

ALASKA LEGISLATURE

1708

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

- Economic planning in the Kuskokwim region. These funds will be used to enhance economic planning capability and/or continue economic planning process and procedures.
- Fisheries education, training and reserach such as smolt outmigration, salmon escapement counts and selected resource management issues. Awards will be made on a competitive basis. DCRA will seek proposals from the two regions and a grant review committee will determine grant awards.

A portion of the funds will be used by the DCRA for administrative costs associated with administering the program.

**Alaska Division of Investments  
1-800-478-LOAN  
1-907-465-2510**

**Bristol Bay/Kuskokwim Disaster Loan Application**

Applicant's Name	Social Security Number
Permanent Mailing Address	Date of Birth
Permit Number	Home Phone Number

**Collateral**

All loans must be secured by collateral acceptable to the Division of Investments. If you are qualified to receive permanent fund dividends and are willing to pledge a portion of your 1999 and 2000 dividends to repay this loan your application can be processed quickly without additional collateral information and no fees will be required. You simply need to complete this application form and the promissory note on the back; fill out the attached "Assignment of Rights to Alaska Permanent Fund Dividend" forms; have these forms notarized or witnessed by two individuals and return the assignment forms and completed application to the Division.

1. Do you anticipate receiving Alaska Permanent Fund Dividends in 1999 and 2000? Yes \_\_\_ No \_\_\_
2. Do you want to secure this loan with a portion of these dividends? Yes \_\_\_ No \_\_\_

If you are not eligible to receive permanent fund dividends, have already assigned your dividend for other purposes, or do not want to pledge a portion of your 1999 and 2000 dividends, you will need to complete and sign the Assurance Statements at the bottom of the page, have those statements witnessed by two individuals, return the completed form (Do not complete the Promissory Note on the back), and contact the Division no later than April 15, 1998, to discuss the documentation and any fees necessary to complete the loan.

**Assurance Statements**

To qualify for a loan you must agree to the following:

1. I hereby certify that the loan I am requesting is necessary to pay past or future expenses.
2. I hereby certify that at least 51% of the income earned by my family in 1995 and 1996 was derived from fishing in the Bristol Bay, Kuskokwim or Chignik fisheries.
3. I authorize the Division of Investments or its designee to obtain information from, or release any information contained in this application to any State or Federal Agency, and I agree to provide my personal records as needed to verify the assurances contained here.
4. I certify under penalty of perjury that all the information provided in this application and attachments are true, accurate and complete. I am aware that the maximum penalty for perjury, a Class B felony under AS 11.56.200(c), is a fine of up to \$50,000 (AS 12.55.035(b)(2)) and imprisonment for up to 10 years (AS 12.55.125(d)).

Please sign and date below to verify that you agree to the above referenced statements.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Applicant Printed Name

\_\_\_\_\_  
Witness Printed Name

\_\_\_\_\_  
Witness Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**PROMISSORY NOTE**

**\$1,000.00**

FOR VALUE RECEIVED, the undersigned (hereinafter referred to as the 'Borrower'), severally and jointly promises to pay to the order of the STATE OF ALASKA, DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT, DIVISION OF INVESTMENTS (hereinafter referred to as the 'Lender'), its successors or assigns, the principal sum of *One Thousand Dollars (\$1,000.00)*.

The principal is payable at the office of the Lender at PO Box 34159, Juneau, Alaska 99803-4159, or any other place the holder of this note may designate in writing. Payments shall be made in equal annual installments of \$500.00, **principal due on the first day of December, commencing December 1, 1999 and continuing until paid in full.**

The final payment is due and payable no later than the first day of December, 2000. Payments under this note will be applied first to costs, expenses, and late fees, due under the terms of the Loan Agreement, this note, modifications to this note, or an instrument securing this note, (hereinafter referred to as 'Loan Documents'), and then to principal.

*This note may be prepaid in whole or in part at any time without penalty. A prepayment will be applied as a principal reduction unless otherwise agreed to by the lender. A prepayment will not affect the amount or due date of any subsequent payments due pursuant to the Loan Documents.*

If an installment of the note is not paid when due, or in case of failure to perform a covenant or agreement contained in the Loan Documents, then, at the option of the Lender, the entire principal sum due pursuant to the Loan Documents shall become immediately due and payable without notice at the option of the Lender. If a payment is received by the Lender more than fifteen (15) days after the date prescribed above for payment, the Borrower agrees to pay a late charge of five percent (5%) of the payment.

If suit, action, or effort is instituted or undertaken to collect, enforce, or preserve the note, or part of this note, or security for this note, including but not limited to an action or effort arising from bankruptcy or similar proceeding, then the Borrower promises and agrees to pay all expenses and costs, including actual attorney's fees and legal expenses, reasonably incurred by the Lender in such suit, action, proceeding, or endeavor. The Borrower agrees that venue of a suit on this note may, in the Lender's discretion, be in the First Judicial Court of Alaska.

This note is secured by assignment of Alaska Permanent Fund Dividend for the years 1999 and 2000. PFD applications must be filed for both of these years. If the dividend is not received by the Division, an equal amount will be due by December 1 of that year.

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Borrower Name (Print)

**Information below to be completed by Division of Investments staff only:**

Loan number _____	Document number _____
Approval _____	Date ordered _____
Date approved _____	Certified _____
Loan Closer _____	LOIS/Collateral _____
	Initial _____ Date _____
	Final Review _____
	Initial _____ Date _____

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

### DIVISION OF INVESTMENTS

TONY KNOWLES, GOVERNOR

P.O. BOX 34159  
3032 VINTAGE BLVD.  
JUNEAU, ALASKA 99803-4159  
PHONE: (907) 465-2510  
FAX: (907) 465-2103  
TDD: (907) 465-5437

Dear Applicant:

February 20, 1998

Enclosed is an application package, which may be used to apply for a loan under the Bristol Bay, Kuskokwim Disaster Loan Program. Individuals that held limited entry permits in the Bristol Bay, Kuskokwim or Chignik fisheries as of December 31, 1997, may apply if at least 51% of the income earned by their family was derived from fishing in one of these fisheries. Loans are for \$1,000 and may be used to cover past or future expenses. Each qualified individual is eligible to apply for only one loan. Funding for this program is limited and, as a result, individuals are encouraged to turn in their applications as soon as possible. If there are insufficient funds to cover all requests, applications will be processed on a first come, first served basis. **ALL APPLICATIONS MUST BE RECEIVED BY THE DIVISION OF INVESTMENTS CENTRAL OFFICE AS NOTED ABOVE NO LATER THAN APRIL 15, 1998.**

All loans must be secured by collateral acceptable to the Division of Investments. If you are eligible to receive permanent fund dividends and are willing to pledge a portion of your 1999 and 2000 dividends to repay this loan, your application can be processed quickly without further collateral information and no fees will be required. If you are not eligible to receive permanent fund dividends, have already assigned your dividend for other purposes, or do not want to pledge a portion of your 1999 and 2000 dividends, you will need to complete the Assurance Statements portion of the enclosed application and then contact staff at the Division (**NO LATER THAN APRIL 15, 1998**) to discuss the documentation and fees necessary to complete the loan.

Please use the checklist on the back of this letter to insure that you have included all of the information necessary to process your loan quickly. If your application is approved, a check will be sent as soon as funds for this Program are received from the U.S. Department of Commerce, which we estimate to be the end of March.

## CHECKLIST

### Applicants offering **PERMANENT FUND DIVIDENDS** as collateral:

1. Fill in all of the information at the top of the Loan Application form, including Social Security Number, Date of Birth, and Phone Number.
2. Answer the two questions under the Collateral section.
3. Sign, print your name, and date the Assurance Statements at the bottom of the application form.
4. Have two witnesses sign, print their names, and date the Assurance Statements at the bottom of the Application form.
5. Sign, print your name, and date the Promissory Note on the back of the Application form.
6. Fill in the Assignor information (Date of Birth, Social Security Number, Name, Address and Phone Number) at the top of **BOTH** "Assignment of Rights to Alaska Permanent Fund Dividend" forms. Sign and date the forms (Assignor's signature). Have the forms notarized **OR** have two witnesses sign and complete the witness boxes at the bottom of the forms.
7. Return the completed Application page/Promissory Note and **BOTH** Permanent Fund Dividend Assignment forms to the Division in the enclosed envelope.

### Applicants NOT offering Permanent Fund Dividends as collateral:

1. Fill in all of the information at the top of the Loan Application form, including Social Security Number, Date of Birth, and Phone Number.
2. Answer the two questions under the Collateral section.
3. Sign, print your name, and date the Assurance Statements at the bottom of the Application form.
4. Have two witnesses sign, print their names, and date the Assurance Statements at the bottom of the Application form.
5. Return the completed Application page to the Division in the enclosed envelope.
6. Call the Division of Investments at 1-800-478-LOAN (within Alaska) or 1-907-465-2510 to discuss the collateral you want to offer, any fees involved, and the documentation necessary to complete the loan. **YOU MUST CALL THE DIVISION PRIOR TO THE APRIL 15, 1998 DEADLINE.**

# ASSIGNMENT OF RIGHTS TO ALASKA PERMANENT FUND DIVIDEND

SEND TO:  
Alaska Department of Revenue  
P.O. Box 110463  
Juneau, Alaska 99811-0463

**ASSIGNMENTS MAY NOT BE ACCEPTED BY  
THE PERMANENT FUND DIVIDEND DIVISION  
BEFORE APRIL 1 OF THE DIVIDEND YEAR**

The Above Space is for Office Use Only

## IMPORTANT! PLEASE READ

- If you want to assign all or part of your permanent fund dividend, complete this form and send the original to the address shown above. Incomplete Assignment of Rights forms will NOT be processed.
- This department will NOT implement an assignment of a permanent fund dividend unless the assignee named is a federal, state, or municipal agency or a court. (AS 43.23.069)
- The Department of Revenue will NOT implement an assignment of a permanent fund dividend for a child support court ordered restitution, a court ordered fine or for court appointed attorney fees. (15 AAC 23.203(c))
- Only one assignment may be made for each dividend. (15 AAC 23.203(c))
- Once an assignment has been submitted to the Department of Revenue, it may NOT be changed or revoked. (15 AAC 23.203(c))
- The Department of Revenue will NOT accept a photocopy of the completed Assignment of Rights form.
- The Department of Revenue will NOT accept an Assignment of Rights with any corrections or corrections on the form.

## ASSIGNOR'S SIGNATURE REQUIRED

This assignment must be signed in the presence of EITHER a notary public OR two witnesses. In addition, the assignor must identify the obligation to which the assignment relates by checking only one of the following boxes:

The assignment is

- A. for child support required by court order or a decision of the Child Support Enforcement Division.
- B. for court ordered restitution under AS 12.55.045 -- 12.55.051 or AS 12.55.100.
- C. to the Alaska Commission on Postsecondary Education.
- D. for a court ordered fine.
- E. to another State of Alaska agency.
- F. to another federal or municipal government agency or to a court.

In accordance with AS 43.23.069 and 15 AAC 23.203, I hereby assign to the agency named (Assignee), all rights to the current permanent fund dividend to which I may be entitled, limited to the amount stated, and I certify that the assignment is to satisfy an obligation as identified above.

Assignor's Signature <b>X</b>	Date
----------------------------------	------

## ASSIGNOR (Name and Address)

Your Date of Birth Month Day Year	Your Social Security Number
Your First Name	M.I. Last Name
Your Mailing Address	
City, State, Zip Code	
Your Home Telephone Number	Your Work Telephone Number

You are not required to provide your Social Security number. If provided, it may be used to verify the correct permanent fund dividend application.

## ASSIGNEE (Rights Assigned To)

Current Permanent Fund Dividend Year <b>1999</b>	Amount to be Assigned (if full amount, write 100%) <b>\$500</b>
Full Name of the Government Agency to Which You Are Assigning Your Dividend <b>Alaska Division of Investments</b>	
Mailing Address <b>P.O. Box 34159</b>	
City, State, Zip Code <b>Juneau, Alaska 99803-4159</b>	
Daytime Telephone Number (if known) <b>(907)465-2510</b>	Case Number (if applicable)

## NOTARY PUBLIC

This assignment was subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signature of Notary \_\_\_\_\_

My Commission Expires \_\_\_\_\_

SEAL

## TWO WITNESSES

The assignor named above has shown me proof of his or her identification. This assignment was executed freely and voluntarily in my presence. I am a disinterested witness who will not benefit from this assignment.

Signature of Witness <b>X</b>	Date	Signature of Witness <b>X</b>	Date
Printed Name of Person Who Signed Above		Printed Name of Person Who Signed Above	
Mailing Address		Mailing Address	
City, State, Zip Code		City, State, Zip Code	
Daytime Telephone Number		Daytime Telephone Number	

**ASSIGNMENTS MAY NOT BE ACCEPTED BY THE PERMANENT FUND DIVIDEND DIVISION BEFORE APRIL 1 OF THE DIVIDEND YEAR**

# ASSIGNMENT OF RIGHTS TO ALASKA PERMANENT FUND DIVIDEND

SEND TO:  
Alaska Department of Revenue  
P.O. Box 110463  
Juneau, Alaska 99811-0463

**ASSIGNMENTS MAY NOT BE ACCEPTED BY  
THE PERMANENT FUND DIVIDEND DIVISION  
BEFORE APRIL 1 OF THE DIVIDEND YEAR**

The Above Space is for Office Use Only

### IMPORTANT! PLEASE READ

- If you want to assign all or part of your permanent fund dividend, complete this form and send the original to the address shown above. Incomplete Assignment of Rights forms will NOT be processed.
- The department will NOT implement an assignment of a permanent fund dividend unless the assignee named is a federal, state, or municipal agency or a court. (AS 43.23.069)
- The Department of Revenue will NOT implement an assignment of a permanent fund dividend for a child except for court ordered restitution, a court ordered fine or for court appointed attorney fees. (15 AAC 23.203(b))
- Only one assignment may be made for each dividend. (15 AAC 23.203(a))
- Once an assignment has been submitted to the Department of Revenue, it may NOT be changed or revoked. (15 AAC 23.203(c))
- The Department of Revenue will NOT accept a photocopy of the completed Assignment of Rights form.
- The Department of Revenue will NOT accept an Assignment of Rights form with ANY changes or corrections on the form.

### ASSIGNOR'S SIGNATURE REQUIRED

This assignment must be signed in the presence of EITHER a notary public OR two witnesses. In addition, the assignor must identify the obligation to which the assignment relates by checking only one of the following boxes.

