this legislation would result in approximately three (3) delinquent juvenile prisoners per year being incarcerated in adult correctional facilities.

The DOC does not anticipate an impact on the agency during the year of this legislation. A juvenile would have to unsuccessfully go through juvenile proceedings and a number of other alternative diversions before the adult dual sentencing provision would be imposed. Based on the statewide average daily cost of \$105.27 per day, the first year financial impact on the DOC would be \$115,270.65 (115.3); with three new juveniles and \$115.3 added every year thereafter.

Prepared by: Bruce Richards
 Division: Commissioner's Office
 Approved by: Commissioner Margaret M. Pugh
 Agency: Department of Corrections

Phone: 465-3307
 Date: 4/28/97
 Date: 4/28/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 16 (HES)

Revision Date: _____
 Title: "An Act relating to juvenile delinquency proceedings..."
 Sponsor: Sen. Kelly
 Requestor: (H) JUD

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	133.4	133.4	133.4	133.4	133.4	133.4
TRAVEL	4.5	4.5	4.5	4.5	4.5	4.5
CONTRACTUAL	22.5	22.5	22.5	22.5	22.5	22.5
SUPPLIES	2.3	2.3	2.3	2.3	2.3	2.3
EQUIPMENT	7.5	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	170.2	164.2	164.2	164.2	164.2	164.2

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

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	170.2	164.2	164.2	164.2	164.2	164.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	170.2	164.2	164.2	164.2	164.2	164.2

Estimate of any current year (FY 97) cost: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached sheet.

Prepared by: Barbara K. Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 5/5/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 16

ANALYSIS: (continued)

Dual Sentencing. This bill creates a "dual sentencing" scheme that invokes the jurisdiction of both the criminal and juvenile court. In the scheme the court would impose a juvenile disposition and an adult criminal sentence simultaneously. Execution of the adult criminal sentence would be stayed during imposition of the juvenile disposition. If the conditions of the juvenile disposition were satisfied, the adult criminal sentence is never imposed. If the conditions of the juvenile disposition were violated, the adult criminal sentence would be invoked.

This dual sentencing scheme is recommended for 13 to 15 year olds who are charged with Class A and unclassified offenses for which a 16 or 17 year old would be automatically waived to adult court and sexual assault in the second degree as well as 16 to 17 year olds who are convicted of sexual abuse of a minor in the second degree or a crime against a person with a previous felony adjudication against a person. Procedurally, the district attorney must either file a petition or the minor must agree to be subject to dual sentencing. The prosecutor must present the case to the grand jury and if there is a true bill filed, petition with the court. If the district attorney exercises his discretion not to invoke dual jurisdiction or the grand jury returns a no true bill, it stays in the juvenile system. The adult sentence must include some period of imprisonment that is not suspended. A child can be revoked and the adult sentence imposed if the child: 1) commits a new felony offense; 2) commits a misdemeanor offense against a person that involves injury to another person or the use of a deadly weapon; 3) fails to comply with restitution; 4) fails in a rehabilitation program ordered by the court or required by a facility or juvenile probation officer; or 5) escapes from a juvenile facility. Such violation must be proven by a preponderance of the evidence. If the new felony is a crime against a person or arson the court must impose the adult sentence and transfer custody of the child to the Department of Corrections. For other of the circumstances the court has to impose the adult sentence unless the child proves by preponderance of the evidence that mitigating circumstances exist that justify a continued stay of the adult sentence and that the child is amenable to further treatment under this chapter. Once an adult sentence is imposed the child is transferred to an adult correctional center.

This dual sentencing provision will impact the entire criminal justice system. The categories of children are quite broad, with the expectation that over 60 children will be eligible for such a referral per year, based upon FY 96 DHSS figures. (It is understood that the Department of Law and the Court System did not include numbers for 16 and 17 year olds in their calculations.) The Alaska Public Defender Agency would continue to be appointed to the majority of these cases which will now require the same attorney labor as an adult felony case (including grand jury review, virtual certainty of trial, and felony sentencing procedures). Based upon those numbers, and the serious nature of the allegations, an additional Attorney IV will be necessary in Anchorage and a part-time Attorney IV will be necessary in Fairbanks to provide attorney services in these serious felonies. It is anticipated that most of these cases will arise in these urban locales, with the attorneys travelling to more remote sites if assistance is needed. Additionally, the conditions for which a juvenile may be revoked for being in violation of his juvenile disposition are so overbroad and vague that it is anticipated that many of them will have petitions filed against them and engage in litigation to determine if a violation occurred or they have to prove that they have mitigating circumstances that justify a continued stay in the juvenile system. It will require clearly more prosecutor resources with mandatory grand jury and adult sentencing proceedings. It will clearly require more defense resources with challenges to the grand jury and Superior Court sentencings and duplication of efforts for two jurisdictions. It will result in many more felony level trials as the focus shifts from trying to find the best treatment alternative to avoiding the serious consequence of having an adult permanent record at such a young age. It will result in longer pre-trial stays and overcrowding and programming problems as more juvenile will be detained for longer periods of time in order to deal with the increase in the number of cases contested. Jails and juvenile detention pre-trial facilities are not programmed for lengthy pre-trial stays and cannot provide educational or other treatment services needed. Some critics within the juvenile justice system claim that had they received sufficient resources to begin with, they could have done a good job in improving their system at less cost. By shifting the population to adult Corrections Department if any programming will be developed which is doubtful, it is for a population that Corrections does not want and does not have the expertise to address.

The U.S. Department of Justice study recommends that the transfer alternative to adult court should only be considered for those juveniles whose criminal history, failure to respond to treatment, or serious or violent conduct clearly demonstrates that they require criminal justice system sanctions. This bill is too broadly fashioned and includes many juveniles who are charged

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. CSHB 16

with offenses that would clearly indicate their amenability to treatment. In particular, sexual assault in the second degree and sexual abuse of a minor in the second degree include a broad range of conduct which are often amenable to education and treatment. While attempting to make the juvenile justice system more similar to the adult system, this portion of the bill stating the grounds for imposing the adult sentence actually makes the system more punitive than the adult system. As a basis for revocation, the failure to complete a rehabilitation program ordered by the court accurately reflects the adult system. However, including "any program required by a facility or juvenile probation officer" gives complete unsupervised discretion to a facility or individual who may or may not have the skill to determine the appropriateness of a program with no judicial oversight. To revoke for an offense "involving injury to another person" is completely overbroad in that a number of minor charges including disorderly conduct and assault in the fourth degree which may include a simple shoving match among children is enough to transfer a case to the adult system. Making transfer to the adult sentencing provisions automatic for certain crimes eliminates any individual discretion. In adult court the judge continues to have discretion to determine the disposition based upon a violation. It is even more problematic when one understands that 90% of the juvenile offenders have at one time or another a petition to revoke their probation filed. This is because it is a useful mechanism for probation and juvenile authorities to enforce compliance, to inspire good behavior, and to issue a wake up call. A broad population will have to go through the process of determining whether or not adult sentencing is appropriate. The mandatory imprisonment requirement places a child in a much worse position than an adult offender and completely disregards potential alternative community correction solutions available in adult court. The completely unbridled prosecutorial discretion is neither subject to judicial review nor based upon detailed criteria. The Utah Supreme Court in State v. Mohi, 901 P.2d 991 (Utah, 1995) ruled that a similar Utah juvenile court Act giving such unbridled discretion to the prosecutor violated the state constitution.



House Finance Committee

DATE: *March 12, 98*

PLACE: *Cap 519*

SUBJECT OF MEETING:
HJR 4
SB 220

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
<i>Theresa Taroney and</i>	<i>DFYS</i>			<i>465-3011</i> →		<i>Y</i>	<i>N</i> <i>Will answer questions HB16</i>
<i>Bob Britcham</i>	<i>DFYS</i>			<i>465-3221</i>		<i>Y</i>	<i>N</i> <i>or HB16 ANSWER QUEST. HB16</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>
						<i>Y</i>	<i>N</i>

НВ

16

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/28/98

FURTHER: 5/6/98

DATE TURNED
IN TO OFFICE: 5/06/98

Finance Committee considered CS FOR HOUSE BILL NO. 16(FIN)
JUVENILE DELINQUENCY PROCEDURES

and recommends:

- be replaced with 5 CS CS HB 16 (FIN)
- adopt previous _____ CS _____ 5/06 _____
- attached amendment(s) forthcoming
- adopt Letter of Intent by _____ CS.
- further referral to the _____

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

SIGNING DO PASS	DR	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rand et al</i>	<input checked="" type="checkbox"/>	<i>all</i>			
<i>Paul Farrell</i>	<input checked="" type="checkbox"/>				
<i>Walter Dooly</i>	<input checked="" type="checkbox"/>				
<i>Johnson</i>	<input checked="" type="checkbox"/>				
Co-Chair:		Co-Chair:			
Co-Chair: <i>Bob King</i>	<input checked="" type="checkbox"/>	Co-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
HSS/Medicaid Fac.	3/19/98	0	
Admin/DPA	3/23/98		54.5
Corrections/ALL	3/16/98	0	
Ak Court	3/17/98	***	
Law/Human Serv.	3/18/98		24.8
Admin/PD	3/23/98		54.3
HSS/ Pas. Child Care	3/23/98		106.3

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

E. Version: CSHB 16 (FIN)

(H) Publish Date: 3/23/98

STATE OF ALASKA
1998 LEGISLATIVE SESSION

SFC 5/6/98

Revision Date: _____
Title: Relating to delinquent minors: services to victims and agency records...
Sponsor: Kelly
Requester: _____

Dept. Affected: Health & Social Services
BRU: Purchased Services
Component: Residential Child Care
Component Serial No.: 253

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services	56.3	56.3	56.3	56.3	56.3	56.3
Travel						
Contractual	50.0	50.0	50.0	50.0	50.0	50.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	106.3	106.3	106.3	106.3	106.3	106.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES []						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts	15.8	15.8	15.8	15.8	15.8	15.8
1003 GF Match	15.8	15.8	15.8	15.8	15.8	15.8
1004 GF	74.7	74.7	74.7	74.7	74.7	74.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	106.3	106.3	106.3	106.3	106.3	106.3

Estimate of any current year (FY97) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS:

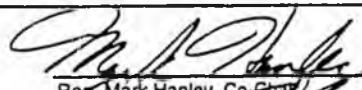
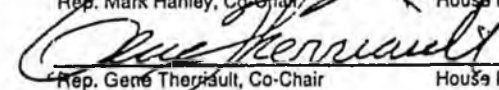
(Attach a separate page if necessary)

Implementation of HB 16 would require a rewrite of the DFYS Residential, Payment and Licensing Regulations. A contract with a regulations attorney to complete this project, estimated at \$50.0, is anticipated.

