

ALASKA LEGISLATURE

2257

HOUSE and SENATE FINANCE COMMITTEE FILES, 2001 - 2002

- 1 (5) the total costs to the division per board foot sold;
- 2 (6) the number of fires that result from human actions, whether as a function
- 3 of population growth or other causes;
- 4 (7) the percentage of fires in full and critical protection categories that are held
- 5 to less than 10 acres.

6 * **Sec. 111. DNR - Division of Oil and Gas.** (a) The mission of the Division of Oil and

7 Gas is to maximize responsible oil and gas exploration and development.

8 (b) The legislature intends to measure the success of the division in achieving its

9 mission by considering

- 10 (1) compliance with the areawide leasing plan and exploration licensing;
- 11 (2) the percentage of available state acreage offered for oil and gas leasing or
- 12 for exploration;
- 13 (3) the revenue received for total state production of oil and gas;
- 14 (4) the number of resident and nonresident private-sector jobs in the oil and
- 15 gas industry in the state;
- 16 (5) the number of new and assigned oil and gas rights, plans, and units.

17 * **Sec. 112. DNR - Division of Mining, Land, and Water.** (a) The mission of the

18 Division of Mining, Land, and Water is to encourage the use and development of Alaska's

19 land, mineral, and water resources.

20 (b) The legislature intends to measure the success of the division in achieving its

21 mission by considering

- 22 (1) the number of leases and permits issued for public and private use of state
- 23 land;
- 24 (2) the number of private-sector jobs created by the issuance of new permits
- 25 for mining;
- 26 (3) the number of acres of land conveyed to municipalities compared to total
- 27 municipal entitlement;
- 28 (4) the percentage change in the number of acres of land sold and the revenue
- 29 generated from land sales and leases;
- 30 (5) the number of water right files processed as compared to the number of
- 31 water rights applied for;

- 1 (6) the percentage change in the number of periodic dam safety inspections;
2 (7) the percentage change in the number of active placer, lode, and coal mines
3 and the number of mining locations staked and processed.

4 * **Sec. 113. DNR - Division of Geological and Geophysical Surveys.** (a) The mission of
5 the Division of Geological and Geophysical Surveys (DGGS) is to determine

6 (1) the potential of Alaska land for production of metals, minerals, fuels, and
7 geothermal resources;

8 (2) the locations and supplies of groundwater and construction material; and

9 (3) the potential hazards to buildings, roads, bridges, and other installations
10 and structures.

11 (b) The legislature intends to measure the success of the division in achieving its
12 mission by considering

13 (1) the total value of Alaska's mineral industry;

14 (2) the number of acres of ground under private-sector exploration;

15 (3) the number of completed geophysical/geological mineral surveys of at
16 least 1,000 square miles of Alaska land;

17 (4) the new acres of ground explored by the private sector for oil and gas
18 resources;

19 (5) the number of users requesting information on the geology of Alaska from
20 the DGGS web site;

21 (6) the number of responses made by the division to requests for information
22 or assistance relating to engineering geology or hazards in the state.

23 * **Sec. 114. DNR - Division of Parks and Outdoor Recreation.** (a) The mission of the
24 Division of Parks and Outdoor Recreation is to

25 (1) provide outdoor recreation opportunities;

26 (2) conserve, interpret, and preserve natural, cultural, and historic resources
27 and services; and

28 (3) encourage the development of local park and recreational facilities and
29 programs.

30 (b) The legislature intends to measure the success of the division in achieving its
31 mission by considering

- 1 (1) the percentage of park facilities open;
 2 (2) the number of visits by site and type of visit;
 3 (3) the percentage of reported identified historic properties entered on the
 4 statewide inventory;
 5 (4) the amount of dollars generated from sources other than the state
 6 government for trail maintenance and site development;
 7 (5) the level of deferred maintenance in state parks.

8 * **Sec. 115. DNR - Division of Agriculture.** (a) The mission of the Division of
 9 Agriculture is to promote and encourage the development of an agricultural industry in the
 10 state.

11 (b) The legislature intends to measure the success of the division in achieving its
 12 mission by considering

- 13 (1) the loan to equity ratio in the Agricultural Revolving Loan Fund;
 14 (2) the number of improved crop accessions produced by the plant material
 15 center and grown in the state;
 16 (3) the percentage of total available agricultural acreage placed in production;
 17 (4) the monetary value of agricultural products grown in the state that are sold
 18 domestically or exported.

19 **Article 12. Department of Public Safety.**

20 * **Sec. 116. Department of Public Safety.** The mission of the Department of Public Safety
 21 is to ensure public safety and enforce fish and wildlife laws.

22 * **Sec. 117. DPS - Division of Fish and Wildlife Protection.** (a) The mission of the
 23 Division of Fish and Wildlife Protection is to protect the state's fish and wildlife resources.

24 (b) The legislature intends to measure the success of the division in achieving its
 25 mission by considering the number of

- 26 (1) sport fishing violations; and
 27 (2) hunter contacts made by the division.

28 * **Sec. 118. DPS - Division of Fire Prevention.** (a) The mission of the Division of Fire
 29 Prevention is to prevent the loss of life and property from fire and explosion.

30 (b) The legislature intends to measure the success of the division in achieving its
 31 mission by considering

1 (1) the percentage of inspected buildings found in compliance with legal
2 standards;

3 (2) the number of fire prevention educational contacts made by the division;

4 (3) the average time required to conduct initial building plan reviews;

5 (4) the number of priority occupancies inspected.

6 * **Sec. 119. DPS - Division of Alaska State Troopers.** (a) The mission of the Division of
7 Alaska State Troopers is to preserve the public peace and to protect life and property.

8 (b) The legislature intends to measure the success of the division in achieving its
9 mission by considering the number of

10 (1) homicides and the percent solved per year;

11 (2) rapes and the percent solved per year;

12 (3) burglaries and the percent solved per year.

13 * **Sec. 120. DPS - Alaska Police Standards Council.** (a) The mission of the Alaska
14 Police Standards Council is to establish professional training and hiring standards for law
15 enforcement officers in the state.

16 (b) The legislature intends to measure the success of the council in achieving its
17 mission by considering the hours of

18 (1) recruit training funded;

19 (2) advanced training funded.

20 * **Sec. 121. DPS - Violent Crimes Compensation Board.** (a) The mission of the Violent
21 Crimes Compensation Board is to mitigate the effects of having been victimized.

22 (b) The legislature intends to measure the success of the division in achieving its
23 mission by considering the average time from receipt of a claim to the board's final
24 determination.

25 * **Sec. 122. DPS - Council on Domestic Violence and Sexual Assault.** (a) The mission
26 of the Council on Domestic Violence and Sexual Assault is to reduce the causes and incidence
27 and to alleviate the effects of domestic violence and sexual assault.

28 (b) The legislature intends to measure the success of the council in achieving its
29 mission by considering

30 (1) the percentage of continuing clients;

31 (2) the percentage of the council's budget spent on prevention;

1 (3) the cost of shelter per night;

2 (4) the amount spent for and the percentage reduction in domestic violence
3 and sexual assault compared to the amount spent for that purpose last year;

4 (5) the incidence of reported domestic violence and sexual assault cases;

5 (6) the number of homicides from domestic violence and sexual assault.

6 * **Sec. 123. DPS - Office of the Commissioner.** (a) The mission of the Office of the
7 Commissioner is to provide support and policy direction to divisions within the department.

8 (b) The legislature intends to measure the success of the office in achieving its
9 mission by considering

10 (1) the percentage of divisions that meet assigned performance measures;

11 (2) the average time taken to respond to complaints and questions that have
12 been elevated to the commissioner's office.

13 * **Sec. 124. DPS - Public Safety Academy.** (a) The mission of the Public Safety
14 Academy is to train law enforcement officers.

15 (b) The legislature intends to measure the success of the academy in achieving its
16 mission by considering

17 (1) the cost per officer trained;

18 (2) the graduation rate;

19 (3) the percentage of officers who remain employed as law enforcement
20 officers one year after graduating.

21 * **Sec. 125. DPS - Division of Administrative Services.** (a) The mission of the Division
22 of Administrative Services is to provide support services to departmental programs.

23 (b) The legislature intends to measure the success of the division in achieving its
24 mission by considering

25 (1) the cost of administrative services as compared to the total personnel costs
26 for the department;

27 (2) the number of department employee grievances as compared to the total
28 number of grievances for all state departments.

29 * **Sec. 126. DPS - Scientific Crime Detection Laboratory.** (a) The mission of the
30 Scientific Crime Detection Laboratory is to provide forensic science services to law
31 enforcement agencies.

1 (b) The legislature intends to measure the success of the laboratory in achieving its
2 mission by considering

3 (1) the average time from receipt of a case to issuance of a report;

4 (2) the average cost per case.

5 **Article 13. Department of Revenue.**

6 * **Sec. 127. Department of Revenue.** The mission of the Department of Revenue is to
7 collect and invest funds for public purposes.

8 * **Sec. 128. DRev - Child Support Enforcement Division.** (a) The mission of the Child
9 Support Enforcement Division is to ensure that children receive the child support due them.

10 (b) The legislature intends to measure the success of the Child Support Enforcement
11 Division in achieving its mission by considering

12 (1) the total operating budget of the division as compared to the total amount
13 of collections;

14 (2) the percentage of current child support collected;

15 (3) the number of child support administrative orders and order modifications
16 that are appealed compared to the total number of new administrative orders and
17 modifications issued during the year;

18 (4) the number of cases where adjustment is overdue by 30 days or more;

19 (5) the percentage of cases in which there are child support orders;

20 (6) the number of cases with arrearages that have collections as compared to
21 the total number of cases with arrearages.

22 * **Sec. 129. DRev - Alcoholic Beverage Control Board.** (a) The mission of the Alcoholic
23 Beverage Control Board is to ensure compliance with the state's liquor laws.

24 (b) The legislature intends to measure the success of the board in achieving its
25 mission by considering

26 (1) the cost of providing compliance services compared to the number of
27 licenses per year;

28 (2) the cost of certifying or providing training services compared to the
29 number of servers trained per year;

30 (3) the percentage of noncompliant licenses compared to the number of
31 licenses held per year.