This assignment is:

- A. for child support required by court order or a decision of the Child Support Enforcement Division.
- B. for court ordered restitution under AS 12.55.045 - 12.55.051 or AS 12.55.100.
- C. to the Alaska Commission on Postsecondary Education.
- D. for a court ordered fee.
- E. to another State of Alaska agency.
- F. to another federal or municipal government agency or to a court.

In accordance with AS 43.23.069 and 15 AAC 23.203, I hereby assign to the agency named (Assignee), all rights to the current permanent fund dividend to which I may be entitled, limited to the amount stated, and I certify that the assignment is to satisfy an obligation as identified above.

Assignor's Signature <b>X</b>	Date
----------------------------------	------

### ASSIGNOR (Current Assignor)

Your Date of Birth Month: _____ Day: _____ Year: _____	Your Social Security Number _____-_____-_____-_____-_____-_____-
First Full Name	MI Last Name
Your Mailing Address	
_____ _____ _____	
City, State, Zip Code	
_____-_____-_____-_____-_____-_____-	
Your Home Phone Number	Your Work Telephone Number
_____-_____-_____-_____-_____-_____-	_____-_____-_____-_____-_____-_____-

You are not required to provide your special services number. If provided, it will help to identify the correct permanent fund dividend application.

### ASSIGNEE (Rights Assigned To)

Current Permanent Fund Dividend Year <b>2000</b>	Amount to be Assigned (if full amount, enter 100%) <b>\$500</b>
Full Name of the Government Agency to Which You Are Assigning Your Dividend <b>Alaska Division of Investments</b>	
Mailing Address <b>P.O. Box 34159</b>	
_____ _____	
City, State, Zip Code <b>Juneau, Alaska 99803-4159</b>	
Daytime Telephone Number (if known) <b>(907) 465-2510</b>	Case Number (if applicable)
_____-_____-_____-_____-_____-_____-	_____-_____-_____-_____-_____-_____-

### NOTARY PUBLIC

This assignment was subscribed and sworn

to before me on this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ 19 \_\_\_\_\_

J: \_\_\_\_\_

SEAL

Signature of Notary \_\_\_\_\_

My Commission Expires \_\_\_\_\_

### TWO WITNESSES

The assignor named above has shown me proof of his or her identification. This assignment was executed freely and voluntarily in my presence. I am a disinterested witness who will not benefit from this assignment.

Signature of Witness <b>X</b>	Date	Signature of Witness <b>X</b>	Date
Printed Name of Person Who Signed Above		Printed Name of Person Who Signed Above	
Mailing Address		Mailing Address	
_____ _____		_____ _____	
City, State, Zip Code		City, State, Zip Code	
_____-_____-_____-_____-_____-_____-		_____-_____-_____-_____-_____-_____-	
Daytime Telephone Number		Daytime Telephone Number	
_____-_____-_____-_____-_____-_____-		_____-_____-_____-_____-_____-_____-	

**ASSIGNMENTS MAY NOT BE ACCEPTED BY THE PERMANENT FUND DIVIDEND DIVISION BEFORE APRIL 1 OF THE DIVIDEND YEAR**

**STATE OF ALASKA  
GRANT APPLICATION  
TO THE  
U.S. DEPT. OF COMMERCE  
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION**

**BRISTOL BAY / KUSKOKWIM RIVER  
FISHERIES DISASTER PROJECT**



**SUBMITTED BY**

**ALASKA  
DEPARTMENT OF COMMUNITY & REGIONAL AFFAIRS**

**GOVERNOR TONY KNOWLES**

**COMMISSIONER MIKE IRWIN**

<b>APPLICATION FOR FEDERAL ASSISTANCE</b>	2. DATE SUBMITTED February 4, 1998	Applicant Identifier
1. TYPE OF SUBMISSION <i>Application</i> <i>Preapplication</i> Construction      Construction <input checked="" type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

**5. APPLICANT INFORMATION**

Legal Name: State of Alaska	Organizational Unit: Dept. of Community & Regional
Address (give city, county, state and zip code): 333 West 4 <sup>th</sup> Ave., Suite 220 Anchorage, AK 99501-2341	Name and telephone number of the person to be contacted on matters involving this application (give area code): James C. Sanders (907) 269-4591
6. EMPLOYER IDENTIFICATION NUMBER (EIN):  <u>92-6007773</u>	7. TYPE OF APPLICANT: (Enter appropriate letter) <u>A</u> A. State                      H. Independent School District B. County                    I. State Controlled Institution of Higher Learning C. Municipal                J. Private University D. Township                K. Indian Tribe E. Interstate                L. Individual F. Intermunicipal        M. Profit Organization G. Special District        N. Other (Specify): _____
8. TYPE OF APPLICATION <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): _____ A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    E. Other (specify):	
10. Catalog of Federal Domestic Assistance Number: 11-477  TITLE: Magnuson-Stevens Act	9. NAME OF FEDERAL AGENCY:  U.S. Department of Commerce National Oceanic and Atmospheric Administration
2. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):  State of Alaska	11. DESCRIPTIVE TITLE OF APPLICANTS PROJECT:  Bristol Bay / Kuskokwim River Fisheries Disaster Project

**13. PROPOSED PROJECT:**                      **14. CONGRESSIONAL DISTRICTS OF:**

Start Date March 1, 1998	Ending Date February 28, 2001	a. Applicant Ted Stevens, Senator Frank Murkowski, Senator Don Young, Representative	b. Project Ted Stevens, Senator Frank Murkowski, Senator Don Young, Representative
-----------------------------	----------------------------------	---	---

15. ESTIMATED FUNDING:	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. Federal                      \$7,000,000	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____
b. Applicant                      \$2,333,333	b. NO <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372
c. State                      \$	____ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
d. Local                      \$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
e. Other                      \$	____ Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No
f. Program Income              \$	
g. TOTAL                      \$9,333,333	

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative Mike Irwin	b. Title: Commissioner, Alaska Department of Community and Regional Affairs	c. Telephone Number (907) 465-4701
. Signature of Authorized Representative		e. Date Signed

## KEY CONTACTS

**AUTHORIZED REPRESENTATIVE** - This is the individual who has the authority to sign the Application for Federal Assistance (SF-424) and execute the Agreement on behalf of the applicant.

NAME: Mike Irwin

TITLE: Commissioner

Alaska Department of Community & Regional Affairs

TELEPHONE: (907) 465- 4701

**PROGRAM/PROJECT MANGER** - This is the individual who is responsible for the management of the project for the applicant.

NAME: James C. Sanders

TITLE: Regional Offices Manager

TELEPHONE: (907) 269-4591

**FINACIAL REPESENTATIVE** - This is the individual who has been assigned responsibility for the maintenance of the accounting and financial management system for the applicant.

NAME: Mary Stovall

TITLE: Administrative Manager

TELEPHONE: (908) 269 - 4512

**STATE OF ALASKA  
BRISTOL BAY AND KUSKOKWIM  
FISHERIES DISASTER PROJECT NARRATIVE**

The Bristol Bay and Kuskokwim Fisheries Disaster Program consist of four project components designed to address the commercial fishery failure declared in the two regions under the Magnuson-Stevens Fishery Conservation and Management Act. There will be; a community grant program; a loan program to Bristol Bay, Kuskokwim and Chignik permit holders; economic planning grants and fisheries' education, training and research grants.

The Department of Community and Regional Affairs will administer the grants funds through sub-grants with local municipalities, tribal councils and non-profit entities in the regions. Mike Irwin, Commissioner of Community and Regional Affairs, will be the principle investigator and responsible for the program.

Total funding available will be \$9,333,333. This figure is derived from \$7 million in federal funds and a required one-for-three match by the State of Alaska. Alaska's matching share will be \$2,333,333. Twenty percent of the \$9,333,333 is set aside for the individual loan program. Of the remaining allocation, the percentage distribution will be as noted below. (The figures cited beside the heading in each grant category reflect these percentages.)

<u>Kuskokwim</u>	<u>Bristol Bay</u>
Grants 84%	Grants 98%
Fisheries Research 10%	Fisheries Research 2%
Economic Studies 6%	

Allocations between the two regions and their communities are based on the number of individuals holding salmon permits and the residents who fished commercially as crew members. A table with the funding allocation is shown below. It is based on 1997 permit holders and the current available crew license data.

PROGRAM COMPONENT	BRISTOL BAY REGION (58%)	KUSKOKWIM REGION (42%)	TOTAL
Loan Program	1,082,667	784,000	1,866,667
Community Grants	4,137,951	2,568,384	6,706,335
Fisheries Research	84,448	305,760	390,208
Economic Planning		183,456	183,456
DCRA Program Support	108,267	78,400	186,667
<b>TOTAL</b>	<b>5,413,333</b>	<b>3,920,000</b>	<b>9,333,333</b>

The table reflects tentative dollar amounts that would be available in the two regions. The programmatic allocation within the regions is based on input from the Coordinated Response Partnership Teams in Bristol Bay and Kuskokwim.

### **COMMUNITY GRANT PROGRAM (\$6.706.335)**

The State of Alaska will issue grants for projects that are of direct or indirect benefit to the fisheries, that sustain the economic viability of communities, help diversify the economy, or assess the economic or social effects of the commercial fisheries failure. The community grants will provide jobs to fishers, benefiting them as well as communities affected by the disaster.

There are 54 communities eligible for grants in the declared disaster area. (List attached) Populations range from 20 to 800 and average a few hundred people. Only Dillingham and Bethel exceed 2,000 residents. These are remote communities in southwest Alaska, accessible only by airplane to the major population center of Anchorage or to each other. Mail service is limited and dependent on weather. Mail to and from Anchorage may take two weeks to arrive in a village, one of a number of factors that will affect the timetable of this grant program.

Residents are dependent upon commercial fishing for cash income. Subsistence fishing and hunting is a critical part of the overall economy. A delicate balance of commercial and subsistence fishing has maintained these villages since the early 1900's. After the peak of each salmon season, commercial fishers turn to subsistence activities to provide food for the winter. There is limited tourism based on fishing and hunting but almost all of those working in the industry live outside the region. There is increasing interest in local involvement in tourism. Projects related to tourism and diversification of the economy would be acceptable under the program. Tribal and municipal governments maintain and operate basic services such as water and sewer, electric utilities, landfill, shoreline docking and staging areas, and harbor and boatyard facilities. In these remote communities, facilities serve multiple purposes. The community dock, for example, is used by fishers but is also necessary to off-load food, fuel and supply barges. The sports fishing industry, tourists and subsistence boaters use the boat harbor facilities. Projects that maintain or improve infrastructure are necessary to assist the community affected and prevent another failure.

A Community Disaster Grant application will be sent to eligible Bristol Bay and Kuskokwim communities in the declared disaster area. Communities must have residents with crew licenses or permits to be eligible to apply. The Department of Community and Regional Affairs will advise all communities of their maximum funding allocation. A minimum amount of \$5,000 would be available to all eligible communities. The remaining funds will be allocated to each community based on the number of resident crew license and permit holders. Request for proposals will be mailed to city,

tribal, and borough governments and to community and regional non-profit associations. The government or organization within the community or region best suited or able to design, apply for and administer the grant will be determined locally. In each community, a joint resolution must be submitted that identifies the desired recipient/administrator of any community. Grant applicants will submit a project narrative, budget and timeline. Each proposed project must describe how it meets the goals of the Magnuson-Stevens Disaster Act. A community grant may be one or more projects.

Examples of eligible projects include but are not limited to:

\*Projects that diversify or strengthen the economy of the community including development, repairs and/or improvement of public facilities such as sanitation and health care facilities, flood and drainage facilities, fuel and gas storage and distribution systems, washeterias, fuel and watering points, fire protection facilities and landfills. Projects such as docks, harbors, bulkheads, ramps and haul-out areas and beach and airport access are acceptable only if they demonstrate the facilities provide support to community development or economic diversification.

\*Community improvements that sustain or improve economic viability such as maintenance of basic infrastructure (roads and trails, access to river fronts, water/sewer, solid waste), or projects that promote or diversify the economy (community owned cooperatives, visitor industry services or facilities, for example).

\*Studies or surveys that assess the economic or social effects of the commercial fisheries failure.

Administrative costs reimbursed by the grant are limited to 10 percent. There will be 6.3% required cash or in-kind match. The amount of the match requirement will be provided by the Department of Community and Regional Affairs. All other expenditures must be directly related to the project. Wages will be set according to established community wage rates.

Community Grant applications will be submitted to the Department of Community and Regional Affairs. Applications will be reviewed for eligibility, completeness and assurances that proposed projects meet the established criteria under the Act. Department grants are administered on a cost reimbursement system, though limited advance payments may be provided.

Grantees will be required to submit quarterly narrative and financial reports. Financial reports will include expense receipts or invoices and payroll documentation. DCRA staff will be monitoring progress through these reports and may make on-site visits.

### **Community Grant Timeline:**

Week 1	Verify permit and crew license holders and complete funding allocations by region and community
Week 2	Request for Proposal applications mailed to communities
Week 3-7	Technical assistance to communities
Week 4-12	Review and approval of applications
Week 8+	Notification of proposal acceptance
Week 8+	Grant agreements with communities
Week 9+	Community Projects begin

### **LOAN PROGRAM (\$1,866,667)**

Loans will be available to Bristol Bay, Chignik and Kuskokwim permit holders that are in financial crisis due to the commercial fisheries failure. The State Department of Commerce and Economic Development, Division of Investments will administer the program for the Department of Community and Regional Affairs. The Division currently manages a loan program that provides loans to Alaskan residents for the purchase of boats and permits. Division staff would be reassigned to work on the disaster loan program in an effort to expedite these loans to affected fishermen. Applications will be mailed to all permit holders of the affected fisheries.

The loan program is based on need. The loan should be used to pay past or future expenses. An income criteria will be used that assures,

**At least 51% of earned family income is derived from commercial fishing in the Bristol Bay, Kuskokwim or Chignik fisheries.**

Permit holders will be informed of the criteria.. Collateral will be required. Applicants will have the option of using their Alaskan Permanent Fund Dividend or any other appropriate collateral.

The program will not attach interest, and loans can be paid back over a maximum of four years. Loan payments will become part of a revolving loan fund for use by Bristol Bay, Chignik and Kuskokwim fishers. The total amount available for loans will be allocated between Bristol Bay and Chignik permit holders and Kuskokwim permit holders based on the number of permits and crew licenses in each region.

