

ALASKA LEGISLATURE COMMITTEE FILES 1965-1966 6072

3214.63

HHESS

HB

76

-

HB

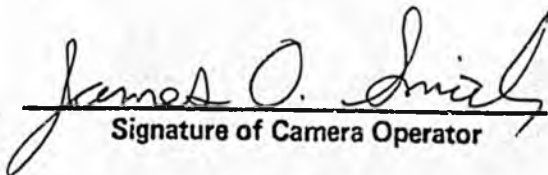
88

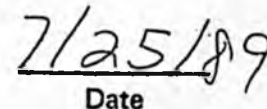
63



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HPB

76

Alaska State Legislature



House of Representatives

REPRESENTATIVE
JOHN L. SUND

Box 644D
KETCHIKAN, ALASKA 99901
(907) 225-5552

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4919

CHAIR, HOUSE SPECIAL COMMITTEE ON LOANS
VICE-CHAIR, JUDICIARY COMMITTEE
MEMBER, SPECIAL COMMITTEE ON OIL AND GAS
MEMBER, RESOURCES COMMITTEE

MEMORANDUM

TO: House HESS Committee

FROM: Representative John Sund

RE: House Bill No. 76

DATE: March 25, 1985

For "An Act making a special appropriation for payment as a grant to the City of Wrangell for remodeling and construction of an addition to the Wrangell General Hospital; and providing for an effective date."

BACKGROUND

This bill would appropriate \$6,000,000 for a payment to the City of Wrangell. The project was originally granted a Certificate of Need in 1981 which permitted an expenditure of \$6.9 million. In 1984 a modification to the Certificate was issued to increase the number of long-term beds by four to a total of 18.

Approval of the Certificate of Need reflects not only approval by Department of Health and Social Services but that of the Southeast Alaska Health Systems Agency. The project is a top priority as listed by the Alaska State Hospital Association.

DESCRIPTION

The project includes the following:

- Extensive remodeling for kitchen, dietary, dining, surgical/delivery suite lockers, birthing room, central sterilizing, emergency, utility, treatment, offices, storage, ultrasound, laboratory, pharmacy, nursery, nurses station, bathing and accessory spaces. The existing semiprivate acute care bedrooms are modified to accommodate isolation, security, recovery, labor, pediatrics, labor and intensive care functions.
- An addition to the south provides waiting, business,

administrative, medical records, utility, physical therapy, activity therapy/dayroom/dining, and longterm bedroom.

- Basic heating, ventilating and electrical systems are extended and upgraded to current standards.
- New paved parking areas, driveways, walkways and related site work.
- New lower level areas including central storage, on-call, divisible conference, suite for mental health, suites for resident and visiting doctors.
- A new grade level area at the north including garage/workshop, maintenance office, laundry suite, housekeeping space, employee lockers, mechanical and emergency generator spaces.

Although the project is programmed to accommodate only immediate needs, the design has flexibility for future requirements and additions.

Justification for this project has existed for a number of years and every effort has been demonstrated by this institution in seeking a responsible and economical response.

Previous appropriations for planning have enabled architectural and engineering work to approach final stages so that the execution of this project may be accomplished without delay.

POSITION STATEMENT

Capital Funding of Health Facilities

Position: State assistance in funding capital needs of health facilities should be a priority of state government. It should be done on a consistent basis with a high degree of productability. We encourage the funding of the following projects in the 1985 Legislative session.

A.	Wrangell General Hospital	6.0 million	✓
B.	Seward General Hospital	8.5 million	✓
C.	Bartlett Memorial Hospital	6.0 million	✓
D.	Central Peninsula Hospital	3.2 million	P. Fischer
E.	Cordova Community Hospital	2.5 million	UNION
F.	Ketchikan General Hospital	0.5 million	
G.	Kodiak Island Hospital	<u>1.3</u> 1.3 million	✓
H.	Norton Sound	Open <u>1986</u>	
I.	Providence House	0.5 million	
J.	South Peninsula	3.0 million	
K.	St. Ann's Nursing Home	<u>.25</u> 0.1 million	✓
L.	Wesleyan Nursing Home	3.0 million	✓

Rationale:

Health facilities are a most important part of the infrastructure of Alaska. They represent not only a source of health care but also a valuable economic resource for the communities they serve. Health is a labor intensive industry with payrolls which are a substantial portion of the purchasing dollars in many communities. Further, well developed health resources are an important consideration in drawing other economic activity to Alaskan communities.

Beyond the local importance, our health facilities serve populations beyond local municipal boundaries. This is because of the highly mobile nature of our population, the volume of tourists in our state and the fact that service areas exceed municipal boundaries.

Process: We encourage inclusion and support of these items in the state's 1985 capital appropriations.

December 6, 1984

FIVE-YEAR CONSTRUCTION PLAN FOR STATE HEALTH PLAN LEVEL III

HOSPITALS AND NURSING HOMES

FACILITY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
Bartlett Memorial Hospital Juneau	long-range plan is complete	_____	\$2,000,000 for design	const. cost to be determined during design phase	_____
✓ Central Peninsula General Hospital Soldotna	Addition & remodel design is complete and construction to begin in 1982	construction is to be completed in FY 84 with borough funds	_____	_____	_____
Cordova Community Hospital & LTCF Cordova	\$1,000,000 for design of new facility	\$13,000,000 for construction of new facility	_____	_____	_____
Faith Hospital Glennallen	Addition & remodel \$1,200,000 for construction of new facility	_____	_____	_____	_____
Ketchikan General Hospital and Island View Manor Ketchikan	new addition & remodeling has been completed	\$50,000 for long-range planning	\$1,000,000 for design	construction costs to be determined during design phase	_____
Kodiak General Hospital & LTCF Kodiak	_____	\$1,000,000 for design	\$10,000,000 for construction	_____	_____
Porton Sound Hospital & LTCF Homer	_____	_____	\$50,000 for long range planning	design costs to be determined in planning phase	construction costs to be determined in planning
✓ Petersburg General Hospital & LTCF Petersburg	\$10,000,000 for construction design to be comp. w/state grant fund	_____	_____	_____	_____
Seward General Hospital Seward	_____	\$40,000 for long range planning	\$1,500,000 for design	\$15,000,000 for construction	_____
Weselyan Nursing Home Seward	_____	\$40,000 for long range planning (cooperative program)	_____	_____	_____
Sitka Community Hospital Sitka	A new facility is under construction	_____	_____	_____	_____
✓ South Pen. General Hospital & LTCF Homer	\$4,000,000 for construction	_____	_____	_____	_____
St. Ann's Nursing Home Juneau	_____	\$40,000 for planning	\$500,000 for design	Construction costs to be determined in design phase	_____
✓ Valley Hospital & LTCF Palmer	Addition & remodel design is complete to be under construction in 1982	_____	_____	_____	_____
Valdez Community Hospital Valdez	_____	_____	\$50,000 for long-range planning	design costs to be determined in planning phase	const. costs to be determined in design phase
Wrangell General Hospital & LTCF Wrangell	\$1,000,000 for design	\$8,000,000 for construction	_____	_____	_____
OTHER	_____	_____	_____	unknown	unknown
TOTAL	\$17,200,000	\$22,170,000	\$15,100,000	\$15,000,000 plus	\$15,000,000 plus

* LTCF = Long-Term Care Facility

APPROXIMATE COSTS SHOWN ARE ESTIMATED 1982 VALUES WITHOUT PROJECTIONS FOR FUTURE INFLATION AND DO NOT INCLUDE OTHER PROJECT COSTS SUCH AS FEES, EQUIPMENT, SITE ACQUISITION, ETC. THE ESTIMATED COSTS SHOWN ARE PROVIDED AS A GUIDELINE IN DETERMINING THE DIMENSIONS OF A GIVEN COMMUNITY'S NEED. NO ESTIMATES HAVE BEEN MADE OR INDEED CAN BE MADE FROM THIS INVENTORY AS TO THE LEVEL OF STATE ASSISTANCE APPROPRIATE TO ANY ONE COMMUNITY.



319 Seward St., Juneau, Alaska 99801 • (907) 586-1790

REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board
Edward Zeine
Cordova Community Hospital
Cordova

CAPITAL FUNDING

SENATOR

Chairman-Elect
Michael Herring
South Peninsula Hospital
Homer

1.	Wrangell	6.0 Million	Ziegler
2.	Seward General	8.5 Million	Kerttula/DeVries
3.	Bartlett Memorial	6.0 Million	Ray
4.	Cordova Hospital	1.4 Million	Kerttula/DeVries

Immediate Past Chairman
Mark Hawkins
Sitka Community Hospital
Sitka

1.4 Million in Governor's Budget needs 1.4 Million more.
Total Project - 10.4 Million)

Secretary/Treasurer
Emma Ivy
Wrangell General Hospital
Wrangell

Delegate to the American
Hospital Association
Al M. Camosso
Providence Hospital
Anchorage

Remainder have equal priority

Alternate Delegate to the
American Hospital Assoc.
Sister Barbara Haase
Ketchikan General Hospital
Ketchikan

Central Peninsula Hospital/Soldotna (Add Chemical Dependency Unit)	1.8 Million	P. Fischer
Ketchikan Gen. Hospital (Developmental)	0.5 Million	Ziegler
Kodiak Island Hospital (Developmental)	1.0 Million	Zharoff
Providence House (Construction Costs)	0.5 Million	Faiks
South Peninsula Hospital Homer (Nursing Home Addition)	3.0 Million	P. Fischer
St. Ann's Nursing Home (Renovation)	250,000	Ray
Wesleyan Nursing Home (Remodel & Code Compliance)	3.0 Million	Kerttula/DeVries

Delegate to the American
Health Care Association
Jack Buck
St. Ann's Nursing Home
Juneau

Alternate Delegate to the
American Health Care
Association
Craig Slater
Petersburg General Hospital
Petersburg

Delegate to the Association
of Western Hospitals
Keith Campbell
Seward General Hospital
Seward

Alternate Delegate to the
Association of Western
Hospitals
Jane Sabes
Norton Sound Regional
Hospital
Nome

Trustee Delegate to the
American Hospital Assoc.
Moe Kadish
Trustee, Providence
Hospital
Anchorage

Alternate Trustee Delegate
to the American Hospital
Association
Maxine Rooertson
Trustee, Ketchikan
General Hospital

Physician Member of
the Board
Morris Horning, M.D.
Anchorage

President
Dennis L. DeWitt
Juneau



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

7/25/89
Date

HB

B

8

1

HB 79

HOUSE BILL NO. 79 by the Rules Committee by request of the Governor, entitled:

"An Act relating to financial institution examinations; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

A zero fiscal note with analysis was attached and appears in House Journal Supplement No. 5. The Governor's transmittal letter, dated January 18, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which increases the fee that the commissioner of commerce and economic development may assess a financial institution for investigation and examination costs. It raises the existing maximum of \$7,500 to a maximum of \$12,000 per examination. The fee increase is necessary because costs associated with these examinations have risen more than 50 percent since 1978 when the \$7,500 maximum fee was first established.

The bill also eliminates the requirement in current law that state banks be examined by the department annually. Examination of a bank under the bill is left to the discretion of the commissioner. This will allow the department to focus on problem banks and will free banks that are in stable condition from unnecessary paperwork and examination costs.

An additional, technical amendment is included in sec. 1 of the bill, rewriting but not changing the substance of the last sentence of AS 06.01.010(b).

Sincerely,

/s/

Bill Sheffield
Governor"

HB 80

HOUSE BILL NO. 80 by the Rules Committee by request of the Governor, entitled:

"An Act relating to insurance fees and licenses; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

A fiscal note was attached and appears in House Journal Supplement No. 5. The Governor's transmittal letter, dated January 18, 1985, appears below:

HB 80

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill raising current fees collected by the division of insurance, Department of Commerce and Economic Development, under AS 21.

The statutes currently setting fees for the division of insurance do not provide adequate revenue to the state to cover the division's present budget. Most of the fees were set by statute in 1966 and have not been increased since. This bill would raise fees to more closely approximate the actual cost of services and would provide for periodic reports by the division to the legislature in order to encourage future adjustments, as they become necessary. This bill is virtually identical to the committee substitute of a bill introduced last session, CSHB 633 (L&C).

I urge your support of and prompt action on this measure.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 81

HOUSE BILL NO. 81 by the Rules Committee by request of the Governor, entitled:

"An Act relating to motor vehicle emission inspection; and providing for an effective date."

was read the first time and referred to the State Affairs, Health, Education & Social Services and Finance Committees.

A zero fiscal note and a fiscal note were attached. The fiscal note appears in House Journal Supplement No. 5. The Governor's transmittal letter, dated January 18, 1985, appears below:

"Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that gives the Department of Public Safety explicit authority to refuse to register a motor vehicle if the vehicle does not meet the standards of a state-operated emission control program or a state-approved local emission inspection program. The bill would also impose a \$1 administrative fee, in addition to the annual registration fee, to compensate the state for the cost of this enforcement program.

HB 81

To implement the state's Air Quality Control Plan, the Municipality of Anchorage and the Fairbanks North Star Borough have recently adopted local vehicle inspection and maintenance (I/M) programs. The most effective way to ensure compliance with local inspection programs is through the state motor vehicle registration process. Before a person can obtain or renew a vehicle registration, the person must show evidence of compliance with the I/M program. This method has been chosen in preference to a "sticker" enforcement program, in which the owners or operators of all cars inspected and found to be in compliance would be required to display a sticker on their cars. National statistics have shown that the sticker enforcement method is 30 percent less effective than the registration method.

The \$1 fee is imposed to compensate the state for the costs of the additional administrative burden placed upon the Department of Public Safety. Proceeds from the fee will be placed in the state's general fund.

The quality and cleanliness of the air in Alaska's two largest cities are obviously of utmost importance to the health and well-being of the residents. Strict enforcement of motor vehicle emission standards is a crucial part of our overall efforts to control air pollution. Since this bill will allow more effective enforcement of these standards, I urge prompt passage of the bill.