1 * **Sec. 130. DRev - Alaska Municipal Bond Bank Authority.** (a) The mission of the
2 Alaska Municipal Bond Bank Authority is to provide municipalities with financing options
3 for capital projects.

4 (b) The legislature intends to measure the success of the authority in achieving its
5 mission by considering

6 (1) the number of capital projects financed or refinanced with bonds as
7 compared to the total number of projects for which applications were made;

8 (2) the par amount of bonds issued during the year and estimated savings to
9 Alaska communities through Bond Bank sales;

10 (3) the cost of operations compared to the value of the bonds issued.

11 * **Sec. 131. DRev - Alaska Permanent Fund Corporation.** (a) The mission of the
12 Alaska Permanent Fund Corporation is to maximize the value of the permanent fund through
13 prudent long-term investment.

14 (b) The legislature intends to measure the success of the corporation in achieving its
15 mission by considering

16 (1) the corporation's investment expenses compared to the investment
17 expenses of other large institutional funds;

18 (2) the total return by asset type compared to other institutional funds;

19 (3) the inflation-adjusted rate of return over time.

20 * **Sec. 132. DRev - Alaska Housing Finance Corporation.** (a) The mission of the Alaska
21 Housing Finance Corporation is to provide access to housing and the Alaska dividend.

22 (b) The legislature intends to measure the success of the corporation in achieving its
23 mission by considering

24 (1) the administrative costs per dollar of investment;

25 (2) the net income of the corporation;

26 (3) the percentage of AHFC-owned housing compared to privately owned
27 housing in the marketplace;

28 (4) the public housing management assessment score.

29 * **Sec. 133. DRev - Treasury Division.** (a) The mission of the Treasury Division is to
30 manage the state's funds consistent with prudent investment guidelines and Governmental
31 Accounting Standards Board (GASB) rules.

1 (b) The legislature intends to measure the success of the division in achieving its
2 mission by measuring

- 3 (1) investment returns against performance benchmarks;
4 (2) administrative costs per dollar of investment.

5 * **Sec. 134. DRev - State Pension Investment Board.** (a) The mission of the State
6 Pension Investment Board is to manage state pension funds.

7 (b) The legislature intends to measure the success of the board in achieving its
8 mission by measuring

- 9 (1) investment returns expressed in terms of most recent five-year and one- # |
10 year averages measured against performance benchmarks;
11 (2) administrative costs per dollar of investment.

12 * **Sec. 135. DRev - Tax Division.** (a) The mission of the Tax Division is to collect taxes
13 consistent with statute.

14 (b) The legislature intends to measure the success of the division in achieving its
15 mission by considering

- 16 (1) the division budget as compared to the total amount collected by the
17 division;
18 (2) the percentage of taxes collected as compared to the percentage of taxes
19 due;
20 (3) the time expended compared to the time budgeted and the average time
21 taken to complete audits;
22 (4) the amount of assessments disallowed on appeal as compared to the
23 amount of assessments claimed.

24 * **Sec. 136. DRev - Office of the Commissioner.** (a) The mission of the Office of the
25 Commissioner is to provide support and policy direction to the divisions in the department.

26 (b) The legislature intends to measure the success of the office in achieving its
27 mission by considering

- 28 (1) the percentage of divisions that meet assigned performance measures;
29 (2) the average time taken to respond to complaints and questions that have
30 been elevated to the commissioner's office;
31 (3) the average time taken to issue decisions in child support and permanent

1 fund dividend appeals;

2 (4) the number of decisions sustained as compared to all the decisions
3 appealed to the commissioner's office.

4 * **Sec. 137. DRev - Division of Administrative Services.** (a) The mission of the Division
5 of Administrative Services is to provide support services for departmental programs.

6 (b) The legislature intends to measure the success of the division in achieving its
7 mission by considering

8 (1) the percentage of employee grievances that are overturned by a hearing
9 officer from the Department of Administration or by an arbitrator;

10 (2) the percentage of employee complaints and grievances filed at the
11 departmental level that are resolved at that level;

12 (3) the cost of administrative services as compared to the total personnel costs
13 for the department;

14 (4) the number and amount of late penalties assessed for payroll or vendor
15 payment;

16 (5) the number of audit exceptions resolved for the department.

17 * **Sec. 138. DRev - Permanent Fund Dividend Division.** (a) The mission of the
18 Permanent Fund Dividend Division is to administer the permanent fund dividend program.

19 (b) The legislature intends to measure the success of the division in achieving its
20 mission by considering

21 (1) the percentage of dividend payments sent out on time to eligible
22 applicants;

23 (2) the average time taken to process dividend applications;

24 (3) the average time taken to resolve informal appeals;

25 (4) the average number of applications in review at the time of the dividend
26 calculation;

27 (5) the number of application denials upheld on appeal;

28 (6) the cost to administer the program compared to the number of applications
29 processed.

30 * **Sec. 139. DRev - Alaska Mental Health Trust Authority.** (a) The mission of the
31 Alaska Mental Health Trust Authority is to ensure access to comprehensive and integrated

1 mental health programs.

2 (b) The legislature intends to measure the success of the authority in achieving its
3 mission by considering

- 4 (1) the amount of revenue from land and cash;
5 (2) the percentage of trust income disbursed for mental health programs;
6 (3) the number of partners and the amount of money from mental health trust
7 programs received from funding partners.

8 **Article 14. Department of Transportation and Public Facilities.**

9 * **Sec. 140. Department of Transportation and Public Facilities.** The mission of the
10 Department of Transportation and Public Facilities is to develop, operate, maintain, and
11 manage facilities, vehicles, and transportation modes.

12 * **Sec. 141. DOT/PF - Office of the Commissioner.** (a) The mission of the Office of the
13 Commissioner is to provide support and policy direction to the divisions within the
14 department.

15 (b) The legislature intends to measure the success of the office in achieving its
16 mission by considering the percentage of

- 17 (1) divisions that reach assigned performance measures;
18 (2) state national highway system lane miles of road that meet standards of the
19 American Association of State Highway Transportation Officials;
20 (3) requested engineering firm audits and desk reviews completed in the
21 previous fiscal year;
22 (4) required compliance reviews for responsiveness to disadvantaged business
23 enterprise and on-the-job training contract requirements completed;
24 (5) the average time taken to respond to complaints and questions that have
25 been elevated to the commissioner's office.

26 * **Sec. 142. DOT/PF - Division of Administrative Services.** (a) The mission of the
27 Division of Administrative Services is to support the department's operations with
28 administrative support and information technology.

29 (b) The legislature intends to measure the success of the division in achieving its
30 mission by considering

- 31 (1) whether the average time for payment to vendors is 29 days or less;

1 (2) how long it takes the division to process a purchase request before the
2 order is placed;

3 (3) the percentage of protests and claims appealed to the commissioner that
4 courts overturned during the fiscal year;

5 (4) the percentage reduction in payroll calculation errors.

6 * **Sec. 143. DOT/PF - Division of Statewide Planning.** (a) The mission of the Division
7 of Statewide Planning is to optimize state and federal investment in transportation projects.

8 (b) The legislature intends to measure the success of the division in achieving its
9 mission by considering

10 (1) the number and dollar value of planned projects that are constructed as a
11 percentage of the value of projects on the needs list and the number proposed;

12 (2) the percentage of required federal planning, programming, and data
13 collection completed and accepted by the United States Department of Transportation on a
14 federal fiscal year basis;

15 (3) the number of motor vehicle crashes during the fiscal year at which serious
16 injury or fatality occurred.

17 * **Sec. 144. DOT/PF - Division of Statewide Design and Engineering Services.** (a) The
18 mission of the Division of Statewide Design and Engineering Services is to develop projects
19 that improve Alaska's transportation and public facilities infrastructure.

20 (b) The legislature intends to measure the success of the division in achieving its
21 mission by considering

22 (1) the percentage of federal highway funds obligated in the previous federal
23 fiscal year;

24 (2) the percentage of projects in the capital budget that have been bid in the
25 year programmed;

26 (3) the percentage of total project costs spent on project development;

27 (4) the percentage difference between final project estimates and construction
28 bids,

29 (5) whether the department is successful in requiring private contractors
30 performing design and engineering services for the state to report on the same measures;

31 (6) the percentage of the design and engineering work of the division that was

1 performed by private contractors.

2 * **Sec. 145. DOT/PF - Division of Construction and CIP Support.** (a) The mission of
3 the Division of Construction and CIP Support is to administer state construction projects.

4 (b) The legislature intends to measure the success of the division in achieving its
5 mission by considering the percentage of the total construction costs that were spent on

6 (1) contract administration;

7 (2) change orders.

8 * **Sec. 146. DOT/PF - Public facilities.** (a) The mission of the department with respect to
9 public facilities is to manage, operate, and maintain state public facilities.

10 (b) The legislature intends to measure the success of the department in achieving its
11 mission with respect to public facilities by considering

12 (1) whether the net value of facilities deferred maintenance increases or
13 decreases annually;

14 (2) the percentage of facility mechanical systems that pass safety inspections
15 each year;

16 (3) the percentage of rural airport leases that are renewed or newly leased at
17 fair market value during the fiscal year;

18 (4) the transfer of state-owned ports and harbors to local control.

19 * **Sec. 147. DOT/PF - Equipment fleet.** (a) The mission of the department with respect to
20 the equipment fleet is to allocate, maintain, and manage state-owned vehicles, equipment, and
21 attachments for safe and appropriate use.

22 (b) The legislature intends to measure the success of the department in achieving its
23 mission with respect to the equipment fleet by considering

24 (1) whether 80 percent of the fleet wet rentals are returned to the division as
25 scheduled for preventive maintenance on or before June 30 of the fiscal year;

26 (2) the average down time for light duty, actively used equipment in urban
27 areas;

28 (3) the number of locations of the state equipment fleet whose rates are equal
29 to or less than the rental rates published in industry guide books.

30 * **Sec. 148. DOT/PF - Division of Measurement Standards and Commercial Vehicle**
31 **Enforcement.** (a) The mission of the Division of Measurement Standards and Commercial

1 Vehicle Enforcement is to protect the traveling public, preserve the state's transportation
2 infrastructure, and protect consumers' interests in weight and measurement transactions.