Loan funds not used in the region will be reprogrammed into approved project activities occurring in that region based on the Coordinated Response Partnership's allocation.

**Loan Program Timelines:**

Week 1	Loan application mailing completed
Week 10	Loan application submission deadline
Week 3	Checks dispersed as applications approved

**ECONOMIC PLANNING (\$183,456)**

Funds will be used for an economic development planning grant in the Kuskokwim area. Assistance under this program enhances economic development planning capability, continues economic development planning processes and procedures. Grant funds may be used for preparing an overall community economic development plan(s). Activities may include collecting data, preparing analyses, preparing plans and identifying actions which will implement plans, conducting marketing and feasibility studies, preparing community land use plans, preparing capital improvement plans; or, conducting updates of any of the above. Planning activities do not include engineering, architectural, and design costs related to a specific project activity. The grant period is twelve months. Eligible applicants include municipal or tribal governments and regional non-profit associations. A joint resolution (city and tribal) must be submitted from each participating community that identifies the desired recipient/administrator of the economic planning grant.

A request for proposal will be distributed, reviewed and approved by the Department of Community and Regional Affairs. A project description, budget, staffing description and timeline will be required. Grantees must submit quarterly narrative and financial reports and the final plan document. Financial reports will include expense receipts or invoices and payroll documentation. Department of Community and Regional Affairs staff will monitor progress through these reports.

The Economic Planning Grant is operated on a cost reimbursement system with limited advance payments if necessary.

**Economic Planning Grant Timelines:**

Week 1	Request for Proposal mailed
Week 6	Grant applications due
Week 6-7	Review of proposals
Week 8	Notification of Award
Week 9-12	Grant agreement developed

**FISHERIES EDUCATION, TRAINING AND RESEARCH (\$390,208)**

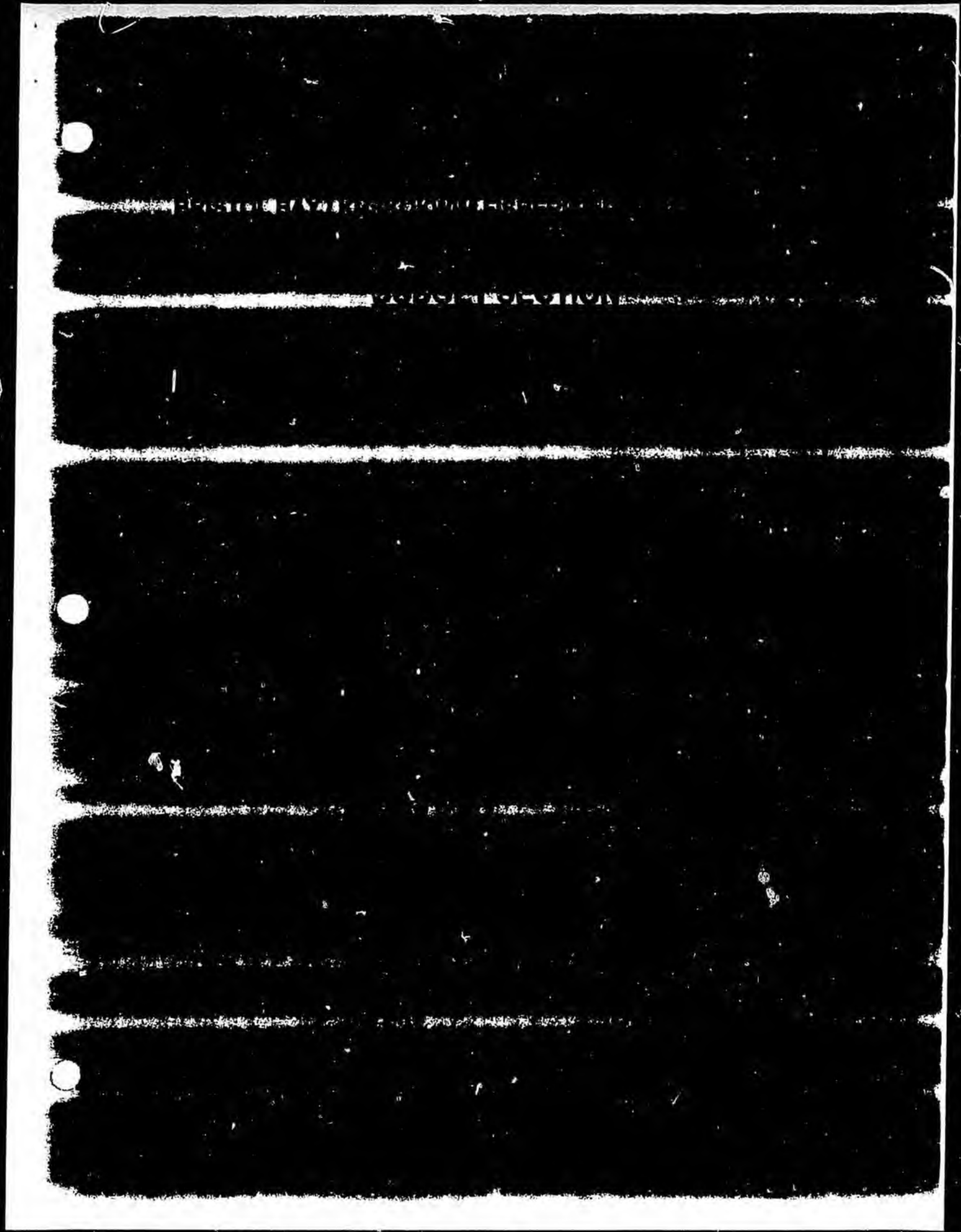
Funds will be used for fisheries education, training and research such as smolt out-migration, salmon escapement counts, and selected resource management issues. Awards will be made on a competitive basis. The grant review committee will consist of representatives of Department of Community and Regional Affairs, the Alaska Department of Fish and Game. Department of Community and Regional Affairs will solicit proposals from the two regions.

**Fisheries Research Grants Timelines:**

Week 1	Request for Proposal mailed
Week 6	Grant applications due
Week 6-8	Review of proposals
Week 9	Notification of Award
Week 9-12	Grant agreement developed

**DCRA PROGRAM SUPPORT (\$186,667)**

The DCRA Program Support cost have been held to 2% of the total grant (\$186,667). Of this total, twenty-five percent is State match (\$46,667). These costs are used to cover the additional expense of setting up the loan program, administering a community grant program for 54 communities, and administering three competitive bid contracts. A budget break down of these cost can be found in the Budget Narrative.



## BUDGET INFORMATION - NON CONSTRUCTION PROGRAM

## Bristol Bay / Kuskokwim River Drainage Disaster Assistance Program

SECTION A. BUDGET SUMMARY						
Grant Program (a)	Federal Catalog No (b)	Estimated Unobligated Funds <sup>1</sup>		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
Community Grants	11-477			\$5,029,752	\$1,676,583	\$6,706,335
Fishermen Loan Program	11-477			1,400,000	466,667	1,866,667
Research & Studies	11-477			430,248	143,416	573,664
DCRA Program Ccsts	11-477			140,000	46,667	186,667
6. TOTALS				\$7,000,000	\$2,333,333	\$9,333,333
SECTION B. BUDGET CATEGORIES						
7. OBJECTIVE CLASS CAT.	Grant Program, Function or Activity					(4) TOTAL
	(1) Federal	(2) State of Alaska	(3)			
a. Personnel	\$ 79,275	\$ 26,425			\$ 105,700	
b. Fringe Benefits	33,975	11,325			45,300	
c. Travel	19,250	6,417			25,667	
d. Equipment	3,750	1,250			5,000	
e. Supplies	700	300			1,000	
f. Contractual	1,833,048	611,283			2,444,331	
g. Construction						
h. Other (Community Grants)	5,029,752	1,676,583			6,706,335	
i. Total Direct						
j. Indirect						
k. TOTALS	\$7,000,000	\$2,333,333			\$9,333,333	
B. Program Income						

**SECTION C NON-FEDERAL RESOURCES**

Grant Program	(b) Applicant	(c) State	(d) Other Sources		(e) TOTALS
State Cash Match		\$1,875,000			\$1,975,000
State In-Kind Match		46,500			46,500
Community Grants In-Kind			41,833		411,833
TOTALS (Sum of lines 8-11)		\$,1921,500	411,833		\$2,333,333
Federal	Total of 1st Year	1st Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Non-Federal					
TOTAL (Sum of lines 13-14)					
<b>FUTURE FUNDING PERIODS (YEARS)</b>					
		(b) First	(c) Second	(d) Third	(e) Fourth
TOTALS (Sum of lines 16-19)					
Direct Charges:		22 Indirect Charges			
Remarks					

## BUDGET NARRATIVE

### **COMMUNITY GRANTS - \$6,706,335**

The Community Grant programs will be distributed to each of the communities (53) included in the Governor's July 18<sup>th</sup> Bristol Bay and Kuskokwim River Drainage Economic Disaster. This following is a budget for this component:

Grant Activity Costs	\$5,613,203
Administrative Costs	670,633
Community In-Kind	<u>422,499</u>
TOTAL	\$6,706,335

**Grant Activity Costs** - These are the costs of completing the community projects. Such costs can include wages, fringe benefits, materials, transportation, equipment rental, supplies, and contractual expenses.

**Administrative Costs** - These are the costs that are directly attributable to cost of administering the community projects. Each community will have a 10% maximum administrative costs that can be covered by grant funds (70% federal and 30% state). Administrative costs exceeding 10 will be covered by the community and considered an in-kind contribution.

**Community In-kind** - Each community will need to identify a minimum of 6.3% in-kind costs. These costs can be identified as grant activity or administrative costs. The aggregate of all community in-kind contributions will be used as a part of the State match to the grant.

### **CONTRACTUAL COSTS (\$2,444,331)**

The contractual costs include the Fisheries loans program, Fisheries Research & Studies and the postage (\$4,000) associated with these programs.

### **FISHERMEN LOANS - \$1,866,667**

The Department of Community & Regional Affairs will have the fishermen loan program administered by the Alaska Department of Commerce & Economic Development, Division of Investments. The entire \$1,860,000 will be made available for loans to Bristol Bay and Kuskokwim River Fishing Permit holders. Administrative costs for this program activity are accounted for in the DCRA Program Support Activity budget.

**FISHERIES RESEARCH & STUDIES - \$573,664**

These funds will be used for research and studies in the Bristol Bay and Kuskokwim regions. These funds will be expended in 3 separate competitive bid contracts:

**Kuskokwim**

Fisheries Research	\$305,760
Economic Studies	183,456

**Bristol Bay**

Fisheries Research/Education	<u>\$84,448</u>
<b>TOTAL</b>	<b>\$573,664</b>

**DCRA PROGRAM SUPPORT (186,667)**

This costs are associated with general State administration of the grant program activities.

**DCRA Staff Program Support**

	%	Total Salary	project Salary	total Fringe	Project Fringe	Project Total
Local Government Specialist V ( Anch)	55%	67.5	37.1	19.9	10.9	48.1
Local Government Specialist IV (Anch)	20%	57.0	11.4	17.8	3.6	15.0
Local Government Specialist III (Dill)	40%	62.8	25.1	19.0	7.6	32.7
Local Government Specialist III (Beth)	25%	51.2	12.8	15.1	3.8	16.6
Local Government Specialist II (Beth)	30%	46.5	14.0	15.5	4.7	18.6
Local Government Specialist III (Anch)	10%	47.4	4.7	15.7	1.6	6.3
Administrative Manager I (Anch)	12%	39.3	4.7	13.9	1.7	6.4
Secretary I (Anch)	15%	32.7	4.9	12.5	1.9	6.8
<b>Grand Total</b>			<b>114.8</b>		<b>35.6</b>	<b>150.4</b>

## FRINGE BENEFITS EXPLANATION

The following is a break down of the State fringe benefits.

- SBS (Supplemental Benefits System - replaces Social Security .0613 (6.13% of salary)
- PERS (Public Employee Retirement System) .1408
- Term leave Cash In .0216
- Workman's Compensation .0055

Legal and Health costs are actually entered into each employee's record, based on their Bargaining Unit, as follows.

- XE (exempt) employees do not pay Legal; GG (General Government) and SU (Supervisory Unit) pay \$8.50/month (the formula is currently calculating at \$8.00 per month)
- GG employees pay Health at \$425.04/month; SU and XE pay \$420.34/month (the formula is actually calculating \$425.22/month for all bargaining units)

### **Here are the other "formulas" and conditions that are calculated from the Employee Entry layout**

- XE employees do not pay Unemployment Insurance; GG and SU pay .0075 (0.75% of salary)
- If hired on or before 4/1/86, pay no medicare; all others pay .0145 (1.45%)
- SRS Max out is \$61,200/year. Employer SBS % is not paid on salaries over \$5,100 per month.
- Cost of living differences are in place for different regions of the State. Anchorage and Juneau are the base rate.

## Travel

### **Department of Community & Regional Affairs**

Project Manager	
Bethel (Kuskokwim) Trips - 8 Trips @ \$995/Trip	\$7,960
Plane Ticket - \$450	
Per Diem - \$158/Day (Average Trip - 2.5 Days)	
Taxi Fares - \$20/Day	
Dillingham (Bristol Bay) Trips - 5 Trips @ \$770/Trip	\$3,850
Plane Ticket - \$400	
Per Diem - \$138/Day (Average Trip - 2.5 Days)	
Taxi Fares - \$10/Day	
Bethel Office Staff (LGS) & Project Manager	
Kuskokwim Village Travel - 20 Trips @ \$150/Day	\$3,000
Plane Tickets - \$150 (Average Cost)	
Dillingham Office Staff (LGS) & Project Manager	
Bristol Bay Village Travel - 15 Trips @ \$200/Day	\$3,000
Plane Tickets - \$150 (Average Cost)	
Per Diem - \$50/Day	
Project Manager - 1 Juneau Trip	\$1,000
Plane Ticket - \$450	
Per Diem - \$150/Day (2.5 days)	
Car Rental - \$175 (2.5 days)	
Bethel & Dillingham Staff Trips to Juneau for Program Orientation & Assessment	
Bethel - 2 Staff members x 1 trip each @ \$825/Trip	\$1,650
Plane Ticket - \$450	
Per Diem - \$150 (2.5 days)	
Dillingham - 1 Staff x 2 trips @ \$775/Trip	\$1,510
Plane Ticket - \$400	
PerDiem - \$150 (2.5 days)	
Division of Investment Staff	
Bethel - 2 trips @ \$995/ Trip	\$1,910
Dillingham - 2 trips @ \$770/Trip & some village Travel	\$1,787
	<b>TOTAL</b>
	<b>\$25,667</b>

**EQUIPMENT \$5.000**

A portable computer will be purchased for the Bethel office staff. The cost for the computer and associated soft ware is \$4,200.

