

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8327

SENATE JUDICIARY

ALASKA TRUCKING ASSOCIATION, INC.

3443 Minnesota Drive • Anchorage, Alaska 99503 • PHONE (907) 276-1149 • FAX (907) 274-1946

April 16, 1993

Steve Rieger
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Rieger:

On behalf of Alaska Trucking Association's membership I respectfully urge your support of House Bill 2, which mandates a drug testing program for Alaska's school bus drivers.

The trucking industry has been drug testing its drivers for the past three years and believes the program to be effective and beneficial in helping assure a driver's qualification.

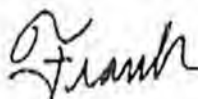
If it makes good safety sense for commercial drivers hauling freight to be tested, it makes even more sense to test commercial drivers who transport the most precious and valuable of "freight", our children.

I believe passage of this bill is important this session and would ask your help and support to make it happen.

Thank you for your attention and consideration.

Support H.B. 2!

Yours truly,



Frank J. Dillon
Executive Director

FJD/pch



Matanuska-Susitna Borough School District

125 WEST EVERGREEN — PALMER, ALASKA 99645 — (907) 746-9200

Dr. Ell B. Soranson, Superintendent

April 15, 1994

Senator Robin Taylor
Alaska Legislature
State Capitol
Juneau, AK 99801-1182

Subject: House Bill #2 Titled "An Act Requiring Drug And Alcohol Tests For School Bus Drivers"

Dear Senator Taylor:

I recently reviewed House Bill #2 which mandates drug and alcohol tests for school bus drivers in the state of Alaska. I have discussed some of my concerns with Representative Gail Phillips' office and forwarded the comments and concerns which I have listed below. It is my understanding that HB2 is under review in Senate Judiciary at this time.

My comments and concerns relating to the HB2 are as follows.

- 1) HB2 appears to be a duplication of a new federal employee drug testing mandate effective, January 1, 1995, for employers with 50 or more employees and on January 1, 1996, for employers with less than 50 employees. All employers, public and private, are covered. Regulations for the Omnibus Employee Drug Testing Act of 1991 and the subsequent law which tied in alcohol testing was published February 15, 1994, and addresses both drugs and alcohol.

The federal mandate targets all individuals with a Commercial Drivers License (CDL), which includes all school bus drivers for both public and private schools. HB2, however, covers only public school bus drivers. The regulations which were published includes complicated and comprehensive criteria for testing and compliance.

Senator Robin Taylor

April 15, 1994

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- 2) It is not clear to me what drivers the HB2 is supposed to cover. The language of the bill is so vague it seems possible that the testing mandate could cover a teacher or principal who might on occasion transport a student home in his or her car. Perhaps, even a parent transporting his child and other students to a school sponsored activity in his or her personal vehicle would fall under the testing requirements. HB2 uses words like, "person", "vehicle", "transports pupils." The bill is entitled "Drug Testing For School Bus Drivers" but isn't specific about who transports pupils, for what purpose they transported and in what vehicle they are transported.

It appears that House Bill #2 may exceed the federal mandate due to the vague language of the bill and may sweep broadly across school district personnel or parents who might be called upon to transport students home or some other place in an emergency situation. It has been suggested to me that the intent of the bill is to cover school sponsored activity transportation of students. If that is so, the language of the bill should make that clear.

In the Mat-Su Borough School District, any person, a volunteer parent, teacher or paid bus driver who transports students for any purpose in any District vehicle, whether it be a school bus or a vehicle which is not a school bus, are required to have a Commercial Drivers License (CDL) with the appropriate school bus driver endorsements. Under the federal mandate all persons who transport students on activity trips in District vehicles or home-to-school drivers in the Mat-Su Borough School District would be subject to drug and alcohol testing.

In summary, I believe HB2 duplicates the federal mandate addressing only school bus drivers, a small segment of the transportation employees considered to hold safety related positions in Alaska. HB2 also appears to exceed the federal mandate and appears to target school district personnel or parents who may transport students on an occasional basis.

If in fact the intent of the bill is to provide protection to students on school sponsored activity trips, the language of HB2 should make that clear. However, it appears that there are very few vehicles used to transport students that do not require a driver with a Commercial Drivers License (CDL).

Senator Robin Taylor

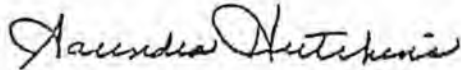
April 15, 1994

Page 3

It has been suggested to me that we wait and let the "regulations" which implement the law clarify what driver, what vehicle, and what kind of transportation the law really addresses. I think that the intent of the HB2 should be clear and that the regulations should reflect what the law clearly states. I don't support House Bill #2 in its present form. Either the bill should be dropped or the language clarified.

I appreciate very much your concern for and efforts to ensure the safe transportation of our students to and from school and on activity trips. My comments and recommendations are respectfully submitted.

Sincerely yours,



Saundra C. Hutchins
Pupil Transportation Coordinator

k11

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3718

House Majority Leader

April 22, 1994

Ms. Sandra Hutchins
125 West Evergreen
Palmer AK 99645

Dear Ms. Hutchins:

After reading your recent letter and hearing from my staff about your reservations in regards to my drug testing bill, I would like to respond to your concerns.

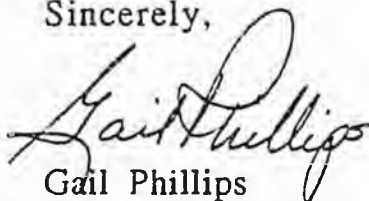
It is true that federal drug testing regulations are to be implemented, in the future, to cover all bus drivers with a Commercial Drivers License. In my communications with the Federal DOT authorities, I understand that states are entitled to, and often exercise, the right to adopt only part of any of this type of regulation. Notwithstanding the threat of withholding an unspecified amount of federal DOT funds, Alaska has the responsibility to adopt federal regulations in a manner that is consistent with its ability to oversee and enforce those directives. Given the interest in my district for drug and alcohol testing, I am committed to establishing state requirements that meet or exceed the federal regulations, with language that is broad enough to encompass the unique bussing situations in Alaska.

An integral part of this bill is the section which speaks to disciplinary prerogatives of the driver's employer. The legal opinion within the bill analysis done by the state attorney, is that the broad brush of inclusion you fear is offset by this disciplinary clause. **THIS LEGISLATION IS TARGETED AT THOSE WHO TRANSPORT STUDENTS FOR FINANCIAL COMPENSATION.** It is likely that this will be the standard of legal interpretation. The legislative history of this bill will reveal the same intent, when and if the question appears in a court of law.

While I am not insensitive to concerns raised by individuals like yourself who are responsible for pupil transportation, there is a legitimate question here on how much language should be used in a bill that must cover a broad spectrum of situations. Are the people better served by a law with latitude for interpretation over different circumstances, or by a law with extremely specific inclusions which often needs adjustment as times and situations change?

It is my belief that the people of Alaska are best served by elevating awareness of our intent to sever substance abusers from the commercial operation of passenger vehicles. Following that, I have great confidence that the people will reasonably implement such a statute in whatever way guarantees that their children's safety will attain the highest priority.

Sincerely,



Gail Phillips
REPRESENTATIVE

GP:mh

cc: Senator Taylor

HB

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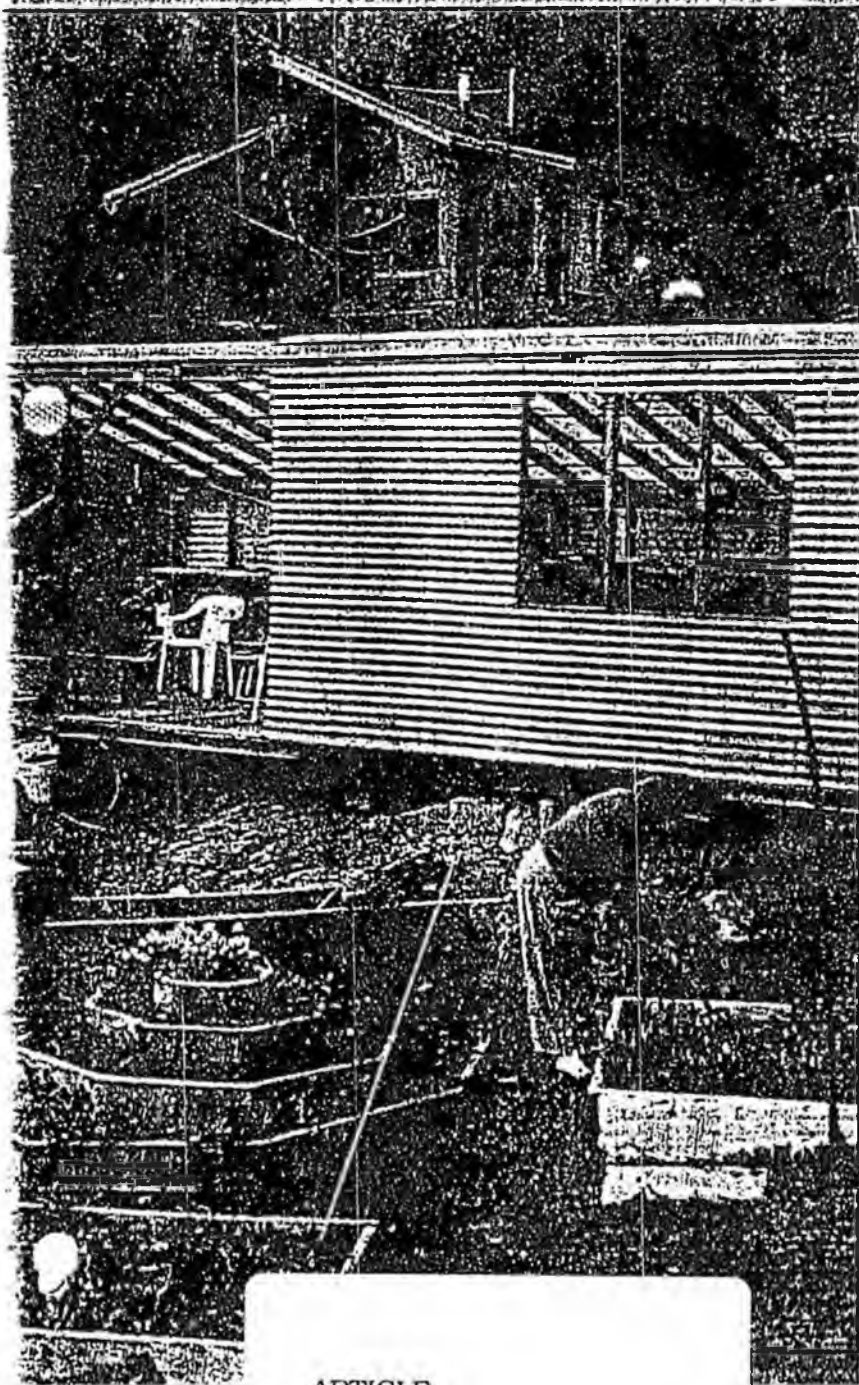
be sure we're not a jumbled-up town. A lot of ugly. We want to do things right this time.