3 (b) The legislature intends to measure the success of the division in achieving its
4 mission by considering

5 (1) safety inspections per full-time-equivalent employee of the division;

6 (2) weighing and measuring device inspections conducted per full-time-
7 equivalent employee of the division.

8 * **Sec. 149. DOT/PF - Highway maintenance and operations.** (a) The mission of the
9 department with respect to highway maintenance and operations is to maintain, protect, and
10 control the state's highway system.

11 (b) The legislature intends to measure the success of the department in achieving its
12 mission with respect to highway maintenance and operations by considering

13 (1) the number of miles of gravel roads that are surfaced with chip seal, hot
14 mix, or high float asphalt for the first time, reported regionally;

15 (2) the percentage of highway and airport lane miles per full-time-equivalent
16 employee compared to the average of member states of the Western Association of State
17 Highway and Transportation Officials;

18 (3) the number of miles of road maintenance for which responsibility is
19 transferred to local governments;

20 (4) whether the department fully implements the maintenance management
21 system statewide by June 30, 2003.

22 * **Sec. 150. DOT/PF - Aviation.** (a) The mission of the department with respect to
23 aviation is to improve, maintain, and operate state and international airports.

24 (b) The legislature intends to measure the success of the department in achieving its
25 mission with respect to aviation by considering

26 (1) whether the department maintains the pavement condition index (PCI) at
27 70 for runways and 60 for taxiways and aprons at every applicable rural airport 99 percent of
28 the time;

29 (2) whether the department completes the environmental impact statement
30 phase on the Ketchikan Airport Access by December 31, 2001;

31 (3) the percentage of private maintenance contracts at noncertified airports

1 compared to the total number of noncertified airports;

2 (4) whether the department maintains the 100 percent pass level of annual
3 federal airport certification inspections for response and safety standards set out in federal
4 aviation regulations;

5 (5) the annual increase or decrease, expressed as a percentage, in cargo
6 landings at the international airports measured on a three-year rolling average;

7 (6) whether the department completes the Gateway Alaska Terminal
8 Redevelopment Project by September 1, 2004;

9 (7) the percentage of airports that have a Federal Aviation Administration
10 approved airport layout plan.

11 * **Sec. 151. DOT/PF - Marine Highway System.** (a) The mission of the Alaska Marine
12 Highway System is to assist in meeting the transportation needs of the traveling public and the
13 communities served by the system.

14 (b) The legislature intends to measure the success of the system in achieving its
15 mission by considering

16 (1) the percentage of times that vessels depart on time;

17 (2) the revenue per rider mile divided by the operational costs per rider mile;

18 (3) the total ridership, including passengers and vehicles, compared to the
19 five-year ridership average;

20 (4) the average onboard revenue per passenger, including cabin occupancy,
21 food, beverage, and other sources of revenue;

22 (5) the percentage of persons served who are satisfied customers.

23 **Article 15. University of Alaska.**

24 * **Sec. 152. University of Alaska.** (a) The mission of the University of Alaska is to
25 respond to the educational needs of all Alaskans and to enhance Alaska's economy by
26 fostering and promoting

27 (1) a high quality postsecondary educational system;

28 (2) appropriate vocational education development and training;

29 (3) advancement and extension of knowledge, learning, and culture; and

30 (4) the application of new knowledge and emerging technologies to meet the
31 needs of the state.

1 (b) The legislature intends to measure the success of the University of Alaska in
2 achieving its mission by considering

3 (1) the number and percentage of total Alaska high school graduates who

4 (A) attend the University of Alaska;

5 (B) attend the University of Alaska as Alaska Scholars; and

6 (C) stay in Alaska one year, five years, and 10 years after graduation
7 from the University;

8 (2) the percentage of students graduating with degrees in teacher education,
9 health careers, process technology, transportation and logistics, information technology, and
10 other high demand job areas;

11 (3) the number of University of Alaska graduates, by community of origin and
12 by community of current employment, who are

13 (A) new teachers;

14 (B) new principals;

15 (C) new superintendents;

16 (4) the number and percentage of total credit hours and courses offered by
17 distance delivery;

18 (5) the cost per credit hour delivered by distance delivery;

19 (6) the pre-training wage as compared to the post-training wage for vocational
20 education graduates;

21 (7) the amount of research grants in arctic biology, climate change, resource
22 development, fisheries and ocean science, logistics, geosciences, and atmospheric sciences;

23 (8) the number of graduate students whose education is funded by research
24 grants;

25 (9) the occurrences of applied research benefiting the state's economy;

26 (10) the quality of research as measured by annual citation and significant
27 publications in referred journals;

28 (11) the graduation and retention rate of full-time-equivalent students in
29 degree programs;

30 (12) the comparative scores of students who take professional examinations.

31 **Article 16. Miscellaneous Provisions.**

1 * **Sec. 153. Immunity from Suit.** The state and its agents and employees are immune from
2 suit that is based upon accomplishing or failing to accomplish a mission statement or
3 performance measure contained in this Act.

4 * **Sec. 154.** This Act takes effect July 1, 2001.

House Bill 250 Missions & Measures

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HB 250

Sponsor Statement

April 25, 2001

House Bill 250 is the process we use to establish the mission of various state agencies. We also establish the measures against which the agencies will be measured. This bill is a result of extensive committee work and reflects the legislature's expectation of the performance of state government.

Basically, this is a format that lets the Legislature and all Alaskans get an answer to the question, "Are we getting the best return on our investment."

HB 250 is a continuing step in a process begun by the Legislative Majorities almost 5 years ago. It is a process that requires continuing review and dedication to monitoring the activities and accomplishments of state agencies.

These missions and measures will help the Legislature determine which agencies are moving toward accomplishing the goals and which are not. This information will be used to guide budget decisions. Activities that are efficient and focused at the correct target will receive favorable consideration. Agencies that are not moving in an appropriate direction or are not improving efficiency will be addressed in the budget process.

This is a key part of any long-range fiscal plan. We must assure Alaskans that the funds state government has are being spent effectively, before we dare ask them for additional funds.

House Bill 250 provides the ability to hold state government accountable for the public funds we are currently investing.

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FOR IMMEDIATE RELEASE: April 27, 2001

CONTACT: Rep. Eldon Mulder (907) 465-2647

House Bill Renews Missions and Measures **HB 250 Continues Benefits of Results-Based Budgeting to Alaska**

(JUNEAU) – State government agencies would continue to be held responsible for defining their missions, and measuring how well they use state funds to provide value for Alaskans, under a bill the House approved unanimously today.

Sponsored by the House Finance Committee, House Bill 250 establishes "missions and measures" for state government for the 2002 fiscal year starting June 30. It continues the Legislature's five year-effort to ensure that the money invested in government provides Alaskans with the biggest bang for the buck, said Rep. Eldon Mulder (R-Anchorage), co-chair of the House Finance Committee.

"This bill provides some level of assurance to the Alaska public that they are getting a good deal for the money they invest in these programs," Mulder said. "And, if they're not, it allows us the opportunity to scrutinize those programs and perhaps make adjustments to either refocus the program or redirect the funds to other programs."

As declines in oil production have reduced the funds available for discretionary spending, the Legislature has implemented missions and measures to enhance accountability as an important foundation to the state's long-range fiscal health. Before considering asking residents for additional funds, the Legislature must provide assurances state government is spending public money wisely.

The Republican Majority's multi-year effort to integrate missions and measures into state budgeting process has benefited not only the public that depends on state services, but also the public employees that provide them, said Mulder. He cited the Department of Transportation and Public Facilities, which has been able to demonstrate that its road maintenance program is significantly more effective than those of other states.

"Missions and measures are a success for the people of Alaska," Mulder said. "We've got departments, divisions and programs to think more directly about what it is they're trying to do and how they're providing that service, and I think it's made them more effective in the way they've been able to deliver those services."

HB 250 moves next to the Senate for consideration.

###

Broadcasters note: Comments are available on the Majority Actuality Line 1-800-478-6540

HB

252

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 252(HES)
 (H) Publish Date: 2/25/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Health & Social Services
 Title: RELATING TO CONSTRUCTION OF THE CINA STATUTES AND SCOPE OF DUTY FOR SOCIAL WORKERS BRU: Family and Youth Services
 Component: FYS Management
 Sponsor: COGHILL
 Requestor: HOUSE (HES) Component Number: 2306

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	80.0	50.0	50.0			
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	80.0	50.0	50.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	80.0	50.0	50.0			
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--do not abbreviate)						
TOTAL	80.0	50.0	50.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The intent of this proposed legislation appears to be one that is in line with the department's desire to provide support to families who can benefit from it, and to improve safety and well being of children. Intensive Family Preservation services are provided in many communities across the nation. These programs work intensely with a small number of families, for a short period of time, to help the family through a threatening time of crisis. Intensive Family Preservation services can be beneficial in preventing children from entering protective custody, and in reducing the amount of time children spend in protective custody. These services have limits in their appropriateness and effectiveness.

Currently, DFYS receives federal and state funds to provide family support, family preservation and time

Prepared by: Theresa Tanoury, Director Phone 465-3191
 Division: Family & Youth Services Date/Time 02/22/2002
 Approved by: Elmer A. Lindstrom, Deputy Commissioner Date 02/22/2002
 Agency: Department of Health & Social Services

For distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

BILL NO. CSHB 252(HES)

ANALYSIS CONTINUATION

ANALYSIS CONTINUED:

limited family reunification services. These funds are disbursed through the grant process to 26 agencies in communities throughout Alaska.

The legislation obligates the division to consider using Intensive Family Preservation services when and where available; and it allows the division to determine the appropriateness of the services.

The legislation also states an expectation that the department will research and pursue outside funding to develop these services. The detailed prospective study (which includes development and training), data analysis, and projection process will need to be completed by an outside source with specific expertise. This fiscal note is for the expected cost of this process. Funding to cover the cost of this process is requested for three years. Cost covers expenses related to the required study. Since the CS HB252 allows phase in of these services to occur, the department will spend first year funding on developing and training for intensive family preservation services.

Adopted

AMENDMENT 1

Representative Hudson

CS HB 252 (FIN)
22-LS0454\R
In the House Finance Committee

Page 7, line 4 (no change recommended Sec. 7 would be effective 90 days from passage of legislation, Dept. would like speak to the language)

Page 7, line 5

Delete "Sections 3 - 6 and 8 - 10 of this Act take effect July 1, 2002."