The Dillingham regional office will use the remainder of the equipment funds to upgrade the computer capacity.

**SUPPLIES \$1.000**

These funds will be used for general office supplies for the Anchorage, Bethel and Dillingham offices. These funds will be used to cover the cost of paper, pens, flip charts, markers, and other necessary supplies.

# Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4338 • 1-800-478-4370



February 12, 1998

Representative Ivan Ivan  
Alaska State Legislature  
State Capitol  
Mail Stop 3100  
Room 418  
Juneau, AK 99811-1182

Dear Representative Ivan:

Thank you for your efforts in getting House Bill 370 introduced into the legislature of this legislation. As you know the passage of this bill is of vital importance to the Bristol Bay and Kuskokwim regions to secure the federal disaster funding for the 1998-1999 period.

Bristol Bay Economic Development Corporation fully supports the passage of House Bill 370. We look forward to the programs provided by the joint federal and state disaster relief program in the regions during this economic crisis.

Sincerely,

A handwritten signature in cursive script that reads "Judith Nelson". The signature is written in dark ink on a light background.

Judith Nelson,  
Executive Director

cc: Senator Hoffman  
Representative Moses

**NATIVE VILLAGE OF GOODNEWS BAY  
TRADITIONAL VILLAGE COUNCIL**

**P.O. BOX 50**

**GOODNEWS BAY, ALASKA 99589**

*Phone No. (907)967-8929 Fax No. (907)967-8330*

Rep. Ivan M. Ivan  
Alaska State Capitol  
Juneau, Alaska 99811

January 23, 1998

Dear Rep. Ivan,

We appreciate your committee in taking time to hear our concerns via teleconference and our greatest concern is the fact that we, the community of Goodnews Bay and Quinhagak were not included in Disaster Declaration and -we don't think it is fair for our tribal members to be excluded from the Relief Funds just because these two districts (W-4 & W-5) had openings during this past season - if that is the only reason why these two communities were excluded from the Diaster Relief Funds I think they also should exclude some of the Districts or communities in Bristol Bay (no offense to the communities in the region) because they had more openings, more fish, better price and more established market than the two communities that were excluded.

You have heard from the testimony given that most of them had very poor season regardless of the openings in these two districts, so poor that some of them did not make enough to cover oil & gas for the next opening and to make it worst the price for their catch were way below what they are paying in other district. Bristol Bay and sometimes there was no buyer on the ground, when there is no buyers fishermen do not fish even if the district was open.

Most of the residents in our community are having a very hard time in keeping up with their bills, which includes house payments, electric, telephone, heating oil, gas, propane, groceries, income taxes, etc., and you very well know that the cost of living in rural community is very high and most of them do not have a year round jobs.


The majority of the resident make their living commercial fishing and the other fishery, herring fishery did not fare well, in fact some of the fishermen ended up owing the processors because of very low price and did not catch enough to cover their fishing expenses.

The residents in these two communities are very affected by the very poor fishing season and we urge you and your colleagues to convince whoever is in charge of this Disaster Relief Fund to include Goodnews Bay and Quinhagak in their distribution plan.

Quyana for your assistance.

Sincerely,

TRADITIONAL VILLAGE COUNCIL  
BAVILLA MERRITT, PRES.

  
~~Peter R. Julius, Tribal Admin.~~



## Lake and Peninsula Borough

P.O. Box 495

King Salmon, Alaska 99613

Telephone: (907) 246-3421

Fax: (907) 246-6602



January 21, 1997

Representative Ivan M. Ivan  
Chair  
House Community and Regional  
Affairs Committee  
Alaska State Legislature  
State Capitol Building  
Juneau, AK. 99801-1182

**SUBJ: Committee Trip to Bethel and Dillingham Region**

Dear Representative Ivan:

We are writing regarding the economic disaster which occurred in the Bristol Bay, Chignik, and Kuskokwim regions this year due to extremely poor fish returns. It has come to our attention that the House Community and Regional Affairs Committee will be holding a series of meetings and public hearings in your district regarding this disaster on January 22 through 24. We want to commend and thank the Committee members for taking the time to travel to Southwest Alaska to see and hear about the impacts of the disaster for themselves. Unfortunately, we will not be able to participate in the hearings either in person or by teleconference. Therefore, please accept this letter as the official written testimony of the Lake and Peninsula Borough.

We would like to begin by providing you and the other committee members with a little basic information about the Borough. The Lake and Peninsula Borough encompasses much of the Alaska Peninsula and is located entirely within Representative Moses's district. The Borough is about 300 miles long (28,000 square miles) and stretches from Lake Clark in the North to Ivanof Bay in the South. It contains the communities of Port Alsworth, Nondalton, Newhalen, Iliamna, Pedro Bay, Kokhanok, Igiugig, Levelock, Egegik, Pilot Point, Ugashik, Port Heiden, Chignik Lake, Chignik Lagoon, Chignik, Perryville, and Ivanof Bay. About 73 percent of Borough residents are of Alaska Native heritage; primarily Dena'ina, Yupik, and Aleut.

The Lake and Peninsula Borough is located in the heart of the economic disaster zone. Its residents and communities have felt the impacts of the failed fishery as strongly as anyone

you will speak with on your tour of the western half of the disaster area. The Borough contains three of the most productive and valuable commercial salmon fishing districts in the State; all of which are included in the disaster zone. These districts include the Chignik District on the south side of the Alaska Peninsula and the Ugashik and Egegik Districts on the Bristol Bay side of the Peninsula. Over the past ten years, on average, these three districts have produced approximately 20 million sockeye salmon per year. This year they produced about one half that number. The Commercial Fishing industry is by far the largest employer and revenue producer in the Borough. Any downturn in the industry has a strong ripple effect throughout the entire economy.

As you travel throughout your district, we expect that you will hear a great deal about the impacts of the disaster upon individuals, fishing families, businesses, and communities. Believe what you hear! Many individual families are experiencing desperate circumstances and cannot afford basic necessities such as food, heating fuel, and electricity. Many have absolutely no idea how they will be able to gear up for the next fishing season which is rapidly approaching. We want the Committee to understand that the residents and communities on the eastern side of the disaster zone are experiencing similar circumstances. Please do not conclude that there is no problem here simply because our residents were not able to attend the hearings in Dillingham and Bethel. It is difficult and expensive for us to get to those communities.

We hope the Committee will consider the impacts of the disaster upon municipalities as well. Recall that when Governor Knowles declared an economic disaster this summer, he specifically noted that municipalities which collect tax revenues from the commercial fishing industry will be particularly hard hit. Municipalities provide basic public services that residents in the disaster zone depend upon. These services include, but are not limited to, police, fire, emergency medical, hospitals and clinics, water, sewer and solid waste services, dock and harbor operations, road and airport maintenance, and so on. Most of these services are utilized by the fishing industry itself and they will now have to be scaled back significantly. In addition, providing these services translates into employment for many of our residents. Job losses in the service sector are a very significant secondary impact of the economic disaster.

The Lake and Peninsula Borough normally derives over 90 percent of its locally generated tax revenue from the commercial fishing industry. Over the past five years the Borough averaged approximately \$2.1 Million Dollars per year in revenue from its 2% raw fish tax. This year we received about \$1 Million Dollars, a reduction of about 50 percent. In addition, we anticipate that the amount of revenue we will receive from the State Shared Fishery Business Tax will be reduced from about \$300,000 Dollars to less than \$100,000 Dollars.

The Borough Assembly will therefore have to reduce its budget by approximately \$1.2 Million Dollars. Since our operating budget last year was just over \$3 Million Dollars, this translates into a 33% reduction in our budget. Our communities will suffer the most since a very significant amount of our budget (about \$ 900,000) represents direct pass through

funding that goes to local governments for the purpose of providing basic public services and necessary capital projects. It is likely that our local contribution to the Lake and Peninsula Borough School District will also be reduced significantly.

Many members of the majority in the Legislature have stated that they would like to see all of rural Alaska organized into boroughs. This is a chance for you to support an existing rural borough at a time when it really needs assistance from the State. The residents of the Lake and Peninsula Borough have willingly voted to organize into a Borough so that they could have a larger say in their own affairs, raise their own money, provide their own services, and reduce their dependence upon the State. We believe the residents of this borough have been forward thinking and responsible. We need your support. We also need your support for the commercial fishing industry, the most important industry in our region and the largest private employer in the State of Alaska.

Following are a number of steps that you can take to help the Borough and the people of this region:

**\*\* The State must come up with a \$2.4. Million Dollar Match for the Federal Disaster Assistance being offered by the Department of Commerce under the Magnuson-Stevens Act. The Governor has requested this money in his Supplemental Budget. Please support this finding.**

**\*\* Please support any proposals or legislation that provides for emergency tax relief for municipalities that derive revenue from the fishing industry. The Governor has stated that he will propose such legislation however, we are not aware of any specific action on this at this time.**

**\*\* As you know, the Federal government has declined to declare a disaster under the Stafford Act (FEMA). It is our understanding that the Governor is appealing this decision. He has stated that if the appeal fails, he will ask the legislature to provide FEMA type relief for the region. This would include unemployment insurance for permit holders and crew and low interest loans. Please support this type of assistance.**

**\*\* The commercial fishing industry; the largest private employer in the state and the backbone of the economy in Southwest Alaska needs your help. Please resist any further cuts to the Department of Fish and Game; particularly to the research and commercial fisheries budgets. Also, we look forward to talking with you further about ways to establish a partnership between the State and local governments to strengthen this extremely important but ailing industry.**

**\*\* Economic development, diversification, and job creation in this region is very important because it will help mitigate the impacts of future fisheries disasters if they occur. Further, if the economy in rural Alaska is healthy, the economy in Anchorage and the rest of Alaska will be healthy as well. The economies of urban and rural Alaska are very closely**

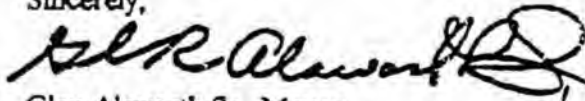
ted together. The Lake and Peninsula Borough has some very glaring and serious infrastructure needs that must be addressed before the economy can expand much further.

For example, as noted above, the Borough contains three of the State's most important fishing districts. Until the public dock was built in Egegik two years ago, none of these districts had a public dock or a public harbor. This is not acceptable. We need docks, harbors, and airport expansions. Infrastructure development in this Borough could effect the rest of the State in ways you might not think of. For example, if the new seafood processing plant is built in Anchorage, we are going to need ways to transport our fish products to Anchorage as quickly as possible. This translates into jobs for both our region and the State as a whole. Therefore, please support funding for capital and infrastructure projects that help us grow and diversify the economy and create jobs. There will be economic ripple effects in the rest of the state as well.

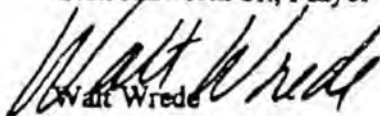
We need your support right now for the proposed Chignik Small Boat Harbor. A great deal of Federal and local funding is already secured. Part of the State's match is contained in the Governor's Supplemental Budget pursuant to agreements made last year between the Governor, Representative Moses, and the Majority leadership. We would greatly appreciate your support for this project.

Thank you very much for your time, attention, and consideration. We appreciate the opportunity to comment. Please do not hesitate to contact us if you have any questions or need additional information. We are available to provide any assistance the Committee might need as it works through this issue. We would be happy to come to Juneau to discuss this with you in person.

Sincerely,



Glen Alsworth Sr., Mayor



Walt Wrede

Borough Manager

c.

Governor Tony Knowles

Senator Lyman Hoffman

Representative Carl Moses

Reps. Dyson, Ogan, Ryan, Sanders, Joule, & Kookesh

David O. David, Chairperson  
Myron P. Naneng, Sr., President  
Phone (907)643-3821  
Fax (907)643-3388

**AVCP, Inc.**  
The Association of Village Council Presidents  
Office of Administration  
Pouch 219, Bethel, AK 99569



- Akiachik
- Akiak
- Alakanak
- Andreasfok
- Aniak
- Atkasook
- Bethel
- Bill Moore's Nl
- Chetomak
- Chituk
- Chuathbaluk
- Chuloomniok
- Crooked Creek
- Fak
- Frankok
- Georgetown
- Goodman's Bay
- Hamilton
- Hooper Bay
- Lower Kaktovik
- Upper Kaktovik
- Kasiguk
- Kipruk
- Kongaymak
- Kotik
- Kwethluk
- Kwigillingok
- Lima Village
- Marshall
- Makoryuk
- Mun Village
- Napainuc
- Napakak
- Nepashuk
- Nevick
- Niglituk
- Nuapukbuk
- Ongumuk
- Oscarville
- Pearuk
- Pika Station
- Pika's Point
- Platinum
- Quinhagak
- Red Devil
- Russell Mission
- Scammon Bay
- Sheldon's Point
- Stedmituk
- St. Mary's
- Stony River
- Tokook Bay
- Tuluksak
- Tuntutuliak
- Tununak
- Umanuk

February 26, 1998

Representative Ivan M. Ivan  
Clr., House Committee on Community & Regional Affairs  
Alaska State Capitol Rm. 418  
Juneau, AK 99801

Dear Rep. Ivan

Thank you for your prompt response, as discussed, we at AVCP are concerned about agency administration use of a portion of the Magnuson-Stevens funds. We realize that there is a difference between the Governor's supplemental budget request of \$1.375m and the CRA Committee bill(HB370) for the full \$2.3m State match. We support HB370, because it fully satisfies the intent of Section 312 and the fishing communities impacted. We will testify as needed as the bill moves through committee.

Where our concern is, under DCRA Program Support of the project narrative, there is \$186,000 budgeted. It is our view that the agency is already funded to perform public services and should not be dipping into disaster relief funds when there is a greater need for those funds at the village level. If the agency needs additional funds it should request the need from the Administration it operates under.

