

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8540 HOUSE HEALTH EDUCATION & SOCIAL SERVICES

HB

94

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES

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North Pole, Alaska 99705
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While in Juneau
State Capitol
Juneau, Alaska
99801-1182
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House of Representatives

House District 34

SPONSOR STATEMENT

HOUSE BILL 94,

"An Act relating to the management of public schools by a private agency."

Parents, teachers, political leaders, and students are all asking for improvements and changes in our educational system. No governmental attempts at reforming education seem to have slowed the growth of problems in our schools, much less created solutions.

This bill would allow Alaska's regional school boards a new option: that of contracting with private agencies for the management of our schools.

Articles from New York and Connecticut point to the differences private management can make in public schools, despite initial opposition to the concept. HB 94 would in no way require school boards to employ or even investigate this option. But with revenues declining and an enormous part of Alaska's budget going toward education, it is time we opened the door to all possibilities for spending this money more wisely and efficiently.

The New York Times

WEDNESDAY, OCTOBER 6, 1993

Hopeful Start for Profit-Making Schools

By WILLIAM CELIS 3d
Special to The New York Times

BALTIMORE — A year ago, the Harlem Park Community School here seemed to represent the worst of what was wrong in public schools: graffiti covered the halls, crack vials littered the grounds, students did not have enough textbooks and, because the toilets did not work, the children sometimes defecated or urinated in stairwells.

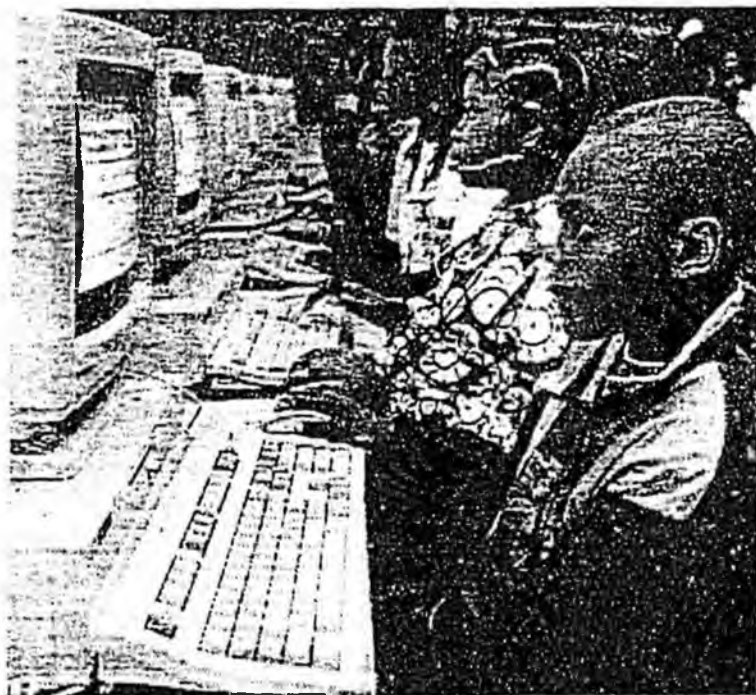
Today, the building is clean, attendance has improved and, while it is too early to see conclusive results in test scores, there are early indications that students are learning faster than expected, and with more enthusiasm. One mother, Pamela M. Brown, said last week: "A lot of the parents say their kids come home singing. Kids are excited about going to school."

\$1.3 Million Invested

The difference: Harlem Park and eight other Baltimore public schools have been taken over by a private company that runs them for profit. The Baltimore City School District, unable for many reasons to improve the schools, ceded them to Education Alternatives Inc., which receives the same annual allotment for each student as the public schools — \$5,918 this year.

The company invested \$1.3 million up front to improve the buildings and grounds of its schools and has begun to make a profit.

In part, the profit came from lower pay scales: only teachers



George Fames for The New York Times

Students in Baltimore working on computers at Harlem Park Community School, run by a private company for profit.

continue to be represented by a union. But the company also said it was able to spend more money on teachers salaries and classroom supplies by saving considerable sums in administration and maintenance.

The prospect of a school takeover by a corporation aroused considerable opposition last year, primarily by those afraid it would become the educational equivalent of a slumlord, eager to take profits

without caring about the children's education. But the company today has won the support of parents, teachers, local officials and the students themselves.

"I was the company's No. 1 opponent because I had reservations about their profit motive," said Elijah E. Cummings, a Maryland legislator whose district includes the Harlem Park neighborhood.

Continued on Page B8, Column 3

Business's Successful Foray Into Public Schools

Continued From Page A1

"But it has changed the attitude not only of children but of teachers. Never have I seen this kind of turnaround."

The privatization of public schools is still very much in its infancy and its merits are being fiercely debated. But school systems in Baltimore, Miami and Los Angeles are among the first to tap into a growing list of companies that offers a broad array of services. Boasting they can provide better services than school districts at the same or less money because of competition and economies of scale, these companies sell services ranging from management and accounting to curriculums and educators-for-hire who teach courses for both gifted and learning-impaired students.

"We are moving well beyond support services and entering the whole market of core services, and that's a big leap," said Janet Beales, an education policy analyst for the Reason Foundation, an organization in Los Angeles that has studied how well private companies are running public schools. "These companies are real pioneers going into the management and instruction of public schools. Bit by bit, they are making inroads."

Furthest along in the process is Education Alternatives, a two-year-old Minneapolis concern. Two other companies are ready to enter the school-management business, and Whittle Communications, with its Edison Project, is also studying the business. Others, like Sylvan Learning Systems Inc., have begun campaigns to offer after-school tutoring for students in Chapter 1, the Federal program to help students reach grade level in reading and math.

Business of Schooling

Although public schools have long been lucrative sources of business for private suppliers like textbook companies and construction firms, the degree to which new companies are pushing into school management has generated widespread opposition and worry over their expertise and motive. In some districts, educators and parents fear that ceding public schooling to private companies will lead to job losses and the introduction of teaching methods that parents and teachers are not altogether sure are better.

"There is a cynicism about these companies," said Albert Shanker, president of the American Federation of Teachers, which represents teachers in Baltimore. "In every other sphere of life, if someone came along and said they have a special potion to fix schools, you wouldn't treat them as wonderful innovators. You would call them hucksters."

Adding to the skepticism is a history of education companies' making outlandish claims that they could turn around schools. Twenty years ago in Texarkana, Tex., for example, school officials hired a company promising to increase test scores of students in Chapter 1. That company, which is no longer in business, said it would not accept payment from the school system unless test scores improved. Scores did, but officials discovered the company had given out the answers in advance.

Warness Persists

While a warness persists about the abilities of the new companies to back their claims, urban school districts around the country are nonetheless hiring them to correct managerial, financial and academic failures. Early evidence suggests that these ventures can provide more efficient services and cost savings. Such is the case with the Education Alternatives venture in Baltimore.



The Harlem Park Community School is one of eight Baltimore public schools that were taken over by a private company and run for profit. Erik Bordeaux, left, Diran Brand and Marshall Duvall studied there.

The company last year signed a \$27-million a year, five-year contract to manage the nine schools. It estimates that at the start of this school year, \$5,400 of the average \$5,918 the Baltimore system spends on each student was reaching the classrooms — for teachers and supplies — under its management. That compares with the \$4,300 per student in schools managed by the school district. The \$1,100 difference is in the costs of administration and maintenance.

But lower salaries play a role, too. Baltimore City Public Schools spends \$8.72 to \$13.50 an hour for custodians employed by the district. By comparison, the company pays a range of \$5.50 to \$12 an hour. The company also pays its teacher aides \$7 an hour, compared with \$10 the district pays its paraprofessionals.

"There's not one well you can go to and save thousands of dollars," said John T. Golle, Education Alternatives' chairman and chief executive and largest individual shareholder. "You save it in nickels and dimes." Farming out work that can be done

'A lot of parents report their children come home singing.'

more efficiently outside the school bureaucracy has been an important part of the company's strategy. Peal Marwick, the big accounting firm, is handling the record-keeping and day-to-day finances while Johnson Controls World Services Inc., a janitorial and cleaning services concern, maintains the buildings.

In the corporate world, Mr. Golle said, companies always ask, "Should I make it or should I buy it?" He continued: "In the past, public schools have said, 'We will make it. It's proven to be very inefficient.'"

Mr. Golle, a 49-year-old businessman who founded his own education and training services company in the 1970s, bought Education Alternatives

in 1986 from the Control Data Corporation, which had formed the subsidiary in the early 1980's to study a possible role for business in school reform. Mr. Golle, who has invested \$3 million of his money in Education Alternatives, now owns 10.5 percent of the company and receives an annual salary of \$129,000.

Different Way of Teaching

Education Alternatives itself has assembled a curriculum that pulls together innovations refined in classrooms across the nation. Each student is tested to determine whether they learn best by doing, reading or hearing and devises an individual learning plan for the student. Then it retrains teachers, most of whom worked in these nine schools before the change-over, to accommodate individual learning styles. With the help of teaching assistants, teachers hover over clusters of four desks, helping students individually while the aide works at the other end of the room doing the same thing.

It is too early to gauge conclusively how much students are improving. But preliminary data from the last three months of the last school year indicated that the 4,800 students in the nine schools advanced, on average, 0.88 grade levels — nearly one full grade — on tests covering subjects like reading and math. More definitive results will take two to three years, Education Alternative has said.

But from a financial standpoint, the fledgling company is turning a corner. A publicly traded company since 1991, Education Alternatives reported a net income for the first time of \$1.1 million, or 18 cents a share, on revenue of \$30.1 million for the fiscal year that ended June 30 — much of that from its operations in Baltimore. That compares with the loss a year earlier of \$1.5 million, or 44 cents a share, on revenue of nearly \$3 million. The company, which also manages a single school in Dade County in Florida, is promoting its services to other school districts.

In a key measure of Education Alternatives' growth and investor confidence, the company's stock has soared 76 percent, to \$16 from \$23 1/2 in January. The company's

Some fear that privatization amounts to so much snake oil.

stock is 70 percent owned by institutions, an unusually high percentage for a start-up company that gives the fledgling business stability.

Rave Reviews for Schools

But the financial data matters little in the hallways and classrooms of Harlem Park, where the school's cleanliness and new ways of dispensing education generate rave reviews from students and parents.

"The school has really changed," said Sean Urquhart, a fifth grader. "It used to be a boring old school. Now, it's fun and exciting." Among the lessons he enjoyed was building a windmill of paper and cardboard to learn about the wind velocity. It was an example of the hands-on instruction that Education Alternatives promotes.

In Maggie Stokes's social studies class, for instance, a lesson on immigration requires students to fan out in a 10-block radius around their homes and gather information on the different races represented. They paste construction-paper raindrops on an umbrella, each color standing for a different ethnic group.

"Teaching like this used to be considered radical," said Ms. Stokes. And last year's most vocal opponents are now supporters. "I can see how it's going to be better," said Dennis Dennis, a parent who does volunteer work at Harlem Park.

Managing public schools for profit remains a risky business. In a recent 17-page prospectus for potential buyers of the company's stock, Education Alternatives listed five pages of disclaimers, an unusually high number. One said that the Baltimore school system can cancel the contract before the five years are up. But Mr. Golle asserted that for all the risk, "We think we have one of the solutions to turning around public

The Metro Section

The New York Times

TUESDAY, OCTOBER 4, 1994

Hartford Hires Group to Run School System

A For-Profit Company Will Control Education

By GEORGE JUDSON
Special to The New York Times

HARTFORD, Oct. 3 — The Board of Education here voted tonight to hire a Minneapolis company to manage its 32 public schools, making Hartford the first community in the nation to put its entire school system under private management.

The vote was a huge victory for the company, Education Alternatives, which had staked its future as a corporate manager of public schools on winning a contract for an entire school district this year.

But the company now faces the challenge of showing that private management can improve a deeply troubled school system while spending less. All its expenses and profit from the contract must come out of the school district's \$171 million budget.