Insert "Sections 3 - 6, and 9 of this Act take effect July 1, 2003."

Insert new Sec. 13. as follows:

Section 8 and 10 of the Act take effect July 1, 2002.

*Adopted
4/15/02*

22-LS0454\R
Lauterbach
4/12/02

CS FOR HOUSE BILL NO. 252(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES COGHILL, Dyson, Foster, Whitaker, Cissna

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the construction of certain statutes relating to children; relating to
2 the scope of duty and standard of care for persons who provide services to certain
3 children and families; relating to liability for failure to meet certain statutory time
4 deadlines; relating to intensive family preservation services; and providing for an
5 effective date."

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

7 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT. By the amendment of AS 47.10.005 in sec. 2 of this Act,
10 the legislature intends to express its recognition that parents possess inherent, individual rights
11 to direct and control the education and upbringing of their children.

12 * Sec. 2. AS 47.10.005 is amended to read:

13 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be

1 liberally construed to the end that a child coming within the jurisdiction of the court
2 under this chapter may receive the care, guidance, treatment, and control that will
3 promote the best interests of the child, including the parents' participation in the
4 child's upbringing [CHILD'S WELFARE].

5 * Sec. 3. AS 47.10.086(a) is amended to read:

6 (a) Except as provided in (b) and (c) of this section, the department shall make
7 timely, reasonable efforts to provide family support services to the child and to the
8 parents or guardian of the child that are designed to prevent out-of-home placement of
9 the child or to enable the safe return of the child to the family home, when appropriate,
10 if the child is in an out-of-home placement. Within appropriations identified by the
11 department for the specific purpose of intensive family preservation services, the
12 department shall also offer intensive family preservation services when those
13 services are available and the child's safety in the home can be maintained during
14 the time the services are provided. The department's duty to make reasonable
15 efforts under this subsection to provide family support services includes the duty to

16 (1) identify family support services that will assist the parent or
17 guardian in remedying the conduct or conditions in the home that made the child a
18 child in need of aid;

19 (2) actively offer the parent or guardian, and refer the parent or
20 guardian to, the family support services identified under (1) of this subsection; the
21 department shall refer the parent or guardian to community-based family support
22 services whenever community-based services are available and desired by the parent
23 or guardian; and

24 (3) document the department's actions that are taken under [(1) AND
25 (2) OF] this subsection; the documentation required under this paragraph must
26 include

27 (A) documentation about whether intensive family
28 preservation services were appropriate, offered, used, or available to the
29 family; and

30 (B) if intensive family preservation services were
31 appropriate or offered to the family, enumeration of the reasons specific

1 to the case explaining why intensive family preservation services were
2 appropriate or offered.

3 * Sec. 4. AS 47.10.086(b) is amended to read:

4 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(l)
5 that a parent or guardian has not sufficiently remedied the parent's or guardian's
6 conduct or the conditions in the home despite reasonable efforts made by the
7 department in accordance with this section, the court may conclude that continuation
8 of reasonable efforts of the type described in (a) of this section are not in the best
9 interests of the child. The department shall then make reasonable efforts to place the
10 child in a timely manner in accordance with the permanent plan and to complete
11 whatever steps are necessary to finalize the permanent placement of the child. If the
12 court concludes that continuation of reasonable efforts of the type described in
13 (a) of this section are not in the best interests of the child and intensive family
14 preservation services were not provided in the case, the court shall enumerate in
15 the record the reasons the services were not provided.

16 * Sec. 5. AS 47.10.142(b) is amended to read:

17 (b) The department shall offer available counseling services and intensive
18 family preservation services to the person having legal custody of a minor described
19 in AS 47.10.141 and to the members of the minor's household if it determines that
20 counseling services or intensive family preservation services would be appropriate
21 in the situation. If, after assessing the situation, offering available [COUNSELING]
22 services to the legal custodian and the minor's household, and furnishing appropriate
23 social services to the minor, the department considers it necessary, the department
24 may take emergency custody of the minor.

25 * Sec. 6. AS 47.10 is amended by adding new sections to read:

26 **Article 3A. Intensive Family Preservation Services.**

27 **Sec. 47.10 300. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
28 the department shall, within appropriations available for intensive family preservation
29 services, develop and implement intensive family preservation services systematically
30 and over time, with the ultimate goal of providing intensive family preservation
31 services on a statewide basis. The department may provide the services directly or

1 through contracts with private nonprofit providers.

2 **Sec. 47.10.510. Standards for providers.** The department shall develop
3 measurable standards that must be met by a provider before a contract may be
4 awarded to, or renewed with, the provider under AS 47.10.500.

5 **Sec. 47.10.520. Eligibility for services.** (a) The department may provide
6 intensive family preservation services to a child, the child's family, and other
7 appropriate nonfamily members only if

8 (1) there are no other available means that will prevent out-of-home
9 placement of the child or make it possible to immediately return the child to the child's
10 home; and

11 (2) the child has been placed in out-of-home care or is at actual,
12 imminent risk of out-of-home placement due to

13 (A) child abuse or neglect;

14 (B) a serious threat of substantial harm to the child's health,
15 safety, or welfare; or

16 (C) any other factor that could lead to out-of-home placement.

17 (b) The department need not provide services to an otherwise eligible family if

18 (1) services are not available in the community in which the family
19 resides;

20 (2) services cannot be provided because the program is filled to
21 capacity;

22 (3) the family refuses the services;

23 (4) the child's case plan does not include reunification of the child and
24 family; or

25 (5) the safety of a child, a family member, or a person providing the
26 services would be threatened.

27 **Sec. 47.10.530. Solicitation of funding sources.** The department shall solicit
28 federal and private resources that may be available to fund intensive family
29 preservation services.

30 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family
31 preservation services" and "services" mean intensive family preservation services, as

1 defined in AS 47.10.990.

2 * Sec. 7. AS 47.10.960 is repealed and reenacted to read:

3 Sec. 47.10.960. Limitation on civil liability. The state and the state's
4 employees and agents may not be held civilly liable for money damages for failure to
5 perform a duty imposed under this chapter solely on the basis that the duty was not
6 performed within a time period specified under this chapter.

7 * Sec. 8. AS 47.10.990 is amended by adding a new paragraph to read:

8 (28) "intensive family preservation services" means services provided
9 to a family with a child who is in an out-of-home placement or is at imminent risk of
10 out-of-home placement that

11 (A) are designed to address problems creating the need for out-
12 of-home placement by assisting the family to improve parental and household
13 management competence, solve day-to-day practical problems that contribute
14 to family stress, identify the factors that created the risk of out-of-home
15 placement, and participate in the development of the family's case plan so as to
16 improve parental performance and enhance functioning of the family unit; and

17 (B) have the following characteristics:

18 (i) are offered at the family's option;

19 (ii) are provided in the family's home;

20 (iii) are available 24 hours a day and seven days a
21 week;

22 (iv) are provided within 24 hours of initial contact for
23 assistance;

24 (v) are provided on a time-limited basis by a single case
25 worker whose caseload is congruent with intensive family preservation
26 services standards established by the Child Welfare League of
27 America; caseloads shall be kept low to allow for the necessary intense
28 level of interaction with the family, and the services shall be most
29 intensive at the time of crisis; and

30 (vi) may, in appropriate instances and subject to
31 available appropriations, include monetary assistance for special needs

1 of the family, such as to obtain food, shelter, or clothing or to purchase
2 other goods or services that will enhance the effectiveness of other
3 services offered to help preserve the family.

4 * Sec. 9. AS 47.17.030(d) is amended to read:

5 (d) Before the department or a local government health or social services
6 agency may seek the termination of parental rights under AS 47.10, it shall offer
7 protective social services and pursue all other reasonable means of protecting the
8 child. The department or agency shall also consider the eligibility of the child
9 and family for intensive family preservation services under AS 47.10.500 -
10 47.10.590.

11 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 STUDY. (a) The Department of Health and Social Services shall conduct a study in
14 at least one region of the state in order to

15 (1) develop a valid and reliable process for accurately identifying clients who
16 are eligible for intensive family preservation services;

17 (2) collect data on which to base projections of service needs, budget requests,
18 and long-range planning related to intensive family preservation services;

19 (3) develop regional and statewide projections of needs for intensive family
20 preservation services;

21 (4) develop a cost estimate for implementation and expansion of intensive
22 family preservation services on a statewide basis;

23 (5) develop a long-range plan and time frame for ultimately making intensive
24 family preservation services available to all eligible families; and

25 (6) collect data regarding the number of children in foster care, group care,
26 institutional care, and other out-of-home care due to medical needs, mental health needs,
27 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
28 intensive family preservation services eligibility to include all of these children.

29 (b) By November 30, 2004, the Department of Health and Social Services shall
30 submit a report to the governor describing the study required under this section and including
31 the department's conclusions and recommendations that are based on the study. The

1 department shall notify the legislature that the report is available.

2 (c) In this section, "intensive family preservation services" has the meaning given in
3 AS 47.10.990.

4 * Sec. 11. Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

5 * Sec. 12. Sections 3 - 6 and ~~8 - 10~~⁹ of this Act take effect July 1, 200~~3~~².

Failed
2-8

4/15/02

Amendment 2

OFFERED IN THE HOUSE FINANCE COMMITTEE BY: REP. CROFT

TO: CSHB 252 (FIN)

Page 5, lines 3 – 6, delete all text

Page 5 Line 3 Insert:

“Sec. 47.10.960. Duty and standard of care. The department owes a duty to exercise reasonable care toward children in its custody under this chapter. Failure to comply with a provision of this title does not constitute a basis for civil liability for damages to children and their families being served under AS 47.10.”

HOUSE FINANCE COMMITTEE

DATE: _____

BILL NUMBER: _____

#2

MEMBER

YES

NO

WHITAKER		✓
BUNDE		✓
CROFT	✓	
DAVIES	✓	
FOSTER		✓
HARRIS		✓
HUDSON		✓
LANCASTER		✓
MOSES		—
WILLIAMS		✓
MULDER		✓

2 0

22-LS0454\B
Lauterbach
4/2/02

adopted 4-4-02

CS FOR HOUSE BILL NO. 252()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the construction of certain statutes relating to children; relating to
2 the scope of duty and standard of care for persons who provide services to certain
3 children and families; relating to intensive family preservation services; and providing
4 for an effective date."