— Johnnie Laird

Blowing

THE MARCH OF

Progress



ARTICLE

Alaska's growing, graying

Census reports state is second nationwide in population gain

By PATRICIA SOLOVECHIK

TIMES BUSINESS WRITER

Alaska is growing and graying far more rapidly than the rest of the nation, a trend spurred by workers lured by tales of high paying jobs and incentives for senior citizens who are remaining in the state or relocating here.

Alaska's population increased 3.7 percent to 570,000 people between April 1990 and July 1991 — the nation's second-fastest growth rate for the 15-month period after Nevada, which gained 6.8 percent, according to U.S. Bureau of the Census data.

However, Scott Goldsmith, an economist with the Institute for Social and Economic Research at the University of Alaska Anchorage, said the trend will not continue.

"The growth rate will drop off pretty dramatically between this year and next," Goldsmith said. "There will always be people coming to look for work, but as the economy in the Lower 48 improves, that will take some of the pressure off."

But the startling rise in older baby boomers and senior citizens among Alaska residents is a trend that will remain with the state as long as incentives are offered to bring them in and keep them here, he said.

Alaska's 88,000 residents in the 45-to-64 age group grew 7.1 percent between the spring of 1990 and last summer, the nation's fastest rate for that population segment. Nationally, the 45-to-64 age group grew at a rate of 1.2 percent during the 15-month period, which is the latest for which census data is available.

And Alaska is second only to Nevada in population growth among people age 65 and older, Census Bureau statistics showed.

The statistics are further indication of a trend that has concerned Alaska officials enough to begin planning sessions on how to deal with caring for that very expensive segment of the population.

"The state has been very involved in looking at the growth of seniors and doing some planning related to what we're going to do about it," said Ruth Gulias, director of long-term care planning with the Commission on Older Alaskans.

Several projects, funded by state and federal sources, are looking for alternatives to expensive institutionalization of frail or impaired elderly residents in an effort to control costs, she said.

"The elderly population is growing at such a phenomenal rate, it is incumbent on us to plan for this

See Census, page A13

Census

Continued from page A1

group," she said. Meanwhile, the under age 5 population in Alaska is growing at a rate of 1.3 percent, which is far slower than the national average of 2.5 percent.

Children 5 to 17 years old in Alaska have the second-fastest growth rate in the nation for that age group behind Nevada.

However, the number of 18- to 24-year-olds in Alaska shrank by half a percentage point, while nationwide the number shrank by 2.1 percent.

The remaining adult segment of Alaska residents ages 25 to 44 grew at a respectable rate of 2.9 percent between April 1990 and July 1991. That compared with 1.9 percent for the entire United States.

"We are still responding to the employment bank we got from the oil spill cleanup," Goldsmith said.

"And the recession in the Lower 48 has caused people to look to Alaska more than usual as a place of sanctuary from that," he said. "It is typical of what has happened in past recessions that hit the Lower 48."

Workers continue to flood the state in "delayed response" to the jump in employment during the cleanup phase.

Age Group	Alaska	Nation
Under 5 years	1.3%	2.5%
18 to 24 years	-0.5%	-2.1%
45 to 64 years	7.1%	1.2%

SOURCE: U.S. Bureau of Census. The Anchorage Times

"People hear about the good times and even after the good times have passed and the jobs are taken, they continue to come looking for work," he said.

That may explain why the state's 18- to 24-year-olds show a smaller loss than most states as the baby bust plays itself out. Young workers are able to go far afield in search of work, said Greg Williams, a demographer for the Alaska Department of Labor.

Moreover, the 25- to 44-year-old range grew at a faster pace in Alaska than it did nationally, likely due to adventurous job seekers, the experts said.

Williams said growth rates among Alaska's children fell into a pattern according to parental age, with the 57,000 residents in the under age 5 group probably parented by the state's 56,000 18- to 24-year-olds and Alaska's 123,000 5- to 17-year-olds likely parented by the 222,000 25- to 44-

year-olds.

"The rises in school-age population are tied to the ages of their parents. We have more mature families coming in, and the highest migration ages are people in their 20s, with kids under 5," he said.

But because Alaska has such a small population, the data tends to be slightly skewed by even minor changes that can appear as large percentages, Williams said.

However, it is clear that Alaska's population is growing and aging far more rapidly than the nation as a whole, Goldsmith said.

"The over 65 group shows strong growth that represents that population group doubling in 10 years," he said. "That is consistent with the growth rate we had between 1980 and 1990."

Goldsmith attributed much of the rise in the number of senior citizens to state fiscal policies that

encourage older people to stay here or migrate to Alaska. To someone on a fixed income, as many seniors are, the longevity bonus, Permanent Fund dividend, property tax rebate and the lack of state income tax are strong incentives.

Alaska's encouragement of a graying population is just beginning to put increasing demands on public services at a time when the state can least afford it, he said. And as budgets tighten, more senior citizens will need the expensive basics of medical care and shelter.

"Our population growth doesn't indicate an increase in our tax capacity," Goldsmith said.

Paring down the services likely will discourage elderly residents from moving here and those who are staying in the state strictly for the financial benefits offered, he said.

"There is a real financial incentive to these public programs, and it is a large reason why the over 65 population has doubled in the past 10 years," he said.

Goldsmith said the rise in older baby boomers, Alaska residents ages 45 to 64, is too steep compared with the national average to be a natural increase.

"This is not just an aging of the population. It is people coming in and fewer residents cycling out," he said.

Williams attributed the rise in part to "a wall of folks going over

that 44-year-old boundary," who came to Alaska as young adventurers when statehood was attained.

"A lot of our growth came at statehood, and those age groups are now getting older," Williams said. "In addition, the baby boom is more noticeable here because we have not had a larger older population."

Added to that is the tendency for the 44-plus group to bring parents to live with them as they raise their own children.

"It doesn't hurt that there are (state) benefits, and that may be an incentive. But I think of it more in family terms. We don't attract a lot of single older people as a place to retire, although it does happen, such as ex-military," he said.

Alaska is following a national trend in the graying of its population, said Ruth Gulias, long-term care coordinator for the Older Alaskans Commission.

"The 75-plus and 85-plus groups are growing even faster," she said. "It is of increasing concern to all of us." But those over 60 comprise just 6.4 percent of the population, and the 24,000 residents over 65 number about 4 percent.

Connie Sipe, executive director of the Older Alaskans Commission, said that while the number of people over 65 almost doubled between 1980 and 1990, those over 75 grew 110 percent. Nation-

ally, the latter group increased by 25 percent.

"People are living longer, more seniors are staying here; Native elders are living longer, and Alaska is following the national trend of bringing elderly parents to live in the same household as their children and grandchildren," Sipe said. "And they don't necessarily come as dependents. It is often to help out."

State leaders already are grappling with the question of whether or not they can afford to actively encourage seniors to stay in the state, she said.

"We may not be able to afford the same benefits we offered to a much smaller population of elderly," she said. "We are not sure we can keep it up."

Already, waiting lists at pioneers homes are two to four years, and the average admission age has risen to 82, Sipe said.

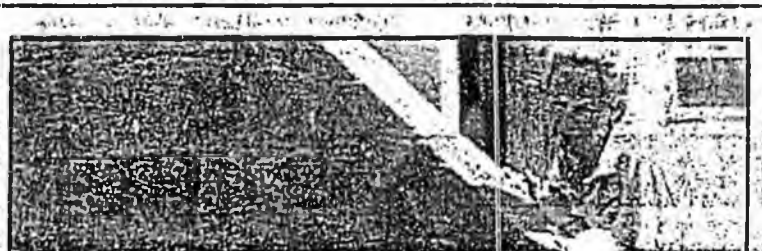
"One slip and fall on the ice, and that person can be a long-term care client," she said. "The people in our pioneer homes have much more serious care needs that we used to see."

But the news is not all troubling. More children are growing up with grandparents and contact with older people to enrich their lives. And the economy benefits greatly from the money that comes in from out-of-state in the form of federal funds and retirement checks from corporations and the military.

Hitchhikers' double murder captivated rural community

By TERRY WALLACE

Woollard said she remembers the day the bodies



Spell

Continued from page A1

nose), only to be bamboozled by "brannigan," an Irish slang term for a noisy fight.

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65.

The number of persons age 65 years or older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

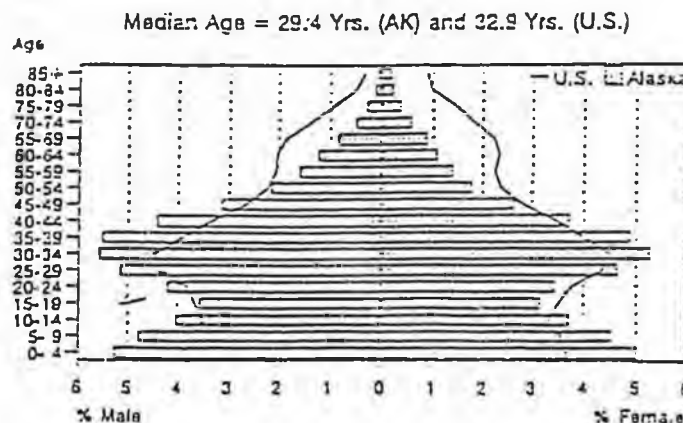
Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change	
			1980-90	Percent
Alaska	11,547	22,369	10,822	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.25
Anchorage Borough	3,520	8,258	4,738	134.50
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	827	2,015	1,188	143.65
Ketchikan Gateway Borough	642	907	265	41.28
Kodiak Island Borough	255	425	170	66.67
Lake and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,966	1,136	155.62
Nome C.A.	339	419	80	23.60
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	251	32	12.55
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	81	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.53
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A. = Census Area

Source: 1990 Census of Population and Housing, STF1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



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Older Alaskans Commission

POSITION PAPER ON HOUSE BILL 3

"An Act Relating to public home care workers"

The Older Alaskans Commission supports passage of House Bill 3.

This bill adds several new protections for seniors and other disabled persons who use the services of public home care providers.

Section 1 states that any type of publicly paid for home care provider may not accept a designation to hold a power of attorney for a home care client unless the power of attorney is held jointly (possible under the law) with someone else who is not employed as a home care worker.

Older Alaskans Commission recommends an amendment that strengthens Section 1 to forbid any situation where a power of attorney is held by a publicly paid home care worker for a client, unless there is some protection and oversight, such as a court order or a waiver based upon particular facts given by the state agency which is paying for the home care. Alternatively, the person with whom the home care worker jointly holds the power of attorney should be required to be a person who has no personal or financial relationship with the home care worker.

Section 2 is added to the general duties of the Department of Health and Social Services. This section mandates that state funds may not be used for payment to a home care provider unless the contractor or grantee which hires the home care workers agrees to file a request, within 10 days after hiring each individual worker, for that worker's state criminal records, as such a request is provided for in existing law at AS 12.62.035. The employer must also promptly review the criminal records once received.

This section instructs DH&SS to adopt regulations about how it will take action when a report of harm is filed under either the child or the elder abuse reporting statutes, when the allegation is that the harm was caused by a public home care provider. Specifically, the regulations must include procedures for when and how the department will require the contractor or grantee employer to reassign, suspend or terminate the alleged abuser, including procedural safeguards of the individual home care worker's due process rights in such a case.

Finally, this section defines "public home care provider" as any worker under a state contract or grant who provides any of the following types of service: homemaker, chore, personal care, home health, or similar services in or around a client's personal residence; or respite care service whether provided in the client's home or the provider's home or facility.