With 24,000 children, Hartford is Connecticut's largest school district, and its most besieged. Thanks to more than \$100 million a year in state aid, the city spends about \$8,450 a year per pupil, more than many wealthy suburbs. Yet its schools have the state's worst scores on standardized tests, and those scores have been falling.

Nearly two-thirds of its students are on welfare, and more than half come from homes where English is not spoken.

The chief executive of Education Alternatives, John T. Golle, said after the 5-to-3 vote that he was undaunted by the controversy and by the problems in Hartford schools.

"We see a great opportunity," he said. "We see a city that is spending significantly more dollars than the nation as a whole, but again we see a student population, very diverse, doing very poorly by many quantifiable standards. We see a partnership here where clearly private enterprise can come into public schools and make a significant difference."

The company, which has managed nine public schools in Baltimore since 1992, will repair and maintain school buildings, buy all supplies, retrain teachers and help each school adopt new curriculums.

Under state law the school board must retain ultimate decision-making authority, and the contract calls for the company, as manager, to report to the school superintendent. If the board disagreed with the

Hartford Hires Company to Run Its Schools

Continued From Page 31

company's cost-cutting or other management decisions, it could terminate the contract with 90 days' notice. However, the contract clearly envisions that most of the daily decisions and the carrying out of the board's long-term strategy will be handled by the company.

After 10 weeks of negotiations with the school board, for example, the company has won the right to take part in hiring, evaluating and dismissing the district's employees, nearly all of whom belong to unions, and in negotiating labor contracts.

School officials said Education Alternatives bore all risks under the five-year agreement because it is to be paid only from funds left over at the end of each year. If the company spends the full budget, it cannot recoup even the \$20 million it is pledged to invest in new computer equipment for classrooms.

"The contract is bulletproof as far as we're concerned," said Ted Carroll, a school board member who pressed to hire Education Alternatives. "We have assured ourselves of two things, that the benefits we hope for from this partnership will take place, and that the partnership will proceed with full protection for taxpayers."

The hiring of the company, however, provoked a bitter controversy here, as opponents of Education Alternatives raised fears that the company would put profits and its stockholders ahead of education and Hartford's children.

"This is what the contract is saying, my son's brain is for sale," a Hartford parent, Paul Comer, angrily told the City Council at a hearing last week. "I don't hear anything about what the kids need, I hear dollars and cents."

The Board of Education, in fact, voted to proceed tonight despite opposition from the City Council, which appropriates the school board's annual budget but has no say in how the money is spent.

The city's chief lawyer, Corporation Counsel Pedro E. Segarra, told the school board that he would not sign the contract because of council members' concerns that the contract cedes Education Alternatives too much control over city funds.

"I warned the board not to approve this contract tonight," he said, "because that will cause certain chaos for the city of Hartford."

But the school board majority intent on hiring the company said they had been assured by their lawyers that Mr. Segarra's signature was not needed. If he persists in not signing, Mr. Carroll said, the board would strike from the agreement a provision that gives the city one-third of any budget savings achieved by Education Alternatives.

The company is to receive as profit half of any savings left after its expenses are paid. The board is to receive the other half, but it has agreed to give most of its share to the city so taxpayers could share in the benefits of private management.

Under the agreement, Education Alternatives must pay all school-board expenses, including its payroll, each month before being paid a monthly share of the board's annual budget. If the company spends more than its monthly allotment, it must absorb the loss or make it up from later savings; the school board has no obligation to spend more than its budget.

Several City Council members, however, are concerned that the contract lacks adequate review of the company's spending. They also object to a provision allowing the company to terminate the contract if the city does not increase its annual school appropriations by amounts equal to increases in the Consumer Price Index.

A key issue is the company's own track record in Baltimore and elsewhere, where executives' claims of success have often been contested.

"I think they have very much hypervalorized their ability to effectuate change," said John B. O'Connell, the City Council's majority leader. "It's

unfortunate that the concept of privatizing has been bound up in this company."

Education Alternatives has claimed success in Baltimore in repairing and restoring order to nine inner-city schools, in getting parents more involved, in providing extra classroom aides and computer technology and in training teachers in new instruction methods.

But the Baltimore agreement provided for a significant increase in the amount spent on each school. In Hartford, the company must find the money for both improvements and profits within the existing budget, except for what it can earn by its practice of renting school space to outside groups.

The Hartford Federation of Teachers opposed Education Alternatives, and many teachers fear that the company plans to negotiate a new contract next year that takes back salaries and benefits or to eliminate jobs.

While the agreement requires the company to respect all existing contracts, it allows it to dismiss union employees whose jobs are eliminated or restructured. And it requires the board to cooperate in seeking contract revisions that the company decides are needed. If the board refuses, the company can terminate the contract with 90 days' notice.

"Employees are very fearful right now," said Susan Davis, the president of the teachers union. "We've talked to the board about working as partners, but they don't seem to be interested."

Hiring a management company has already had one effect on Hartford's schools. Saying they feared that any savings would go toward Education Alternatives' profits, the teachers union refused to negotiate contract concessions with the school board this summer.

As a result, in August the board laid off more than 20 teachers, requiring physical education, art and music programs in the city's elementary schools to be cut in half.

Sec. 14.12.010. Districts of state public school system. The districts of the state public school system are as follows:

(1) each first class city in the unorganized borough is a city school district;

(2) each organized borough is a borough school district;

(3) the area outside organized boroughs and outside first class cities is divided into regional educational attendance areas. (§ 1 ch 98 SLA 1966; am § 3 ch 124 SLA 1975; am § 7 ch 208 SLA 1975)

NOTES TO DECISIONS

Regional educational attendance areas are school districts. — Although this title does not specifically provide that regional educational attendance areas are to be considered "school districts," implicit in the statute is the notion that they are in fact school districts. *Northwest Arctic Regional Educ. Attendance Area v. Alaska Pub. Serv. Employees, Local 71*, 591 P.2d 1292 (Alaska 1979), overruled on other grounds. *Alaska Com. Fishing &*

Agric. Bank v. O/S Alaska Coast, 715 P.2d 707 (Alaska 1986).

Quoted in *Begich v. Jefferson*, 441 P.2d 27 (Alaska 1968).

Stated in *Hootch v. Alaska State-Operated Sch. Sys.*, 536 P.2d 793 (Alaska 1975).

Cited in *Alaska State-Operated Sch. Sys. v. Mueller*, 536 P.2d 99 (Alaska 1975).

Sec. 14.12.020. Support, management, and control. (a) Each regional educational attendance area shall be operated on an area-wide basis under the management and control of a regional school board. The regional school board manages and controls schools on military reservations within its regional educational attendance area until the military mission is terminated or so long as management and control by the regional educational attendance area is approved by the department. However, operation of the military reservation schools by a city or borough school district may be required by the department under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by the regional educational attendance area is disapproved by the department, operation, management, and control of schools on the military reservation transfers to the city or borough school district in which the military reservation is located.

(b) Each borough or city school district shall be operated on a district-wide basis under the management and control of a school board.

(c) The legislature shall provide the state money necessary to maintain and operate the regional educational attendance areas. The borough assembly for a borough school district, and the city council for a city school district, shall provide the money that must be raised from local sources to maintain and operate the district. (§ 1 ch 98 SLA 1966; am §§ 8, 9 ch 46 SLA 1970; am § 5 ch 32 SLA 1973; am § 1 ch 72 SLA 1974; am § 1 ch 13 SLA 1975; am §§ 4, 5 ch 124 SLA 1975)

465-2137

Rod McCoy
7749 Old Harbor
Anch. Ak. 99504-1931
337-6158 Fax 337-4486
2/9/95

Members House News

Re HB 94 Opposed

It is not in our states best interest to allow for profit companies to compete for the opportunity to take over local schools. It opens school boards up to a lot of pressure (sometimes bribery) to support certain companies. Let's not mix greed with our kids' education. It breaks the important tie between citizen/community and school. Rod McCoy

February 9, 1995

Dear House HESS Committee members,

I am opposed to HB 94, which provides for Private Management of Public Schools. In states and school districts across the country where private, for-profit management agencies have taken over public schools, the results have not been what was promised. In Baltimore, test scores went down 4 percentiles in reading and math in the schools managed by Education Alternatives Inc. Costs were \$500 per pupil more than the average per-pupil expenditure in the School District.

After promising more money going into the classrooms, E. A. I. cut one quarter of the teaching staff, and spent 48% of its total budget on instructional services, the rest being spent on lawyers, accountants, project administrators, corporate travel, etc. Because of this, classrooms are more crowded.

In Dade County, the nation's first privatized public school shows poorer test scores and and more expenses than other public schools in the District. The Superintendent now acknowledges that EAI "oversold themselves"

Alaska does not need to open up our public schools to these mistakes. I urge you to vote against this Bill.

Lucy Hope
PO Box 870887
Wasilla, AK 99687
907 373 5204

Feb. 8, 1995

Representative Jeannette James -

Privatization:

As a teacher with 25 years experience in the Public School System , I would like to input my objections to the privatization of public schools.

In 1970 in the Seattle Schools, Singer Sewing Machine Company felt they could do a cheaper, more efficient education in the Central Area Schools and contracted to do so. It was a two year project that resulted in two lost education years for the children involved, children who could least afford to lose time and instruction.

Their educational mode was to fill a brown envelope with worksheets that had been poorly prepared, with no motivational aspects, no color, excitement or developmental interest. These envelopes could be distributed by aides. When a child completed a sheet of paper, s/he was rewarded with another sheet until the envelope was completed. Then----the child was rewarded with another envelope. This flew in the face of educational practices even at that time. It was however, cheaper to utilize than an experienced, motivated teacher who could develop exciting procedures based on best practices. When analyzed, the contents of the envelopes were many times in error as well as being poor motivationally.

I realize that this was a unique example, but it was efficient in administration. Private industry has achieved many goals, but the understanding of human development and cognition takes more than placing a task in front of a child. It takes continuing education of the adults in the environment and the materials presented as well as the opportunity for professionals to share ideas and techniques. Learning styles, management of children with diverse and varied backgrounds and family/life styles does not allow for prepackaged materials and techniques.

It is my sincere hope that this trend to privatize carefully balance financial need with child and community needs as well as

best teaching practices which involve concept, motivation, and interest, not just the production of paper.

Sincerely,

A handwritten signature in cursive script that reads "Mary J. Toutonghi". The signature is written in dark ink and is positioned above the printed name.

Mary J. Toutonghi

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 94

Revision Date: _____

Department Affected: Education

Title: Private Management of Public Schools

BRU: K-12 Support

Component: Foundation Program

Sponsor: Representative James

Requestor: Representative James

COMPONENT SERIAL NO. 141

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
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REVENUE FUND SOURCE:						
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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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

State support for public school districts is governed by AS 14.17.010 - 250, Public School Foundation Program. Passage of this legislation will not have a fiscal impact on the Foundation Program.

Prepared by: Duane Guiley Phone: 465-8679

Division: School Finance Date: January 26, 1995

Approved by Commissioner: [Signature] Jerry Covey

Agency: Education Date: January 26, 1995

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Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

PLEASE --
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 SHEET!

SUBJECT OF MEETING:

HB 94: Private Mgmt
 of Public
 Schools

DATE: APRIL 26

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
CLAUDIA DOUGLAS	NEA-ALASKA	114 Second			586-3090	(Y) N	HB 94
PROXIMA						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

HB

104

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 10, 1995

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/4/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

SSHB 104

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 104

DISCLOSURE OF JUVENILE RECORDS

"An Act relating to disclosures of information about certain minors."

recommends it be replaced with the following committee substitute CS SS HB 104 (HES) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

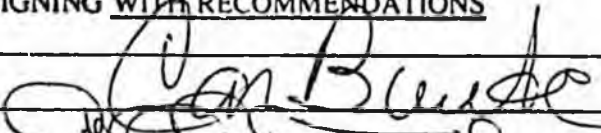

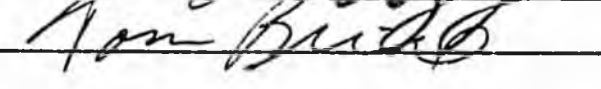

APPROVES PREVIOUS: (Dept/Date)

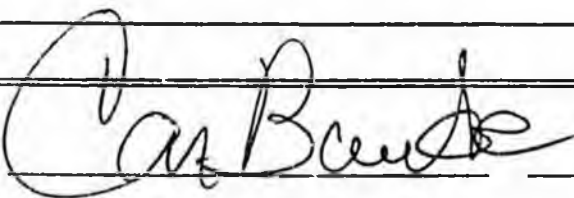
fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) Public Safety
Count System, H+SS

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	✓			
			✓	

CHAIR'S SIGNATURE 

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSSHB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact for the Department if this bill were to become law.