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

6 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 **LEGISLATIVE INTENT.** By the amendment of AS 47.10.005 in sec. 2 of this Act,
9 the legislature intends to express its recognition that parents possess inherent, individual rights
10 to direct and control the education and upbringing of their children.

11 * Sec. 2. AS 47.10.005 is amended to read:

12 **Sec. 47.10.005. Construction.** The provisions of this chapter shall be
13 liberally construed to the end that a child coming within the jurisdiction of the court
14 under this chapter may receive the care, guidance, treatment, and control that will

1 promote the best interests of the child, including the parents' participation in the
2 child's upbringing [CHILD'S WELFARE].

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7 the child or to enable the safe return of the child to the family home, when appropriate,
8 if the child is in an out-of-home placement. Within appropriations identified by the
9 department for the specific purpose of intensive family preservation services, the
10 department shall also offer intensive family preservation services when those
11 services are available and the child's safety in the home can be maintained during
12 the time the services are provided. The department's duty to make reasonable
13 efforts under this subsection to provide family support services includes the duty to

14 (1) identify family support services that will assist the parent or
15 guardian in remedying the conduct or conditions in the home that made the child a
16 child in need of aid;

17 (2) actively offer the parent or guardian, and refer the parent or
18 guardian to, the family support services identified under (1) of this subsection; the
19 department shall refer the parent or guardian to community-based family support
20 services whenever community-based services are available and desired by the parent
21 or guardian; and

22 (3) document the department's actions that are taken under [(1) AND
23 (2) OF] this subsection: the documentation required under this paragraph must
24 include

25 (A) documentation about whether intensive family
26 preservation services were appropriate, offered, used, or available to the
27 family; and

28 (B) if intensive family preservation services were
29 appropriate or offered to the family, enumeration of the reasons specific
30 to the case explaining why intensive family preservation services were
31 appropriate or offered.

1 * Sec. 4. AS 47.10.086(b) is amended to read:

2 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(1)
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4 conduct or the conditions in the home despite reasonable efforts made by the
5 department in accordance with this section, the court may conclude that continuation
6 of reasonable efforts of the type described in (a) of this section are not in the best
7 interests of the child. The department shall then make reasonable efforts to place the
8 child in a timely manner in accordance with the permanent plan and to complete
9 whatever steps are necessary to finalize the permanent placement of the child. If the
10 court concludes that continuation of reasonable efforts of the type described in
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18 counseling services or intensive family preservation services would be appropriate
19 in the situation. If, after assessing the situation, offering available [COUNSELING]
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21 social services to the minor, the department considers it necessary, the department
22 may take emergency custody of the minor.

23 * Sec. 6. AS 47.10 is amended by adding new sections to read:

24 **Article 3A. Intensive Family Preservation Services.**

25 **Sec. 47.10.500. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
26 the department shall, within appropriations available for intensive family preservation
27 services, develop and implement intensive family preservation services systematically
28 and over time, with the ultimate goal of providing intensive family preservation
29 services on a statewide basis. The department may provide the services directly or
30 through contracts with private nonprofit providers.

31 **Sec. 47.10.510. Standards for providers.** The department shall develop

1 measurable standards that must be met by a provider before a contract may be
2 awarded to, or renewed with, the provider under AS 47.10.500.

3 **Sec. 47.10.520. Eligibility for services.** (a) The department may provide
4 intensive family preservation services to a child, the child's family, and other
5 appropriate nonfamily members only if

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7 placement of the child or make it possible to immediately return the child to the child's
8 home; and

9 (2) the child has been placed in out-of-home care or is at actual,
10 imminent risk of out-of-home placement due to

11 (A) child abuse or neglect;

12 (B) a serious threat of substantial harm to the child's health,
13 safety, or welfare; or

14 (C) any other factor that could lead to out-of-home placement.

15 (b) The department need not provide services to an otherwise eligible family if

16 (1) services are not available in the community in which the family
17 resides;

18 (2) services cannot be provided because the program is filled to
19 capacity;

20 (3) the family refuses the services;

21 (4) the child's case plan does not include reunification of the child and
22 family; or

23 (5) the safety of a child, a family member, or a person providing the
24 services would be threatened.

25 **Sec. 47.10 530. Solicitation of funding sources.** The department shall solicit
26 federal and private resources that may be available to fund intensive family
27 preservation services.

28 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family
29 preservation services" and "services" mean intensive family preservation services, as
30 defined in AS 47.10.990.

31 * Sec. 7. AS 47.10.990 is amended by adding a new paragraph to read:

1 (28) "intensive family preservation services" means services provided
2 to a family with a child who is in an out-of-home placement or is at imminent risk of
3 out-of-home placement that

4 (A) are designed to address problems creating the need for out-
5 of-home placement by assisting the family to improve parental and household
6 management competence, solve day-to-day practical problems that contribute
7 to family stress, identify the factors that created the risk of out-of-home
8 placement, and participate in the development of the family's case plan so as to
9 improve parental performance and enhance functioning of the family unit; and

10 (B) have the following characteristics:

11 (i) are offered at the family's option;

12 (ii) are provided in the family's home;

13 (iii) are available 24 hours a day and seven days a
14 week;

15 (iv) are provided within 24 hours of initial contact for
16 assistance;

17 (v) are provided on a time-limited basis by a single case
18 worker whose caseload is congruent with intensive family preservation
19 services standards established by the Child Welfare League of
20 America; caseloads shall be kept low to allow for the necessary intense
21 level of interaction with the family, and the services shall be most
22 intensive at the time of crisis; and

23 (vi) may, in appropriate instances and subject to
24 available appropriations, include monetary assistance for special needs
25 of the family, such as to obtain food, shelter, or clothing or to purchase
26 other goods or services that will enhance the effectiveness of other
27 services offered to help preserve the family.

28 * Sec. 8. AS 47.17.030(d) is amended to read:

29 (d) Before the department or a local government health or social services
30 agency may seek the termination of parental rights under AS 47.10, it shall offer
31 protective social services and pursue all other reasonable means of protecting the

1 child. The department or agency shall also consider the eligibility of the child
2 and family for intensive family preservation services under AS 47.10.500 -
3 47.10.590.

4 * Sec. 9. AS 47.10.960 is repealed.

5 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 STUDY. (a) The Department of Health and Social Services shall conduct a study in
8 at least one region of the state in order to

9 (1) develop a valid and reliable process for accurately identifying clients who
10 are eligible for intensive family preservation services;

11 (2) collect data on which to base projections of service needs, budget requests,
12 and long-range planning related to intensive family preservation services;

13 (3) develop regional and statewide projections of needs for intensive family
14 preservation services;

15 (4) develop a cost estimate for implementation and expansion of intensive
16 family preservation services on a statewide basis;

17 (5) develop a long-range plan and time frame for ultimately making intensive
18 family preservation services available to all eligible families; and

19 (6) collect data regarding the number of children in foster care, group care,
20 institutional care, and other out-of-home care due to medical needs, mental health needs,
21 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
22 intensive family preservation services eligibility to include all of these children.

23 (b) By November 30, 2004, the Department of Health and Social Services shall
24 submit a report to the governor describing the study required under this section and including
25 the department's conclusions and recommendations that are based on the study. The
26 department shall notify the legislature that the report is available.

27 (c) In this section, "intensive family preservation services" has the meaning given in
28 AS 47.10.990.

29 * Sec. 11. Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

30 * Sec. 12. Sections 3 - 8 and 10 of this Act take effect July 1, 2002.

Scott Calder

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Sec. 47.10.960. Civil liability [DUTY AND STANDARD OF CARE] not created. Failure to comply with a provision of this title or a regulation adopted under this title is not a basis for civil liability, but may be the basis for employee discipline or administrative action authorized by law [NOTHING IN THIS TITLE CREATES A DUTY OR STANDARD OF CARE FOR SERVICES TO CHILDREN AND THEIR FAMILIES BEING SERVED UNDER AS 47.10].

Under 47.10

Amendment #1

is derived under common law

* Sec. 8. AS 47.10.990 is amended by adding a new paragraph to read:

(28) "intensive family preservation services" means services provided to a family with a child who is in an out-of-home placement or is at imminent risk of out-of-home placement that

(A) are designed to address problems creating the need for out-of-home placement by assisting the family to improve parental and household management competence, solve day-to-day practical problems that contribute to family stress, identify the factors that created the risk of out-of-home placement, and participate in the development of the family's case plan so as to improve parental performance and enhance functioning of the family unit; and

(B) have the following characteristics:

- (i) are offered at the family's option;
- (ii) are provided in the family's home;
- (iii) are available 24 hours a day and seven days a week;
- (iv) are provided within 24 hours of initial contact for assistance;

(v) are provided on a time-limited basis by a single case worker whose caseload is congruent with the intensive family preservation services standards [established by the Child Welfare League of America]; caseloads should be kept low to allow for the necessary intense level of interaction with the family, and the services should be most intensive at the time of crisis; and

Amendment #2

(vi) may, in appropriate instances and subject to available appropriations, include monetary assistance for special needs

ALASKA STATE HOUSE OF REPRESENTATIVES

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(907)-456-5081
Fax# (907)-456-8245



Session Contact:

(907)-465-3719
FAX# (907)-465-3258
State Capitol Rm 102
Juneau, AK 99801

REPRESENTATIVE JOHN COGHILL

CSHB 252(FIN) SECTIONAL

Version 1

- Section 1.** Expresses the legislative intent behind sec. 2 of the legislation.
- Section 2.** Changes the standard for construction of statutes in AS 47.10 from a standard promoting "the child's welfare" to a standard promoting "the best interests of the child, including the parents' participation in the child's upbringing.
- Section 3-6.** These sections direct the Department of Health and Social Services to offer, through contract providers, intensive family preservation services to families under certain circumstances. These services will be funded with funding already appropriated for the specific purpose of "intensive family preservation services" (IFPS).
- Section 7.** Defines "intensive family preservation services".
- Section 8.** Provides that before an agency can seek to terminate parental rights, intensive family preservation services must be offered to the parents.
- Section 9.** Repeals AS 47.10.960 which states: "Sec. 47.10.960. Duty and standard of care not created. Nothing in this title creates a duty or standard of care for services to children and their families being served under AS 47.10." AS 47.10 is the Children in Need of Aid Title.
- Section 10.** Directs DHSS to conduct a study in at least one region of the state to develop projections for the need for and the cost of IFPS, develop a long-range plan, and complete a report on the study by November 30, 2004.
- Section 11.** Makes Section 1 and 2 of this legislation effective immediately.
- Section 12.** Makes Section 3 – 6 and 8 – 10 requiring IFPS of this legislation effective July 1, 2002. Section 7 would become effective 90 days after the bill becomes law.