The unique and complex nature of the semi-secure residential and secure residential psychiatric treatment centers require hiring a Community Care Licensing Specialist I. This individual would provide consultation to the regulation contractor and community services providers. In addition, this individual would process license applications and monitor program compliance with governing regulations. The estimated costs for this position is \$56.3.

lm

Prepared by


Rep. Mark Hanley, Co-Chair House Finance Committee

Rep. Gene Theriault, Co-Chair House Finance Committee

Phone 465-4939
Phone 465-4797
Date 3/23/98

FISCAL NOTE

No: 14

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 16 (FIN)
(H) Publish Date: 3/23/98

Revision Date: 3/23/98 at 10:00 a.m.
Title: "An Act relating to delinquent minors..."
Sponsor: Representative Kelly
Requestor: (H) FIN

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.5	8.5	8.5	8.5	8.5	8.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.5	.7	.7	.7	.7	.7
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.3	48.5	48.5	48.5	48.5	48.5

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

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.3	48.5	48.5	48.5	48.5	48.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.3	48.5	48.5	48.5	48.5	48.5

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

FN #14
Same as #9

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: _____
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/23/98

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 16(FIN)

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

Section 7 of this CS authorizes the court to place a child who is already in state's custody as a CINA or delinquent in a secure residential psychiatric treatment center if certain conditions are met. Those conditions are similar to the ones required to commit an adult: the child must be gravely disabled or suffering from mental illness and likely to cause serious harm to the child or another person. There has to be no less restrictive alternative available and reason to believe the child's mental condition could be improved by treatment or would deteriorate if untreated. The Department of Health and Social Services estimates 60 children a year would be petitioned into this involuntary commitment process. The amendment does not currently contain language explicitly guaranteeing the right to counsel but it is assumed it will be included as constitutionally required. It is further assumed that the Public Defender Agency would be appointed to represent these children in this process, at least in the instance where no legal conflict of interest existed. A part-time Attorney III with attendant support costs would be necessary to handle this influx of new proceedings with a FY 99 cost of \$54.3.

Note: The Public Defender Agency supports the CONCEPTUAL amendment. That is, we agree with the wisdom of having a secure psychiatric facility available for children in the State of Alaska and agree with expanding the eligible facilities. However, the amendment as drafted is woefully inadequate in terms of a fair process. It fails to provide the minimal protections built in to the current civil commitment process: explicit right to counsel; mandatory screening investigation; probable cause hearing before a judicial officer within 48 hours; mandatory evaluation by a mental health professional and a physician within 24 hours after arrival at a facility; 30-day commitment hearing held within 72 hours; written notification of rights; the right to communicate with a guardian or other adult; the right to present evidence and cross-examine witnesses; the right to be free from the effects of medication unless certain procedures are followed; and written notification of the allegations, the lack of any less restrictive alternative, the witnesses anticipated to be called and the facts and specific behavior alleged. At the 30-day hearing there are additional safeguards: the right to be present; to view and copy all petitions and reports; to have the hearing open or closed to the public as desired; to have the rules of evidence and civil procedure followed; to have an interpreter; to present evidence; to cross-examine witnesses; to remain silent; and to call experts. The state's case has to be proven by clear and convincing evidence, there is a right to appeal and if commitment is sought to extend past the 30 days, the respondent has the right to a jury trial. (AS 47.30.700-805). These safeguards must be built into this process. Additionally, the CS allows continued involuntary commitment upon a much lower standard. It is doubtful if this prolonged restraint will be found to be constitutional.

Section 18 of the CS revises the proposed dual sentencing provisions to apply only to 16 and 17 years olds accused of felony crimes against persons with previous adjudication of a felony crime against a person, or sexual abuse of a minor in the second degree. According to estimates by the Department of Health and Social Services, this could involve approximately 11 cases a year. Were these predictions to hold true, the Public Defender would not anticipate additional fiscal impact.

FISCAL NOTE

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____
 Title: .delinquent minors, to the taking of action based
on the alleged criminal misconduct of certain minors . . .
 Sponsor: Representative Kelly
 Requester: House Finance Committee

Dept. Affected: Department of Law
 BRU: Criminal Division/Civil Division
 Component: 1st-4th Jud District/OSPA
Human Services #2198/99/
 COMPONENT SERIAL NO. 2261/79/01/03/08

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	21.0	21.0	21.0	21.0	21.0	21.0
TRAVEL	0.1	0.1	0.1	0.1	0.1	0.1
CONTRACTUAL	3.4	3.4	3.4	3.4	3.4	3.4
SUPPLIES	0.3	0.3	0.3	0.3	0.3	0.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	24.8	24.8	24.8	24.8	24.8	24.8

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

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

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	24.8	24.8	24.8	24.8	24.8	24.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	24.8	24.8	24.8	24.8	24.8	24.8

Estimate of any current year (FY98) 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)

This bill repeals and reenacts AS 47.12.010 (purposes of juvenile delinquency laws) to set out a new philosophy toward juvenile offenders, balancing the goal of reformation of a juvenile offender with protection of the public. Further, the bill authorizes local communities to handle minor juvenile offenses by allowing municipalities to assess civil penalties for juvenile offenses and by allowing the Department of Health and Social Services to delegate to community programs or review panels the authority to handle minor offenses. This bill also amends the delinquency adjudication statutes to authorize district attorneys to seek "dual sentencing" in certain serious juvenile criminal cases; i.e., the state asks the court to pronounce both a juvenile and an adult sentence for the offense, but the adult sentence would be imposed only if the minor commits a new offense or fails to abide by the ordered conditions of the juvenile sentence. Included in the bill is also a provision to enact the rendition amendment to the Interstate Compact on Juveniles that allows one state to take into custody and return to another state a juvenile who is alleged to have violated a criminal law in the second state but who has not been adjudicated a delinquent, and a provision to permit the Department of Health and Social Services to

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Attorney General's Office

Phone: 465-5370
 Date: 3/18/98

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

Date: 3/18/98

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ANALYSIS CONTINUATION:

provide additional information to public officials, such as legislators, who are contacted by parents with concerns about children's proceedings. Without this amendment, the state is unable to explain to these officials why the action it has taken was necessary.

Passage of this legislation will have no fiscal impact on the Criminal Division. The House Finance Committee Substitute eliminates 13 -15 year olds from the dual sentencing provisions, and makes them optional for the remaining juveniles. The department estimates that approximately 10 cases per year, statewide, may require additional criminal proceedings under the proposed dual sentencing provisions. Although this represents an increase in the Criminal Division caseload, when this increase is spread between the division's several offices, fiscal note costs are not warranted.

This bill was also amended in House Finance to authorize courts to place certain children in need of aid, as well as delinquent children, in secure residential psychiatric treatment centers. It will be necessary for the Department of Law's Civil Division, Human Services attorneys to appear at these children's initial placement hearings, as well as at hearings every 90 days for the continuation of the placement. It is expected that the initial hearings will be contested and thus last three to four hours and that the continuation hearings will require one hour of an attorney's time. Finally, it is assumed that on average one continuation hearing will be necessary in each case.

The department anticipates there will be 60 children annually for whom secure treatment is sought through an initial hearing, requiring a total of 240 attorney hours (60 cases x 4 hours), and in 90 percent of the cases (54) a disposition for secure treatment will be granted. Of those 54 cases, the department assumes that half of these children will be moved to a less restrictive setting within 90 days, and half will require a hearing for placement continuation, requiring an additional 27 attorney hours (54 cases/2 x 1 hour). Using the Civil Division's FY98/99 standard attorney cost schedule of \$92.72/hour, the total cost of this provision will be \$24,756 (240 ÷ 27 = 267 hours x \$92.72/hour).

Action by municipalities on minor juvenile offenses will have no fiscal impact on the department, either positive or negative. The types of cases that would be handled by municipal authorities under these amendments do not require the use of Department of Law staff under current law, so no savings would be achieved in the Civil Division from a reduced caseload.

FISCAL NOTE

No: 12

Bill Version: CSHB 16(FIN)

(H) Publish Date: 3/23/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Delinquent Minors - Dual Sentencing BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Kelly
 Requestor: House Finance COMPONENT SERIAL NO. 768

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRAINTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	*	*	*	*	*	*
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY 99) cost: \$ None

Positions						
Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Doug Wooliver, Administrative Attorney
 Agency: Alaska Court System

Approved by: Stephanie J. Cole, Administrative Director
 Agency: Alaska Court System

Phone: 264-8265
 Date: 03/17/98

Date: 03/17/98

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Alaska Court System
Fiscal Analysis
CSHB 16(FIN)

The court system does not anticipate a fiscal impact from the passage of CSHB 16(FIN). However, should the number of minors subject to the dual sentencing provisions of the bill increase, the court system may return to the legislature for additional funding.

Additionally, CSHB 16(FIN) allows the court to authorize the Department of Health and Social Services to place certain minors in a secure residential psychiatric treatment center. The court is to review that placement every 90 days. The court system does not currently foresee significant costs associated with the 90-day reviews because, according to the department, placements in secure facilities rarely exceed 90 days. Additionally, the department has historically only placed 5 or 6 minors a year into such facilities. However, should the number of such placements increase (due to the availability of in-state facilities), or should the length of placements increase to beyond 90 days, or should extra procedural steps be required prior to placement, the court system may return to the legislature for additional funding.

Finally, this note does not estimate the additional costs that will result from allowing municipalities to bring civil actions against minors for violations of municipal ordinances. It is not known how many municipalities will choose this option or how often they will utilize it. Should there be a significant impact, however, the court system may return to the legislature for additional funding.

FISCAL NOTE

No: 11

**STATE OF ALASKA
1998 LEGISLATIVE SESSION**

Bill Version: CSHB 16 (FIN)
(H) Publish Date: 3/23/98

Revision Date (Note if correction)	<u>3/16/98</u>	Dept. Affected	<u>Corrections</u>
Title	<u>An Act relating to delinquent minors, to the</u>	BRU	<u>Administration and Operations</u>
taking of action based on the alleged criminal misconduct...		Component	<u>ALL</u>
Sponsor	<u>Representative Kelly</u>		
Requester	<u>House Finance Committee</u>	Component Serial No.	<u>#0694</u>

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous		109.5	219.1	327.8	401.7	365.2
TOTAL OPERATING	0.0	109.5	219.1	327.8	401.7	365.2

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF		109.5	219.1	327.8	401.7	365.2
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	109.5	219.1	327.8	401.7	365.2

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by Bruce Richards
 Division Commissioner's Office
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh
 Agency Department of Corrections

Phone 465-3307
 Date 3/16/98
 Date 3/16/98

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FISCAL NOTE

**STATE OF ALASKA
1998 LEGISLATIVE SESSION
DEPARTMENT OF CORRECTIONS**

BILL NO. CSHB 16 (FIN)
PAGE 2 of 2
DATE 3/16/98

The major impact of this bill upon the Dept. of Corrections (DOC) is Section 18 where AS 47.12 is amended by adding a new section whereby delinquent minors age 16 and 17 may have dual juvenile and adult sentencing provisions imposed on them if the crime they are charged with committing is sexual abuse of a minor in the second degree or a felony that is a crime against a person and the minor has previously been adjudicated a delinquent for another felony offense that was a crime against a person.

DOC does not anticipate an impact during the first year of this legislation. A juvenile would have to unsuccessfully go through juvenile proceedings and a number of other alternative diversions before the adult dual sentencing provision would be imposed. Based on the statewide average daily cost of \$100.07 per day, the first year financial impact on the DOC would be \$109,576 (\$109.5), with three (3) new juveniles and \$109.5 added every year thereafter until FY 03. In that year, it is anticipated that one of the three juveniles who began serving an adult sentence in FY 00 will have finished the two-year presumptive sentence for a class C felony and be released. Similarly, the next year it is anticipated that one of the three juveniles for FY 01 will complete his or her sentence and be released. (It is assumed that the other two juveniles each year are serving four-year presumptive sentences for class B felonies).