Sincerely,

/s/

Bill Sheffield
Governor"

HB 82

HOUSE BILL NO. 82 by Martin, Hanley and Marrou, entitled:

"An Act relating to deposits into the Alaska permanent fund; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

HB 83

HOUSE BILL NO. 83 by Taylor, Gruenberg and Jenkins, entitled:

"An Act relating to employee benefits under the Public Employees' Retirement System and the Teachers' Retirement System; and providing for an effective date."

was read the first time and referred to the State Affairs, Health, Education & Social Services, and Finance Committees.

HB 84

HOUSE BILL NO. 84 by Pignalberi and Phillips, entitled:

"An Act making a special appropriation to the permanent fund; and providing for an effective date."

was read the first time and referred to the State Affairs and Finance Committees.

HB 85

HOUSE BILL NO. 85 by the Judiciary Committee, entitled:

"An Act relating to correctional restitution centers."

was read the first time and referred to the Health, Education & Social Services, Judiciary and Finance Committees.

HB 86

HOUSE BILL NO. 86 by the Rules Committee by request of the Governor, entitled:

"An Act establishing the Willow Creek State Recreation Area; and providing for an effective date."

was read the first time and referred to the Resources and Finance Committees.

A fiscal note was attached and appears in House Journal Supplement No. 5. The Governor's transmittal letter, dated January 18, 1985, appears below:

BILL SHEFFIELD, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF ENVIRONMENTAL QUALITY
POUCH O, JUNEAU, ALASKA 99811

Telephone: (907)
Address:

465-2666

January 31, 1985

FEB 4 1985

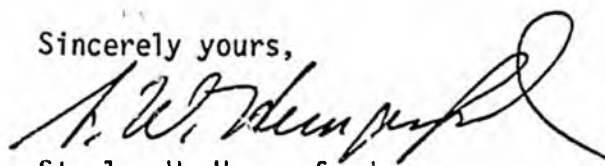
The Honorable Kate Hurley, Chairman
State Affairs Committee of
the House of Representatives
Pouch V (M/S 3100)
Juneau, AK 99811

Dear Representative Hurley:

At your hearing on HB 81 relating to registration of vehicles subject to local inspection and maintenance programs, questions about the inspection fees were raised.

By ordinance, each community established the fees which could be charged by the independent testing stations. For the inspection in Anchorage, the maximum fee allowed would be \$40.00, and in Fairbanks, the maximum fee would be \$35.00. Of the fee, \$7.00 would go to the Fairbanks North Star Borough for program management and in Anchorage the city would collect \$10.00.

Sincerely yours,



Stanley W. Hungerford
Section Supervisor
Air and Solid Waste Management

SWH/bs

cc: Leonard Verrelli
Bob Rasmussen
Heather Stockard

DEPARTMENT OF PUBLIC SAFETY

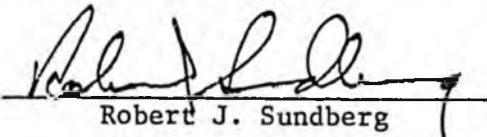
POSITION PAPER - HB 81

Support

January 29, 1985

HB 81, An Act relating to motor vehicle emission inspection;
and providing for an effective date.

This bill provides specific statutory authority to enforce
emission inspection programs throughout the State. Emission
control inspection programs are scheduled to begin on July 1,
1985, in both Anchorage and Fairbanks.


Robert J. Sundberg
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 81
 Title: An Act relating to an emission control program
 Sponsor: Rules/Governor
 Requestor: House State Affairs
 Date of Request: 1-25-85

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Life and Property Protection
 BRU, Program or Subprogram(s) Affected: Division of Motor Vehicles

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING						

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

REVENUE		200.0	216.0	233.3	252.0	272.2
----------------	--	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary Covers Revenue Only

The emission control inspection program will begin on July 1, 1985, in both Anchorage and Fairbanks. The division of motor vehicles has been tasked with enforcement of the program. The Department of Law has decided the current statutes do give us the authority to enforce the program if we adopt regulations, but the regulatory process does not allow the division to recover any funds expended in the enforcement of the program. This proposed statute would allow the division

Prepared By: Charles R. Hosack Phone: 269-5561
 Division: Motor Vehicles Date: 10-15-84

Approved by/Commissioner: [Signature] Date: 10/16/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

EMISSION CONTROL PROGRAM

ANALYSIS (Continued)

to collect a prescribed fee in addition to the registration fee for those vehicles required to be inspected, and would allow these fees to be retained in the division operating budget to fund the enforcement effort.

This type of approach places the cost of the program only on those affected by the program, and is similar in the approach used by the local governments to recover their costs. The goal at both the state and local levels is to make the program self-supporting from user fees. Between Anchorage and Fairbanks approximately 180,000 to 200,000 vehicles will be inspected the first year and, together with the \$80,000 start-up grant, a \$1.00 fee imposed on these vehicles will allow the division to recover their costs.

NOTE: The FY 86 Operating Budget Request includes an increment for \$150.5.GF (5 PFT positions) for Inspection, Maintenance Program Enforcement.

MEMORANDUM

State of Alaska

TO: Patty Macklin
House State Affairs Committee

DATE: January 28, 1985

FILE NO:

FROM: Stanley W. Hungerford
Section Supervisor
Air & Solid Waste Management

TELEPHONE NO: 465-2666

SUBJECT: Background Documents
Requested for HB 81

As you requested, I am sending you a series of documents to give you background for the legislation requested by the Governor on behalf of the Department of Public Safety in support of local Motor Vehicle Inspection and Maintenance Programs established by the Mayors and Assemblies of Anchorage and Fairbanks. Of course, the Department of Environmental Conservation supports these programs and the proposed legislation, since these actions will enhance the air quality of our two major cities and protect the health of the citizens.

I have attached the following:

- 1) Governor Sheffield memo (March 23, 1983) - supporting local I&M programs with state cooperation
- 2) Commissioner Neve' memo (April 30, 1984) - discussing the need for vehicle registration programs
- 3) Daily News-Miner article (May 25, 1984) - reporting need for state support of local program
- 4) EPA Region X Administrator letter (June 15, 1984) - confirming that vehicle registration program is needed
- 5) Fairbanks North Star Borough memo (June 19, 1984) - suggesting registration process for seasonal program
- 6) EPA Region X letter (June 27, 1984) - discussing federal funds available to cities and Department of Environmental Conservation
- 7) Commissioner Sundberg memo (June 28, 1984) confirming the DPS role in support of programs
- 8) Commissioner Neve' memo (July 26, 1984) - indicating status of programs
- 9) Division of Motor Vehicles memo (August 22, 1984) - outlining plans to have registration program functioning by July 1, 1985
- 10) Department of Environmental Conservation memo (September 4, 1984) - letting DPS know the status of federal funds
- 11) Department of Environmental Conservation letter (September 5, 1984) - letting EPA know how the federal funds would be spent

If you need additional information, please call.

SH/bs

cc: Richard A. Neve'
Keith Kelton
Leonard Verrelli

Attachments

MEMORANDUM

State of Alaska

TO: Dan Casey, Commissioner
Transportation & Public Facilities

DATE: March 23, 1983

FILE NO:

Richard A. Neve', Commissioner
Environmental Conservation

TELEPHONE NO:

FROM: Bill Sheffield
Governor

W.A.

SUBJECT: I/M in Anchorage
and Fairbanks

This will confirm our March 21, 1983 meeting concerning the direction of I/M programs to improve air quality in Anchorage and Fairbanks.

I favor private sector contractors operating the programs, with State or local oversight to ensure they are effective, competent, and meet all EPA requirements.

Details of implementation should be coordinated among appropriate State departments and the AMATS and FMATS groups.

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

FILE COPY

TO: The Honorable Robert Sundberg
Commissioner
Department of Public Safety

DATE: April 30, 1984

Air & Solid Waste Mgmt.

F 14 C 4

TELEPHONE NO: 465-2500

FROM: Richard A. Neve
Commissioner

SUBJECT: Inspection and Maintenance Program

During the last year, the Department of Environmental Conservation has been working closely with the Municipality of Anchorage, Fairbanks North Star Borough, and the Division of Motor Vehicles (DMV) on the development of vehicle inspection and maintenance (I/M) programs. Both Anchorage and Fairbanks need such programs because vehicle exhaust emissions have caused ambient carbon monoxide concentrations to substantially exceed the levels necessary to prevent increased heart attack risk and other health problems. Studies indicate that through the identification and correction of improperly maintained vehicles, an I/M program can reduce carbon monoxide levels by as much as 25%.

In addition to the health protection issue, failure to implement an I/M program will result in the loss of approximately 50 million dollars each year in federal funding, most of which is related to highway projects in Anchorage. Acting under the federal Clean Air Act, the U.S. Environmental Protection Agency (EPA) has notified the state that this federal funding will be cut off unless I/M programs recently approved by the assemblies of Anchorage and Fairbanks are implemented next year.

An effective enforcement mechanism is a necessary element of an I/M program. Based on the experience of many other states, proof of compliance with an I/M requirement as a prerequisite to vehicle registration renewal is the only enforcement mechanism which is effective. The legal authority for DMV to require proof of I/M program compliance prior to registration renewal has been investigated and agreed to by Assistant Attorneys General representing our departments.

Several options for how the DMV registration renewal process could be changed to incorporate I/M have been investigated by our staffs during the last year. However, most of the options considered were only practical under an I/M program concept wherein inspections would be performed at a few large, contractor operated testing facilities. Such facilities would have had the ability to assist DMV in the registration renewal process.

For maximum public convenience, both Anchorage and Fairbanks have chosen to implement "private garage" I/M programs wherein automotive dealerships and repair facilities are trained and licensed to perform inspections and necessary repairs. Under such programs, the driving distance to inspection facilities is minimized and inspections and repairs can be performed at the same facility. Under the I/M program designs selected, only one of the options previously discussed with DMV is viable. Our staffs have been referring to this option as "Option A."

April 30, 1984

DMV Director, James Vaden, has been extremely cooperative and helpful in the evaluation of all the registration process changes we have considered. However, he has told my staff that he cannot support any changes to the registration process that may increase the DMV workload and be a detriment to DMV's ability to better serve the public. One of Colonel Vaden's concerns is that many motorists will fail to read the notice indicating the need for an inspection certificate. Consequently, this will result in more return trips to DMV, fewer mail-in registrations, longer lines, and greater manpower requirements. As a result there could be still more counter traffic at DMV offices.

DMV has estimated that in order to deal with the increase in work load associated with Option A, a total of six new employees would be required, and new equipment and mailing related costs would also be incurred. Total costs during the first year of the program have been estimated at \$224,300. We think the recurring costs would be much less. Since the major cost factor is associated with the assumed failure of vehicle owners to understand the I/M program requirements, a reduced impact on DMV would be expected after the first year of the program. This would be especially true if an effective city program were established to inform motorists about the I/M program details.

If we understand Colonel Vaden's position correctly, he feels that a decision to implement registration process changes by DMV must be made by you. Colonel Vaden feels that his principal responsibility is to streamline and expedite the activities of DMV. Even if he obtains additional funding, it is his opinion the addition of I/M certificate processing will be to the detriment of accomplishing his principal responsibility.

We have no quarrel with Colonel Vaden's position and understand why he has taken it. However, from a broader perspective, it is critical that the administration not be held responsible for the loss of the substantial federal funding that is tied to the EPA requirements for I/M programs in Anchorage and Fairbanks. In my view, it is absolutely necessary for DMV to implement the registration changes discussed above.

Both Anchorage and Fairbanks want the State to quickly agree to provide the necessary support for DMV's role in the I/M program. Please let me know your views on this issue at your earliest convenience.

RAN/TC/af

cc: Charles Hosack, Division of Motor Vehicles
James Vaden, Division of Motor Vehicles
Lennie Boston, Office of the Governor

Keith / Len V.

FAIRBANKS

Daily News-Miner, Fairbanks, Alaska, Friday, May 25, 1984—3

Car emissions plan on hold awaiting state funds

By MARGARET NELSON
Staff Writer

The borough assembly Thursday postponed action on a design for a vehicle emissions inspection and maintenance program until it learns how much money the state will kick in to the program.

Mayor Bill Allen told assembly members that he expects state Department of Public Safety Commissioner Robert Sundberg to come up with a final dollar amount today.

Under the program, which is to be in place in 1985, all Fairbanks North Star Borough motorists will be required to have their vehicles checked

for excessive carbon monoxide emissions. The program is mandated by Congress under the Clean Air Act. If a vehicle is found to be emitting too much carbon monoxide pollution, the car is required to be repaired to come into compliance with standards set by the Environmental Protection Agency.

The mandatory emissions check program is tied to state vehicle registrations. The program proposes that when a motorist receives a renewal notice each year for licensing, he also would receive a form from the state Department of Motor Vehicles requiring that a emissions check be

performed. If a vehicle passes the check, the motorist would receive his license.

During budget deliberations, the assembly approved \$230,000 in local funds for start-up costs for the program. That money is to be refunded to the borough through fees charged for inspections.

In other action, the assembly restored \$25,000 of the \$325,000 in appropriations Allen vetoed from the 1984-85 budget.

The \$25,000 was part of a \$40,000 appropriation the assembly designated for upkeep of borough parks and athletic fields.

Last week the borough assembly approved a \$54 million budget, up from Allen's proposed \$52 million. In increasing spending, the assembly also increased the amount the borough expects to receive from interest investments and state municipal revenue sharing.

Allen vetoed money appropriated for the transit garage, positions in the legal and community research center departments, a consultant who was to be hired to study service areas and a Joy Elementary School boiler. Allen also reduced the appropriations for baler parts inventory at the borough dump, parks and recreation depart-

ment laborers and \$15,000 from an appropriation of \$40,000 for maintaining borough parks and athletic fields.