Section 3 states that DH&SS may not pay for any respite care unless the same procedures for requiring criminal background checks are put into the contracts or grants.

Section 4 broadens the mandate that DH&SS must, upon request, release the number of verified reports of harm to elderly persons at an institution to also require the same disclosure about a publicly paid home care provider.

Section 5 adds a definition of "public home care provider," basically anyone paid by the state under contract or grant to provide homemaker services at an institution to also require the same disclosure about a publicly paid home care provider.

Section 6 states that the Older Alaskans Commission must also require the same types of criminal background checks for any home care workers under OAC grants for family respite or home care services.

Section 7 states that the OAC must require the same types of criminal background checks for any home care workers under grants for family respite care or for adult day care services.

Section 8 adds a new definition of "home care services" to the services to Older Alaskans act, which puts all homemaker, chore, personal care, home health or similar services in or around a client's residence in this category.

Section 9 sets a time deadline when the Department of Health & Social Services must adopt the new regulations required by Section 2 of this act, specifically by March 15, 1994. A status report is due to the legislature by February 1, 1994.

Section 10 gives the act an immediate effective date.

This bill, by requiring criminal background checks, may slightly increase the costs of providing publicly paid for in-home care services for some agencies which are not already doing these checks. This higher cost may result in slightly reduced hours of service available for clients. However, even if hours of services were slightly decreased, this would be a worthwhile trade-off in order to give greater assurance of physical and financial security to the vulnerable home care clients.

The Older Alaskans Commission believes that abuse of elders and disabled adults is a grievous problem that Alaska must better address.

The Commission urges passage of House Bill 3.

Donald M. Hoover

Donald M. Hoover, Chairman
Older Alaskans Commission

Dated: 3/29, 1993

Honorable Jerry Mackie

March 4, 1992

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ANSWER: The following is cost of personal services to provide skilled, home health nursing in the communities of Fairbanks, Juneau, and Ketchikan:

	FY88	FY89	FY90	FY91
PERSONAL SERVICES	348,018	385,174	448,501	384,579

Note that cost of personal services were lower in FY91. This was due to a turnover in home health staff at the Fairbanks Health Center. Senior employees at advanced salary steps were replaced by employees at lower salary steps.

How many individuals were employed as public home health care providers in these same fiscal years?

Since its beginning, the staffing pattern for the Home Health Program has remained the same with one exception. In FY91 the Juneau Health Center Clerk Typist III position was transferred out of the Home Health program (*).

Program Nurse Consultant	Central Office
Public Health Nurse II	Juneau Health Center
Nurse II	Juneau Health Center
*Clerk Typist III	Juneau Health Center
Community Health Aide	Ketchikan Health Center
Clerk Typist III	Ketchikan Health Center
Public Health Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Nurse II	Fairbanks Health Center
Clerk Typist III	Fairbanks Health Center

3. How much money was spent on contracts with private home health care services agencies?

The Section of Nursing has approximately 65 -- 75 active Home Health Aides working under agreements. Due to turnover of the Home Health Aides, there may be as many as 100 individuals who have agreements (active or inactive) with the Department during the fiscal year. An additional 8 -- 10 Registered Nurses are working under professional services contracts to provide home health services.

Honorable Jerry Mackie

March 4, 1992

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CONTRACTED SERVICES	FY88	FY89	FY90	FY91
SKILLED NURSING (RN'S)	\$ 32,382	\$ 34,156	\$103,001	\$ 82,345
Total number of hours (paid at \$18 PerHour)	(4,604)	(4,675)	(5,722)	(4,653)
HCME HEALTH AIDES (HMA)	\$222,368	\$254,000	\$254,000	\$254,000
Total number of hours (paid at \$12 PerHour)	(18,572)	(22,000)	(22,000)	(22,000)
PROVIDENCE	\$229,612	\$238,000	\$238,000	\$238,000
Total number of visits (paid at \$39. Per HA visit)	(5,259)	(5,685)	(5,471)	(5,471)
(paid at \$80. Per RN visit)	(385)	(368)	(370)	(370)
AMTECH			\$1,455,775	\$1,488,600
Training Funds			<\$42,689>	<\$32,365>
Total number of hours paid at \$20.34 per hr			(71,568)	
paid at \$21.72 per hr				(68,535)

Is there breakout information available as to amounts spent for services provided to children, disabled adults and elderly adults?

This is information for the Home Health skilled nursing contract with Home Health Care/Providence Hospital

FY	Total No. Clients	HMA Visits	RN Visits	Over 60	disabled	cost
91	127	5,471	370	107 (84%)	11 (9%)	\$238,000
90	125	5,471	370	102 (82%)	14 (11%)	\$238,000
89	137	5,685	366	115 (89%)	12 (9%)	\$238,000
88	115	5,259	385	99 (86%)	12 (10%)	\$229,612
87	107	5,920	358	36 (80%)	15 (14%)	\$249,107

The existing data system and reports have no simplified means of extracting the information pertinent to the number of disabled children and adults, so the percentages listed above are an estimate of the total number of clients from reports submitted.

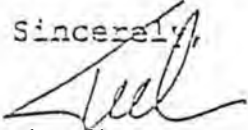
4. Can you provide an update as to the status of the Medicaid Waiver Application of the State of Alaska?

Honorable Jerry Mackie
March 4, 1992
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Answer: We will be applying for our package of waivers in the very near future. The applications are first filed with the federal Department of Health and Human Services, Region X. We anticipate that we will have approval and be fully operational by July 1993.

If you need further information on these or any other Department programs, please contact me.

Sincerely,



Theodore A. Maia, MD, MPH
Commissioner

TAM:TB:AW

bcc: Peter Nakamura, Director
Dwayne Peeples, Health Program Specialist
Alice Walters, Health Program Nurse Consultant

STATE OF ALASKA

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

THEODORE A. MALA, COMMISSIONER

P.O. BOX 110631
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030

March 4, 1992

Honorable Jerry Mackie
Alaska State House of Representatives
State Capitol
Juneau, AK 99811

Dear Representative Mackie:

Thank you for your February 20 memo regarding home health care services for the elderly and disabled. Following are the answers to the questions you set out:

1. How many disabled adults and elderly persons were receiving services under home health care services programs throughout all the divisions of H&SS for FY87 - FY91?

ANSWER: The Division of Public Health, through the section of Nursing, has only been overseeing the Adult Homemaker Services contract (AMTECH) since FY90. Prior to that time the Homemaker Services were administered by DFYS.

In FY91 there were:

492 age 68-80

214 over age 80

706 total clients over age 65

The total number of all clients served by AMTECH in FY91 was 1,122.

The above FY90 information was requested of the contractor for the purpose of this report; AMTECH was unable to provide information at this time.

The section of Nursing provides home health to a limited number of clients each year in a small number of communities, using State

OVERVIEW OF PUBLIC HOME
HEALTH CARE SERVICES

Honorable Jerry Mackie

March 4, 1992

Page 2

general funds. Home Health Aide services are, or have been, available in the following communities:

Mat-Su/Palmer/Wasilla/Talkeetna
Fairbanks/North Star Borough
Juneau
Sitka
Seward/Kenai
Soldotna/Homer
Ketchikan
Wrangell
Petersburg
Bethel

In three locations (Fairbanks, Ketchikan, Juneau) skilled (Registered Nurse) services are available through a pilot project (which began in 1981) with services provided by state employees (PHN II's and Nurse II's).

The following chart shows the number of clients served through the Home Health Aide and Home Health Skilled Nursing programs:

FY	Number of Clients/Patients
91	376 (330 are over age 65)
90	358 (311 are over age 65)
89	349 (341 are over age 65)
88	363 (315 are over age 65)
87	359 (319 are over age 65)

The data system does not break-out the number of disabled children or adults, although only those clients with moderate to severe needs are provided services. Most clients are not Medicaid eligible due to income level that places them slightly above the financial criteria and do not have third-party insurance that will reimburse for homecare for health aide services.

2. How much money was spent on salaries for public home health care providers throughout all the divisions of E&SS from FY87 - FY91?

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

FEBRUARY 16, 1994

Senator Robin Taylor, Chair
Judiciary Committee
Alaska State Senate
Capitol Building
Juneau, Alaska

Re: HB 3, Protection Older Adults

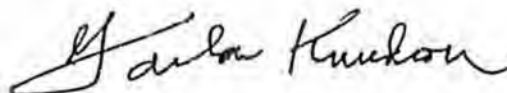
Dear Senator Taylor:

We would like to add our support for the intent of HB 3. We particularly like Section 1 of HB 3 that prohibits the designation of a home care provider as "attorney-in-fact" unless it is held jointly with an individual outside the home.

As you know, there is a series of senior services bills (SB 248, 249 and 250) moving through the Legislature at the request of the Governor. We feel HB 3 compliments and adds to that legislation.

We ask the support of the Senate Judiciary Committee for HB 3.

Sincerely,



Harlan R. Knudson
President/CEO

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB3

Revision Date: 01/28/94 Dept. Affected: Health and Social Services
 Title: An Act Relating to Public Home Providers BRU: Family & Youth Services
 Sponsor: Representative(s) Mackie & Ulmer Component: Central Office
 Requestor: S (JUD) COMPONENT SERIAL NO. 0259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	15.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	15.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	15.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL - TIME						
PART - TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

Section 2 of this bill requires that the Department develop regulations on circumstances requiring reassignment, suspension, or termination of a home care provider alleged to have perpetrated harm and on the appeal rights for such an individual. Section 9 requires that the regulations be adopted by March 15, 1994. There are several critical regulatory projects ahead of this one. For this reason, a moderate fiscal note is required to implement the provisions of this bill. A contract will be obtained to draft, conduct public hearings on, and finalize the regulations. The contractor will revise the Adult and the Child Protective Services procedural manuals to implement the charges and will work with data processing to plan protective services data collection on home care providers under Section 4 of the bill. If the protection of the Vulnerable Adults bill passes, the department will collaborate with the Division of Senior Services.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/28/94
 Date: 1-31-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 03

Revision Date: January 28, 1994 Dept. Affected: Health and Social Services
 Title: An act relating to public home care providers BRU: State Health Services
 Component: Home Health Services
 Sponsor: Mackie, Ulmer
 Requestor: Senate Judiciary COMPONENT SERIAL NO. #1629

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

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

Estimate of current year (FY94) cost \$ NONE

ANALYSIS: (Attach a separate page if necessary)

Cost of the security clearance for Personal Care Attendants is covered as administrative costs in the current grant awards as part of the deliverables of the grantee.

Prepared by: Peter M. Nakamura, MD, MPH
 Division: Public Health

Phone: (907) 465-3090
 Date: 01/28/94

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Date: 2-2-94

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 3

Revision Date: _____
Title: An Act relating to public home care providers and providing for an effective date.
Sponsor: Representative Mackie
Requestor: _____

Department Affected: Administration
BRU: Older Alaskans Commission
Component: Older Alaskans Commission
COMPONENT SERIAL NO. 36

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

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

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
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

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Connie J. Sice, Director
Division: Older Alaskans Commission

Phone: 465-3250
Date: January 21, 1993

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 1/25/93

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Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



ALASKA STATE CAPITOL
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CRAIG, ALASKA 99921
(907) 926-3008 OFFICE
(907) 326-2930 HOME

House of Representatives

SPONSOR STATEMENT FOR HB 3

HB 3, An Act relating to public home care providers, restricts the ability of a home care provider to assume power of attorney and requires criminal background checks on any individual providing home care services paid for by public funds for an elderly or disabled person.