FISCAL NOTE

No: 10

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 16 (FIN)
(H) Publish Date: 3/23/98

Revision Date: _____
Title: "An Act relating to delinquent minors, to the taking action based on the alleged criminal misconduct of certain..."
Sponsor: Representative Kelly
Requestor: (H) FIN

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.9	36.9	36.9	36.9	36.9	36.9
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	11.0	11.0	11.0	11.0	11.0	11.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	5.6					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.5	48.9	48.9	48.9	48.9	48.9

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	54.5	48.9	48.9	48.9	48.9	48.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL						

Estimate of any current year (FY 98) cost: \$ 0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

The new section seven of this committee substitute authorizes the court to place a child who is already in the state's custody as a child in need of aid or as a delinquent in a residential psychiatric treatment center under certain conditions. The Department of Health and Social Services estimates 60 children a year would be petitioned into this involuntary commitment process. The amendment contains no specific statutory guarantee of the right to counsel but there is little question that courts will require the state to provide counsel to these children. Further, the Public Defender Agency and the Office of Public Advocacy are the logical choices to provide such counsel.

The new section seven is curious in that it does not provide for the traditional, and seemingly essential, constitutional guarantees that are currently afforded to adult respondents in commitment proceedings. This fiscal note assumes that the current language will be amended to include those protections or that a court will, in order to hold the statute constitutional, enforce the guarantees afforded to adults.

(continued)

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

Phone: 269-3500
Date: _____

Approved by Commissioner: Mark Bover
Agency: Administration

Date: 3/23/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSHB 16 (FIN)

ANALYSIS: (continued)

The Office of Public Advocacy assumes that it will provide representation in at least half of the 60 complex proceedings now anticipated. Because of the location of current facilities, the agency further assumes that it will provide these services in Anchorage. Given the complexity of these proceedings, and the constitutional necessity of subsequent hearings, the agency anticipates it would require the part-time services of an Attorney III with attendant support costs for a total of \$81.9 in FY 99.

FISCAL NOTE

No: 9

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 16 (FIN)
(H) Publish Date: 3/23/98

Revision Date: _____
Title: "An Act relating to delinquent minors..."
Sponsor: Representative Kelly
Requestor: (H) FIN

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	36.5	36.5	36.5	36.5	36.5	36.5
TRAVEL	1.8	1.8	1.8	1.8	1.8	1.8
CONTRACTUAL	8.5	8.5	8.5	8.5	8.5	8.5
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	6.5	.7	.7	.7	.7	.7
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	54.3	48.5	48.5	48.5	48.5	48.5

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

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	54.3	48.5	48.5	48.5	48.5	48.5
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	54.3	48.5	48.5	48.5	48.5	48.5

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

*FN #9
Same as #14*

Prepared by: Barbara K. Brink, Director
Division: Public Defender Agency

Phone: _____
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 3/20/98

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FISCAL NOTE

STATE OF ALASKA

BILL NO. CSHB 16(FIN)

1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

Section 7 of this CS authorizes the court to place a child who is already in state's custody as a CINA or delinquent in a secure residential psychiatric treatment center if certain conditions are met. Those conditions are similar to the ones required to commit an adult: the child must be gravely disabled or suffering from mental illness and likely to cause serious harm to the child or another person. There has to be no less restrictive alternative available and reason to believe the child's mental condition could be improved by treatment or would deteriorate if untreated. The Department of Health and Social Services estimates 60 children a year would be petitioned into this involuntary commitment process. The amendment does not currently contain language explicitly guaranteeing the right to counsel but it is assumed it will be included as constitutionally required. It is further assumed that the Public Defender Agency would be appointed to represent those children in this process, at least in the instance where no legal conflict of interest existed. A part-time Attorney III with attendant support costs would be necessary to handle this influx of new proceedings with a FY 99 cost of \$54.3. This would be an addition to the already existing fiscal note.

Note: The Public Defender Agency supports the CONCEPTUAL amendment. That is, we agree with the wisdom of having a secure psychiatric facility available for children in the State of Alaska and agree with expanding the eligible facilities. However, the amendment as drafted is woefully inadequate in terms of a fair process. It fails to provide the minimal protections built in to the current civil commitment process: explicit right to counsel; mandatory screening investigation; probable cause hearing before a judicial officer within 48 hours; mandatory evaluation by a mental health professional and a physician within 24 hours after arrival at a facility; 30-day commitment hearing held within 72 hours; written notification of rights; the right to communicate with a guardian or other adult; the right to present evidence and cross-examine witnesses; the right to be free from the effects of medication unless certain procedures are followed; and written notification of the allegations, the lack of any less restrictive alternative, the witnesses anticipated to be called and the facts and specific behavior alleged. At the 30-day hearing there are additional safeguards: the right to be present; to view and copy all petitions and reports; to have the hearing open or closed to the public as desired; to have the rules of evidence and civil procedure followed; to have an interpreter; to present evidence; to cross-examine witnesses; to remain silent; and to call experts. The state's case has to be proven by clear and convincing evidence, there is a right to appeal and if commitment is sought to extend past the 30 days, the respondent has the right to a jury trial. (AS 47.30.700-805). These safeguards must be built into this process. Additionally, the CS allows continued involuntary commitment upon a much lower standard. It is doubtful if this prolonged restraint will be found to be constitutional.

Section 18 of the CS revises the proposed dual sentencing provisions to apply only to 16 and 17 years olds accused of felony crimes against persons with previous adjudication of a felony crime against a person, or sexual abuse of a minor in the second degree. According to estimates by the Department of Health and Social Services, this could involve approximately 11 cases a year. Were these predictions to hold true, the Public Defender would not anticipate additional fiscal impact.

FISCAL NOTE

No: 8

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: CSHB 16 (FIN)
(H) Publish Date: 3/23/98

Revision Date: 03/09/98
Title: relating to institutions for juveniles; efd

Sponsor: Kelly
Requestor: House Finance

Dept. Affected: Health and Social Services
BRU: Medical Assistance
Component: Medicaid Facilities
COMPONENT SERIAL NO. 230
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
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						
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CHANGES IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There does not appear to be a substantial Medicaid program impact associated with the provisions of CSHB 16 (FIN). This is because a Residential Psychiatric Treatment Center (RPTC) may already enroll as a Medicaid provider regardless of the provisions of the bill. A limited fiscal impact may result from the bill's provisions for "semi-secure" or "secure", but such impacts could arguably increase costs related to fire code requirements for secure facilities, or arguably decrease costs due to the availability of secure RPTC as an alternative to less appropriate placements in higher cost settings.

Medicaid enrolled RPTCs are already authorized to bill under Medicaid regulations. One in-state RPTC has been paid since 1993 and several out-of-state providers have been billing Medicaid for the past two years. A new in-state RPTC (30 beds) has submitted a request for Medicaid enrollment (a 2 to 3 week process), and enrollment of another new RPTC (10 beds) is actively being pursued. Enrollment of these facilities is not dependent upon the provisions of the bill and, thus, any increased expenditures required by their enrollment is also not dependent upon

Prepared by: Dave Williams *BT*
Division: Medical Assistance

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

Phone: 465-3355
Date: 03/16/98

Date: 3/19/98

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ANALYSIS (cont.):

any provision in the bill. Additional Medicaid funds may be necessary to cover the cost associated with an increased availability and use of in-state secure RPTC beds, but that increased need is not directly dependent upon the provisions of this bill.

Medicaid regulations (7 AAC 43.550 through 7 AAC 43.570) set out requirements for Medicaid recipient eligibility and admission, conditions for provider payment, establishment of a per diem rate for RPTC services, appeal of the Medicaid rate, and other provisions. Not all RPTCs that could be licensed under CSHB 16 (FIN) would necessarily qualify for Medicaid reimbursement since some Medicaid provider enrollment requirements are not requirements under the bill. (For example, Medicaid regulations require that an enrolled RPTC be accredited by the Joint Commission on Accreditation of Healthcare Organizations.)

Medicaid regulations (7 AAC 43.557) establish an initial RPTC rate that is the lesser of the

- (1) per diem rate of \$255 for a single recipient; or
- (2) per diem rate negotiated between a RPTC and the Division of Family and Youth Services; or
- (3) lowest per diem rate charged to any other payor.

Regulations also provide for an increase or decrease of the \$255 per diem (7 AAC 43.557(b)), however, no enrolled program has submitted documentation under that provision for an adjustment. Presently, some out-of-state programs are paid less than the \$255 per diem, but no enrolled provider is paid more.

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

Mailing Address:
119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-2327

House District 31

Memorandum

House Of Representatives April 28, 1998

To: Senator Bert Sharp, Co-Chair
Senate Finance Committee
From: Representative Pete Kelly
Re: Hearing request for HB 16, an "Act Related to Delinquent Minors."

Please schedule a hearing for HB 16 at your earliest convenience.

HB 16 provides the juvenile justice system with additional tools:

- 1) Dual sentencing of serious offenders. This includes all class "C" and "B" felony crimes against a person.
- 2) Authorizing municipalities to take minors before civil court. Local government is better able to handle lower level juvenile crime. Local government is also better able to interdict juvenile behavior to prevent more serious criminal acts. Enforcement of curfew violations is one type of low level interdiction.
- 3) Involving communities in the informal adjudication process. Allowing communities to become responsible for the handling of juvenile crimes also allows communities to provide local solutions.
- 4) Allow police officers to testify at the preliminary detention hearing and to report matters observed by victims or witnesses. This prevents the victims from having to report to the court many times before the trial.
- 5) Community service. An important and effective way of providing minors with an understanding that their destructive behavior has consequences.
- 6) Communication between federal and state officials. State agencies need to be able to communicate with federal drug enforcement officials and gang task forces.
- 7) Providing semi-secure and secure residential treatment for minors with mental health problems who now end up in our juvenile detention centers.
- 8) Corrects the waiver statutes to ensure that the names of minors who commit murder are made public, and they are fully treated like adults.

Alaska State Legislature

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PETER KELLY

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House District 31

House of Representatives

Sponsor Statement

House Bill 16

House Bill 16 is a product of the Governor's Conference on Juvenile Justice, offering several solutions to the problems facing Alaska's juvenile justice system.

The juvenile justice system operates on the presumption that minors make mistakes, sometimes serious ones, but that they deserve additional attention and care because they have a greater possibility of rehabilitation. Increasingly serious juvenile crime and increasingly frequent rates of crime have placed the juvenile justice system under great stress. HB 16 does not pretend to solve all of these problems, but it does provide the juvenile justice system with additional tools to address some of these needs:

- 1) Provides for dual sentencing of serious juvenile offenders;
- 2) Allows municipalities to seek civil court remedy for juveniles who violate municipal ordinances;
- 3) Allows the Department of Health and Social Services to draw upon the available resources of local communities or other entities who desire to get involved in juvenile crime issues; and
- 4) Reduces the burden on victims, by allowing police officers to report their input at preliminary hearings.

HB 16 also provides additional insight into the workings of our juvenile justice system. I have added portions of the existing Alaska Court Delinquency Rules to the statutes in an effort to give police, DFYS and the Courts a single set of instructions to follow when dealing with juveniles.