Prepared by: L. Diane Worley, Director *L. Worley*
Division: Family & Youth Services *Tom LUCIAN*

Phone: 465-3191
Date: 04/05/95

Approved by Commissioner: Karen Perdue, Commissioner *K. Perdue*
Agency: Department of Health & Social Services

Date: 4/5/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSSSHB 104 (HES)

Revision Date: 03/20/95
Title: Disclosure of juvenile records
Sponsor: Rep. Kott, Bunde, Green
Requestor: _____

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

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *(Signature)* Phone: 264-8228
Agency: Alaska Court System Date: 03/20/95

Approved by: Arthur H. Snowden, II, Administrative Director *(Signature)* Date: 03/20/95
Agency: Alaska Court System

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

**STATE OF ALASKA
1995 LEGISLATIVE SESSION**

BILL NO: CSSSHB 104 (HESS)

Revision Date: _____ Dept. Affected: Public Safety
 Title: Disclosure of juvenile records BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Kott
 Requestor: (H) HESS COMPONENT SERIAL NO. 799

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

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

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-

Estimate of current year (FY 95) impact: \$ -0-

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

No material impact.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 04/03/95
 Approved by Commissioner: *Francis C. Allan* Date: 4-4-95
 Agency: Ronald L. Otte, Dept. of Public Safety

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9-LS0276K
Chenoweth
3/24/95

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 104()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 * Section 1. AS 09.25.120(a) is amended to read:

4 (a) Every person has a right to inspect a public record in the state, including
5 public records in recorders' offices, except

6 (1) records of vital statistics and adoption proceedings that [WHICH]
7 shall be treated in the manner required by AS 18.50;

8 (2) records pertaining to juveniles; however,

9 (A) notwithstanding AS 47.10.093(a), when a juvenile has
10 been arrested by a peace officer for commission of an offense that would
11 have been a felony if committed by an adult, the following information
12 about the juvenile may be disclosed by the entity employing the peace
13 officer:

14 (i) the juvenile's name;

15 (ii) the date and place of the offense; and

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(iii) a description of the nature of the offense; and

(B) records pertaining to juveniles may be disclosed if

[UNLESS] disclosure is otherwise authorized by law;

(3) medical and related public health records;

(4) records required to be kept confidential by a federal law or regulation or by state law;

(5) to the extent the records are required to be kept confidential under 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure or retain federal assistance;

(6) records or information compiled for law enforcement purposes, but only to the extent that the production of the law enforcement records or information

(A) could reasonably be expected to interfere with enforcement proceedings;

(B) would deprive a person of a right to a fair trial or an impartial adjudication;

(C) could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a suspect, defendant, victim, or witness;

(D) could reasonably be expected to disclose the identity of a confidential source;

(E) would disclose confidential techniques and procedures for law enforcement investigations or prosecutions;

(F) would disclose guidelines for law enforcement investigations or prosecutions if the disclosure could reasonably be expected to risk circumvention of the law; or

(G) could reasonably be expected to endanger the life or physical safety of an individual.

9-LS0276G
Chenoweth
3/13/95

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 104()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Bunde, Green

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures of information about certain minors."

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

3 * Section 1. AS 09.25.120(a) is amended to read:

4 (a) Every person has a right to inspect a public record in the state, including
5 public records in recorders' offices, except

6 (1) records of vital statistics and adoption proceedings that [WHICH]
7 shall be treated in the manner required by AS 18.50;

8 (2) records pertaining to juveniles; however,

9 (A) records relating to the arrest of a juvenile by a peace
10 officer may be disclosed for public inspection by the entity employing the
11 peace officer if the juvenile's arrest is for commission of an offense that
12 would have been a felony if committed by an adult; and

13 (B) records pertaining to juveniles may be disclosed if
14 [UNLESS] disclosure is otherwise authorized by law;

15 (3) medical and related public health records;

1 (4) records required to be kept confidential by a federal law or
2 regulation or by state law;

3 (5) to the extent the records are required to be kept confidential under
4 20 U.S.C. 1232g and the regulations adopted under 20 U.S.C. 1232g in order to secure
5 or retain federal assistance;

6 (6) records or information compiled for law enforcement purposes, but
7 only to the extent that the production of the law enforcement records or information

8 (A) could reasonably be expected to interfere with enforcement
9 proceedings;

10 (B) would deprive a person of a right to a fair trial or an
11 impartial adjudication;

12 (C) could reasonably be expected to constitute an unwarranted
13 invasion of the personal privacy of a suspect, defendant, victim, or witness;

14 (D) could reasonably be expected to disclose the identity of a
15 confidential source;

16 (E) would disclose confidential techniques and procedures for
17 law enforcement investigations or prosecutions;

18 (F) would disclose guidelines for law enforcement investigations
19 or prosecutions if the disclosure could reasonably be expected to risk
20 circumvention of the law; or

21 (G) could reasonably be expected to endanger the life or
22 physical safety of an individual.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

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

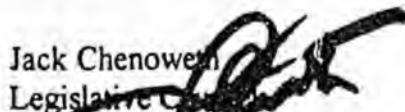
MEMORANDUM

February 1, 1995

SUBJECT: SSHB 104, relating to disclosure of information about minors:
sectional analysis (Work Order No. 9-LS0276\F)

TO: Representative Pete Kott
ATTN: Rod Mourant

FROM: Jack Chenoweth
Legislative C



The bill proposes to allow release of information and records about certain minors. The information and records that may be disclosed derive from two sources, records of the Alaska Court System and records compiled and maintained by state and municipal law enforcement agencies.

The first five sections of the bill speak to information and records of the Alaska Court System.

The principal operative provision applicable to release of court records is bill section 5. Under that bill section, if the court has entered an order adjudicating a minor a delinquent, the minor was 14 years of age at the time of the entry of the adjudication order, and the adjudication was based upon the minor's commission of an offense that would be a felony if committed by an adult, then the clerk of the court in which that order is entered may publicly disclose the minor's name and address and the offense that the minor committed.

Disclosure of court system records under AS 47.10.090(f) implicates existing laws relating to confidential treatment of court records concerning minors and the authority of the courts to close and seal court records about a minor. The changes proposed by bill sections 1 - 4 recognize the exception for the records disclosable under AS 47.10.090(f) from existing provisions generally applicable to continued confidential treatment and sealing of those records.

The last three sections of the bill speak to the manner of handling information and records of agencies.

Bill section 6 makes a collateral change to recognize that AS 47.10.093(h) is a further exception to the general rule that agency records concerning minors are to be confidentially handled.

Bill section 7 amends existing AS 47.10.093(c). Paragraph (c)(3)(A) directs a law enforcement agency to release information to a school principal relating to an offense alleged to have been committed by a minor if the law enforcement agency has probable cause to believe that the minor committed an offense that would be a crime against a person under AS 11.41 if it had been committed by an adult. This mandatory disclosure is in addition to the optional or discretionary disclosure currently allowed by law, set out in paragraph (c)(3)(B). In addition, under paragraph (c)(4), law enforcement agencies may, when authorized by court order, publicly disclose information about a case involving a minor and provide a picture of the minor, "as may be necessary to protect the safety of the public."

Bill section 8 amplifies the law enforcement disclosure provisions:

-- subsection (h) permits the school principal to whom information had been disclosed under AS 47.10.093(c)(3) to re-disclose within the limitations noted;

-- subsection (i) makes an exception to law enforcement agency disclosure if a disclosure would jeopardize an ongoing investigation;

-- subsection (j) sets out a definition for the term "school."

JBC:lmb

95-103.lmb

Alaska State Legislature House of Representatives

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SPONSOR STATEMENT HB 104

The problems with juvenile crime are pervasive in modern society. House Bill 104 is a first step toward informing communities and teachers of the severity of the problems and identify the perpetrators.

This legislation calls on the Alaska Court System to identify juvenile offenders who, if they had committed the same crime as an adult, would have been charged with a felony. Except when it would interfere with an ongoing investigation, the identity of a juvenile offender in this category would be disclosed to school districts and the general public. This would allow teachers to know when they are dealing with a serious disciplinary problem. It would also allow the general public to know when a serious offender is present in their neighborhood and community.

When juveniles know that their identity will be revealed to their friends and neighbors when they commit a serious crime, it should act as a deterrent. This is a small effort to help reduce this growing trend. It may help a juvenile decide what type of life they want and should lead and lead them to make the correct choice.

You are encouraged to support this important piece of legislation.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 104

1995 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Education

Title: Disclosure of Juvenile Records

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Kolt

Requester: Representative Kolt

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
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REVENUE FUND SOURCE:						
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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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

House Bill 104 clarifies when state and municipal law enforcement agencies are required to disclose information to public or private elementary and secondary schools regarding minors who commit offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant Phone: 465-2803

Division: Commissioner's Office Date: February 18, 1995

Approved by Commissioner: [Signature] Jerry Covey

Agency: Education Date: _____

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSHB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Northern Region
COMPONENT SERIAL NO. 255
See also (SN#): 258,254,259,1628,1962,252,253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(499.2)	(499.2)	(499.2)	(499.2)	(499.2)	(499.2)
1003 GF Match	(618.5)	(618.5)	(618.5)	(618.5)	(618.5)	(618.5)
1004 GF	1,117.7	1,117.7	1,117.7	1,117.7	1,117.7	1,117.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$499.2 in Federal receipts in reimbursement for payments made for administrative costs in Northern Region, and another \$5,587.5 for residential care, foster care, family preservation, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/21/95
Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSH104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southcentral Region
COMPONENT SERIAL NO. 254
See also (SN#): 258,255,259,1628,1962,252,253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(1,135.1)	(1,135.1)	(1,135.1)	(1,135.1)	(1,135.1)	(1,135.1)
1003 GF Match	(1,118.9)	(1,118.9)	(1,118.9)	(1,118.9)	(1,118.9)	(1,118.9)
1004 GF	2,254.0	2,254.0	2,254.0	2,254.0	2,254.0	2,254.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act (42 U.S.C.671 (a)(8)). The state would lose \$1,135.1 in Federal receipts in reimbursement for payments made for administrative costs in Southcentral Region, and another \$4,951.6 for residential care, foster care, family preservation, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/21/95
Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: Southeastern Region
COMPONENT SERIAL NO. 258
See also (SN#): 254,255,259,1628,1962,252,253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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	(283.0)	(283.0)	(283.0)	(283.0)	(283.0)	(283.0)
1003 GF Match	(326.3)	(326.3)	(326.3)	(326.3)	(326.3)	(326.3)
1004 GF	609.3	609.3	609.3	609.3	609.3	609.3
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$283.0 in Federal receipts in reimbursement for payments made for administrative costs in Southeastern Region, and another \$5,803.7 for residential care, foster care, family preservation, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perade, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/21/95

Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSH104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Family and Youth Services
Component: DFYS Central Office
COMPONENT SERIAL NO. 259
See also (SN#): 258,255,254,1628,1962,252,253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(1,188.4)	(1,188.4)	(1,188.4)	(1,188.4)	(1,188.4)	(1,188.4)
1003 GF Match	(941.5)	(941.5)	(941.5)	(941.5)	(941.5)	(941.5)
1004 GF	2,129.9	2,129.9	2,129.9	2,129.9	2,129.9	2,129.9
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$1,188.4 in Federal receipts in reimbursement for payments made for administrative costs in Central Office, and another \$4898.3 for residential care, foster care, family preservation, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/22/95
Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Sub Adoption & Guardianship
COMPONENT SERIAL NO. 1962
See also (SN#): 258,255,254,259,253,252,1628

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)
1003 GF Match	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)	(1,018.6)
1004 GF	2,037.2	2,037.2	2,037.2	2,037.2	2,037.2	2,037.2
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$1018.6 in Federal receipts in reimbursement for payments made for Subsidized Adoption, and another \$5,068.1 for residential care, foster care, and family preservation as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/22/95
Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSHB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Foster Care
COMPONENT SERIAL NO. 252
See also (SN#): 258,255,254,259,253,1962,1628

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(1,170.4)	(1,170.4)	(1,170.4)	(1,170.4)	(1,170.4)	(1,170.4)
1003 GF Match	(914.0)	(914.0)	(914.0)	(914.0)	(914.0)	(914.0)
1004 GF	2,084.4	2,084.4	2,084.4	2,084.4	2,084.4	2,084.4
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$1170.4 in Federal receipts in reimbursement for payments made for Foster Care, and another \$4916.3 for residential care, subsidized adoption, and family preservation as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services

Phone: 465-3191
Date: 02/22/95

Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSHB104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Family Preservation
COMPONENT SERIAL NO. 1628
See also (SN#): 258,255,254,259,1962,252,253

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(224.0)	(224.0)	(224.0)	(224.0)	(224.0)	(224.0)
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	224.0	224.0	224.0	224.0	224.0	224.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS. (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act [42 U.S.C.671 (a)(8)]. The state would lose \$224.0 in Federal receipts in reimbursement for payments made for Family Preservation grants and another \$5,829.7 for residential care, foster care, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: Kathy Tibbles, Acting Director
Division: Family & Youth Services
Approved by Commissioner: Karen Perdue, Commissioner
Agency: Department of Health & Social Services

Phone: 465-3191
Date: 02/22/95
Date: 2/22/95

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STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSH104

Revision Date: _____
Title: Disclosure of Information on Minors
Sponsor: Representative Kott
Requestor: House (HES)

Dept. Affected: Health and Social Services
BRU: Purchased Services
Component: Residential Child Care
COMPONENT SERIAL NO. 253
See also (SN#): 258.255.254.259.1962.252.1628

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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

1002 Federal Receipts	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)	(568.0)
1003 GF Match	(564.4)	(564.4)	(564.4)	(564.4)	(564.4)	(564.4)
1004 GF	1,132.4	1,132.4	1,132.4	1,132.4	1,132.4	1,132.4
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

Revising 47.10.090 making some juvenile records public in Sec.10 will place the state out of compliance with federal regulations concerning Title IV-B and Title IVE of the Social Security Act (42 U.S.C.671 (a)(8)). The state would lose \$568.0 in Federal receipts in reimbursement for payments made for Residential Care, and another \$5,518.7 for foster care, family preservation, and subsidized adoptions as well as administrative costs for the other components in Family & Youth Services BRU. The total loss would be \$6,086.7. In addition to the \$5,502.2 previously required in general fund match, another \$6,086.7 would still be required from the general fund.

Prepared by: 
Division: _____

Kathy Tibbles, Acting Director
Family & Youth Services

Phone: 465-3191
Date: 02.22/95

Approved by Commissioner: _____
Agency: _____

Karen Pedoe, Commissioner
Department of Health & Social Services

Date: 2/22/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SSHB 104

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Disclosura of juvenile records BRU: Trial Courts
 Components: _____
 Sponsor: Rep. Kott
 Requestur: _____ COMPONENT SERIAL NO. 788

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	157.1	157.1	157.1	157.1	157.1	157.1
TRAVEL						
CONTRACTUAL						
SUPPLIES	1.5	1.5	1.5	1.5	1.5	1.6
EQUIPMENT	4.2					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	162.8	158.6	158.6	158.6	158.6	158.6

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	162.8	158.6	158.6	158.6	158.6	158.6
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	162.8	158.6	158.6	158.6	158.6	158.6

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached anlysls.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/23/95

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/23/95
 Agency: Alaska Court System

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Alaska Court System
Fiscal Analysis
SSHB 104

SSHB 104 provides that if a minor 14 years of age or older is adjudicated delinquent for the commission of an offense that would be a felony if committed by an adult, the clerk of court in which the adjudication order is entered may disclose to the public the name of the minor; the address of the minor; and the offense that the minor committed.

According to statistics provided by the Division of Family and Youth Services (DFYS), in FY 94 approximately 254 minors age 14 or older were adjudicated delinquent for an offense that would be a felony if committed by an adult. This is out of a 14 to 18-year old population of approximately 38,000; this latter figure, along with scores of thousands of young adults, is the potential group about which records requests could be made by potential employers, landlords, credit bureaus, neighbors, teachers, etc. Court records are not computerized or centralized. Accordingly, SSHB 104 would require the clerk to compile the information by means of an index search and case file review each time a request was made about a particular minor. Because most of a minor's file would remain confidential, the clerk could not have the requestor perform the index search and file review as is done with adult records. Moreover, the information would be accurate only for the court location at which the request was made; for example, the clerk in Fairbanks would not be able to advise a requestor if a minor had a record in another community. A complete records review would require a requestor to contact all 14 juvenile court locations, and would require court clerks to expend the identical effort fourteen times.

Statewide, courts receive over 3500 written requests per year for adult criminal records information, from individuals and entities that are located in a different community than the courthouse. Far more individuals and businesses perform adult criminal records research in person at courthouses. In Anchorage alone, for example, approximately 75 people per day request adult files to review for criminal records; these 75 individuals look through an estimated 500 files per day. It can be assumed that the number of requests for juvenile records will likewise be substantial, once they are made accessible. Unfortunately, it is the court clerks who will be required to look through these records to extract the limited information which SSHB 104 makes public.

Alaska Court SystemFiscal AnalysisSSHB 104Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Legal Technician, range 12A, PFT, Anchorage	\$27,108	\$12,230	\$39,338
Legal Technician, range 12A, PFT, Anchorage	27,108	\$12,230	39,338
Legal Technician, range 12A, PFT, Fairbanks	30,780	13,196	43,976
Overtime for other courts at range 12A			<u>34,400</u>
			Total Personal Services 157,052

Supplies

Office supplies for new positions			1,500
-----------------------------------	--	--	-------

Equipment (one-time item)

Desk, chair, computer terminal, etc for new positions			<u>4,200</u>
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Estimated Total Cost			<u><u>\$162,752</u></u>
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Alaska State Legislature

House of Representatives

COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

DATE:

PLACE: Capitol Room 106

SUBJECT OF MEETING:

~~HB 104~~ HB 104
DISCLOSURE OF JUVENILE
RECORDS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
MARGARET W BERCK	ACLU	227 7 th St Juneau 99801		9-0384	6-3309	(Y) N	HB104
Margaret Knuth	Law-Crim				3428	(Y) N	HB104
Lee Ann Lucas	DPS				4322	(Y) N	HB104
ROD MOURANT	Rep. Kott				3777	(Y) N	HB104
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



Alaska State Legislature
 House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

PLEASE!
 FILL IN ALL
 AREAS OF
 THIS FORM

SUBJECT OF MEETING:
 HB 104. DISCLOSURE OF
 JUVENILE RECORDS

DATE: APRIL 4, 1995

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Joe C. Sullivan	DPS				465-4322	Y	N	Available for Questions
Elmer Lindstrom	DHSS				465-3030	Y	N	Available to answer questions
Margaret W Berck	ACLU	227 7th St Juneau 99801		9-0384	6-3309	<input checked="" type="radio"/>	N	HB104
ROD MOURANT	Rep. Kott				3777	<input checked="" type="radio"/>	N	HB104
Margaret Knuth	Law				3428	Y	N	of GS or AMS
Dennis Gregor	Education	PO 3507 Palmer AK		746-0199	745-4871	<input checked="" type="radio"/>	N	Simulation
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HB

119

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB119

Revision Date: _____
Title: An Act exempting schools from certain fees
Sponsor: Representative Kubina
Requestor: Representative Kubina

Department Affected: Environmental Conservation
BRU: Environmental Health
Component: Seafood/Sanitation

COMPONENT SERIAL NO. 1936

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	25.0	25.0	25.0	25.0	25.0	25.0
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	25.0	25.0	25.0	25.0	25.0	25.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	25.0	25.0	25.0	25.0	25.0	25.0
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FUND SOURCE

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	25.0	25.0	25.0	25.0	25.0	25.0
1005 GF/Program Receipt	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 any current year (FY95) cost: \$ 25.0

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.)

HB119 exempts public and private schools for school age children from Department of Environmental Conservation user fees. Currently schools are being assessed fees for food service permits in schools. The fee includes issuance of a permit, routine and spot check inspections, technical assistance, plan review and training. The current fee structure pays a portion of the actual program costs. Providing an exemption from fees will result in a loss of Sanitation General Fund Program Receipts in the amount of approximately \$25,000. These program receipts are reflected in the FY95 budget and are necessary for the full conduct and meeting of statutory requirements in the inspection program.

Prepared by: Kit Ballentine
Division: Acting Director, Environmental Health

Phone: 465-5280
Date: 2/16/95

Approved by Commissioner: *Andrew Jones*
Agency: Department of Environmental Conservation

Date: 2/16/95

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HOUSE COMMITTEE REPORT

(7)
Date Referred: January 25, 1995

FURTHER REFERRALS:

Finance

Date of Committee Action: 5/6/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 119

HOUSE BILL NO. 119

EXEMPT SCHOOLS FROM CERTAIN DEC FEES

"An Act exempting schools from certain fees charged by the Department of Environmental Conservation; and providing for an effective date."

recommends it be replaced with the following committee substitute _____ the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) DEC

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

CHAIR'S SIGNATURE *[Signature]*

HOUSE BILL NO. 119

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KUBINA, Davies, Ivan

Introduced: 1/25/95

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act exempting schools from certain fees charged by the Department of
2 Environmental Conservation; and providing for an effective date."

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

4 * **Section 1.** AS 44.46.025 is amended by adding a new subsection to read:

5 (d) Notwithstanding (a) of this section, the department may not charge a fee
6 for inspection, permit preparation and administration, plan review and approval, or
7 other services provided by the department under AS 03.05 or AS 44.46.020(5) to a
8 school. In this section, "school" means a public school or private school for children
9 of school age, as defined in AS 14.03.070.

10 * **Sec. 2.** This Act takes effect July 1, 1995.



Alaska State Legislature
Representative Eugene Kubina
Minority Whip

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4859
Fax (907) 465-3799

During Intermittent:
P.O. Box 2463
Valdez, Alaska 99686
(907) 835-2111
Fax (907) 835-2097

Sponsor Statement

HB 119 Exempting Schools from DEC Health Inspection Fees

AS 44.46.025 authorizes the Alaska Department of Environmental Conservation to charge user fees to help defray the costs of its inspections of public kitchens where food is prepared. This authority was granted to DEC in 1993, and the first user fees were assessed that year.

For the first two years, FY93 and 94, DEC did not charge schools for the inspections of their kitchens and food preparation facilities. It did not want to burden schools, already suffering under tight budgets, with an additional expense. In 1994, legal counsel informed DEC that it could not arbitrarily charge some facilities and not others. Consequently, in FY '95 DEC began charging for its annual inspections.

The charges are determined by the number of cafeteria (or equivalent) seats per school. For small school districts the total charge could be less than a hundred dollars, but for larger districts, it could be more than a thousand. These fees are an unfunded mandate to the schools. The legislature mandated the fees, but did not provide any additional funds to the schools with which to pay them.