This bill will provide some protection to elderly and disabled persons from those responsible for their care; these groups are particularly vulnerable to abuse because of age, illness, disability and the isolation of being alone in their home with a caregiver.

It is important to take these steps now, while Alaska is on the brink of an explosion in home care services. Our senior citizen population is rapidly expanding and the state has just received approval for a Medicaid Waiver to provide home and community based services as an alternative to institutionalization. Once the Medicaid Waiver is effective, and there is a payment system available for expanded home based services, the home care services industry will see rapid growth - as it has in other states. This bill also requires background checks on home care providers paid through Older Alaskans Commission grants, and respite care providers paid through the Division of Family and Youth Services.

An important aspect of this bill is that the Department of Health and Social Services is required to implement regulations identifying actions to be taken upon reports of harm by a home care provider; it also protects the due process rights of the provider. My companion bill, HB 4, provides that conviction of a person licensed, certified or regulated by a board or the Department of Commerce, for abuse of an elderly or disabled person may be considered ground for disciplinary proceedings or sanctions.

I think this bill is both important and timely and urge your support.

HOUSE DISTRICT 05 • ANGOON • CAPE POLE • CAPE
FUNTER BAY • GUSTAVUS • HAINES • HOBART BAY • HOLLIS
METLAKATLA • NAUKATI • PELICAN • POINT
TENAKEE SPRINGS •

SPONSOR STATEMENT

NA BAY • ELFIN COVE • ENCURSION INLET
• KLUKWAN • LABOUCHERE BAY • LONG ISLAND
• PORT PROTECTION • SKAGWAY
YAKUTAT

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



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House of Representatives

SECTIONAL ANALYSIS - EB 3

"AN ACT RELATING TO PUBLIC HOME CARE PROVIDERS; RFD"

- Section 1 Title 13, Chapter 26 (Protection of persons under disability and their property) is amended by adding a new section which provides that a public home care provider may not accept a designation of attorney in fact or power of attorney for a person to whom they provide services unless that power is shared with another person who is not a home care provider.
- Section 2 Amends Chapter 47, Title 5, which relates to the powers and duties of the Department of Health and Social Services, by adding a new section which: 1) provides that state funds may not be used to pay for the services of a home care provider unless a criminal background check is completed under AS 12.62.035(a) and reviewed within 5 days of receipt; 2) requires the department to require these background checks by home care provider contractors and grantees; 3) requires the department to implement regulations on actions subsequent to reports of harm by a home care provider and protection of due process rights of providers subject to reports of harm; and defines home care provider in this section.
- Section 3 Adds a new subsection to AS 47.10.230, powers and duties of the department over care of children, which provides that the department may not pay for respite care services unless a criminal background check has been requested and reviewed.
- Section 4 Amends AS 47.24.050(b) to allow the department to disclose the number of verified reports of harm to the elderly by home care providers.
- Section 5 Defines home care provider under Chapter 24.
- Section 6 Adds a new subsection to AS 47.65.050 which provides that payments to a sponsor for respite or home care

services under the programs of the Older Alaskans Commission may not be made unless the sponsor agrees to request a criminal background check on the person providing services.

- Section 7 Adds a new subsection to AS 47.65.100 which provides that the Older Alaskans Commission may not award a grant for day care and respite services unless the grantee agrees to request criminal background checks on individuals providing service.
- Section 8 Adds a new section to AS 47.65.100 which defines home care services under the Older Alaskans Commission statutes.
- Section 9 Requires the Department of Health and Social Services to adopt home care provider regulations by March 15, 1994 and issue a report to the legislature on the status of the regulation process by February 1, 1994.
- Section 10 Provides for an immediate effective date.

HB

4

Housing and household statistics from the 1990 census show that for persons age 65 years and over, 74.3% of their housing units were owner occupied. Only 67.2% of housing units were owner occupied for the age group 35-64 years. In Alaska 22.1% of all households consist of one person living alone, with 13.7% of these households consisting of persons over the age of 65. The number of persons age 65 years and older living alone increased 108% from 1980-1990 from 2,758 to 5,737. The United States' 1990 figures show 39.1% of one person households are persons over the age of 65.

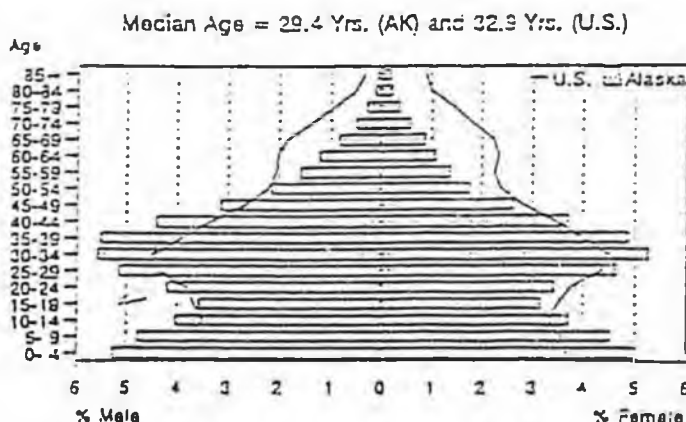
There is no single explanation for the large increase in Alaska's older population during the 1980s. However, the primary factor is likely the aging of the population that migrated to Alaska during the post statehood period. Alaska's median age has increased from 22.9 in 1970 to 29.4 in 1990. The United States' median age in 1990 was 32.9 years. Other factors that have contributed to keeping Alaska's older population in Alaska include improved health care and long term care facilities, elimination of Alaska's income tax, the Permanent Fund Dividend program, the Longevity Bonus program, and property and sales tax exemptions.

Table 1
Population Comparison for
Persons 65 Years and Older for the
State/Census Areas/Boroughs — 1980 & 1990

	1980	1990	Change 1980-90	Percent
Alaska	11,547	22,269	10,322	93.72
Aleutians East Borough	45	58	13	28.89
Aleutians West C.A.*	62	82	20	32.26
Anchorage Borough	3,520	8,256	4,736	134.50
Bethel C.A.	431	657	226	52.44
Bristol Bay Borough	25	42	17	68.00
Dillingham C.A.	122	205	83	68.03
Fairbanks North Star Borough	1,276	2,540	1,264	99.06
Haines Borough	78	182	104	133.33
Juneau Borough	771	1,364	593	76.91
Kenai Peninsula Borough	327	2,015	1,153	143.55
Ketchikan Gateway Borough	642	907	265	41.29
Kodiak Island Borough	255	425	170	66.67
Laurel and Peninsula Borough	47	85	38	80.85
Matanuska-Susitna Borough	730	1,366	1,136	155.62
Nome C.A.	339	419	80	23.50
North Slope Borough	148	197	49	33.11
Northwest Arctic Borough	249	251	32	12.85
Prince of Wales-Outer Ketchikan C.A.	151	216	65	43.05
Sitka Borough	361	492	131	36.29
Skagway-Yakutat-Angoon C.A.	192	235	43	22.40
Southeast Fairbanks C.A.	142	223	51	57.04
Valdez-Cordova C.A.	295	463	168	56.95
Wade Hampton C.A.	178	258	80	44.94
Wrangell-Petersburg C.A.	353	507	154	43.63
Yukon-Koyukuk C.A.	308	392	84	27.27

*C.A. = Census Area
Source: 1990 Census of Population and Housing, STF 1A

Alaska and U.S. Population Percent Distribution by Age and Sex 1990



Alaska Dept. of Labor, Research and Analysis
Demographics Unit

ADULT PROTECTIVE SERVICES

The state agency responsible to carry out adult protective services is the Division of Family and Youth Services or grantee in the case on Manniiaq or Kawarek. A protective services response generally should include the following activities:

- (1) the operation of a system to receive reports and referrals of suspected elder abuse, as defined by state law (i.e., abandonment, abuse, neglect, and economic harm); younger vulnerable adults are included under the division's Title XX Plan;
- (2) the investigation of cases of maltreatment by gathering evidence from the victim, family members, appropriate professionals, neighbors and friends, and others determined to be appropriate;
- (3) the substantiation or unsubstantiation of abuse reports based on evidence and agency policy;
- (4) the provision of emergency services to victims or their family members, as needed and as resources permit;
- (5) the administration of assessments, tests, or evaluations, as needed;
- (6) the preparation of legal procedures, as needed;
- (7) the referral of cases to treatment and rehabilitation programs, substitute care programs, long-term care programs, and law enforcement agencies, as appropriate;
- (8) arrangements for the removal of the victim or the perpetrator from the home, when necessary;
- (9) the provision of support, protective, and advocacy services;
- (10) the training of agency staff, related professions, and volunteers;
- (11) the administration of public awareness programs; and
- (12) the collection of statistics for clients and services.

There are currently three workers specializing in Adult Protective Services (two in Anchorage and one in Fairbanks). In all other areas of the state adult protective services are provided by staff who are assigned to provide protective services to both children and adults.

ACTIVITIES INCLUDED
WITHIN ADULT PROTECTIVE
SERVICES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Division of Family and Youth Services

Adult Protective Services Reports of Harm*

<u>Number of Reports:</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>Ave.</u>	<u>%</u>
65 and over:	137		155	275	225	198	54
60 - 64	21		40	28	39	32	9
18 - 60	87		122	185	143	134	37
<u>Sex of Victim:</u>							
Male	85		118	185	161	137	38
Female	160		199	303	247	227	62
<u>Type of Harm:</u>							
Abandonment	10	11	11	17	7	11	3
Abuse	128	117	65	171	126	121	34
Economic Harm	40	69	133	127	98	93	26
Neglect	67	129	100	173	177	129	37
<u>Relationship of Perpetrator to Victim:</u>							
Wife	18		8	7	8	10	4
Husband	41		30	40	31	36	14
Son	40		24	43	64	43	17
Daughter	16		18	19	41	24	10
Other Male Family Member	32		10	30	34	27	10
Other Female Family Member	25		15	19	25	21	8
Other Male	31		54	46	63	51	20
Other Female	20		38	62	51	43	17
<u>Did the Victim Request That the Investigation be Terminated?</u>							
Yes	61		80	117	163	105	44
No	116		85	160	183	136	56
<u>Type of Report</u>							
Mandatory	88		123	169	151	133	67
Other	63		79	77	48	67	33
<u>Was the Report Continued?</u>							
Yes	142	202	152	150	223	174	62
No	31	94	145	124	139	105	38

REPORTS OF HARM*

	<u>65 and older</u> (all ages combined)	<u>60-65</u>	<u>18-59</u>	<u>TOTAL</u>
FY84				72
FY85	137	21	87	245
FY86	98	39	195	332
FY87	155	40	122	317
FY88	275	28	185	488
FY89	226	39	143	408

*Due to a transition in data collection to Probnet, Reports of Harm to adults data is not available after FY89.