Alaska State Legislature

REPRESENTATIVE
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House District 31

House Of Representatives

Memorandum

To: Representative Pete Kelly

From: Bruce Campbell

Re: Dual sentencing v. waiver to adult court

The current waiver to adult court applies for minors who commit class A or unclassified felonies.

The dual sentencing provisions apply to and felony crime against a person committed by a minor previously adjudicated as a delinquent (second offense + conviction). This includes all class "C" and "B" felony crimes against a person:

Criminally negligent homicide	"C"
2 nd and 3 rd degree assault	"B" & "C"
Stalking	"C"
2 nd & 3 rd degree sexual assault	"B" & "C"
2 nd & 3 rd sexual assault of a minor	"B" & "C"
Exploitation of a minor	"B"
2 nd degree robbery	"B"
Extortion	"B"
Coercion	"C"

"USA TODAY hopes to serve as a forum for better understanding and unity to help make the USA truly one nation."

—Allen H. Neuharth
Founder, Sept. 15, 1982



David Mazzarella
Editor

Karen Jurgensen
Editor of the
Editorial Page

Thomas Curley
President and Publisher

Today's debate: Treating juveniles as adults

Adult time for adult crime? 'Blending' is a better way

OUR VIEW Here's a sensible middle ground for dealing with serious crimes.

When two boys only 13 and 11 years old were charged last week with the horrible murders in Jonesboro, Ark., of four young girls and a teacher; the reaction was predictable: proposals for toughening treatment of juveniles.

The crime and the potential punishment just didn't square. The boys could walk out of detention as early as age 18 and no later than age 21 under Arkansas' juvenile code. One Arkansas legislator promptly offered a quick fix — treat all youngsters who commit certain crimes as adults no matter what their age.

This is a too-familiar scene. The wave of juvenile violence that swept the nation in the 1980s, tripling the number of murders between 1984 and 1994, led most states down similar paths.

Since 1992, more than 40 states have passed laws making it easier to prosecute juveniles as adults. That includes Arkansas, which began allowing easier prosecution of children as young as 14 for a wide range of crimes in 1994.

Today more than half the states allow children under 14 to be tried as adults. Twenty states have no age limit at all.

But the crackdown hasn't worked out quite as planned.

► In Ohio and Illinois, studies found "adult time for adult crime" releases most juveniles earlier in non-murder cases than does the juvenile system.

► Studies of juveniles sent to adult prisons and jails in Florida and Nevada found they committed new crimes upon release more often than similar juvenile offenders who went through juvenile programs.

► And federal studies of teens serving in adult facilities show they usually end up being raped and beaten by older inmates.

To avoid such outcomes, 16 states are seek-



AP photos

Out at 18? Mitchell Johnson, 13, left, and Andrew Golden, 11, are charged in deadly shootings.

ing a middle way. They blend juvenile and adult sentences for serious crimes.

Minnesota's system gives juveniles adult sentences that are suspended while the perpetrator goes into juvenile detention programs. The judge then can review the juvenile's progress and reduce the sentence at a later date if appropriate.

Missouri hands juveniles over to criminal courts for trial but allows judges to impose both juvenile and simultaneous adult sentences, which can be suspended at the end of the juvenile sentence.

Connecticut gives prosecutors the discretion to initiate blended proceedings in juvenile court for repeat offenders. If the juvenile is found guilty, a judge then can impose both sentences but suspend the adult sentence if the juvenile behaves.

In all three states, the central problem posed by the Jonesboro murders — automatic release regardless of the threat the boys may pose at 18 or 21 — is solved. Judges can determine if the boys pose a risk or if they have been rehabilitated — a far greater likelihood for a young boy, no matter how violent, than for an adult.

No person who has murdered another should be set free automatically because of his age. But neither can society turn back to the days of the late 19th century when it treated kids totally like adults. That just doesn't work.

With kids as young as 13 and 11, it's foolish to abandon all hope of rehabilitation.

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Eliminate age restrictions

METRO

THURSDAY, April 16, 1998 ★

ANCHORAGE DAILY NEWS

SECTION B

Secrecy seizes cabbie death cases

By RACHEL D'ORO
Daily News reporter

The latest Anchorage teenager accused of killing a cabdriver appeared in juvenile court Wednesday in a hearing closed to the public.

The proceeding mirrored one last weekend in which his teenage friend faced a magistrate in connection with the slaying of another cabdriver two months ago. Both hearings illuminate a new twist in the system for processing alleged teenaged killers — one that's confounding many, from McLaughlin Youth Center administrators and

police to prosecutors and legislators.

The public still doesn't know what happened at the hearing for the 17-year-old boy, a student at Walden Pond charter school, or even his name. The teenager was arrested Tuesday in connection with last week's slaying of Alaska Cab driver Slobodan "Steve" Tadic, the third driver killed in Anchorage in two months.

The public also doesn't know what happened at the earlier hearing for the teen's friend, a 16-year-old Bartlett High School student

who is charged in the February killing of Anchorage Taxicab driver Randy Stewart.

Both boys are expected to be tried as adults on charges of first-degree murder and first-degree robbery. Under the state's 4-year-old "automatic waiver," youths their age who are accused of murder, rape and other serious felonies are supposed to be tried as adults, and their identities have been disclosed almost immediately.

But these cases are now being handled differently. In a move that surprised many in the legal system,

court officials are operating under a January Appeals Court ruling that bars juveniles from being waived into adult court until a grand jury indicts them. Although legally classified as adults, the pair could remain in the juvenile system during the 10-day period allowed between arrest and grand jury proceedings.

Rob Wood, a supervisor at McLaughlin where the two are being held, said the teens are being considered adults. Since they are, he said, he cannot release their names as allowed under a new law that requires the state Division of

Family and Youth Services to disclose information about children ages 13 and older who are accused in juvenile court of serious offenses, including rape, robbery and arson.

"These two boys are adults by virtue of their charges, but here they are, in a nonadult, nonjuvenile no man's land," Wood said. "(The ruling) affects us in terms of keeping kids here longer, kids we have a dubious jurisdiction over. They're not ours. We're just baby-sitting

Please see Page B-3, CAB DEATHS

CAB DEATHS: Secrecy shrouds hearings

Continued from Page B-1

them."

In a Feb. 27 memo to Anchorage judges and magistrates, Presiding Superior Court Judge Elaine Andrews wrote that, as a result of the Appeals Court ruling, minors

These two boys are adults by virtue of their charges, but here they are, in a nonadult, nonjuvenile no man's land.

— Rob Wood, McLaughlin Youth Center

accused of serious felonies cannot be held at adult jails. Quoting from the ruling, she noted that juveniles cannot be arraigned as adults until a grand jury "finds that the State has demonstrated probable cause to believe that the minor is guilty of that felony."

Andrews said Wednesday the word arraignment is correctly defined as a proceeding at which a defendant enters a plea. No pleas are entered during initial arraignments in District Court.

"The word is defined with exactness in the state court rules," she said. "And ar-

raignments follow grand jury indictments. The grand jury is the gatekeeper. Once you pass the gate, you're in adult court."

Legislators say that's not what they intended when they passed the juvenile waiver law.

State Sen. Rick Halford, R-Chugiak and a sponsor of the law, called the January ruling a blatant contradiction. He said the law intended that 16- and 17-year-old minors charged with violent felonies are treated as adults from the moment they're in handcuffs.

"If there's enough infor-

mation to justify an arrest, that person should be treated as an adult at that point," Halford said. "I'm aghast at the misinterpretation here."

District Attorney Susan Parks said she agreed with Halford. The state Office of Special Prosecutions and Appeals filed a motion in Superior Court on Wednesday, asking to again make public the proceedings of juveniles headed for adult court.

"We want something in writing," Parks said. "If the court agrees with us, that would be great. If not, then we can take it back to the Court of Appeals."

LAWMAKER TRIES TO FIX LAW ON JAILING, TRYING TEENS AS ADULTS

By RACHEL D'ORO
Daily News reporter

When Rep. Pete Kelly learned that two teenagers arrested in connection with Anchorage's recent cabdriver slayings were being held as juveniles, he was outraged.

Like others in the criminal justice system, he believed a law the Legislature passed in 1994 meant older adolescents accused of particularly violent crimes would be legally treated as adults almost automatically.

Instead, the two teenagers ended up in juvenile detention, their names withheld from the public, for more than a week.

Kelly thinks a bill headed for the state Senate this week will fix what he says is a wrinkle in a state's juvenile justice law that no one anticipated.

"I thought, '16's the one,'" the Fairbanks Republican said, referring to House Bill 16, a proposed juvenile-crime omnibus bill he is sponsoring. Kelly hopes to use the pending legislation as a vehicle for amending the state's 4-year-old "juvenile waiver" law to clarify at what point older adolescents charged with violent felonies are physically treated as adults.

Critics of the court's current interpretation of the 1994 law say it poses a safety risk because dangerous teenagers are kept in youth detention facilities for too long. Also, since the name can't be immediately released to the public, it prevents police from gathering information from the public and school officials from helping students deal with the shock that comes when a classmate is arrested.

A grand jury indicted 17-year-old Aaron Andrus on Wednesday, formally moving him to adult court, where he will be tried for the April 6 shooting death of Alaska Cab driver Slobodan "Steve" Tadic. Earlier that day, the teen's friend, 16-year-old Larry Mikell, was arraigned in adult court on murder and robbery charges in connection with the February killing of Anchorage Taxicab driver Randy Stewart, the first of three cabdriver slayings this year.

Andrus and Mikell were moved to Cook Inlet Pre-Trial Facility. They had been held at McLaughlin Youth Center under a January Appeals Court ruling that bars juveniles from adult custody until a grand jury indictment. Until the indictments, authorities wouldn't release their names, either. At the same time, the suspects were considered adults because of the charges, which took them outside the realm of a new law that requires the state Division of Family and Youth Services to disclose information about children as young as 13 who are accused in juvenile court of serious offenses.

Kelly said the proposed revision, which goes before the Senate Judiciary Committee this week, would prevent a similar legal limbo.

"The courts have found a flaw in the current system," Kelly said. "We feel a language change is very timely."

Officials with the state departments of Law, Corrections, and Health and Human Services said they support the proposed change, which would waive eligible 16- and 17-year-olds into adult court

when they are charged by "complaint, information, or indictment." Presently, the law waives minors at the time of arraignment, which Anchorage judges are considering the Superior Court arraignment.

Presiding Superior Court Judge Elaine Andrews has said state court rules correctly define arraignment as a proceeding at which a defendant enters a plea. No pleas are entered during initial arraignments in District Court. In a Feb. 27 memo to Anchorage judges and magistrates, Andrews wrote that as a result of the Appeals Court ruling, minors accused of serious felonies cannot be held at adult jails until they are arraigned as adults following a grand jury indictment.

State officials say that's not what legislators intended when they passed the juvenile waiver in 1994. Under the law, 16- and 17-year-olds who are accused of murder, rape and other serious felonies are supposed to be tried as adults, and their identities have been disclosed almost immediately. The cabdriver cases veered wildly from the norm, officials said.

"No judge or magistrate has done this before, at least as far as we knew," said deputy attorney general Cindy Cooper in the criminal division. "Our position is that it's an incorrect interpretation."

The juvenile custody issue has been a problem even before the cabdriver deaths brought the issue to the public's attention.