It is important to note that the legislature did exempt charitable organizations (those with an IRS tax status of 501(c)(3)) from DEC user fees. Although our schools are not 501(c)(3) organizations, they certainly meet the intent of the exemption. School lunch programs provide a valuable service to many children who often could not otherwise afford a hot lunch. School lunches are often served at below a school's cost of production, even when aided by Federal Child Nutrition Programs.

HB 119, by relieving schools of DEC user fees, would ensure that more of their limited budgets would be devoted to improving our children's education.

Your support is appreciated.

Collateral references. — 61A Am. 39A C.J.S., Health and Environment.
Jur. 2d, Pollution Control, § 1 et seq. § 61 et seq.

Sec. 44.46.020. Duties of department. The Department of Environmental Conservation shall

(1) have primary responsibility for coordination and development of policies, programs, and planning related to the environment of the state and of the various regions of the state;

(2) have primary responsibility for the adoption and enforcement of regulations setting standards for the prevention and abatement of all water, land, subsurface land, and air pollution, and other sources or potential sources of pollution of the environment, including by way of example only, petroleum and natural gas pipelines;

(3) promote and develop programs for the protection and control of the environment of the state;

(4) take actions that are necessary and proper to further the policy declared in AS 46.03.010;

(5) adopt regulations for

(A) the prevention and control of public health nuisances;

(B) the regulation of sanitation and sanitary practices in the interest of public health;

(C) standards of cleanliness and sanitation in connection with the construction, operation, and maintenance of a camp, cannery, food handling establishment, food manufacturing plant, mattress manufacturing establishment, industrial plant, school, barbershop, hairdressing or cosmetology establishment, soft drink establishment, beer and wine dispensaries, and for other similar establishments in which lack of sanitation may create a condition that causes disease;

(D) the regulation of quality and purity of commercially compressed air sold for human respiration. (§ 2 ch 120 SLA 1971; am E.O. No. 51, § 40 (1981))

NOTES TO DECISIONS

Approval of subdivision plans. — subdivision. *State v. Anderson*, 749 P.2d
Department of environmental conserva- 1342 (Alaska 1988).
tion can validly require its approval of po- Cited in *Noey v. Department of Envtl.*
tential subdivision plans as a prerequisite Conservation, 737 P.2d 796 (Alaska
to the recording and sale of any lots in the 1987).

Sec. 44.46.025. Fees for services. (a) The Department of Environmental Conservation may adopt regulations that prescribe reasonable fees, and establish procedures for the collection of the fees, to cover the applicable direct costs, not including travel, of inspections, permit preparation and administration, plan review and approval, and other services provided by the department relating to

(1) agriculture and animals under AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

(2) certificates of inspection for motor vehicles under AS 46.14.400 or 46.14.510;

(3) sewerage system and treatment works and wastewater disposal systems, and drinking water systems, under AS 46.03.720;

(4) oil discharge financial responsibility under AS 46.04.040;

(5) oil discharge contingency plans under AS 46.04.030;

(6) water and wastewater operator training under AS 46.30;

(7) control of solid waste facilities under AS 46.03.020(10) and 46.03.100;

(8) certification of laboratories conducting environmental analyses of public drinking water systems or of oil or hazardous substances, or conducting other analyses required by the department;

(9) certification of federal permits or authorizations under 33 U.S.C. 1341, sec. 401 (Clean Water Act).

(b) The department may not charge a fee for a service that is provided by a municipality under a delegation by the department to the municipality.

(c) The department may adopt regulations that prescribe reasonable fees to cover the direct and indirect costs of air quality permit programs under AS 46.14 and may establish procedures for the collection of those fees. (§ 63 ch 36 SLA 1990; am §§ 76, 77 ch 63 SLA 1993; am §§ 12, 13 ch 74 SLA 1993)

Revisor's notes. — Section 77, ch. 63, SLA 1993 enacted a subsection (c) for this section that is almost identical to that enacted by § 13, ch. 74, SLA 1993 and set out above. The only difference between the two is that the latter contains the words "and indirect" after the word "direct". Because § 13, ch. 74, SLA 1993 was the later enactment and had an immediate effective date, the amendment made by ch. 63 will not be codified.

Effect of amendments. — The first

1993 amendment, effective January 1 1993, rewrote subsection (a).

The second 1993 amendment, effective June 26, 1993, substituted the present language of paragraph (a)(2) for "air quality permits under AS 46.03.140 and 46.03.160" and added subsection (c).

Editor's notes. — Section 87, ch. 63, SLA 1993 provides "[i]f any section of this bill is found to violate the single subject rule it is severed from the rest of the bill."

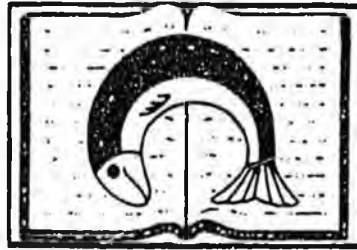
Article 2. Environmental Advisory Board.

Section

- 30. Environmental advisory board
- 40. Expenses and per diem of board members

Section

- 50. Functions of board



Lower Kuskokwim School District

Sue C. Hare
Superintendent

P.O. Box 305 • Bethel, Alaska 99559
907 543-4800 Ext. 810, 811

March 8, 1995

Representative Gene Kubina
State Capitol
Juneau AK 99801

RE: House Bill No. 119 exempting schools from DEC fees

Dear Representative Kubina:

I am writing to express my support for House Bill No. 119 exempting schools from DEC fees. I was very surprised to receive invoices for food service permits at all of our schools late last fall. We serve meals at 25 locations and the total of these invoices was nearly \$2000.

Our district is located in western Alaska, which is a rural part of the state with very high food and shipping costs. Currently the district subsidizes the school food service program in excess of \$400,000 per year in order to serve nutritious meals to our students. We simply cannot squeeze any more money out of our general education fund without seriously jeopardizing student instruction.

I urge you and your colleagues to pass this legislation. Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Sue C. Hare". The signature is written in black ink and is positioned above the printed name and title.

Sue C. Hare
Superintendent

cc: Senator Lyman Hoffman
Representative Ivan M. Ivan

SUPPORT

VALDEZ CITY SCHOOLS
BUSINESS OFFICE
P. O. Box 398
Valdez, Alaska 99686
(907) 835-4968 / Fax: (907) 835-4964

February 14, 1995

The Honorable Eugene G. Kubina
State Capitol
Juneau, Alaska 99801

Dear Mr. Kubina,

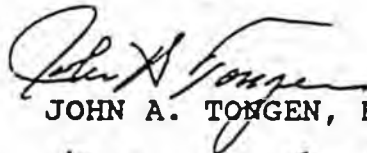
This letter is in support of House Bill No. 119 which would exempt schools from the D.E.C. charges for Food Service Permits.

These permit charges are ludicrous! There is no justification for one state agency (Department of Environmental Conservation) billing another state entity (school district). School kitchens should be exempt from the Food Service Permit charges. They are not operated "for profit" as are cafes or other public eating establishments.

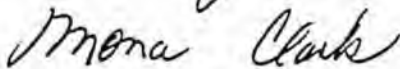
School budgets were established long before these charges appeared. We had no warnings that these were due; it was with great financial distress that we paid the charges. School districts should not have to budget for unreasonable charges so D.E.C. can profit.

House Bill No. 119 is logical, timely and necessary. Valdez City School District fully supports this measure.

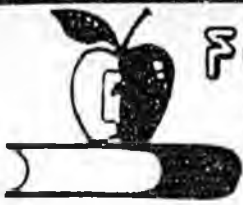
Sincerely,



JOHN A. TONGEN, BUSINESS MANAGER



MONA CLARK, ACCOUNTING



FOOD FOR
THOUGHT, INC.

MATANUSKA-SUSITNA
BOROUGH SCHOOL DISTRICT
NUTRITION SERVICES

Linda R. Stoll, M.P.H.
Carole L. Olsen, R.D.
Suzanne Hermon

February 14, 1995

Representative Gene Kubina
State Capitol
Juneau, AK 99801

Dear Representative Kubina;

I am writing to you to let you know of my support for House Bill No. 119.

It was with a great deal of surprise that I began receiving bills for issuance of food service permits for all of my schools this year. We serve meals at 25 sights and the total billings received would amount to nearly \$5000.00. Needless to say, it would be an extreme hardship on this program to try to find an additional \$5000.00 in our budget. Our program is currently trying to maintain operating on a "break-even" budget, that is, a budget that brings in enough revenue to meet all direct expenditures of the program. The only possible source of money for these permits would be found if we were to cut back on food that we are serving to the children.

We currently receive no revenue from either state or local sources. We hope to be able to continue to be a support program without requiring input of state and local dollars into the program. The addition of expenses such as this one from D.E.C. could be the proverbial straw that breaks the camel's budgetary back.

I realize that state programs are searching for additional revenue sources to help with efforts to reduce state spending, but I additionally realize that an expense to this department which would necessitate our becoming dependent on state funds would merely take from one state source and give to another.

I urge you and your colleagues to pass this legislation.

cc: Rep. Vic Kohring
Rep. Scott Ogan
Rep. Beverly Masek
Senator Rick Halford
Senator Lyda Green

Linda R. Stoll

FEB 21 1995



ST. MARY'S SCHOOL DISTRICT

P.O. Box 171 St. Mary's, Alaska 99658

(907) 438-2311 or (907) 438-2834

Accredited by Northwest Accreditation Association



16, February 1995

Representative Gene Kubina
Capitol, Room 406
Juneau, Alaska 99801

Dear Representative Kubina,

Thank you for support of House Bill # 119. It is refreshing to see that some one is trying to put a stop to the never ending billing of schools for one thing or another. The impression the public has of the schools is "they always pay their bills" otherwise known as the deep pocket theory.

I hope to see you in a week or so.

Sincerely,

Gary C. Greseth
Gary C. Greseth

cc:

Eileen MacLean
Irene Nicholia
Jerry Mackie
Carl Moses
Jerry Sanders
Cynthia Toohey
Bill Williams
Al Vezey
Terry Martin
Con Bunde
Richard Foster
Pete Kelly
Ivan Ivan
Joe Green
Gene Terriault
Scott Ogan
Vic Kohring

GCG/pmg



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

139 East Park Avenue • Soldotna, Alaska 99669-7553 • Food and Nutrition Services (907) 262-9367
FAX (907) 262-7165

March 1, 1995

Representative Gene Kubina
State Capitol
Juneau, AK 99801

Dear Representative Kubina:

Thank you for introducing House Bill 119, exempting schools from the Department of Environmental Conservation's "operator user fees".

This new billing procedure, which came into effect and to my attention during December 1994, did not allow my district to properly budget for this additional expense for the 94/95 school year or 95/96 school year. As you know most school districts are suffering from increased enrollment and less funding. If these fees are implemented they will cost the Kenai Peninsula Borough School District an additional \$6,000 dollars a year (approximately).

School food service does not function to make a profit and should be treated as a non-profit entity. As stated in the Code of Federal Regulations, chapter II, 210.14, "School food authorities shall maintain a non-profit school food service. Revenues received by non-profit school food service are to be used only for the operation or improvement of such food service."

Thank you for your concern and efforts in this matter.

Sincerely,

Michael Lengenfelder
Food and Nutrition Services Administrator

bjg

APR 18 1995



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue

Fairbanks, Alaska 99701-4756

(907) 452-2000

Food and Nutritional Services

Rep. Gene Kubina
State Capitol
Juneau, AK 99801

April 11, 1995

Dear Representative Kubina:

I am writing to inform you that this department believes there has been an error in billing the Fairbanks North Star Borough School Lunch Program for Food Service permits from the Department of Environmental Conservation.

We are a non-profit program and this is required by USDA Federal Regulations Title 7:210.14. It would appear to me that our department meets the intent of the exemption. Although not truly a "charitable institution", over 68% of the meals that we served during the past school year were served to free and reduced price eligible children.

I am requesting exemption of our National School Lunch and Breakfast programs from the cost of these permits. We are operating on a very tight budget and are required by this district to break even with no assistance. This unbudgeted expense would cause a hardship for this department and would require adjustments to existing programs.