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Session Contact:
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FAX# (907)-465-3258
State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

HB 252 STANDARD OF CARE FOR CINA SERVICES

Sponsor Statement

The two most important goals of HB 252 is to create a standard of care for services offered by DFYS and to keep families together. We must continue our work of balancing child protection with family preservation during government intervention. Parents are held to a standard of care by our state with the threat of losing parental rights if they fail in meeting these standards.

Failing to properly care for children is not just a parental issue. Our State Division of Youth Services also is made up of humans that from time to time may fail in a standard of caring. Therefore HB 252 is requiring that a standard of care be instituted within our State so that each department employee is held to at least the same standard of care that we require of parents in Alaska. Currently under AS 47.10.960 there is no duty or standard of care imposed department employees. The lack of a standard of care obscures the fiduciary duty of the State to the parents and children for which they are making these decisions

HB 252 is introduced with the purpose of recognizing parents in their God given role to raise their children as they see fit. This bill also recognizes that parents fail in varying degrees and the Division of Youth Services is called upon to protect the children while trying to preserve the family. Therefore we are adding the parent's participation in the event of a child coming under court jurisdiction. This legislation also directs DFYS to offer Intensive Family Preservation Services to families who are able to and want to learn the skills necessary to remain together and change the conditions that would mandate the placement of their children. These services would be provided at the family's option and would consist of an intensive short-term intervention to help the family work through the crisis and stabilize. By remaining intact and safe, families can grow strong and overcome their problems together.

The bill also asks for a study to determine a plan for providing statewide services. The study would also include recommendations on solicitation of federal funds and redirection of state funds in order to provide the services and realize a cost-savings.

MR. CHAIRMAN

AS 47.10.960

VIOLATIONS OF PROCEDURAL
TIMELINES IN AS 47.10

DO NOT FORM THE BASIS
FOR CIVIL LIABILITY.

PROPOSED BY BRANT MESSEE
PUBLIC ADVOCATE

HB

252

SFIN

FILE

MAY 12 2002

SENATE FINANCE

SENATE FINANCE COMMITTEE REPORT

FURTHER:

DATE: 5/11/02

DATE TURNED
IN TO OFFICE:

17. May 2002

Finance Committee considered

CS FOR HOUSE BILL NO. 252(RLS)

HB 252 CHILDREN IN NEED OF AID: SERVICES & LIABILITY

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to civil liability for damages to certain children and their families resulting from failure to comply with certain statutes; relating to intensive family preservation services; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 252 (FN)
- adopt previous CS forthcoming ()
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

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

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
LAW	4/30/02		<input checked="" type="checkbox"/>	#2
H&SS	3/22/02	80.0		#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Syda Green</i>	<input checked="" type="checkbox"/>			
<i>William Justice</i>	<input checked="" type="checkbox"/>			
<i>John H. ...</i>	<input checked="" type="checkbox"/>			
<i>Tommy ...</i>	<input checked="" type="checkbox"/>			
<i>...</i>	<input checked="" type="checkbox"/>			
<i>Blair D. ...</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>...</i>	<input checked="" type="checkbox"/>			
COCHAIR: <i>...</i>	<input checked="" type="checkbox"/>			



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 12 May 2002 TIME: 9:30 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
SCS CS 252 (FIN) 22-LS0454\I
Larterbach
5/12/02
no changes
Thx
Mindy

Adopted 5/12/02

WORK DRAFT

WORK DRAFT

WORK DRAFT

22-LS04541
Lauterbach
5/12/02

SENATE CS FOR CS FOR HOUSE BILL NO. 252(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Dyson, Foster, Whitaker, Cissna, McGuire, James
SENATORS Therriault, Davis

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the construction of certain statutes relating to children; relating to
2 the scope of duty and standard of care for persons who provide services to certain
3 children and families; relating to civil liability for damages to certain children and their
4 families resulting from failure to comply with certain statutes; relating to intensive
5 family preservation services; and providing for an effective date."

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

7 * Section 1. The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT. By the amendment of AS 47.10.005 in sec. 2 of this Act,
10 the legislature intends to express its recognition that parents possess inherent, individual rights
11 to direct and control the education and upbringing of their children.

12 * Sec. 2. AS 47.10.005 is amended to read:

1 Sec. 47.10.005. **Construction.** The provisions of this chapter shall be
2 liberally construed to the end that a child coming within the jurisdiction of the court
3 under this chapter may receive the care, guidance, treatment, and control that will
4 promote the best interests of the child, including the parents' participation in the
5 child's upbringing [CHILD'S WELFARE].

6 * Sec. 3. AS 47.10.086(a) is amended to read:

7 (a) Except as provided in (b) and (c) of this section, the department shall make
8 timely, reasonable efforts to provide family support services to the child and to the
9 parents or guardian of the child that are designed to prevent out-of-home placement of
10 the child or to enable the safe return of the child to the family home, when appropriate,
11 if the child is in an out-of-home placement. Within appropriations identified by the
12 department for the specific purpose of intensive family preservation services, the
13 department shall also offer intensive family preservation services when those
14 services are available and the child's safety in the home can be maintained during
15 the time the services are provided. The department's duty to make reasonable
16 efforts under this subsection to provide family support services includes the duty to

17 (1) identify family support services that will assist the parent or
18 guardian in remedying the conduct or conditions in the home that made the child a
19 child in need of aid;

20 (2) actively offer the parent or guardian, and refer the parent or
21 guardian to, the family support services identified under (1) of this subsection; the
22 department shall refer the parent or guardian to community-based family support
23 services whenever community-based services are available and desired by the parent
24 or guardian; and

25 (3) document the department's actions that are taken under [(1) AND
26 (2) OF] this subsection; the documentation required under this paragraph must
27 include

28 (A) documentation about whether intensive family
29 preservation services were appropriate, offered, used, or available to the
30 family; and

31 (B) if intensive family preservation services were

1 appropriate or offered to the family, enumeration of the reasons specific
2 to the case explaining why intensive family preservation services were
3 appropriate or offered.

4 * Sec. 4. AS 47.10.086(b) is amended to read:

5 (b) If the court makes a finding at a hearing conducted under AS 47.10.080(l)
6 that a parent or guardian has not sufficiently remedied the parent's or guardian's
7 conduct or the conditions in the home despite reasonable efforts made by the
8 department in accordance with this section, the court may conclude that continuation
9 of reasonable efforts of the type described in (a) of this section are not in the best
10 interests of the child. The department shall then make reasonable efforts to place the
11 child in a timely manner in accordance with the permanent plan and to complete
12 whatever steps are necessary to finalize the permanent placement of the child. If the
13 court concludes that continuation of reasonable efforts of the type described in
14 (a) of this section are not in the best interests of the child and intensive family
15 preservation services were not provided in the case, the court shall enumerate in
16 the record the reasons the services were not provided.

17 * Sec. 5. AS 47.10.142(b) is amended to read:

18 (b) The department shall offer available counseling services and intensive
19 famiiv preservation services to the person having legal custody of a minor described
20 in AS 47.10.141 and to the members of the minor's household if it determines that
21 counseling services or intensive family preservation services would be appropriate
22 in the situation. If, after assessing the situation, offering available [COUNSELING]
23 services to the legal custodian and the minor's household, and furnishing appropriate
24 social services to the minor, the department considers it necessary, the department
25 may take emergency custody of the minor.

26 * Sec. 6. AS 47.10 is amended by adding new sections to read:

27 **Article 3A. Intensive Family Preservation Services.**

28 **Sec. 47.10.500. Statewide program.** Subject to AS 47.10.510 and 47.10.520,
29 the department shall, within appropriations available for intensive family preservation
30 services, develop and implement intensive family preservation services systematically
31 and over time, with the ultimate goal of providing intensive family preservation

1 services on a statewide basis. The department may provide the services directly or
2 through contracts with private nonprofit providers.

3 **Sec. 47.10.510. Standards for providers.** The department shall develop
4 measurable standards that must be met by a provider before a contract may be
5 awarded to, or renewed with, the provider under AS 47.10.500.

6 **Sec. 47.10.520. Eligibility for services.** (a) The department may provide
7 intensive family preservation services to a child, the child's family, and other
8 appropriate nonfamily members only if

9 (1) there are no other available means that will prevent out-of-home
10 placement of the child or make it possible to immediately return the child to the child's
11 home; and

12 (2) the child has been placed in out-of-home care or is at actual,
13 imminent risk of out-of-home placement due to

14 (A) child abuse or neglect;

15 (B) a serious threat of substantial harm to the child's health,
16 safety, or welfare; or

17 (C) any other factor that could lead to out-of-home placement.

18 (b) The department need not provide services to an otherwise eligible family if

19 (1) services are not available in the community in which the family
20 resides;

21 (2) services cannot be provided because the program is filled to
22 capacity;

23 (3) the family refuses the services;

24 (4) the child's case plan does not include reunification of the child and
25 family; or

26 (5) the safety of a child, a family member, or a person providing the
27 services would be threatened.

28 **Sec. 47.10.530. Solicitation of funding sources.** The department shall solicit
29 federal and private resources that may be available to fund intensive family
30 preservation services.

31 **Sec. 47.10.590. Definition.** In AS 47.10.500 - 47.10.590, "intensive family

1 preservation services" and "services" mean intensive family preservation services, as
2 defined in AS 47.10.990.