On April 6, before the two teens in the cabdriver cases were arrested, McLaughlin Youth Center had seven boys who were scheduled to be tried in adult court in custody anywhere from seven to 65 days, said administrative Probation Officer Bob Buttane. Even though the state requires a grand jury hearing within 10 days of arrest, courts allow extensions, which can keep older, more troubled youths at McLaughlin.

The longer such older teens stay, the more suicidal and defiant they are, he said. They also are a negative influence on younger children housed at the juvenile detention facility for less serious crimes, Buttane said. Amending the juvenile waiver law would go a long way to transferring these minors into the adult system more quickly, he said.

"It certainly provides more clarity where now there's confusion," Buttane said. "It would meet the original intent of the Legislature, that these older adolescents should not be afforded the opportunities of the juvenile system."

STATE OF ALASKA

DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-3397

March 23, 1998

The Honorable Representative Pete Kelly
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801

Dear Representative Kelly,

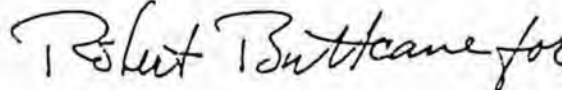
Your staff had requested additional information regarding the department's fiscal note for HB 16 related to costs for semi-secure programs. This letter is a response to that request.

The department had estimated a need for \$210.0 to establish at least one semi-secure residential care facility in each of the three DFYS regions in the state. Based on our discussions with or letters received from our current residential care providers, we estimated this was the minimum amount needed to establish these programs in our regions.

It is not possible to separate out what amount of this might be designated to increased staffing levels as opposed to facility enhancements. Individual providers indicated varying needs in this regard. Some providers would use the bulk of a grant award on facility improvements where others would focus more on increased staffing. As we discussed during our meeting on March 18, 1998, DFYS would develop a Request For Proposal for semi-secure residential services delineating the program goals and objectives while allowing the grant applicant the latitude to specify how they might use these grant funds to provide semi-secure care services.

Finally, your staff wanted to see copies of the letters we received from the providers and I have attached those for your reference. I appreciate your interest and willingness to explore the options to meet the need for semi-secure programming. Please let me know if we can be of further assistance.

Sincerely,



Theresa Tanoury
Family Services Administrator
DFYS

rb/TT



Alaska Baptist Family Services

1600 O'Malley Rd. • Anchorage, Ak 99516 • Phone (907) 349-2222

MEMO

TO: TIERESA TANOURY

FROM: LEONARD R. EVERMAN

SUBJECT: COMMENTS ON CSH 16 DISCUSSION

DATE: MARCH 12, 1998

Alaska Baptist Family Services presently is not a secure or semi-secure unit as defined in this bill. We have, from time to time, placed residents on suicide watch and tight security with one-on-one staff. These one-on-one staffings have been purchased on an as-needed-basis by DFYS or Corrections. Our staff ratio and program runs 1:6 awake staff and 1:12 during sleeping hours. During the day we often are 1:4 due to appointments.

Here are my concerns. If the secure, semi-secure program is developed will it be at the expense of existing programs as was Dot Lake. How much space would the program call for in each region. Presently, I have 16 beds and am full with a waiting list. We have turned away over thirty-five requests for beds since December 26, 1977 because we have been full. If we made two beds available of our sixteen, would we be able to maintain safety for other residents. We serve mostly pre-adolescent children averaging 9-12 years of age. Our program license is maxed out for this cottage. The present grant has twelve beds with DFYS continually purchasing at least three additional beds, regularly. I have one private interstate bed full as well.

If we took the \$70,000 being considered for this service and add some security systems, change the windows in a room with a private bath, and added staff, that would equal what we get for one and three quarters beds per year presently. Our bed rate is \$127 per day and we subsidize all beds up to thirteen. There have been no rate increases since 1991, however, cost for us has increased considerably. You can see that the gain would be slim to negligible for us or you unless we could work out something together.

I believe it is possible, since these clients would not be public enemy number one type offenders, to blend some of these children and youth in programs like ours. Our first concern would be safety for all concerned. Thanks for the opportunity to give input. I look forward to our retreat in May. I am back to work part-time since my mild heart attack -- usually during the am.

Loving Children and Families in The Spirit of Jesus Christ

**BETHEL GROUP HOME, INC.**

P.O. BOX 385 • BETHEL, AK 99558 • (907) 543-2842 • FAX: (907) 543-3219

March 23, 1998

Theresa Tanoury
Administrator
Child Protective Services
Division Of Family And Youth Services
Juneau, AK

Dear Ms. Tanoury:

I am writing to request additional funding in order that we may better serve the needs of the severely emotionally disturbed children that are placed in our facility.

As you may be aware, on March 11, 1998, a child placed in our facility by your agency attempted to hang himself using a belt and the pipes used for heating our facility. Our staff intervened with barely enough time to prevent a tragedy.

We are being asked on an ever more frequent basis to accept increasingly more disturbed children into our care. While we have implemented some safeguards to assist in the prevention of these children harming themselves or others, we lack the necessary funding to provide for the level of care, supervision, etc. required by these children.

Specifically, we are in need of funds for additional night and evening staff. We currently operate with a staff to child ratio of 1:2.6 during the evening hours of 4:00pm-12:00am. From 12:00am until 7:00am, our staff to child ratio drops to 1:8. We are experiencing much difficulty managing the behaviors of some of these children with a 1:2.6 ratio. We are requesting your assistance in securing the necessary funds to drop the staff to child ratios to 1:2 and 1:4 during the evening and night.

Additionally, there are several building improvements which need to be made to our building to enhance the supervision of the children. First, we need to install a window in a staff office which will enable supervision of the hall/foyer area. Currently, this area is impossible to supervise due to the design of the building. If a window were installed in the staff office, this would enable us to provide this supervision. Second, we would like to install security cameras for the halls and common areas of the building. This would allow a single night staff person the ability to supervise these areas of the house while the second night staff person conducted room checks. Due to the "hodge-podge" construction of our building, it is impossible for two people to physically supervise the entire building without the aid of video equipment.

Thank you for your assistance in this matter. Please contact me should you have any questions or wish to discuss these matters further. Hopefully, we will be able to work

Theresa Tanoury, March 23, 1998, PAGE 2

together to resolve these security issues in order that we may continue to care for the children placed in our facility.

Respectfully

A large, stylized handwritten signature in black ink, appearing to be 'Amy L. Smith', written over the word 'Respectfully'.

Amy L. Smith, M.A.
Executive Director

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF FAMILY AND YOUTH SERVICES

TONY KNOWLES, GOVERNOR

P.O. BOX 110630

JUNEAU, ALASKA 99811-0630

PHONE: (907) 465-3170

FAX: (907) 465-2333

March 23, 1998

The Honorable Representative Pete Kelly
Alaska House of Representatives
State Capitol
Juneau, Alaska 99801

Dear Representative Kelly,

James Dieringer, Bruce Campbell and DFYS staff met on March 18, 1998 to discuss funding options for semi-secure facilities related to HB 16. Your staff requested additional information on our corrections facility staff ratios and daily cost of care rates. This letter provides that information.

The average staff to resident ratio at our Youth Corrections facilities throughout Alaska is 1 to 8 during waking hours. This ratio is lower during the night time hours.

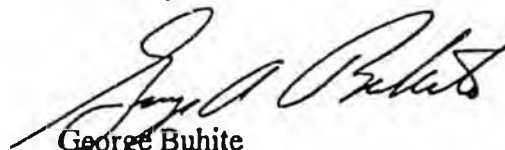
The daily cost of care for our facilities is estimated as follows:

Facility	Avg. Pop. First Half FY98	Capacity	%Capacity	Avg. Daily Cost of Care
McLaughlin	195	150	130%	\$155.00
Fairbanks	50	40	125%	\$263.00
Bethel	21	19	110%	\$333.00
Juneau	17	8	218%	\$323.00

We should be cautious in making comparisons between the corrections facility numbers and those related to community residential care services. Differences in facility design, the variations in resident groups and the levels of judicial or regulatory authorities over these youth populations are factors which would effect the respective staffing ratios and daily cost of care rates.

Please let us know if you we can be of further assistance.

Sincerely,



George Buhite
Youth Corrections Administrator

rb/GB

Alaska State Legislature

REPRESENTATIVE
PETER KELLY

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119 N. Cushman, Suite 203
Fairbanks, Alaska 99701
(907) 456-8161



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House District 31

House Of Representatives

Sectional

House Bill 16

4/29/98, HB 16U

Section 1 & 2. Technical reference.

Section 3. Requires a municipality to provide notification to the Department of Health and Social Services when the Municipality commences a civil action against a minor. This keeps the records of HSS intact.

Section 4. Authorizes Municipalities to take a **minor to civil court** for violations of municipal ordinances.

Section 5. Collateral references to the dual sentence provided in section 12.

Section 6. Encourages the Department of Law to extend its victim witness assistance program to the juvenile justice system. This is in response to Fairbanks constituents who discovered that, although their homes had been broken into, they were faced great difficulty gaining access to police reports and the court process.

Sections 7, 8, 9, 10, 11, 12, 13, & 14. Creates "secure residential psychiatric treatment" for troubled youth. Many youth with mental health and substance abuse problems now end up in with serious offenders in Youth Facilities for delinquents. To achieve treatment for less severe mental health problems, and substance abuse a less restrictive, but secure facility is appropriate. These new residential facilities will complete the spectrum of treatment, providing a less expensive alternative to Youth Facilities and the Alaska Psychiatric Institute.

The deletions of [NONPROFIT] from the code will allow private hospitals, including Charter North, possibly Brightway, to provide services funded by private insurance. See also Sections 33, 44, 46, 47, 48, 49, & 50.

Section 15. An expansion of the goals and purposes of the delinquency chapter. Incorporates elements of the "restorative justice model" into Alaska's goals for juveniles.

Section 16. Amends the code that provides for the waiver of juveniles to adult court. Fixes the "taxi cab killer" case in Anchorage, where 16 and 17 year olds were not treated like adults under a court ruling that found "arraignment" to mean grand jury indictment. This amendment corrects this issue by correcting the word usage to "**charged by complaint, information, of indictment.**"

Section 17 & 18. Allow the department to bring communities i.e. "entities" into the juvenile justice system.

Section 19. Dual sentencing.

(a) The department shall refer a case to the District attorney if the minor was:

(1) at least 13, but not yet 16, and the offense is

(A) an unclassified or class A felony, and the minor would have been waived into adult court if 16 years of age; or

(B) sexual assault in the second degree; or

(2) 16 years of age or older, and the offense was

(A) a felony crime against a person and the minor has been previously adjudicated a delinquent for a felony offense.

(B) sexual abuse of a minor in the second degree.

(b) The **District Attorney** is authorized to take a case before a **grand jury for indictment**, and then may seek imposition of a dual sentence.

Section 20. Clarifies that the minor has the right to **confront adverse witnesses** at the full **petition hearing**. See also section 24.

Section 21. Technical reference.

Section 22. **Opens the court proceedings to the public**, when the District Attorney seeks the imposition of a **dual sentence**.

Section 23. (Page 13) **Expands the court's ability to assign community service**.

Section 24. Deletes the 90 day court review required for CINA, but not needed for Delinquency proceedings.

Section 25.

New part (i) from delinquency court rule 11(a).

