

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5717 HOUSE JUDICIARY 121

AD HOC COMMITTEE REPORT ON:

THE USE OF ALCOHOL IGNITION, INTERLOCK DEVICES AS A JUDICIAL SANCTION

Mr. Chairman:

On December 21, 1987, you requested the formation of an Ad Hoc Committee to study the use of Alcohol Ignition Interlock Devices as a judicial sanction. The task of this committee was to gather information pertaining to the technology, specifications and use of the devices and if sufficient data was available to draft a policy statement for consideration by the Executive Board for possible submission to the Highway Traffic Safety Division.

At the February 15, 1988 meeting of the Executive Board of the Committee on Alcohol and Other Drugs, it was reported that the Ad Hoc Committee had been formed and would begin to gather information. The plan at that time was to acquire data and submit it to the Ad Hoc Committee members for review and preparation of an Ad Hoc Committee report with input from each of the members. Unfortunately this was impossible. The data was received so late that it did not allow sufficient time to distribute it to the committee members and solicit their input. Consequently and unfortunately this report was not reviewed by the committee members prior to the meeting. As the Ad Hoc Committee Chairman, I apologize to the members and hope that they will agree with the material contained in what should now be considered a "Chairmans Report".

Scope of this Report:

This report is limited to the in-vehicle breath alcohol test devices which are used as a judicial sanction.

Other types of devices and possible uses are described in appendix 4-p.26, of this report. The use of these devices in commercial and fleet operations may be useful. However such use should be evaluated by the experts in these fields to determine if it is practical.

Concept:

The concept of a device that will not allow a motor vehicle to be operated by a drinking driver is indeed a grand idea. However the design of a "Fool Proof" device and the application and use of such a device presents numerous problems.

The COAOD has on several occasions endorsed the concept that the most effective deterrent to driving under the influence is the suspension of driving privileges. Additionally we have advocated that additional sanctions should not be in lieu of license suspension.

When used as a judicial sanction the purpose of the ignition interlock device is to allow the convicted driver to continue to operate a motor vehicle. Thus the concepts are opposite.

Previous COAOD Activity:

Appendix 1, 2, and 3 of this report and the minutes of the Executive Board Meetings on October 6, 1987 in Chicago, Illinois and on February 15, 1988 in Philadelphia, Pennsylvania documents the COAOD involvement and concern with the ignition interlock issue prior to the formation of this Ad Hoc Committee. Review of these documents will give the reader a brief history of the devices and an overview of the concerns of the COAOD.

Current Technology:

The document referenced in appendix 4 of this report states that there are three breath test ignition interlock devices currently available in the U.S., these are:

- o "Autosense"
- o "Guardian Interlock"
- o "Safety Interlock"

Appendix 7 of this report gives a comparison of the features of these devices.

All three devices use a "Tagucci" cell to detect and quantitate the alcohol concentration in the sample tested. All of the devices employ various anti-tampering and anti-circumvention features which makes the devices difficult to circumvent. However, a motivated individual could employ some relatively uncomplicated methods to "fool" these devices. Some models employ computer technology which records circumvention attempts. However, detection of these attempts only becomes known when the units are serviced which may be several days or weeks after the occurrence.

Laboratory tests have shown that these devices are relatively accurate in detecting low alcohol concentrations and preventing the ignition of an automobile when used in the method prescribed by the manufacturer. Guardian Interlock has supplied the test results and raw data obtained by an independent laboratory which tested their unit model 22Y in compliance with the provisions stated in the "Texas Ignition Interlock Device Regulations" (Appendix 8 of this Report). The data obtained and the explanation of the testing procedure by Mr. William Giguere, M.A. of Los Altos, California who conducted the tests shows that this unit did meet or exceed all of the requirements stated in the regulations. However these tests were conducted in a laboratory environment. The reliability and accuracy of these units in field application is unknown.

Current Use of These Devices:

The documents referenced in Appendix 4 and 6 of this report show that by the end of 1987 five states had passed legislation authorizing the use of ignition interlock devices as a judicial sanction (some on a trial basis). These states are California, Michigan, Washington, Texas and Oregon. There are several other states which have bills introduced or under consideration. In addition, there are a number of local programs that use ignition interlock devices as a judicial sanction.

In 1986, California became the first state to enact laws pertaining to ignition interlock devices (the Farr-Davis Driver Safety Act of 1986). This law is a two year pilot program with a sunset provision at the end of 1989. Appendix 6 of this report is the major findings and recommendations of the interim report on the evaluation of this program from its beginning until July 1989. This evaluation identifies and explains several problems encountered in the implementation of this program.

Because of the problems encountered in the implementation of the California program the first recommendation is a request for a one year extension of the pilot program until January 1, 1991 (Appendix 6 - p53 of this report). Additionally it is interesting to note (Appendix 6 - p55 of this report) that as of June 30, 1988; 319 interlock devices had been ordered to be installed by the courts in the pilot counties. Only 209 of these devices had actually been installed in the vehicles of convicted drivers. Twenty-three of the installed devices had been removed for various reasons including operational problems and by petition of the offender. Sixteen offenders were ordered to install ignition interlock devices even though they do not currently own a vehicle. The report states that "this sentencing practice creates serious enforcement problems".

Current Data:

The latest and most comprehensive data available is the complete documents referenced in Appendix 4 and 6 of this report. Anyone interested in this subject should obtain a copy of these documents because the Appendix contained in this report are only selected portions of these resources.

The document referenced in Appendix 4 of this report is the NHTSA report to congress which contains a considerable amount information on the history of the ignition interlock devices; the current application of these devices; the problems associated with the use of these devices; the legal, judicial and technical aspects and the DOT plans to produce evaluation methods and develop performance guidelines and testing procedures:

Appendix 5 of this report is a selected portion of the NHTSA bid specifications for the development of the performance guidelines and testing procedures (model specifications for device certification) and program evaluation methods. These bids are expected to be awarded on October 1, 1988. Final reports are expected to be available one year after the bid award.

The document referenced in Appendix 6 of this report is the interim report titled "Evaluation of the California Ignition Interlock Pilot Program for DWI Offenders". This report contains a copy of the Farr-Davis Driver Safety Act of 1986 and a considerable amount of material on the implementation of the program in California. Additionally, this report contains the certification procedures for interlock devices. This certification procedure is the basis from which most of the other states certification requirements were devised (see Appendix 8 and 9 of this report).

Conclusions:

At the present time there is not a sufficient amount of data available to evaluate the use of alcohol ignition interlock devices as a judicial sanction. Those jurisdictions that have ignition interlock programs have not had sufficient time to completely implement the programs or evaluate the use of the device. NHTSA is in the process of developing performance guidelines for the devices, however, these guidelines will not be available until late 1989.

It is therefore the conclusion of this Ad Hoc Committee that the executive board of the COAD has two options:

- (1) Wait until there is sufficient data to propose a policy statement on the use of alcohol ignition interlock devices as a judicial sanction, or,
- (2) Propose an immediate policy statement which states there is insufficient data available at the present time to evaluate the use of alcohol ignition interlock devices as a judicial sanction.

A draft of the proposed policy statement is attached for consideration by the Executive Board, if the choice is the second option.

George E. Browne, Chairman

APPENDICES NOT ATTACHED WITH MINUTES. PLEASE CONTACT STAFF REPRESENTATIVE FOR REFERENCE TO THE APPENDICES.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 2 (HESS)
PUBLISH DATE: HOUSE 1/25/89

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
Title: "An Act relating to ignition
interlock devices." BRU: Highway Safety Planning Agency,
Alaska State Troopers
Sponsor: Representative Gruenberg Component: _____
Requestor: House HESS

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

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact for the Department of Public Safety.

Prepared by: T. Michael Lewis, Program Director
Division: Highway Safety Planning Agency

Phone: 465-4374
Date: 1/15/89

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 1-20-89

STATE OF ALASKA 1989 LEGISLATIVE SESSION
FISCAL NOTE

No. 2

Bill Version: CSHB 2 (HESS)
Publish Date: HOUSE 1/25/89

REQUEST:

Revision Date:
Title: An act relating to ignition
interlock devices

Agency Affected: Alaska Court System
BRU: Trial Courts

Sponsor: Gruenberg, Koponen, Ulmer, .. Components:
Requestor: House Health & Social
Services

EXPENDITURES/REVENUES:		(Thousands of Dollars)					
OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	
Personal Services	
Travel	
Contractual	
Supplies	
Equipment	
Land & Structures	
Grants & Claims	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	

CAPITAL
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REVENUE
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FUNDING:		(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0	
Federal Funds	
Other	
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:		(Thousands of Dollars)					
Full-time	
Part-time	
Temporary	

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
Jan Strandberg, General Counsel
Division: Alaska Court System

Phone: 264-8228
Date: 01/23/89

Approved by: *Stephanie Cole, for*
Arthur H. Snowden, II, Administrative Director
Agency: Alaska Court System

Date: 01/23/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management & Budget
 - Impacted Agency(ies)
 - Senate Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act relating to ignition
 interlock devices."
 Sponsor: Rep. Gruenberg, Koponen, Ulmer,
 Requestor: et al

Agency Affected: Department of Corrections
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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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)

This legislation will have no fiscal impact upon the Department of Corrections.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director
 Division: Administrative Services

Phone: 465-3376
 Date: 1-23-89

Approved by Commissioner: *William Barnette*
 Agency: Department of Corrections

Date: 1-23-89

Distribution (by preparer):

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



Official Business

COMMITTEE:

House HESS Committee

DATE: January 24, 1989

SIGN-IN

Subject of meeting:

HB 2 - Ignition interlock devices

HB 25 - Ban sale of certain irradiated foods

NAME	ADDRESS- Include ZIP	PHONE	(Include Title) REPRESENTING	If testifying, specify bill
Doug Donegan	P.O. Box 0, Juneau AK 99811	465-2628	DEC	Available to answer questions
Lencie Suppinger	327 Tutwater Ave AK. 99508	433-3366	AK environmental lobby	No
Mark H. ...	1. p. ... Juneau AK 99811	465-4778	City ...	Available to answer questions
Elizabeth Ward Kati Kelles	H&SS / Public Health Box H-06 Juneau 99811	465-3090	Public Health	available for questions irradiated food
Paula Tamm	P.O. Box 4	465- 3771	Senator ...	No
Becky Parrose	"	465- 3111	SAC	No



Official Business

COMMITTEE:

HOUSE JUDICIARY

DATE: 2/8/89

SIGN-IN

Subject of meeting:

HBZ - IGNITION INTERLOCK DEVICES

HB 58 - FIRE PROTECTION

HB 73 TEL. AMENDMENT - PUBLIC EMPLOYEES BENEFITS

NAME

ADDRESS FULL ADDRESS PLEASE !

PHONE .

REPRESENTING

DO YOU WANT TO TESTIFY? WHICH BILL?

NAME	ADDRESS FULL ADDRESS PLEASE !	PHONE .	REPRESENTING	DO YOU WANT TO TESTIFY? WHICH BILL?
Jilly Smith	P.O. Box CR Juneau 99801 0203	4470	Ret. & Ben.	Y 73
Gordon Bruntin	PO Box N Juneau 99811	465-4331	Public Safety	HB 58 if questioned
Em Patten	Box T	3376	CORRECTIONS	HB 2 NO. QUESTIONS

OK OK

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The HEALTH, EDUCATION & SOCIAL SERVICES Committee recommends that:

HOUSE BILL NO. 2 [IGNITION INTERLOCK DEVICES]
"An Act relating to ignition interlock devices."

be replaced with CSHB 2 (HESS) the same title
 a new title

have attached amendment(s)

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact
- 4) zero fiscal notes
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: _____
- zero fiscal notes(s) published: _____

SIGNING DO PASS:

Mark G. ...