ADULT PROTECTIVE SERVICES CLIENTS AND DFYS SERVICES

<u>Age</u>	<u>FY87</u>	<u>FY88</u>	<u>FY89</u>	<u>FY90*</u>	<u>FY91*</u>
18-59	609	577	568	362	279
60 & up	1326	1326	1272	894	846
<u>Sex</u>					
Female	1268	1289	1256	810	725
Male	666	656	625	446	400
<u>Race</u>					
AK Native	792	790	672	461	483
Black	58	59	69	42	36
Caucasian	1020	1000	976	603	511
Unknown	65	91	117	148	178
<u>Services Turnover</u>					
Clients Exiting					
System in the FY	556	438	445	177	137
Clients Began in the FY	301	487	446	122	50
Clients Continued Thru to the next FY	554	543	569	871	853
Clients Interrupted During the FY	87	47	51	2	5
Clients Entered and Exited in the FY	437	428	371	34	86
<u>Homemaker Services</u>					
Number of Clients	1260	1430	1363	76	61
<u>Adult Foster Care</u>					
Number of Clients	27	41	38	28	28
<u>Adult Residential Care</u>					
Number of Clients	66	69	70	77	63

*Homemaker Services were transferred to Public Health in FY90, resulting in a substantial drop in DFYS delivered homemaker services to "at risk" elders and vulnerable adults under the APS program. In addition beginning in FY90 social workers began to transition from the mainframe data system to a new system called Prober. Figures given for FY 90 and 91 are fewer than actual cases, as some cases were recorded only in the new Prober system and are not represented here.

ADULT PROTECTIVE SERVICES

INCIDENCE

In the fall of 1990, the Division of Family and Youth Services in collaboration with the Older Alaskan's Commission sponsored the first Adult Protective Services Conference held in Alaska. More than 100 concerned Alaskans attended.

Dr. Sue Parkins of St. Vincent Medical Center of Toledo, Ohio, spoke on Elder Abuse: A Front Line and National Perspective. She noted that Alaska's reporting of abused and neglected elders and other vulnerable adults is higher than reporting in other states. Yet she also noted that the actual incidence of abuse and neglect to elders is believed to be much higher than the number reported in any state.

Alaska's abused and neglected vulnerable adult profile can be seen in the attached chart of statistics. Due to a transition in statistical record keeping, adult protective services reports of harm statistics after 1989 are not available.

In the 1990 conference, Dr. Parkins indicated nationally there are 9.8 incidents reported per 1000 seniors or about 10 per thousand. About one in eight cases of abuse are actually reported, so perhaps 80 cases per 1000 seniors would reflect actual incidence of abuse and neglect. National incidence data for abused disabled adults younger than age 65 is not available, however, about 1/3 of adult protective services cases nationally and in Alaska are under age 65. Conferees set about exploring actual incidence and an Alaskan response to the problem. Rough projections done in 1990 for Alaska's elder abuse situation follow:

CITY	# SENIORS	PROJECTED ELDER ABUSE/YEAR
Statewide	20,000	1,600
Anchorage	7,300	584
Fairbanks	2,300	184
Mat-Su	1,600	128
Kenai	1,900	152
Juneau	1,200	96
Bethel	700	56
Wrangell/Petersburg	500	40

All other communities in Alaska: probably fewer than 40 cases of elder abuse. These figures do not include abused vulnerable adults under age 65.

ELDER ABUSE

WHO IS AN ELDERLY PERSON?

Under AS 47.24 an elderly person means a resident of Alaska who is 65 years of age or older.

WHAT CONSTITUTES ELDER ABUSE?

Elder abuse means the infliction of physical pain or injury that requires medical attention, or the infliction of mental anguish that requires medical attention or the deprivation by a caretaker of services which are necessary to maintain the physical and mental health of an elderly person.

WHO IS A CARETAKER?

AS 47.24 defines a caretaker as any individual who is responsible for the care of an elderly person as a result of family relationship or who has assumed responsibility for the care of an elder person voluntarily, by contract, or by court order.

WHO SHOULD REPORT ELDER ABUSE?

Anyone who suspects that abuse may be occurring should report it. Additionally, the following persons are required to report suspected abuse within 24 hours: physicians or other licensed health care provider; mental health professionals; pharmacists; administrators of nursing homes, residential care or health care facilities; guardians/conservators; police officers; village public safety officers; village health aides; social workers; clergy; employees of a project funded by the Older Alaskans Commission; employees of a homemaker program or home health aide program; and emergency medical technicians or paramedics in the mobile intensive care program. Reports are confidential and persons reporting are immune from any civil or criminal liability.

WHERE DO I REPORT ELDER ABUSE?

Call the nearest office of the Division of Family and Youth Services. If immediate action is necessary to protect the elderly person from imminent harm, report the harm to a police officer or a village public safety officer. The police officer will take immediate action to protect the elderly person and will notify the Division.

WHAT WILL THE DIVISION OF FAMILY AND YOUTH SERVICES DO?

The social worker interviews the suspected victim to verify the report and explain possible options for resolving the problem. Together, they will decide which steps to take. It is important to remember that the social worker may act only if the elderly person consents.

WHAT RIGHTS DOES THE ELDERLY PERSON HAVE?

The elderly person has the right to privacy and self-determination and to deny the need for services. If someone is unconscious or otherwise lacks capacity to give consent, the social worker may ask the court to appoint a guardian.

WHAT IF I'M ACCUSED OF ELDER ABUSE?

The social worker would talk with you and the elderly person to determine the extent of the problem and explore possible solutions. Depending on the circumstances, the elderly person may elect to file charges. In most instances however, the problems can be resolved with adequate support services.

WHAT HAPPENS AFTER THE INVESTIGATION?

The Division only provides services with the consent of the elderly person. If the person lacks capacity to give consent, or requests Division assistance, the social worker will provide supportive services to reduce stress and prevent further abuse.

WHAT TYPES OF SERVICES WOULD BE AVAILABLE TO THE ELDERLY PERSON AND HIS FAMILY?

Individual and family counseling, respite care, homemaker or home health aide services, transportation, home delivered meals, day activity center, adult residential care, adult foster homes, etc., may be provided. However, not all services are available in all communities. Occasionally it is necessary to request the appointment of a conservator or guardian to safeguard the individual and his resources.

WILL OTHER PEOPLE KNOW?

All information will be kept confidential. The elderly person must give consent for information to be shared.

Alaska State Legislature

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JERRY MACKIE



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House of Representatives

SPONSOR STATEMENT FOR CSHB 4 (JUD)

HB 4, An Act relating to failure to report harm or assaults of the elderly or disabled, will place into state law deterrents to crimes against the elderly and disabled.

HB 4 will amend the protection of the elderly and disabled adult protection laws to consistently provide a penalty of a class B misdemeanor for conviction of failure to report a crime under these statutes; it would also require the court to report convictions to the appropriate licensing/regulatory entity. Conviction of a professionally licensed person for failure to report a crime against an elderly or disabled person could lead to disciplinary actions or sanctions.

Elderly and handicapped persons are more vulnerable and disproportionately damaged by crimes against them because they are less able to escape offenders and tend to suffer greater relative deprivation. Additionally, the elderly and disabled take longer to recover from the impacts of financial, emotional and physical abuse.

The senior citizen population in Alaska is rapidly growing; between the 1980 and 1990 census, four areas of the state have seen over 130% growth in the senior population (Anchorage, Kenai, Mat-Su and Haines); the statewide average growth for this population group is 93.7%. The number of seniors living alone has grown by 108%.

28 states have adult protection laws, although many of them are underfunded as our services are here in Alaska. About 200 reports of elderly abuse are made in Alaska each year; HB 4, if enacted, will provide both an incentive to report abuse and a deterrent to crimes against the elderly.

I believe this legislation is timely and urge your support.

HOUSE DISTRICT 03 • ANGOON • CA
FUNTER BAY • GUSTAVUS • HAINES • HOBA
METLAKATLA • NAUKATI •
TEN

SPONSOR STATEMENT

KILOMI BAY • EDNA BAY • ELFIN COVE • EXCURSION INLET
VAN • KLAWOCK • KLUKWAN • LABOUCHERE BAY • LONG ISLAND
ER • PORT ALICE • PORT PROTECTION • SKAGWAY
• WHALE PASS • YAKUTAT

Alaska State Legislature

REPRESENTATIVE
JERRY MACKIE



ALASKA STATE CAPITOL
JUNEAU, ALASKA 99801-1182
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PO BOX 195
CRAIG, ALASKA 99821
(907) 926-3006 OFFICE
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House of Representatives

SECTIONAL ANALYSIS - HB 4

"AN ACT RELATING TO FAILURE TO REPORT HARM OR ASSAULTS OF THE ELDERLY OR DISABLED"

Section 1 Amends the centralized licensing statute by adding a new section which provides that conviction of a person licensed or regulated by a board or the department under the adult protection or protection of disabled persons statutes may be grounds for disciplinary actions or sanctions.

Section 2 Amends AS 47.24.010(c) to provide that a person required to report harm to an elderly person under the Protection of the Elderly statute who knowingly fails to report is guilty of a class B misdemeanor. The section also requires the court to report convictions under this section to the appropriate professional regulatory body.

Section 3 Amends AS 47.24.110(b) to provide that a person required to report physical and sexual assault of a disabled person under the Protection of the Disabled statute who knowingly fails to report the assault is guilty of a class B misdemeanor. The section also requires the court to report convictions under this section to the appropriate professional regulatory body.

HOUSE DISTRICT 05 • ANGOON • CAPE POLE
FUNTER BAY • GUSTAVUS • HAINES • HOBART BAY •
METLAKATLA • NAUKATI • PELICAN
TENAKEE SP

SECTIONAL ANALYSIS

BAY • EDNA BAY • ELFIN COVE • ENCURSION INLET
LAWOCK • KLU'KWAN • LABOUCHERE BAY • LONG ISLAND
RT ALICE • PORT PROTECTION • SKAGWAY
JE PASS • YAKUTAT

by
National Association of State Units on Aging

Individual and collective advocacy is the essential core of the Older Americans Act and a central mission of the network of state and area agencies that the Act has established across the nation. The OAA network's primary purpose is to assure that individual older people have their civil rights, autonomy and dignity protected, their claims to entitlements honored and their contracts and covenants for care and benefits fulfilled. This responsibility is paramount with respect to those who are unable to secure and protect their own interests. This advocacy mission calls for enhanced federal, state and community leadership and action to design and implement comprehensive and coordinated elder rights systems for older persons.

In our increasingly complex society, we find continuing and growing evidence of threats to and violation of the rights of older persons:

- The incidents of elder abuse and exploitation in domestic settings are estimated at approximately 1.5 million per year and only 1 in 8 individuals receives protective services. Law enforcement is reluctant to prosecute even serious cases. The interventions of key community services which address alcohol and substance abuse, domestic violence, protective service and mental health are seldom linked. Health care professionals, financial institutions and other important gatekeepers are not adequately involved in prevention, reporting and assistance activities.
- Approximately 2 million older persons reside in an estimated 90,000 long term care facilities with growing reports of abuse, loss of autonomy and complaints concerning the quality of care. Although enforcement of protections has been strengthened under OBRA, the full scope and spirit of the Nursing Home Reform Act has yet to be realized. The public is not knowledgeable of these new protections; residents are not aware of avenues of redress.
- In growing numbers, older persons lose their rights often with no due process safeguards. Guardianship may be awarded with little or no consideration of alternative services or limited orders. The availability of training or support services for guardians and the courts are limited. Required reporting is not reviewed and the courts have little capacity to exercise oversight.
- More than any other age group older persons rely on increasingly complex and

National Association of State Units on Aging, 2033 K Street, NW, #304, Washington, DC 20006, (202) 785-0707

Elder Rights

changing public benefit programs, services and protections to meet income, housing, health and supportive service needs. Yet millions of older individuals eligible for benefits under the Supplemental Security Income (SSI), food stamp, Medicaid and the Qualified Medicare Beneficiaries (QMB) programs are not currently enrolled. Older people are shifted among various providers and levels of government in order to apply for or receive benefits. Restrictive eligibility criteria, exclusionary and complex application rules and appeal procedures deter too many eligible older people from pursuing benefits. In addition, insensitivity to racial and cultural issues further impedes access to benefits for many older persons.