In his veto message to the assembly, Allen said his primary concerns were the assembly's optimistic view of revenues from municipal assistance and interest income on invested funds.

"There is a probability of shortfalls in the revenues projected due to: the investment climate in the short-term money market rates during a national election year, and legislative decisions beyond our control," Allen said.

"If we are to maintain the level of

service you desire, every dollar not received in revenue must be withdrawn from the fund balance," Allen said.

Elsewhere, the assembly gave the go ahead to the state Department of Transportation and Public Facilities on two local projects. The first involves some paving and improvements to Gilmore Trail between miles 2.2 and 4.5; the second project includes dredging the float pond at the Fairbanks International Airport and expanding the general aviation apron, construction of new taxiways and several miscellaneous improvements.

Super 8
206
433-8188

Front page

Daily News-Miner, Fairbanks, Alaska, Tuesday, September 25, 1984

Candidates like locally-run emission plan

By MARGARET NELSON
Staff Writer

Eight candidates for two seats on the Fairbanks North Star Borough Assembly favor borough control rather than state control if a mandatory vehicle emissions inspection and maintenance program is to be operated in Fairbanks.

All 11 candidates for four seats met and answered questions Monday

night at a televised one hour session sponsored by KUAC. Legislation to hold down rising hospital costs gets mixed reviews. Story page 2.

Running for Seat D are candidates Chris Birch, Wayne L. Clark, Lynn J. Harnisch, Guy Sattley and B. David Spell. William D. Dilgan, Stella Marshall and Ed Shelling are seeking



Local Elections

election to Seat J, incumbent Paul Chizmar is being challenged by Jewel B. Smith for Seat E and incumbent Phil Younker is running unopposed for Seat K.

A question facing borough voters Oct. 2 is whether the borough should operate a mandatory vehicle emissions inspection program as mandated by the Environmental Protection Agency. Gov. Bill Sheffield recently announced that if the borough did not implement a program, the state would and without the seasonal waiver program that was developed by the borough and approved by the

EPA. The seasonal waiver program exempts vehicles from the program that are not driven in the winter. A "no" vote on the ballot issue would be to retain the program under borough control. A "yes" vote would be to rescind the program and bring state control.

Seat D candidates Birch, Clark, Harnisch and Sattley all said they supported local control. UAF electrical engineering professor Spell, while favoring local control, said the program is not going to solve but only ease (See ASSEMBLY, page 3)



ON THE AIR—Candidate for borough assembly Seat D, Chris Birch, (far left) responds to a question from the audience during a KUAC talk show Monday night. Other candidates, (from Birch's left to right) Wayne L. Clark, Lynn Harnisch, Guy Sattley and B. David Spell, presented their views on various issues with moderator Dean Gottehrer (right). KUAC cameraman Brian Hewitt looks on. (Staff photo by Vince DeWitt)

ASSEMBLY . . .

(Continued from page 1)

Fairbanks' air pollution problems. Birch, a state Department of Transportation engineer, said there are "technically superior" alternatives ways to an inspection program that will solve the pollution problems.

Seat J candidates also favored local control. When asked about enforcement of such a program, Marshall, a retired state worker, said the program should be closely monitored to see that there are no abuses.

Former high school principal Shelling said the people have a right to have clean air and therefore the borough needs an emissions inspection program.

Dilgan, a journeyman electrician from North Pole, said he was original

ly against a program, but if Fairbanks has to have one, he supports local control.

Regarding the system of providing road maintenance by service areas, Seat K incumbent Younker, a Horace Mann Insurance agent, said the current 83 service areas within the borough are "unmanageable." He favors cutting the number of service areas but leaving the control in the hands of the neighborhoods. He would not support providing the services on an areawide basis.

Seat E incumbent Chizmar agrees with Younker and said current bookkeeping of the service areas is a "nightmare." He is studying the methods in the Kenai and Mat Su boroughs for suggestions to be used in the Fairbanks borough.

Chizmar challenger Smith said he is not sure the service areas is the best way to provide the service since one service area on one side of the borough gets differing service than one on another side.

Regarding a possible limit on the terms an assembly member can serve, Chizmar, who works for the Municipal Utilities System at the University of Alaska Fairbanks, said the question of limiting terms will be addressed by the Alaska Municipal League during meetings in Anchorage in November.

Smith, a small appliance repairman, said the terms should be limited to keep the assembly from becoming "stagnant."

Younker said he definitely thinks consecutive terms should be limited.



Local control of emissions plan voted

Borough residents signaled Tuesday they favored local control of a vehicle emissions program while city voters narrowly rejected a proposition calling for shorter bar hours and approved a city permanent fund and a bond issue of \$6 million for telephone improvements.

Some 1,400 absentee and questioned ballots in the borough remained to be counted and could affect the outcome of the city proposition on shorter bar hours.

Borough voters told the assembly, by a vote of 5,700 to 5,029, that they did not want the assembly to rescind an ordinance setting up an inspection and maintenance program to reduce vehicle emissions.

In the city, 2,441 residents said they did not want city liquor establishments to close by a vote of 2,441 to 2,342. Under the proposition, liquor establishments would close 2 a.m. to 10 a.m. weekdays, 5 a.m. to 10 a.m. on Saturdays and holidays and 5 a.m. to 1 p.m. on Sundays. It would not have applied to bars outside the city.

They also voted 2,712-1,916 to approve a permanent investment fund of \$3,180-1,474 to approve the telephone bond issue.

Phil Younker, the assembly's presiding officer, said today the vote reflects voter's concern that if there must be a vehicle emissions program, it should be locally controlled.

Under the federal Clean Air Act, the Environmental Protection Agency has ordered the borough to implement a vehicle emissions inspection and maintenance program to clean up Fairbanks' air to federal standards by 1987.

Younker said the assembly's 6-5 vote to institute a borough program as of July 1985 reflected the sentiment of the public Tuesday.

Younker said he had expected the people to vote the program down until Gov. Bill Sheffield commented last month that the state would run the program if the borough did not.

Assembly member Juanita Helms said today she is not sure the question was settled because there were still absentee and questioned ballots to count.

"Depending on who it is that voted, that issue may still change," she said. "I would have liked to have seen it overwhelming one way or another so it would be a bit more of a mandate from the public."

Helms said she felt the public may have been confused by the issue. "It's a shame that it went on the ballot at all, and a shame that it got so confusing," she said.

If the outcome stays the same, Helms said, she doubts if the assembly

(See **BALLOT**, page 5)

BALLOT . . .

(Continued from page 1)

by will stop the program.

Two other assembly members, Paul Chizmar and Harry Reimer, said today they were happy with the outcome of the emissions vote.

"I'm glad that the populace came with that and agreed with governor and the borough assembly," Chizmar said.

Reimer said borough voters realize that local control is far more satisfactory than having the state run the program.

"I would doubt very much the assembly would rescind the ordinance," Reimer said. "Since it's a mandatory program, somebody has to operate it."

Regarding the bar hours proposition, Mayor Bill Walley said today it's too early to call the outcome and he will support the voters regardless of the outcome.

"If it's yes or no, that's what I'll support," he said.

Walley said he's always supported a permanent fund and now the council will make a decision on how much money to put into the fund.

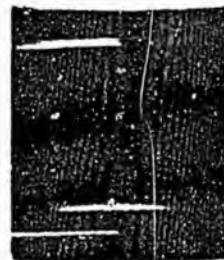
"I support the concept of putting money away for a rainy day," he said.

Regarding the \$6 million bond authorized by voters for telephone construction, Walley said the time the council takes to make a decision on how to spend the money will give a consultant now looking at the utility enough time to let the city know what direction to take.

"Obviously the city voter wants to fix the problems with the telephones," he said.

Regarding the bar hours advisory proposition, Councilman Paul Whitney said he felt from the beginning that the vote would be close.

"At this point in time, the early closing is not going to go into effect," he said. "My position right now is that it is a dead issue and that will probably



U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101REPLY TO
ATTN: M/S 532

JUN 15 1984

Richard Neve*, Commissioner
Air Pollution Control
Alaska Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99811

Dear Dr. Neve*

I want to thank you for your strong support of automobile inspection and maintenance (I/M) in Alaska, and specifically for your help in resolving the vehicle registration issue. Without strong support from the State, the implementation of a successful program in Anchorage and Fairbanks has little chance of succeeding.

Clearly, I/M that is tied to vehicle registration is more effective than a sticker program. To abandon this type of I/M program now would result in a major setback for the program and probably result in its termination.

On April 16 you sent to EPA a detailed schedule for the implementation of I/M in Anchorage. As we emphasized in a follow-up meeting with your staff, we are generally pleased with your (and the local agencies) progress. However, there were three concerns that were identified with the schedule. The first concern was that the schedule did not indicate when a SIP submittal for Anchorage would be adopted by the State and sent to EPA. Based upon our conversation I believe that it would be sometime in October 1984. (could you please confirm that date?)

The second point has already been brought to a partial resolution. We understand that the State Department of Motor Vehicles (DMV) has agreed to incorporate I/M requirements as part of its vehicle registration program. We believe that the agreements and regulations for DMV's involvement should be done upfront. Since DMV's involvement is so critical to the success of an I/M program in Anchorage and Fairbanks we are requesting that the agreement and commitment to actively participate in the I/M programs by DMV and/or the governor be sent to us for inclusion into our SIP docket file.

The third concern is that we are anxious to receive an update (or completion) of the Fairbanks I/M schedule. You indicated that the April 16 schedule would be expanded once a final decision on the program design is made. We are pleased to hear that Fairbanks has just made that decision.

As we mentioned before, we will be monitoring progress closely over the next several months. The next critical point is the adoption by the Anchorage assembly of necessary ordinances and regulations for equipment specifications, licensing, and certification procedures. If these ordinances are not adopted by the July 15 date, which is contained in your schedule, or if there is no clear commitment by DMV to carry out its role in the program by that time, I will be forced to conclude that reasonable efforts are no longer being made to implement the I/M program. As long as progress continues and the DMV issue is favorably resolved, EPA will continue to hold up the disapproval and sanction notices.

Again, thank you for all your effort in this important process.

Sincerely,



Ernesta B. Barnes
Regional Administrator

cc: Mayor Knowles, Anchorage
Mayor Allen, Fairbanks



Fairbanks North Star Borough

Mayor: B.B. Allen

M E M O R A N D U M

TO: B. B. Allen, Borough Mayor

FROM: Donald L. Moore, Executive Director *DLM*
Department of Public Works

SUBJ: I/M REGISTRATION OPTIONS

DATE: June 19, 1984

After reviewing your letter of June 18th to Commissioner Surberg, a possible compromise solution occurred to me. Perhaps this potential solution would be useful in your discussions with the Commissioner.

The Division of Motor Vehicles (DMV) seems reluctant to relinquish control of the license tabs, therefore, an option should be offered that proposes very little change to their current system. When renewal notices are sent out, a notice could be included that a Certificate of Inspection or Certificate of Waiver must be enclosed with the renewal request. Upon receiving the renewal request and the appropriate Certificate, DMV would issue the license tabs in their usual fashion.

It would be a simple matter for DMV to issue a different tab for vehicles requesting a seasonal waiver. DMV probably objects to this program because they feel that their clerks would have to carefully scrutinize each Certificate to see if it was a seasonal waiver. Perhaps this concern can be mitigated by promising to make the Certificate of Seasonal Waiver brightly colored or otherwise easily distinguishable from other Certificates.

This option would simplify the procedures required for DMV and for the Borough.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 532

JUN 27 1984

Richard Nevé, Commissioner
Alaska Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99811

Dear Dr. Nevé:

Over the past few months we have received requests from your agency, as well as from Anchorage and Fairbanks, for additional grant funds to help pay start-up costs for automobile inspection and maintenance (I/M) programs. My staff has been working with yours, as well as with representatives of the Municipalities of Anchorage and Fairbanks, to better define and integrate these requests into one complete list of needs. This letter is to advise you of our decisions on the amount of grant funding we will be able to provide for I/M startup in Alaska.

As you know, EPA has already set aside \$230,000 for Anchorage I/M and \$100,000 for Fairbanks I/M. In addition, EPA is prepared to add the following amounts for I/M implementation in Anchorage and Fairbanks:

Recipient	Initial Commitment	Added Amount	New Total	Use of Funding
ADEC	0	120,000	120,000	For a combination of mechanics training and Department of Motor Vehicles needs.
Anchorage	230,000	0	230,000	For I/M startup including public relations and mechanic's training
Fairbanks	100,000	80,000	180,000	For I/M startup including public relations and mechanics training.
TOTAL	330,000	200,000	530,000	

These Federal funds are being committed with the understanding that they are sufficient to insure the start-up of I/M programs in both Anchorage and Fairbanks. Any shortfalls in funding will be made up with State and local funds.

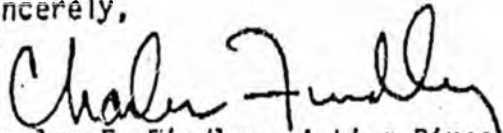
- 2 -

As I indicated in my June 15, 1984 letter to you, a critical element to timely and successful programs in Fairbanks and Anchorage is a commitment that the State Department of Motor Vehicles will carry out its role in the program. Therefore, the above funds will only be released after that commitment is provided to EPA in writing. Once the commitment is made, and approvable workplans are submitted, the funds will be released. Anchorage has already submitted an approvable workplan.

It should also be noted that providing these additional I/M start-up funds may affect the degree EPA can support the other special projects requested in your original FY 85 grant application. However, EPA is presently reviewing that application and will address those issues after completion of the SEA.

If you have any additional questions concerning I/M testing, please have your staff call Loren McPhillips at (206) 442-7369. We are looking forward to your prompt reply.