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Walt F...
Peter J...
Mark Boyer (NO REC)
George ... (NO REC)
John ... (no rec)

H. Ellis

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

January 26, 1989

The Honorable Max Gruenberg
Alaska State Representative
P.O. Box V
Juneau, Alaska 99811

Dear Representative Gruenberg:

I talked to Mark Handley today about a minor change that the Department of Law believes should be made to CSHB2 (HESS). We are concerned about the portion of subsection (c) in bill section 11 that requires a manufacturer of an ignition interlock device to reimburse the state for the cost of certification (page 8, lines 22-23). Although the bill requires that the manufacturer pay the costs of certification, no standards are set for the types of costs for which reimbursement is required. In addition, since criminal penalties are imposed for knowingly circumventing or tampering with an ignition interlock device, we believe the statute should specify that the warning label must be prominently displayed.

We would suggest that the bill be amended by replacing bill section 11 with the following language:

- (c) The commissioner shall by regulation
- (1) establish standards for calibration, certification, maintenance, and monitoring of ignition interlock devices required as a condition of probation under AS 12.55.102; and
 - (2) establish fees, to be paid by the manufacturer, necessary to cover the cost of certifying the ignition interlock device.
- (d) The department shall notify the manufacturer of the ignition interlock device when the device is certified.
- (e) The commissioner may not certify an ignition interlock device unless the device prominently displays a label warning that a person circumventing or tampering with the device in violation of AS 11.76.140 is guilty of a class C misdemeanor.

You will notice that we have retained the language relating to Class C misdemeanors. However, we would respectfully request that you reconsider your decision to create a new class of misdemeanor crime. Instead we would suggest that you make avoidance of an ignition interlock device either a class B

Yellow
STEVE COWPER, GOVERNOR

REPLY TO:

- CRIMINAL DIVISION CENTRAL OFFICE
P.O. BOX KC
JUNEAU, ALASKA 99811-0310
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

RECEIVED
JAN 30 1989

Letter to Representative Gruenberg
CSHB2 (HESS)

January 26, 1989
Page Two

misdemeanor or a violation.

According to Mark Handley, the Judiciary Committee has an interest in reviewing, revising and making consistent all penalty provisions contained in Alaska statutes. Until the review necessary for this major project is complete, we would strongly urge you to retain the existing structure for classification of crimes. In order to place our request in context, we are gathering information on the sentences imposed for all crimes that are currently classified as B misdemeanors. This information will be provided to you as soon as it is available.

If you have any questions about either the proposed change, or our request relating to C misdemeanors, please feel free to contact me at any time.

Respectfully submitted,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By: 

Laurie H. Otto
Assistant Attorney General

cc: Bill Parker
Bob Evans
John Salemi
Dick Pegues

A M E N D M E N T

By Gruenberg

Offered in the HOUSE

TO: CSHB 2 (Judiciary)

Page 7, line 1:

Strike "is guilty of a class B misdemeanor" and
insert: "may be imprisoned for 30 days and fined
\$ 500."

Original sponsors: Gruenberg, Koponen,
Ulmer, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 2 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ignition interlock devices."

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

8 * Section 1. AS 09.50.250 is amended to read:

9 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person
10 or corporation having a contract, quasi-contract, or tort claim
11 against the state may bring an action against the state in the superi-
12 or court. A person who may present the claim under AS 44.77 may not
13 bring an action under this section except as set out in AS 44.77.-
14 040(c). A person who may bring an action under AS 36.30.560 - 36.-
15 30.695 may not bring an action under this section except as set out in
16 AS 36.30.685. However, an [NO] action may not be brought under this
17 section if the claim

18 (1) is an action for tort, and is based upon an act or
19 omission of an employee of the state, exercising due care, in the
20 execution of a statute or regulation, whether or not the statute or
21 regulation is valid; or is an action for tort, and based upon the
22 exercise or performance or the failure to exercise or perform a dis-
23 cretionary function or duty on the part of a state agency or an em-
24 ployee of the state, whether or not the discretion involved is abused;

25 (2) is for damages caused by the imposition or establish-
26 ment of a quarantine by the state;

27 (3) arises out of assault, battery, false imprisonment,
28 false arrest, malicious prosecution, abuse of process, libel, slander,
29 misrepresentation, deceit, or interference with contract rights; or

1 (4) arises out of the use of an ignition interlock device
2 certified under AS 33.05.020(c).

3 * Sec. 2. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.140. AVOIDANCE OF IGNITION INTERLOCK DEVICE. (a) A
5 person may not knowingly

6 (1) circumvent or tamper with an ignition interlock device
7 in a manner intended to allow a person on probation under AS 12.55.102
8 to avoid using the device; or

9 (2) rent, loan, or lease a motor vehicle to a person on
10 probation under AS 12.55.102, unless the vehicle is equipped with an
11 ignition interlock device described in AS 12.55.102.

12 (b) Notwithstanding AS 11.81.250, a person convicted of violat-
13 ing this section is guilty of a misdemeanor. The maximum term of
14 imprisonment that may be imposed is 30 days and the maximum fine that
15 may be imposed is \$500.

16 * Sec. 3. AS 12.55 is amended by adding a new section to read:

17 Sec. 12.55.102. ALCOHOL RELATED OFFENSES. (a) The court may
18 order as a condition of probation that a defendant convicted of an
19 offense involving the use, consumption, or possession of an alcoholic
20 beverage may not operate a motor vehicle during the period of pro-
21 bation unless the vehicle is equipped with a properly functioning,
22 monitored, and maintained ignition interlock device. A condition of
23 probation imposed under this subsection takes effect after any period
24 of license revocation imposed under AS 28.15.165(d) or 28.15.181(c).

25 (b) The court, in imposing probation under (a) of this section,
26 may allow the defendant limited privileges to drive a motor vehicle
27 without an ignition interlock device if the court determines that the
28 defendant is required as a condition of employment to drive a motor
29 vehicle owned or leased by the defendant's employer and that the

1 defendant's driving will not create substantial danger. If the court
2 imposes probation described by this subsection, the court shall re-
3 quire the defendant to notify the defendant's employer of the proba-
4 tion, and shall require that the defendant, while driving the em-
5 ployer's vehicle, carry a letter from the employer authorizing the
6 defendant to drive that vehicle.

7 (c) A court imposing a condition of probation under this section
8 shall require the surrender of the driver's license and shall issue to
9 the defendant a certificate valid for the duration of the probation or
10 a copy of the defendant's judgment of conviction. The defendant shall
11 pay all costs associated with fulfilling the condition of probation,
12 including installation, repair, and monitoring of an ignition inter-
13 lock device.

14 (d) The court may include the cost of the ignition interlock
15 device as a part of the fine required to be imposed against the defen-
16 dant under AS 28.35.030(c) or 28.35.032(g).

17 (e) In this section, "ignition interlock device" means equipment
18 designed to prevent a motor vehicle from being operated by a person
19 who has consumed an alcoholic beverage, and that has been certified by
20 the commissioner of corrections under AS 33.05.020(c).

21 * Sec. 4. AS 28.35.030(c) is amended to read:

22 (c) Upon conviction under this section the court shall impose a
23 minimum sentence of imprisonment of not less than 72 consecutive hours
24 and a fine of not less than \$250 if the person has not been previously
25 convicted in this or another jurisdiction of driving while intoxicated
26 under this or another law or ordinance with substantially similar
27 elements or refusal to submit to a chemical test under AS 28.35.032 or
28 another law or ordinance with substantially similar elements. Upon
29 conviction under this section the court shall impose a minimum

1 sentence of imprisonment of not less than 20 consecutive days and a
2 fine of not less than \$500 if, within the preceding 10 years, the
3 person has been previously convicted once in this or another jurisdic-
4 tion of driving while intoxicated under this or another law or ordi-
5 nance with substantially similar elements or refusal to submit to a
6 chemical test under AS 28.35.032 or another law or ordinance with
7 substantially similar elements. Upon conviction under this section
8 the court shall impose a minimum sentence of imprisonment of not less
9 than 30 consecutive days and a fine of not less than \$1,000 if, within
10 the preceding 10 years, the person has been previously convicted in
11 this or another jurisdiction of more than one of the following offen-
12 ses or has more than once been previously convicted of one of the
13 following offenses: (1) driving while intoxicated under this or anothe-
14 er law or ordinance with substantially similar elements; (2) refusal
15 to submit to a chemical test under AS 28.35.032 or another law or
16 ordinance with substantially similar elements. The execution of
17 sentence may not be suspended nor may probation be granted except on
18 condition that the minimum imprisonment provided in this section is
19 served. Probation may be conditioned as provided in AS 12.55.102.
20 Imposition of sentence may not be suspended. In addition, if the
21 offense involved driving a motor vehicle for which a driver's license
22 is required, the person's driver's license shall be revoked in accor-
23 dance with AS 28.15.181 and the vehicle used in commission of the
24 offense may be forfeited under AS 28.35.036. In addition, the court
25 shall order, and a person convicted under this section shall under-
26 take, for a term specified by the court, that program of alcohol
27 education or rehabilitation that the court, after consideration of any
28 information compiled under (d) of this section, finds appropriate.

29 * Sec. 5. AS 28.35.030 is amended by adding a new subsection to read:

1 (h) Notwithstanding (c) of this section, if the court imposes
2 probation under AS 12.55.102 the court may reduce the fine required to
3 be imposed under (c) of this section by the cost of the ignition
4 interlock device.

5 * Sec. 6. AS 28.35.032(g) is amended to read:

6 (g) Upon conviction of a person under this section, the court
7 shall impose a minimum sentence of imprisonment of not less than 72
8 consecutive hours and a fine of not less than \$250 if the person has
9 not been previously convicted in this or another jurisdiction of
10 driving while intoxicated under AS 28.35.030 or another law or ordi-
11 nance with substantially similar elements or refusal to submit to a
12 chemical test under this section or another law or ordinance with
13 substantially similar elements. Upon conviction under this section the
14 court shall impose a minimum sentence of imprisonment of not less than
15 20 consecutive days and a fine of not less than \$500 if, within the
16 preceding 10 years, the person has been previously convicted once in
17 this or another jurisdiction of driving while intoxicated under
18 AS 28.35.030 or another law or ordinance with substantially similar
19 elements or refusal to submit to a chemical test under this section or
20 another law or ordinance with substantially similar elements. Upon
21 conviction under this section the court shall impose a minimum sen-
22 tence of imprisonment of not less than 30 consecutive days and a fine
23 of not less than \$1,000, if, within the previous 10 years, the person
24 has been previously convicted in this or another jurisdiction of more
25 than one of the following offenses or has more than once been previ-
26 ously convicted of one of the following offenses: (1) driving while
27 intoxicated under AS 28.35.030 or another law or ordinance with sub-
28 stantially similar elements; (2) refusal to submit to a chemical test
29 under this section or another law or ordinance with substantially

1 similar elements. The execution of sentence may not be suspended nor
2 may probation be granted except on condition that the minimum impris-
3 onment provided in this section is served. Probation may be condi-
4 tioned as provided in AS 12.55.102. Imposition of sentence may not be
5 suspended. If the offense involved driving a motor vehicle for which
6 a driver's license is required, the person's driver's license shall be
7 revoked under AS 28.15.181. In addition, the court shall order, and a
8 person convicted under this section shall undertake, for a term speci-
9 fied by the court, that program of alcohol education or rehabilitation
10 that the court, after consideration of any information compiled under
11 (h) of this section, finds appropriate. The sentence imposed by the
12 court under this subsection shall run consecutively with any other
13 sentence of imprisonment imposed on the committed person.