We have attached a copy of the DCRA proposal, underlining our concerns. If there are any questions please contact Fred Smith at 543-7375 or Michelle Sparck at 543-7342

Sincerely,  
Association of Village Council Presidents Inc

Myron Naneng Sr., President

(attachment)



# Alaska State Legislature

Please enter into the record my testimony to the House Finance  
committee name

committee on House Bill 320, dated March 5, 1998  
bill/subject

The Legislature should find the  
NORTHERN Dist. on the Cooks Inlet  
a Disaster area It has been for  
The last 8 yrs. Please no Preference  
on AREAS I fish on the N.D. and we  
Have been making less than 5,000 yearly  
Look into this matter & treat people  
like you want to be treated.  
Please Read

Signed: Ella Ring  
Testifier

Representing (Optional)  
Box 10 - 3212 ANch. 99510  
Address  
373-2080  
Phone No.

6

**НВ**

**370**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/16/98

FURTHER: 4/29/98

DATE TURNED IN TO OFFICE: 28 April 98

Finance Committee considered CS FOR HOUSE BILL NO. 370(FIN)

"An Act making appropriations for relief of the 1997 economic disaster in Bristol Bay and on the Kuskokwim River; and providing for an effective date."

and recommends:

- be replaced with 5 CS CS HB 370 (FIN)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

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

SIGNING DO PASS	D <sup>o</sup>	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Robt. E. Miller</i>	✓				
<i>Don Grissell</i>	✓				
<i>George Suley</i>	✓				
<i>John Inouen</i>	✓				
Co-Chair: <i>DeLoach</i>	✓				
Co-Chair: <i>Scott King</i>	✓				

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

**HB**

**375**

**HFIN**

**FILE**

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


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

## MEMORANDUM

May 6, 1998

**SUBJECT:** Child Protection (CSHB 375(FIN))

**TO:** Representative Gene Therriault, Co-Chair  
Representative Mark Hanley, Co-Chair  
Attn: Shar Smith

**FROM:** Terri Lauterbach   
Legislative Counsel

Enclosed is CSHB 375(FIN).

In addition to the internal section renumbering and bill title changes made necessary by the committee's amendments, I also made the following unsolicited changes in the CS:

- (1) In sec. 1(b)(1), I deleted a reference to the "findings in this section" because there are no findings in sec. 1. (There were some a few versions ago.)
- (2) In sec. 79 (court rule change), I added a reference to AS 47.10.090(e) (sec. 35).
- (3) I deleted references to AS 11.41.458 that were in secs. 11 and 12 because the section that would have enacted AS 11.41.458 (child endangerment) was removed from the CS by the Finance Committee.

Please let me know if you require additional changes or if I can be of other assistance.

TML:jdr:pl  
98-286.jdr

Enclosure

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 27, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/5/98

The FINANCE Committee considered:

HB 375

**HOUSE BILL NO. 375**

**CRIMES AGAINST CHILDREN/FOSTER CARE**

"An Act relating to children in need of aid matters and proceedings; relating to murder of children, criminally negligent homicide, kidnapping, criminal nonsupport, the crime of indecent exposure, and the crime of endangering the welfare of a child; relating to registration of certain sex offenders; relating to sentencing for certain crimes involving child victims; relating to the state medical examiner and reviews of child fatalities; relating to teacher certification and convictions of crimes involving child victims; relating to access, confidentiality, and release of certain information concerning the care of children, child abuse and neglect, and child fatalities; authorizing the Department of Health and Social Services to enter into an interstate compact concerning adoption and medical assistance for certain children with special needs; authorizing the establishment of a multidisciplinary child protection team to review reports of child abuse or neglect; relating to immunity from liability for certain state actions concerning matters involving child protection and fatality reviews and children in need of aid; relating to persons required to report suspected child abuse or neglect; relating to foster care placement and to payment for children in foster and other care and the waiver of certain foster care requirements; relating to the access to certain criminal justice information and licensure of certain child care facilities; amending Rule 218, Alaska Rules of Appellate Procedure; amending Rules 1, 3, 15, 18, and 19, Alaska Child in Need of Aid Rules; and providing for an effective date."

**recommends it be replaced**  the same title  
**with the following committee substitute** CSHB 375 (FIN)  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)

(4) fiscal note(s)

DHS 4/7/98

DOC 4/7/98

OMB 2/2/98

AK Ct. Sys

zero fiscal note(s)

zero fiscal note(s)

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Ed Mulder</u> Mulder			X	
<u>Eric Kohring</u> Kohring		X		
<u>John Davies</u> (Davies)	X			
<u>Ben Grussendorf</u> Grussendorf	X			
<u>Chris Moses</u> Moses			X	
<u>John Davis</u> DAVIS			X	
<u>Pete Kelly</u> Kelly			X	

CO-CHAIR'S SIGNATURE

vice-chair

Ed Mulder  
Mulder

# FISCAL NOTE

## STATE OF ALASKA 1998 LEGISLATIVE SESSION

**BILL NO. HB 375**

Revision Date:

 Title: An Act relating to children in need of  
aid matters & proceedings
Dept. Affected: Alaska Court SystemBRU: Trial Courts
 Sponsor: Rules Committee

Component: \_\_\_\_\_

 Requestor: Governor
COMPONENT SERIAL NO. 788
**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	141.2	141.2	141.2	97.6	97.6	97.6
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL						
SUPPLIES	5.0	5.0	5.0	5.0	5.0	5.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>151.2</b>	<b>151.2</b>	<b>151.2</b>	<b>107.6</b>	<b>107.6</b>	<b>107.6</b>

**CAPITAL EXPENDITURES**

--	--	--	--	--	--	--

**CHANGE IN REVENUES ( )**

--	--	--	--	--	--	--

**Fund Source**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	151.2	151.2	151.2	107.6	107.6	107.6
1008 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>151.2</b>	<b>151.2</b>	<b>151.2</b>	<b>107.6</b>	<b>107.6</b>	<b>107.6</b>

 Estimate of any current year (FY 98) cost: \$ None
**Positions**

Full-Time	3	3	3	3	3	3
Part-Time	2	2	2			
Temporary						

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

See attached analysis.

 Prepared by: C. S. Christensen III, General Counsel

 Agency: Alaska Court System

 Phone: 264-8228

 Date: 03/19/98

 Approved by: Stephanie J. Cole, Administrative Director

 Agency: Alaska Court System

 Date: 03/19/98

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

1021 AM

Rev 1/98

Page 1 of 3

**Alaska Court System****Fiscal Analysis****HB 375****FUNDING OVERVIEW**

This fiscal note reflects only the costs of implementing this legislation. This legislation forms a part of a multifaceted effort by the Executive Branch to improve the child protection legal system. The court system recognizes the anticipated impact in three separate but related funding requests. The court's FY 99 operating budget request includes an increment for \$386,500 which reflects the impact on the judicial system of the Governor's Smart Start children's initiative. This proposed increment was based on the Department of Law's budget request for 8 additional child protection attorneys. In a related supplemental budget request, the court system is seeking \$84,000 for judicial staff, courtroom support staff and travel funds to deal with the new emphasis on processing adoptions of children in foster care. Finally, the court is requesting \$151,200 via this fiscal note for the impact of this legislation. Please note that the supplemental budget request duplicates portions of the FY 99 operating budget request and the fiscal note. The schedule below summarizes our funding requests.

	<u>Funding Requested in</u>		
	<u>Operating Budget</u>	<u>Fiscal Note</u>	<u>FY 98 Supple- mental*</u> <i>(Duplicates funding in operating &amp; budget &amp; FN request)</i>
<b>Personal Services</b>			
Pro Tem Superior Court Judge, Anchorage, PPT, 12 months	\$ 87,000		\$ 54,300
Family Court Master, Anchorage, 24A, PFT, 12 months	84,700		
Family Court Master, Fairbanks, 24A, PFT, 12 months	98,000		
In-Court Clerk, Anchorage, 12A, PFT, 12 months <i>(support to judge &amp; master)</i>	40,600		24,700
In-Court Clerk, Anchorage, 12A, PFT, 12 months <i>(support to judge &amp; master)</i>	20,300	20,300	
In-Court Clerk, Fairbanks, 12A, PFT, 12 months <i>(support to judge &amp; master)</i>	45,400		
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months		27,000	
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months		18,700	
Court Clerk II, Anchorage, 10A, PFT, 12 months		38,600	
Court Clerk II, Fairbanks, 10A, PFT, 12 months		40,600	
<b>Total Personal Services</b>	<b>374,000</b>	<b>141,200</b>	<b>79,000</b>
Travel		5,000	5,000
Supplies		5,000	
Equipment	12,800		
	<b>\$ 386,500</b>	<b>\$ 151,200</b>	<b>\$ 84,000</b>

\* The FY 98 Supplemental budget request covers a 1.5-month period: 3 months in FY 98 and 12 months in FY 99.

**FISCAL NOTE****Incremental costs of HB 375 only**

The court's fiscal note is based on information from the Department of Law and the Division of Family and Youth Services. According to this information, the courts are experiencing a dramatic increase in child in need of aid (CINA) cases and can expect additional work as a backlog of cases for children in foster care is processed. This workload will severely impact both the judicial and clerical resources of the court. It is anticipated that the increase in CINA cases will have a long-term impact while the impact from processing the backlog of cases is expected to end after three fiscal years. The

**Alaska Court System****Fiscal Analysis****HB 375**

court plans to use pro tem superior court judges to handle the judicial workload. Permanent judges would actually be assigned to the CINA cases and the pro tem judges would assume their existing non-CINA workloads. The Department of Law estimates that there is a backlog of 450 cases, which require a petition for termination of parental rights. The court has assumed that 75% of these petitions will result in a trial. Each trial is estimated to last 2 1/2 days. The judicial staffing assumes that 1/3 of the backlogged cases will be processed in each of the next 3 fiscal years. A small amount of time has been added to the estimated judicial time to accommodate travel to courts outside the assigned location.

**Personal Services**

<u>Position</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, Fairbanks, PPT, 4 months (FY 99 - FY 01 only)	19,378	7,650	27,029
Pro Tem Superior Court Judge, Juneau, PPT, 2.5 months (FY 99 - FY 01 only)	11,944	4,715	16,659
In-Court Clerk, Anchorage, 12A, PFT, 12 months (support to judge & master)	14,468	5,845	20,311
Court Clerk II, Anchorage, 10A, PFT, 12 months	25,644	10,978	36,622
Court Clerk II, Fairbanks, 10A, PFT, 12 months	28,932	11,691	40,623

Total Personal Services

141,244

**Travel**

Travel to other courts to process caseload

5,000

**Supplies**

Case processing supplies and supplies for new positions

5,000

Estimated total cost

\$ 151,244

**FISCAL NOTE**

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No: 4

Bill Version: SHB 375 (HES)

(H) Publish Date: 4/7/98

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: Child Protection BRU: State Health Services  
 Sponsor: Rules Committee Component: State Medical Examiner  
 Requestor: Governor COMPONENT SERIAL NO. 293  
 See also (SN#): \_\_\_\_\_

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

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES		35.0	35.9	36.8	37.7	38.6
TRAVEL		3.0	3.0	3.0	3.0	3.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT		5.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>43.0</b>	<b>38.9</b>	<b>39.8</b>	<b>40.7</b>	<b>41.6</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGES IN REVENUES ( )</b>						
--------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1032 Federal Receipts						
1003 GF Match						
1004 GF		43.0	38.9	39.8	40.7	41.6
1005 GF/Program Receipts						
1037 GF/Merital Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>43.0</b>	<b>38.9</b>	<b>39.8</b>	<b>40.7</b>	<b>41.6</b>

**POSITIONS:**

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

Estimate of any current year (FY98) cost: 50.0

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

The State Medical Examiner will be able to absorb the cost associated with a full-time clerk as the State Child Fatality Review is being established. By FY00, a full-time Administrative Clerk II will be needed to collect, collate and distribute the data, make travel arrangements and arrange for physical space for the review teams meetings, and advise attendees as to the material being discussed. The Division of Public Health will absorb the cost of the expertise needed to perform the analytical portion of the program within its existing resources.

\$3.0 is being requested in Line 200 Travel for members of the review team to attend the meetings. Also included in the travel line is funding to travel to other communities to train and support local community review boards.

\$5.0 is requested in FY 00 in Line 500 Equipment for office furniture and a computer for the Administrative Clerk II.

Prepared by: Peter M. Sakamura, MD, MPH Phone: (907) 465-3090  
 Division: Public Health Date: 03/12/98  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 3/12/98  
 Agency: Department of Health & Social Services

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
 For further distribution information, call the Governor's Legislative Office

**COMMITTEE COPY**

# FISCAL NOTE

No: 2

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill .sion: CSHB 375 (HES)  
(H) Publish Date: 4/7/98

Revision Date (Note if correction) _____	Dept. Affected	Corrections
Title <u>An Act relating to children in need of aid matters</u>	BRU	Administration and Operations
and proceedings: <u>relating to murder of children.</u>	Component	ALL
Sponsor <u>Rules Committee</u>		
Requester <u>Governor</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	0.0	58.1	58.1	106.9	203.9	240.4
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>58.1</b>	<b>58.1</b>	<b>106.9</b>	<b>203.9</b>	<b>240.4</b>

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

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

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	58.1	58.1	106.9	203.9	240.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>58.1</b>	<b>58.1</b>	<b>106.9</b>	<b>203.9</b>	<b>240.4</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This legislation amends several titles under Alaska statutes. This fiscal note only reflects the sections of the bill that incur costs for the Department of Corrections.

Section 4. The Department of Law (DOL) estimates the changes made to AS 11.41.110(a) will increase the minimum sentence from five (5) years to fifteen (15) years for a net gain of ten (10) years. Subtracting one third for good time, the actual increase in sentence is 6.7 years. The DOL estimates this change will effect one (1) case per year, the additional cost for incarcerations will be \$243,670. (continued)

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 3/11/98  
 Date 3/11/98

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

For further distribution information, call the Governor's Legislative Office

**COMMITTEE COPY**

Section 5. Increases the penalty for criminally negligent homicide from a class C felony to a class B felony. This will result in an additional sentence of one and a half (1.5) years. Subtracting one third for good time results in a total increase in sentence of one (1) year. The DOL estimates this change will effect one (1) case per year, the additional cost for incarceration for one year will be \$36,525

Sections 8 & 9. This section will increase the penalty for one form of indecent exposure from a misdemeanor to a class C felony. The DOL estimates that three people would be convicted annually under the felony provision. This is expected to increase the current average sentence of 28 days to 90 days for a net gain of 62 days. Subtracting one third for good time, the actual increase is 32 days. The additional cost of incarceration for the three cases will be \$9,600.

Section 10. The DOL estimates the changes made in this section will affect one case per year. Under current statute the sentence would have been 6 months. With the changes that sentence will increase one year for a net gain of 182 days incarceration. Subtracting one third for good time, the actual increase is 120 days, the additional cost of incarceration for one case will be \$12,009.