Sincerely,



Charles E. Findley, Acting Director
Air and Waste Management Division

cc: Mayor Knowles, Anchorage
Mayor Allen, Fairbanks

MEMORANDUM

State of Alaska

TO: Richard A. Neve'
Commissioner
Department of Environmental
Conservation

DATE: June 28, 1984

FILE NO: F14C

TELEPHONE NO: 465-4322

FROM: Robert Sundberg *RS*
Commissioner
Department of Public Safety

SUBJECT: Registration as the
Enforcement Tool for
Inspection and
Maintenance

It is my understanding the U.S. Environmental Protection Agency (EPA) has refused to approve any inspection/maintenance (I/M) program within the Municipality of Anchorage or the Fairbanks North Star Borough unless the program is tied to vehicle registration. I further understand that without an immediate agreement these two communities will have federal I/M funding withheld, which amounts to approximately \$410,000.

The purpose of this memo is to confirm our agreement that the Anchorage and Fairbanks North Star Borough Inspection and Maintenance (I/M) Programs be tied to automobile registration.

As we discussed, the registration process is carefully controlled to meet the Division of Motor Vehicles' budget and the public demand for prompt service. The six month sticker option that Fairbanks has requested will not be part of our agreement. If Fairbanks feels strongly about seasonal registration, I would suggest they develop a local plan for identifying vehicles and create the enforcement mechanism needed to make it work, and be acceptable to the state and EPA.

My staff will be working closely with yours to develop the equipment and the software costs associated with incorporating I/M into the registration process. You indicated that EPA has approximately \$80,000 available for this purpose. As I stated in our meeting, I expect I/M to increase my operating costs between \$150-\$170,000. We will be seeking funding from the legislature in FY 86, as well as statutory authority to increase registration fees in the two communities.

I also understand that the Department of Environmental Conservation's consultant for the I/M program, Sierra Research, will be available to help DMV make our transition as smooth as possible.

I have designated Jim Vaden to work with your staff. He will be contacting Mr. Verrelli after we have a chance to develop a workable program.

RS/LV/af

MEMORANDUM

State of Alaska

TO: John Shively
Chief of Staff
Office of the Governor

DATE: July 26, 1984

FILE NO:

TELEPHONE NO: 465-2600

FROM: Richard A. Neve'
Commissioner
Department of Environmental
Conservation

SUBJECT: Registration as the
Only Tool for I/M

- (1) Fairbanks approved a decentralized I/M program on June 14, 1984. Registration with a six month seasonal option was their enforcement plan for their program.
- (2) Anchorage approved a decentralized I/M program on June 19, 1984. Registration was their chosen enforcement plan.
- (3) EPA will not release any more federal dollars (Anchorage, \$230 K, Fairbanks \$100 K) until a written commitment is made by DMV that they will support and implement a registration program (see attached letter, Barnes to Neve', June 15, 1984).
- (4) If either ordinance has to go back to the assembly to change any aspect of the registration program spelled out in the ordinance, i.e., removal of the Fairbanks seasonal registration, the odds are that the I/M program would be defeated or delayed substantially.

RAN:LV:jl

MEMORANDUM

State of Alaska

*Send copy to [unclear]
" [unclear] copy of [unclear]"*

TO: Leonard Verrelli
Air Quality Program Manager
Department of Environmental Conservation

DATE: August 22, 1984

RECEIVED

AUG 27

TELEPHONE NO: 269-5561

CRH
FROM: Charles Hosack, Deputy Director
Division of Motor Vehicles
Department of Public Safety

SUBJECT: I/M Meeting
August 2, 1984

DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

I'm sorry that you missed the last task force meeting on August 2, 1984. I am enclosing an outline that I used for discussion in the meeting in case you didn't get one from Bill MacClarence. Most of the items on the outline are not finalized because there may be some policy decisions that will change the way we do things, especially in the case of the Fairbanks seasonal waiver.

Most of this I can adjust to as we go along, however there are also some tasks that must be accomplished well ahead of the start-up date. The major item is to start the process for ordering equipment and forms. Before I do that, I need funding. I need to have firm confirmation that the \$80,000 start-up funding is available and what the mechanism is for getting this money into our budget.

Please let me know this as soon as possible so that I can proceed.

enclosure

Registration Enforcement
I/M Program

Basic Concept

Municipalities will define what vehicles must be inspected under the program. DMV will not permit registration of these vehicles unless they have a valid inspection or waiver certificate. This will be essentially what has been referred to as "Option A" in previous meetings.

Time Schedule

August '84	Draft legislation for Commissioner's approval
September '84	1. Order equipment for mailing process 2. Design and order forms
October- '84 November	Initial programming effort to identify vehicles subject to inspection
January '85	Draft procedures for field offices
February '85	Mailing equipment and forms received and tested
March '85	1. Start hiring process for new positions 2. Test print and production programs
April '85	Train field personnel
May '85	Print and mail July renewal notices
July '85	Begin enforcement

Program Funding

1. DEC or EPA will provide DMV with \$80,000 for start-up costs mainly for equipment.
2. Other state costs will be recovered by charging an extra fee at the time of registration for vehicles subject to registration. Legislation will authorize the charge and allow the fee to be used by DMV in the operating budget. Initial estimate is \$1 per vehicle.

Cost Proposals

Earlier estimates for Option A enforcement costs totaled \$224,300 annually with personnel and contractual costs being valid for the first two years. Since that time it has been necessary to make the following revisions to that estimate:

1. New APEA contracts call for a 5% pay increase effective July 16, 1985. This will increase first year personnel costs to \$170,000.
2. The U.S. Postal Office predicts a 15% postage increase in October 1984. Postage costs will be \$10,200.
3. The state will begin a system of user chargeback for data processing services in FY-86. The exact amount for DP services will be difficult to assess at this point but \$25,000 for programming, file storage, and machine use would be reasonable.
4. With the new computer system started in May, it is not possible to use the old computer terminals. New terminals, printers, and DP charges for the four counter employees will be \$40,000.

With these changes the new estimate for the first year charges will be \$288,700. Some of these costs, such as the equipment costs, must be incurred in this fiscal year prior to start-up. It will also be necessary to hire the new personnel on April 1, 1985 so they are adequately trained prior to start-up. This will incur approximately \$40,000 for salaries in FY-85.

Operational Considerations

1. The mailout renewal notices will be changed from a self-contained mailer to a mail stuffer system so that information on the program will be sent only to applicable Zip Code areas.
2. Renewal notices will be sent out 90 days in advance rather than 60 days to allow more time for inspection.
3. A one digit field in the vehicle record will indicate liability for inspection. Initially this will be determined by Zip Code area, vehicle class, and vehicle year for current records. The records will then be updated as vehicle transactions occur or waivers are obtained.
4. Applications for registration without an inspection or waiver certificate will not be accepted. They will be refused at the counter or returned by mail. Disputes concerning liability will be referred to the municipality or borough.
5. Inspection certificate numbers may be recorded on the registration but will not be placed in the data file. Inspection certificates will not be microfilmed with vehicle records but will, instead, be returned to local government offices.
6. Registration extensions or seasonal registrations will not be considered as part of this program.

MEMORANDUM

State of Alaska

TO: Charles Hosack, Deputy Director
Division of Motor Vehicles
Department of Public Safety

DATE: September 4, 1984

FILE NO: F14C4

TELEPHONE NO: 465-2666

FROM: Leonard D. Verrelli
Air Quality Program Manager
Department of Environmental Conservation

SUBJECT: DMV I/M Start-up
Funds

I have reviewed the information you sent me on August 27, 1984. Your proposed Registration Enforcement I/M program looks well thought out. The suggested time schedule looks on track and should make EPA happy.

Funding still appears to be an issue of concern for DMV, this memo will hopefully clarify that concern. ADEC has been authorized by EPA to spend \$60K, that sum will be transferred to DMV through the RSA process (see attached EPA letter). We will have to discuss how you want the funds categorized in the RSA. The remaining \$20K of the originally promised \$80K, has the potential of being acquired from several sources; EPA, ADEC carry-over EPA funds, and Fairbanks/Anchorage. I have requested EPA to reevaluate their position based on the information you provided me. Mr. Torok, the EPA representative, is optimistic that EPA Region X will make the remaining \$20K available for your use. If this "tentative" promise should fall short I am confident that we will be able to acquire the balance through the other sources mentioned above.

For your information, sometime during the week of September 17th an I/M progress meeting will be held with all interested parties. I'll keep you posted as to the exact date.

LV/do

Attachment

cc: Heather Stockard - FBNSB
Robert Rasmusson - MOA
Jack Coutts - NRO
Bill MacClarence - SCRU

F1404

DIVISION OF ENVIRONMENTAL QUALITY
POUCH O, JUNEAU, ALASKA 99811

465-2666

September 5, 1984

Mr. Steve Torok
EPA - Region X
Alaska Operations Office
3220 Hospital Dr.
Juneau, AK 99801

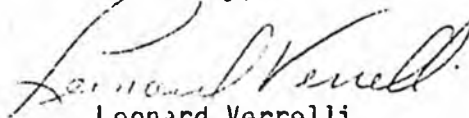
Dear Steve:

This letter is to formalize our discussion regarding additional funding for the Department of Motor Vehicles. In a letter from EPA dated June 27, 1984, \$120K was allocated for both Alaska Vocational Tech Center and Department of Motor Vehicles I/M development needs. Based on the information available at that time ADEC chose to split those monies 50/50. Since then DMV has made a firm commitment to mandate registration as the enforcement tool for both Anchorage and Fairbanks. Included in that decision was the seasonal registration program that Mayor Allen received approval for from EPA. This was a hardship that DMV was most reluctant to agree to since it upsets the overall state program.

Attached is a copy of the DMV registration enforcement program. As you can see it is a very comprehensive program incorporating some very optimistic time scheduling. DMV has requested full funding that was originally promised to them as an incentive to participate in the I/M programs. In view of the above commitment, the well thought out program and budget decisions I would request EPA reevaluate the total funding (\$80K) requested in DMV's original budget.

If you have any further questions or wish clarification please call me.

Sincerely,



Leonard Verrelli
Air Quality Program Manager

LV/do

Attachment

cc: Charles Hosack - DMV

COMM = HSA
DATE = 013085
TIME = 1500
YEAR = 85
DOC ID HSA 0130351500
HEADING

HOUSE STATE AFFAIRS
STANDING COMMITTEE
JANUARY 30, 1985
3:00 P.M.

MEMBERS PRESENT: REPRESENTATIVE KATIE HURLEY, CHAIR
REPRESENTATIVE MIKE NAVARRE, VICE-CHAIR
REPRESENTATIVE RED BOUCHER
REPRESENTATIVE MIKE M. MILLER
REPRESENTATIVE BETTE CATO
REPRESENTATIVE VIRGINIA COLLINS
REPRESENTATIVE ROGER JENKINS

CALENDAR HB 81

"AN ACT RELATING TO MOTOR VEHICLE EMISSION INSPECTION; AND PROVIDING FOR AN EFFECTIVE DATE."

HB 5

"AN ACT MAKING A SPECIAL APPROPRIATION TO THE

WITNESS REGISTER

WITNESS:
CHIP DENNERLEIN
INTERGOVERNMENTAL AFFAIRS
MUNICIPALITY OF ANCHORAGE
POUCH 6-650
ANCHORAGE, AK 99502-0650
264-4960
POSITION STATEMENT: TESTIFIED IN FAVOR OF HB 81

WITNESS:
BILL BROWN, CHIEF
DIVISION OF MOTOR VEHICLES
DEPARTMENT OF PUBLIC SAFETY
POUCH N
JUNEAU, AK. 99811
465-4335
POSITION STATEMENT: TESTIFIED IN SUPPORT OF HB 81

WITNESS:
STAN HUNGENFORD
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
JUNEAU, AK 99811
365-2666
POSITION STATEMENT: TESTIFIED IN SUPPORT OF HB 81

WITNESS:
BILL BRIGHTON
CITY MANAGER, CITY OF KENAI
210 FIDALGO
KENAI, AK 99611
283-7535
POSITION STATEMENT: TESTIFIED IN SUPPORT OF HB 52

ACTION NARRATIVE

TAPE #12, SIDE ONE
RECORDING
NUMBER 000

NUMBER 014

REPRESENTATIVE HURLEY CALLED THE MEETING TO ORDER AT 3:00 P.M. REPRESENTATIVE NAVARRE INTRODUCED VISITORS FROM KENAI. REPRESENTATIVE HURLEY BROUGHT HB 81 BEFORE THE COMMITTEE FOR CONSIDERATION. MR. BILL BROWN, CHIEF OF DRIVER SERVICES, DIVISION OF MOTOR VEHICLES PRESENTED AN OVERVIEW OF THE LEGISLATION AND EXPLAINED THAT THE BILL WILL EXPLICITLY AUTHORIZE THE DIVISION THE AUTHORITY

ISA 0130851 DOCUMENT =

1 OF 1 PAGE = 6 OF 12

NUMBER 050

NUMBER 058

TO REFUSE TO REGISTER A VEHICLE IF IT HAD NOT BEEN INSPECTED. IN ADDITION, THIS BILL REQUIRES AN INDIVIDUAL REGISTERING A VEHICLE TO PAY A \$1 DOLLAR FEE TO COMPENSATE FOR ADMINISTRATION COSTS INCURRED BY THE PROGRAM. REPRESENTATIVE JENKINS QUESTIONED MR. BROWN REGARDING THE AREAS IN THE STATE WHICH WOULD BE AFFECTED BY HB 81. MR. BROWN EXPLAINED THAT ONLY OWNERS OF VEHICLES WITHIN THE BOUNDARIES OF THE MUNICIPALITY OF ANCHORAGE AND THE FAIRBANKS NORTH STAR BOROUGH WOULD BE AFFECTED. BOTH OF THOSE AREAS HAVE PASSED A LOCAL ORDINANCES EFFECTIVE JULY 1ST, 1985 DEALING WITH EMISSIONS. RESIDENTS IN THE WASILLA AND PALMER AREA WOULD NOT BE REQUIRED TO PARTICIPATE IN THE INSPECTION PROGRAM SINCE IT WOULD BE ADMINISTERED BY RESIDENCE. REPRESENTATIVE HURLEY EXPRESSED CONCERNED THAT 240 OF THE PEOPLE IN THE VALLEY COMMUTE TO ANCHORAGE EVERY DAY AND THAT THEY WOULD NOT BE