14 * Sec. 7. AS 28.35.032 is amended by adding a new subsection to read:

15 (k) Notwithstanding (g) of this section, if the court imposes
16 probation under AS 12.55.102 the court may reduce the fine required to
17 be imposed under (g) of this section by the cost of the ignition
18 interlock device.

19 * Sec. 8. AS 33.05.020 is amended by adding new subsections to read:

20 (c) The commissioner shall by regulation

21 (1) establish standards for calibration, certification,
22 maintenance, and monitoring of ignition interlock devices required as
23 a condition of probation under AS 12.55.102; and

24 (2) establish a fee to be paid by the manufacturer for the
25 cost of certifying an ignition interlock device.

26 (d) The commissioner shall notify the manufacturer of the igni-
27 tion interlock device when the device is certified. The commissioner
28 may not certify an ignition interlock device unless the device promi-
29 nently displays a label warning that a person circumventing or

1 tampering with the device in violation of AS 11.76.140 may be im-
2 prisoned up to 30 days and fined up to \$500.
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6-0010H

Ford
2/3/89

Original sponsors: Gruenberg, Koponen,
Ulmer, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 2 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to ignition interlock devices."

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

8 * Section 1. AS 09.50.250 is amended to read:

9 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person
10 or corporation having a contract, quasi-contract, or tort claim
11 against the state may bring an action against the state in the superi-
12 or court. A person who may present the claim under AS 44.77 may not
13 bring an action under this section except as set out in AS 44.77.-
14 040(c). A person who may bring an action under AS 36.30.560 - 36.-
15 30.695 may not bring an action under this section except as set out in
16 AS 36.30.685. However, an [NO] action may not be brought under this
17 section if the claim

18 (1) is an action for tort, and is based upon an act or
19 omission of an employee of the state, exercising due care, in the
20 execution of a statute or regulation, whether or not the statute or
21 regulation is valid; or is an action for tort, and based upon the
22 exercise or performance or the failure to exercise or perform a dis-
23 cretionary function or duty on the part of a state agency or an em-
24 ployee of the state, whether or not the discretion involved is abused;

25 (2) is for damages caused by the imposition or establish-
26 ment of a quarantine by the state;

27 (3) arises out of assault, battery, false imprisonment,
28 false arrest, malicious prosecution, abuse of process, libel, slander,
29 misrepresentation, deceit, or interference with contract rights; or

1 (4) arises out of the use of an ignition interlock device
2 certified under AS 33.05.020(c).

3 * Sec. 2. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.140. AVOIDANCE OF IGNITION INTERLOCK DEVICE. (a) A
5 person may not knowingly

6 (1) circumvent or tamper with an ignition interlock device
7 in a manner intended to allow a person on probation under AS 12.55.102
8 to avoid using the device; or

9 (2) rent, loan, or lease a motor vehicle to a person on
10 probation under AS 12.55.102, unless the vehicle is equipped with an
11 ignition interlock device described in AS 12.55.102.

12 (b) A person convicted of violating this section is guilty of a
13 class B misdemeanor; however, the maximum term of imprisonment that
14 may be imposed is 30 days and the maximum fine that may be imposed is
15 \$500.

16 * Sec. 3. AS 12.55 is amended by adding a new section to read:

17 Sec. 12.55.102. ALCOHOL RELATED OFFENSES. (a) The court may
18 order as a condition of probation that a defendant convicted of an
19 offense involving the use, consumption, or possession of an alcoholic
20 beverage may not operate a motor vehicle during the period of pro-
21 bation unless the vehicle is equipped with a properly functioning,
22 monitored, and maintained ignition interlock device. A condition of
23 probation imposed under this subsection takes effect after any period
24 of license revocation imposed under AS 28.15.165(d) or 28.15.181(c).

25 (b) The court, in imposing probation under (a) of this section,
26 may allow the defendant limited privileges to drive a motor vehicle
27 without an ignition interlock device if the court determines that the
28 defendant is required as a condition of employment to drive a motor
29 vehicle owned or leased by the defendant's employer and that the

1 defendant's driving will not create substantial danger. If the court
2 imposes probation described by this subsection, the court shall re-
3 quire the defendant to notify the defendant's employer of the proba-
4 tion, and shall require that the defendant, while driving the em-
5 ployer's vehicle, carry a letter from the employer authorizing the
6 defendant to drive that vehicle.

7 (c) A court imposing a condition of probation under this section
8 shall require the surrender of the driver's license and shall issue to
9 the defendant a certificate valid for the duration of the probation or
10 a copy of the defendant's judgment of conviction. The defendant shall
11 pay all costs associated with fulfilling the condition of probation,
12 including installation, repair, and monitoring of an ignition inter-
13 lock device.

14 (d) The court may include the cost of the ignition interlock
15 device as a part of the fine required to be imposed against the defen-
16 dant under AS 28.35.030(c) or 28.35.032(g).

17 (e) In this section, "ignition interlock device" means equipment
18 designed to prevent a motor vehicle from being operated by a person
19 who has consumed an alcoholic beverage, and that has been certified by
20 the commissioner of corrections under AS 33.05.020(c).

21 * Sec. 4. AS 28.35.030(c) is amended to read:

22 (c) Upon conviction under this section the court shall impose a
23 minimum sentence of imprisonment of not less than 72 consecutive hours
24 and a fine of not less than \$250 if the person has not been previously
25 convicted in this or another jurisdiction of driving while intoxicated
26 under this or another law or ordinance with substantially similar
27 elements or refusal to submit to a chemical test under AS 28.35.032 or
28 another law or ordinance with substantially similar elements. Upon
29 conviction under this section the court shall impose a minimum

1 sentence of imprisonment of not less than 20 consecutive days and a
2 fine of not less than \$500 if, within the preceding 10 years, the
3 person has been previously convicted once in this or another jurisdic-
4 tion of driving while intoxicated under this or another law or ordi-
5 nance with substantially similar elements or refusal to submit to a
6 chemical test under AS 28.35.032 or another law or ordinance with
7 substantially similar elements. Upon conviction under this section
8 the court shall impose a minimum sentence of imprisonment of not less
9 than 30 consecutive days and a fine of not less than \$1,000 if, within
10 the preceding 10 years, the person has been previously convicted in
11 this or another jurisdiction of more than one of the following offen-
12 ses or has more than once been previously convicted of one of the
13 following offenses: (1) driving while intoxicated under this or anothe-
14 er law or ordinance with substantially similar elements; (2) refusal
15 to submit to a chemical test under AS 28.35.032 or another law or
16 ordinance with substantially similar elements. The execution of
17 sentence may not be suspended nor may probation be granted except on
18 condition that the minimum imprisonment provided in this section is serv-
19 Probation may be conditioned as provided in AS 12.55.102. Imposition
20 of sentence may not be suspended. In addition, if the offense in-
21 volved driving a motor vehicle for which a driver's license is
22 required, the person's driver's license shall be revoked in accordance
23 with AS 28.15.181 and the vehicle used in commission of the offense
24 may be forfeited under AS 28.35.036. In addition, the court shall
25 order, and a person convicted under this section shall undertake, for
26 a term specified by the court, that program of alcohol education or
27 rehabilitation that the court, after consideration of any information
28 compiled under (d) of this section, finds appropriate.

29 * Sec. 5. AS 28.35.030 is amended by adding a new subsection to read:

1 (h) Notwithstanding (c) of this section, if the court imposes
2 probation under AS 12.55.102 the court may reduce the fine required to
3 be imposed under (c) of this section by the cost of the ignition
4 interlock device.

5 * Sec. 6. AS 28.35.032(g) is amended to read:

6 (g) Upon conviction of a person under this section, the court
7 shall impose a minimum sentence of imprisonment of not less than 72
8 consecutive hours and a fine of not less than \$250 if the person has
9 not been previously convicted in this or another jurisdiction of
10 driving while intoxicated under AS 28.35.030 or another law or ordi-
11 nance with substantially similar elements or refusal to submit to a
12 chemical test under this section or another law or ordinance with
13 substantially similar elements. Upon conviction under this section the
14 court shall impose a minimum sentence of imprisonment of not less than
15 20 consecutive days and a fine of not less than \$500 if, within the
16 preceding 10 years, the person has been previously convicted once in
17 this or another jurisdiction of driving while intoxicated under
18 AS 28.35.030 or another law or ordinance with substantially similar
19 elements or refusal to submit to a chemical test under this section or
20 another law or ordinance with substantially similar elements. Upon
21 conviction under this section the court shall impose a minimum sen-
22 tence of imprisonment of not less than 30 consecutive days and a fine
23 of not less than \$1,000, if, within the previous 10 years, the person
24 has been previously convicted in this or another jurisdiction of more
25 than one of the following offenses or has more than once been previ-
26 ously convicted of one of the following offenses: (1) driving while
27 intoxicated under AS 28.35.030 or another law or ordinance with sub-
28 stantially similar elements; (2) refusal to submit to a chemical test
29 under this section or another law or ordinance with substantially

1 similar elements. The execution of sentence may not be suspended nor
2 may probation be granted except on condition that the minimum impris-
3 onment provided in this section is served. Probation may be condi-
4 tioned as provided in AS 12.55.102. Imposition of sentence may not be
5 suspended. If the offense involved driving a motor vehicle for which
6 a driver's license is required, the person's driver's license shall be
7 revoked under AS 28.15.181. In addition, the court shall order, and a
8 person convicted under this section shall undertake, for a term speci-
9 fied by the court, that program of alcohol education or rehabilitation
10 that the court, after consideration of any information compiled under
11 (h) of this section, finds appropriate. The sentence imposed by the
12 court under this subsection shall run consecutively with any other
13 sentence of imprisonment imposed on the committed person.

14 * Sec. 7. AS 28.35.032 is amended by adding a new subsection to read:

15 (k) Notwithstanding (g) of this section, if the court imposes
16 probation under AS 12.55.102 the court may reduce the fine required to
17 be imposed under (g) of this section by the cost of the ignition
18 interlock device.

19 * Sec. 8. AS 33.05.020 is amended by adding new subsections to read:

20 (c) The commissioner shall by regulation

21 (1) establish standards for calibration, certification,
22 maintenance, and monitoring of ignition interlock devices required as
23 a condition of probation under AS 12.55.102; and

24 (2) establish a fee to be paid by the manufacturer for the
25 cost of certifying an ignition interlock device.

26 (d) The commissioner shall notify the manufacturer of the igni-
27 tion interlock device when the device is certified. The commissioner
28 may not certify an ignition interlock device unless the device promi-
29 nently displays a label warning that a person circumventing or

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tampering with the device in violation of AS 11.76.140 is guilty of a
class B misdemeanor.

H B

5

HOUSE JUDICIARY COMMITTEE
BILL CHECKLIST

- 1.) HB #5
- 2.) Fiscal Note for HB #5
- 3.) Committee Report - Labor & Commerce
- 4.) Memo to Committee Members from Rep. Swackhammer Re: HB 5

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 25, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: _____

The JUDICIARY Committee recommends that:

HOUSE BILL NO. 5 [CORRECTIONAL INDUSTRIES COMMISSION]
"An Act amending the composition and membership of the Correctional Industries Commission; and providing for an effective date."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:
- [] zero fiscal notes(s) published:

SIGNING DO PASS:

Max G. ...
Mike Miller
...
...
...
...
...
...
...
...