- In the paramount area of health care, millions of older people are denied benefits to which they are entitled under the Medicare program. Claims processing errors, denials of benefits, provider over billing and inconsistent Medigap coverage add substantially to the confusion older persons face in attempting to pay for their health care and results in substantial and unnecessary out-of-pocket costs.
- Many older persons lose their autonomy and their financial, legal, or personal rights through actions outside the formal legal system. Family members, caregivers and medical and social service providers often assume power and control over the older person's choices and resources, both through quasi-legal transfers of authority and through failure to fully inform elders. As a result elders can not make a truly informed and dignified choice about services,

treatments, residential choices, and expenditures of their resources.

- A growing number of private sector services and products are targeted to older consumers. Fraud and exploitation are on the rise in the marketing of insurance, retirement housing, investment and financial planning, private care management, homecare and medical services and supplies.
- Opportunities for employment are constricted by discriminatory practices. The recent and dramatic 12% increase in the numbers of age discrimination cases brought before the Equal Employment Opportunity Commission in 1991 illustrates that discriminating practices continue to force older people into involuntary retirement, low wage jobs, and limited employment choices.

These growing and increasingly complex threats to, and violation of, the rights of older persons call for the development of a comprehensive system of programs, services, and protections at the community, state and national levels which assist older persons to:

- > Understand and exercise their rights.
- > Exercise choice through informed decisionmaking.
- > Benefit from support and opportunities promised by law.
- > Maintain autonomy consistent with capacity.
- > Resolve grievances and disputes through appropriate representation and assistance.

A Call For Enhanced Leadership and Action

These emerging elder rights needs have resulted in recent years in numerous initiatives at the federal, state and community levels. Protections in federal law provide an important foundation for the rights of vulnerable citizens. The Older Americans Act, the Civil Rights Act of 1990, the Americans with Disabilities Act, the National Affordable Housing Act, the Spousal Impoverishment Protections, the Nursing Home Reform Amendments, the Age Discrimination Act, the Employee Retirement Income Security Act, the Age Discrimination in Employment Act — all include provisions to protect the rights of older persons. However, these laws are difficult to understand, not enforced uniformly and pose a significant challenge for older persons who want to take advantage of their protections.

At the state level, laws have addressed new issues such as guardianship reform, insurance regulation, consumer protection, financial exploitation, surrogate decisionmaking, advance directives, board and care regulation, and elder abuse intervention. However, progress in these areas has been uneven and incremental, often due to a lack of coordination among agencies and a lack of available resources to ensure enforcement and compliance.

At the community level, the demand for services provided under the long term care ombudsman program, legal assistance, insurance and benefits counseling, elder abuse/protective service, employment and consumer education initiatives far exceeds the capacity to respond. Though they constitute the vanguard for elder rights, these programs are severely constricted by limited resources.

Thus, today the rights of older persons are addressed by a collection of problem specific laws, programs and services — each with its own source of limited funds, its own plan, its own administrative mechanisms, delivery system and, ultimately, its own beneficiaries. While such specialization has merit, it also contributes to the current situation which:

- discourages coordination among the various laws/programs/services;
- remains unresponsive to the vulnerable older person with multiple problems;
- hinders effective management;
- encourages competition for resources;
- lacks flexibility in responding to changing needs and priorities;
- frustrates targeting of resources;
- discourages innovation, except around service specific issues;
- diffuses responsibility and accountability for advocacy; and
- duplicates outreach and access.

NASUA recommends that a systematic effort be undertaken across the nation to address the current and emerging threats to the rights of older persons; to assess the ability of current laws, programs and services to address those threats; to improve the effectiveness of those current protections and interventions; and to make recommendations for new laws and programs as well as new resource, design and implementation strategies. The success of

such an undertaking will require leadership by the Older Americans Act network and other appropriate agencies and organizations at the federal, state and community levels working in partnership to design and develop a truly comprehensive, coordinated and responsive elder rights system for older persons.

Further, NASUA recommends that this national effort be built upon the following framework for action:

- Establish consumer centered elder rights programs which facilitate choice, promote autonomy and support decisionmaking with a minimum of administrative intrusion or confusion.
- Inform and empower older persons to act on their own behalf in exercising their rights.
- Give priority to older persons unable to secure benefits to which they are entitled or protect their own interests.
- Establish a full continuum of laws, programs and services responsive to elder rights needs ranging from information to legal representation and advocacy.
- Secure adequate resources to supply needed services and to enforce laws and protections.
- Identify and address emerging elder rights issues and needs.
- Ensure that new elder rights initiatives be coordinated with and built upon the strengths of the existing infrastructure.

- Identify and respond to needs for collective advocacy on behalf of older persons.
- Respond flexibly to the complex rights and diverse needs of older persons.

The way in which each state will use this framework to build an effective elder rights system will vary according to its elders' needs, current structures and prevailing customs. However, across the country each state agency on aging must assume the primary leadership role in advocating for and designing such a system. It is the aging network which must serve as a vehicle to convey policy relevant information to older people; involve older persons and their families in expressing their values and preferences about the principles, benefits and organization of elder rights systems; and be a forum through which empowered and informed older people can influence the social, economic and political directions of their communities, states and country.

NASUA recognizes the complexity of this undertaking and the need for partnerships among a wide and diverse group of organizations and agencies to quickly advance the elder rights agenda of older persons. NASUA commits itself to this important partnership in meeting the challenges of developing national, state and community strategies to address the elder rights needs of the older population.

NASUA Board of Directors
Adopted March 13, 1992

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB4 (JUD)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to Failure to Report Harm BRU: Family & Youth Services
Of the Elderly/Disabled Component: NRO
 Sponsor: Representative Mackie
 Requestor: S (JUD) COMPONENT SERIAL NO. 0255

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. A decade after Alaska's law was passed, the Department still is not adequately funded for this mandate. There is concern over raising the penalty when mandated professionals fail to report abuse and neglect to elderly persons to the Department now as the existing response system is inadequate. This bill, if passed, would not directly create an additional workload on the Department.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/26/94
 Date: 1-31-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB4 (JUD)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to Failure to Report Harm BRU: Family & Youth Services
Of the Elderly/Disabled Component: SERO
 Sponsor: Representative Mackie
 Requestor: S (JUD) COMPONENT SERIAL NO. 0258

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. A decade after Alaska's law was passed, the Department still is not adequately funded for this mandate. There is concern over raising the penalty when mandated professionals fail to report abuse and neglect to elderly persons to the Department now as the existing response system is inadequate. This bill, if passed, would not directly create an additional workload on the Department.

Prepared by: Deborah R. Wing, Director
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe
 Agency: Department of Health & Social Services

Phone: 465-3191
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STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB4 (JUD)

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to Failure to Report Harm BRU: Family & Youth Services
Of the Elderly/Disabled Component: SCRO
 Sponsor: Representative Mackie
 Requestor: S (JUD) COMPONENT SERIAL NO. 0254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES						
---------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL - TIME						
PART - TIME						
TEMPORARY						

Estimate of current year (FY94) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

Alaska, like many states in the early 80's, passed but failed to fund a Protection of the Elderly statute. A decade after Alaska's law was passed, the Department still is not adequately funded for this mandate. There is concern over raising the penalty when mandated professionals fail to report abuse and neglect to elderly persons to the Department now as the existing response system is inadequate. This bill, if passed, would not directly create an additional workload on the Department.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing*
 Division: Division of Family & Youth Services
 Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe*
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 01/26/94
 Date: 1-31-94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 4 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to failure to report harm...." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Rep. Mackie
 Requestor: (S) Jud COMPONENT SERIAL NO. 43

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____
 Approved by Commissioner: Nancy Bear Usura Date: 2/17/94
 Agency: Administration

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 4 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act relating to failure to report harm..." BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: Rep. Mackie
 Requestor: (S) Jud COMPONENT SERIAL NO. 1631

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY(10)
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

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)

Prepared by: John Salemi, Public Defender Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usara Date: 2/17/94
 Agency: Administration

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HB

28

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date: 1/17/94 Dept. Affected: Corrections
 Title: An Act RE: furnishing alcohol to a BRU: Statewide Operations
minor Component: All institutions, regional
 Sponsor: Rep. Williams probation offices, Director C.C.
 Requestor: House Finance COMPONENT SERIAL NO. 708-1884

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	34.2	34.2	34.2	34.2	34.2	34.2
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	23.7	23.7	23.7	23.7	23.7	23.7
TOTAL OPERATING	57.9	57.9	57.9	57.9	57.9	57.9

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	57.9	57.9	57.9	57.9	57.9	57.9
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	57.9	57.9	57.9	57.9	57.9	57.9

Estimate of any current year (FY94) cost: \$ 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)

Please see the attached analysis.

Prepared by: Diane Schenker, Spec. Asst.
 Division: Office of the Commissioner

Phone: 465-3315/561-4426
 Date: 1/17/94

Approved by Commissioner: J. Frank Prew
 Agency: Corrections

Date: 1/17/94

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FISCAL NOTES

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The bill makes the second or subsequent conviction for furnishing alcohol to a minor a class C felony. The first offense would remain a class A misdemeanor, as are all convictions under current law.

Assumptions:

1. The Department of Law estimates approximately 100 cases per year include sufficient evidence to prosecute for this crime. It is assumed that only ten percent of these offenses, or ten cases per year, would be second or subsequent offenses prosecuted as felonies.
2. Out of those ten felony cases per year, it is assumed that half would be sentenced to formal, supervised probation and half to incarceration. This assumption is based on the fact that this would be a first felony conviction in some cases, and a non-violent offense. A 1983 Judicial Council study indicated that approximately half the cases (2 out of 4) included in the study received probation rather than incarceration, for the misdemeanor offense of furnishing alcohol to a minor.
3. The Alaska Judicial Council study estimated the lowest mean sentence length of incarceration for a class C felony of this type to be 7.5 months, or 225 days. It is assumed that those sentenced to probation would be supervised for that period of time. It is assumed that those sentenced to incarceration would serve two thirds of the sentence, or 150 days, due to deduction for statutory good time.
4. Misdemeanants are not supervised by the department's probation officers, whereas these felony cases would result in formal supervision by the department. The average daily cost of probation/parole supervision is \$6 per day.
5. It is assumed that those convicted of this non-violent felony could be diverted to CRC beds for most of the period of incarceration. It is assumed that each felony case involving incarceration would require a state correctional bed for approximately 30 out of the 150 days. This would include booking upon arrest, any time served while awaiting sentencing, and a short period after sentencing for classification and processing for placement in a CRC bed. The average daily cost of incarceration in a Community Residential Center (CRC) is \$57 per day. The average daily cost of incarceration in a state correctional bed is \$113 per day.
6. Probation and state correctional center incarceration costs are reflected under "miscellaneous" on page 1 of the fiscal note. The daily costs of incarceration and supervision are composite numbers including some overhead costs and cannot be attributed to specific line items in this fiscal note.