ISA 0130851 DOCUMENT =

1 OF 1 PAGE = 7 OF 12

NUMBER 095

NUMBER 116

NUMBER 135

NUMBER 141

REQUIRED TO PARTICIPATE IN THE PROGRAM. STAN HUNGENFORD, DEPARTMENT OF ENVIRONMENTAL CONSERVATION STATED THAT THE EFFECTIVENESS OF THE PROPOSED PROGRAM IS BASED ON CALCULATING THE AMOUNT OF AIR QUALITY CORRECTIONS THAT CAN BE CORRECTED THAT BY THE CARS THAT EXIST IN ANCHORAGE. HE EXPLAINED THAT IT IS NOT NECESSARY AT THIS TIME TO INCLUDE CARS OUTSIDE AREA BUT IF AIR QUALITY IS NOT MAINTAINED AT A LEGAL LEVEL, THE STATE WOULD HAVE TO EXTEND THE BOUNDARY. REPRESENTATIVE JENKINS ASKED ABOUT THE EFFECTIVENESS OF THE PROGRAM WITHOUT THE BILL. REPRESENTATIVE MILLER ARRIVED. MR. CHIP DENNERLEIN, INTERGOVERNMENTAL AFFAIRS DIRECTOR FOR THE MUNICIPALITY OF ANCHORAGE TESTIFIED IN STRONG SUPPORT OF THE BILL AND NOTED THAT THEY HAVE BEEN A PARTNER IN THE DRAFTING OF THE SPECIFIC LEGISLATION. HE SUPPORTED THE SPECIFIC ABILITY OF THE BILL TO

CLARIFY THE AUTHORITY OF THE DIVISION OF MOTOR VEHICLES. HE STATED THAT WHILE THE MUNICIPALITY BELIEVES THAT THE DIVISION ALREADY HAS THE AUTHORITY, THIS BILL WOULD PROVIDE CLARIFICATION. HE ALSO POINTED OUT THAT THE MOST EFFECTIVE PROGRAMS NATIONALLY HAVE BEEN TIED IN WITH STATE LICENSING PROGRAMS. COMMITTEE DISCUSSED ENLARGEMENT AND FUNDING PROBLEMS.

NUMBER 271

MR. DENNERLEIN POINTED OUT THAT ANCHORAGE EXCEEDED FEDERAL AIR STANDARDS 72 TIMES LAST YEAR AND THAT IT HAS THE WORST CARBON MONOXIDE PROBLEM IN THE COUNTRY. IT EFFECTS OLDER AND PEOPLE THE MOST. ANCHORAGE HAS 20,000 CHILDREN UNDER THE AGE OF FIVE YEARS OLD. COMMITTEE DISCUSSION FOLLOWED.

NUMBER 491

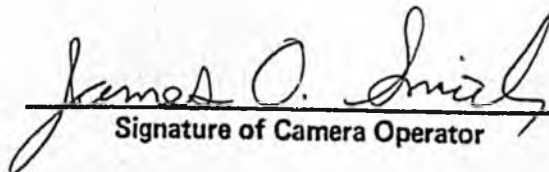
REPRESENTATIVE NAVARRE MOVED THAT THE BILL BE PASSED OUT OF COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS. THERE WERE NO OBJECTIONS AND THE BILL WAS SO MOVED.

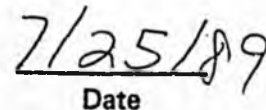


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

HB

83

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: HB 83
 Title: An Act Relating to the
Public Employees and Teachers' Ret. System
 Sponsor: Taylor
 Requestor: Hurley
 Date of Request: 1/30/86

FISCAL DETAIL

Agency Affected: All State Agencies
 Program Category Affected: PERS, TRS
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs		451.4	487.5	526.5	568.6	614.1
100 Rtmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		208.1	224.8	242.8	262.2	283.2
TOTAL OPERATING	-0-	659.5	712.3	769.3	830.8	897.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		616.2	665.5	718.7	776.2	838.3
FEDERAL FUNDS		20.8	22.5	24.3	26.2	28.3
OTHER		22.5	24.3	26.3	28.4	30.7
TOTAL	-0-	659.5	712.3	769.3	830.8	897.3

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director *JRH* Phone: 465-4470
 Division: Retirement & Benefits Date: 1/31/85

Approved by Commissioner: Lisa Rudd *LJR* Date: 2/3/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 17, 1985

SUBJECT: Employee benefits under PERS and TRS
(Work Order No. 14-0174)

TO: Representative Robin Taylor

FROM: Teresa B. Cramer *Terry Cramer*
Legislative Counsel

You have asked for a sectional analysis of Work Order 14-0174.

Section 1 repeals and reenacts AS 14.25.043 to allow a re-employed TRS retiree to take advantage of higher salaries earned during the period of reemployment. The bill retains the requirement that the original retirement option selected is irrevocable. However, in computing the total benefit payable on reappointment to retirement, the employee's highest earnings apply to the total period of credited service not merely the period of reemployment. In many instances an employee's highest earnings occur during the period of reemployment. As is the case now, benefit payments cease and mandatory contributions resume during the period of reemployment.

Section 2 amends AS 14.25.167(e) to incorporate the changes made to AS 14.25.043 by section 1 of the bill. Although the options selected at the time of initial retirement remain irrevocable for the initial period of employment, members may select a different retirement option for the benefits based on the period of reemployment.

Section 3 makes the same amendments to the Public Employee's Retirement System that section 1 makes to the Teachers' Retirement System.

Section 4 makes the same amendments to PERS that section 2 makes to TRS.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 2

REQUEST

Bill/Resolution No.: HB 83
 Title: An Act Relating to the
Public Employees and Teachers' Ret. System
 Sponsor: Taylor
 Requestor: Hurley
 Date of Request: 1/30/86

FISCAL DETAIL

Agency Affected: All State Agencies
 Program Category Affected: PERS, TRS
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

Operating	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
100 Personal Svcs		451.4	487.5	526.5	568.6	614.1
100 Ptmnt & Bnfts						
200 Travel						
300 Contractual						
400 Supplies						
500 Equipment						
600 Land & Struct						
700 Grants, Claims						
700 TRS Match		208.1	224.8	242.8	262.2	283.2
TOTAL OPERATING	-0-	659.5	712.3	769.3	830.8	897.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		616.2	665.5	718.7	776.2	838.3
FEDERAL FUNDS		20.8	22.5	24.3	26.2	28.3
OTHER		22.5	24.3	26.3	28.4	30.7
TOTAL	-0-	659.5	712.3	769.3	830.8	897.3

POSITIONS: -0- -0- -0- -0- -0- -0-

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared By: J.K. Humphreys, Director *J.K. Humphreys* ^{HR} Phone: 465-4470
 Division: Retirement & Benefits Date: 1/31/85

Approved by Commissioner: Lisa Rudd *LJR* Date: 2/3/85
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

House Bill 83
Fiscal Note Analysis
Prepared by Division of Retirement & Benefits
Department of Administration

January 31, 1985

IV Analysis: Passage of this bill would allow retirees in the Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS) to be reemployed with a participating employer and use the highest salaries over their entire period of service under the PERS or the TRS respectively for calculating their additional benefit. We have estimated that approximately 2½% of all retirees would exercise this option and that it would result in an average increase of 20% in their benefit.

This is estimated to result in a .0764% increase in the PERS employer contribution rate and a .1% increase in the TRS employer contribution rate. The PERS state salaries for FY 86 are estimated to be \$544,046,592.00 and the TRS state salaries for FY 86 are estimated to be \$71,490,744.00. The FY 86 TRS State Match salaries are estimated to be \$416,297,654.00

This would result in an increase in Political Subdivision contributions of the following.

<u>FY 86</u>	<u>FY 87</u>	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>
\$499.9	\$539.9	\$583.0	\$629.7	\$680.1

The present value of the cost of this bill in PERS is \$2,750,000.00 resulting in a .22% decrease in the funding ratio. The present value of the cost of this bill in TRS is \$1,800,000.00 resulting in a .26% decrease in the funding ratio.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 17, 1985

SUBJECT: Employee benefits under PERS and TRS
(Work Order No. 14-0174)

TO: Representative Robin Taylor

FROM: Teresa B. Cramer *Terry Cramer*
Legislative Counsel

You have asked for a sectional analysis of Work Order 14-0174.

Section 1 repeals and reenacts AS 14.25.043 to allow a re-employed TRS retiree to take advantage of higher salaries earned during the period of reemployment. The bill retains the requirement that the original retirement option selected is irrevocable. However, in computing the total benefit payable on reappointment to retirement, the employee's highest earnings apply to the total period of credited service not merely the period of reemployment. In many instances an employee's highest earnings occur during the period of reemployment. As is the case now, benefit payments cease and mandatory contributions resume during the period of reemployment.

Section 2 amends AS 14.25.167(e) to incorporate the changes made to AS 14.25.043 by section 1 of the bill. Although the options selected at the time of initial retirement remain irrevocable for the initial period of employment, members may select a different retirement option for the benefits based on the period of reemployment.

Section 3 makes the same amendments to the Public Employee's Retirement System that section 1 makes to the Teachers' Retirement System.

Section 4 makes the same amendments to PERS that section 2 makes to TRS.

Representative Robin Taylor
January 18, 1985
Page 2

Section 5 makes the bill effective July 1, 1985.

If I may be of further assistance, please let me know.

TC:ojb
J11/007

17 * Sec. 5. AS 39.35.340(a) is amended to read:

18 (a) A vested employee is entitled to credited service for active
19 military service in the armed forces of the United States, either by
20 enlistment or induction, if the employee did not receive a dishonor-
21 able discharge and is not entitled to receive benefits from the United
22 States government for the same service. The credited service allowed
23 may not exceed an aggregate period of five years. Benefits are not
24 payable on credited service for military service unless the employee
25 makes retroactive contributions to the system for the period of time
26 that service credit is claimed. However, if the employee was in the
27 employ of an employer on the date of entry into the armed forces and
28 returned to the employ of an employer within 90 days after the date of
29 [HIS] discharge from military service, the employee [HE] is not

1 required to make retroactive contributions under this system for the
2 period of credited service.
3

24 * Sec. ~~2~~ AS 14.25.060(a) is repealed and reenacted to read:

25 (a) *Sec. 2* If a member has military service or Alaska Bureau of Indian
26 Affairs (BIA) service, or if a member joined the system before July 1,
27 1978, and has creditable outside service, the member is indebted to
28 the retirement fund as follows:

(1) For a member first hired before July 1, 1978, the
-1- CSS: 110(SA)

2 arrearage indebtedness for creditable outside service is seven percent
3 of the base salary multiplied by the total number of years of credit-
4 able outside service. Compound interest at the rate prescribed by
5 regulation shall be added to the arrearage indebtedness beginning
6 July 1, 1963, or at the time of first becoming employed as a member,
7 whichever is later, to the date of payment or the date of retirement,
8 whichever occurs first.

9 (2) For a member first hired before July 1, 1984, the
10 arrearage indebtedness for creditable military and Alaska BIA service
11 is seven percent of the base salary multiplied by the total number of
12 years of military and Alaska BIA service. For a member first hired on
13 or after July 1, 1984, the arrearage indebtedness for military and
14 Alaska BIA service is nine percent of the base salary multiplied by
15 the total number of years of creditable military and Alaska BIA ser-
16 vice. Compound interest at the rate prescribed by regulation shall be
17 added to the arrearage indebtedness beginning July 1, 1963, or at the
18 time of first becoming employed as a member, whichever is later, to
the date of payment.



Official Business

Alaska State Legislature

Pouch V
State Capitol
Juneau, Alaska 99811

January 29, 1985

TO: Representative Katie Hurley
FROM: Representative Robin Taylor
RE: H.B. 83

A handwritten signature in black ink, appearing to read "R. Taylor".

Please amend Section 5 of House Bill 83 to read,
"This act takes effect February 1, 1985."

Thank you.

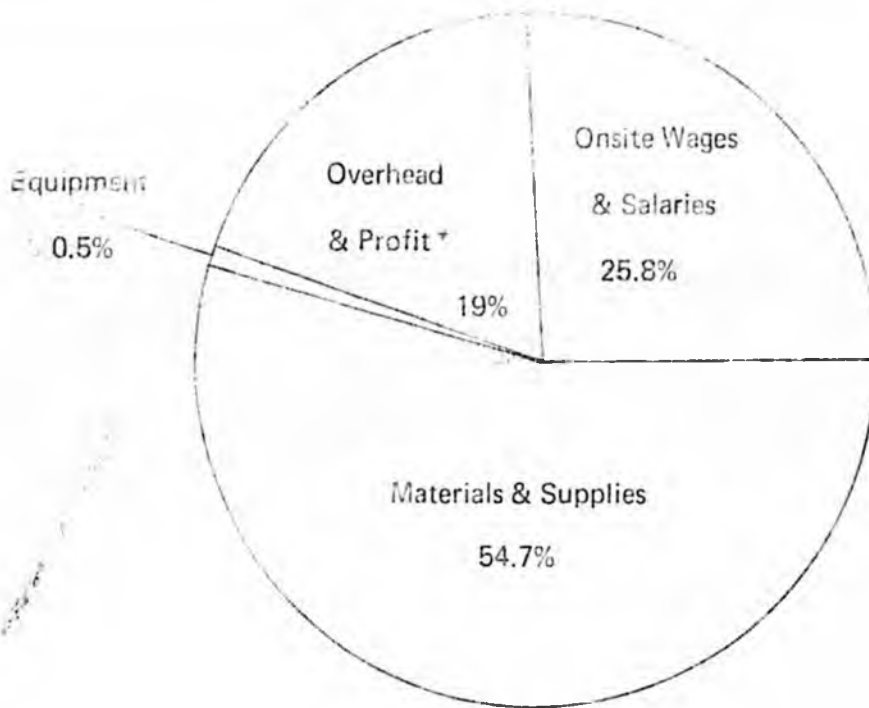


Figure 1. Distribution of Contract Costs for Public Schools

*Includes off-site wages, fringe benefits, construction financing, inventory, other overhead, and profit.