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Mike Miller No Rec
Larry Martin No Rec

Max G. ...
 Chairman's signature

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



SOLDOTNA

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(907) 262-7841

JUNEAU

BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

House of Representatives

MEMORANDUM

TO: Rep. Max F. Gruenberg Jr., Co-Chairman
Rep. Peter Goll, Co-Chairman
House Judiciary Committee

FROM: Rep. C.E. Swackhammer *Swack*

DATE: January 26, 1989

TOPIC: House Bill 5

This bill was introduced during the second session of the 15th Legislature and successfully passed through both houses without amendment. It was scheduled for hearing on the floor of the senate, but unfortunately the senate adjourned prior to being heard.

House Bill 5 is basically constructed to assure greater input from labor to minimize the opportunity for the Alaska Corrections Industry to compete with private enterprise; this is especially important during the economic downswing Alaska is currently facing.

Attached is a sectional analysis which specifically spells out how the Commission's membership will be increased by one additional member of organized labor. There is a zero fiscal impact on general funds, the expense of the added member will be borne by receipts of prison industries.

I respectfully request your support of House Bill 5.

PROPOSED AMENDMENT

TO HB 5 - Corrections Industries Commission

Offered in House Judiciary Committee

By Terry Martin *TMM.*

On Page 1, line 14,

Delete "eight", and reinsert "seven"

Delete "six", and reinsert "five"

On Page 1, line 18,

Delete "one ex-offender;"

On Page 1, line 23,

Delete Section 2 of the bill in its entirety

Re-number remaining sections of the bill accordingly

FISCAL NOTE

REQUEST:

Revision Designation: _____
 Title: "An Act amending the composition and membership"
 Sponsor: Rep Swackhammer, Gruenberg
 Requestor: and Donley

Agency Affected: Department of Corrections
 BRU: Statewide Operations
 Component: Correctional Industries
 Product Cost: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

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	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The increased costs for travel and per diem will be paid out of the Correctional Industries' Revolving Fund.

Susan E. Knighton

Prepared by: Susan E. Knighton, Director Phone: 465-3376
 Division: Administrative Services Date: 1-19-89

Susan Humphrey-Barnett

Approved by: Susan Humphrey-Barnett Date: 1-19-89
 Agency: Department of Corrections

Distribution (by preparer):

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

HOUSE COMMITTEE REPORT

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY
FINANCE

Date of Committee Action: 1/24/89

The LABOR & COMMERCE Committee recommends that:

HOUSE BILL NO. 5 [CORRECTIONAL INDUSTRIES COMMISSION]
"An Act amending the composition and membership of the Correctional Industries Commission; and providing for an effective date."

- [] be replaced with _____ [] the same title
[] a new title
- [] have attached amendment(s)
- [] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
[X] zero fiscal note
[] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published:

[] zero fiscal notes(s) published:

SIGNING DO PASS:

Dave Donley

W. C. ...

...

...

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

...

Dave Donley
Chairman's signature

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



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House of Representatives

MEMORANDUM

TO: Rep. Max F. Gruenberg Jr., Co-Chairman
Rep. Peter Goll, Co-Chairman
House Judiciary Committee

FROM: Rep. C.E. Swackhammer *Swack*

DATE: January 26, 1989

TOPIC: House Bill 5

This bill was introduced during the second session of the 15th Legislature and successfully passed through both houses without amendment. It was scheduled for hearing on the floor of the senate, but unfortunately the senate adjourned prior to being heard.

House Bill 5 is basically constructed to assure greater input from labor to minimize the opportunity for the Alaska Corrections Industry to compete with private enterprise; this is especially important during the economic downswing Alaska is currently facing.

Attached is a sectional analysis which specifically spells out how the Commission's membership will be increased by one additional member of organized labor. There is a zero fiscal impact on general funds, the expense of the added member will be borne by receipts of prison industries.

I respectfully request your support of House Bill 5.

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



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House of Representatives

M E M O R A N D U M

TO: Rep. Dave Donley, Chair
House Labor And Commerce Committee

FROM: Rep. C.E. Swackhammer *Swack*

DATE: January 23, 1989

TOPIC: House Bill 5

.....

This bill was introduced during the second session of the 15th Legislature and successfully passed through both houses without amendment. It was scheduled for hearing on the floor of the senate, but unfortunately the senate adjourned prior to being heard.

This bill is basically constructed to assure greater input from labor to minimize the opportunity for the Alaska Corrections Industry to compete with private enterprise; this is especially important during the economic downswing Alaska is currently facing.

Attached is a sectional analysis which specifically spells out how the Commission's membership will be increased by one additional member of organized labor. There is a zero fiscal impact on general funds, the expense of the added member will be borne by receipts of prison industries.

I respectfully request your support of House Bill 5.

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives

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SECTIONAL ANALYSIS OF HB 5

"An act amending the composition and membership of the Correctional Industries Commission; and providing for an effective date."

Section 1 - Adds language to increase the members of the Correctional Industries Commission from seven to eight. The Governor will appoint six instead of five of these members. The appointed members criteria is amended to require that there be two representatives from organized labor; one from the building of trades and the other from the service industries.

Section 2 - Adds language that changes the number of members necessary to constitute a quorum from four to five.

Section 3 - Existing organized labor representative may continue to serve for the duration of his/her appointed term. It must be determined whether this representative was appointed from the building trades or the service industry.

Section 4 - The term of office for the new labor representative will be determined after the first labor represented has been designated and appointed. The Governor shall specify the appointed term of this representative, but may not extend this term beyond June 30, 1991.

Section 5 - Immediate effective date under AS 01.20.070 (c).

an firefighters status as peace
lic Employees' Retirement
for an effective date."

STATUS DATE: 03/28/88

ACTION
READ THE FIRST TIME - REFERRAL(S)
STATE AFFAIRS THEN FINANCE
STA RPT CS(SA) NEW TITLE 2DP 3NR
ZERO FISCAL NOTE PUBLISHED 3/28/88
ZERO FISCAL NOTE/ANALYSIS 3/28/88
REFERRED TO FINANCE

advisory vote on state
insurance."

KOPONEN, GOLL, DAVIS

STATUS DATE: 02/15/88

ACTION
READ THE FIRST TIME - REFERRAL(S)
HESS THEN JUDICIARY, FINANCE
CO-SPONSOR ADDED: KOPONEN
CO-SPONSOR ADDED: GOLL
CO-SPONSOR ADDED: DAVIS

te royalty waivers for certain
authorizing state oil and gas
tax waivers for certain leases

STATUS DATE: 02/15/88

ACTION
READ THE FIRST TIME - REFERRAL(S)
RESOURCES THEN FINANCE

anical administrators and
s; and providing for an effec-

LA 88 STATUS DATE: 06/08/88

JRN-DATE	JRN-PG	ACTION
02/15/88	2213	(H) READ THE FIRST TIME - REFERRAL(S)
02/15/88	2213	(H) LABOR & COMMERCE THEN FINANCE
03/21/88	2644	(H) L&C RPT CS(L&C) NEW TITLE 4DP 1NR
03/21/88	2645	(H) FISCAL NOTE PUBLISHED 3/21/88
04/26/88	3143	(H) FIN RPT CS(FIN) NEW TITLE 7DP 2NR
04/26/88	3143	(H) FISCAL NOTE PUBLISHED 4/26/88
04/29/88		(H) RULES TO CALENDAR 4/29/88
04/29/88	3253	(H) READ THE SECOND TIME
04/29/88	3253	(H) FIN CS ADOPTED UNAN CONSENT
04/29/88	3254	(H) ADVANCED TO THIRD READING UNAN CONSENT
04/29/88	3254	(H) READ THE THIRD TIME CSMB 472(FIN)
04/29/88	3254	(H) PASSED Y37 N- X1 A2
04/29/88	3254	(H) EFFECTIVE DATE SAME AS PASSAGE
04/29/88	3254	(H) WALLIS NOTICE OF RECONSIDERATION
04/29/88	3267	(H) RECON TAKEN UP SAME DAY UNAN CONSENT
04/29/88	3268	(H) PASSED ON RECONSIDERATION Y37 H1 X2
04/29/88	3268	(H) EFFECTIVE DATE SAME AS PASSAGE
04/29/88	3273	(H) TRANSMITTED TO (S)
04/30/88	3299	(S) READ THE FIRST TIME - REFERRAL(S)
04/30/88	3299	(S) FINANCE
05/06/88	3501	(S) FIN RPT SCS 4DP 1NR SAME TITLE
05/06/88	3501	(S) FISCAL NOTE PUBLISHED
05/07/88	3575	(S) RULES TO CALENDAR
05/07/88	3594	(S) READ THE SECOND TIME
05/07/88	3594	(S) FIN SCS ADOPTED UNAN CONSENT
05/07/88	3594	(S) ADVANCED TO THIRD READING UNAN CONSENT
05/07/88	3594	(S) READ THE THIRD TIME SCS CSMB 472(FIN)
05/07/88	3594	(S) PASSED Y16 N- A4
05/07/88	3595	(S) EFFECTIVE DATE SAME AS PASSAGE
05/07/88	3618	(S) TRANSMITTED TO (H) AS AMENDED
05/08/88	3621	(H) HELD UNDER UNFINISHED BUSINESS
05/08/88	3665	(H) CONCUR AM OF (S) Y39 N- A1
05/08/88	3665	(H) EFFECTIVE DATE SAME AS PASSAGE
05/27/88	3901	(H) 11:25AM 5/17/88 TRANSMITTED TO GOVERNOR
07/11/88	3948	(H) SIGNED INTO LAW 6/8 CHAPTER 132 SLA 88
07/11/88	3948	(H) EFFECTIVE DATES OF LAW SEE CHAPTER

HB 473

"An Act amending the composition and membership of
the Correctional Industries Commission; and providing
for an effective date."

PRIME SPONSOR: SWACKHAMMER
CO-SPONSORS: GRUENBERG, BOYER, POURCHOT, CATO, DONLEY

CURRENT STATUS: (S) CALENDAR 5/9 STATUS DATE: 05/09/88

JRN-DATE	JRN-PG	ACTION
02/15/88	2213	(H) READ THE FIRST TIME - REFERRAL(S)
02/15/88	2213	(H) HESS THEN JUDICIARY, FINANCE
02/17/88	2275	(H) CO-SPONSOR ADDED: POURCHOT
02/19/88	2298	(H) CO-SPONSOR ADDED: CATO, DONLEY
03/04/88	2449	(H) HES RPT SDP 2NR
03/04/88	2450	(H) ZERO FISCAL NOTE PUBLISHED 3/4/88
03/17/88	2612	(H) JUD RPT 6DP 1NR
03/23/88	2677	(H) FIN RPT 6DP 3NR
03/29/88		(H) RULES TO CALENDAR 3/29/88
03/29/88	2746	(H) READ THE SECOND TIME
03/29/88	2747	(H) ADVANCED TO THIRD READING UNAN CONSENT

03/29/88	2747	(H)	READ THE THIRD TIME	HB 473
03/29/88	2747	(H)	PASSED Y38 H- X1 A1	
03/29/88	2747	(H)	EFFECTIVE DATE SAME AS PASSAGE	
03/29/88	2755	(H)	TRANSMITTED TO (S)	
03/30/88	2836	(S)	READ THE FIRST TIME - REFERRAL(S)	
03/30/88	2836	(S)	HES, THEN JUD. FINANCE	
04/26/88	3205	(S)	HES RPT 3DP 2NR	
04/29/88	3271	(S)	JUD RPT 3DP	
05/07/88	3571	(S)	FIN RPT 6DP	
05/09/88	3757	(S)	RULES TO 2ND SUPPLEMENTAL CALENDAR	
05/09/88	3757	(S)	NOT TAKEN UP	

HB 474

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

PRIME SPONSOR: COTTEN
CO-SPONSORS: KOPONEN, PHILLIPS, SUND

CURRENT STATUS: (H) HES STATUS DATE: 03/30/88

JRN-DATE	JRN-PG		ACTION
02/15/88	2213	(H)	READ THE FIRST TIME - REFERRAL(S)
02/15/88	2213	(H)	LABOR & COMMERCE THEN HESG, JUDICIARY
03/30/88	2773	(H)	L&C REFERRAL WAIVED TO HESS
03/30/88	2774	(H)	REFERRED TO HESS

HB 475

"An Act relating to tax assessments of certain undeveloped land; and providing for an effective date."