3 * Sec. 7. AS 47.10.960 is amended to read:

4 **Sec. 47.10.960. Civil liability [DUTY AND STANDARD OF CARE NOT**
5 **CREATED]. Failure to comply with a provision of [NOTHING IN] this chapter**
6 **does not, by itself, constitute a basis for civil liability for damages [TITLE**
7 **CREATES A DUTY OR STANDARD OF CARE FOR SERVICES] to children and**
8 **their families being served under this chapter [AS 47.10].**

9 * Sec. 8. AS 47.10.990 is amended by adding a new paragraph to read:

10 (28) "intensive family preservation services" means services provided
11 to a family with a child who is in an out-of-home placement or is at imminent risk of
12 out-of-home placement that

13 (A) are designed to address problems creating the need for out-
14 of-home placement by assisting the family to improve parental and household
15 management competence, solve day-to-day practical problems that contribute
16 to family stress, identify the factors that created the risk of out-of-home
17 placement, and participate in the development of the family's case plan so as to
18 improve parental performance and enhance functioning of the family unit; and

19 (B) have the following characteristics:

20 (i) are offered at the family's option;

21 (ii) are provided in the family's home;

22 (iii) are available 24 hours a day and seven days a
23 week;

24 (iv) are provided within 24 hours of initial contact for
25 assistance;

26 (v) are provided on a time-limited basis by a single case
27 worker whose caseload is congruent with intensive family preservation
28 services standards established by the Child Welfare League of
29 America; caseloads shall be kept low to allow for the necessary intense
30 level of interaction with the family, and the services shall be most
31 intensive at the time of crisis; and

1 (vi) may, in appropriate instances and subject to
2 available appropriations, include monetary assistance for special needs
3 of the family, such as to obtain food, shelter, or clothing or to purchase
4 other goods or services that will enhance the effectiveness of other
5 services offered to help preserve the family.

6 * Sec. 9. AS 47.17.030(d) is amended to read:

7 (d) Before the department or a local government health or social services
8 agency may seek the termination of parental rights under AS 47.10, it shall offer
9 protective social services and pursue all other reasonable means of protecting the
10 child. The department or agency shall also consider the eligibility of the child
11 and family for intensive family preservation services under AS 47.10.500 -
12 47.10.590.

13 * Sec. 10. The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 STUDY. (a) The Department of Health and Social Services shall conduct a study in
16 at least one region of the state in order to

17 (1) develop a valid and reliable process for accurately identifying clients who
18 are eligible for intensive family preservation services;

19 (2) collect data on which to base projections of service needs, budget requests,
20 and long-range planning related to intensive family preservation services;

21 (3) develop regional and statewide projections of needs for intensive family
22 preservation services;

23 (4) develop a cost estimate for implementation and expansion of intensive
24 family preservation services on a statewide basis;

25 (5) develop a long-range plan and time frame for ultimately making intensive
26 family preservation services available to all eligible families; and

27 (6) collect data regarding the number of children in foster care, group care,
28 institutional care, and other out-of-home care due to medical needs, mental health needs,
29 developmental disabilities, and juvenile offenses and to assess the feasibility of expanding
30 intensive family preservation services eligibility to include all of these children.

31 (b) By November 30, 2004, the Department of Health and Social Services shall

1 submit a report to the governor describing the study required under this section and including
2 the department's conclusions and recommendations that are based on the study. The
3 department shall notify the legislature that the report is available.

4 (c) In this section, "intensive family preservation services" has the meaning given in
5 AS 47.10.990.

6 * **Sec. 11.** Sections 1 and 2 of this Act take effect immediately under AS 01.10.070(c).

7 * **Sec. 12.** Sections 3 - 6 and 9 of this Act take effect July 1, 2003.

8 * **Sec. 13.** Sections 8 and 10 of this Act take effect July 1, 2002.

ALASKA STATE HOUSE OF REPRESENTATIVES

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State Capitol
Room 102

REPRESENTATIVE JOHN COGHILL

HB 252 STANDARD OF CARE FOR CINA SERVICES Sponsor Statement

We must continue our work of balancing child protection with family preservation during government intervention. Parents are held to a standard of care by our state with the threat of losing parental rights if they fail in meeting these standards.

HB 252 is introduced with the purpose of recognizing parents in their God given role to raise their children as they see fit. This bill also recognizes that parents fail in varying degrees and the Division of Youth Services is called upon to protect the children while trying to preserve the family. Therefore we are adding the parent's participation in the event of a child coming under court jurisdiction.

Failing to properly care for children is not just a parental issue. Our State Division of Youth Services also is made up of humans that from time to time may fail in a standard of caring. Therefore HB 252 is requiring that a standard of care be instituted within our State so that each department employee is held to at least the same standard of care that we require of parents in Alaska.

Since we are invoking police and judicial powers to our agency personnel I believe that a higher standard of duty, conduct and care is needed. Currently under AS 47.10.960 there is no duty or standard of care imposed department employees. The lack of a standard of care obscures the fiduciary duty of the State to the parents and children for which they are making these decisions.

This legislation also directs DFYS to offer Intensive Family Preservation Services to families who are able to and want to learn the skills necessary to remain together and change the conditions that would mandate the placement of their children. These services would be provided at the family's option and would consist of an intensive short-term intervention to help the family work through the crisis and stabilize. By remaining intact and safe, families can grow strong and overcome their problems together.

As was pointed out in testimony in the House Finance Committee, DFYS has "more power over more vulnerable Alaskans than any agency in government." It should therefore be the most accountable.

Children and parents should be able to sue the state when it wrongfully abuses its power. The remedies for children and parents should include both equitable relief (to make the government do the right thing) and recover civil damages for losses because of oppressive government conduct or government's failure to fulfill its duties assigned by the legislature.

The fact that the government is legally liable should make it more alert to assuring that it fulfills its duties to children and families and parents.

In conclusion, this legislation only places in statute what most Alaskans believe is currently the case when government takes a child into custody; they are held accountable for their actions on as close as a level playing field as the parents are held accountable.

Alaska State Legislature



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Session:

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Representative John Coghill

SECTIONAL ANALYSIS: SCS CSHB 252

Version U

Section 1.

Expresses the legislative intent behind section 2 of the legislation.

Section 2.

Changes the standard for construction of statutes in AS 47.10 from a standard promoting "the child's welfare" to a standard promoting "the best interests of the child, including the parents' participation in the child's upbringing".

Section 3-6.

These sections direct the Department of Health and Social Services to offer, through contract providers, intensive family preservation services to families under certain circumstances. These services will be funded with funding already appropriated for the specific purposes of "intensive family preservation services".

Section 7.

Amends AS 47.10.960 DUTY AND STANDARD OF CARE NOT CREATED to state that the department's failure to comply "does not, by itself, constitute a basis for civil liability for damages".

Section 8.

Defines "intensive family preservation services".

Section 9.

Provides that before an agency can seek to terminate parental rights, intensive family preservation services must be offered to the parents.

Section 10.

Directs DHSS to conduct a study in at least one region of the state to develop projections for the need and the cost of intensive family preservation services, develop a long-range plan, and complete a report on the study by November 30, 2004.

Section 11.

Makes sections 1 and 2 effective immediately.

Section 12.

Makes Sections 3-6 and 9, requiring intensive family preservation services, effective July 1, 2003

Section 13.

Makes section 8 and 10 effective July 1, 2002.

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


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 30, 2002

SUBJECT: CSHB 252(RLS) (Work Order No. 22-LS0454\W)

TO: Representative John Coghill
Attn: Rynnieva Moss

FROM: Terri Lauterbach
Legislative Counsel 

The purpose of this memo is to alert you to a potential equal protection problem with the new language used for sec. 7 of CSHB 252(RLS), as added by the House Rules Committee.

The potential equal protection problem arises from the fact that the language refers to failure to comply with a provision of "this title" but civil liability is only limited as to children and their families being served under AS 47.10. Many types of people are covered by AS 47 ("this title"), including longevity bonus recipients, juvenile delinquents, vulnerable adults, child care agencies, people in mental health facilities, and developmentally delayed children, just to name a few. The language in sec. 7 of the CS implies that these other types of people could sue for damages for failure to comply with a provision of AS 47, but families served under AS 47.10 could not. In order to prevail against a constitutional challenge based on the equal protection clause, the legislature would have to give a legitimate governmental reason why families served under AS 47.10 should be treated differently with respect to civil liability than families and individuals served under other chapters of AS 47.

Let me provide an example. Suppose the Department of Health and Social Services misuses public assistance records in violation of AS 47.05.030. If the family involved is not served under AS 47.10, the family could sue the state for damages based on noncompliance with the statute, but could not do so if the family was served under AS 47.10. A court would want to know the basis on which the legislature decided to draw a distinction between the two families.

Here's another example. Suppose a mental health facility administers psychotropic medication to a patient in violation of AS 47.30.836 - 47.30.839. If the patient was a member of a family being served under AS 47.10, the patient could not sue the facility based on noncompliance with the statute, but the patient could sue based on noncompliance with the statute if the patient's family was not being served under AS 47.10. Again, a court would want to know the legislature's reason for this distinction.

Representative John Coghill
April 30, 2002
Page 2

As these two examples also demonstrate, the language of sec. 7 of the CS would remove civil liability for noncompliance with AS 47 not only for the state and the Department of Health and Social Services, but also for other entities covered by AS 47, such as mental health facilities. That's because the language says "Failure to comply..." without stating whose "failure."

If this does not comport with your intent, or if I may be of other assistance, please advise.

TML:pjc
02-051.pjc

Failure by the department to comply with a provision of this chapter does not, by itself, constitute a basis for civil liability for damages to children and their families being served under AS 47.10.

--- specifies "whose" failure so private parties must still follow the law

--- confines to chapter, not whole title, so we're really focusing on CINA families

--- clarifies that only "technical" failures to follow the law can't be sued on, but if damages are shown, there can still be compensation

SENATE COMMITTEE REPORT

DATE: 5/10/02

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/10/02

Judiciary Committee considered CS FOR HOUSE BILL NO. 252(RLS)

HB 252 CHILDREN IN NEED OF AID: SERVICES & LIAB.