Source: U.S. Department of Labor, Bureau of Labor Statistics, "Labor and Material Requirements for Sewer Works Construction," Bulletin 2003, January 1979, Tables 12, 13, and 14.

payments, although some workers state only until the job is finished with their earnings. Subsequent impacts are primarily when workers spend their wages in the economy. Most money spent on commodity goes out of the local economy to the place those commodities are produced. Money for services, however, remains within the economy to generate an additional round of

Economic Impacts

In addition to those effects described and above, there may be other effects before, during, and after construction which add to the impact. These are:

Announcement Effects. The announcement of a project may cause the business sector to expand or contract. Preconstruction planning and construction may also impact the economy.

Investment Effects. Investment in the business sector (new stores) or household sector

(new housing) may result if the general level of economic activity strains the capacity of existing infrastructure.² This is a major factor in generating business cycles.

- **Government Effects.** Growth in the private sector generally increases the demand for goods and services provided by the public sector.
- **Operation and Maintenance Effects.** The operation and maintenance of new capital facilities require labor, commodities, and services. Operations and maintenance also generate indirect and induced effects.
- **Structural Change Effects.** The existence of a new capital facility may produce an increase or even a decrease in economic activity because it changes the structure of the econ-

²Economic infrastructure is the underlying foundation upon which an economy is built. It includes the basic supporting services required by an economy to operate, such as communications, transportation, and public utilities.



Alaska Public
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Representative Katie Hurley, Chairperson
House State Affairs Committee

FROM: Cherie Shelley, Executive Director
Alaska Public Employees Association

SUBJECT: HB 83 PERS/TRS Benefits After Reemployment

DATE: February 5, 1985

The Alaska Public Employees Association supports House Bill 83. This legislation will eliminate the penalty imposed upon employees who return to public service after retirement.

This legislation will allow the state and local governments to utilize the experience and abilities of long-term employees without penalizing these employees for an earlier decision to retire.

Fairbanks Field Office
825-D College Road
Fairbanks, AK 99701
Telephone: (907) 456-5412

Anchorage Field Office
833 Gambell Street, Suite A
Anchorage, AK 99501
Telephone: (907) 274-1688

Juneau Field Office
227 4th Street
Juneau, AK 99801
Telephone: (907) 586-6305

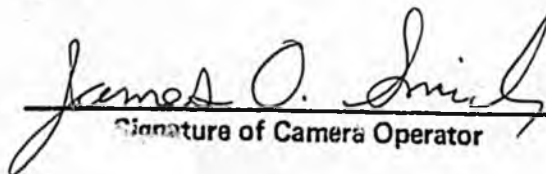


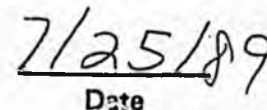
RECORDS



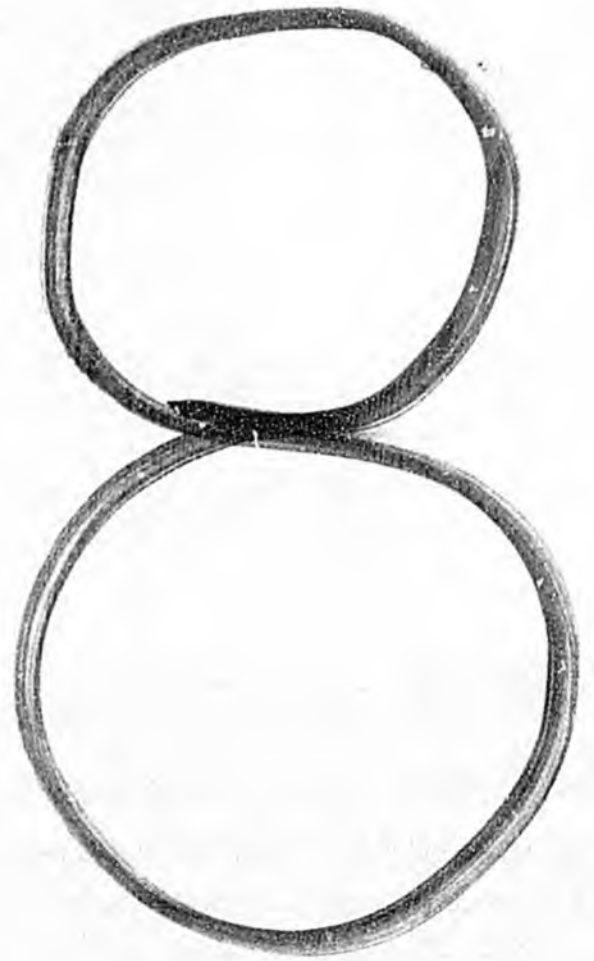
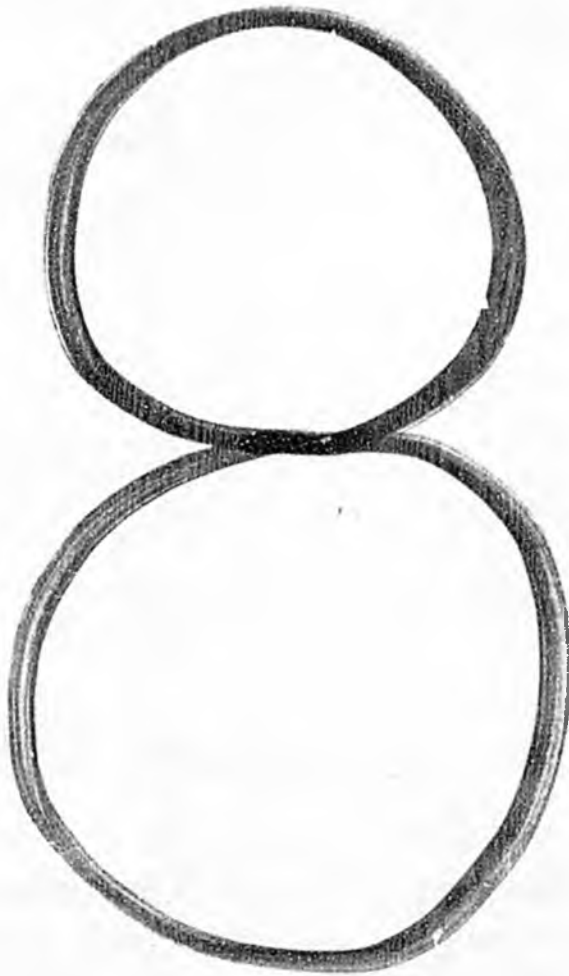
CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B



COMMITTEE REPORT
HOUSE

Judiciary

(7)

FURTHER: Finance

1/18/85

Date: April 9 1985

The Committee on Health, Education and Social Services has had HB 88

"An Act relating to the protection of children; and amending Rules 504, 505, and 506, Alaska Rules of Evidence, and Rule 6(r), Alaska Rules of Criminal Procedures."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 88 (HESS) same title
- new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

Katie Hurley

Vivian John C. ...

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]
CHAIRMAN



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 18, 1985

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which will enhance the state's ability to protect children who have been the victims of child abuse or neglect. The bill makes numerous changes to existing civil and criminal laws, and adds some badly needed provisions. A section-by-section analysis of the bill, explaining the reasons for and effect of the proposed changes, appears below.

In brief summary, secs. 1 and 2 of the bill create a new crime, endangering the welfare of a minor in the second degree, which would make it a crime for a daycare worker or other person entrusted with the care of a child to negligently expose the child to substantial risk of injury or to injure a child by unlawfully failing to provide the child with necessary food, care, clothing, or shelter. Section 3 strengthens existing law prohibiting sale and distribution of child pornography, and sec. 4 makes some technical amendments to an existing law which expands the statute of limitations in prosecutions for certain sexual offenses against children.

Section 5 adds a new statute to existing law, to allow the introduction of certain hearsay evidence in grand jury prosecutions for sexual offenses against children. Section 6 makes it clear that Alaska's "rape shield" statute applies to child victims as well as to adult victims. Sections 7, 8, and 9 expand existing law regarding a criminal records check of persons employed in positions of authority over children. Sections 10 and 11 revise the law regarding curfew violations; and sec. 12 revises the procedures for submission of predisposition reports in delinquency proceedings.

Section 13 and 14 revise existing procedures requiring the

Department of Health and Social Services, division of family and youth services (DFYS), to file a court petition to assume emergency custody of an abused or neglected child. Section 15 adds a definition of "sexual abuse" to the child abuse reporting laws, and secs. 16 and 23 add "mental injury" to the types of harm that must be reported. Sections 17, 18, 24, and 25 expand the classes of persons who are required under the law to report cases of suspected child abuse. Section 19 clarifies that a person who submits a report of abuse or neglect in good faith is immune from civil or criminal liability.

Section 20 abolishes the application of some evidentiary privileges that prevent the introduction of evidence in child abuse proceedings. Section 22 authorizes the state to seek an injunction prohibiting a person who has abused children in the past from having contact with a child not related to him. Section 26 allows the state to establish regulations devising a system of civil fines to enhance enforcement of child care licensing laws. Sections 27 and 28 describe the effect of two sections of the bill that would amend court rules.

SECTION-BY-SECTION ANALYSIS

Section 1

Under existing AS 11.51.100, endangering the welfare of a minor, it is class C felony offense for a parent or guardian to intentionally desert a child under circumstances which place the child in substantial danger of injury. Section 1 of this bill adds "in the first degree" to the title of the existing crime (sec. 2, below, adds a "second degree" form of the crime), and expands the law's coverage to children under the age of 18 (rather than under age 10).

Section 2

This section creates a new class A misdemeanor crime: endangering the welfare of a minor in the second degree. A person commits this crime if he has been entrusted with the care of a child under 13 and either: (1) negligently exposes the child to circumstances creating a substantial risk of injury or abuse, or (2) negligently exposes the child to physical injury by failing to provide the child with necessary care, food, shelter, or medical attention. This new provision would apply to child care providers (such as day care workers) who neglect children entrusted to their care or who allow the children to be exposed to dangerous conditions.

Section 3

Under AS 11.61.125, enacted in 1983, it is a class C felony offense to bring child pornography (visual depictions of children engaged in sex acts) into the state for sale or distribution. The law also prohibits possession or publication of such material with intent to sell it. As presently written, however, AS 11.61.125 does not explicitly prohibit the sale of child pornography. This omission makes prosecution under the new law more difficult. For example, who "possessed" illicit material sold over a bookstore counter? The store owner, or the clerk who actually made the sale? Under current law the answer is not clear. Section 3 of the bill clears up this ambiguity, and strengthens existing law, by explicitly including sale, distribution, or exhibition of child pornography for profit among the acts prohibited by law.

Section 4

AS 12.10.020(c), enacted in 1983, extended the general five-year statute of limitations for sex crimes against children. Under certain circumstances, a crime of this nature can be prosecuted up to 10 years after it was committed. This extension was adopted because, under the prior law, the five-year limitation period often expired before the child victim became old enough to report the assault. This was especially true when the victim was a very young child. Section 4 of this bill amends the language of AS 12.10.020 to include prostitution related offenses among those offenses to which the extension applies. The amended language also includes offenses committed under sections of the criminal code that were repealed when the laws relating to sexual offenses against children were revised in 1983.

Section 5

This section adds a new statute allowing a child's out of court ("hearsay") statement about a sexual offense to be introduced, under specified conditions, at grand jury proceedings. This would allow the grand jurors to hear and consider, for example, a videotaped statement given by the child victim immediately after the abuse was discovered. The statement must appear reliable and the child must either testify at the grand jury, or be "unavailable," as defined in the statute. Adoption of this measure will help to reduce the number of times a young child must be interviewed or testify about an assault, and will bring Alaska's procedure more in line with procedures used in other jurisdictions.

Section 6

AS 12.45.045, which limits the introduction in a sexual assault trial of evidence of the victim's previous sexual conduct, was adopted in 1978 as part of the new criminal code. Virtually all states have adopted some version of such a "rape shield" statute. The statute is designed to protect the sexual assault victim from unwarranted invasion into her private life. As originally adopted in the new criminal code, serious sexual offenses against children were included in the general sexual assault statutes. The protections included in AS 12.45.045 thus applied in child abuse cases as well as adult rape cases.

In 1983 the criminal laws regarding sexual offenses against children were revised; most sexual offenses against children are now called "sexual abuse of a minor" in one of four degrees. Unfortunately, the language of AS 12.45.045 was not altered to reflect the new designation for sexual crimes against children. Section 6 of this bill amends the statute to make it clear that the protections accorded to adult victims of a sexual assault apply to child victims as well.

Sections 7, 8, and 9

Existing AS 12.62.035 authorizes the release of certain criminal conviction records for persons who hold or are applying for paid or volunteer positions which would give them supervisory or disciplinary power over a child. Sections 7, 8, and 9 of this bill expand the types of convictions that may be reported to include all crimes that might pose a risk to children. Section 9 allows the state to inform an inquiring employer if there is a pending warrant for the arrest of the employee.

Sections 10 and 11

These sections revise existing law relating to curfews for minors. Section 10 provides that only a fine may be imposed upon a minor who violates a local curfew; no jail sentence may be given. Section 11 provides that curfew violations, like traffic and fish and game law violations, will be handled in an adult criminal court rather than in the juvenile justice system.