PRIME SPONSOR: PHILLIPS

CURRENT STATUS: (H) CRA STATUS DATE: 02/15/88

JRN-DATE	JRN-PG		ACTION
02/15/88	2213	(H)	READ THE FIRST TIME - REFERRAL(S)
02/15/88	2213	(H)	C&RA THEN RESOURCES

HB 476

"An Act establishing a revolving loan fund for hazardous waste reduction and a loan review committee to review and advise concerning these loans; authorizing a hazardous waste reduction technical assistance project for small businesses; and providing for an effective date."

PRIME SPONSOR: BROWN
CO-SPONSORS: DAVIS, MENARD, NAVARRE, ULMER, ELLIS

CURRENT STATUS: (H) L&C STATUS DATE: 02/15/88

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 P. U. BOX 1
 JUDICIARY, ALLEGAN
 COUNTY, MICHIGAN
 49801

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives

SOLDOTNA
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JUNEAU
BOX V
JUNEAU, ALASKA 99811
(907) 485-2889

MEMORANDUM

TO: Rep. Loren Leman
FROM: Rep. C.E. Swackhammer *[Signature]*
DATE: January 25, 1989
TOPIC: Alaska Prison Industries Commission

The following individuals are members of the aforementioned commission.

GOVERNMENT MEMBERS:

Commissioner John M. Andrews, Dept. of Admin. Off 465-2200
Designee: Bob Link, Dir. of GSA

Commissioner Susan Humphrey-Barnett, Corrections Off 465-3376
Designee: Walt Majoros, Dir. of Statewide Programs

LABOR REPRESENTATIVE: (Building Trades)

James N. Carroll FBX Off 456-6960

BUSINESS REPRESENTATIVES:

Roger V. Lewis JNU Off 586-6898

AGRICULTURAL REPRESENTATIVE:

Joan Koponen

PUBLIC REPRESENTATIVE:

Beverly D. Dunham (Seward) SWD Off 224-3815

EX-OFFENDER REPRESENTATIVE:

James L. Hesson JNU Off 586-3434

cc: House Labor and Commerce Committee Members

HB

19

Frank H. Wasmer
P.O. Box 231
Skagway, Alaska 99840

March 3, 1990

Representative Peter Goll
Pouch V (MS3100)
Juneau, Alaska 99811

Dear Peter,

In considering HB19, Foster Care Review Boards, in Judiciary Committee please remember the following:

The review process has several functions. One is to make recommendations on each individual case reviewed. Another is to accumulate and review data to determine any systemic problems that might exist and make recommendations as to how they might best be corrected. Another is to facilitate problem resolution.

The focus of review boards should be on the entire system, not any one agency. DFYS seems concerned that the formation of citizen review boards constitutes a threat to their agency. From the perspective of one who has been scrutinized by numerous inspections by many different kinds of processes I find this difficult to understand. This type of oversight is simply a normal quality control practice in both the public and private sectors. Do we owe the children of this state any less?

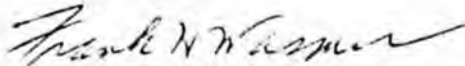
In the matter of compensation of board members, I would suggest that language to the effect that board members serve without compensation be adopted. There should be provision for some travel and per diem at the discretion of the system administrator to allow for training or necessary conferences.

On page 7, line 11 of the bill there is a section concerning "contested" recommendations. This language came from sub-committee work in House HESS. The original language was considered to be offensive to DFYS. In my opinion, the court should resolve any differences. I would suggest language to the effect that if the department does not follow a recommendation that either the board or the department could request a court review.

It was interesting to note at the hearing (March 2, 1990) that placing this entity in the Department of Administration might be a good idea. We have come full circle. The original bill called for the boards to be placed under the Department of Public Advocacy. The main concern at the time was that the boards would also be overseeing the conduct of the Guardian Ad Litem program which also is within OPA and that it might constitute a conflict of interests. Wherever the boards are housed, it is of primary importance that they be allowed to perform their function without interference from, or control by, any of the agencies being observed in the review process.

Finally, the legislation should allow a great deal of flexibility for growth and development of the process. It should not be so detailed as to micro-manage and stifle creative approaches to very real problems. Put the system in place and let it perform its function.

Sincerely,



Frank H. Wasmer
Vice President
Alaska Foster Parents Association



RECEIVED

Superior Court

State of Alaska
FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA
99901

Chambers of
THOMAS E. SCHULZ, Presiding Judge

February 23, 1990

Peter Goll
House Judiciary Co-Chairman
Rm 122, Capitol
P.O. Box V
Juneau, Alaska 99811

Re: CS HB 19

Dear Representative Goll:

Thank you very much for your letter of February 2, 1990. I have a number of comments on both the subsidy provisions of committee substitute for house bill 19 and on the fiscal notes that were submitted on the bill.

First, based on the experience that we have had with the pilot project in Ketchikan, I would recommend that the legislation be restructured to the extent necessary to provide for one state wide foster care review panel and a number of foster care review panels at each superior court location that would be based on the number of pending children's cases in each court location. I believe that our experience in Ketchikan demonstrates that a foster care review panel composed of volunteers cannot satisfactorily handle more than one hundred cases in a year. I believe that the state wide foster care review panel ought to be appointed by the governor, but I believe that members for the review panels in each judicial district could be recruited by the state wide coordinator and his or her staff and appointed by the state wide panel without involving the governor's office.

Representative Peter Goll
February 23, 1990
Page 2

Second, I do not believe it is necessary for the legislation to provide that the judicial district review panels will be paid \$80.00 a day for each day that they meet. We have had no trouble recruiting volunteers for these panels who so far have been serving without reimbursement. I do believe that the legislation ought to reimburse the foster care review panel members for their out of pocket expenses, including necessary child care, up to \$80.00 a day which should be plenty to cover the cost of child care and lunches that may be eaten down town when they otherwise would not be. Legislation mandating that the judicial district foster care review panel members be paid \$80.00 a day adds unnecessary costs to the program.

? } Third, I believe that the legislation ought to be amended so that it conforms with applicable federal statutes and regulations concerning the frequency of reviews but does not mandate court review. Court reviews take additional time both on the judicial end and, more importantly, take additional staff time from the Division of Family and Youth Services and the Department of Law. Our experience in Ketchikan indicates that both the Division of Family and Youth Services and the other parties involved in these children's cases are generally quite satisfied with the review provided by the panel and it does not seem to me to be productive or necessary to have these same people involved in an automatic court review. Rather than that, the statute ought to provide the mechanism for an appeal to the superior court from a decision of the foster care review panel by either the Division of Family and Youth Services or the child or his parents in the event they disagree with either factual findings or a recommendation from the panel.

Fourth, I believe that the fiscal notes attached to this legislation make it one of the most expensive creations in the history of state government in Alaska or anywhere else. The staff requirements put forth for this project are unrealistically high and most of the staff is over paid. If the foster care review panels are to remain in the governor's office, I believe that the program can be adequately handled with one foster care review board director, one assistant, one clerk typist and a statistician in the central office in

Representative Peter Goll
February 23, 1990
Page 3

either Juneau or Anchorage. As to the support required for the foster care review panels in each superior court location, that work can be easily accomplished by one foster care review board coordinator and a part time clerk typist in every location except Anchorage. Based on our experience in Ketchikan, I simply do not see the need for the tremendous layers of supervision that are provided for in the fiscal notes that accompanied this legislation from the health and social services committee. I also do not understand the rationale that requires the foster care review board director to be paid at the same rate as someone who is managing an entire division of state government.

While I have been a strong supporter of the foster care review panel concept for a number of years, I find it very difficult to continue supporting this legislation with that kind of fiscal note attached to it. The fiscal note attached to this legislation is not an example of working faster or smarter or more economically. It is more an example of the kind of wasteful spending that brings a lot of criticism on state government.

In conclusion, I think this legislation can still be amended in a few respects to make the review process more efficient and less time consuming and still result in excellent service to children and still make the panels available at a price that is realistic. I would appreciate the opportunity to comment further on this legislation as it progresses through your committee.

Very truly yours,

Thomas E. Schulz

Thomas E. Schulz
Superior Court Judge

TES:llc

cc: Corrine Radergraham
Pam Montgomery

Hayden
review, respond
and consult w/HM
as we review CS
Thank him for
his time.



ALASKA CHAPTER
NATIONAL ASSOCIATION OF
SOCIAL WORKERS

8923 Tanis Drive
Juneau, Alaska 99801
(907) 789-7099

Executive Director
William Diebels, ACSW

May 3, 1989

The Hon. Johnny Ellis, Chair
HESS Committee
House of Representatives
P. O. Box V
Juneau, AK 99811

Re CS HB19 (HESS)--4/25/89 Draft

Dear Rep. Ellis:

Thank you for the opportunity to testify before your committee on April 27, 1989, regarding foster care review panels. As requested, the following summarizes the points made in my testimony before the committee.

Improvements: We believe there have been some significant improvements to the bill in this draft. Among the improvements are the organizational structure of state and local panels; and compliance of the panels with the requirements of P.L. 96-272 and the Indian Child Welfare Act. (ICWA)

Concerns. The following are areas of concern:

- **Purpose** -- To reduce foster care drift should be the clearly articulated statement of purpose for the panels, preferably in Sec. 47.10.400 or 47.10.410, since these sections deal with purpose and duties

BOARD OF DIRECTORS

PRESIDENT—1989
Cheryl Mann, ACSW
Anchorage

VICE—PRESIDENT—1989
Cecelia Esperza, ACSW
Kodiak

SECRETARY—1989
Diane DiSanto, BSW
Anchorage

TREASURER—1989
Theresa Berada, ACSW
Chugiak

PAST—PRESIDENT—1988
Yvonne Chase, ACSW
Juneau

NORTHERN REPRESENTATIVE—1989
Sharon Bufford, MSW
Fairbanks

SOUTHCENTRAL REPRESENTATIVE—1989
Jan MacClarence, ACSW
Anchorage

SOUTHWESTERN REPRESENTATIVE—1989
Ken Fallon, ACSW
Palmer

SOUTHEASTERN REPRESENTATIVE—1989
Nina Kinney, MSW
Juneau

WESTERN REPRESENTATIVE—1989
Nan Saroy, ACSW
Bethel

AT-LARGE REPRESENTATIVE—1989
Carol Swartz, ACSW
Homer

STUDENT REPRESENTATIVE—1989
Colleen Brybert
Anchorage

of panels. Children need permanence in their lives, and foster care review has been found to be helpful in reducing the time children spend in foster care. The return of a child to his or her family is the ideal permanent goal; when this is not possible, the goal becomes to place the child in another stable, permanent home.