I want to thank you for introducing House Bill 119 and to let you know that we support all components of this proposed legislation.

Sincerely;

Lynn C. Tompkins
Food Service Supervisor
Fairbanks North Star Borough School District
520 5th Ave, Fairbanks, AK 99701-4756



Alaska State Legislature
House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

PLEASE PROVIDE
 ALL REQUESTED
 INFORMATION.

SUBJECT OF MEETING:

*HB 119: Exempt Schools
 from Certain DEC
 fees*

DATE: *MAY 2*

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
<i>Kate Bullentini</i>	<i>DEC</i>	<i>710 Wellboughy Rom 105, Juneau</i>	<i>99801</i>		<i>465-5280</i>	<input checked="" type="radio"/>	<input type="radio"/>	<i>HB119</i>
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
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HB

124

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 124

Revision Date: February 6, 1995 Department: Commerce and Economic Development
 Title: Extending the termination date of the BRU: Occupational Licensing
Board of Nursing Home Administrators;.... Component: Operations
 Sponsor: Representative Toohey
 Requestor: Representative Toohey COMPONENT SERIAL #: 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.7	5.7	5.7	5.7	5.7	5.7
TRAVEL	1.0	1.3	1.3	1.3	1.3	1.3
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	9.2	9.5	9.5	9.5	9.5	9.5

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

CHANGE IN REVENUES	1.9	17.2	1.9	17.2	1.9	17.2
--------------------	-----	------	-----	------	-----	------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	9.2	9.5	9.5	9.5	9.5	9.5
1006 GF/MHTIA						
Other						
TOTAL	9.2	9.5	9.5	9.5	9.5	9.5

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HB 124 extends the termination date of the Board of Nursing Home Administrators to June 30, 2005. The expenditures shown above are included in the FY 96 operating budget request and the revenue identified are reflected in revenue projections. The board is in its final year of existence unless legislation is passed to continue the board.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144
 Division: Occupational Licensing Date: 2/6/95
 Approved by Commissioner: William L. Hensley Date: 2/6/95
 Agency: Commerce and Economic Development

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HOUSE COMMITTEE REPORT

(7)

Date Referred: January 25, 1995

FURTHER REFERRALS:

Date of Committee Action: 3/2/95

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 124

HOUSE BILL NO. 124

EXTEND BOARD OF NURSING HOME ADMINISTRATORS

"An Act extending the termination date of the Board of Nursing Home Administrators; and providing for an effective date."

recommends it be replaced with the following committee substitute CS HB 124 (HES) the same title a new title

additional referral to Finance Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (D:pt/Date)

fiscal note(s) CED

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>Allen Robinson</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>		✓		

CHAIR'S SIGNATURE *[Signature]*

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. CSHB 124

Revision Date: February 22, 1995 Department: Commerce and Economic Development
 Title: Extending the termination date of the BRU: Occupational Licensing
 Board of Nursing Home Administrators;... Component: Operations
 Sponsor: Representative Toohey
 Requestor: Representative Toohey COMPONENT SERIAL #: 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	5.7	5.7	5.7	5.7	5.7	5.7
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	2.5	2.5	2.5	2.5	2.5	2.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	8.2	8.2	8.2	8.2	8.2	8.2

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

CHANGE IN REVENUES	1.9	14.5	1.9	14.5	1.9	14.5
--------------------	-----	------	-----	------	-----	------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	8.2	8.2	8.2	8.2	8.2	8.2
1006 GF/MHTIA						
Other						
TOTAL	8.2	8.2	8.2	8.2	8.2	8.2

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSHB 124 proposes to eliminate the Board of Nursing Home Administrators and continue licensing by the department. Travel funds which allowed the board to meet have been eliminated. Licenses are presently due to expire on December 31, 1996; therefore, the revenue identified in the fiscal note assume that fees will be adjusted in FY 97 to equal costs.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144
 Division: Occupational Licensing Date: 2/22/95
 Approved by Commissioner: William L. Mansley Date: 3/3/95
 Agency: Commerce and Economic Development

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9-LS0491C ✓
Lauterbach
2/16/95

CS FOR HOUSE BILL NO. 124(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

**Offered:
Referred:**

Sponsors: REPRESENTATIVE TOOHEY

A BILL

FOR AN ACT ENTITLED

1 "An Act transferring the regulation of nursing home administrators to the Department
2 of Commerce and Economic Development; abolishing the Board of Nursing Home
3 Administrators; and providing for an effective date."

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

5 * **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

6 (36) regulation of nursing home administrators under AS 08.70.

7 * **Sec. 2.** AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary
9 services when appropriate:

10 (1) collect and record fees;

11 (2) maintain records and files;

12 (3) issue and receive application forms;

13 (4) notify applicants of acceptance or rejection as determined by the board
14 or as determined by the department under AS 08.06 for acupuncturists, under AS 08.11

1 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
2 mechanical administrators, under AS 08.45 for naturopaths. [OR] under AS 08.55 for
3 hearing aid dealers, or under AS 08.70 for nursing home administrators:

4 (5) designate dates examinations are to be held and notify applicants;

5 (6) publish notice of examinations and proceedings;

6 (7) arrange space for holding examinations and proceedings;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses or temporary licenses as authorized by the board or as
9 authorized by the department under AS 08.06 for acupuncturists, under AS 08.11 for
10 audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
11 mechanical administrators, under AS 08.45 for naturopaths. [OR] under AS 08.55 for
12 hearing aid dealers, or under AS 08.70 for nursing home administrators:

13 (10) issue duplicate licenses upon submission of a written request by the
14 licensee attesting to loss of or the failure to receive the original and payment by the
15 licensee of a fee established by regulation adopted by the department:

16 (11) notify licensees of renewal dates at least 30 days before the
17 expiration date of their licenses;

18 (12) compile and maintain a current register of licensees;

19 (13) answer routine inquiries;

20 (14) maintain files relating to individual licensees;

21 (15) arrange for printing and advertising;

22 (16) purchase supplies;

23 (17) employ additional help when needed;

24 (18) perform other services that may be requested by the board;

25 (19) provide inspection, enforcement, and investigative services to the
26 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by
27 or through the department:

28 (20) retain and safeguard the official seal of a board and prepare, sign,
29 and affix a board seal, as appropriate, for licenses approved by a board;

30 (21) issue business licenses under AS 43.70.

31 * Sec. 3. AS 08.70.050 is amended to read:

1 Sec. 08.70.050. REGULATION BY DEPARTMENT [DUTIES AND
2 POWERS OF THE BOARD]. (a) The department [BOARD] shall

3 (1) adopt standards for licensing nursing home administrators to ensure
4 [INSURE] that licensees have knowledge and experience in health care and institutional
5 administration necessary for competent administrators, and update the standards when
6 necessary:

7 (2) examine, approve issuance of licenses to, and renewal of licenses of
8 qualified persons:

9 (3) establish procedures to ensure that licensees continue to uphold the
10 department's [BOARD'S] standards; impose disciplinary sanctions upon persons who
11 fail to uphold the standards:

12 (4) adopt criteria for educational programs for persons preparing for the
13 licensing examination and for the continuing education of licensees; review the
14 educational programs available in the state and accredit the programs meeting the criteria:

15 (5) KEEP A RECORD OF ITS PROCEEDINGS AND SUBMIT
16 ANNUAL REPORTS TO THE GOVERNOR AND THE LEGISLATURE:

17 (6) adopt regulations ensuring that renewal of a license is contingent
18 upon proof of continued competency by the licensee.

19 (b) The department [BOARD] may adopt regulations necessary for the
20 performance of its duties and to meet the requirements of Title 19 of the Social Security
21 Act, the federal regulations adopted under it, and other federal requirements.

22 * Sec. 4. AS 08.70.110 is amended to read:

23 Sec. 08.70.110. LICENSING. (a) The department [BOARD] shall license

24 (1) applicants who pass the written examination administered by the
25 department [BOARD] and meet the standards established by the department [BOARD]
26 under AS 08.70.050:

27 (2) persons licensed under emergency regulations 7 AAC 12.045
28 promulgated in Register 51, July 8, 1974, who have practiced as administrators since
29 licensing.

30 (b) The department [BOARD] may issue a license without examination to a
31 person holding a current license as a nursing home administrator from another

1 jurisdiction, if the department [BOARD] finds that the standards for licensing in the
2 other jurisdiction are substantially equivalent to those in this state, and the person is
3 otherwise qualified.

4 * Sec. 5. AS 08.70.120 is amended to read:

5 Sec. 08.70.120. EXAMINATION. The purpose of the examination is to test the
6 applicant's knowledge of the health and safety standards of the state and the applicant's
7 experience in the practice of health care. The department shall determine [BOARD
8 DETERMINES] the content, scope, format, and grading procedure. Examinations shall
9 be given at least annually, at the time and place chosen by the department [BOARD].

10 * Sec. 6. AS 08.70.130(a) is amended to read:

11 (a) A provisional license may be granted without examination to a person who
12 meets the standards adopted by the department [BOARD] under AS 08.70.050 and who
13 is needed to fill a vacancy in an administrative position.

14 * Sec. 7. AS 08.70.155 is amended to read:

15 Sec. 08.70.155. GROUNDS FOR IMPOSITION OF DISCIPLINARY
16 SANCTIONS. The department [AFTER A HEARING THE BOARD] may impose the
17 disciplinary sanctions authorized for boards under AS 08.01.075 or otherwise
18 authorized for the department under AS 08.01 when it finds that a licensee

19 (1) secured a license through deceit, fraud, or intentional
20 misrepresentation:

21 (2) engaged in deceit, fraud, or intentional misrepresentation in the course
22 of providing professional services or engaging in professional activities:

23 (3) advertised professional services in a false or misleading manner:

24 (4) intentionally or negligently engaged in or permitted the performance
25 of patient care by persons under the licensee's supervision that [WHICH] does not
26 conform to minimum professional standards regardless of whether actual injury to the
27 patient occurred:

28 (5) failed to comply with this chapter, with a regulation adopted under
29 this chapter, or with an order of the department [BOARD]:

30 (6) continued to practice after becoming unfit due to

31 (A) professional incompetence:

1 (B) addiction or severe dependency on alcohol or other drugs that
2 [WHICH] impairs the licensee's ability to practice safely:

3 (C) physical or mental disability:

4 (7) sold or furnished a license to another;

5 (8) practiced as a nursing home administrator or used a designation
6 tending to imply that the licensee is a nursing home administrator without a license issued
7 under this chapter unless exempted from licensure requirements under AS 08.70.080.

8 * Sec. 8. AS 08.70.180(3) is amended to read:

9 (3) "license" means the certificate awarded by the department [BOARD]
10 to a qualified person that [WHICH] entitles the person to be a nursing home
11 administrator in this state:

12 * Sec. 9. AS 08.70.180(4) is amended to read:

13 (4) "licensee" means a person who has been granted a license to be a
14 nursing home administrator in this state by the department [BOARD];

15 * Sec. 10. AS 44.62.330(a)(50) is amended to read:

16 (50) Department of Commerce and Economic Development
17 concerning the licensing and regulation of nursing home administrators [BOARD
18 OF NURSING HOME ADMINISTRATORS];

19 * Sec. 11. AS 08.01.010(18); AS 08.03.010(c)(18); AS 08.70.010, 08.70.020, 08.70.030,
20 08.70.040, 08.70.055, and 08.70.180(1) are repealed.

21 * Sec. 12. TRANSITION. (a) A regulation adopted by the Board of Nursing Home
22 Administrators and in effect on the effective date of this Act remains in effect and shall be
23 implemented and enforced by the Department of Commerce and Economic Development after
24 the effective date of this Act until the department amends the regulation. To be consistent with
25 the changes made by this Act, wherever in the regulations adopted by the Board of Nursing
26 Home Administrators the board is identified, that reference shall be read as referring to the
27 Department of Commerce and Economic Development. Under AS 44.62.125(b)(6), the
28 regulations attorney shall implement this subsection in the administrative regulations.