Section 13. The DOL estimates the changes made in this section will affect one case per year. Under current statute the offender would be sentenced to a five (5) year presumptive sentence. This proposed change will result in a seven (7) year presumptive sentence for a net gain of two (2) years. Subtracting one third for good time, the actual increase in sentence will be 482 days. The additional cost of incarceration for one case will be \$48,214.

Section 24. This section would require the Department of Corrections to register sex offenders 30 days prior to their release from incarceration. The DOC began doing this in September of 1997 and therefore does not anticipate an increase in costs.

# FISCAL NOTE

Bill Version: HB 375

(H) Publish Date: 2/2/98

**STATE OF ALASKA  
1998 LEGISLATIVE SESSION**

Revision Date (Note if correction) Original Dept. Affect Multiple (see analysis)  
 Title "An Act relating to children in need of aid BRU  
matter and proceedings; relating to murder of children ...." Component \_\_\_\_\_  
 Sponsor Rules Committee  
 Requester Governor Component Serial No. \_\_\_\_\_

**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						
<b>TOTAL OPERATING</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>	<b>*****</b>

Estimate of any current year (FY98) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

The costs of implementing a zero tolerance policy for reports of harm to children by investigating all such reports are part of the comprehensive \$14 million child protection element of the Governor's Smart Start Initiative included in the FY 99 budget. The Executive Branch agencies with significant budgetary issues related to the criminal and civil provisions set out in this bill are the Departments of Administration, Corrections, Health and Social Services, and Law. If the FY 99 Smart Start increments for those agencies are not funded, this bill cannot be fully implemented.

Continued on next page ...

Prepared by Laura Baker, Budget Analyst  
 Division Office of Management and Budget  
 Approved by Annalee McConnell, Director *for David R. Spensy*  
 Agency Office of Management and Budget

Phone 465-4684  
 Date 1/30/98  
 Date 1/30/98

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

For further distribution information, call the Governor's Legislative Office

**COMMITTEE COPY**

**Analysis Continued:** "(An Act relating to children in need of aid...")

The interrelationships of the agencies' efforts are complex. The bill had not been finalized at the time the FY 99 budget was submitted, so some adjustments may be necessary to the child protection elements of Smart Start. If so, they will be presented as Governor's budget amendments within the overall amount already budgeted for Smart Start.

*Agencies and programs involved:*

Department of Administration

Office of Public Advocacy - The appointment of a guardian ad litem is legally required upon the filing of a child in need of aid (CINA) petition. These guardians ad litem must, following their appointment by the court, represent the best interests of the child throughout the CINA proceedings. An increase in cases will result from additional investigations expected to be undertaken by the Division of Family and Youth Services.

Public Defender - As a result of changes in policies of the Division of Family and Youth Services, the number of CINA cases is expected to significantly increase case activity. Parents have a right under Alaska law to representation by court-appointed counsel in CINA cases and criminal cases if they cannot afford their own attorney.

Department of Corrections

This legislation would expand penalties relating to certain crimes against children. These changes are expected to increase the number of incarcerations and the length of time served.

Department of Health and Social Services

This bill affects a broad range of departmental programs, including substance abuse treatment and family support services; social services for children in need; and temporary foster care or permanent adoption homes.

Additional adoption placements resulting from these changes in the law are separate from the placement backlog.

Department of Law

Criminal Division - Enactment of this legislation will add new criminal provisions as well as increase the penalties for those people who kill or harm children by abuse and neglect. The bill would make it easier to charge individuals who harm children with more serious offenses, and increase the sentences they may receive.

Civil Division - Changes in this bill include tightening definitions to clarify when a child is in need of aid and when state intervention is justified. A significant change involves time limits, the setting of deadlines, and a more concrete definition of parental responsibilities. Cases will proceed to a termination trial much faster to ensure that when reunification with family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly.

Court System

The Alaska Court System is anticipated to submit a separate fiscal note regarding impacts of the bill.

adopted 5/2/98

5/2/98 am

NO/BJ

A

AMENDMENT I

OFFERED IN THE HOUSE

BY: Kelly

TO: CSHB 375(JUD)

1 Page 2, line 6:

2 Delete "the"

3 Insert "Rules 3, 7, 10, 15, 18, 19, and 22,"

4 Page 61, following line 20:

5 Insert new bill sections to read:

6 **\*\* Sec. 80. COURT RULE CHANGE.** (a) AS 47.10.030(b) and 47 10.070(a), as amended by  
7 secs. 35 and 37 of this Act, have the effect of amending Rules 3, 7, 10, 15, and 19, Alaska Child in  
8 Need of Aid Rules, by requiring foster parents and other specified persons to have notice and  
9 allowing them an opportunity to be heard in child-in-need-of-aid proceedings.

10 (b) Sections 35 and 37 of this Act take effect only if this section receives the two-thirds  
11 majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

12 **\* Sec. 81. COURT RULE CHANGE.** (a) AS 47.10.080(a), as amended in sec. 38 of this Act,  
13 has the effect of amending Rule 15, Alaska Child in Need of Aid Rules, by establishing a timeframe  
14 for an adjudication hearing under AS 47.10.

15 (b) Section 38 of this Act takes effect only if this section receives the two-thirds majority  
16 vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

17 **\* Sec. 82. COURT RULE CHANGE.** (a) AS 47.10.080(c)(3), as amended by sec. 39 of this Act,

1 has the effect of amending

2 (1) Rule 18(c), Alaska Child in Need of Aid Rules, by changing the burden of proof  
3 for termination of parental rights; and

4 (2) Rule 18(e), Alaska Child in Need of Aid Rules, by requiring the Department of  
5 Health and Social Services to report quarterly, instead of annually, on its efforts to find a permanent  
6 placement for a child.

7 (b) The amendments made to AS 47.10.080(c)(3) by sec. 39 of this Act that change the  
8 burden of proof for termination of parental rights and require quarterly reports take effect only if this  
9 section receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution  
10 of the State of Alaska.

11 \* **Sec. 83. COURT RULE CHANGE.** (a) To the extent that AS 47.10.080(c)(1) and (2) are  
12 amended by sec. 39 of this Act to allow a child's guardian ad litem to petition for an extension of the  
13 child's commitment or supervision, those provisions amend Rule 10(e), Alaska Child in Need of Aid  
14 Rules, relating to petitions for extensions of commitment or supervision of a child.

15 (b) The amendments described in (a) of this section take effect only if this section receives  
16 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
17 Alaska."

18 Renumber the following bill sections accordingly.

19 Page 61, line 27, through page 62, line 2:

20 Delete all material.

1           Insert new bill sections to read:

2           **\*\* Sec. 85. COURT RULE CHANGE.** (a) AS 47.10.080(f), as amended by sec. 40 of this Act,  
3           and AS 47.10.080(l), as amended by sec. 42 of this Act, have the effect of amending Rule 19, Alaska  
4           Child in Need of Aid Rules, regarding reviews and hearings by the court in child-in-need-of-aid  
5           proceedings.

6           (b) Sections 40 and 42 of this Act take effect only if this section receives the two-thirds  
7           majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

8           **\* Sec. 86. COURT RULE CHANGE.** (a) AS 47.10.086, enacted in sec. 47 of this Act, has the  
9           effect of amending

10                   (1) Rule 15, Alaska Child in Need of Aid Rules, regarding timing of hearings; and

11                   (2) Rule 15(g), Alaska Child in Need of Aid Rules, regarding the standards for  
12           reasonable efforts to be made in child-in-need-of-aid proceedings.

13           (b) AS 47.10.086, enacted in sec. 47 of this Act, takes effect only if this section receives the  
14           two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of  
15           Alaska.

16           **\* Sec. 87. COURT RULE CHANGE.** (a) AS 47.10.088(j) and (k), enacted in sec. 47 of this Act,  
17           have the effect of changing Rule 18, Alaska Child in Need of Aid Rules, by requiring the court

18                   (1) to hold a termination of parental rights trial no later than six months from the date  
19           the petition is filed, unless good cause is shown; and

20                   (2) to issue an order on the petition to terminate parental rights and responsibilities  
21           within a specified timeframe.

22           (b) AS 47.10.088(j) and (k), enacted in sec. 47 of this Act, take effect only if this section

1 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the  
2 State of Alaska.

3 \* Sec. 88. COURT RULE CHANGE. (a) AS 47.10.092(a), as amended by sec. 48 of this Act,  
4 amends Rule 22, Alaska Child in Need of Aid Rules, regarding disclosure of confidential  
5 information pertaining to child-in-need-of-aid proceedings.

6 (b) Section 48 of this Act takes effect only if this section receives the two-thirds majority  
7 vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska."

8 Renumber the following bill sections accordingly.

rescinded NO/OBJ; 5/2/98 am  
NO/OBJ  
AMENDMENT 2 **B**

FINAL act  
Withdrawn  
5/4/98

OFFERED IN THE HOUSE  
TO: CSHB 375(JUD)

BY Kelly

1 Page 62, lines 3 - 6:  
2 Delete all material and insert:  
3 **\*\* Sec. 82. APPLICABILITY; CONSIDERATION OF EVIDENCE.** (a) Sections 3 - 15 of this  
4 Act apply to offenses committed on or after the effective date of this Act.  
5 (b) Sections 48 and 74 of this Act apply to conduct, an activity, or an action taken under  
6 AS 47.10, 47.12, 47.17, and 47.35 regardless of whether the conduct, activity, or action occurred  
7 before, on, or after the effective date of this Act.  
8 (c) Except as provided in (a) and (b) of this section, this Act applies to  
9 (1) a case or proceeding that is filed with the court on or after the effective date of  
10 this Act;  
11 (2) an action taken under AS 47.10, 47.12, 47.17, and 47.35 on or after the effective  
12 date of this Act; and  
13 (3) a motion that is filed with the court on or after the effective date of this Act in a  
14 case or proceeding that was pending in the court before the effective date of this Act.  
15 (d) The provisions of (c) of this section do not preclude consideration of evidence of conduct  
16 or omission of any person that brings the child under the jurisdiction of AS 47.10 or 47.12."

5/2/98

0-GH2009\L.3  
Lauterbach  
5/1/98

Withdrawn 5/2/98  
**C**  
AMENDMENT 3

OFFERED IN THE HOUSE  
TO: CSHB 375(JUD)

BY REPRESENTATIVE KELLY

1 Page 2, lines 4 - 5:

2 Delete "relating to determinations of child custody and visitation in situations  
3 involving domestic violence;"

4 Page 6, line 4:

5 Delete "in the presence of [TO]"

6 Insert "to"

7 Page 6, line 6:

8 Delete "[ON THAT PERSON]"

9 Insert "on that person"

10 Page 7, line 31:

11 Delete "present to care for the child"

12

13 Page 8, line 1, following "intoxicant":

14 Insert "present to care for the child"

15 Page 17, line 18. through page 20, line 5:

16 Delete all material.

17 Renumber the following bill sections accordingly.

18 Page 20, line 20, through page 21, line 30:

19 Delete all material.

- 1 Renumber the following bill sections accordingly.
- 2 Page 25, lines 1 - 2:  
3 Delete "and AS 47.14.100(i)"
- 4 Page 25, lines 16 - 17:  
5 Delete ", as defined in AS 47.17.290,"
- 6 Page 25, lines 20 - 21:  
7 Delete "threatens the child's physical or emotional health or safety"  
8 Insert "places the child at substantial risk of physical or mental injury"
- 9 Page 26, lines 6 - 7:  
10 Delete all material.  
11 Insert "custodian have  
12 (A) resulted in mental injury to the child; or  
13 (B) placed the child at substantial risk of mental injury as a  
14 result of exposure to domestic violence; in this subparagraph, "domestic  
15 violence" means an offense committed by a household member, as defined in  
16 AS 18.66.990, against another household member that is  
17 (i) a crime against a person under AS 11.41;  
18 (ii) an offense under a law or ordinance of another  
19 jurisdiction having elements similar to a crime against a person under  
20 AS 11.41; or  
21 (iii) an attempt to commit an offense described in (i) or  
22 (ii) of this paragraph;"
- 23 Page 31, line 31:  
24 Delete "J is"  
25 Insert "ISJ"
- 26 Page 32, line 14:

1 Delete "quarterly"

2 Insert "semi-annually"

3 Page 34, line 9, following "period":

4 Insert "of"

5 Page 35, line 13, following ".":

6 Insert "When determining what constitutes reasonable visitation with a family member,  
7 the department shall consider the nature and quality of the relationship that existed between  
8 the child and the family member before the child was committed to the custody of the  
9 department."

10 Page 36, lines 9 - 10:

11 Delete "for placement in licensed foster care or for placement with a relative of the  
12 child"

13 Page 36, line 12:

14 Delete "and"

15 Page 36, lines 13 - 15:

16 Delete all material and insert:

17 "(2) the names, addresses, and telephone numbers of mental health  
18 providers that have provided services to the child;

19 (3) the names, addresses, and telephone numbers of schools,  
20 preschools, or day care facilities that the child was attending before the child was  
21 committed to the department;

22 (4) a description of special needs of the child, if any; and

23 (5) the names and locations of relatives who may be willing to have  
24 the child placed in their home."

25 Page 36, line 23:

26 Delete "should"

1           Insert "shall"

2   Page 37, line 12:

3           Delete "obtain legal representation for, and"

4           Delete "legal or"

5   Page 37, line 13:

6           Delete "s"

7   Page 38, lines 1 - 9:

8           Delete all material and insert:

9                   "(1) identify family support services that will assist the parent or  
10           guardian in remedying the conduct or conditions in the home that made the child a  
11           child in need of aid;

12                   (2) actively offer the parent or guardian, and refer the parent or  
13           guardian to, the services identified under (1) of this subsection; the department shall  
14           refer the parent or guardian to community-based family support services whenever  
15           community-based services are available and desired by the parent or guardian;"

16   Page 39, lines 11 - 15:

17           Delete all material.

18           Insert "parent or guardian has a mental illness or mental deficiency of such nature and  
19           duration that, according to the statement of a psychologist or physician, the parent or guardian  
20           will be incapable of caring for the child without placing the child at substantial risk of  
21           physical or mental injury even if the department were to provide family support services to  
22           the parent or guardian for 12 months;"

23   Page 39, lines 25 - 29:

24           Delete all material and insert:

25                   "(8) the parent or guardian has, for 12 consecutive months, failed to  
26           comply with a court order to participate in family support services;"

- 1 Page 40, lines 6 - 23:
- 2 Delete all material.
  