Under existing law, local communities have the authority to establish curfews for minors and to impose penalties for violations. Many communities, particularly in rural areas, have established curfews in hopes of controlling juvenile activity which might lead to delinquent behavior, and in hopes of providing protection for children and promoting family responsibility and unit. Present AS 29.43.110, passed in 1962, authorizes penalties of up to a \$300 fine and 30 days in jail for curfew violations.

These penalties cannot be enforced, however, because the statute conflicts with other state laws. Since minors alleged to have committed crimes come within the jurisdiction of AS 47.10, curfew violations must be handled through the juvenile court, which cannot impose fines or terms of imprisonment. Thus, juveniles accused of curfew violations may be adjudicated as delinquents, but may not be fined or sentenced as indicated in AS 29.43.110.

AS 29.43.110 reflects an outmoded approach to family and behavioral problems of youth. The intent of both federal and state laws passed within the last 15 years has been to limit the unnecessary detention of nondelinquent juveniles through the decriminalization of status offenses such as curfew violations. This is good public policy, especially since Alaska's juvenile detention facilities are already overcrowded by youth requiring secure detention in order to protect either the public or themselves.

In order to remove an anomolous provision from the state statutes, and at the same time provide municipalities with an effective method of enforcing curfews, this bill makes failure to comply with municipal curfew ordinances a violation rather than a crime, and requires that minors accused of violating curfew ordinances be made subject to prosecution, as they presently are subject to prosecution for violation of fish and game statutes or regulations and traffic laws.

A minor accused of a curfew violation would be charged and prosecuted in district court, and would be subject to a fine of up to \$300. The court could, of course, suspend any portion of the fine and require, as a condition of the suspension, that the minor complete a reasonable period of community service work or the fulfillment of similar reasonable conditions. This would reduce unnecessary detention of juvenile curfew violators. This is particularly important in rural areas where juveniles detained for such violations are held in adult jails which may not provide legally required sight and sound separation. It would also ensure that curfew violations are dealt with expeditiously, by allowing them to be handled by local law enforcement officers and judges. Communities would have greater flexibility in developing appropriate conditions to be met by violators.

Section 12

Under AS 47.10.081, before a juvenile court may "dispose of" (sentence) a delinquent minor, all parties must receive a predisposition report. This report is prepared by a DFYS worker. Section 12 amends AS 47.10.081(c) to provide that the report must be provided to all parties twc (rather

than 10) working days before the hearing.

The present 10-day requirement presents considerable practical problems, and often requires a delay in the disposition proceedings. In delinquency dispositions where there are 30 or less calendar days between adjudication and disposition, investigating probation officers may have fewer working days to complete their investigation and prepare the disposition report than the parties have to review the document prior to court. The ten day requirement also eliminates any possibility of a practical effort to reduce the total time between adjudication and disposition for those children detailed during that process.

The present "10-day rule" has resulted in lengthening periods of detention because additional time is necessary to complete predisposition investigations and disposition hearings must be postponed. While there is no question that parties to a disposition hearing, including a child's attorney, must have prior access to investigative reports, a full 10 days of advanced availability is unnecessary. Two full working days should be sufficient time to allow all parties to carefully review the report.

Section 13

This section would change the standard for assuming emergency custody in neglect cases to conform to the same standard used in abuse cases. It would thus allow earlier emergency intervention to protect neglected children. It would also allow assumption of custody of neglected children who need immediate medical attention rather than requiring that their life be endangered.

Section 14

Section 14 of the bill modifies the time constraints upon DFYS for filing of petitions when a minor is taken into emergency custody. The modification relaxes the time-frame (in conformity with current practices in Anchorage) to allow a petition to be filed on the next business day following the assumption of custody of the minor. The Anchorage courts have permitted this practice for several years, notwithstanding the requirement in current law that the petition be filed within 12 hours after the minor has been taken into custody. Practices around the state vary, and a recent legislative audit report strongly suggests that practices should be made uniform throughout the state.

In those courts that interpret the 12-hour requirement literally, cases are brought before magistrates on weekends and holidays. The initial probable cause determination is usually not made by the magistrate, however;

the case is held over to the next business day. Although there is some minimal screening which occurs when the case appears before the magistrate, the same issue is addressed again on the next business day before a judge or special master. The advantage of the proposed change is that it prevents this additional hearing, and allows the social worker to perform the many tasks needed after emergency custody is assumed (making arrangements for placement and medical or other care as needed), while still requiring that the social worker attempt to immediately notify the parent of the assumption of custody.

Section 14 also includes language that allows DFYS discretion in filing petitions when emergency custody has been assumed in situations that do not require continued protective custody or DFYS involvement. These instances constitute a small percentage of the emergency custody cases, and involve situations in which a primary or temporary caretaker has allowed the child to wander off and the child is discovered by parties who do not know the family. Under current law, in order to provide temporary shelter for the child until parents are located, DFYS must assume emergency custody. A request to dismiss is often filed with the petition in these situations, and the petition is filed only because the present statute appears to require it. This section eliminates the need for this unnecessary paperwork.

Section 15

Section 15 defines the term "sexual abuse" for purposes of civil child in need of aid (CINA) proceedings under AS 47. Although the term "sexual abuse" is now used in AS 47, it is not defined. The proposed definition would prevent constitutional challenges to the state's assumption of jurisdiction over children who are sexually abused by their parents.

To allow DFYS intervention in all cases of suspected sexual abuse, the definition is quite broad. It includes all sexual conduct which is also a crime. Other forms of inappropriate touching are also included, but conduct reasonably necessary for normal caretaker or medical responsibilities is excluded. CINA proceedings focus on the ill-effects of sexualized contacts and overtures by a child's parents. The provisions in AS 47 are intended to protect against the mental and emotional harm which results from inappropriate sexual contact between a parent and a child. Thus, it is important that reasonable perceptions of the child be considered by the court in determining whether or not sexual abuse has occurred. The proposed definition specifically allows for this.

Section 16

Although existing law allows DFYS intervention to protect children from mental harm, it does not require that the harm be reported by professionals as is the case with neglect and physical and sexual abuse. This section will correct that deficiency. Together with sec. 23, which clearly defines "mental injury," this change will provide greater protection for children who have suffered observable mental injury, by increasing the reporting of such incidents. Similar provisions are included in the statutes of 47 other states, and inclusion in child protection laws is encouraged by federal policies and law.

Section 17

This section revises and expands existing law requiring persons in certain professions to report to DFYS suspected abuse of a child by a parent or other caretaker. Under existing law, a significant number of persons who regularly have access to information that a child has suffered harm as the result of abuse or neglect by a caretaker are not required to report that information. The revised statute focuses upon those individuals who regularly have contact with a child, or a child's family, and are therefore in a position to gain knowledge of child abuse and neglect. These changes are needed to insure that all children abused or neglected by caretakers come to the attention of DFYS.

The word "professional" has been deleted from AS 47.17.020(a), since many persons who have regular access to children and information about harm are considered para-professionals. Paragraph (a)(2) of AS 47.17.020 has been expanded to include all employees or volunteers of private or public schools, not just teachers or administrative staff. The term "social workers" in existing paragraph (a)(3) has been expanded to include all human service providers (defined in sec. 25).

In paragraph (a)(6), "licensed day care providers and paid staff" has been broadened to include all child care providers, including foster parents. This change is recommended because many persons who regularly provide day care services need not be licensed under existing law, and because children are cared for in a number of situations other than day care or foster care. Reference to "licensed foster care providers" has been eliminated from paragraph (a)(7), because they are now included in the scope of (a)(6). Instead, (a)(7) requires all counselors, licensed and unlicensed, to report suspected instances of child abuse. Present law applies to psychiatrists and psychologists (as "practitioners of the healing arts"), but not to other individuals who regularly counsel families or child-

ren. New paragraphs (a)(8) -- (10) add other categories of persons required to report.

Section 18

Under present law, persons in the categories listed in AS 47.17.020(a) are required to report suspected child abuse or neglect only if the abuse or neglect is caused by or attributable to the actions of a person "responsible for the child's welfare." See AS 47.17.070(1) and (7). Thus, harm caused by a person not related to the child or residing in the child's home need not be reported to DFYS.

Section 18 of this bill adds a new section to the statutes: reports to law enforcement agencies. If a person listed in AS 47.17.020 (the general reporting statute) has reason to believe that a child has suffered harm as a result of injury, neglect, or exploitation by someone other than a family member or caretaker, the person must report that harm to a law enforcement officer (rather than DFYS). The law should require that all instances of abuse or neglect be reported to the authorities, not just intrafamily abuse. All children should be protected under the law, without regard to the identity of the perpetrator or the relationship to the child victim.

New subsec. (b) requires film processors to report suspected cases of child pornography to law enforcement authorities for investigation. Several other states have such a requirement. On at least one occasion in the past, an Alaska man who photographed a young child engaged in sex acts with him was apprehended as a result of a similar reporting requirement in another state. A person who knowingly fails to make a report as required in this section is guilty of a class B misdemeanor under AS 47.17.068 (see sec. 21, below).

Section 19

Section 19 amends the immunity provision in existing AS 47.17.050 to make it clear that a person who makes a child abuse report in good faith, and whose information or testimony is used in connection with criminal prosecution of the offender, as well as in a civil proceeding, is immune from liability for making the report. This clarification is necessary as a result of the appellate court's decision in State v. R.H. and Wetherhorn, 683 P.2d 269 (Alaska App. 1984). The Wetherhorn court held that the phrase "judicial proceeding," as used in AS 47.17.060 (dealing with evidence that is not privileged), refers only to civil proceedings -- i.e., "child protection proceedings" -- under AS 47.10 ("Delinquent Minors and Children in Need of Aid"). 683 P.2d at 280.

Section 20

This section of the bill clarifies existing law regarding evidence that may be admitted in civil or criminal proceedings regarding the abuse of a child. The amendment abrogates some evidentiary privileges that prevent the introduction of evidence of harm. The clergyman privilege would not apply if the communication was made during the course of counselling sessions (rather than in furtherance of a religious practice).

Section 21

This section contains a conforming amendment extending existing "B" misdemeanor penalties for failure to report suspected child abuse, as explained above regarding sec. 18.

Section 22

Section 22 of this bill provides broad authority to the state to enjoin or limit persons who endanger children in the ways specified from having contact with children. While there may be common law authority for this view, statutory confirmation of this authority removes one issue from possible litigation in cases where the attorney general chooses to bring an action to enjoin or limit a person from contact with children. This addresses the problem of no regulation of day care providers who care for less than five children without burdening the public with regulation of all day care providers.

Section 23

This section amends the existing definition of "child abuse or neglect" to include mental injury caused by a person responsible for the child's welfare. The rationale for including "mental injury" is described in connection with sec. 16, above.

Section 24

Existing law requires "practitioners of the healing arts" to report suspected child abuse or neglect. This section expands the definition of this term to include nurse practitioners and physician's assistants. Although these health care professionals are considered included in the current definition, this amendment clears up any possible uncertainty by specifically referring to persons who hold these positions.

Section 25

This section adds new definitions related to the expanded classes of persons who must report child abuse (see secs. 17 and 18 of the bill).

Section 26

Section 26 of this bill makes two changes. First, AS 47.35.070(a) is amended to bring this statute into conformity with the criminal code by making violations of child care licensing statutes and regulations a class B misdemeanor. Second, subsec. (b) adds language that gives statutory authority to the Department of Health and Social Services to establish a system of civil enforcement (including the levy of up to \$200 daily in civil penalties) for violations of its licensing statutes and regulations.

This authority will provide the department with a valuable regulatory tool. Presently, the department has only two choices with respect to licensees who violate statutes and regulations. The department can either revoke the license or do nothing. While the department can require the licensee to establish a plan of correction for violations, its only lever to enforce this requirement is the authority to revoke the license. If a system of civil penalties existed, the department would have the additional tool of fining licensees for minor violations of regulations and statutes. The new language makes it clear that imposition of a civil penalty would not preclude criminal prosecution in appropriate circumstances.

Section 27

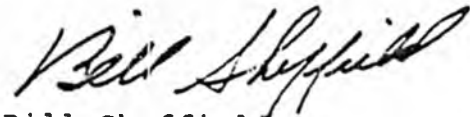
New AS 12.40.050, contained in sec. 5 of this bill, allows the introduction under certain circumstances of hearsay evidence of a child's statement in grand jury proceedings for sexual offenses against children. Section 28 indicates that this would have the effect of altering a court rule of criminal procedure. A two-thirds vote of each house is thus required on this section of the bill, under art. IV, sec. 15 of the Alaska Constitution.

Section 28

This section states that the changes proposed in sec. 20 of the bill would amend Alaska Rules of Evidence 504, 505, and 506 by preventing the application of the physician-patient privilege and the husband-wife privilege, and by limiting the application of the clergyman privilege, in civil or criminal proceedings arising from reports of abuse made under AS 47.17. A two-thirds vote of each house is required for passage of this section.

The problems related to the protection of children are among the most serious facing our society. Therefore, I urge your prompt, thoughtful, and favorable consideration of this measure.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST Page 1 of 2
Bill/Resolution No.: HB 88, No.1
Title: Child Protection
Sponsor: Rules Committee
Requestor: Governor's Office
Date of Request: 1/17/85

FISCAL DETAIL
Agency Affected: Public Safety
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected:
 1) Alaska State Troopers and
 2) Administration (Records & Identification)

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		214.8	225.5	236.8	248.6	261.0
200 TRAVEL		6.0	6.3	6.6	7.0	7.3
300 CONTRACTUAL		2.9	3.1	3.2	3.4	3.5
400 SUPPLIES		5.0	5.3	5.5	5.8	6.1
500 EQUIPMENT		0.7	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		229.4	240.2	252.1	264.8	277.9
CAPITAL		0				
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND		229.4	240.2	252.1	264.8	277.9
FEDERAL FUNDS						
OTHER						
TOTAL		229.4	240.2	252.1	264.8	277.9

POSITIONS:

FULL-TIME		3.0	3.0	3.0	3.0	3.0
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY		0	0	0	0	0

ANALYSIS: Attach a separate page if necessary

The reporting, investigative and follow-up functions will require increase in Staff. It is estimated that 3 Troopers (Statewide) at Range 76 will be needed at a total cost of \$72.6 per position in FY86.