7. By making second and subsequent offenses into felonies, the bill will also impact the department by requiring probation officers to prepare Presentence Investigation Reports for the court prior to sentencing. Ten additional reports will not require a new position, but will increase the workload for current probation officers.

8. The state correctional system has been operating over emergency capacity for the past year. In addition to posing safety hazards, the department can be fined up to \$1,000 per day if found in contempt of court for violating population caps. If the assumptions or data upon which this fiscal note is based are inaccurate, and the impact of this bill is greater than anticipated, the current population crisis will be worsened.

Operating Expenses

Probation supervision costs:

225 days X 5 cases per year X \$6 per day supervision = \$ 6,750 per year

State correctional center incarceration costs:

30 days X 5 cases per year X \$ 113 per day = \$ 16,950 per year

CRC incarceration costs:

120 days X 5 cases per year X \$57 per day = \$ 34,200

TOTAL: \$ 57,900

FISCAL NOTE

No. 7

Bill Version: CSHB 28 (JUD)

(H) Publish Date: 1/21/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO

Revision Date: _____
Title: An Act relating to the penalty for
providing alcoholic beverages to a person under 21
Sponsor: Rep. Williams, Phillips, E. Davis ...
Requestor: House Finance

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

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	9.3	9.3	9.3	9.3	9.3	9.3
TRAVEL						
CONTRACTUAL	9.5	9.5	9.5	9.5	9.5	9.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	18.8	18.8	18.8	18.8	18.8	18.8

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	18.8	18.8	18.8	18.8	18.8	18.8
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	18.8	18.8	18.8	18.8	18.8	18.8

POSITIONS

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

Estimate of current year (FY 94) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)
See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
Agency: Alaska Court System Date: 01/17/94

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CS* Date: 01/17/94
Agency: Alaska Court System

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CSHB 28 (JUD)

The House Judiciary Committee Substitute for House Bill 28 would raise the penalty for furnishing alcoholic beverages to persons under the age of 21 from a Class A misdemeanor to a Class C felony, if the defendant has previously been convicted of the same offense.

The Department of Law has estimated that approximately 200 complaints regarding furnishing alcoholic beverages to minors are received each year. 100 of these have sufficient evidence for prosecution. Law has not estimated the number of these complaints which involve repeat offenders, but the Department of Corrections puts this number at ten per year.

This fiscal note assumes that the Department of Law will prosecute an additional ten Class C felony cases each year, with an average trial length of four days, including jury selection and deliberation.

Alaska Court System
Fisac Analysis
CS HB 28 (JUD)

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Pro Tem Superior Court Judge, 3 month FPT, Anchorage	\$12,075	\$6,898	\$18,973
Less existing judicial funding - 10 trials at 2 days plus 1 day file review	6,142	3,562	<u>9,704</u>
Increase in judicial resources			\$9,269

Ten additional felony trials of 4 days each and one additional day of file review will require additional judicial resources.

Contractual

Jury fees - with the increase in seriousness of this crime, trial length is expected to increase from 2 days at the misdemeanor level to 4 days at the felony level. Misdemeanor juries are typically comprised of 6 members and one alternate. A felony trial requires 12 jurors and an alternate. Ten trials are expected a year. Jury fees are expected to increase as follows:

10 felony trials - 13 jurors at \$25 a day for 4 days	\$13,000	
Less existing funding for 10 misdemeanor trials - 7 jurors at \$25 a day for 2 days	<u>3,500</u>	
Increase in jury fees		<u>\$9,500</u>
Estimated Total Cost		<u><u>\$18,769</u></u>

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CS HB28 (Jud)

Revision Date:

Dept. Affected:

Revenue

Title:

That signs warn of the penalty for providing alcoholic beverages to a BRU:

Alcoholic Beverage Control Board

person under the age of 21.

Component:

Sponsor:

House Judiciary Committee

Requestor:

House Finance Committee

COMPONENT SERIAL NO.

0100

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	2.0	0.8	0.8	0.8	0.8	0.8
SUPPLIES	0.2	0.1	0.1	0.1	0.1	0.1
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	2.2	0.9	0.9	0.9	0.9	0.9

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
---------	-----	-----	-----	-----	-----	-----

REVENUE FUND SOURCE:	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	2.2	0.9	0.9	0.9	0.9	0.9
1006 GF/MHTIA						
Other						
TOTAL	2.2	0.9	0.9	0.9	0.9	0.9

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary)

See attached cost analysis for initial and annual issuance of warning signs to liquor licenses and permits.

Prepared by:

Director, Patrick L. Sharrock

Phone: (907) 277-8638

Division:

Alcoholic Beverage Control Board

Date: April 19, 1993

Approved by Commissioner:

Daniel J. Rexwinkel

Date: 4/22/93

Agency:

Department of Revenue

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CS HB28 (Jud) Page 2 of 2
 Attachment to fiscal note
 Alcoholic Beverage Control Board
 Based on March '91 estimate for signs warning of danger from
 smoking during pregnancy.

<u>Initial Issue</u>	<u>Number of Licensees</u>
Beverage dispensary	179
Restaurant or eating place	314
Club license	81
Brewery	3
Package Store	454
Common Carrier	175
Recreational Site	19
Pub license	1
Winery	0
Community license	3
Club caterer's permit	1
Theater site license	2
Restaurant caterer's permit	5
Total	<u>1,737</u>
Assume 2 signs per premises	x2
	<u>3,474</u>

<u>Annual Issue</u>	
Caterer's permit	629
Special events permits	89
Club caterer's permit	6
Restaurant caterer's permit	5
wear and tear	50
	<u>770</u>
	x2
	<u>1,558</u>

Approx. \$175. per thousand	<u>Initial</u>	<u>Annual</u>
Initial: \$175 x 3,474	608	
Annual : \$175 x 1,558		272
Postage		
Initial: \$.75 x 1,737	1,303	
Annual : \$.75 x 779		584
Envelopes		
Initial: \$.12 x 1,737	208	
Annual : \$.12 x 799		93
Letters	26	
	<u>2,145</u>	<u>949</u>

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date: January 18, 1994
Title: 'An Act relating to the penalty for providing alcoholic beverages to a person under...'
Sponsor: Representative Williams
Requestor: House Finance

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

EXPENDITURES/REVENUES. (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

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.)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 1/18/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28(JUD)

Revision Date: _____
Title: 'An Act relating to the penalty for pro-
viding alcoholic beverages to a person under...'
Sponsor: Representative Williams
Requestor: House Finance

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy
COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 94) cost: \$ None

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.)

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

Phone: 274-1684
Date: _____

Approved by Commissioner: Nancy Bear Usara
Agency: Administration

Date: 1/14/94

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FISCAL NOTE

No. 12
 Bill Version: CSHB 28 (JUD)
 (H) Publish Date: 1/21/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: January 11, 1994
 Title: "...penalty for providing alcoholic beverages to a person under the age of 21..."
 Sponsor: Representative Williams
 Requestor: Representative Williams

Department Affected: Department of Law
 BRU: Prosecution
 Component: All
 COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
 Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: January 11, 1994
 Approved by Commissioner: Bruce M. Botelho, Acting Attorney General
 Agency: Department of Law Date: January 11, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. CSHB 28 (JLD)

ANALYSIS CONTINUATION:

The House Judiciary Committee Substitute for HB 28 would raise the penalty for furnishing alcoholic beverages to persons under the age of 21 to a Class C felony from a Class A misdemeanor, if the person has previously been convicted of the same offense within the preceding five years. Because the increased penalty would be limited to repeat offenders, the potential number of felony prosecutions should be less than the 100 prosecutions that were estimated in the fiscal note of January 28, 1993. Consequently, and for the reasons previously stated in the January 28, 1993 fiscal note, a fiscal impact is not being shown.

See attached 1-28-93 FN (Fiscal Note)

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 11
Bill Version: CSHB 28 (JUD)
(H) Publish Date: 1/21/94

Revision Date: _____ Dept. Affected: Public Safety
 Title: An act relating to the penalty for providing BRU: Alaska State Troopers
alcoholic beverages to a person under 21 Component: Detachments
 Sponsor: Representative Williams
 Requestor: H. FIN COMPONENT SERIAL NO. 799

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

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

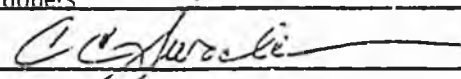
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY 94) impact: \$ 0.00 _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)
 No significant fiscal impact upon the Alaska State Troopers is anticipated.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 01/14/94
 Approved by Commissioner:  Date: 01/17/94
 Agency: Richard L. Burton Dept. of Public Safety

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DIVISION OF LEGAL SERVICES

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Mail Stop 3101

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

MEMORANDUM

January 11, 1994

SUBJECT: Sectional Summary of CSHB 28(JUD)
TO: Representative Bill Williams
FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Provides that a person who provides alcohol to a minor in violation of AS 04.16.051 is guilty of a class C felony if, within the previous five years, the person has a prior conviction for the same offense.

Section 2. Technical amendment to add a statutory reference.

Section 3. Requires two separate warning signs as described in sec. 4.

Section 4. Requires separate warning signs regarding the danger of drinking and the penalty for providing alcohol to a minor.

Section 5. Effective date.

MFF:gc
94-015.glc

Alaska State Legislature



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Ketchikan, AK 99901
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Fax (907) 225-8546

Committees:
House Resources,
Chairman
Community &
Regional Affairs
Labor & Commerce

Representative William K. Williams

Feb. 4, 1994

SPONSOR STATEMENT CSHB28(Jud)am, relating to the penalty for providing alcoholic beverages to a person under the age of 21

House Bill 28 is based on legislation first introduced during the 1992 legislative session in response to the tragic alcohol-related deaths of two youths in the community of Ketchikan. The purpose of the legislation is to strengthen the penalty for providing alcoholic beverages to a person under the age of 21.

Currently, furnishing alcohol to a person under 21 is a misdemeanor carrying a maximum penalty of one year in prison and a \$5,000 fine. The provisions of CSHB 28(Jud)am change the penalty for the second or subsequent violations of the law to a class "C" felony, with a maximum penalty of five years in prison and a \$50,000 fine, if the offender had been convicted within the past five years. CSHB28(Jud)am also requires a warning sign to be posted in places where alcoholic beverages are sold.

The purpose of this legislation is to create stiffer penalties for providing alcoholic beverages to young people, thus strengthening the deterrent effect of the law and enforcement efforts.



Ketchikan High School

2610 Fourth Avenue • Ketchikan, Alaska 99901-5799 • (907) 225-9815

March 23, 1993

To Whom It May Concern:

This letter is to state our support of H.B. 28 which would make furnishing alcohol to a minor a felony. Our High School and our community has suffered greatly because of the tragic consequences of our students being furnished alcohol by adults. This bill would be a step in the right direction in deterring such destructive action.