- 3 Reletter the following subsections accordingly.
  
- 4 Page 41, line 18:
- 5 Delete "significant physical harm or sexual abuse"
- 6 Insert "physical or mental injury"
  
- 7 Page 46, line 11:
- 8 Delete "AS 47.10.011"
- 9 Insert "AS 47.10.011(5)"
  
- 10 Page 49, following line 6:
- 11 Insert a new paragraph to read:
- 12 "(19) "physical injury" has the meaning given in AS 11.81.900(b);"
  
- 13 Renumber the following paragraphs accordingly.
  
- 14 Page 49, lines 22 - 24:
- 15 Delete "or to a citizen review board or local review panel for permanency planning
- 16 authorized by AS 47.14.200 - 47.14.220"
- 17 Insert "[OR TO A CITIZEN REVIEW BOARD OR LOCAL REVIEW PANEL FOR
- 18 PERMANENCY PLANNING AUTHORIZED BY AS 47.14.200 - 47.14.220]"
  
- 19 Page 52, lines 5 - 19:
- 20 Delete all material and insert:
- 21 "(2) determines that a member of the relative's household who is
- 22 16 years of age or older was the perpetrator in a substantiated report of abuse
- 23 under AS 47.17; or
- 24 (3) determines that a member of the relative's household who is
- 25 16 years of age or older is under arrest for, charged with, has been convicted of,

1 or has been found not guilty by reason of insanity of, a serious offense;  
 2 notwithstanding this paragraph, the department may place or continue the  
 3 placement of a child at the relative's home if the relative demonstrates to the  
 4 satisfaction of the department that conduct described in this paragraph occurred  
 5 at least five years before the intended placement and the conduct

6 (A) did not involve a victim who was under 18 year of age  
 7 at the time of the conduct;

8 (B) was not a crime of domestic violence as defined in  
 9 AS 18.66.990; and

10 (C) was not a violent crime under AS 11.41.100 - 11.41.455  
 11 or a law or ordinance of another jurisdiction having similar elements."

12 Page 52, line 20:

13 Delete "a new subsection"

14 Insert "new subsections"

15 Page 52, following line 23:

16 Insert a new subsection to read:

17 "(j) For the purpose of determining whether the home of a relative meets the  
 18 requirements for placement of a child, the department shall conduct a criminal  
 19 background check from state and national criminal justice information available under  
 20 AS 12.62. The department may conduct a fingerprint background check on any  
 21 member of the relative's household who is 16 years of age or older when the relative  
 22 requests placement of the child. For the purposes of obtaining criminal justice  
 23 information under this subsection, the department is a criminal justice agency  
 24 conducting a criminal justice activity under AS 12.62."

25 Page 53, line 28:

26 Delete "If a team is"

27 Insert "A team"

28 Delete ", the team"

1 Page 55, following line 10:

2 Insert a new bill section to read:

3 **\*\* Sec. 63.** AS 47.14.990 is amended by adding new paragraphs to read:

4 (11) "criminal justice information" has the meaning given in

5 AS 12.62.900;

6 (12) "serious offense" has the meaning given in AS 12.62.900."

7 Renumber internal references to bill sections in accordance with this amendment. Below are

8 all internal bill section references in this bill:

9 Page 61, line 22

10 Page 61, line 25

11 Page 61, line 28

12 Page 62, line 1

5/2/98

Withdrawn  
Amendment 4

D

5/2/98 a.m.

Conceptual  
GH2009L

Offered in the House

To: HB 375

By: Representative Kelly

- 1 Page 12, line 5, after "other persons"
- 2 Add: ", including educators,"
  
- 3 Page 22, line 17, after "appropriate"
- 4 Add: "pre-natal and after birth"
  
- 5 Page 25, line 10, delete: "not made satisfactory"
- 6 Insert: "neglected to make adequate"
  
- 7 page 26, line 26, after "supervision"
- 8 Insert: ", considering the child's age and need for care by an adult"
  
- 9 Page 36, line 27, after "shall"
- 10 Insert: "keep the health and safety of the child as the court's paramount concern"
  
- 11 Page 36, line 31 and page 37, line 1, delete all material
- 12 Substitute: **(3) consider the potential harm to the child caused by removal of the child from the home and family environment [AS 47.10.010 – 47.10.142].**

Conceptual Amendment  
Page 2.

13 Page 46, line 15 and 16, after "order"

14 delete: "that the child's [MINOR'S] parent or guardian (1)"

17

Insert: **"(1) the child participate in treatment:**

18

**(2) the parent or guardian** personally participate in treatment reasonably available in the parent's or guardian's community as specified in a plan set out in the court order; [OR] **and**

**[(2)](3) the child and parent or guardian comply** with other conditions set out in the court order."

15 Create a new bill section to read as follows:

**16** "AS 47.10.142(d) The court shall immediately, and in no event more than 48 hours after being notified unless prevented by lack of transportation, hold a hearing at which the minor, if the minor's health permits, and the minor's parents or guardian, if they can be found, shall be [PERMITTED TO BE] present. The court shall determine whether probable cause exists for believing the minor to be a child in need of aid, as defined in AS 47.10.990. **In determining the appropriateness of out-of-home placement for the child the court shall consider the potential harm to the child caused by the child's removal from the home or family environment.** The court shall inform the minor, and the minor's parents or guardian if they can be found, of the reasons given as constituting probable cause and the reasons given as authorizing the minor's temporary placement. **If the cause for determining the minor to be a child in need of aid is a result of actions of the parent or guardian, the court shall issue a finding that the parent or guardian has committed an act that is a violation of Alaska's child protection laws.**"

17 Add a new bill section to read:

**18** "AS 47.17.290(10) "mental injury" means [AN] **a serious** injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner;"

withdrawn  
~~4/27~~ 5/4/98P E

0-GH2009\L.4  
Lauterbach  
5/3/98

AMENDMENT 5

OFFERED IN THE HOUSE  
TO: CSHB 375(JUD)

BY REPRESENTATIVE KELLY

- 1 Page 2, lines 4 - 5:
- 2 Delete "relating to determinations of child custody and visitation in situations
- 3 involving domestic violence;"
  
- 4 Page 6, line 4:
- 5 Delete "in the presence of [TO]"
- 6 Insert "to"
  
- 7 Page 6, line 6:
- 8 Delete "[ON THAT PERSON]"
- 9 Insert "on that person"
  
- 10 Page 7, line 31:
- 11 Delete "present to care for the child"
- 12
- 13 Page 8, line 1, following "intoxicant":
- 14 Insert "present to care for the child"
  
- 15 Page 12, line 5, following "persons":
- 16 Insert ", including educators,"
  
- 17 Page 17, line 18, through page 20, line 5:
- 18 Delete all material.
  
- 19 Renumber the following bill sections accordingly.

- 1 Page 20, line 20, through page 21, line 30:
- 2 Delete all material.
  
- 3 Renumber the following bill sections accordingly.
  
- 4 Page 22, line 17, following "appropriate":
- 5 Insert "prenatal and postnatal"
  
- 6 Page 25, lines 1 - 2:
- 7 Delete "and AS 47.14.100(i)"
  
- 8 Page 25, line 10:
- 9 Delete "satisfactory"
- 10 Insert "adequate"
  
- 11 Page 25, lines 16 - 17:
- 12 Delete ", as defined in AS 47.17.290,"
  
- 13 Page 25, lines 20 - 21:
- 14 Delete "threatens the child's physical or emotional health or safety"
- 15 Insert "places the child at substantial risk of physical or mental injury"
  
- 16 Page 26, lines 6 - 7:
- 17 Delete all material.
- 18 Insert "custodian have
- 19 (A) resulted in mental injury to the child; or
- 20 (B) placed the child at substantial risk of mental injury as a
- 21 result of exposure to domestic violence, and the conduct or conditions that
- 22 placed the child at substantial risk of mental injury are likely to continue; in
- 23 this subparagraph, "domestic violence" means an offense committed by a
- 24 household member, as defined in AS 18.66.99), against another household
- 25 member that is

- 1 (i) a crime against a person under AS 11.41;
- 2 (ii) an offense under a law or ordinance of another
- 3 jurisdiction having elements similar to a crime against a person under
- 4 AS 11.41; or
- 5 (iii) an attempt to commit an offense described in (i) or
- 6 (ii) of this subparagraph;"

7 Page 26, line 26, following "supervision":

8 Insert ", considering the child's age and need for care by an adult"

9 Page 31, line 31:

10 Delete "] is"

11 insert "IS]"

12 Page 34, line 9, following "period":

13 Insert "of"

14 Page 35, line 13, following ".":

15 Insert "When determining what constitutes reasonable visitation with a family member,

16 the department shall consider the nature and quality of the relationship that existed between

17 the child and the family member before the child was committed to the custody of the

18 department."

19 Page 36, lines 9 - 10:

20 Delete "for placement in licensed foster care or for placement with a relative of the

21 child"

22 Page 36, line 12:

23 Delete "and"

24 Page 36, lines 13 - 15:

25 Delete all material and insert:

- 1                   (2) the names, addresses, and telephone numbers of mental health
- 2 providers that have provided services to the child;
- 3                   (3) the names, addresses, and telephone numbers of schools,
- 4 preschools, or day care facilities that the child was attending before the child was
- 5 committed to the department;
- 6                   (4) a description of special needs of the child, if any; and
- 7                   (5) the names and locations of relatives who may be willing to have
- 8 the child placed in their home."

9 Page 36, line 23:

- 10           Delete "should"
- 11           Insert "shall"

12 Page 36, line 26, through page 37, line 1:

13           Delete all material and insert:

14                   "Sec. 47.10.082. Health and safety [BEST INTERESTS] of child and other

15 considerations. In making its dispositional order under AS 47.10.080(c), the court

16 shall keep the health and safety of the child as the court's paramount concern

17 and consider

- 18                   (1) the best interests of the child; [AND]
- 19                   (2) the ability of the state to take custody and to care for the child to
- 20 protect the child's best interests under AS 47.10.005 - 47.10.142; and
- 21                   (3) the potential harm to the child caused by removal of the child
- 22 from the home and family environment [AS 47.10.010 - 47.10.142]."

23 Page 37, line 12:

- 24           Delete "obtain legal representation for, and"
- 25           Delete "legal or"

26 Page 37, line 13:

- 27           Delete " ,"

1 Page 38, lines 1 - 9:

2 Delete all material and insert:

3 "(1) identify family support services that will assist the parent or  
4 guardian in remedying the conduct or conditions in the home that made the child a  
5 child in need of aid;

6 (2) actively offer the parent or guardian, and refer the parent or  
7 guardian to, the services identified under (1) of this subsection; the department shall  
8 refer the parent or guardian to community-based family support services whenever  
9 community-based services are available and desired by the parent or guardian;"

10 Page 39, lines 5 - 6:

11 Delete all material and insert:

12 "(3) the parent or guardian has, for 12 consecutive months, failed to  
13 comply with a court order to participate in family support services;"

14 Page 39, lines 11 - 15:

15 Delete all material.

16 Insert "parent or guardian has a mental illness or mental deficiency of such nature and  
17 duration that, according to the statement of a psychologist or physician, the parent or guardian  
18 will be incapable of caring for the child without placing the child at substantial risk of  
19 physical or mental injury even if the department were to provide family support services to  
20 the parent or guardian for 12 months;"

21 Page 40, lines 6 - 23:

22 Delete all material.

23 Reletter the following subsections accordingly.

24 Page 41, line 18:

25 Delete "significant physical harm or sexual abuse"

26 Insert "physical or mental injury"

1 Page 46, line 11:

2 Delete "AS 47.10.011"

3 Insert "AS 47.10.011(5)"

4 Page 46, lines 16 - 19:

5 Delete "child's [MINOR'S] parent or guardian

6 (1) personally participate in treatment reasonably available in the  
7 parent or guardian's community as specified in a plan set out in the court order; and

8 (2) comply with other conditions set out in the court order."

9 Insert

10 "(1) child participate in treatment:

11 (2) [MINOR'S] parent or guardian [(1)] personally participate in  
12 treatment reasonably available in the parent or guardian's community as specified in  
13 a plan set out in the court order; and

14 (3) child and the parent or guardian [(2)] comply with other  
15 conditions set out in the court order."

16 Page 49, following line 6:

17 Insert a new paragraph to read:

18 "(19) "physical injury" has the meaning given in AS 11.81.900(b);"

19 Renumber the following paragraphs accordingly.

20 Page 49, lines 22 - 24:

21 Delete "or to a citizen review board or local review panel for permanency planning  
22 authorized by AS 47.14.200 - 47.14.220"

23 Insert "[OR TO A CITIZEN REVIEW BOARD OR LOCAL REVIEW PANEL FOR  
24 PERMANENCY PLANNING AUTHORIZED BY AS 47.14.200 - 47.14.220]"

25 Page 50, line 20:

26 Delete "(e), (f), and (i)"

27 Insert "(c), (f), (i), and (j)"

1 Page 52, lines 5 - 19:

2 Delete all material and insert:

3 "(2) determines that a member of the relative's household who is  
4 12 years of age or older was the perpetrator in a substantiated report of abuse  
5 under AS 47.17; or

6 (3) determines that a member of the relative's household who is  
7 12 years of age or older is under arrest for, charged with, has been convicted of,  
8 or has been found not guilty by reason of insanity of, a serious offense;  
9 notwithstanding this paragraph, the department may place or continue the  
10 placement of a child at the relative's home if the relative demonstrates to the  
11 satisfaction of the department that conduct described in this paragraph occurred  
12 at least five years before the intended placement and the conduct

13 (A) did not involve a victim who was under 18 year of age  
14 at the time of the conduct;

15 (B) was not a crime of domestic violence as defined in  
16 AS 18.66.990; and

17 (C) was not a violent crime under AS 11.41.100 - 11.41.455  
18 or a law or ordinance of another jurisdiction having similar elements."

19 Page 52, line 20:

20 Delete "a new subsection"

21 Insert "new subsections"

22 Page 52, line 23:

23 Delete "one"

24 Insert "a"

25 Page 52, following line 23:

26 Insert a new subsection to read:

27 "(j) For the purpose of determining whether the home of a relative meets the  
28 requirements for placement of a child, the department shall conduct a criminal  
29 background check from state and national criminal justice information available under

1 AS 12.62. The department may conduct a fingerprint background check on any  
 2 member of the relative's household who is 12 years of age or older when the relative  
 3 requests placement of the child. For the purposes of obtaining criminal justice  
 4 information under this subsection, the department is a criminal justice agency  
 5 conducting a criminal justice activity under AS 12.62."