New part (J), **dual sentencing**. If the district attorney seeks imposition of a dual sentence, and the court finds the minor to be delinquent, then the court shall (1) enter a juvenile sentence under AS 47.12.120(b); and (2) pronounce an adult sentence that must include some period of imprisonment that is not suspended by the court.

Section 26. Technical reference.

Section 27. The department may petition for imposition of the adult portion of the dual sentence if:

- (1) the minor commits a subsequent felony offense;
 - (2) commits a subsequent offense against a person that is a misdemeanor and involves injury to a person or the use of a deadly weapon;
 - (3) fails to comply with the terms of a restitution order;
 - (4) fails to engage in or satisfactorily complete a rehabilitation program ordered by a court or required by a facility or juvenile probation officer; or
 - (5) escapes from a juvenile correction facility.
- (e) if the court finds, by the preponderance of the evidence that the minor has failed as listed above, then the minor is transferred to adult corrections.

Section 28, 29. Technical references.

Section 30. Allows a minor to be incarcerated in an adult correctional facility if **16 years of age or older**, and the court has imposed a dual sentence and transferred custody of the minor to the Department of Corrections.

Section 31. Arrest procedures from delinquency court rule 7(a) combined with existing code AS 47.12.250(a).

Section 32. Arrest procedure language is conformed in these two sections to completely place Court Rule 7 into statute.

Section 33. Deletes the requirement that the accused have the right to "confront adverse witnesses" at the initial 48 hour probable cause court hearing. (The right to "confront adverse witnesses" is a constitutional right – however it applies to the court hearing under AS 47.12.110(a) – not to the initial hearing that serves like the bail hearing in adult court.)

Section 34. New **secure residential psychiatric treatment centers**, same as in 47.10, see sections 7 through 14.

Sections 35, 36, 37 & 38. Technical references & conforming edits.

Section 39. New part (g). **Dual sentencing court proceedings open to the public.** This section provides the minor with the protections afforded adults by open court hearings. It prevents "star chamber" like secret hearings.

Section 40. (b)(1) Provides for communication between **federal** and state law enforcement agencies and the department of Health and Social Services.

Section 41. Technical reference.

Section 42. Allows the Department of Health and Social Services to discuss otherwise confidential delinquency cases with legislators. This will allow the department to respond factually to constituent concerns made by legislators, but it does not allow legislators to communicate confidential information to anyone else.

Section 43. Technical reference.

Section 44. Defines "entity" as used in sections 10 & 11.

Section 45. Links definitions of "gravely disabled," "mental health professional," "mental illness," and "secure residential psychiatric treatment center" to the same meanings used in existing mental health provisions.

Section 46. Rendition. Alaska is a signatory to the Interstate Compact on Juveniles, providing for extradition of juvenile offenders, this codifies these provisions.

Sections 47, 48, 49, 50 & 51. Adds "semi-secure residential" and "secure residential psychiatric treatment centers" to the list of options for our mental health professionals. The deletions of [NONPROFIT] allow private hospitals to provide these services, with appropriate court oversight, and to access private insurance funding.

Section 52. Changes delinquency court rule 10(c) to allow a police officer to present evidence at a preliminary detention hearing on behalf of witnesses and victims. This has the effect of reducing the burden now placed on victims. Allowing them to concentrate their efforts to the actual trial, not all of the preliminary hearings and motions for delay.

Sections 53. Repeal delinquency court rules that define executive branch actions. Rule 6 defines the juvenile intake process and rule 7 defines the arrest process. This legislation places these procedures into statute, and the court rules are duplicative.

Section 54. Repeal of AS 47.12.110(c), This is an old, unused portion of code. It requires school principals to give judges lists of students for selection for "young adult advisory panels." This concept has been supplanted with the youth court. Its repeal in no way impairs the youth court, which is entirely different.

AS 47.12.120(g) is also repealed. This provision was required for CINA cases, and is not needed for delinquency cases. It is a clean-up of the new delinquency code created in my HB 387.

Sections 55 & 56. Court rule changes resulting from the dual sentencing provisions of this bill.

Section 57. The dual sentencing provisions apply to crimes committed after July 1, 1998.

Section 58. Applicability of the rendition provision in section 45.

Section 59. Effective date is July 1, 1998.

HB

17

HFIN

FILE



SPONSOR STATEMENT

HB 13

"An Act relating to marine safety training and education programs."

January 20, 1997

The Alaska Marine Safety Education Association (AMSEA) has been operating in the State of Alaska for 12 years. The primary purpose of this organization is to reduce the loss of life and injury in the Alaskan marine environment by providing education through a statewide network of qualified marine safety instructors.

AMSEA provides the safety training required by the Commercial Fishing Vessel Safety Act of 1988 to communities throughout Alaska. The Act, which took effect in 1991, requires a minimum in safety training and equipment for commercial fishing vessels.

AMSEA also helps Alaskans by providing marine safety instructor training some of whom teach drill instructor courses. Other marine safety instructors also train the Alaska boating and fishing public, including many children and adults, in marine safety. Of the 7300 people AMSEA trained in 1995, 2000 were from the commercial fishing industry, 3700 were children.

According to a study conducted in 1995 by the Native Health Service, AMSEA training significantly reduced fatalities among commercial fishermen. This coincides with a 50 percent drop in fishing fatalities in Alaska in the prior four years.

AMSEA is a nonprofit, community-based information and training network, supported by many volunteers. Its annual budget has ranged from \$100,000 to \$250,000 in the past five years. It has been receiving 100 percent of its funding from federal grants but last year's funding fell to \$50,000 and the number of people training fell to an all time low. This organization deserves our intervention to ensure long-term funding source stability.

The Fishermen's Fund (AS 23.35.060) was created before statehood. One hundred percent of the fishermen's fund is funded by commercial fishing license fees. Sixty percent of license fees are dedicated to this fund. Since commercial fishermen are often the beneficiaries of the required marine safety training, it is appropriate to allow part of the interest on the fund to be used to fund some of AMSEA's marine safety programs.

It is estimated that the Fishermen's Fund generates approximately \$450,000 in interest a year. By way of this legislation, AMSEA is requesting up to approximately \$225,000 a year. If this bill passes budgeted, AMSEA will increase its efforts in boating safety in interior regions of the state, as well as sponsor training to State Troopers and Village Public Safety Officers who are in a position to enhance water and boating safety in areas where they operate.

that it was due to causes and conditions characteristic and peculiar thereto and was therefore compensable. Women's Div. of Christian Serv. of Bd. of Missions & Church Extension of Methodist Church v. Alaska Indus. Bd., 13 Alaska 166 (1951).

Diseases contracted prior to coverage of Act. — Compensation was denied to plaintiff for disability resulting from silicosis contracted while in the employ of the defendant for several years antedating 1932, as the coverage of the Workmen's Compensation Act was not extended to occupational disease until after 1948 and the disease did not manifest itself until 1954. Cropley v. Alaska Juneau Gold Mining Co., 16 Alaska 831, 131 F. Supp. 34 (D. Alaska 1955).

Unnecessary to determine whether disease is injury by accident or occupational disease. — Where both injury by accident and occupational disease are compensable, as they are in Alaska, it is unnecessary to determine whether the disease complained of is one or the other. A finding either way supports an award. Board of Nat'l Missions of Presbyterian Church v. Alaska Indus. Bd., 14 Alaska 463, 116 F. Supp. 825 (D. Alaska 1953).

Compensation is not to be barred because the risk is not generally recognized or because only those unusually susceptible or predisposed to a given disease will contract it. Aleutian Homes v. Fischer, 418 P.2d 769 (Alaska 1966).

VIII. MEDICAL AND RELATED BENEFITS.

Paragraphs (8) and (30) mutually exclusive. — See note under same catchline under analysis line IV, "Compensation."

IX. PARENT.

Dependency of parents. — That a servant gave his wages to his parents, and such wages were devoted to the support of the family, is sufficient to afford a legal basis for the finding of actual dependency, within the Workmen's Compensation Act. Ketchikan

Collateral references. — 53 Am. Jur. 2d, Master and Servant, § 139 et seq.; 82 Am. Jur. 2d, Workers' Compensation, § 1 et seq.

99 C.J.S., Workmen's Compensation, § 1 et seq. Status, under workmen's compensation act, of gasoline and oil distributor or dealer as agent, employee, independent dealer. 33 ALR2d 1290.

Posthumous children and children born after accident as dependents. 18 ALR3d 900.

Injury sustained while attending employer-sponsored social affair arising out of and in the course of employment. 47 ALR3d 566.

Sexual assaults as compensable under workers'

Sec. 23.30.400. Short title. This chapter may be cited as Alaska Workers' Compensation Act. (§ 1 ch 193 SLA 1959)

Revisor's notes. — Formerly AS 23.30.270. Renumbered in 1996.

NOTES TO DECISIONS

Cited in State v. Wien Air Alaska, Inc., 619 P.2d 719 (Alaska 1980).

Lumber & Shingle Co. v. Bishop, 24 P.2d 69 (8th Cir. 1928).

X. MARRIED.

Divorced wife can be "married" for purpose of this chapter. — It is clear under the statutory definition of "married" that a decedent, though divorced, is "married" for the purpose of the Workmen's Compensation Act, where the divorce decree required him to contribute to the support of his former wife. Burgess Constr. Co. v. Lindley, 504 P.2d 1023 (Alaska 1972).

XI. WAGES.

"Wages". — Where one sustains an injury in Alaska, and then removes to another state, the amount of the award of compensation is determined by the wage rate of the state to which the claimant has removed. Hanson v. Benson, 179 F. Supp. 130 (D. Alaska 1959).

The law does not contemplate the payment of compensation in addition to the payment of wages. Hanson v. Benson, 179 F. Supp. 130 (D. Alaska 1959).

Including readily identifiable and calculable value of fringe benefits. — The readily identifiable and calculable value of fringe benefits paid by the employer on the employee's behalf should be considered "wages" for the purpose of computing the employee's average weekly wage. Ragland v. Morrison-Knudsen Co., 724 P.2d 519 (Alaska 1986).

XII. WIDOW, WIDOWER.

A divorced wife qualifies as a "widow" where she was living with decedent husband, who was required by the divorce decree to support her, at the time of his death and was dependent upon him for support. Burgess Constr. Co. v. Lindley, 504 P.2d 1023 (Alaska 1972).

Construction of term "widower". — See Admiralty-Alaska Gold Mining Co. v. Benson, 17 Alaska 727 (1958).

compensation. 82 ALR4th 731.

Workers' compensation: student athlete as "employee" of college or university providing scholarship or similar financial assistance. 58 ALR4th 1259.

Workers' compensation: injuries incurred during labor activity. 61 ALR4th 196.

Injuries incurred while traveling to or from work with employer's receipts. 63 ALR4th 263.

Breach of assumed duty to inspect property as ground for liability to third party. 13 ALR5th 289.

Employee's reimbursement for travel expenses incurred in obtaining treatment of work-related injury. 36 ALR5th 225.

Chapter 35. Commercial Fishermen's Fund.