Cost savings is one of the factors to be reported in the annual report, and may be erroneously viewed as the purpose of foster care review. However, we don't think there will necessarily be cost savings to the foster care line item. There may be long-term savings to state government, in fewer children growing up to become part of the corrections system or needing other social services. However, in order to provide for permanent homes for children, the state may need to place more emphasis on in-home services to children and services to parents so that they can provide appropriate care for their children. Thus, there may not be immediate savings.

● **Duties of panels should be clearly stated as being advisory.** The bill is unclear; in some places it refers to recommendations, but then in Sec. 47.10.470(b), it requires the Department of Health and Social Services to report back if staff don't implement a recommendation. That's not an appropriate role for the panel. The court can order a recommendation be complied with, and that's where enforcement should be. Once a panel makes a recommendation, they shouldn't have to keep following up.

● **Panels should be able to make recommendations to all parties.** As panels carry out their reviews, they may find problems in the system that lead to difficulties in achieving permanence for children. In addition to the Department of Health and Social Services, panels may have recommendations for the court system, the Department of Law, guardians ad litem, placement agencies, or the Legislature.

● **Who attends hearings.** Sec. 47.10.460(e) gives the guardian ad litem the discretion whether a child attends. We believe any child over the age of ten should be invited and have the option to attend. After all, they are the most important party in the process; many children would want to attend.

● **Privacy of testimony** should be permitted either at the request of the party, or the panel. Abuse, or possible misuse of information may inhibit testimony if has to be made in front of everyone. This is important especially for a child's testimony; a child may rightfully fear retribution if the child has been abused in either his parent's home or foster parent's home, for example. Or custodial parents may not feel comfortable

testifying before non-custodial parents. The confidential nature of proceedings should also be in statute.

• **Placement preferences** should comply with AS47.10.230(e) and (f), which gives preference to placement with blood relatives and states that poverty alone is no reason to deny a placement. Sec. 47.10.460 (f) of the bill conflicts with AS 47.10.230 and appears to be lifted from another state's statute where institutions have child-placing authority. Alaska's laws regarding placement, including AS47.10.230, have been well-thought through and are consistent with the intent of providing permanence for children.

• **Implementation date.** Since there are two demonstration projects in effect, implementation should either be delayed or phased in so

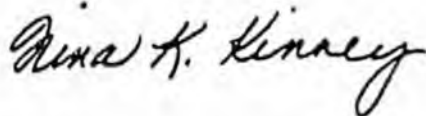
that the state can take advantage of what is learned in the two demonstration projects.

• **Add Delinquents.** Delinquents are a small percentage of youth in placement, yet they can also stay in placement too long. Some parents don't want delinquents back after they have broken the law; these kids may drift also.

• **"Natural" parent.** You asked for a recommendation for an alternate term to "natural parent". Simply removing the modifier "natural" should solve the problem, as "parent" could then refer to either a biological or adoptive parent.

NASW appreciates your concern for children in foster care and your efforts to improve their lives through this bill and others under consideration. Our organization, and I personally, stand ready to assist and will be happy to work with your committee to further refine this bill.

Sincerely,



Nina Kinney, M. S. W.
NASW Board Member
1751 Evergreen Avenue
Juneau, Alaska 99801

State of Alaska

Committees

CO-CHAIR, HOUSE JUDICIARY
VICE-CHAIR, HOUSE LABOR AND COMMERCE
HOUSE HEALTH, EDUCATION
AND SOCIAL SERVICES



P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4712
465-4968-4986
(SESSION)

914 CLAY COURT
ANCHORAGE, ALASKA 99501
(907) 276-6844

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

February 8, 1990

MEMORANDUM

TO: Members of the House Judiciary and HESS Committees
FROM: Representative Max Gruenberg *Max*
RE: Court order waiving confidentiality of records
for Foster Care Review Board pilot projects

Enclosed is a copy of the court order authorizing access to confidential records in children's cases for the Foster Care Review Board pilot projects.

Bill Hitchcock, Master of the Children's Court in Anchorage, provided this information in response to my request during a House HESS hearing on HB 19, Foster Care Review Boards.



Trial Courts

State of Alaska

THIRD JUDICIAL DISTRICT
303 K Street
Anchorage, Alaska 99501-2083

WILLIAM D. HITCHCOCK
Master, Trial Courts

January 29, 1990

TO: House HESS Committee

FROM: William D. Hitchcock *wh*
Master, Children's Court (Anchorage)

The attached Supreme Court Order is forwarded per Committee request from teleconference hearing of January 23, 1990.

WDH:lja

IN THE SUPREME COURT FOR THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE

RECEIVED
FEB 28 1989

ORDER NO. 2119

Granting Foster Care Review
Boards in Anchorage and
Ketchikan Access to Confidential
Files

IT IS ORDERED:

Staff and members of the Foster Care Review Boards in Anchorage and Ketchikan working with the Office of Public Advocacy are granted access to all material, including confidential documents, contained in childrens cases. The purpose of the access is to allow the Foster Care Review Boards to work with the courts, the Office of Public Advocacy and the Division of Family and Youth Services to improve services for children, and to serve as a source of input to the legislature which currently has before it a bill to create foster care review systems statewide. Confidential information must be kept confidential by the Foster Care Review Boards.

2/24/89

Date


Warren W. Matthews
Chief Justice

Distribution:

Arthur H. Snowden, II
Judge Schulz
Judge Shortell
Judge Carlson
Bill Hitchcock
LeEllen Baker
Ruth Hanis - Ketchikan

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: "An Act relating to citizen review panels for certain children in state custody ..." BRU: Citizens Review Panel
 Sponsor: Collins, Gruenberg, Ulmer Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	395.0	471.9	485.1	485.1	485.1	485.1
TRAVEL	32.5	46.4	45.8	45.8	45.8	45.8
CONTRACTUAL	146.3	142.2	142.2	142.2	142.2	142.2
SUPPLIES	11.1	11.1	11.1	11.1	11.1	11.1
EQUIPMENT	112.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	696.9	673.1	685.7	685.7	685.7	685.7

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	696.9	673.1	685.7	685.7	685.7	685.7
FEDERAL FUNDS						
OTHER						
TOTAL	696.9	673.1	685.7	685.7	685.7	685.7

POSITIONS:

FULL-TIME	11	11	11	11	11	11
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	11	11	11	11	11	11

ANALYSIS : (Attach a separate page if necessary)

Any FY90 costs to be absorbed by Department of Administration and Department of Health and Social Services.

See attached.

Prepared by: James J. Fox
 Division: Deputy Commissioner, Commissioner's Office

Phone: 465-2200
 Date: 3/20/90

Approved by Commissioner: Frank S. Baxter
 Agency: Department of Administration

Date: 3/20/90

Distribution (by preparer) :

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

Draft CS HB 19 (Jud)

The function of the agency established under this bill is to provide for an additional, non-departmental, review of longer term out-of-home placements for children and youth in the custody of the Department of Health and Social Services. The individual review is to result in specific recommendations for services to the child. The overall process is to result in periodic summary reports of the placement activities of the division and recommendations for improvement of services to children in out-of-home placement.

In scope this program will provide about 1,500 local, individual reviews effecting about 1,000 children each year. The geographic area covered is equal to about 15% of the United States.

This fiscal note is based on several assumptions.

1. The service provided is to supplement, and enhance, services provided by the Division of Family and Youth Services.
2. To the extent possible DFYS social work staff should not have to assume additional administrative burdens.
3. If possible, the process should lessen current administrative activities of DFYS social work staff, permitting more time for direct service.
4. The review process should involve local individuals who receive some training in child welfare issues and who are knowledgeable of local social and cultural customs.
5. Local review panels are volunteers and receive no recompense.
6. The state panel reviews the service of the local panels, hires the agency director, and sets agency policy and procedure for carrying out statutory obligations including reports and recommendations.
7. The success of the panels will be contingent on maintaining credibility in recommendations and fostering a positive working relationship with the division. The subjective measure will be public acceptance of the process. The objective measure will be the implementation of recommendations and improvements in permanent placements for children.
8. Because the review process will require synthesis and summary from case files as preparation for panel review, it was

felt that panel professional staff should have knowledge of, and background in, human services. Hence the use of the Social Worker III classification for professional staff.

9. Staffing patterns were developed from an analysis of where the children were in placement, estimates from current staff as to the time required for different parts of the process and the level of support staff needed in similar activities.

10. As the panel members will be volunteers, an assumption was made that an effort would be made to appoint sufficient local panels to permit timely reviews to be provided without asking individual panel members to contribute more than one, or at most two full days per month.

11. The fiscal note provides for establishing 3 offices, with the largest office, and agency headquarters, in Anchorage and smaller offices in Fairbanks and Juneau.

12. As many as 11 local review panels are contemplated for areas remote from the 3 field offices. Some will meet monthly and some will meet only quarterly. The staff travel budget is predicated on providing on-site support for the panel meetings.

13. Local panel training assumes the participation of DFYS (at their expense). The delivery is at the local level and provided by agency staff (review panel staff and DFYS staff). Extra on-site days for staff are included in the travel budget for this training. \$2,500 per year is included in the budget for the purchase and/or development of training material. Initial training (orientation) is covered in the first two years and after that it is assumed about 1/2 the panels would receive further training each year.

14. Space needs are DOA standards for staff. Space needs include a large conference/meeting room for Anchorage. Local panels there would be meeting 1 to 3 days per week. If reliable donated space can be found for this purpose the space costs could be reduced accordingly.

15. Teleconference equipment is included for each office. This equipment is portable so as to be usable by local review panels in field location.

16. Recording equipment is included for use by the review panels in both office and field locations.

17. Equipment is included for a local area network in the Anchorage office and modems are included for each office location for transfer of data and reports. Also a fax machine is included

for each office. Each modem and fax machine will require a dedicated phone line.

Other one time equipment purchases include the ordinary office equipment needs -- desks, tables, chairs, bookshelves, storage cabinets, files, telephones, etc. A PC and dot matrix printer is included for all positions except the receptionist position in Anchorage. One good letter quality printer per office is substituted for one of the dot matrix printers.

18. \$20,000 is included for programming of off-the-shelf software for a data collection/information management system.

19. Prior experience indicates this agency will process a lot of paper. Very heavy duty copiers were budgeted for both Anchorage and Fairbanks. A lighter duty model was budgeted for in Juneau.

20. Budgeted amounts for postage, toll charges and supplies are a best guess based on prior experience and a review of other agency budgets.

21. The potential for donated, surplus or transferred equipment and furniture is unknown at this point. As with possible donated space -- receipt would lessen the fiscal requirements.

22. No ancillary costs are budgeted for local panel expenses. It is assumed space would be provided locally at no cost to the agency. No parking expenses, child care expenses or other possible out of pocket expenses for local panel members are budgeted.

23. Space requirements are figured at \$2.00 a square foot and occupancy is assumed by 10/1/90. Operation until that time will be from borrowed space (presumably DOA and/or DFYS).

24. It is assumed that nominations for the State Panel will be made early (upon passage of this bill) and that they will be able to meet in July and make the selection of an Executive Director who will be able to quickly select an assistant and begin hiring other agency staff. While the start time is ambitious, a considerable body of procedure and material has already been developed through existing internal review panels conducted by DFYS and through the Ketchikan pilot project.