29 (b) All litigation, hearings, investigations, and other proceedings pending under a law
30 amended or repealed by this Act, or in connection with functions transferred by this Act,
31 continue in effect and may be continued and completed notwithstanding a transfer or amendment

1 or repeal provided for in this Act. Licenses and orders issued under authority of a law amended
2 or repealed by this Act remain in effect for the term issued, or until revoked, vacated, or
3 otherwise modified under the provisions of this Act. All contracts, rights, liabilities, and
4 obligations created by or under a law amended or repealed by this Act, and in effect on the
5 effective date of this Act remain in effect notwithstanding this Act's taking effect. Records,
6 equipment, and other property of the Board of Nursing Home Administrators are transferred to
7 the Department of Commerce and Economic Development.

8 * Sec. 13. This Act takes effect immediately under AS 01.10.070(c).



Official Business

Alaska State Legislature

REPRESENTATIVE CYNTHIA TOOHEY

State Capitol
Juneau, AK 99801-1182

DISTRICT 13

SPONSOR STATEMENT

HESS Committee Substitute for House Bill 124: "An act transferring the regulation of nursing home administrators to the Department of Commerce & Economic Development; abolishing the Board of Nursing Home Administrators; and providing for an effective date."

This bill eliminates the State Board of Nursing Home Administrators and transfers its legal duties to license and regulate to the Division of Occupational Licensing in the Department of Commerce. The Board is mere months from ceasing to exist legally, having passed its 'sunset date' on the 30th of June last year. At the request of the State Hospital & Nursing Home Association, I introduced HB 124 to extend the life of the Board of Nursing Home Administrators for ten more years, but the Association have since decided that they would prefer to be regulated by the Division of Occupational Licensing. The State is required by federal regulations to license persons who administer nursing homes as a condition for the receipt of Medicaid funds. Since 1975 this licensing function has been the duty of the Board of Nursing Home Administrators. It is possible, and administratively easier and less expensive, for staff at the Division of Occupational Licensing to meet federal regulatory requirements for nursing home administrators. The State Hospital & Nursing Home Association, the Division of Medical Assistance, and the Division of Occupational Licensing support transferring supervision of nursing home administrators to the Department of Commerce.

Please support the HESS CS for HB 124.



Official Business

Alaska State Legislature

REPRESENTATIVE CYNTHIA TOOHEY

State Capitol
Juneau, AK 99801-1182

DISTRICT 13

MEMORANDUM.

TO: Representative Toohey
FROM: Benjamin Brown, ^{REF.} Legislative Aide
IN RE: sectional analysis of CSHB 124 (HESS)
DATE: 1 March 1995

A summary, by section, of the proposed HESS Committee Substitute for House Bill 124 follows. It ought to be noted that a sectional summary of a bill is not to be considered generally as an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 adds nursing home administrators to the list of professions to whom Chapter 1 of Title 8 of Alaska Statutes ('Centralized Licensing') applies.

Section 2 is a technical amendment that recognizes that the Board of Nursing Home Administrators is no longer involved in licensing and regulation.

Section 3 transfers the duties and powers of the Board of Nursing Home Administrators to the Department of Commerce, and changes references to the Board in Section 050 of Chapter 70 of Title 8 so they refer instead to the Department.

Section 4 transfers the legal licensing authority of the Board of Nursing Home Administrators to the Department of Commerce, and changes references to the Board in Section 110 of Chapter 70 of Title 8 so they refer instead to the Department.

MEMORANDUM IN RE: sectional analysis of HB 124

1 March '95, page two

Section 5 transfers legal authority to give examinations to applicants for license as nursing home administrators from the Board of Nursing Home Administrators to the Department of Commerce, and changes references to the Board in Section 120 of Chapter 70 of Title 8 so they refer instead to the Department.

Section 6 transfers legal authority to issue provisional licenses to nursing home administrators from the Board of Nursing Home Administrators to the Department of Commerce, and changes references to the Board in Section 130 of Chapter 70 of Title 8 so they refer instead to the Department.

Section 7 transfers legal authority to impose disciplinary sanctions on certain nursing home administrators from the Board of Nursing Home Administrators to the Department of Commerce, and changes references to the Board in Section 155 of Chapter 70 of Title 8 so they refer instead to the Department.

Sections 8 and 9 change references to the Board of Nursing Home Administrators in the definitions of "license" and "licensee," respectively, in Section 180 of Chapter 70 of Title 8 so they refer instead to the Department of Commerce.

Section 10 substitutes the Department of Commerce's activity in licensing and regulating nursing home administrators, for the entity of the Board of Nursing Home Administrators, in the list of boards, commission, and officers to whom the administrative adjudication provisions of the Administrative Procedures Act (AS 44.62.330 - 44.62.630) apply.

Section 11 repeals sections or subsections of Title 8 that establish, govern, apply to, or otherwise refer to the Board of Nursing Home Administrators, effectively eliminating the Board.

Section 12 continues in effect all regulations of the Board of Nursing Home Administrators and allows regulatory references to the Board to be considered as references to the Department of Commerce instead; allows continuance of litigation, hearings, investigations, licenses, contract, rights, liabilities, and obligations existing under laws amended or repealed by the bill; and, transfers the records, equipment, and other property of the Board to the Department.

Section 13 provides for an immediate effective date.

eligibility determination for Medicaid) or immediately thereafter (e.g., at the time of notice of eligibility).

(2) The agency, no less frequently than annually, must also provide written notice of the availability of WIC benefits, including the location and telephone number of the local WIC agency or instructions for obtaining further information about the WIC program, to all Medicaid recipients (including those found to be presumptively eligible) who are under age 5 or who are women who might be pregnant, postpartum, or breastfeeding as described in paragraphs (c)(2) (i) through (iv) of this section.

(3) The agency must effectively inform those individuals who are blind or deaf or who cannot read or understand the English language.

[57 FR 23103, June 24, 1992]

Subpart N—State Programs for Licensing Nursing Home Administrators

§431.700 Basis and purpose.

This subpart implements sections 1903(a)(29) and 1908 of the Act which require that the State plan include a State program for licensing nursing home administrators.

§431.701 Definitions.

Unless otherwise indicated, the following definitions apply for purposes of this subpart:

Agency means the State agency responsible for licensing individual practitioners under the State's healing arts licensing act.

Board means an appointed State board established to carry out a State program for licensing administrators of nursing homes, in a State that does not have a healing arts licensing act or an agency as defined in this section.

Licensed means certified by a State agency or board as meeting all of the requirements for a licensed nursing home administrator specified in this subpart.

Nursing home means any institution, facility, or distinct part of a hospital that is licensed or formally recognized as meeting nursing home standards established under State law, or that is

determined under §431.704 to be included under the requirements of this subpart. The term does not include—

(a) A Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass.; or

(b) A distinct part of a hospital, if the hospital meets the definition in §440.10 or §440.140 of this subchapter, and the distinct part is not licensed separately or formally approved as a nursing home by the State even though it is designated or certified as a skilled nursing facility.

Nursing home administrator means any person who is in charge of the general administration of a nursing home whether or not the person—

(a) Has an ownership interest in the home; or

(b) Shares his functions and duties with one or more other persons.

§431.702 State plan requirement.

A State plan must provide that the State has a program for licensing administrators of nursing homes that meets the requirements of §§431.703 through 431.705 of this subpart.

§431.703 Licensing requirement.

The State licensing program must provide that only nursing homes supervised by an administrator licensed in accordance with the requirements of this subpart may operate in the State.

§431.704 Nursing homes designated by other terms.

If a State licensing law does not use the term "nursing home," the HCFA Administrator will determine the term or terms equivalent to "nursing home" for purposes of applying the requirements of this subpart. To obtain this determination, the Medicaid agency must submit to the Regional Medicaid Director copies of current State laws that define institutional health care facilities for licensing purposes.

§431.705 Licensing authority.

(a) The State licensing program must provide for licensing of nursing home administrators by—

(1) The agency designated under the healing arts act of the State; or

(2) A State licensing board.

(b) The State agency or board must perform the functions and duties specified in §§431.707 through 431.713 and the board must meet the membership requirements specified in §431.706 of this subpart.

§431.706 Composition of licensing board.

(a) The board must be composed of persons representing professions and institutions concerned with the care and treatment of chronically ill or infirm elderly patients. However—

(1) A majority of the board members may not be representative of a single profession or category of institution; and

(2) Members not representative of institutions may not have a direct financial interest in any nursing home.

(b) For purposes of this section, nursing home administrators are considered representatives of institutions.

§431.707 Standards.

(a) The agency or board must develop, impose, and enforce standards that must be met by individuals in order to be licensed as a nursing home administrator.

(b) The standards must be designed to insure that nursing home administrators are—

- (1) Of good character;
- (2) Otherwise suitable; and
- (3) Qualified to serve because of training or experience in institutional administration.

§431.708 Procedures for applying standards.

The agency or board must develop and apply appropriate procedures and techniques, including examinations and investigations, for determining if a person meets the licensing standards.

§431.709 Issuance and revocation of license.

Except as provided in §431.714 of this subpart, the agency or board must—

(a) Issue licenses to persons who meet the agency's or board's standards; and

(b) Revoke or suspend a license if the agency or board determines that the person holding the license substantially fails to meet the standards.

§431.710 Provisional licenses.

To fill a position of nursing home administrator that unexpectedly becomes vacant, the agency or board may issue one provisional license, for a single period not to exceed 6 months. The license may be issued to a person who does not meet all of the licensing requirements established under §431.707 but who—

(a) Is of good character and otherwise suitable; and

(b) Meets any other standards established for provisional licensure by the agency or board.

§431.711 Compliance with standards.

The agency or board must establish and carry out procedures to insure that licensed administrators comply with the standards in this subpart when they serve as nursing home administrators.

§431.712 Failure to comply with standards.

The agency or board must investigate and act on all complaints it receives of violations of standards.

§431.713 Continuing study and investigation.

The agency or board must conduct a continuing study of nursing homes and administrators within the State to improve—

- (a) Licensing standards; and
- (b) The procedures and methods for enforcing the standards.

§431.714 Waivers.

The agency or board may waive any standards developed under §431.707 of this subpart for any person who has served in the capacity of a nursing home administrator during all of the 3 calendar years immediately preceding the calendar year in which the State first meets the requirements in this subpart.

§431.715 Federal financial participation.

No FFP is available in expenditures by the licensing board for establishing and maintaining standards for the licensing of nursing home administrators.

ALASKA STATE

HOSPITAL & NURSING HOME

ASSOCIATION

February 16, 1995

Representative Cythia Toohey, Co-Chair
Health, Education & Social Services Committee
House of Representative
Alaska State Legislature
Juneau, AK 99801

Re: Support, CSHE 124
Nursing Home Administrator Board

Dear Representative Toohey:

A sincere thank you for having HB 124 introduced. Also a very sincere apology that we did not have our "act" together on the need for the nursing home board when we requested your help in repealing the sunset for the board and extending its life for another 10 years.

The state must license nursing home administrators to remain eligible to participate in the Medicaid program. The Division of Occupational Licensing may administer that function along with the handling of disciplinary proceedings.

Having a board is an option. Nursing home administrators met here in Juneau last week and decided the board really wasn't necessary to provide the license exam and/or safeguard the public, therefore we would support elimination of the Nursing Home Administrators Board.

Thank you for your patience and your leadership on this issue.

Sincerely,



Harlan R. Knudson
President/CEO

SUPPORT



Alaska State Legislature

House of Representatives
COMMITTEE ON HEALTH, EDUCATION
AND SOCIAL SERVICES

SUBJECT OF MEETING:
HB 124: EXTEND BOARD
OF NURSING HOME Admin.