Affirmative and detailed reporting requirements by the Records & Identification Section of the Division of Administrative Services is estimated to need one-half

Prepared By: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 1/17/85

Approved by Commissioner: [Signature] Date: 1/17/85
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

7/1/84

ANALYSIS, con't

HB 88, No. 1, Page 2 of 2

of a position at the level of Range 9, Clerk IV.

For subsequent years, an inflation of 5 percent is calculated.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Page 1 of 2

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 88, No. 2
 Title: "An Act relating to the protection of children..."
 Sponsor: House Rules/Governor
 Requestor: Governor's Ofc./OMB
 Date of Request: 1/16/85

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: General Government, Admin. of Justice
 BRU, Program or Subprogram(s) Affected: Legal Services, Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

Analysis attached.

Prepared By: Richard I. Pegues, Director
 Division: Administrative Services
 Approved by Commissioner: Richard I. Pegues FOR
 Agency: Department of Law

Phone: 465-3672
 Date: 1/16/85
 Date: 1/16/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

January 16, 1985

Governor Sheffield has made two major proposals that will enable the state to combat the alarming incidence of child abuse and neglect in Alaska. One, the Governor has proposed the allocation of substantial additional resources in the FY 86 operating budget to improve the state's ability to protect children who have been abused or neglected, including the stepped-up prosecution of offenders and the removal of abused and neglected children to a secure home environment. The Governor has also proposed a comprehensive child protection legislative package, contained in this bill, that makes numerous changes to existing civil and criminal laws, and adds some badly needed provisions.

While this bill will cause some additional impact on prosecution and Civil Division resources, we believe that we will be able to absorb this impact over the next fiscal year through use of the resources provided in the Governor's FY 86 operating budget. Enactment of the changes to the civil and criminal laws will greatly enhance the effectiveness of the new prosecutors, civil litigators, and social workers that have been requested in the budget proposal. To the extent that the budget proposal may be reduced, the effect of the child protection legislative package will be correspondingly reduced. In such event, fiscal note costs would be appropriate in order that the bill's provisions will be realized.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

HB 88, No. 3

Revision Date: _____

REQUEST
Governor's
Bill/Resolution No.: Request
Title: An Act...child abuse and neglect.
Sponsor: Governor
Requestor:
Date of Request: 1/16/85

FISCAL DETAIL
Agency Affected: Health and Social Services
Program Category Affected:
BRU, Program or Subprogram(s) Affected:
Social Services, Juvenile Custody

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary

N/A

Prepared By: Michael L. Price MP & LI
 Division: Family and Youth Services

Phone: 465-3170

Date: 1/17/85

Approved by Commissioner: J. A. B. Jr.
 Agency: Dept. of Health & Social Services

Date: 1/17/85

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

SECTION-BY-SECTION ANALYSIS

Section 1

Under existing AS 11.51.100, endangering the welfare of a minor, it is class C felony offense for a parent or guardian to intentionally desert a child under circumstances which place the child in substantial danger of injury. Section 1 of this bill adds "in the first degree" to the title of the existing crime (sec. 2, below, adds a "second degree" form of the crime), expands the law's coverage to children under the age of 12 (rather than under age 10) and adds to the section a person "responsible for the welfare of a child".

Section 2

This section creates a new class A misdemeanor crime: endangering the welfare of a minor in the second degree. A person commits this crime if the person is a parent or guardian or is responsible for the welfare of a child under 12 and either: (1) negligently exposes the child to circumstances creating a substantial risk of injury or abuse, or (2) negligently exposes the child to physical injury by failing to provide the child with necessary care, food, shelter, or medical attention.

Sections 3 and 4

Under AS 11.61.125, enacted in 1983, it is a class C felony offense to bring child pornography (visual depictions of children engaged in sex acts) into the state for sale or distribution. The law also prohibits possession or publication of such material with intent to sell it. As presently written, however, AS 11.61.125 does not explicitly prohibit the sale of child pornography. Section 3 strengthens existing law, by explicitly prohibiting sale, and further, prohibits sale and distribution whether or not for commercial consideration.

Section 5

AS 12.10.020(c), enacted in 1983, extended the general five-year statute of limitations for sex crimes against children. Under certain circumstances, a crime of this nature can be prosecuted up to 10 years after it was committed. This extension was adopted because, under the prior law, the five-year limitation period often expired before the child victim became old enough to report the assault. This was especially true when the victim was a very young child. Section 4 of this bill amends the language of AS 12.10.020 to include prostitution related offenses among those offenses to which the extension applies. The amended language also includes offenses committed under sections of the criminal code that were repealed when the

laws relating to sexual offenses against children were revised in 1983.

Section 6

AS 12.45.045, which limits the introduction in a sexual assault trial of evidence of the victim's previous sexual conduct, was adopted in 1978 as part of the new criminal code. Virtually all states have adopted some version of such a "rape shield" statute. The statute is designed to protect the sexual assault victim from unwarranted invasion into her private life. As originally adopted in the new criminal code, serious sexual offenses against children were included in the general sexual assault statutes. The protections included in AS 12.45.045 thus applied in child abuse cases as well as adult rape cases.

In 1983 the criminal laws regarding sexual offenses against children were revised; most sexual offenses against children are now called "sexual abuse of a minor" in one of four degrees. Unfortunately, the language of AS 12.45.045 was not altered to reflect the new designation for sexual crimes against children. Section 6 of this bill amends the statute to make it clear that the protections accorded to adult victims of a sexual assault apply to child victims as well.

One minor change was made in subcommittee, the word "may" on page 3, line 4 was changed to "shall".

Section 7

Under AS 47.10.081, before a juvenile court may "dispose of" (sentence) a delinquent minor, all parties must receive a predisposition report. This report is prepared by a DFYS worker. Section 12 amends AS 47.10.081(c) to provide that the report must be provided to all parties six (rather than 10) working days before the hearing.

The present 10-day requirement presents considerable practical problems, and often requires a delay in the disposition proceedings. In delinquency dispositions where there are 30 or less calendar days between adjudication and disposition, investigating probation officers may have fewer working days to complete their investigation and prepare the disposition report than the parties have to review the document prior to court. The ten day requirement also eliminates any possibility of a practical effort to reduce the total time between adjudication and disposition for those children detailed during that process. The present "10-day rule" has resulted in lengthening periods of detention because additional time is necessary to complete predisposition investigations and disposition hearings must be postponed.

Section 8

This section would change the standard for assuming emergency custody in neglect cases to conform to the

same standard used in abuse cases. It would thus allow earlier emergency intervention to protect neglected children. It would also allow assumption of custody of neglected children who need immediate medical attention rather than requiring that their life be endangered.

Section 9

Section 9 allows DFYS discretion in filing petitions when emergency custody has been assumed in situations that do not require continued protective custody or DFYS involvement. These instances constitute a small percentage of the emergency custody cases, and involve situations in which a primary or temporary caretaker has allowed the child to wander off and the child is discovered by parties who do not know the family. Under current law, in order to provide temporary shelter for the child until parents are located, DFYS must assume emergency custody. A request to dismiss is often filed with the petition in these situations, and the petition is filed only because the present statute appears to require it. This section eliminates the need for this unnecessary paperwork.

Section 10

Section 10 defines the term "sexual abuse" for purposes of civil child in need of aid (CINA) proceedings under AS 47. Although the term "sexual abuse" is now used in AS 47, it is not defined. The proposed definition would prevent constitutional challenges to the state's assumption of jurisdiction over children who are sexually abused by their parents.

To allow DFYS intervention in all cases of suspected sexual abuse, the definition is quite broad. It includes all sexual conduct which is also a crime. Other forms of inappropriate touching are also included, but conduct reasonably necessary for normal caretaker or medical responsibilities is excluded.

Section 11

AS 47.17.010 is a statement of legislative intent that protective services should be provided to child victims of abuse and neglect to prevent further harm to the child, enhance the general well-being of children, and preserve family life. Section 11 clarifies that family life should be preserved whenever it is in the best interests of the child to do so.

Section 12

This section revises and expands existing law requiring persons in certain professions to report to DFYS suspected abuse of a child by a parent or other caretaker. Under existing law, a significant number of persons who regularly have access to information that a child has suffered harm as the result of abuse or neglect by a caretaker are not required to report that information. The revised

statute focuses upon those individuals who regularly have contact with a child, or a child's family, and are therefore in a position to gain knowledge of child abuse and neglect. These changes are needed to insure that all children abused or neglected by caretakers come to the attention of DFYS.

The subcommittee removed all reference to volunteers, counselors and clergy and changed "investigators" in subsection (7) to "personnel".

Under present law, persons in the categories listed in AS 47.17.020 are required to report suspected child abuse or neglect only if the abuse or neglect is caused by or attributable to the actions of a person "responsible for the child's welfare." Thus, harm caused by a person not related to the child or residing in the child's home need not be reported to DFYS.

Section 12 adds a new provision to the statutes: reports to law enforcement agencies. If a person listed in AS 47.17.020 (the general reporting statute) has reason to believe that a child has suffered harm as a result of injury, neglect, or exploitation by someone other than a family member or caretaker, the person must report that harm to a law enforcement officer (rather than DFYS). The law should require that all instances of abuse or neglect be reported to the authorities, not just intrafamily abuse. All children should be protected under the law, without regard to the identity of the perpetrator or the relationship to the child victim.

If the person reporting the abuse is not aware of the perpetrator's relationship to the victim, Section 12 allows a report to be made to either DFYS or a law enforcement officer.

Section 13

Section 13 requires film processors to report suspected cases of child pornography to law enforcement authorities for investigation and provide the authorities with copies of the material. Several other states have such a requirement. On at least one occasion in the past, an Alaska man who photographed a young child engaged in sex acts with him was apprehended as a result of a similar reporting requirement in another state. A person who knowingly fails to make a report as required in this section is guilty of a class B misdemeanor under AS 47.17.068 (see sec. 21, below).

The subcommittee has requested a legal opinion from LAA Legal on the constitutionality of seizing a person's property without a search warrant.

Section 14

The current scope of DFYS services does not extend beyond intra-family offenses. Section 14 clarifies that if, after a preliminary investigation, DFYS determines that the harm was not caused by a family member, the report shall be turned over to a local law enforcement officer.

Section 15 - 17

Sections 15, 16 and 17 amend the confidentiality, immunity, and privileged evidence provisions in existing AS 47.17 to make it clear that the applicability of these provisions applies to both civil and criminal proceedings. This clarification is necessary as a result of the appellate court's decision in State v. R.H. and Wetherhorn, 683 P.2d 269 (Alaska App. 1984). The Wetherhorn court held that the phrase "judicial proceeding," as used in AS 47.17.060 (dealing with evidence that is not privileged), refers only to civil proceedings.

The subcommittee specified in section 15 that the release of confidential information is a Class A misdemeanor.

The subcommittee has also requested a legal opinion on Section 17 to determine if it changes Rules of Evidence 504 and 505.

Section 18

Section 18 contains a conforming amendment per the clarified definition of abuse in Section 21.

Section 19

This section contains a conforming amendment extending existing "B" misdemeanor penalties for failure to report suspected child abuse, as explained above regarding Section 13.

Section 20

Section 20 of this bill provides broad authority to the state to enjoin or limit persons who endanger children in the ways specified from having contact with children. While there may be common law authority for this view, statutory confirmation of this authority removes one issue from possible litigation in cases where the attorney general chooses to bring an action to enjoin or limit a person from contact with children. This addresses the problem of no regulation of day care providers who care for less than five children without burdening the public with regulation of all day care providers.

Section 21

This section clarifies the definition of abuse in AS 47.17 (reporting statute) in light of existing definitions of "neglect" and "child" in this section. Abuse as used in Title 47 would apply to all incidents of harm against children regardless of who the perpetrator is unless it is specifically stated that the perpetrator must be a

person responsible for the child's welfare. This distinction is necessary, as DFYS's scope does not extend beyond intra-family abuses.

Section 22

Existing law requires "practitioners of the healing arts" to report suspected child abuse or neglect. This section expands the definition of this term to include dental hygienists, nurse practitioners, and physician's assistants. Although these health care professionals are considered included in the current definition, this amendment clears up any possible uncertainty by specifically referring to persons who hold these positions.

The subcommittee removed from the definition in existing law: "psychiatrist" and "psychologist" and "psychological associate" which was in the original draft.

Section 23

This section clarifies the definition of sexual exploitation in AS 47.17 (reporting statute).

Section 24

This section adds new definitions related to the expanded classes of persons who must report child abuse. All references to "volunteers" was removed by the subcommittee.

Sections 25 and 26

Section 25 amends AS 47.35.070(a) to bring this statute into conformity with the criminal code by making violations of child care licensing statutes and regulations a class B misdemeanor. Section 26 adds language that gives statutory authority to the Department of Health and Social Services to establish a system of civil enforcement (including the levy of up to \$200 daily in civil penalties) for violations of its licensing statutes and regulations.

This authority will provide the department with a valuable regulatory tool. Presently, the department has only two choices with respect to licensees who violate statutes and regulations. The department can either revoke the license or do nothing. While the department can require the licensee to establish a plan of correction for violations, its only lever to enforce this requirement is the authority to revoke the license. If a system of civil penalties existed, the department would have the additional tool of fining licensees for minor violations of regulations and statutes. The new language makes it clear that imposition of a civil penalty would not preclude criminal prosecution in appropriate circumstances.