6 Page 53, line 28:

7 Delete "If a team is"

8 Insert "A team"

9 Delete ", the team"

10 Page 55, following line 10:

11 Insert a new bill section to read:

12 **\*\* Sec. 63.** AS 47.14.990 is amended by adding new paragraphs to read:

13 (11) "criminal justice information" has the meaning given in

14 AS 12.62.900;

15 (12) "serious offense" has the meaning given in AS 12.62.900."

16 Renumber the following bill sections accordingly.

17 Page 57, following line 20:

18 Insert a new bill section to read:

19 **\*\* Sec. 70.** AS 47.17.290(9) is amended to read:

20 (9) "mental injury" means a serious [AN] injury to the emotional well-

21 being [,] or intellectual or psychological capacity of a child that, according to the

22 statement of a psychologist or physician, is [, AS] evidenced by an observable and

23 substantial impairment in the child's ability to function in a developmentally

24 appropriate manner;"

25 Renumber the following bill sections accordingly.

26 Renumber internal references to bill sections in accordance with this amendment. Below are

1 all internal bill section references in this bill:

2 Page 61, line 22

3 Page 61, line 25

4 Page 61, line 28

5 Page 62, line 1

NO OBJ adpt  
**NEW E**  
AMENDMENT 5

0-GH2009AL.4  
Lauterbach  
5/3/98

OFFERED IN THE HOUSE  
TO: CSHB 375(JUD)

BY REPRESENTATIVE KELLY

1 Page 2, lines 4 - 5:

2 Delete "relating to determinations of child custody and visitation in situations  
3 involving domestic violence;"

4 Page 6, line 4:

5 Delete "in the presence of [TO]"

6 Insert "to"

7 Page 6, line 6:

8 Delete "[ON THAT PERSON]"

9 Insert "on that person"

9a Page 7, line 30: Delete "a controlled substance" Insert: "an intoxicant"

10 Page 7, line 31:

11 Delete "present to care for the child"

12

13 Page 8, line 1, following "intoxicant":

14 Insert "present to care for the child"

15 Page 12, line 5, following "persons":

16 Insert ", including educators."

17 Page 17, line 18, through page 20, line 5:

18 Delete all material.

19 Renumber the following bill sections accordingly.

1 Page 20, line 20, through page 21, line 30:

2 Delete all material.

3 Renumber the following bill sections accordingly.

4 Page 22, line 17, following "appropriate":

5 Insert "prenatal and postnatal"

6 Page 25, lines 1 - 2:

7 Delete "and AS 47.14.100(i)"

8 Page 25, line 10:

9 Delete "satisfactory"

10 Insert "adequate"

11 Page 25, lines 16 - 17:

12 Delete ", as defined in AS 47.17.290,"

13 Page 25, lines 20 - 21:

14 Delete "threatens the child's physical or emotional health or safety"

15 Insert "places the child at substantial risk of physical or mental injury"

~~16 Page 26, lines 6 - 7:~~

→ REPLACE WITH AMENDMENT ←

~~17 Delete all material.~~

~~18 Insert "custodian have~~

~~19 (A) resulted in mental injury to the child; or~~

~~20 (B) placed the child at substantial risk of mental injury as a~~

~~21 result of exposure to domestic violence, and the conduct or conditions that~~

~~22 placed the child at substantial risk of mental injury are likely to continue; in~~

~~23 this subparagraph, "domestic violence" means an offense committed by a~~

~~24 household member, as defined in AS 18.66.990, against another household~~

~~25 member that is~~

1 (i) a crime against a person under AS 11.41;  
 2 (ii) an offense under a law or ordinance of another  
 3 jurisdiction having elements similar to a crime against a person under  
 4 AS 11.41; or  
 5 (iii) an attempt to commit an offense described in (i) or  
 6 (ii) of this subparagraph;" → REPLACE W/ AMENDMENT K

7 Page 26, line 26, following "supervision":

8 Insert ", considering the child's age and need for care by an adult"

9 Page 31, line 31:

10 Delete "] is"

11 Insert "TSJ"

12 Page 34, line 9, following "period":

13 Insert "of"

14 Page 35, line 13, following ".":

15 Insert "When determining what constitutes reasonable visitation with a family member,  
 16 the department shall consider the nature and quality of the relationship that existed between  
 17 the child and the family member before the child was committed to the custody of the  
 18 department."

19 Page 36, lines 9 - 10:

20 Delete "for placement in licensed foster care or for placement with a relative of the  
 21 child"

22 Page 36, line 12:

23 Delete "and"

24 Page 36, lines 13 - 15:

25 Delete all material and insert:

1                   "(2) the names, addresses, and telephone numbers of mental health  
2 providers that have provided services to the child;

3                   (3) the names, addresses, and telephone numbers of schools,  
4 preschools, or day care facilities that the child was attending before the child was  
5 committed to the department;

6                   (4) a description of special needs of the child, if any; and

7                   (5) the names and locations of relatives who may be willing to have  
8 the child placed in their home."

8. PAGE 36, LINE 23 AFTER "requests a" INSERT: "non emergency

9 Page 36, line 23:

10 Delete "should"

11 Insert "shall"

12 Page 36, line 26. through page 37, line 1:

13 Delete all material and insert:

14                   "Sec. 47.10.082. Health and safety (BEST INTERESTS) of child and other  
15 considerations. In making its dispositional order under AS 47.10.080(c), the court  
16 shall keep the health and safety of the child as the court's paramount concern  
17 and consider

18                   (1) the best interests of the child; [AND]

19                   (2) the ability of the state to take custody and to care for the child to  
20 protect the child's best interests under AS 47.10.005 - 47.10.142; and

21                   (3) the potential harm to the child caused by removal of the child  
22 from the home and family environment [AS 47.10.010 - 47.10.142]."

23 Page 37, line 12:

24 Delete "obtain legal representation for, and"

25 Delete "legal or"

26 Page 37, line 13:

27 Delete "1"

1 Page 38, lines 1 - 9:

2 Delete all material and insert:

3 "(1) identify family support services that will assist the parent or  
4 guardian in remedying the conduct or conditions in the home that made the child a  
5 child in need of aid;

6 (2) actively offer the parent or guardian, and refer the parent or  
7 guardian to, the services identified under (1) of this subsection; the department shall  
8 refer the parent or guardian to community-based family support services whenever  
9 community-based services are available and desired by the parent or guardian;"

10 Page 39, lines 5 - 6:

11 Delete all material and insert:

12 "(3) the parent or guardian has, <sup>during the</sup> ~~for~~ 12 <sup>preceeding the permanency</sup> ~~consecutive~~ months, <sup>hearing</sup> failed to  
13 comply with a court order to participate in family support services;"

14 Page 39, lines 11 - 15:

15 Delete all material.

16 Insert "parent or guardian has a mental illness or mental deficiency of such nature and  
17 duration that, according to the statement of a psychologist or physician, the parent or guardian  
18 will be incapable of caring for the child without placing the child at substantial risk of  
19 physical or mental injury even if the department were to provide family support services to  
20 the parent or guardian for 12 months;"

21 Page 40, lines 6 - 23:

22 Delete all material.

23 Reletter the following subsections accordingly.

24 Page 41, line 18:

25 Delete "significant physical harm or sexual abuse"

26 Insert "physical or mental injury"

1 Page 46, line 11:

2 Delete "AS 47.10.011"

3 Insert "AS 47.10.011(5)"

4 Page 46, lines 16 - 19:

5 Delete "child's [MINOR'S] parent or guardian

6 (1) personally participate in treatment reasonably available in the  
7 parent or guardian's community as specified in a plan set out in the court order; and

8 (2) comply with other conditions set out in the court order."

9 Insert

10 "(1) child participate in treatment:

11 (2) [MINOR'S] parent or guardian [(1)] personally participate in  
12 treatment reasonably available in the parent or guardian's community as specified in  
13 a plan set out in the court order; and

14 (3) child and the parent or guardian [(2)] comply with other  
15 conditions set out in the court order."

16 Page 49, following line 6:

17 Insert a new paragraph to read:

18 "(19) "physical injury" has the meaning given in AS 11.81.900(b);"

19 Renumber the following paragraphs accordingly.

20 Page 49, lines 22 - 24:

21 Delete "or to a citizen review board or local review panel for permanency planning  
22 authorized by AS 47.14.200 - 47.14.220"

23 Insert "[OR TO A CITIZEN REVIEW BOARD OR LOCAL REVIEW PANEL FOR  
24 PERMANENCY PLANNING AUTHORIZED BY AS 47.14.200 - 47.14.220]"

25 Page 50, line 20:

26 Delete "(e), (f), and (i)"

27 Insert "(e), (f), (i), and (j)"

1 Page 52, lines 5 - 19:

2 Delete all material and insert:

3 "(2) determines that a member of the relative's household who is  
4 12 years of age or older was the perpetrator in a substantiated report of abuse  
5 under AS 47.17; or

6 (3) determines that a member of the relative's household who is  
7 12 years of age or older is under arrest for, charged with, has been convicted of,  
8 or has been found not guilty by reason of insanity of, a serious offense;  
9 notwithstanding this paragraph, the department may place or continue the  
10 placement of a child at the relative's home if the relative demonstrates to the  
11 satisfaction of the department that conduct described in this paragraph occurred  
12 at least five years before the intended placement and the conduct

13 (A) did not involve a victim who was under 18 year of age  
14 at the time of the conduct;

15 (B) was not a crime of domestic violence as defined in  
16 AS 18.66.990; and

17 (C) was not a violent crime under AS 11.41.100 - 11.41.455  
18 or a law or ordinance of another jurisdiction having similar elements."

19 Page 52, line 20:

20 Delete "a new subsection"

21 Insert "new subsections"

22 Page 52, line 23:

23 Delete "one"

24 Insert "a"

25 Page 52, following line 23:

26 Insert a new subsection to read:

27 "(j) For the purpose of determining whether the home of a relative meets the  
28 requirements for placement of a child, the department shall conduct a criminal  
29 background check from state and national criminal justice information available under

1 AS 12.62. The department may conduct a fingerprint background check on any  
 2 member of the relative's household who is 12 years of age or older when the relative  
 3 requests placement of the child. For the purposes of obtaining criminal justice  
 4 information under this subsection, the department is a criminal justice agency  
 5 conducting a criminal justice activity under AS 12.62."

6 Page 53, line 28:  
 7 Delete "If a team is"  
 8 Insert "A team"  
 9 Delete ", the team"

10 Page 55, following line 10:  
 11 Insert a new bill section to read:  
 12 **\*\* Sec. 63.** AS 47.14.990 is amended by adding new paragraphs to read:  
 13 (11) "criminal justice information" has the meaning given in  
 14 AS 12.62.900;  
 15 (12) "serious offense" has the meaning given in AS 12.62.900."

16 Renumber the following bill sections accordingly.

17 ~~Page 57, following line 20:~~ → REPLACE WITH AMENDMENT K  
 18 Insert a new bill section to read:  
 19 **\*\* Sec. 70.** AS 47.17.290(9) is amended to read:  
 20 (9) "mental injury" means a serious [AN] injury to the emotional well-  
 21 being [,] or intellectual or psychological capacity of a child that, according to the  
 22 statement of a psychologist or physician, is [ AS] evidenced by an observable and  
 23 substantial impairment in the child's ability to function in a developmentally  
 24 appropriate manner;"

25 Renumber the following bill sections accordingly.

26 Renumber internal references to bill sections in accordance with this amendment. Below are

1 all internal bill section references in this bill:

2 Page 61, line 22

3 Page 61, line 25

4 Page 61, line 28

5 Page 62, line 1

NO JOB;

F replaces

0-GH2009L.6  
Lauterbach  
5/3/98

adopted  
AMENDMENT ↵

(B)

OFFERED IN THE HOUSE  
TO: CSHB 375(JUD)

BY REPRESENTATIVE KELLY

1 Page 62, line 3 - 6:

2 Delete all material and insert:

3 **\*\* Sec. 82. APPLICABILITY.** (a) The amendments made in secs. 3 - 15 of this Act  
4 apply to offenses committed on or after the effective date of this Act, except that references  
5 in secs. 3 - 15 of this Act to previous convictions include convictions occurring before, on,  
6 or after the effective date of this Act.

7 (b) Except as provided in secs. 83 and 84 of this Act and (a) of this section, this Act  
8 applies to

9 (1) a case or proceeding that is filed with the court on or after the effective  
10 date of this Act;

11 (2) an action taken under AS 47.10, AS 47.12, AS 47.17, or AS 47.35 on or  
12 after the effective date of this Act; and

13 (3) a motion that is filed with the court on or after the effective date of this  
14 Act in a case or proceeding that was pending in the court before the effective date of this  
15 Act.

16 (c) The provisions of (b) of this section do not preclude consideration of evidence  
17 of conduct or omission of a person that brings a child under the jurisdiction of AS 47.10 or  
18 AS 47.12.

19 **\* Sec. 83. TRANSITIONAL PROVISION; FOSTER CARE LICENSING.** (a) Unless the  
20 information has been previously submitted to the Department of Health and Social Services,  
21 an application for biennial renewal of a foster care license under AS 47.35 must include the  
22 information required under AS 47.35.017(b), as amended by sec. 74 of this Act.

23 (b) The Department of Health and Social Services may require, as a condition of  
24 continued licensure, that a foster care licensee under AS 47.35 submit the additional  
25 information required under AS 47.35.017(b), as amended by sec. 74 of this Act, before the

0-GH2009AL6

- 1 licensee is required to submit the additional information under (a) of this section.
- 2 \* Sec. 54. TRANSITIONAL PROVISION; DISCLOSURE OF AGENCY RECORDS. (a)
- 3 The Department of Health and Social Services may disclose information and make copies of
- 4 documents available to state officials or employees as authorized under AS 47.10.092(a), as
- 5 amended by sec. 48 of this Act, based on an appropriate request that was received before, on,
- 6 or after the effective date of this Act.
- 7 (b) The Department of Health and Social Services, a parent, or a legal guardian may
- 8 disclose information as authorized under AS 47.10.092(a), as amended by sec. 48 of this Act,
- 9 regardless of when the information came into the possession or knowledge of the department,
- 10 parent, or legal guardian and regardless of when the conduct or situation described in the
- 11 information occurred."
- 12 Renumber the following bill section accordingly.