DATE: MARCH 2, 1995

PLACE: Capitol Room 106

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
NANCY WEIGER	DIV. MED ASSIST	PO Box 0660	99811		5-5824	Y	N	X
HAALAN KNUDSON	ASHNIFA	319 Seward St	99801		6-1796	<input checked="" type="radio"/>	N	HB 124
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HEB

125

CS FOR HOUSE BILL NO. 125(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GREEN, Toohey, Bunde

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disclosures to school officials of information about certain
2 minors."

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

4 * Section 1. AS 47.10.060(e) is amended to read:

5 (e) A person who has been tried as an adult under this section, or the
6 department on the person's behalf, may petition the superior court to seal the records
7 of all criminal proceedings, except traffic offenses, initiated against the person, and all
8 punishments assessed against the person, while the person was a minor. A petition
9 under this subsection may not be filed until five years after the completion of the
10 sentence imposed for the offense for which the person was tried as an adult. If the
11 superior court finds that the punishment assessed against the person has had its
12 intended rehabilitative effect and further finds that the person has fulfilled all orders
13 of the court entered under AS 47.10.080(b), the superior court shall order the record
14 of proceedings and the record of punishments sealed. Sealing the records restores civil

1 rights removed because of a conviction. A person may not use these sealed records
2 for any purpose except that the court may order their use for good cause shown or may
3 order their use by an officer of the court in making a presentencing report for the
4 court. The court may not, under this subsection, seal records of a criminal proceeding

5 (1) that are subject to disclosure under AS 47.10.090(f);

6 (2) initiated against a person if the court finds that the person has not
7 complied with a court order made under AS 47.10.080(b); or

8 (3) [(2)] commenced under AS 47.10.010(e) unless the minor has been
9 acquitted of all offenses with which the minor was charged or unless the most serious
10 offense of which the minor was convicted was not an offense specified in
11 AS 47.10.010(e)(1) or (2).

12 * Sec. 2. AS 47.10.090(c) is amended to read:

13 (c) Within 30 days of the date of a minor's 18th birthday or, if the court
14 retains jurisdiction of a minor past the minor's 18th birthday, within 30 days of the
15 date on which the court releases jurisdiction over the minor, the court shall order all
16 the court's official records pertaining to that minor, except the records that are
17 subject to disclosure under (f) of this section, sealed. The court order directing
18 that the records be sealed must include the [, AS WELL AS] records of all driver's
19 license proceedings under AS 28.15.185, of all criminal proceedings against the minor
20 except the records of criminal proceedings that are subject to disclosure under (f)
21 of this section, and of all punishments assessed against the minor, except records of
22 punishments that are subject to disclosure under (f) of this section. A person may
23 not use these sealed records for any purpose except that the court may order their use
24 for good cause shown or may order their use by an officer of the court in making a
25 presentencing report for the court. The provisions of this subsection relating to the
26 sealing of records do not apply to records of traffic offenses.

27 * Sec. 3. AS 47.10.090(d) is amended to read:

28 (d) Except as provided by (f) of this section, the [THE] name or picture of
29 a minor under the jurisdiction of the court may not be made public in connection with
30 the minor's status as a delinquent child or a child in need of aid unless authorized by
31 order of the court.

1 * Sec. 4. AS 47.10.090(e) is amended to read:

2 (e) The court's official records that, under this chapter, are required to be
3 confidential or that have been sealed may be inspected only with the court's
4 permission and only by persons having a legitimate interest in them. A person with
5 a legitimate interest in the inspection of an official record maintained by the court
6 includes a victim who suffered physical injury or whose real or personal property was
7 damaged as a result of an offense that was the basis of an adjudication or modification
8 of disposition. If the victim knows the identity of the minor, identifies the minor or
9 the offense to the court, and certifies that the information is being sought to consider
10 or support a civil action against the minor or against the minor's parents or guardians
11 under AS 34.50.020, the court shall, subject to AS 12.61.110 and 12.61.140, allow the
12 victim to inspect and use the following records and information in connection with the
13 civil action:

14 (1) a petition filed under AS 47.10.010(a)(1) seeking to have the court
15 declare the minor a delinquent;

16 (2) a petition filed under AS 47.10.080 seeking to have the court
17 modify or revoke the minor's probation;

18 (3) a petition filed under AS 47.10.060 requesting the court to find that
19 a minor is not amenable to treatment under this chapter and that results in closure of
20 a case under AS 47.10.060(a); and

21 (4) a court judgment or order entered under AS 47.10.010 - 47.10.142
22 that disposes of a petition identified in (1) - (3) of this subsection.

23 * Sec. 5. AS 47.10.090 is amended by adding a new subsection to read:

24 (f) If a minor who has been adjudicated delinquent is enrolled in school, the
25 clerk of the court in which the adjudication order is entered

26 (1) shall transmit a copy of the court's adjudication order to the
27 principal of the minor's school if

28 (A) the minor has been adjudicated delinquent for committing
29 an offense on the school's property; or

30 (B) the minor has been adjudicated delinquent for committing
31 one or more of the following acts that, if committed by an adult, would be a

1 violation of

2 (i) AS 11.41 and the violation is punishable as a felony;

3 (ii) AS 11.46.100 - 11.46.490 and the violation is
4 punishable as a felony;

5 (iii) AS 11.71 and the violation is punishable as a
6 felony; or

7 (iv) a statute defining a criminal offense if the offense
8 involved the possession or use of a deadly weapon, as that term is
9 defined by AS 11.81.900(b);

10 (2) shall provide with the copy of the adjudication order a notice to
11 the principal that the copy of the order may not be disclosed except as provided in
12 AS 47.10.093(h); and

13 (3) shall maintain a record of the adjudication order released to the
14 principal under this subsection and the basis for its release.

15 * Sec. 6. AS 47.10.093(a) is amended to read:

16 (a) Except as specified in AS 47.10.092 and (b) - (f), and (h) of this section,
17 all information and social records pertaining to a minor who is subject to this chapter
18 or AS 47.17 prepared by or in the possession of a federal, state, or municipal agency
19 or employee in the discharge of the agency's or employee's official duty, including
20 driver's license actions under AS 28.15.185, are privileged and may not be disclosed
21 directly or indirectly to anyone without a court order.

22 * Sec. 7. AS 47.10.093(c) is amended to read:

23 (c) A state or municipal law enforcement agency

24 (1) shall disclose information regarding a case that is needed by the
25 person or agency charged with making a preliminary investigation for the information
26 of the court under AS 47.10.020;

27 (2) may disclose to the public information regarding a criminal offense
28 in which a minor is a suspect, victim, or witness if the minor is not identified by the
29 disclosure;

30 (3) shall notify the principal who shall notify the appropriate
31 teacher of the school attended by a minor who is subject to AS 47.10.010 -

1 47.10.142 and [MAY] disclose to that school official information

2 (A) about an incident occurring within the agency's
3 jurisdiction if the law enforcement agency has probable cause to believe
4 that the minor has committed an offense that would be a crime if
5 committed as an adult and

6 (i) that the victim of the offense is a student or staff
7 member of the school and that notice to the school is reasonably
8 necessary for the protection of the victim; or

9 (ii) is an offense described in AS 47.10.090(f)(1)(B);

10 or

11 (B) [OFFICIALS INFORMATION] regarding a case not
12 required to be disclosed under (A) of this paragraph [AS MAY BE
13 NECESSARY] to protect the safety of school students and staff;

14 (4) may disclose to the public information regarding a case as may be
15 necessary to protect the safety of the public; and

16 (5) may disclose to a victim information, including copies of reports,
17 as necessary for civil litigation or insurance claims pursued by or against the victim.

18 * Sec. 8. AS 47.10.095 is amended by adding new subsections to read:

19 (h) When information or a record is disclosed to a school principal under
20 (c)(3) of this section or under AS 47.10.090(f), the school principal may disclose the
21 information only to persons employed by that school district or to the chief
22 administrative officer of a school district to which the minor transfers.

23 (i) Notwithstanding (c)(3) of this section, a state or municipal law enforcement
24 agency is not required to notify the principal of a school under (c) of this section if
25 the agency determines that notice would jeopardize an ongoing investigation.

26 (j) In this section, "school" means a public or private elementary or secondary
27 school.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 125

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Disclosures to school officials BRU: Trial Courts
 Components: _____
 Sponsor: Rep. Green
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	7.5	7.5	7.5	7.5	7.5	7.5
TRAVEL						
CONTRACTUAL	0.1	0.1	0.1	0.1	0.1	0.1
SUPPLIES	0.1	0.1	0.1	0.1	0.1	0.1
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	7.7	7.7	7.7	7.7	7.7	7.7

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	7.7	7.7	7.7	7.7	7.7	7.7
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	7.7	7.7	7.7	7.7	7.7	7.7

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 95) cost: \$ None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Agency: Alaska Court System Date: 02/22/95
 Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 02/22/95
 Agency: Alaska Court System

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Page 1 of 3

Alaska Court System
Fiscal Analysis
HB 125

HB 125 provides that if a minor who has been adjudicated delinquent is enrolled in school, the clerk of the court in which the adjudication order is entered shall transmit a copy of the court's adjudication order to the principal of the minor's school if the minor has been adjudicated delinquent for committing an offense on the school's property, or if the minor has been adjudicated delinquent for certain felonies or misdemeanors. These include felonies under AS 11.41; felonies under AS 11.46.100 - 11.46.490; felonies under AS 11.71; and felonies or misdemeanors involving the possession or use of a deadly weapon.

The clerk of court is further required to provide a notice to the principal that the copy of the order may not be disclosed except as provided in AS 47.10.093(h), and is required to maintain a record of the release.

According to statistics provided by the Division of Family and Youth Services (DFYS), in FY 94 approximately 295 minors were adjudicated delinquent for the offenses listed above. An large but indeterminate number were also adjudicated delinquent for offenses committed on school property; these include a variety of misdemeanors such as minor consumption and trespass. This note assumes that clerks of court will be required to determine if a minor is subject to HB 125 and notify school principals approximately 350 times per year.

Alaska Court System
Fiscal Analysis
HB 125

Amount

Personal Services

This legislation will require clerical staff to research case files, prepare forms and mail notices to school officials. The procedures required by this legislation will not require additional staff, but will require the payment of overtime to the clerical staff. The current personal services authorization is not adequate to cover the cost of the additional overtime compensation.

\$7,500

Contractual

Postage to mail 350 notices

112

Supplies

Envelopes, forms and duplicator supplies

100

Total estimated cost

\$7,712

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB125

Revision Date: _____
 Title: Relating to Disclosures to school officials
of information about certain minors
 Sponsor: Representatives Green, Toohey, Bunde
 Requestor: House (HES)

Dept. Affected: Health and Social Services
 BRU: Family and Youth Services
 Component: DFYS Central Office
 COMPONENT SERIAL NO. 259
 See also (SN#): 255,258,254

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY96	FY97	FY98	FY99	FY00	FY01
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 (please specify)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact for the Division if this bill were to become law.

Prepared by: Kathy Tibbles, Acting Director
 Division: Family & Youth Services
 Approved by Commissioner: Karen Petde, Commissioner
 Agency: Department of Health & Social Services

Phone: 465-3191
 Date: 02/22/95
 Date: 2/22/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 125

Revision Date: _____

Department Affected: Education

Title: Juvenile Criminal Records to Schools

BRU: Executive Administration

Component: Commissioner's Office

Sponsor: Representative Green

Requester: Representative Green

COMPONENT SERIAL NO. 185

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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						
---------	--	--	--	--	--	--

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

FUNDING:

(Thousands of Dollars)

FUNDING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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:

POSITIONS	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

House Bill 125 clarifies when state and municipal law enforcement agencies and the Alaska Court System are required to disclose information to public or private elementary and secondary schools regarding minors who commit offenses. Passage of this legislation will have no fiscal impact on the Department of Education.

Prepared by: Sheila Peterson, Special Assistant
 Division: Commissioner's Office
 Approved by Commissioner: [Signature]
 Agency: Education

Phone: 465-2803
 Date: 2/1/95
 Jerry Covey

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