ASSUMES OFFICE LOCATIONS OF ANCHORAGE, JUNEAU AND FAIRBANKS

Professional Services

1st Year	\$22,500 (\$20,000 for Information System Development)
2ond Year	\$2,500 Trainer/Training Material

Communication

Telephone	\$25,140
Postage (750/mo)	\$9,000
Teleconferences (6)	\$2,700
Advertising, Printing For recruitment, rept	\$3,925
Minor Repair/Maint.	\$3,600 (\$300/Mo.)
Copiers (2 @ 1,050/mo and 1 @ 550/mo)	\$31,800
Space (9 Mo. 1st Yr.)	\$47,655
Total 1st Year	\$146,320
Total 2ond Year	\$142,205

Supplies and Materials

Office & Library Supplies, \$900/Month	\$10,800
Data Processing Sup.	\$300
Total	\$11,100

One Time Special Equipment Needs

Fax Machine	3	\$5,100
File Server (Anc)	1	\$13,000
LAN Network (Anc)	1	\$1,895
Modems	3	\$2,085
Storage Cabinets	3	\$1,275
Miscl. Furniture	1	\$3,000
Recording Equip.	6	\$2,850
Teleconf. Equip. Portable	3	\$12,000
	Total	\$41,205

One Time Needs For Individual Staff \$70,765

Total One Time Equipment \$111,970

2ond and Subsequent Years \$1,500
Replacement of Small
Equipment - recorders, etc.

Five Member State Panel

To Anchorage -- State Wide Panel

5 Panel Members

1st Year	Persons		
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$3,200	8 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$6,620	

2ond (& Subsequent) Years			
\$400 Transportation	3	\$2,400	2 Trips
\$15 Transportation	2	\$60	2 Trips
\$80 Per Diem for	5	\$2,400	6 Days/Year
\$80 Per Diem for	3	\$960	4 Days Travel Time
		\$5,820	

Staff - 1st Year

Executive Director

Trip/Days

\$400 Transportation	1	\$385	1 Trip For Departmental Orientation
\$80 Per Diem for	1	\$240	3 Days For Departmental Orientation
\$500 Transportation	1	\$500	1 Trip Ketchikan Office
\$80 Per Diem for	1	\$320	4 Days/Trip Ketchikan Office
\$385 Transportation	1	\$770	2 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$320	4 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$424	2 Trips to Fairbanks Office
\$80 Per Diem for	1	\$320	4 For Trips to Fairbanks Office
Total		\$3,279	

2ond (& Subsequent) Years

Executive Director

\$385 Transportation	1	\$2,310	6 Juneau Trip For Administrative Functions
\$80 Per Diem for	1	\$960	12 Days in Juneau For Administrative Functions
\$212 Transportation	1	\$848	4 Trips to Fairbanks Office
\$80 Per Diem for	1	\$480	6 For Trips to Fairbanks Office
Total		\$4,598	

1st Year

Line Staff			Trip/Days
\$421 Transportation	1	\$2,946	7 Local Panel Training
\$80 Per Diem for	1	\$1,120	14 Days For Local Pannel Training
\$421 Transportation	1	\$13,045	31 Local Panel Reviews
\$80 Per Diem for	1	\$4,960	62 Days For Local Panel Reviews
\$385 Transportation	1	\$385	1 Departmental Orientation for Adm. Assistant
\$80 Per Diem for	1	\$160	2 Days for Departmental Orientation for Adm. A
Total		\$22,615	

2ond Year

Line Staff			Trip/Days
\$421 Transportation	1	\$1,262	3 Local Panel Training
\$80 Per Diem for	1	\$480	6 Days For Local Pannel Training
\$421 Transportation	1	\$23,986	57 Local Panel Reviews
\$80 Per Diem for	1	\$9,120	114 Days For Local Panel Reviews
\$385 Transportation	1	\$770	2 Departmental Administrative Trainingfor Adm.
\$80 Per Diem for	1	\$320	4 Days ForDepartmental Administrative Training
Total		\$35,938	

3rd (& Subsequent) Years

Line Staff

Trip/Days

\$421 Transportation	1	\$1,683	4 Local Panel Development/Training
\$80 Per Diem for	1	\$640	8 Days For Local Pannel Training
\$421 Transportation	1	\$23,144	55 Local Panel Reviews
\$80 Per Diem for	1	\$8,800	110 Days For Local Panel Reviews
\$385 Transportation	1	\$770	2 Departmental Training For Adm. Assistant
\$80 Per Diem for	1	\$320	4 Days For Departmental Training For Adm. Assi
Total		\$35,357	

Administrative Totals

1st Year	\$32,514
2ond Year	\$46,356
3rd Year	\$45,775

Monthly Panels	Panels	Hearing Days Per Month	Trips	\$/Trip	\$/Yr	Days Per Trip	Per diem Per Trip \$80.00	Per diem Per Trip Per Year
Bethel	2	2.50	12	\$450	\$5,400	4	320	\$3,840
Dillingham	1	.33	4	\$372	\$1,488	3	240	\$960
Kenai	1	1	12	\$132	\$1,584	2	160	\$1,920
Kodiak	1	.33	2	\$418	\$836	3	240	\$480
Unalaska	1	.33	1	\$876	\$876	3	240	\$240
Delta	1	.33	4	\$50	\$200	1	80	\$320
Barrow	1	.33	4	\$778	\$3,112	2	160	\$640
Galena	1	.33	4	\$170	\$680	1	80	\$320
Nome	1	.33	4	\$684	\$2,736	2	160	\$640
Ketchikan	2	2.50	12	\$278	\$3,336	2	160	\$1,920
Total	12	8.33	59	\$4,208	\$2,025		\$184	\$1,128
Locations	10					12	12	12
		Average \$/Trip		\$421	\$24,298	\$/Yr	\$2,208	\$13,536

First Year Classification	Location	BU	Range	Step	FTE	Annual Cost	Space Ft.2	One Time Equipment Costs
Executive Director	Anchorage	X	23	A	.92	\$64,770	175	\$7,320
Administrative Assistant II	Anchorage	S	14	A	.92	\$37,293	98	\$6,316
Clerk II/Receptionist	Anchorage	G	7	A	.83	\$23,926	64	\$1,316
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.83	\$38,369	94	\$6,146
Social Worker III	Anchorage	G	16	A	.75	\$34,996	94	\$6,146
Clerk III	Anchorage	G	9	A	.83	\$26,248	64	\$8,361
Social Worker III	Fairbanks	G	16	A	.83	\$39,450	94	\$6,146
Clerk III	Fairbanks	G	9	A	.83	\$26,941	64	\$8,361
Social Worker III	Juneau	G	16	A	.83	\$38,369	94	\$6,146
Clerk III	Juneau	G	9	A	.83	\$26,248	64	\$8,361
Ancillary Space Needs					9.25	\$394,980	999	\$70,765
Photocopier	3	255						
File Storage	6	54						
Storage Cabinets	4	60						
Reception/Meeting Area		750						
Base Space Requirements		2,118.00						
25% access		529.50						
		2647.50						
Cost Estimate /ft2	\$2.00	\$63,540						

Second Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	B	1	\$72,476
Administrative Assistant II	Anchorage	S	14	B	1	\$41,475
Clerk II/Receptionist	Anchorage	G	7	B	1	\$28,398
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Social Worker III	Anchorage	G	16	B	1	\$46,643
Clerk III	Anchorage	G	9	B	1	\$31,379
Social Worker III	Fairbanks	G	16	B	1	\$47,989
Clerk III	Fairbanks	G	9	B	1	\$32,236
Social Worker III	Juneau	G	16	B	1	\$46,643
Clerk III	Juneau	G	9	B	1	\$31,379
					11	\$471,903

Third Year Classification	Location	BU	Range	Step	FTE	Annual Cost
Executive Director	Anchorage	X	23	C	1	\$74,607
Administrative Assistant II	Anchorage	S	14	C	1	\$42,763
Clerk II/Receptionist	Anchorage	G	7	C	1	\$29,072
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Social Worker III	Anchorage	G	16	C	1	\$48,006
Clerk III	Anchorage	G	9	C	1	\$32,128
Social Worker III	Fairbanks	G	16	C	1	\$49,396
Clerk III	Fairbanks	G	9	C	1	\$33,009
Social Worker III	Juneau	G	16	C	1	\$48,006
Clerk III	Juneau	G	9	C	1	\$32,128
					11	\$485,126

SUMMARY OF COSTS

First Year

\$394,980	100	-- Personnel Services
\$32,514	200	-- Travel
\$146,320	300	-- Contractual
\$11,100	400	-- Supplies
\$111,970	500	-- Equipment

\$696,885 Total

Second Year

\$471,903	100	-- Personnel Services
\$46,356	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$673,064 Total

Third Year

\$485,126	100	-- Personnel Services
\$45,775	200	-- Travel
\$142,205	300	-- Contractual
\$11,100	400	-- Supplies
\$1,500	500	-- Equipment

\$685,706 Total

ANCHORAGE FIELD OFFICE
3/16/90

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2) for Panel Days/Year	Divided by 6	Prof. FTE's Required
Anchorage	234	234	468	78	1.36
Eagle River	11	11	22	3.67	.06
Glenallen	2	2	4	.67	.01
Palmer	26	26	52	8.67	.15
Valdez	1	1	2	.33	.01
Cordova	1	1	2	.33	.01
McGrath	2	2	4	.67	.01
Sub-Total	277	277	554	92.33	1.61
Bethel	64	64	128	21.33	.37
Kwigillingok	1	1	2	.33	.01
Mt. Village	4	4	8	1.33	.02
Aniak	15	15	30	5	.09
Sub-Total	84	84	168	28	.49
Dillingham	8	8	16	2.67	.07
Naknek	3	3	6	1	.03
Sub-Total	11	11	22	3.67	.10
Kenai	36	36	72	12	.33
Seward	1	1	2	.33	.01
Homer	4	4	8	1.33	.04
Sub-total	41	41	82	13.67	.38
Kodiak	8	8	16	2.67	.07
Sub-Total	8	8	16	2.67	.07
St. Paul	3	3	6	1	.03
Sand Point	6	6	12	2	.06
Unalaska	2	2	4	.67	.02
Sub-Total	11	11	22	3.67	.10
Regional Total	434	434	868	144.67	2.6

FAIRBANKS FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Fairbanks	95	95	190	31.67	.55
Nenana	8	8	16	2.67	.05
Ft. Yukon	2	2	4	.67	.01
Sub-Total	105	105	210	35	.61
Delta	3	3	6	1	.03
Tok	6	6	12	2	.06
Sub-Total	9	9	18	3	.08
Barrow	15	15	30	5	.14
Sub-Total	15	15	30	5	.14
Galena	7	7	14	2.33	.06
Sub-Total	7	7	14	2.33	.06
Nome	4	4	8	1.33	.04
Kotzebue	2	2	4	.67	.02
Sub-Total	6	6	12	2	.06
Regional Total	142	142	284	47.33	.95

JUNEAU FIELD OFFICE

Children In Out-Of-Home Care for > 6 Months

Field Office	Total	Hrs. Per Hearing	Hrs. Per Year (X2)	Divided by 6 for Panel Days/Year	Prof. FTE's Required
Juneau	38	38	76	12.67	.35
Sitka	6	6	12	2	.06
Petersburg	2	2	4	.67	.02
Sub-Total	46	46	92	15.33	.42
Wrangell	8	8	16	2.67	.07
Craig	4	4	8	1.33	.04
Ketchikan	32	32	64	10.67	.29
Sub-Total	44	44	88	14.67	.41
Regional Total	90	90	180	30	.83
Grand Total	666	666	1332	222	4.54

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Foster Care Review Boards
Sponsor: Rep. Collins
Requestor: _____

Agency Affected: Health & Social Services
BRU: Family Services
Components: South Central Region,
Northern Region, Southeastern Region

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	90.0	93.2	93.2	93.2	93.2	93.2
TRAVEL	2.0	2.0	2.0	2.0	2.0	2.0
CONTRACTUAL	49.9	49.9	49.9	49.9	49.9	49.9
SUPPLIES	4.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	12.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	157.9	147.1	147.1	147.1	147.1	147.1
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	157.9	147.1	147.1	147.1	147.1	147.1
FEDERAL FUNDS						
OTHER						
TOTAL	157.9	147.1	147.1	147.1	147.1	147.1

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Russ Webb, Director
Division: Family and Youth Services
Approved by Commissioner: Myra M. Munson
Agency: Health and Social Services

Phone: 465-3170
Date: 1/29/90
Date: 2/1/90

Distribution (by preparer):

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

FISCAL NOTE HB 19

There is no effect on FY 90 budget.