"An Act relating to the construction of certain statutes relating to children; relating to the scope of duty and standard of care for persons who provide services to certain children and families; relating to civil liability for damages to certain children and their families resulting from failure to comply with certain statutes; relating to intensive family preservation services; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 252 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

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

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DHSS	2/2/02	✓		1
DAL	4/30/02		✓	2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>	<input checked="" type="checkbox"/>			
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>			

SENATE FINANCE COMMITTEE
HB 252-CHILDREN IN NEED OF AID: SERVICES & LIAB.
SIGN - IN

NAME: Ryanneva Moss Subject/Bill No: HB 252
Co./Dept./Title: Legislative Aide Rep Coghil Phone: 445-3719
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

HB

254

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SSH 254
 (H) Publish Date: 2/22/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Retirement System Tax Qualification BRU Centralized Administrative Services
 Component Retirement and Benefits
 Sponsor Representative James
 Requester House State Affairs Component No. 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will have no fiscal impact. It makes technical changes to the Public Employees', Teachers', and Judicial retirement systems required for compliance with the Internal Revenue Code. Enactment of this legislation will benefit public employees and teachers by allowing them to purchase service credit in their retirement plans with transfers of pre-tax savings in certain plans allowed by the Internal Revenue Code or payroll deductions. The provisions in this legislation allowing such purchases are allowed under new federal pension legislation, but incorporation in Alaska statute is necessary for Alaska public employees and teachers to take advantage of them.

Prepared by: Guy Bell, Director Phone 465-4471
 Division Retirement and Benefits Date/Time February 15, 2002
 Approved by: Jim Duncan, Commissioner Date February 15, 2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SSHB 254
(H) Publish Date: 2/22/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: Retirement System Tax Qualification BRU: Centralized Administrative Services
Component: Retirement and Benefits
Sponsor: Representative James
Requester: House State Affairs Component No. 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will have no fiscal impact. It makes technical changes to the Public Employees', Teachers', and Judicial retirement systems required for compliance with the Internal Revenue Code. Enactment of this legislation will benefit public employees and teachers by allowing them to purchase service credit in their retirement plans with transfers of pre-tax savings in certain plans allowed by the Internal Revenue Code or payroll deductions. The provisions in this legislation allowing such purchases are allowed under new federal pension legislation, but incorporation in Alaska statute is necessary for Alaska public employees and teachers to take advantage of them.

Prepared by: Guy Bell, Director Phone 465-4471
Division: Retirement and Benefits Date/Time February 15, 2002
Approved by: Jim Duncan, Commissioner Date February 15, 2002
Agency: Department of Administration

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

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House of Representatives
House District 34

Sponsor Statement

House Bill 254

TAX-QUALIFIED STATE RETIREMENT SYSTEMS

2/12/02

HB 254 is necessary to ensure tax qualification of the State of Alaska's employee retirement systems, including the Public Employees' Retirement System, the Teachers' Retirement System, and the Judicial Retirement System. This legislation is technical in nature, addressing Internal Revenue Code requirements necessary for continued plan qualification.

Enactment of this legislation will benefit public employees and teachers by allowing them to purchase service credit in their retirement plans with transfers of pre-tax savings in certain plans allowed by the Internal Revenue Code or payroll deductions. The provisions in this legislation allowing such purchases are allowed under new federal pension legislation, but incorporation in Alaska statute is necessary for Alaska public employees and teachers to take advantage of them.

I urge prompt action on this legislation.

passed N/D

22-LS0853\F.1
Craver
2/27/02

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: SSHB 254

1 Page 1, line 6, following "system;":

2 Insert "amending the statutory limitation on payment of warrants to make an
3 exception for warrants making benefit payments or refunds under various state
4 retirement and benefit programs;"

5

6 Page 3, line 3:

7 Delete "AS 14.25.048"

8 Insert "AS 14.25.047 or 14.25.048"

9

10 Page 3, line 5:

11 Delete "AS 14.25.105"

12 Insert "AS 14.20.345, AS 14.25.050, or 14.25.105"

13

14 Page 3, line 17:

15 Delete "AS 14.25.048"

16 Insert "AS 14.20.345, AS 14.25.047, 14.25.048, 14.25.050"

17

18 Page 5, line 13:

19 Delete "AS 14.25.048, 14.25.050"

20 Insert "AS 14.20.345, AS 14.25.047, 14.25.048, 14.25.050, 14.25.060"

21

22 Page 18, line 26:

23 Insert a new bill section to read:

24 "* Sec. 24. AS 37.05.180 is amended to read:

1 **Sec. 37.05.180. Two-year limitation on payment of warrants.** A warrant
 2 upon the state treasury may not be paid unless presented at the office of the
 3 commissioner of revenue within two years of the date of its issuance. A warrant not
 4 presented within that time is considered paid, and money held at the expiration of that
 5 time in a special fund or account for the payment of the warrant shall be transferred to
 6 the general fund, except where the warrant is for the payment of a permanent fund
 7 dividend, a benefit payment or refund under AS 14.25, AS 22.25, AS 26.05,
 8 AS 39.30, AS 39.35, AS 39.37, or AS 39.45, or where transfer is prohibited by the
 9 federal government for state participation in a federal program."
 10

11 Renumber the following bill sections accordingly.

12
 13 Page 20, line 17, following "39.35.370,":

14 Delete "o:"

15
 16 Page 20, line 18, following "AS 39.35.375,":

17 Insert ", or an elected public official who is eligible to purchase credited service under
 18 AS 39.35.381"

19
 20 Page 20, line 30:

21 Delete "or 39.35.375"

22 Insert "39.35.375, or 39.35.381"

23
 24 Page 23, line 1:

25 Delete "or 39.35.375"

26 Insert: "39.35.375, or 39.35.381"

27
 28 Page 23, line 7, following "39.35.370,":

29 Delete "or 39.35.375"

30 Insert "39.35.375, or 39.35.381"

31

1 Page 30, line 21:

2 Delete "sec. 28"

3 Insert "sec. 29"

4

5 Page 30, line 22:

6 Delete "sec. 28"

7 Insert "sec. 29"

8

9 Page 30, line 31:

10 Delete "sec. 33"

11 Insert "sec. 34"

12

13 Page 31, line 3:

14 Delete "sec. 32"

15 Insert "sec. 33"

16

17 Page 31, line 7:

18 Delete "sec. 32"

19 Insert "sec. 33"

20

21 Page 31, line 10:

22 Delete "sec. 28"

23 Insert "sec. 29"

24

25 Page 31, line 14:

26 Delete "sec. 28"

27 Insert "sec. 29"

28

29 Page 31, line 15:

30 Delete "sec. 32"

31 Insert "sec. 33"

Internal Revenue Code Compliance Legislation - House Bill 254
Division of Retirement and Benefits - Section by Section Analysis

Sections 1 - 14 Apply to the Teachers' Retirement System

Section 1 Clarifies that the Teachers' Retirement System (TRS) is intended to be a qualified retirement plan under the Internal Revenue Code. TRS must maintain its qualified status in order to ensure that members receive favorable tax treatment of contributions made on their behalf and of distributions that they receive from the plan. Except as otherwise noted, none of the amendments in this bill will alter current practice.

Section 2 Adds member information handbook as a statutory requirement in TRS. This is current practice.

Section 3 Adds mandatory language relating to Internal Revenue Code requirement that contributions deducted from employee salaries be treated as employer contributions. This requires the contribution to be made by a payroll deduction and not a separate post tax payment that is converted to pre-tax monies. This is necessary for these contributions to be taken pre-tax. This is current practice.

Section 4 Clarifies that employer contributions to TRS include any adjustments to contributions as a result of a change or error made in the contributions made on behalf of an employee. This is current practice.

Section 5 Adds language allowing purchase of service credit in TRS using pre-tax money in other tax deferred plans (from a 403(b) Tax Sheltered Annuity or a 457 Deferred Compensation Plan). It also allows purchase of service credit through pre-tax payroll deductions. The language in this section is drafted to comply with the requirements of the IRS.

Section 6 Adds mandatory language prohibiting TRS from paying benefits in excess of the maximum permitted under section 415 of the Internal Revenue Code and limiting compensation taken into account for plan purposes in accordance with section 401(a)(17) of the Code.

Section 7 Allows direct rollover of TRS employee contribution accounts to an eligible retirement plan. Section 401(a)(30) of the Internal Revenue Code requires qualified plans to permit such rollovers. This is current practice.

Section 8 Conforms the plan's distribution provisions to the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code.

Section 9 Adds reference to change or error in contributions made on behalf of a TRS employee.

Section 10 Specifies that the money in the TRS trust is for the exclusive benefit of the members and their beneficiaries. Specifies what occurs if the system is terminated. These provisions are required by section 401(a)(2) of the Internal Revenue Code.

Section 11 Conforms plan provisions to the requirements of the Uniformed Services Employment and Reemployment Rights Act, under which the plan must treat certain service in the Armed Forces by returning veterans as service with the employer.

Section 12 Conforms plan provisions to the requirement of section 401(a)(25) of the Internal Revenue Code that actuarial assumptions used to determine benefits be specified in writing. A reference to the actuarial tables will be added to the member information handbook.

Section 13 Adds language to the TRS section on qualified domestic relations orders to require reference to the plan to which an order applies.

Section 14 Defines "Internal Revenue Code" and "fiscal year" to conform to IRC requirements.

Sections 15 - 23 Apply to the Judicial Retirement System

Section 15 Allows pre-tax deduction of contributions to the Judicial Retirement System. This is similar to the current practice for PERS, TRS, SBS, and Deferred Compensation.

Section 16 Corrects an erroneous reference in the Judicial Retirement System (JRS) statute to 'compensation' rather than 'retirement pay'.

Section 17 Specifies distributions of monies. Section 401(a)(30) of the Internal Revenue Code requires qualified plans to permit such rollovers. Conforms the plan's distribution provisions to the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code. This section is required to avoid immediate taxation of such rollovers. This is current practice. Adds mandatory language prohibiting JRS from paying benefits in excess of the maximum permitted under section 415 of the Internal Revenue Code and limiting compensation taken into account for plan purposes in accordance with section 401(a)(17) of the Code.

Section 18 Clarifies that the Judicial Retirement System (JRS) is intended to be a qualified retirement plan under the Internal Revenue Code. JRS must maintain its qualified status in order to ensure that members receive favorable tax treatment of contributions made on their behalf and of distributions that they receive from the plan. Except as otherwise noted, none of the amendments in this bill will alter current practice.

Section 19 Corrects an erroneous reference to 'compensation' rather than 'survivors' benefits'.