Sincerely,

Bob Hewitt
Vice-Principal

Don Pennington
Principal

Jeannene Henry
3812 Baranof
Ketchikan, Ak. 99801
(907) 225-2428

Rep. Ron Larson
Co-Chairman
Finance Committee
Alaska State Legislature
Juneau, Ak.

Representative Larson,

I am writing to urge you to pass HB 28 out of your committee in a timely manner so this bill has a chance to get through the Senate and become law and perhaps save a young life from death or possible drug addiction.

My son Joshua Smith and his friend Mike Nygard were killed Dec. 31, 1991 in a horrible accident after an adult in this community furnished a group of teens ranging from 15-17 with a large amount of alcohol. I can tell you as a mother there is no way of measuring the emotional costs to our family and to those who know us and to the youth in the community.

The financial costs to our family has devastated us. The cost to the State on this case is way above an average misdemeanor case. I have compiled stats. on teen drinking and the teens say they can get anyone hanging around the bars to buy or older friends. The stats. from Loren Jones office on what alcohol related problems cost the state is a crisis in itself. What I have found is 98% of teens have used alcohol, many on a reg. basis. Yet the Dept. of Law sites only 100 cases with enough evidence to prosecute in the entire state. The reality is by the time an individual is charged with furnishing the first time this person has possibly furnished 8-10 times prior to being caught. It is also true responsible citizens in the "90,s" do not provide drugs to minors. ALCOHOL IS A DRUG, a legal drug for those over 21 but it is a drug. Considering that 98% of the crime is alcohol or other drug related, the cost to the state of Alaska is already out of control. The purpose of this bill is to set a standard and to educate these possible offenders as well as sending a message to our youth. It is clear that the law that is in place is not effective. It is possible that increasing the consequences will not only decrease the number of furnishing cases but the minor consuming as well. The long term goal is a healthy society, healthy people cost the state less than the dysfunctional families caught in drug abuse. I do not suggest that this bill will be the end to minor consuming or all alcohol problems but it is a step in the right direction.

(2)

We are all responsible for allowing this problem to escalate to epidemic proportions and now it is our responsibility to find solutions. The United States Congress made the drinking age 21 after research that included emotional and physical development. It is my right under the Constitution to expect that our youth are protected from adults who are not interested in their well being or if they grow into adulthood or not. Nationwide there is a movement on youth and crime, focused on protection, stopping dangers in young lives before it is too late. When James C. Porter furnished alcohol to my son and other teens he was not thinking of the rights of my son, to grow up in spite of bad choices all teens make, he was not thinking of the rights of those who loved him. Any act an adult commits that violates a child or a youth and their right to life liberty and the pursuit of happiness is not a misdemeanor because this implies it is minor. Death is not minor, and it is always a possibility when teens or younger drink

I am aware that this committee is concerned with the budget and the declining revenue, I too am concerned, however Public Safety is a no. one priority. I realize many people complain about the declining revenue and program cuts yet do not offer any solutions. I am enclosing a list of suggestions which I support to this committee. I have been a resident for 20 yrs. in Aug. and would like to see the economy stable for all who love this state as I have. My son that was killed was born in Fairbanks, he is buried here. My other son was born here, most of my adult life has been spent here. I have an investment in this state and would like to contribute to a healthy and prosperous future for my son and daughter and their children. I am committed to the ideal that Joshua's death will bring about a healthy change for other youth and families.

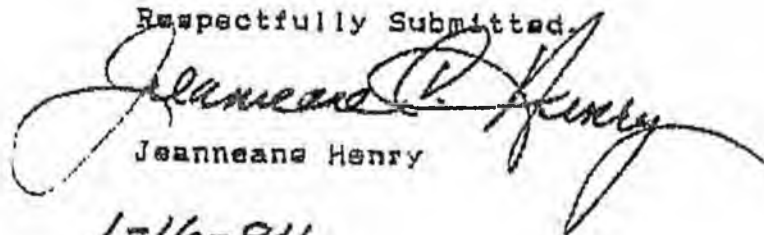
I am enclosing a copy of Mr. Porter's sentence. Today at 4:00 I will be attending another hearing for him. This is related to a criminal act committed while in jail for his third probation violation while under this charge. One includes a DWI. After 2 yrs he has not completed his community service and has continued to commit drug related crimes. In another state before he furnished here he was ordered by the court to complete alcohol screening. He fled to Alaska and is now in our system. If the other state would have dealt with the problem perhaps the boys would be alive and we would not be assuming the emotional and financial burden. He, like most furnishers have a drug problem. He, like most are not deterred by a misdemeanor.

Cheri Davis, a former State Rep. who is now employed by Alaskans for Drug Free Youth, informed me they were writing to Judge Zervos because after 2 yrs. Mr. Porter has not completed his community service and has, from her perspective, learned nothing from this experience. They have filed numerous affidavits with apparently no results. Had Mr. Porter had a probation officer it may have saved the state money in the long run.

I urge you to consider the long term results of this bill which I

believe will end up saving lives and revenue. I wish you to consider all the hidden costs to the residents and the state when alcohol problems are allowed to run amuck and it is clear to anyone who reads the paper or listens to the news it has run amuck in our state.

Respectfully Submitted,

A large, flowing handwritten signature in cursive script, appearing to read "Jeanneane Henry".

Jeanneane Henry

1-16-94

④

To the Finance Committee

I respectfully submit the following suggestions :

In view of the increasing cost of alcohol related crimes and problems in the State and in view that the revenue from the sale of alcohol and license,s do not begin to cover those cost, I suggest increasing sales tax and designate that revenue to cover alcohol problems including treatment.

In view of declining revenue I suggest inmates work in some way to help pay for thier stay while in Jail and do not need cable tv.

In view of the minor consuming problem and the high number of arrests , we provide some consequences for even first offenders rather than a trip to probation and a " don,t do it again ". When consequences become unappealing offenders numbers will go down and possibly we may see fewer adult offender in years to come. At the present nothing much happens to youth untill it is really out of hand. Sending one clear strong message will save sending the same lame one over and over.

I suggest we look to some creative and innovative ideas concerning consequences as alternatives to jail time for those incarcerated for alcohol or other drug related crimes.

Ketchikan needs another State Trooper, when the youth of our community are drinking out of city limits the Troopers can not even arrest them , thus another message is sent which may cost the state in the end.

Considering the Three Strike,s Your Out Bill that other states are going to adopt.

I also suggest that allowing victims to have more input in consequences for the perpetrator and allowing inneraction for those who wish it.

Alcoholism is of epidemic proportion , it would be cost effective to implement tough laws against abuse and treatment for those who will accept it. Looking to the future is dealing with the root of the problem & prevention. Bandaid after the fact is throwing good money after bad as the problem will just keep reoccurring. As a state we can not afford to continue to bandaid

As a resident I am willing to actively lobby for any positive change as outlined above.

Thank you for taking the time to read this.

Jeanne O'Henny
1-16-94

HB

54

SCS CS House Bill 54 (L&C) Telephone Caller Identification

Representative Kay Brown

Sectional Analysis

• Section 1.

Adds a new section to Alaska Statute 42.05. **AS 42.05.335 CALLER IDENTIFICATION SERVICES AND CALL BLOCKING.** (a) If a telephone utility offers caller identification service to its customers, then it must also offer to its customers, without charge, "call blocking" and "line blocking" services. This would allow a subscriber the option of keeping their phone number, subscriber's name and address confidential.

•(b) A telephone utility may not impose an initial installation charge for the blocking service. However the utility may charge a reasonable, non recurring fee for changing the type (i.e. from "call" to "line" blocking) or for reinstallation of canceled blocking service.

•(c) Defines "blocking service" and "caller identification."

•Section 2.

Immediate effective date.

SCS CSHB 54 (L&C) Telephone Caller Identification

Representative Kay Brown

Sponsor Statement

SCS CSHB 54(L&C) addresses protection of Alaskan's individual privacy and personal safety:

- *Would provide Caller Identification "line blocking" services without charge to telephone utility customers. This will protect those who for their own safety must keep their location confidential.*

Additions and amendments to Alaska Statutes provided by this legislation would make it clear that a citizen's right to individual privacy includes the right to prevent electronic identification of the subscriber's name, phone number, or address.

444 1893

Bill No.: HB 54

Date: March 8, 1993

Contact: Marcia Lynn McKenzie
465-4356

POSITION PAPER - Council on Domestic Violence & Sexual Assault

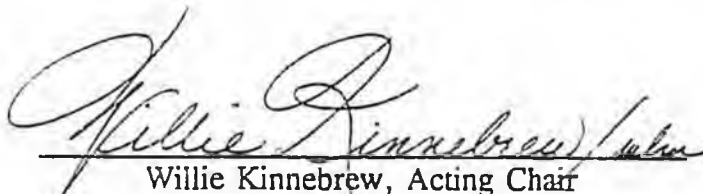
Title: "An Act relating to eavesdropping, telephone caller identification, and telephone directory listings and solicitations."

The Council on Domestic Violence & Sexual Assault supports HB 54 which would ensure that telephone caller identification (caller ID) service must be accompanied by a service, without charge to the customer, that prevents the caller's number from being read by the party with caller ID service.

The availability of unrestricted caller ID service would jeopardize the lives and safety of victims of domestic violence. A battered woman may have physically escaped her perpetrator but have need to contact him concerning child visitation or financial support. If the perpetrator subscribed to caller ID service, when a victim called him, he would easily be able to track down where she was through the use of a reverse telephone directory. This would not only endanger the victim herself, but could result in harassment or danger for those sheltering her, such as a safe home provider or shelter staff and other residents.

At least thirty-seven states have dealt with the issue of privacy and caller ID services. In New Jersey, which is one of only a very few states which allows caller ID service without blocking, shelters have reported that confidentiality of clients' whereabouts have been breached and that shelter staff have received abusive phone calls as a result of the caller ID service. Thus it is critical that caller ID service be accompanied by a blocking service.

The Council is also concerned that the blocking service be made available at no charge to the customer. Victims of domestic violence who flee their homes for protection often have little or no money. Also, shelter programs are non-profit community-based agencies with minimal financial resources. The additional financial burden of having to pay for caller ID blocking services will only reduce resources available for direct services for victims.



Willie Kinnebrew, Acting Chair
Council on Domestic Violence
& Sexual Assault

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 2

Bill Version: CSHB 54 (LEC)

(S) Publish Date: 4-13-94

Revision Date: 4/12/94

Title: An Act relating to eavesdropping, telephone caller I.D., telephone listings/solicitations

Sponsor: Brown/Navarre

Requestor: Labor and Commerce

Department Affected: Commerce and Economic Development

RU: Alaska Public Utilities Commission

Component: Alaska Public Utilities Commission

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 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.)

Changes in CSHB 54 (LEC) have no fiscal impact. This fiscal note is appropriate.

4/12/94 ADP
Date Comr & Econ (initial)

Prepared by: Robert A. Lohr, Executive Director
Division: Alaska Public Utilities Commission

Phone: 276-6222
Date: 4/12/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

4-12-94

PREPARER TO PROVIDE
For further information

FISCAL NOTE

LEGISLATIVE OFFICE
Public Utilities Commission