The Division of Family and Youth Services has administratively established a case review process which includes as reviewers one or more persons who are not agency employees. These reviews are used by the agency to meet the requirements of Titles IV-E and IV-B of the Social Security Act, Medicaid, and the Indian Child Welfare Act as well as to ensure permanency planning and as a compliance and quality control mechanism.

It is critical that the capability to meet these needs be maintained. Until the review panels mandated in HB 19 are fully functional and demonstrate that reviews conducted by these panels meet all Federal requirements and internal quality control needs statewide DFYS must maintain the capability of doing so through these administratively established case reviews. Because of this, the reviews under HB 19 will be duplicative and will require additional expenditures in worker time, copying time and paper, and postage.

One full-time and two part-time Social Worker III positions, copying and postage costs totaling \$157,900 will be required to implement HB 19.

STAFFING

The division projects that 700 children annually will be in out-of-home care for six months or more. Two case reviews annually will be required for each child under the provisions of HB 19. An additional 500 children are projected to be in out-of-home care each year for at least 90 days but less than six months. One case review for each of these children will be required under HB 19.

An estimated 1,900 reviews per year will be required for FY91 - FY96. Each review requires an average of 1.5 hours in worker time. A case worker has 112 hours per month available for client services.¹

¹This number does not include time spent in personal leave, training, and other non-case related activities.

The number of reviews, staff time required, and workers needed per judicial district are as follows:

<u>Judicial District</u>	<u>Reviews</u>	<u>Staff Time Per Year</u>	<u>Staff Time Per Month</u>	<u>Additional Workers</u>
1st	260 x 1.5	390	32.5	.5
2nd & 4th ²	635 x 1.5	953	79.0	.5
3rd	996 x 1.5	1494	125.0	1.0

Two permanent part-time positions will be located in Juneau and Fairbanks respectively, and one permanent full-time position will be in Anchorage. Personal services and related costs for the additional positions are as follows:

	<u>FY 91</u>	<u>FY 92 - 96</u>
Personal Services	90.0	93.2
Travel	2.0	2.0
Contractual	9.3	9.3
Supplies	4.0	2.0
Equipment	12.0	0.0
Total	117.3	106.5

COPYING AND POSTAGE COSTS

Each case review entails review of various case-related material contained in the files of the Division of Family and Youth Services. It is assumed that DFYS staff will be responsible for supplying one copy of the material from DFYS files needed for the reviews to staff of the panels who will then make additional copies for panel members. Based on the experience of the Ketchikan Review Panel it is estimated that 80 pages will be copied per case.

The costs of copying case files for the Review Panels are based on a cost of \$.25 per page as provided under 7 AAC 89.920. This cost assumes the availability of staff and equipment to make the required copies. However, some DFYS offices have neither copying equipment nor clerical staff. Copying of file material in those offices would necessarily be contracted. Postage costs are estimated at \$3.00 per review packet for offices that must mail the packets to the regional areas where the panels are located: 135 packets in the 1st District, 295 in the 2nd and 4th Districts, and 465 in the 3rd District.

²Because the 2nd District includes Nome, Kotzebue and Barrow, which all fall under the Northern Regions of Family Services and Youth Corrections, the 2nd and 4th Judicial Districts are combined.

<u>Judicial District</u>	<u>Copying Costs</u>	<u>Postage</u>	<u>Total</u>
1st	5.2	.4	5.6
2nd & 4th	12.7	.9	13.6
3rd	<u>19.9</u>	<u>1.5</u>	<u>21.4</u>
Total	\$37.8	\$2.8	\$40.5

SUMMARY OF COSTS

	<u>FY 91</u>	<u>FY 92 - 96</u>
Personal Services	90.0	93.2
Travel	2.0	2.0
Contractual	49.9	49.9
Supplies	4.0	2.0
Equipment	<u>12.0</u>	<u>0.0</u>
Total	\$157.9	\$147.1

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for juvenile delinquency..."
Sponsor: Governor
Requestor: House Judiciary

Agency Affected: Administration
BRU: Office of Public Advocacy
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

FY90 impact is zero.

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

Phone: 274-1684
Date: 1/22/90

Approved by Commissioner: Frank Baxter
Agency: Department of Administration

Date: 1/23/90

Distribution (by preparer):

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

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act modifying procedures for
juvenile delinquency detention hearings..."
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Dept. of Administration
BPU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary) FY 90 impact is zero.

Prepared by: John B. Salemi, Public Defender
Division: Public Defender Agency
Frank Baxter
Approved by Commissioner: _____
Agency: Department of Administration

Phone: 279-7541
Date: 1/23/90
Date: 1/23/90

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

②

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Alaska Court System
 Title: An Act relating to citizen review BRU: Trial Courts
panels for certain children
 Sponsor: Collins, Gruenberg, Ulmer, et al Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services		18.0	18.0	18.0	18.0	18.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	18.0	18.0	18.0	18.0	18.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Funds	0.0	18.0	18.0	18.0	18.0	18.0
Federal Funds						
Other						
TOTAL	0.0	18.0	18.0	18.0	18.0	18.0

POSITIONS:

Full-time						
Part-time		1.0	1.0	1.0	1.0	1.0
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis

Prepared by: Robert G. Fisher, Manager, Fiscal Operations
 Division: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Phone: 264-8228
 Date: 01/12/90
 Date: 01/12/90

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)

Alaska Court System

CS HB 19

Fiscal Analysis

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro tem superior court judge, PPT, 6 months	\$9,663	\$8,287	<u>\$17,950</u>

The court's preliminary analysis of this legislation indicates the 18-month review requirements will result in additional hearings. It is estimated that a half-time, permanent part-time, superior court judge will be required. The funding will be used to hire retired superior court judges in each judicial district impacted by this legislation.

The court will provide additional analysis of this legislation.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 24, 1990

FURTHER REFERRALS:

FINANCE

Date of Committee Action: 3/23/90

The JUDICIARY Committee considered:

HB 19

HOUSE BILL NO. 19

FOSTER CARE REVIEW BOARDS

"An Act relating to review panels for children in foster care; and amending Rule 19 of the Child in Need of Aid Rules."

RECOMMENDATIONS:

- [X] be replaced with CS HB 19 (Judiciary) [] the same title
[X] a new title
[] have attached amendment(s)
[X] do pass
[] do not pass
[] no recommendation
[*] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept) ~~_____~~

- [X] fiscal impact Admin
[] zero fiscal note _____
[] zero with analysis _____

- ~~[X]~~ fiscal note(s) ~~_____~~
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>[Signature]</i>		✓	

[Signature]
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Department of Administration
 Title: "An Act relating to citizen review panels for certain children in state custody ..." BRU: Citizens Review Panel
 Sponsor: Collins, Gruenberg, Ulmer Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	395.0	471.9	485.1	485.1	485.1	485.1
TRAVEL	32.5	46.4	45.8	45.8	45.8	45.8
CONTRACTUAL	146.3	142.2	142.2	142.2	142.2	142.2
SUPPLIES	11.1	11.1	11.1	11.1	11.1	11.1
EQUIPMENT	112.0	1.5	1.5	1.5	1.5	1.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	696.9	673.1	685.7	685.7	685.7	685.7

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	696.9	673.1	685.7	685.7	685.7	685.7
FEDERAL FUNDS						
OTHER						
TOTAL	696.9	673.1	685.7	685.7	685.7	685.7

POSITIONS:

FULL-TIME	11	11	11	11	11	11
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	11	11	11	11	11	11

ANALYSIS : (Attach a separate page if necessary)

Any FY90 costs to be absorbed by Department of Administration and Department of Health and Social Services.

See attached.

Prepared by: James J. Fox
 Division: Deputy Commissioner, Commissioner's Office

Phone 465-2200
 Date: 3/20/90

Approved by Commissioner: Frank S. Baxter, Commissioner
 Agency: Department of Administration

Date: 3/20/90

Distribution (by preparer):

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

Draft CS HB 19 (Jud)

The function of the agency established under this bill is to provide for an additional, non-departmental, review of longer term out-of-home placements for children and youth in the custody of the Department of Health and Social Services. The individual review is to result in specific recommendations for services to the child. The overall process is to result in periodic summary reports of the placement activities of the division and recommendations for improvement of services to children in out-of-home placement.

In scope this program will provide about 1,500 local, individual reviews effecting about 1,000 children each year. The geographic area covered is equal to about 15% of the United States.

This fiscal note is based on several assumptions.

1. The service provided is to supplement, and enhance, services provided by the Division of Family and Youth Services.
2. To the extent possible DFYS social work staff should not have to assume additional administrative burdens.
3. If possible, the process should lessen current administrative activities of DFYS social work staff, permitting more time for direct service.
4. The review process should involve local individuals who receive some training in child welfare issues and who are knowledgeable of local social and cultural customs.
5. Local review panels are volunteers and receive no recompense.
6. The state panel reviews the service of the local panels, hires the agency director, and sets agency policy and procedure for carrying out statutory obligations including reports and recommendations.
7. The success of the panels will be contingent on maintaining credibility in recommendations and fostering a positive working relationship with the division. The subjective measure will be public acceptance of the process. The objective measure will be the implementation of recommendations and improvements in permanent placements for children.
8. Because the review process will require synthesis and summary from case files as preparation for panel review, it was

felt that panel professional staff should have knowledge of, and background in, human services. Hence the use of the Social Worker III classification for professional staff.

9. Staffing patterns were developed from an analysis of where the children were in placement, estimates from current staff as to the time required for different parts of the process and the level of support staff needed in similar activities.

10. As the panel members will be volunteers, an assumption was made that an effort would be made to appoint sufficient local panels to permit timely reviews to be provided without asking individual panel members to contribute more than one, or at most two full days per month.

11. The fiscal note provides for establishing 3 offices, with the largest office, and agency headquarters, in Anchorage and smaller offices in Fairbanks and Juneau.

12. As many as 11 local review panels are contemplated for areas remote from the 3 field offices. Some will meet monthly and some will meet only quarterly. The staff travel budget is predicated on providing on-site support for the panel meetings.

13. Local panel training assumes the participation of DFYS (at their expense). The delivery is at the local level and provided by agency staff (review panel staff and DFYS staff). Extra on-site days for staff are included in the travel budget for this training. \$2,500 per year is included in the budget for the purchase and/or development of training material. Initial training (orientation) is covered in the first two years and after that it is assumed about 1/2 the panels would receive further training each year.

14. Space needs are DOA standards for staff. Space needs include a large conference/meeting room for Anchorage. Local panels there would be meeting 1 to 3 days per week. If reliable donated space can be found for this purpose the space costs could be reduced accordingly.

15. Teleconference equipment is included for each office. This equipment is portable so as to be usable by local review panels in field location.

16. Recording equipment is included for use by the review panels in both office and field locations.

17. Equipment is included for a local area network in the Anchorage office and modems are included for each office location for transfer of data and reports. Also a fax machine is included