- 10 Creation of Fishermen's Fund Advisory and Appeals Council
- 20 Appointment and composition of council
- 30 Commissioner or designee as chair
- 40 Duties of commissioner and council
- 50 Regulations
- 60 Creation and administration of fishermen's fund
- 70 Benefits
- 80 Emergency treatment for cardio-vascular disease

- 90 Associates after death of fisherman
- 100 Transportation, hospital, nursing, medical, and surgical expenses
- 110 Contracts for care
- 120 Cooperation with other agencies
- 130 Duration of care
- 140 Limitation on benefits
- 150 Definitions

Collateral references. — 53 Am. Jur. 2d, Master and Servant, §§ 123, 124; 82 Am. Jur. 2d Workers'

Compensation, §§ 1, 2, 17-327. 99 C.J.S., Workmen's Compensation, §§ 163-169.

Sec. 23.35.010. Creation of Fishermen's Fund Advisory and Appeals Council. There is within the Department of Labor a Fishermen's Fund Advisory and Appeals Council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.020. Appointment and composition of council. The council is composed of the commissioner of labor or a person designated by the commissioner and five members appointed by the governor for overlapping five year terms. The governor shall appoint one member from each of the following districts:

- District 1: Wrangell and areas south;
- District 2: Areas north of Wrangell to include Yakutat;
- District 3: Areas west of Yakutat to East Coast of Alaska Peninsula, including Prince William Sound, Cook Inlet, and Kodiak;
- District 4: Areas west of Alaska Peninsula to Cape Newenham, including Bristol Bay;
- District 5: Areas north of Cape Newenham, including Kivukwim, Yukon, Kotzebue, and the Arctic. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 175 SLA 1976)

Sec. 23.35.030. Commissioner or designee as chair. The commissioner of labor or the person designated by the commissioner serves as the chair of the council. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.040. Duties of commissioner and council. The commissioner shall consult with the council before the commissioner makes a negative decision on an appeal filed with the commissioner in relation to the care of a sick and disabled fisherman. (§ 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960)

Sec. 23.35.050. Regulations. The department may adopt regulations to carry out the purposes of this chapter, including those that are necessary or advisable to protect the fund by limiting or suspending payments from the fund. The regulations must be uniform in application. (§ 2 ch 100 SLA 1951)

Opinions of attorney general. — The Department of Labor may not adopt a regulation requiring that a reasonable deductible amount be satisfied on each claim before the Fund pays benefits. Marr' 4, 1985 Op. Att'y Gen.

The Department of Labor could adopt regulations limiting the availability of benefits under AS 23.35 to persons who have no insurance, as this would accord with the department's interpretation of the purpose of the Fund. March 4, 1985 Op. Att'y Gen.

Sec. 23.35.060. Creation and administration of fishermen's fund. There is created a fund, designated as the "fishermen's fund." The Department of Revenue is the

custodian of the fund and the Department of Labor shall administer it. The fund shall be composed of 60 per cent of the money derived by the state from all commercial fishermen's licenses and money appropriated to carry out the purpose of this chapter. (§ 4 ch 100 SLA 1951; am § 1 ch 99 SLA 1955; am § 16 ch 105 SLA 1977; am § 11 ch 123 SLA 1978)

Sec. 23.35.070. Benefits. A fisherman, upon becoming disabled, is entitled to receive benefits as follows: Immediately after the fisherman sustains an injury or disability arising out of an accident directly connected with operations as a fisherman, either ashore in the state or in Alaska water, or suffers an occupational disease, the fisherman is entitled to emergency treatment, transportation to the nearest place where approved medical facilities are available, medical care, and hospitalization. In this section, "Alaska water" means the inland and territorial water of the state and the fishery conservation zone adjacent to the state established by 16 U.S.C. 1811 (§ 101, Fisheries Conservation and Management Act of 1976). (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957; am § 1 ch 15 SLA 1979)

Opinions of attorney general. — Chiropractors render medical services and are entitled to recover payment under the Fishermen's Fund. August 23, 1971, Op. Att'y Gen.

The Department of Labor may not adopt a regulation requiring that a reasonable deductible amount be satisfied on each claim before the Fund pays benefits. March 4, 1986, Op. Att'y Gen.

It is not required that an injury or accident be "directly caused" by the fishing endeavor; if the legislature had intended that interpretation, it seems likely that it would have said "directly caused by" rather than "directly connected with." March 4, 1986, Op. Att'y Gen.

The cost of treatment by acupuncture is an expense that is covered by the Fishermen's Fund. June 18, 1985, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in *Hutcherson v. State, Dep't of Labor*, 812 P.2d 1017 (Alaska 1980).

Sec. 23.35.080. Emergency treatment for cardio-vascular diseases. The department may pay the costs, within the maximum limitations, of emergency treatment, transportation, medical care, and hospitalization, necessitated by a cardio-vascular disease, if the department determines that the disease is attributable, directly or indirectly, to the fishing endeavor. (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.090. Assistance after discharge. A fisherman is also entitled to such assistance after discharge from the hospital during period of convalescence as the department allows in consideration of the condition of the fund. (§ 5 ch 100 SLA 1951; am § 2 ch 99 SLA 1955; am § 1 ch 59 SLA 1957)

Sec. 23.35.100. Transportation, hospital, nursing, medical, and surgical expenses. The department may pay out of the fund all reasonable transportation charges incurred under AS 23.35.080 and 23.35.090, including cost of returning the fisherman to the boat or home of the fisherman or to another place that reasonably meets with the fisherman's convenience, and the reasonable hospital, nursing, medical, and surgical expense incurred in the examination, treatment, and care of the fisherman. (§ 6 ch 100 SLA 1951)

Opinions of attorney general. — Money cannot be expended from the sick and disabled fishermen's fund for the payment of charges for medicine prescribed by chiropractors. 1961 Op. Att'y Gen., No. 23.

It is illegal and criminal for a chiropractor, without additional qualifications, to prescribe drugs or medicine to sick or injured persons. 1961 Op. Att'y Gen., No. 23.

Chiropractors render medical services and are entitled to recover payment under the Fishermen's Fund. August 23, 1971 Op. Att'y Gen.

For discussion of the Fund's power to seek reimbursement from claimants' insurance carriers or medical providers where insurance has paid part or all of a claim, see March 4, 1985, Op. Att'y Gen.

Absent an assignment of the claim from the injured person, the Fishermen's Fund may not sue third parties for negligence which caused or contributed to the injury, and even with an assignment, it would not be advised. March 4, 1985, Op. Att'y Gen.

The Fishermen's Fund may recover overpayments made by mistake. March 4, 1985, Op. Att'y Gen.

The Department of Labor could adopt regulations limiting the availability of benefits under AS 23.35 to persons who have no insurance, as this would accord with the department's interpretation of the purpose of the Fund. March 4, 1985, Op. Att'y Gen.

The cost of treatment by acupuncture is an expense that is covered by the Fishermen's Fund. June 18, 1985, Op. Att'y Gen.

Sec. 23.35.110. Contracts for care. In carrying out this chapter, the department may enter into contracts or other arrangements with hospitals and doctors in the state for furnishing care on an annual basis to persons entitled to benefits. Contracting under this section is governed by AS 36.30 (State Procurement Code). (§ 6 ch 100 SLA 1951; am § 22 ch 106 SLA 1986)

Sec. 23.35.120. Cooperation with other agencies. In providing care the department shall provide the type and quality of treatment that will restore the fisherman to health and productivity, if possible. The department may enter into cooperative arrangements with agencies of the federal government, other states and territories, and private clinics and rehabilitation centers for the care and treatment of fishermen. (§ 7 ch 100 SLA 1951)

Sec. 23.35.130. Duration of care. Except for compelling reasons, compensation may not be paid for the care of any one person involving a single injury or disability beyond a period of one year from the date of initial allowance. (§ 7 ch 100 SLA 1951)

Opinions of attorney general. — The legislature intended a relatively liberal interpretation of the act. 1969 Op. Att'y Gen., No. 5.

For scope of term "compelling reasons", see 1959 Op. Att'y Gen., No. 5.

With respect to a pre-existing injury, that is, one for

which benefits have been paid under the Act, if subsequent aggravation is attributable strictly to that injury, and does not amount to a new injury, then, as with a recurring disability, the Act does not appear to confer benefits, for it remains a "single injury." March 4, 1985, Op. Att'y Gen.

Sec. 23.35.140. Limitation on benefits. (a) Except for compelling reasons, (1) compensation may not be paid for medical care or hospitalization furnished before the ascertainable time of injury, or before authorization in the case of disability caused by an occupational disease; (2) the total allowance for any one injury or disablement is \$2,500. (b) The total allowance for any one heart attack is \$2,500. (§ 7 ch 100 SLA 1951; am § 1 ch 103 SLA 1965; am § 1 ch 166 SLA 1968)

Opinions of attorney general. — There might be many very "compelling reasons" to raise the benefits above \$2,500 under some circumstances. 1969 Op. Att'y Gen., No. 5.

With respect to a pre-existing injury, that is, one for which benefits have been paid under the Act, if

subsequent aggravation is attributable strictly to that injury, and does not amount to a new injury, then, as with a recurring disability, the Act does not appear to confer benefits, for it remains a "single injury." March 4, 1985, Op. Att'y Gen.

Sec. 23.35.150. Definitions. In this chapter

(1) "approved medical facilities" and "medical care" include the facilities of, or the care and treatment prescribed or performed by, a practitioner of chiropractic licensed by the state under AS 08.20;

(2) "council" means the Fishermen's Fund Advisory and Appeals Council;

(3) "fisherman" means a person who is licensed by the state to engage in commercial fishing under AS 16.05.480 or who is the holder of a permit issued under AS 16.43 and who, at the time injury is sustained or illness is contracted, is actually so engaged or is occupied in Alaska in preparing or dismantling boats or gear used in commercial fishing;

(4) "fund" means the Fishermen's Fund;

(5) "occupational disease" means hernia; varicose veins of the leg; the respiratory diseases, bronchitis, pleurisy, and pneumonia caused by or aggravated by the fishing endeavor, but excluding the common cold and influenza; rheumatism, arthritis, and those musculoskeletal diseases (such as bursitis, traumatic sciatica, and tenosynovitis) directly caused by or aggravated by the fishing endeavor; and does not include a disease not common to both sexes, venereal disease, or a condition arising out of an attempt of a fisherman to injure self or another. (§§ 4, 6, 8 ch 100 SLA 1951; am §§ 1, 2, ch 99 SLA 1955; am § 1 ch 59 SLA 1957; am § 13 ch 64 SLA 1959; am § 1 ch 93 SLA 1960; am § 1 ch 77 SLA 1962; am § 1 ch 51 SLA 1972; am § 17 ch 105 SLA 1977; am § 38 ch 168 SLA 1990)

Revisor's notes. — This section was reorganized in 1984 to place the defined terms in alphabetical order and in 1996 to delete repealed paragraphs.

Opinions of attorney general. — Persons who are primary fish buyers and packers are "commercial fishing" under AS 16.05.94(6) so as to qualify them as "fishermen" under paragraph (5) (now (3)) of this section to receive benefits from the Fishermen's Fund.

March 8, 1986 Op. Att'y Gen.

This section does not preclude the payment to a fisherman who holds a valid Alaska commercial fishing license or gear license, but chooses to commercial fish in Metlakatla waters where a special permit only is required to authorize such fishing. March 30, 1988 Op. Att'y Gen.

Chapter 40. Labor Organizations.

Article

1. Local Organizations and Ferry System Employees (§§ 23.40.020 — 23.40.040)
2. Public Employment Relations Act (§§ 23.40.070 — 23.40.260)

Article 1. Local Organizations and Ferry System Employees.

Section

20. Enforcement of certain contracts only if union registers
30. Definition of labor organization

Section

40. Collective bargaining agreement

Sec. 23.40.010. Union contracts with state and political subdivisions. [Repealed, § 5 ch 113 SLA 1972.]

Sec. 23.40.020. Enforcement of certain contracts only if union registers. A labor contract executed in this state by a labor organization that has no local in this state or which contract is not to be executed by one or more of its locals in this state may not be enforced in the courts of this state unless the labor organization has registered with the department and complied with all regulations adopted by it. (§ 4 ch 108 SLA 1959)

Sec. 23.40.030. Definition of labor organization. For the purpose of AS 23.40.020 — 23.40.040 "labor organization" includes an organization constituted wholly or partly to bargain collectively or deal with employers, including the state and its political subdivisions, concerning grievances, terms, or conditions of employment or other mutual aid or protection in connection with employees. (§ 1 ch 108 SLA 1959; am § 32 ch 53 SLA 1973)

NOTES TO DECISIONS

Quoted in *Alaska Int'l Constructors v. State, Sec-ond Injury Fund*, 755 P.2d 1090 (Alaska 1988)

Collateral references. — 48 Am. Jur. 2d, Labor and Labor Relations, § 19.

51 C.J.S., Labor Relations, §§ 43-48.
Rights and remedies of workmen blacklisted by labor union. 46 ALR2d 1124.
Combination of separate plants or units of the same

employer as single bargaining unit. 12 ALR3d 787.
Right of labor union to exclude applicants for membership and remedy of applicant so excluded. 33 ALR3d 1305.

Sec. 23.40.040. Collective bargaining agreement. The commissioner of transportation and public facilities or an authorized representative, in accordance with AS 23.40.020 — 23.40.030, may negotiate and enter into collective bargaining agreements concerning wages, hours, working conditions, and other employment benefits with the employees of the division of marine transportation engaged in operating the state ferry system as masters or members of the crews of vessels or their bargaining agent. A collective bargaining agreement is not final without the concurrence of the commissioner of transportation and public facilities. The commissioner of transportation and public facilities may make provision in the collective bargaining agreement for the settlement of labor disputes by arbitration. (§ 1 ch 93 SLA 1962; am E.O. No. 39, § 11 (1977))

NOTES TO DECISIONS

This section was not repealed by implication by the enactment of the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Nor is it an exception to that act. — This section cannot be read as an implied exception to the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

The Public Employment Relations Act, AS 23.40.070 et seq., was intended to incorporate existing collective bargaining agreements rather than exempt them. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Construed in pari materia. — Since this section cannot be treated as an implied exception to the Public Employment Relations Act, AS 23.40.070 et seq., and since the Public Employment Relations Act did not repeal this section by implication, the statutes are construed in pari materia. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

This section and Public Employment Relations Act can be harmonized. — The Public Employment Relations Act, AS 23.40.070 et seq., and this section can be effectively [] to further the legislative purpose of establishing procedures for public employee collective bargaining to protect the policies the legislature intended in enacting the Public Employment Relations Act. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Any possible conflict between this section and the Public Employment Relations Act is neither severe nor irreconcilable, particularly in light of AS 23.40.240 which incorporates existing agreements. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Collateral references. — 48 Am. Jur. 2d, Labor and Labor Relations, §§ 324-802; 48A Am. Jur. 2d, Labor and Labor Relations, §§ 2963-3630.

51 C.J.S., Labor Relations, §§ 148-218.

The most reasonable construction, consistent with the implied exception rule, is that the legislature was aware of this section and saw no inconsistency in enacting the Public Employment Relations Act, AS 23.40.070 et seq., to provide guidelines and procedures for public employee collective bargaining. The Public Employment Relations Act does nothing to undercut the authorization of collective bargaining under this section. Rather, it gives it additional content. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

This section was comprehensive when it was enacted. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

But it was further defined by the Public Employment Relations Act, AS 23.40.070, et seq. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

The Public Employment Relations Act, AS 23.40.070, et seq., contains far more detailed provisions than this section. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Public Employment Relations Act, AS 23.40.070 et seq., applies to employees of the state division of marine transportation. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

If there is no implied exemption for ferry personnel under the Public Employment Relations Act, AS 23.40.070, et seq., it cannot be said that the two acts do not cover the same people. This section is a subset of the broader Public Employment Relations Act coverage and was likely left intact deliberately to designate the commissioner of public works as the state's representative in bargaining with the ferry unions. *Haffing v. Inlandboatmen's Union*, 585 P.2d 870 (Alaska 1978).

Validity of union procedures for fixing and reviewing agency fees of nonunion employees under public employee representation contract — post-Hudson cases. 92 ALR Fed. 893.

amended 9/10

*(1) adopted
(2) failed 3/5*

HOUSE BILL NO. 13

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES AUSTERMAN, Ivan, Grussendorf, Dyson

Introduced: 1/13/97

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to marine safety training and education programs."

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

3 * **Section 1. INTENT.** (a) It is the intent of this Act to identify a source of funds that
4 may be used to fund marine safety training and education programs to protect commercial
5 fishermen, mariners, and the public from injury or death arising from accidents at sea.

6 (b) This Act does not create a dedicated fund.

7 * **Sec. 2.** AS 23.35.060 is amended by adding a new subsection to read:

8 (b) The legislature may appropriate up to ~~50 percent~~ ^{50 percent} of the interest income *(2)*
9 earned by the state on the balance of the fishermen's fund for grants to the Alaska *(1)*
10 Marine Safety Education Association for marine safety training and education
11 programs.

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: January 31, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/19/97

The FINANCE Committee considered:

HB 17

HOUSE BILL NO. 17

DNR APPROVAL OF PLATS IN UNORG BOROUGH

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

recommends it be replaced with the following committee substitute (S HB 17 (RES)) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

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

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DNR 1/31/97

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Theriault</i>	Therriault	X			
<i>Mark Kraly</i>	Hanley	X			
<i>Edon Wild</i>	Murphy	X			
<i>Terry Martin</i>	Martin	X			
<i>Phil Kohring</i>	Kohring	X			
<i>John Davies</i>	Davies	X			
<i>Ben Grossman</i>	Grossman	X			
<i>Carl Mises</i>	Mises			X	
<i>Harry Davis</i>	Davis	X			
<i>Richard Foster</i>	Foster	X			

CO-CHAIR'S SIGNATURE

Gene Theriault *Mark Kraly*

Therriault

Kraly

FISCAL NOTE

Bill Number: 1
 Version: HB 17
 (H) Publish Date: 1/31/97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RE5) Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

POSITIONS	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

Alaska State Legislature

REPRESENTATIVE
EANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
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FAX (907) 488-4271



While In Juneau
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House Of Representatives

House District 34

SPONSOR STATEMENT

**HB 17 DNR APPROVAL OF PLATS
1/18/97**

Last year this was HB 80, the Bill died in the rush of adjournment. HB 17 is a good bill that has been in the process for many Legislative sessions. I believe the work over the last several years has molded the bill into one that has no opposition and is supported by the DNR, surveyors and all impacted classes of people.

Essentially HB 17 brings all of the unorganized Boroughs under the purview of DNR as pertains to platting of real estate. For example there is currently no control over anyone creating landlocked subdivisions with no possible access in the unorganized Boroughs.

The bill also cleans up some definition problems by defining the word subdivision so all agencies use the same terminology.

Please contact me or Walt Wilcox if you have any questions or concerns.

FISCAL NOTE

1

Version: HB 17

BI (H) Publish Date: 1/31/97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
OPERATING EXPENDITURES						
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

	FY98	FY99	FY00	FY01	FY02	FY03
1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

	FY98	FY99	FY00	FY01	FY02	FY03
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office, office supplies, rent space and phone usage.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

HB

17

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/2/98

FURTHER: _____

4/18/98

DATE TURNED

IN TO OFFICE: _____

18 April 98

Finance Committee considered

CS FOR HOUSE BILL NO. 17(RES)

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous ECS CS HB 17 (RES)

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>Kell E. Allen</i>	✓	<i>Sean R. Powell</i>	X		
<i>Cal Fisher</i>	X	<i>Cal Fisher</i>			
<i>John Ferguson</i>	✓				
Co-Chair: <i>Bob Chap</i>	✓	Co-Chair:			
Co-Chair: <i>Peacock</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DNR, Land Development	3/21/98		71.3

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED OUT OF
4/18/98

STATE OF ALASKA 1998 LEGISLATIVE SESSION

BILL

No. 2
Bill Version: SCS CSHB 17 (RES)
(S) Publish Date: 4-3-98

Revision Date: 31-Mar-98
Title: Establishing DNR as platting authority in certain areas of the State
Sponsor: Rep. James
Requestor: SRES

Dept Affected: Natural Resources
BRU: Resource Development
Component: Land Development
Component Serial No. 431

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
SUPPLIES	4.0	4.0	4.0	4.0	4.0	4.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	71.3	70.3	70.3	70.3	70.3	70.3
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.3					
1005 GF/Program Receipts	50.0	70.3	70.3	70.3	70.3	70.3
1037 GF/Mental Health						
Other						
TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY98) cost: \$ none

POSITIONS

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

ANALYSIS:

(Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review for a two-lot subdivision is \$250. However, plat review fees contained in regulations increase with the number of lots contained in the subdivision and it is expected that current fee schedules will recover the cost of the new Survey Assistant position.

The Contractual money purchases the updates to federal microfiche survey records needed to implement this proposal.

Supplies include copy purchases from the Records Office and office supplies.

Prepared by: Jane Angvik /DD/ Phone: 269-8518
Division: Land Date: 31-Mar-98
Approved by Commissioner: [Signature] Date: 4-2-98
Agency: Natural Resources

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

FISCAL NOTE

REPORTED OUT OF
 Version: HB 17
 (H) Publish Date: 1/31/97

STATE OF ALASKA 1997 LEGISLATIVE SESSION

Revision Date: _____ Dept Affected: Natural Resources
 Title: An Act establishing the DNR as the platting BRU: Resource Development
authority in certain areas of the state; relating to subdivisions... Component: Land Development
 Sponsor: James
 Requestor: H(RES) Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES	66.3	66.3	66.3	66.3	66.3	66.3
TRAVEL						
CONTRACTUAL	1.0					
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CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
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TOTAL	71.3	70.3	70.3	70.3	70.3	70.3

Estimate of any current year (FY97) cost: \$ none

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

Approximately 250 plats per year will be submitted for review. The present fee for plat review is \$200 per plat. We propose to amend the regulation to increase the plat review fee to \$300 per plat so that program costs are recovered. This revenue will pay for a new position, Land Surveyor Assistant II, to carry out the responsibilities of this proposal.

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Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 22-Jan-97
 Approved by Commissioner: [Signature] Date: 1/22/97
 Agency: Natural Resources

FISCAL NOTE

Version: HB 17
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STATE OF ALASKA
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 Agency: Natural Resources

Alaska State Legislature

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House Of Representatives

House District 34

CSHB 17(RES)

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

Sponsor Statement for HB 17 Rep. Jeannette James

DNR APPROVAL OF PLATS 4/15/98

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